



# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23557

**Hearing Date:** 3/26/2024  
(Continued from 2/27/23 Hearing)

**Case Report Prepared by:**

Austin Chapman

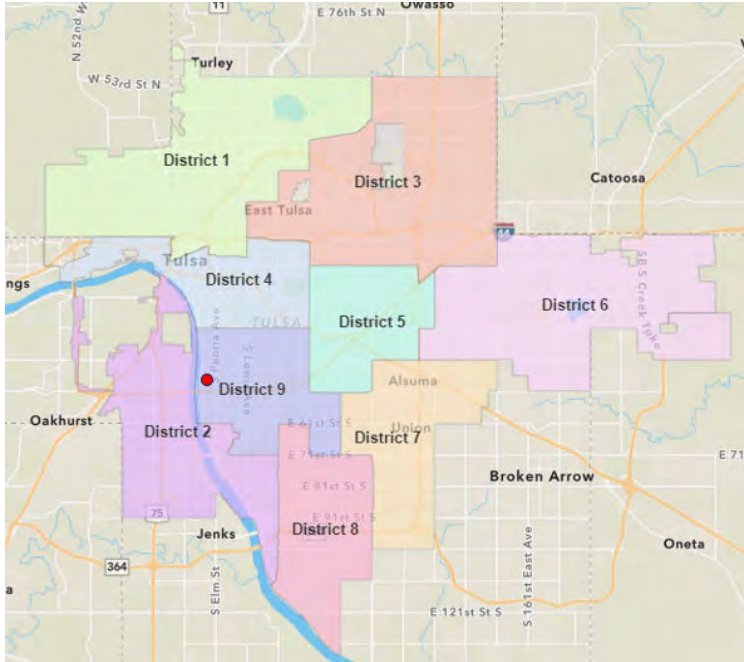
**Owner and Applicant Information:**

**Applicant:** Lou Reynolds

**Property Owner:** Independent School District No. 1

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

**Location Map:**



**Additional Information:**

**Present Use:** School

**Tract Size:** 3.87 acres

**Location:** 1110 E. 45 Pl. S.

**Present Zoning:** RS-3

**Case History:**

**08/08/23:** First appearance on agenda, Board continued item until the next hearing.

**08/22/23:** Board approved item in a vote of 3 yeas (Stauffer, Barrientos, Wallace) and 1 abstention (Radney).

**08/30/23:** Notice of appeal of this case was filed with the Board of Adjustment staff.

**09/12/23:** Stauffer motioned to reconsider item at the 9/26 Hearing, all 3 Board member present voted in favor of reconsideration (Stauffer, Radney, and Bond).

**09/26/23:** Board move to continue reconsideration until 11/09/23 on advice of City of Tulsa Legal Counsel.

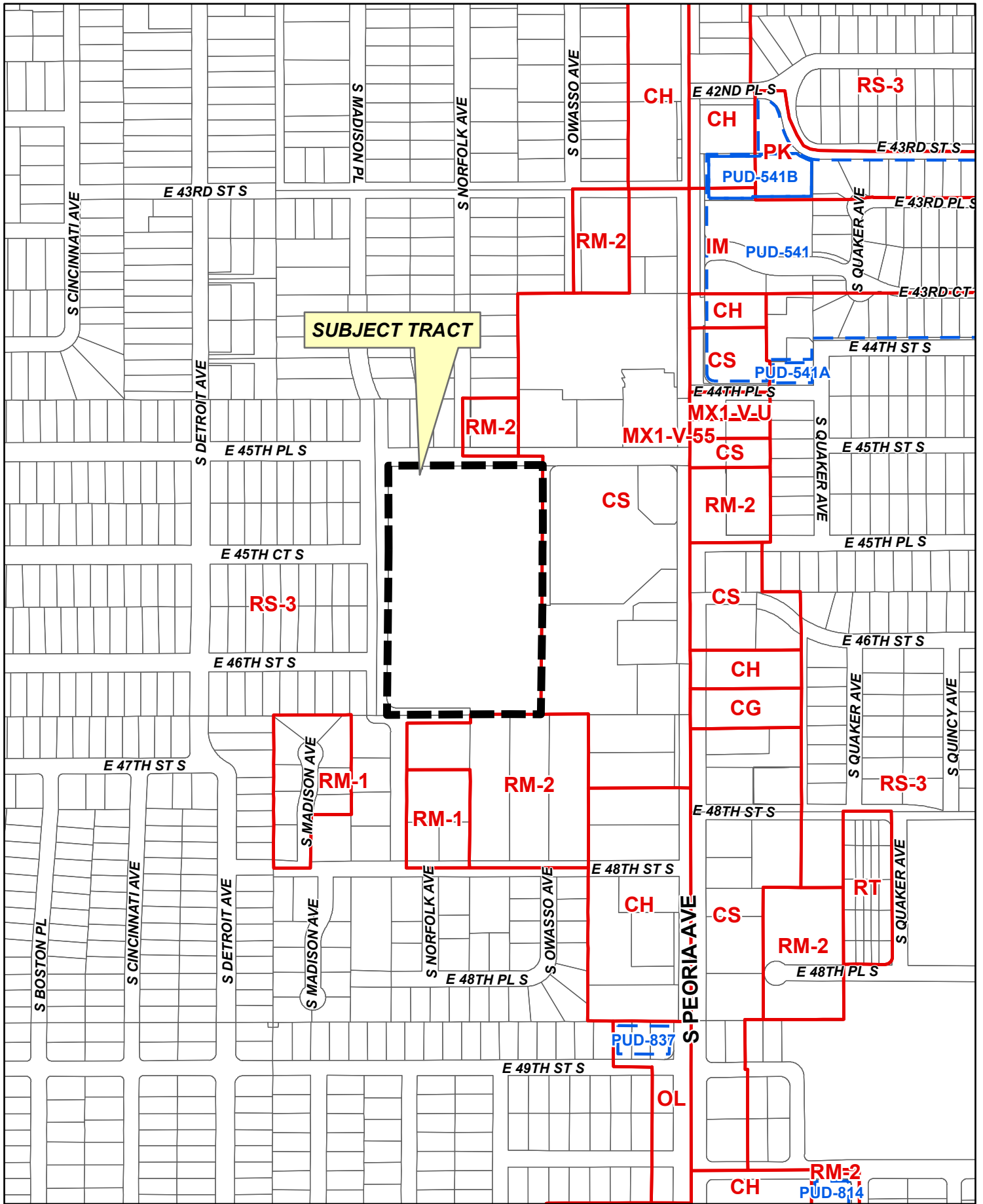
**11/14/23:** Board moved to continue reconsideration until 12/12/23 on advice of City of Tulsa Legal Counsel.

**12/12/23:** Board moved to continue reconsideration until 1/09/24 on advice of City of Tulsa Legal Counsel.

**01/09/24:** Board moved to continue reconsideration until 1/09/24 on advice of City of Tulsa Legal Counsel.

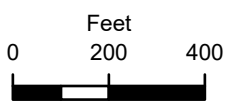
**01/23/24:** Board moved to continue reconsideration until 2/27/24 on advice of City of Tulsa Legal Counsel.

**02/27/24:** Board moved to continue reconsideration until 3/26/24 on advice of City of Tulsa Legal Counsel.

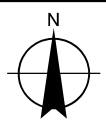


**SUBJECT TRACT**

**BOA-23557**



19-12 25

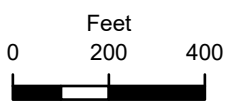


**3.2**





**SUBJECT TRACT**

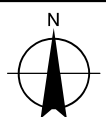


**BOA-23557**

19-12 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



**3.3**



**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9225  
**CD:** 9

Case Number: **BOA-23557**

**HEARING DATE:** 2/27/2024

**APPLICANT:** Lou Reynolds

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

**LOCATION:** 1110 E 45 PL S

**ZONED:** RS-3

**PRESENT USE:** School

**TRACT SIZE:** 168591.83 SQ FT

**LEGAL DESCRIPTION:** See attached.

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**BOA-21380;** On 02.28.12 the Board **approved** a Variance to permit a digital sign to have non-constant light and a Variance to permit a digital sign within 200-feet of a residential district.

**BOA-12091;** On 08.19.82 the Board **approved** a Special Exception to permit a daycare use accessory to Wright Elementary School.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood".

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**STATEMENT OF HARDSHIP:** See attached exhibits.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

**35.040-I Library or Cultural Exhibit**

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

and a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3):



*Table 5-3: R District Lot and Building Regulations*

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

Applicant is requesting to reduce the street setback from 25-feet to 15-feet for non-arterial streets.

**Facts staff finds favorable for variance request:**

- The presence of the storm easement on the site as identified on the property does present a physical limitation of the building area of the site.

**Facts Staff find unfavorable for the variance request:**

- None.

**SAMPLE MOTION:**

*Special Exception:*

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_;

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.

*Variance:*

Move to \_\_\_\_\_ (approve/deny) a \_\_\_\_\_

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- 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;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

*f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*





***Subject Property***

**Exhibit "A"**

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 (née 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 (née 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.



