



CITY OF Tulsa

Board of Adjustment

Case Number: BOA-23625

Hearing Date: 01/09/2024 1:00 PM

Case Report Prepared by:

Austin Chapman

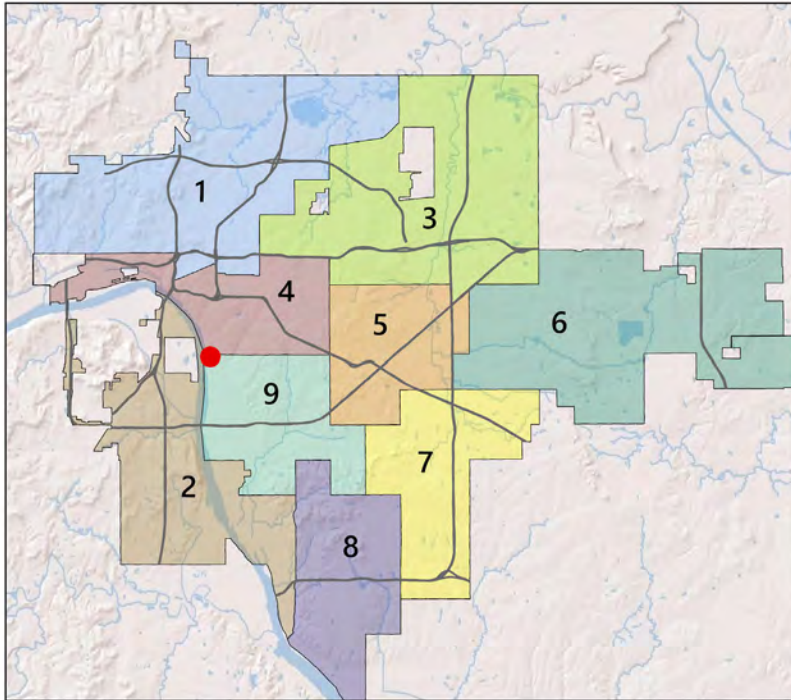
Owner and Applicant Information:

Applicant: Josh Miller

Property Owner: GKFF REAL ESTATE IV LLC

Action Requested: Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557, BOA-22336 and BOA-23046 (Sec.55.090-F).

Location Map:



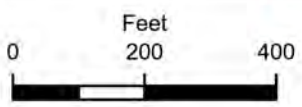
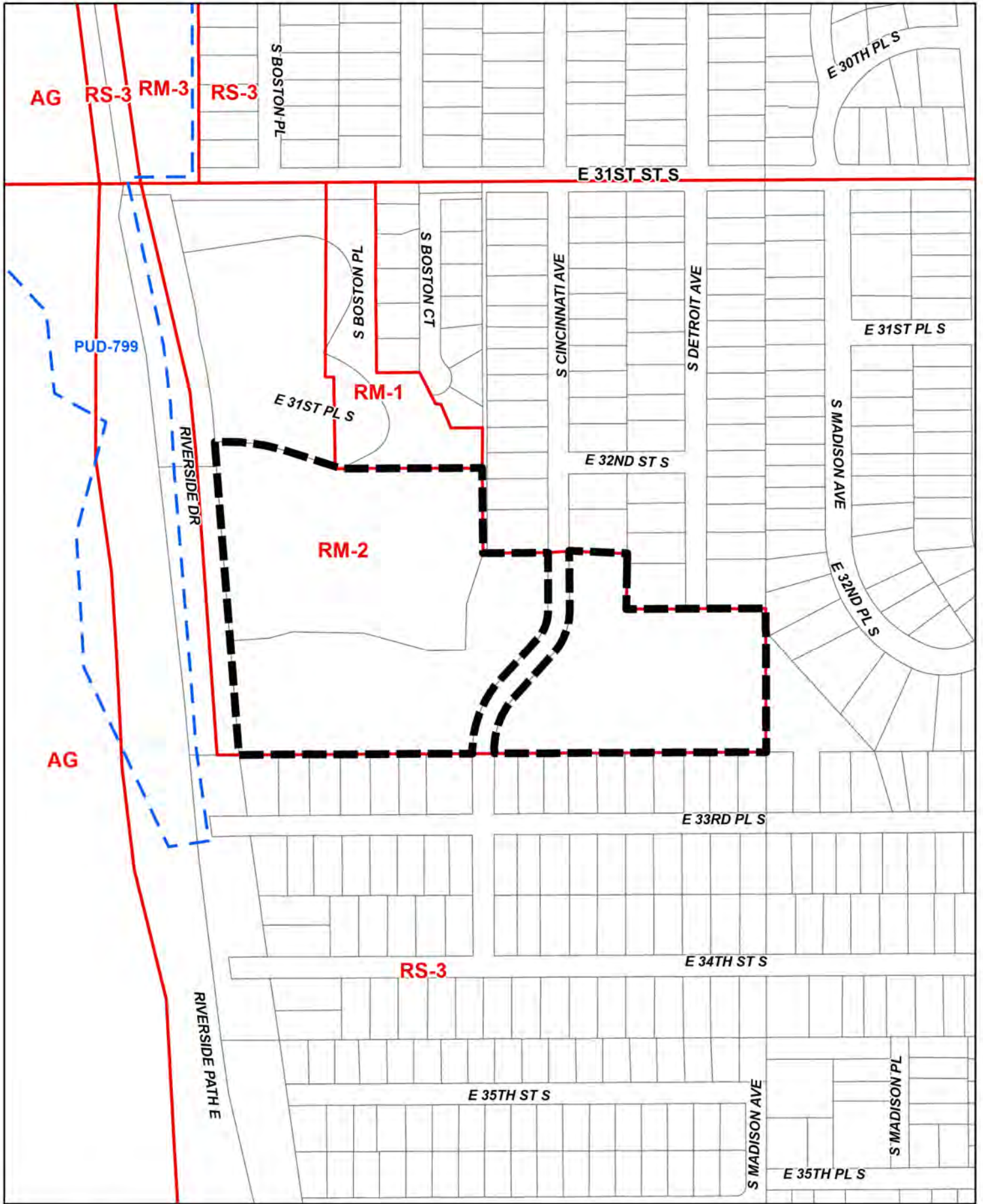
Additional Information:

Present Use: parking

Tract Size: 14.61 acres

Location: South of the SE/c of E. 31st St. S. and Riverside Parkway (Gathering Place South of Crow Creek)

Present Zoning: RM-2/ RDO-3



BOA-23625



13.2

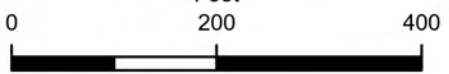


Subject
Tract

Feet

200

400



BOA-23625

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

Aerial Photo Date: 2021



13.3

**BOARD OF ADJUSTMENT
CASE REPORT**

STR: 9224
CD: 9

Case Number: **BOA-23625**

HEARING DATE: 01/09/2024 1:00 PM

APPLICANT: Josh Miller

ACTION REQUESTED: Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557, BOA-22336 and BOA-23046 (Sec.55.090-F).

LOCATION: South of the SE/c of E. 31st St. S. and Riverside Parkway (Gathering Place South of Crow Creek)

ZONED: RM-2/RDO-3

PRESENT USE: Parking

TRACT SIZE: 636471.58 SQ FT

LEGAL DESCRIPTION: PRT NW BEG 247.50W & 40S & 478.15W & 288.29SE & CRV RT236.89 & 45SE NEC NW NW NE TH CRV RT166.59 SE138.45 W293.02 NW59.89 POB & LT 1 BLK 1; LTS 2 & 3 BLK 1 & BLK 2, PEEBLES SECOND ADDN, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-23046; On 12.9.20 the Board approved a Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557 and BOA-22336 for an additional 5 years.

BOA-22557; On 12.11.18 the Board approved an extension of the approval in BOA-23336 for an additional 2 years.

BOA-22336; On 10.10.17 the Board approved a Variance to allow a non-all weather parking surface for two years.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the Arkansas River Corridor:

The Arkansas River Corridor comprises a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

STATEMENT OF HARDSHIP: The Board previously found the hardship to be the continued operation of the temporary lot is actually providing additional parking to the use of the park less burdensome for the adjoining neighborhood while the park is still under development.

STAFF ANALYSIS: The applicant is requesting a Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557, BOA-22336 and BOA-23046 (Sec.55.090-F).

55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of [§55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

Facts staff finds favorable for variance request:

- None.

Facts Staff find unfavorable for the variance request:

- Staff has not been presented with any plans to make improvement to the gravel lot and currently is not aware of any physical conditions that would prevent improvements to the lot.