### **Exhibit "B"**

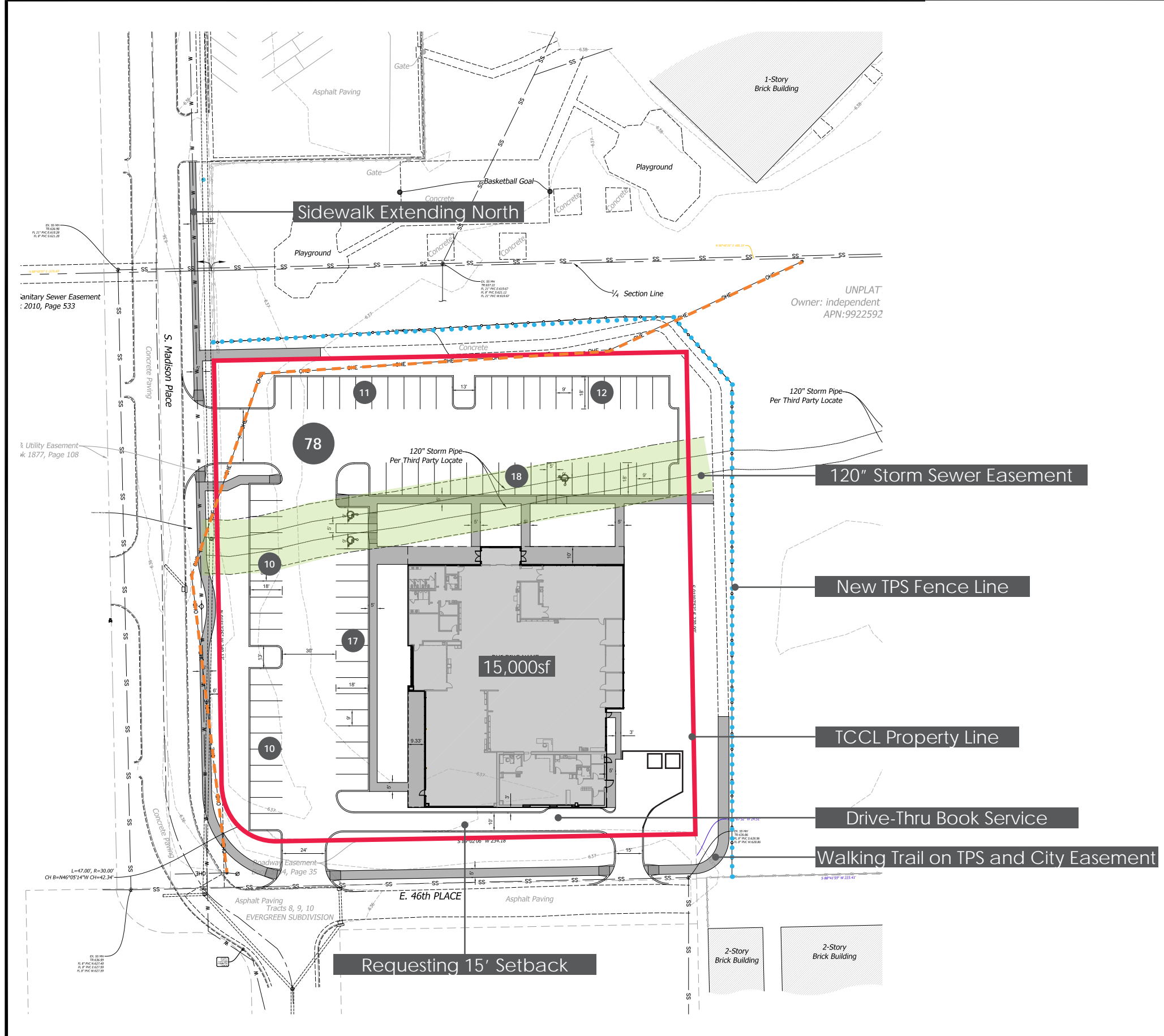
The Applicant requests (1) a Special Exception pursuant to Table 5-2 of the Tulsa Zoning Code (the "Code") to permit a Library in the RS-3 district; and (2) a Variance to reduce the minimum non-arterial street setback from 25 feet to 15 feet, all for property located at 1110 E. 45<sup>th</sup> Place S. (the "Property").

The Property is comprised of approximately 9 acres, with Collegiate Hall, a public charter school, located on the northern half of the Property. The Tulsa City-County Library Commission desires to build a new Brookside Library at the southwest corner of the Property. A Conceptual Site Plan of the new library facility is attached hereto. Currently, Brookside Library is located just north of the Property, across E. 45<sup>th</sup> Place. The proposed 15,000 SF library will be a much needed upgrade to the current 7,000 SF library built in 1970.

Given the existence of a library in this neighborhood just a couple of blocks away for over 50 years, the proposed Library use will not be injurious to the neighborhood and the Special Exception is in harmony with the spirit and intent of the Code.

The RS-3 zoning district requires a 25 foot building setback from non-arterial streets. Due to an existing storm sewer easement crossing the northern portion of the Property, the location of the proposed Library is confined to the area of the Property to the south of the easement. In order to accommodate the building on the site, the Applicant requests a Variance to reduce the 25 foot street setback to 15 feet.

Taking into account the existing 50 feet of right-of-way of E. 47<sup>th</sup> Street, the Library building will be setback 65 feet from the residential property boundary to the south and 85 feet from the nearest residential building wall to the south. Accordingly, the literal enforcement of the setback established by the Code is not necessary to achieve its intended purpose and the Variance will not impair the use of the adjacent property or the spirit and intent of the Code.











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*A Professional Corporation*

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July 26, 2023

Antony & Najat Abdo  
2020 Revocable Trust  
7726 S. 69th East Ave.  
Tulsa, OK 74133-3414

Re: Brookside Library, 1110 E. 45<sup>th</sup> Place South, Tulsa, Oklahoma 74105  
Board of Adjustment Case No. BOA-23557

Dear Mr. and Ms. Abdo:

If you have not already, you will be receiving a notice in the mail from the Tulsa Planning Office regarding our application for Case No. BOA-23557, which will be heard by the City of Tulsa Board of Adjustment on Wednesday, August 8, 2023, at 1:00 p.m.

The Tulsa City-County Library Commission is in the design process for a new Brookside Library facility. The existing Brookside Library, on the north side of 45<sup>th</sup> Place, was built over fifty years ago in 1970 and, with approximately 7,000 square feet, simply does not have the space or amenities of a modern library.

The new Brookside Library facility is proposed to be built on the south side of Collegiate Hall, on South Madison Place. The new building on Madison will be approximately 15,000 square feet and in addition to a larger book selection, will have meeting areas, computers and multi-media resources available to the public.



July 26, 2023

Page 2

The purpose of this Board of Adjustment application is for a Special Exception for the library use to be in a residential district and, due to a large storm sewer bisecting the Property, a Variance to reduce the street setback by 10 feet (from 25 feet to 15 feet) along E. 46<sup>th</sup> Place. Attached to this letter are a Conceptual Site Plan and Building Elevation that will be provided to the Board.

We are excited for the new Brookside Library and think it will be a wonderful, much needed upgrade for the community and you, as its neighbors. If you have any questions about the project, please do not hesitate to call me at (918) 747-8900.