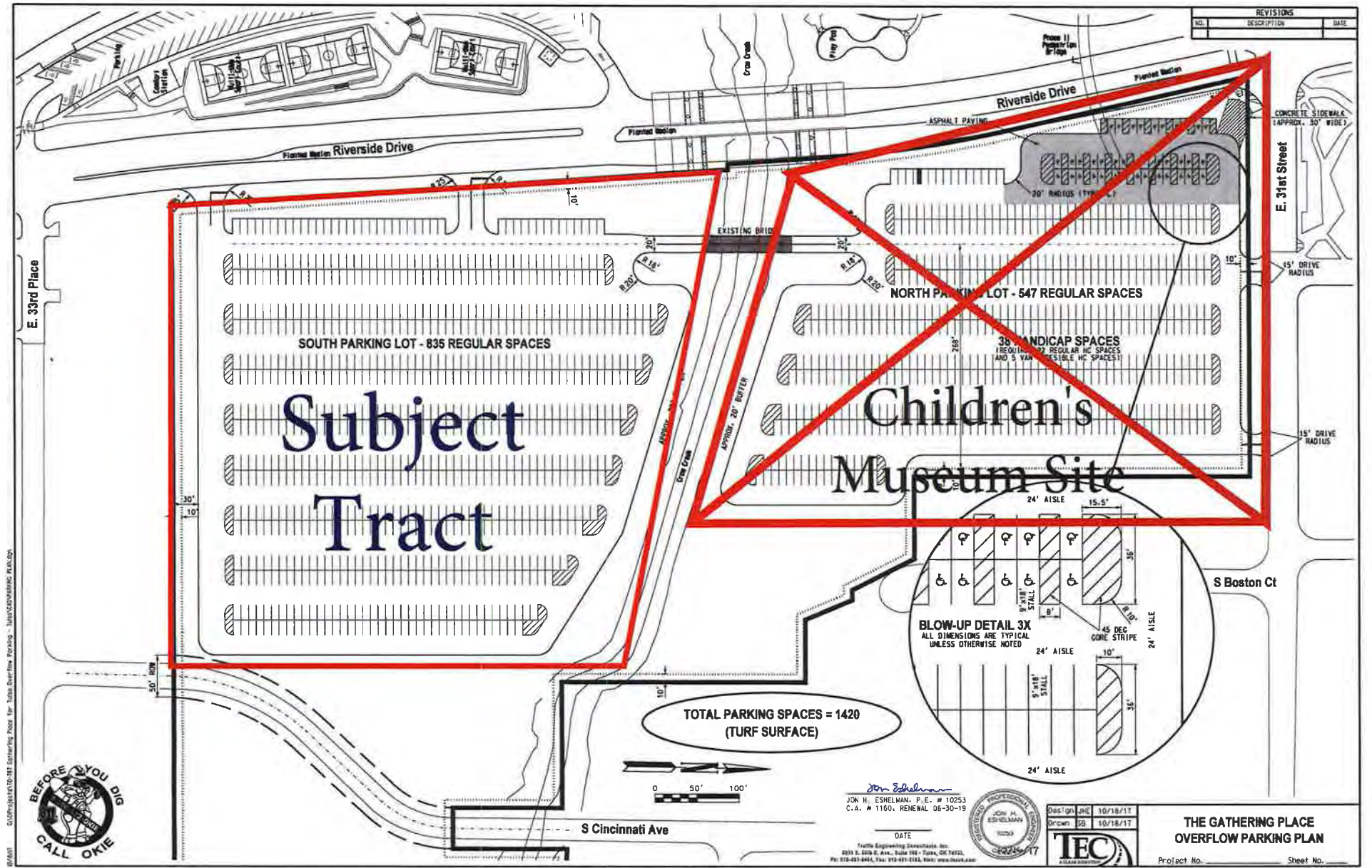
SAMPLE MOTION: Move to _____ (approve/deny) a Variance to allow the continued use of a non-all weather parking surface previously approved in BOA-22557, BOA-22336 and BOA-23046 (Sec.55.090-F).

- 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:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*

18.7



REVISIONS		
NO.	DESCRIPTION	DATE

BEFORE YOU DIG CALL OKIE



TOTAL PARKING SPACES = 1420
(TURF SURFACE)

Jon Eshelman
 JON H. ESHELMAN, P.E. # 10253
 C.A. # 1160, RENEWAL 06-30-19

DATE
 Traffic Engineering Consultants, Inc.
 8310 N. 30th St. Ave., Suite 100 - Tulsa, OK 74122
 PH: 918-483-8444, FAX: 918-481-2142, WWW: www.tecinc.com



Design: JRE 10/18/11
 Drawn: JEB 10/18/11
IEC
 A Tulsa Business

**THE GATHERING PLACE
 OVERFLOW PARKING PLAN**

Project No. _____ Sheet No. _____
 TULSA COUNTY



Subject Parking Lot

18.8
13.7

rear setback in an RS-2 District (Section 5.030, Table 5-3) to the January 12, 2021 Board of Adjustment meeting; for the following property:

E.10-LT-18-ALL LT-19-BLK-8, WILDWOOD, City of Tulsa, Tulsa County, State of Oklahoma

23046—Josh Miller

FILE COPY

Action Requested:

Variance to allow the continued use of a non-all-weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F).