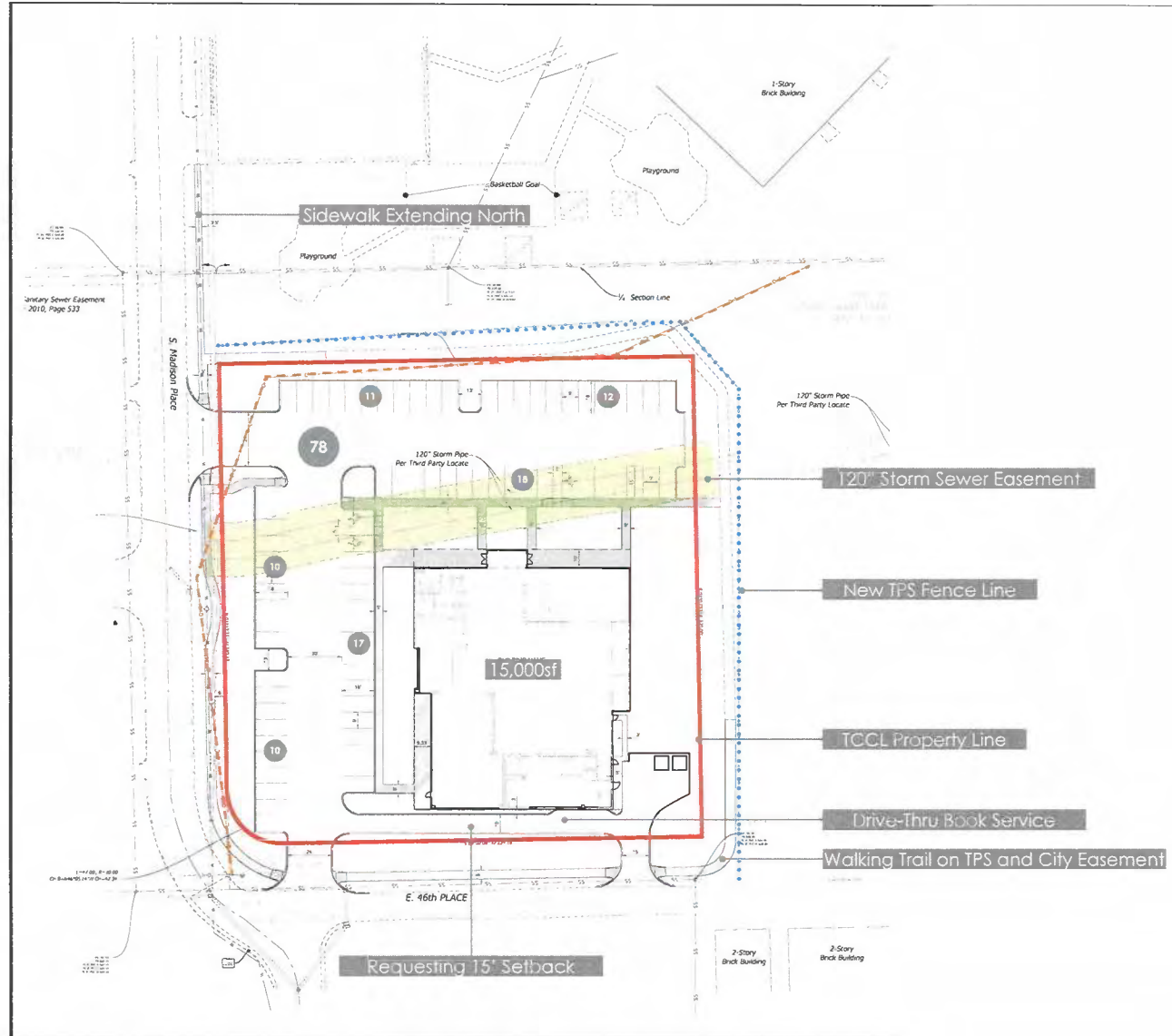
Yours very truly,

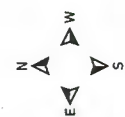
**ELLER & DETRICH**  
*A Professional Corporation*

Lou Reynolds  
Counsel for Tulsa-City County Library Commission

Enclosure









**From:** [Jonathan Pinkey](#)  
**To:** [Chapman, Austin](#)  
**Subject:** BOA-23557 New Brookside Library Being Planned  
**Date:** Monday, August 7, 2023 5:47:58 AM

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Greetings,

I am writing regarding Case BOA-23557 and the Brookside Library's planned new location. I wrote an earlier letter of concern to the Tulsa Library. Since writing that letter, I have spoken with some nearby residents. I have heard concerns that the project is unnecessary (regardless, the planned residential location seems very poor, all things considered). I have heard some strong concerns about the loss of green space. The large field has been in use for recreation and relaxation by many community members for decades (and would continue to be if left intact). Its size should not be substantially diminished, as it will be if this project proceeds. I have also become aware of concerns about this project contributing to the unnecessary existence of what the EPA calls a "heat island" in our neighborhood, which seems quite a serious consideration. There are other concerns as well. I agree with the statement that to grant the Special Exception/variance would do more harm than good for the local community. It seems that this project needs serious reconsideration.

Best wishes,

Jonathan Pinkey

4754 S Boston PL  
Tulsa OK 74105-4418

P.S. Why not move the library somewhere else, perhaps on Peoria? (Possibly where the old Arby's was—there is a big field behind it that could provide plenty of parking. There are other possible locations that might be considered as well.)

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**From:** [Kelsey Royce](#)  
**To:** [Chapman, Austin](#)  
**Subject:** Request for Continuance BOA-23557  
**Date:** Friday, July 28, 2023 4:15:57 PM

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Good afternoon,

Per our conversation, I am requesting a continuance for BOA-23557 which is scheduled for August 8, 2023. A continuance is appropriate for the reason that it coincides with an election and would overburden residents who might have to make a choice between the two for reasons of personal or work-related obligations.

To date, no mail has been received notifying those of us living within 300 feet (or distance otherwise specified by law) that a variance has been requested for this project. I would also ask that a public hearing be held so that those of us who have concerns may bring them before the body that governs these changes.

If there are any other steps to be taken in order to ensure that affected residents are able to engage and fully participate in this process, please advise.

Regards,

Kelsey Royce  
918-955-5007

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**From:** [Harry Potter](#)  
**To:** [Tulsa Planning Office](#)  
**Subject:** Case No. BOA-23557 - Opposition to Request for Special Exception and Variance  
**Date:** Monday, August 21, 2023 6:51:17 PM

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Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Anique Swanson

Sent from my iPhone

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**From:** [M.Haddad](#)  
**To:** [Tulsa Planning Office](#)  
**Subject:** Case#BOA-23557  
**Date:** Monday, August 21, 2023 10:42:06 PM

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We are the owners of property located within 300 ft of the proposed Brookside Library. We strongly oppose this proposal and urge the BOA to deny the applicant's request.

As we understand it, there are two requests that the library is making of the BOA:

- 1) to be granted a special exception
- 2) to be granted a variance in the event that the exception is approved.

No variance can be granted.

The criteria for BOA approval of an exception are:

1) the exception will be in harmony with the spirit of the zoning code to the current residential zoning (RS-3)

2) it will not harm community or public welfare

We contend that the exception is not in harmony and will harm us. Therefore, an exception and resultant variance must be denied.

There is no proof that the library needs an "upgrade" and the Library Commission, as a fiduciary, must give the public evidence of such need.

We believe in and support the public library system ! As residents of the Brookside area, as well as owners of numerous properties in same neighborhood (that we pay real estate taxes on, and, in turn, support the library's existence), we want a safe and healthy environment for our neighborhood that protects the community's right to quiet enjoyment.

The applicant's proposal for a special exemption and the request for a variance that is to be brought before the BOA on Tuesday (8/22/23) is incomplete, confusing, and unprofessional.

We oppose the proposal and urge the BOA to deny the Applicant's request.

Sincerely,

Gary & Marianne Haddad  
4128 S Norfolk Avenue  
Tulsa, Ok 74105

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## Chapman, Austin

---

**From:** callanhenrik@gmail.com  
**Sent:** Monday, August 21, 2023 6:52 PM  
**To:** Tulsa Planning Office  
**Subject:** Case No. BOA-23557 - Opposition to Request for Special Exception and Variance

Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, Callan Swanson

Sent from my iPhone

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## Chapman, Austin

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**From:** Cherry swanson <cherlei1969@gmail.com>  
**Sent:** Monday, August 21, 2023 6:52 PM  
**To:** Tulsa Planning Office  
**Subject:** Case No. BOA-23557 - Opposition to Request for Special Exception and Variance

ChMembers of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely, cherry Swanson

Sent from my iPhone

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## QUESTIONS FROM OUR NEIGHBORHOOD COMMUNITY

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### **RE: BOA- 23557 Proposed Change to Applicable Code and Easement Minimum for 15,000 Sq Ft Library in Predominantly Single-family Neighborhood without Requisite Impact Studies.**

1) The proposed building is a very large 15,000 square feet and requests setback of 15 feet instead of existing legal minimum of 25 feet. To accommodate the storm easement, the proposed setback is designated for the side and rear portions of the building, which are adjacent to multi-family dwellings.

1.1) Does this imperil adjacent buildings, and residents of those buildings, due to proximity in case of fire or emergency event?

1.2) What remedies exist in the case of fire, or emergency event? How will a fire truck and other emergency vehicles access the side and back of building with such limited space to navigate or turn?

2) This proposed new 15,000 square foot library is part of a developed parcel which houses a Charter School and serves our most vulnerable and treasured community members- our children. 2.1) Are we placing them at risk in the event of fire or, God forbid, armed hostility, by reducing clear and navigable access by emergency vehicles to all parts of the building?

2.2) Are there security risks and vulnerabilities due to the reduced easement of minimum 25 feet to proposed 15 feet?

3) Documents ask if there are any, "Facts staff find unfavorable," and in advance of tomorrow's hearing expressly answer, "None."

3.1) Where are the surveys of traffic flow, studies which identify impacts upon neighborhood residents, adjoining properties and existing infrastructure (i.e., roads, sewer, electrical, technology, etc.)?

3.2) Where are the studies and findings, including impacts upon community and taxpayers due to increased use and consumption of resources, as well as how hours of operation and after-hours special events may negatively impact individuals and families in a neighborhood predominantly of pre-existing single-family dwellings?

3.3) Will there be disruption of our quiet, tranquil neighborhood and how will it negatively affect our property values as tax paying homeowners?

3.4) If there are studies, who, or which company, conducted them?

3.5) Were there any Environmental Impact Reports requested, conducted and/or filed for this proposed use of the soccer and playground parcel?

3.6) Were impacts upon the loss of carbon-processing ancestral oaks and trees of large diameter identified and considered?