LOCATION: South of the SE/c of East 31st Street South and Riverside Parkway (Gathering Place South of Crow Creek) **(CD 9)**

Ms. Shelton recused and left the meeting at 2:00 P.M.

Presentation:

Josh Miller, 7030 South Yale, #600, Tulsa, OK; stated this is a temporary parking lot for the Gathering Place and it is very effective in managing large crowds, and a lot has changed since his last appearance before the Board. As a result of the children's museum construction an ADA accessible ramp has been installed that helps people get underneath Riverside Drive safely onto the main trail into the park. Mr. Miller had several pictures placed on the overhead pictures and he explained the routing of pedestrian traffic. Once the children's museum is constructed there will be a sidewalk connected to the bridge sidewalk and it will allow pedestrians to walk to the 31st Street intersection safely. There was a notice sent to the neighbors and the neighborhood is quite pleased in how the parking has been managed and how it has been kept in good shape. The Kaiser Foundation owns all the houses and empty lots along 33rd Place so there is a buffer between the neighbors and any complaints from the neighbors are always addressed. Over the next two years, assuming the pandemic eliminates next year as a regular attendance year, it is going to be at least the end of 2022 before it is known what a normal attendance year at the park is, so they do not want to remove all potential parking options at this point that have been so effective. The reason five years were requested is because of not knowing exactly what the parking demand will be.

Mr. Van De Wiele asked Mr. Miller, in looking at page 18.7, if he is asking for the temporary relief for the children's museum site be gone. Mr. Miller answered affirmatively. And only applicable to the subject tract for an additional period of five years. Mr. Miller answered affirmatively. Mr. Van De Wiele asked Mr. Miller what the current time frame for the children's museum to be completed. Mr. Miller stated the children's museum should be open about the early fourth quarter of 2021, and it will have approximately 175 parking spaces on that site which are more than adequate for the museum.

BOA - 23046

FILE COPY

Mr. Van De Wiele asked Mr. Miller what the ultimate plan is for the subject tract, is it planned to be just a parking lot or is it an additional park features? Mr. Miller stated that it could be all of what was said, but he is uncertain at this time.

Mr. Van De Wiele stated that he looked at the history of the site, September 2014 was the first case before the Board, and his general concern is that it is now six years and temporary is about 11 years. Obviously, it is an incredible improvement and a great city feature but at some point, the gravel parking lot business has to go away. Mr. Miller stated the condition on the construction building is gone and this is separate. Mr. Van De Wiele stated that the temporary parking lot was October 2017 and that is three years ago, and he would still say that eight years is more than temporary, that is his concern.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-0-1 (Brown, Radney, Van De Wiele "aye"; no "nays"; Shelton "abstaining"; Bond absent) to **APPROVE** the request for a Variance to allow the continued use of a non-all-weather parking surface previously approved in BOA-22557 and BOA-22336 (Section 55.090-F), subject to conceptual plan 18.7 of the agenda packet. The Board has found the hardship to be the continued operation of the temporary lot is actually providing additional parking to make the use of the park less burdensome for the adjoining neighborhood while the park is still under development. This approval will expire January 31, 2024 and will apply to the subject tract shown in page 18.7 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

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FILE COPY

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

Lots 1, 2 and 3 Block 1, 3200 Riverside Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Shelton re-entered the meeting at 2:27 P.M.

23047—Tanner Consulting, LLC

Action Requested:

Special Exception to increase the permitted driveway width on the lot inside the street setback (Section 55.090-F). **LOCATION:** 11541 South Marion Avenue East (CD 8)

Presentation:

Eric Enyart, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, OK; stated the subject property is a wedge-shaped lot, it is narrower along the street boundary, but it flares out toward the rear. The lot does meet the 50% maximum under the Zoning Code.

Mr. Van De Wiele asked Mr. Enyart how wide the driveway is at the property line and how wide is it against the house. Mr. Enyart stated that along the actual street boundary it is 32.72 feet in width and going back to the 25-foot building setback line it is 55.03 feet in width. The driveway itself, in order to flair out and reach the third car garage the client is asking for 27'-3" which is within 50% of the lot frontage restriction. The house is set back 33'-6" from the street frontage.

Mr. Van De Wiele asked Mr. Enyart if looking at page 19.22, by comparison, is what is being planned similar in size and scope to the property to the south, the other cul-de-sac property? Mr. Enyart stated it does look similar. One unique features of the subject lot is that it is separated from the other lot by 20'-0" reserve area, so the house will be more physically separated from the other driveway but also separated visually.

Mr. Van De Wiele asked Mr. Enyart if it was a detention feature between the two houses. Mr. Enyart stated it is a drainage feature.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.