3.7) Were the impacts and devastation of habitat of resident and protected wildlife identified or considered? If so, how?

3.8) Most importantly, were the devastating impacts upon our most treasured community members - our children - identified and considered? When so many children in the world do not have a safe place, or chance, to play, breathe clean air and interact with God's Creation, why would we take one that already exists and is beloved here in Tulsa?

3.9) What were the methodologies, criteria, analysis and dates of any studies?

4. Was there Notice of Proposed Changes to Easement?

4.1) If so, how was legal Notice given and when?

4.2) Was each property owner and resident within the adjoining buildings and communities given Notice or asked how the new library would affect them positively or negatively?

## TRAFFIC ON MADISON PLACE AFTERSCHOOL

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**STREET VARIOUSLY NAMED BY APPLICANT 47<sup>th</sup> & 46<sup>th</sup> PL**


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**From:** [Jim Diacon](#)  
**To:** [Tulsa Planning Office](#)  
**Cc:** [Chapman, Austin](#)  
**Subject:** BOA-23557 New Library Proposed for 1110 E. 45th Place, Tulsa  
**Date:** Friday, August 18, 2023 3:05:46 PM  
**Attachments:** [preview.png](#)

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		<b>Case Number:</b> BOA-23557 <b>Hearing Date:</b> 08/22/2023 (Continued from 08/09/2023)
<b>Case Report Prepared by:</b> Austin Chapman		<b>Owner and Applicant Information:</b> <b>Applicant:</b> Lou Reynolds <b>Property Owner:</b> Independent School District No. 1
<b>Action Requested:</b> Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)		
<b>Location Map:</b> 		<b>Additional Information:</b> <b>Present Use:</b> School <b>Tract Size:</b> 3.87 acres <b>Location:</b> 1110 E. 45 Pl. S. <b>Present Zoning:</b> RS-3

6.1

BOA-23557  
PDF Document • 9.1 MB

I own the apartments at 4611-4623 S. Madison Place. My property is located across the alley/46th Place to the south of the proposed location for the new library.

**I am opposed to the applications to both allow from he library to be build and to reduce the setback from he the street from 25 to 15 feet.**

Reasons are:

- This large commercial building will be huge change to the look and feel to what is now a residential neighborhood. It is not an appropriate use of the space.
- We purchased the property assuming that the open green space to the north would be protected by zoning requirements. The current park-like setting is a big draw for our tenants.
- What will basically be a two story building will loom over our property, especially if it allowed to be built 10 feet closer to the street than what is normal.
- Added car and foot traffic is bound to create a nuisance for all that live in the neighborhood, especially those adjacent to the property.
- In its current from, 46th Place is basically an alley; not a real street. There is no way that it can handle the extra curb cuts and traffic in existing form.
- According the plan, the curb cut located at the SE corner of the new building will be primarily used by trucks for deliveries and trash collection. That could cause extra noise and disruption for my tenants.
- Covering the current green space with a building and parking is bound to lead to water run-off problems for all adjacent property owners.
- If allowed, the project has the potential to REDUCE my property value.

At a minimum, if the project is allowed to move forward, we would expect that the alley on the south perimeter (46th PL) be totally brought up to current standards. This would require removal of the existing material, re-grading, addition of curbs and gutters, curb cuts on the south side to provide access to my tenant parking, etc. All of the cost of improving the alley into a real street should be borne by the project/library system.

Thanks for your time. Please don't hesitate to contact me if you have questions.

Jim Diacon  
Owner and Managing Member  
JNP, LLC

Jim Diacon  
jdiacon@me.com  
918-688-8950

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**From:** [Evan Inman](#)  
**To:** [Tulsa Planning Office](#)  
**Subject:** Case No. BOA-23557 - Opposition to Request for Special Exception and Variance  
**Date:** Sunday, August 20, 2023 11:31:05 AM

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Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community.

Sincerely,  
Evan Inman

**CAUTION:** This email originated from outside of the organization. Do not reply, forward, click links, or open attachments unless you recognize the sender and know the content is safe. Please report using the Phish Alert button in the Outlook Desktop Client if this message contains potentially unsafe content.

**From:** [Mary C](#)  
**To:** [Tulsa Planning Office](#)  
**Subject:** Case No. BOA-23557 - Opposition to Request for Special Exception and Variance  
**Date:** Sunday, August 20, 2023 7:50:15 PM

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Members of the Board,

I am a resident of the affected neighborhood and strongly oppose granting the applicant's request in Case No. BOA-23557. I urge the Board to deny the requested special exception and variance because it is a commercial endeavor that is inappropriate for our quiet neighborhood and would be deleterious to our community. I have lived across the street from the school/greenspace since 1988 and the greenspace has been used and enjoyed by countless numbers of Tulsa residents to exercise their dogs, meet for ball practice and basketball and walk the perimeter for exercise. The greenspace is even a stop for the local geese on their way to the Arkansas River. I would like to see these activities continue in our little neighborhood. I think it's important to the residents' overall enjoyment with the area of town we live in.

Thank you,

Mary Campbell  
331 East 45th Court  
Tulsa, OK 74105

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## Chapman, Austin

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**From:** Katie Roberts <katieblue69@gmail.com>  
**Sent:** Monday, August 21, 2023 4:39 PM  
**To:** Tulsa Planning Office  
**Subject:** Case BOA-23557

Hello. I oppose this case! We use that are to play, walk and socialize. Please do not make it a parking lot!

Sincerely

Katera Roberts  
918-636-5393  
4762 S Boston Pl  
Tulsa OK 74105

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**From:** [Luka Gogibedashvili](#)  
**To:** [Tulsa Planning Office](#); [Chapman, Austin](#); [boa@incog.org](mailto:boa@incog.org)  
**Subject:** A letter regarding case 23557  
**Date:** Tuesday, August 22, 2023 10:06:11 AM

---

Date: 8/22/2023

Case No. BOA - **23557**

Name: Luka Gogibedashvili

Address: 4712 South Boston Avenue, Tulsa, OK, 74105

Contact Information: 202-227-7902; Email: [lukagog@gmail.com](mailto:lukagog@gmail.com)

To the distinguished board members of Tulsa City Hall,

My name is Luka Gogibedashvili, I am a resident near the Collegiate Hall and the public park of the same, located at the intersection of S. Madison Pl and E 45th Pl.

In this letter I would like to briefly convey my interest and reasoning in favor of keeping the public green space for the use of the local community. I do ask that the interests of residents be considered when ruling regarding the starting of a construction project that would pave away the lovely green space that has become so dear to us.

My wife, April Elise Gordon, and I visit the park every day, we have met and have become friends with people that also frequent the park. I see residents there that bring their children to play in the field and the playgrounds, I regularly see my former student playing basketball with his friends on the basketball court, a girls' soccer team uses the property to train for their games. I know people that have met, become friends, and started dating, all from meeting at this park. Many people bring their dogs, and the latter have formed a cheerful community of their own. The passers-by say hello and stop by for a chat, exchanging local news and to complain about the weather.

Speaking of the weather, the greenery acts as a heat sink, which is a welcome reprieve in hot Oklahoma summers. While the construction, which would bring even more cement than the area already has, would do the opposite. The green space does also, as one would imagine, serve as a failsafe against flooding, a benefit that extends far beyond the immediate vicinity of the surrounding houses.

As for the construction of the library itself, we welcome it, but surely an alternative location could be found that is not as important for the mental, physical, and social well-being of the community.

I regret that my work does not let me attend the hearing on August 22<sup>nd</sup>, 13:00, and I have to send this letter instead, I hope it will find you well. I implore you to consider the interests of the community and not deprive us of a public space that we use daily.

Respectfully Yours,

Luka Gogibedashvili

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BOA Case No. 23557  
August 22, 2023  
Looking North from SW Corner

3.34





BOA Case No. 23557  
August 22, 2023  
Looking North from NW Corner

3.35





BOA Case No. 23557  
August 22, 2023  
Looking East from NW Corner

3.36





BOA Case No. 23557  
August 22, 2023  
Looking South from NW Corner

3.37

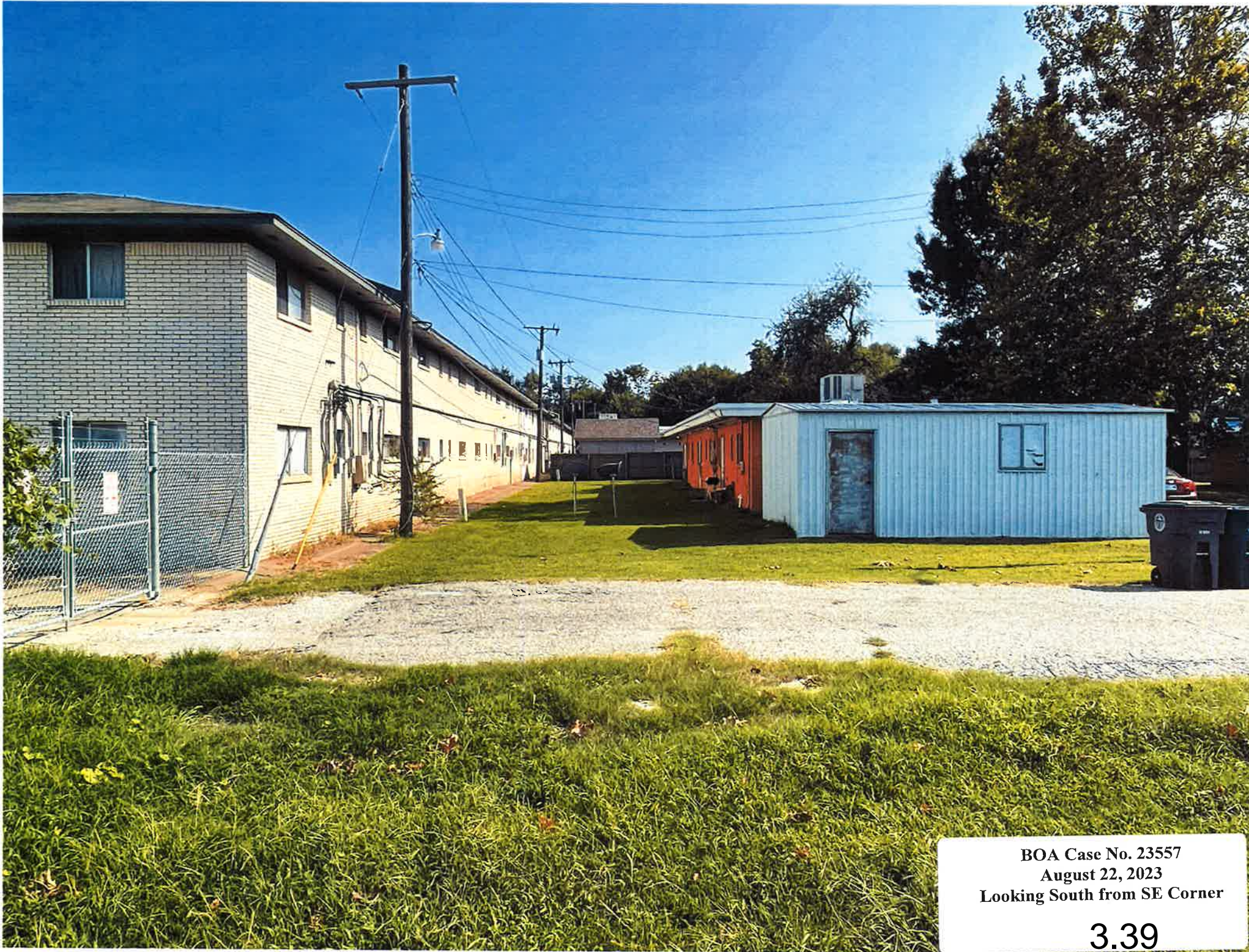




BOA Case No. 23557  
August 22, 2023  
Looking East from SW Corner

3.38





BOA Case No. 23557  
August 22, 2023  
Looking South from SE Corner

3.39





BOA Case No. 23557  
August 22, 2023  
Christ the King Food Pantry

3.40



Existing school fence line to Remain  
(pink dotted lines)

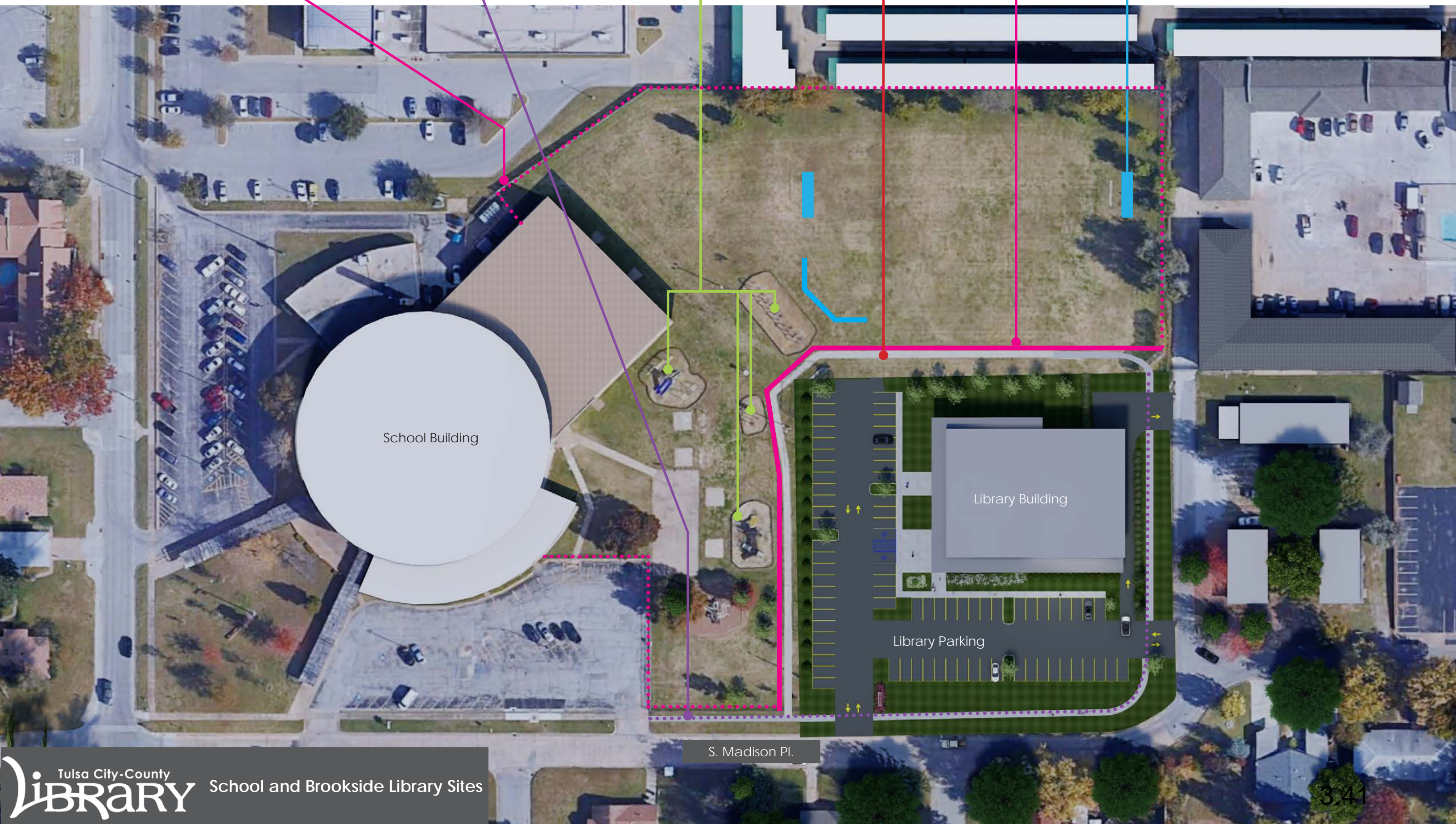
New sidewalk to extend and  
connect to the school

All playground  
equipment remains

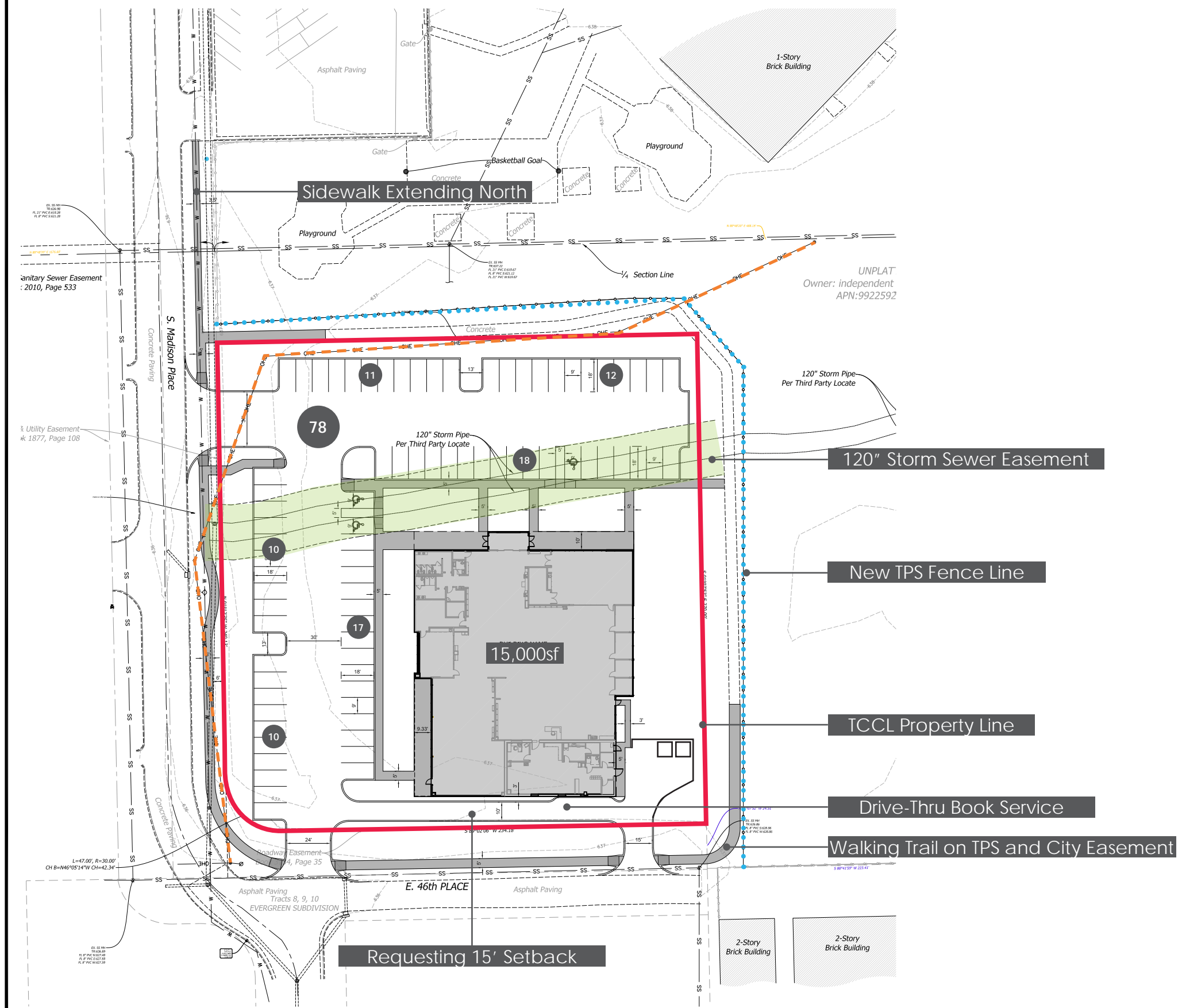
Existing walking trail is  
maintained and becomes  
publicly accessible (no longer  
behind the school's fence)

Adjusted Fence Line

New Soccer Goals and baseball backstop  
added to school property

















NOTICE OF INTENT TO APPEAL  
FROM CITY OF TULSA BOARD OF ADJUSTMENT

This constitutes notice of Intent to  
Appeal the decision of the Board of  
Adjustment (City of Tulsa) BOA-23557  
August 22, 2023, to District Court. CV-2023-1809

Sept. 1, 2023

Kelsey [Signature]  
336 E. 45th Ct.

FILED  
CITY OF TULSA BOARD OF ADJUSTMENT  
CITY OF TULSA, OKLAHOMA  
2023 SEP 01 PM 03:55

FILED  
CITY OF TULSA BOARD OF ADJUSTMENT  
DATE: 9/1/23 TIME: 4:14 (AM)(PM)  
RECEIVED BY: [Signature]  
CLERK OF THE BOARD: Austin Chapman



IN AND FOR THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**

AUG 31 2023

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

KELSEY ROYCE and Others, Home  
Owners and Residents

Petitioners,

**CV-2023-01809**

Vs.

Caroline Wall

CITY OF TULSA BOARD OF ADJUSTMENT  
Defendants,

IN RE: Appeal from the City of Tulsa Board of Adjustment meeting decision of August 8th and continued on August 22, 2023 on Agenda No. 1322, Case No. BOA-23557 when the BOA approved the special exception for the Tulsa City-County Library Commission to build a library on Tulsa Public Schools property in a residential neighborhood (RS-3) and resultant variance to the setback to 15ft.

2023 AUG 27 P 4:28  
CITY OF TULSA BOARD OF ADJUSTMENT

NOTICE OF APPEAL FROM CITY OF TULSA BOARD OF ADJUSTMENT

COMES NOW, Kelsey Royce and Other Home Owners and Residents, the Petitioners vs. The City of Tulsa Board of Adjustment Agenda No. 1322, in Case No. BOA-23557, hereby appeal the decision of said Board of Adjustment rendered on said application. In support of this Appeal, Petitioners state the following:

FILED  
CITY OF TULSA

SEP 01 2023

A.M. 4:15 PM  
OFFICE OF THE CITY CLERK  
BY 114

FILED  
CITY OF TULSA BOARD OF ADJUSTMENT

DATE: 9/1/23 TIME: 4:14 (AM/PM)

RECEIVED BY: 884

CLERK OF THE BOARD: Austin Chapman

Page 1

3.46

1. The City of Tulsa Board of Adjustment ("BOA") is a quasi-judicial body organized under the authority of (11 O.S. 44-10) for the purpose of issuing final decisions on findings of fact in City land use zoning, special exceptions, and variances.
2. Pursuant to Tulsa Zoning Code 70.120-F approval of a special exception requires an affirmative vote of at least 3 members of the board of adjustment.
3. Pursuant to Tulsa Zoning Code 70.130-G approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.
4. On August 22, 2023, BOA approved Case No. BOA-23557 to build a Library on 1110 with the following votes: 3 - yea; 1 - absent; 1- abstain.
5. On August 22, 2023, conflicted BOA Member, Whitney Stauffer, did not recuse from discussion and voted to approve BOA-23557.
6. Pursuant to Tulsa Zoning Code 70.120-B Authority to File - Applications for special exception approval may be filed only by the owner of the subject property or by the property owner's authorized agent.
7. Pursuant to Tulsa Zoning Code 70.130-C Authority to File Variance applications may be filed only by the owner of the subject property or by the property owner's authorized agent.
8. The property owner of 1110 E. 45th Place ("the Property") is Independent School District No. 1 Tulsa, Tulsa County ("Property Owner").
9. The governing body of the Property Owner is a body of 7 elected members of the local Board of Education (BOE).
10. The governing body of the Property Owner did not approve the application for BOA-23557 and did not retain Lou Reynolds to represent them in the aforementioned case.
11. Lou Reynolds (Eller & Detrick) was retained as Counsel for the Tulsa City-County Library Commission ("TCCL") to apply for a special exception and variance for property that is not owned by TCCL.

12. The BOA is held to standards outlined in its Ethics Policy which instruct members to avoid what a reasonable person would understand to be a conflict of interest or appear to be a conflict of interest (General Policy & Procedures, Section III).
13. The Property Owner is currently under investigation by state and federal authorities.
14. Independent Auditor's Report Dated January 27, 2021, found a significant deficiency in internal control over financial reporting related to "inappropriate revenue recognition related to transactions with the Foundation" (Foundation for Tulsa Schools, hereafter, "FTS").

**BOA Member Conflict of Interest**

15. City of Tulsa Board of Adjustment ("BOA") Member, Whitney Stauffer, was appointed to the BOA on April 12, 2023.
16. BOA member, Whitney Stauffer, is Chairman of the Board of Directors of the Foundation for Tulsa Schools (FTS), a charitable entity organized to support the mission of the Property Owner.
17. The interests of FTS have become so confused with the operations of the Property Owner that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.
18. Moises Echeverria-Ashworth is the President and CEO of FTS and is a TCCL Commission Member.
19. Ellen Duecker is a TCCL Commission Member and is employed by the Property Owner as Special Bond Projects manager.
20. BOA Member, Whitney Stauffer, works closely with Moises Echeverria-Ashworth at FTS.
21. BOA Member, Whitney Stauffer, worked closely with TCCL Commission Member, Ellen Duecker on the 2021 Bond Committee for the Property Owner.



22. On August 15, 2023, BOA Member, Whitney Stauffer, presided over a meeting of FTS which included the Property Owner's Chief Financial Officer and now-resigned former superintendent Deborah Gist.

23. The interests of FTS have become so confused with the operations of Independent School District No.1, Tulsa, Tulsa County, that it is inconceivable that Whitney Stauffer in her role as BOA Member and simultaneously Chair of FTS could make an unbiased decision when it comes to BOA-23557.

**BOA Failed to Consider the Concerns Brought Forth by Neighborhood**

24. Questions and concerns emailed to Austin Chapman, Senior Planner at the Tulsa Planning Office in charge of BOA-23557, were not raised to the BOA.

25. Comments from residents and property owners all opposed the special exception and variance.

26. Findings of fact for approval were not made pursuant to 70.120G as required.

WHEREFORE, Kelsey Royce and others were deprived of their rights to an impartial public hearing before the City of Tulsa Board of Adjustment. The District Court should stay all proceedings on BOA-23557 and conduct a trial de novo to show that there was not only a conflict of interest when Whitney Stauffer was allowed to vote to approve the special exception for the construction for the building of library and variance; but also violated the rules when Lou Reynolds was allowed to represent the Library Commission because they aren't the property owner.

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of August, 2023 the above was filed with the Tulsa County Court Clerk with a request that a filed and stamped copy be forwarded and sent to the Judge Presiding over this case and the City of Tulsa Board of Adjustment.

A handwritten signature in black ink, appearing to read "Kelsey Royce". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

336 E. 45<sup>th</sup> Ct.  
Tulsa, OK 74105



## Board Meeting Minutes and Notes Tuesday, August 15, 2023

The Foundation for Tulsa Schools held its Board of Directors Meeting in person on August 15, 2023.

Board members present: 20 board members present, which represents quorum.

Attended: Dr. Deborah Gist, Daniel Regan, Larry Faulkner, Brad White, Lachelle King, Jared Kuykendall, Annie Tomecek, Joey Wignarajah, Whitney Stauffer, Drew France, Maggie Hille Yar, Mary Spears, Sarah Gould, Emily Fuller, Rick Kelly, Shanese Slaton, Molly Aspan, Judie Hackerott, Steffanie Bonner, Teil Blackshare, Lauren Sherry

Staff present: Moises Echeverria, Brena Meadows Thrash, Joey Oneal, Sam Tinker

- 
- Welcome & Call to Order – Whitney Stauffer, Board Chair
    - Call to Order [Whitney Stauffer] – 7:35AM
      - Board portal will be available on FTS website this week. Link will be sent out by staff
    - New board members
      - Lachelle King, City of Tulsa
      - Jared Kuykendall, JP Morgan
      - Emily Fuller, Intern & Reading Partners
    - Addressing issues brought up by State Superintendent.
  - Board Member Spotlight
    - Lachelle King, City of Tulsa
    - Jared Kuykendall, JP Morgan
    - Emily Fuller, Intern & Reading Partners
  - 
  - Consent Agenda – 7:41
    - (MOTION) To approve [Joey Wignarajah]. Seconded [Molly Aspan], passed unanimously.
    - Consent agenda items:
      - Finance Report
      - Committee Reports
        - Partners in Education
        - Program Evaluation & Development
    - Tulsa Public Schools Update - Dr. Deborah Gist speaks (7:42)
      - Accreditation
        - Accreditation officer visits each school as well as the district for the accreditation process annually.
        - Originally the district had 1 accreditation deficiency when process concluded in May, due to report late by 1 week

- 2<sup>nd</sup> deficiency was added by state after Dr. Gist had reviewed and signed document
- Deficiencies are not cumulative, start over each year, if deficiency is resolved
- The accreditation process does not look at student outcomes
- Accountability
  - Student outcomes measured by school report cards.
  - When schools with failing grades consolidate, their grades start over, examples can be seen by districts like Oklahoma City
  - Two major goals in Strategic Plan for TPS-- literacy for all ages and college/career readiness. Plan available for review.
- Audit
  - Misconduct found internally by TPS
  - Reported the employee immediately to authorities once discovered and district has been as transparent as possible throughout the process as there is an open investigation
  - TPS does have strong internal controls
  - Dr. Gist and CFO met with State Superintendent to discuss the new requests for documentation
- Additional Information Discussed
  - Claims that TPS disregard religious liberties – Opposite of what is established in law.
  - 65 school districts with the same or lower accreditation status than TPS.
- Open to questions.
  - Timeline for accreditation? (7:54AM)
    - Accreditation status remains same until state issues changes.
    - State board meeting Thursday, August 24 and accreditation has been stated to be on agenda
    - If tabled again, State Superintendent must address TPS accreditation by Dec.
    - If OSDE votes for accreditation with probation, the state has the ability to make leadership changes within the district
  - What happens to the kids? (8:05AM)
    - We will not know the long-term impact to students, but schools will still be open with instruction continuing
    - TPS has already lost teachers due to the accreditation question and will lose more if accreditation changes
    - There has not been public discussion from OSDE to change leadership in the 6 districts that are currently accredited with probation.
    - State Superintendent falsely claimed that 52% of TPS budget were administrative costs. The figure he used contained nutrition, buses, counselors, reading interventionists which are not administrative costs.
    - There is a cap by the state for every school district's administrative costs of 5% and there is dollar for dollar penalty if over 5%.
    - TPS; administrative costs are 4%

- What is the strategy moving forward for TPS? (8:14AM)
  - Launching landing page [tulsapublicschools.org/facts](https://tulsapublicschools.org/facts)
  - Would love to see business leaders take on addressing facts and media miscommunications.
- Has anyone spoken to legislators to address checks and balances in OSDE? (8:23AM)
  - Statutes need to be written more tightly to strengthen procedures and clarify step-by-step processes for accreditation
- Anything FTS can do to be proactive to address conversations relating to programs? (8:29AM)
  - Addressing it, but hard to plan for something that is unprecedented. Gathering data, we have strong arguments to show impact of our programs that support community.
- Dr. Gist meets with Chamber board members today (Aug 15<sup>th</sup>, 2023).
- President's Report – Moises Echiverria, President & CEO (8:39AM)
  - Discussing long-term strategies, current issues might create a temporary pause in philanthropic support.
  - Discussing worst-case scenarios while continuing to support schools.
  - Moving forward with what is already scheduled.
  - Outreach to officials is critical.
  - ProtectTPS.com – most organized support effort.
  - Letter campaign, draft included in packet.
- Other Updates – Whitney Stauffer
  - Calendar in board packet.
  - Board social networking at Driller's game September 16<sup>th</sup>.
  - Next Board Meeting: October 17<sup>th</sup> at 7:30AM at Memorial MS
  - Magic City Books have T-Shirts in support of TPS
- Adjourn
  - **(MOTION) To Adjourn [Drew France]. Seconded [Larry Falkner], passed unanimously.**
  - Adjourned 9:03AM





**Thursday, July 20, 2023  
July Regular Meeting**

**12:00 p.m.**

**Central Library  
Executive Conference Room on Level "L"  
400 Civic Center  
Tulsa, OK 74103**

**1. Opening of Meeting**

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- A. Call to Order - Leanne Helmerich, Chair
- B. Roll Call/Announcement of a Quorum

**2. Chief Executive Officer's Monthly Report**

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- A. CEO Remarks - Kimberly Johnson, CEO
- B. Employee Recognition

**3. Committee Report**

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- A. Physical Facilities Committee Discussion and vote to Adopt, Reject or Modify an Agreement for Naming Rights for the new Brookside Library. Ellen Duecker (Action)
- B. Personnel Committee -Vote to Adopt, Reject or Modify the Proposed 2024 Library Commission Meeting Schedule-Dr. Wimberly (Action)

**4. Consent Agenda**

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- A. Approval of Consent Agenda
- B. Approval of June 2023 Minutes
- C. TCCL June Financial Reports
- D. Resolution: Declaring IT Surplus Property

**5. Nominating Committee**

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- A. Appointment of commissioners to the Nominating Committee - Leanne Helmerich, Chair (Report)

**6. Closing of Meeting**

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- A. Announcement of Next Meeting: August 17, 2023 at Rudisill Regional Library - 1520 N. Hartford Avenue, Tulsa, OK - Leanne Helmerich, Chair
- B. Adjournment - Leanne Helmerich, Chair

# General Policies and Rules of Procedure

## Board of Adjustment of the City of Tulsa

### SECTION I – RULES OF PROCEDURE

#### A. Name

The name of this board shall be "Board of Adjustment of the City of Tulsa", hereinafter referred to as the "Board".

#### B. Membership

The Board shall consist of five members, who shall be appointed by the Mayor and confirmed by the City Council. Members of the Board shall serve without pay for a term of three years and shall continue to serve until their successors are appointed. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term.

#### C. Removal

A Board member may be removed for cause by the City Council after notice, written charges and a public meeting. Three consecutive absences from regular and/or special called meetings, or absences totaling 2/3 of the regularly called or special called meetings held during any six month period, shall be sufficient cause for removal from the Board.

#### D. Officers

The Board shall elect annually from its appointed members a Chairman, a Vice-Chairman and Secretary. The Vice-Chairman shall serve as Chairman in the absence of the Chairman. Any vacancy in office shall be filled by the Chairman for the unexpired term only. The election shall take place on the first regularly scheduled meeting of the Board in the month of June.

1) The duties of the Chairman shall include:

- a) Presiding over meetings with all powers under parliamentary procedure, unless the Chairman designates another member to preside;
- b) Signing official documents of the Board;
- c) Appointing a Vice-Chairman and Secretary in the event the said officers are absent from the meeting.

2) The duties of the Vice-Chairman shall include:

- a) Presiding over all meetings in the absence of the Chair and shall have full powers of the Chair in matters that come before the Board; and
- b) Assuming the duties of the Secretary in the event that the Secretary is absent from the meeting.

3) The duties of the Secretary shall include:

- a) Assuming duties of the Chair in the event that the Chair and Vice-Chair are absent from the meeting; and
- b) Collecting and stamping exhibits of each meeting for the official record.

#### E. Quorum

A numerical majority of three Board members shall constitute a quorum for the conduct of any Board business.

#### F. General Procedures

1. If inclined, the Board may grant a continuance of a scheduled public meeting at the request of the applicant, interested parties, or Board staff.
2. A motion to reconsider any action of the Board can be made by a Board member who voted for the prevailing party.

- a) The Board may take a vote to reconsider an action of the Board during the meeting or at the next regularly scheduled meeting of the Board.
- b) The action to be reconsidered will be placed on the subsequent meeting agenda and written notice must be given to all interested parties at least five working days in advance of the scheduled meeting.

3. When the public wishes to communicate with Board members, the appropriate way is through a letter or e-mail correspondence to Board staff, who will in turn distribute it to the Board members and the applicant.

#### G. Public Meeting Procedures

1. The Board shall consider only public meeting items which have been properly advertised as required by law and only those where all fees have been paid, including fees for legal advertising.

2. The Chair can modify the order in which the cases will be considered from the order in which they are listed on the agenda. The procedure for each case shall normally be as follows:

- a) Staff will announce the case by reading the item number, case number and applicant's name.
- b) Staff will read the location of the subject tract and the action requested from the case report.
- c) The Chair calls on the applicant for a presentation, **not to exceed fifteen (15) minutes**. If the applicant presents a significantly changed application from that submitted for BOA staff review (as determined by BOA staff and at the BOA at the time of the presentation), such action is considered grounds for continuance.
- d) Any member of the public may address the Board at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given **five (5) minutes to speak on an item**; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.
- e) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.
- f) The applicant is given the opportunity to rebut and is allowed **no more than ten (10) minutes to speak**. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.
- g) The Chair announces the public hearing is closed on the case and opens the review session, during which the Board members will discuss the case among themselves and make a recommendation.
- h) BOA members shall address only the presiding Chair for recognition and shall confine their remarks to the question under discussion.
- i) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. However, any Board member may make a motion at any point in time when he/she feel they have sufficient information to do so.
- j) Before a motion is made, there shall be an opportunity for discussion of the case by the Board and for each Board member to make comments. After a motion is made, there shall be further opportunity for discussion by the Board, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Board member desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Board member suggesting the amendment may ask unanimous consent to modify the motion. If any Board Member objects to the modification of the motion, the Board Member proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

3. A second is required on all motions in order to bring the question to a vote of the Board.

Tulsa Public Schools  
Independent School District No. I-1, Tulsa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued)  
Year Ended June 30, 2020

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II. Findings Relating to the Financial Statement Audit as Required to be Reported in Accordance with *Government Auditing Standards*

A. Internal Control

Finding 2020-001

Significant deficiency in internal control over financial reporting

Finding: The Foundation for Tulsa Schools (the Foundation) is a legally separate not-for-profit organization whose purpose is to enhance the educational programs of the District by providing a permanent entity through which contributions can be received and distributions made for the benefit of the District and its students. During the course of performing the FY 2020 audit, we noted the following matters with regards to the Foundation:

- District management did not perform a timely review to determine whether the Foundation met the reporting requirements of a component unit, as defined in GASB Statement No. 39, *Determining Whether Certain Organizations Are Component Units, an Amendment of GASB Statement No. 14*.
- The District did not adequately review contribution funds received from the Foundation in both FY2019 and FY2020 as described in the condition below. The misstatement was corrected by the District and recorded in its 2020 financial statements.

Criteria: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis. In addition, monitoring procedures should be established to ensure that potential component units are evaluated at least annually as to whether inclusion in the District's financial statements is required.

Condition: The Foundation is a legally separate but related organization. As such, transactions with them need to be subject to the same review and scrutiny as all other transactions. In the current year, certain Foundation receipt journal entries were posted in the financial statements incorrectly resulting in:

- (1) An overstatement of 2020 other local revenue in the government-wide activities financial statements (of approximately \$1.5 million) as there were revenues related to 2019 that were incorrectly recognized in 2020; and
- (2) An understatement of 2020 other local revenue in the government-wide activities financial statements (of approximately \$1.6 million) as there were receipts related to 2020 that were incorrectly recognized in 2021. This misstatement was corrected by the District and recorded in its 2020 financial statements.

In addition, U.S. GAAP requires that certain legally separate not-for-profit organizations be evaluated for potential inclusion in the primary government financial statements as a component unit. The District did not perform a timely review to determine whether the Foundation met those requirements. Although District management ultimately concluded that inclusion in the District's financial statements was not required, this is an accounting policy that needs to be reviewed in a timely manner in order to facilitate accurate financial reporting.

**Tulsa Public Schools  
Independent School District No. I-1, Tulsa County, Oklahoma**

**Schedule of Findings and Questioned Costs (Continued)  
Year Ended June 30, 2020**

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Cause: With regards to the inappropriate revenue recognition related to transactions with the Foundation, the errors were caused by a combination of factors, including lack of review and scrutiny of Foundation-related transactions. With regards to the consideration of whether the Foundation financial statements should be included in the District's CAFR, this is the result of not having an accounting policy that specifically addresses monitoring of potential component units.

Effect: Preliminary fund financial statements, government-wide financial statements and note disclosures contained errors that were significant to its 2020 financial statements. Such errors were corrected and revised by the District, and are properly reflected in its 2020 financial statements.

Although it was ultimately determined that the Foundation did not meet the reporting requirements of inclusion in the District's financial statements as a component unit, failing to include a discrete component unit in accordance with U.S. GAAP would result in the District's financial statements being materially misstated.

Recommendation: We recommend that the District implement procedures to ensure that Foundation transactions are reviewed for proper cutoff. We also recommend that the District establish an accounting policy that requires regular review, at least annually, of all organizations that could meet the requirements for inclusion in the District's financial statements as a component unit.

District Management's Response: The District agrees with the finding and recommendation.



Tulsa Public Schools  
Independent School District No. I-1, Tulsa County, Oklahoma

Schedule of Findings and Questioned Costs (Continued)  
Year Ended June 30, 2020

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**Finding 2020-002**

**Significant Deficiency in Internal Control Over Financial Reporting**

Finding: The District's internal controls over financial reporting failed to detect significant errors in the District's financial statements in the recording of the Net Pension Liability and Deferred Inflows of Resources and Deferred Outflows of Resources related to the District's participation in employee retirement system sponsored by Oklahoma Teachers' Retirement System (OTRS). The District's internal control system also failed to detect errors in the recording and disclosures of the Net OPEB Asset and Deferred Inflows of Resources related to the District's participation in the post-employment benefits sponsored by OTRS.

Criteria: Effective internal controls should be established and maintained to prevent, or detect and correct material misstatements in the annual financial statements on a timely basis.

Condition: The District's financial statements as originally prepared contained significant misstatements in the recording of the financial statement amounts, specifically Deferred Inflows and Deferred Outflows of Resources related to the District's participation in the OTRS defined benefit pension plan. In addition, recorded amounts and disclosures related to the District's participation in the OTRS other Post-Employment Benefit Obligation were also misstated.

Cause: District personnel understand the financial reporting requirements of GASB Statement No. 68 and GASB Statement No. 75; however due to lack of experienced accounting personnel, there was not an adequate review of the supporting schedules maintained by the District to determine that the amounts reported by the District were correct.

Effect: Amounts reported for Deferred Outflows and Deferred Inflows of Resources were misstated in the original financial statements. The District subsequently corrected its June 30, 2020 financial statements.

Recommendation: More than one member of the District's financial reporting staff should be trained to have a deeper knowledge of the accounting and reporting requirements of GASB 68 and GASB 75, and an independent review of the supporting schedules and journal entries prepared by the District should be performed.

District's Management Response: The District agrees with the finding and recommendation.

**B. Instance of Noncompliance**

No matters to report.

**Findings and Questioned Costs for Federal Awards**

**A. Internal Control**

No matters to report.

**B. Instances of Noncompliance**

No matters to report.

**Eller Detrich**  
A Professional Corporation

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September 6, 2023

Donald L. Detrich, *Retired*

***VIA HAND DELIVERY & E-MAIL***

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FILED  
CITY OF TULSA BOARD OF ADJUSTMENT  
DATE: 9/6/23 TIME: 2:37 (AM)(PM)  
RECEIVED BY: AE  
CLERK OF THE BOARD: Austin Chapman

Re: BOA-23557 Request for Reconsideration

Dear Mr. Chapman:

This letter serves as the Applicant's request for the Board of Adjustment to reconsider its decision in BOA Case No. BOA-23557 on August 22, 2023. The Applicant requested a Special Exception for a Library in the RS-3 District and a Variance to reduce the required 25-foot street setback to 15 feet.

After hearing from the Applicant and interested parties and following robust Board discussion, the Board voted to **approve** the Special Exception and the Variance. However, without explanation, acting Chairperson Radney abstained from the vote, resulting in a 3(aye) - 1(abstain) vote.

Following the Board's decision, a Notice of Appeal was filed by Kelsey Royce alleging that Board Member Stauffer had a conflict of interest and should not have voted. Because only four of the five Board members were present, acting Chairperson Radney's abstention has made the allegation of Board Member Stauffer's conflict of interest material to the resolution of the case.



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3.60



Accordingly, the Applicant requests that Case No. BOA-23557 be placed on the September 12, 2023 Board agenda to be reconsidered by the full membership of the Board in order to resolve any potential impact of such alleged conflict of interest.

Sincerely,

**ELLER & DETRICH**  
*A Professional Corporation*



Lou Reynolds