



**Board of Adjustment**

**Staff Report  
BOA-23870**

**Hearing Date:** April 22, 2025 (Continued from April 8, 2025)

**Prepared by:** Erin Roark  
eroark@cityoftulsa.org  
918-596-7618

**Owner and Applicant Information**

Applicant: Lou Reynolds, Eller & Detrich, P.C.

Property Owner: Scout 323 LLC et al.

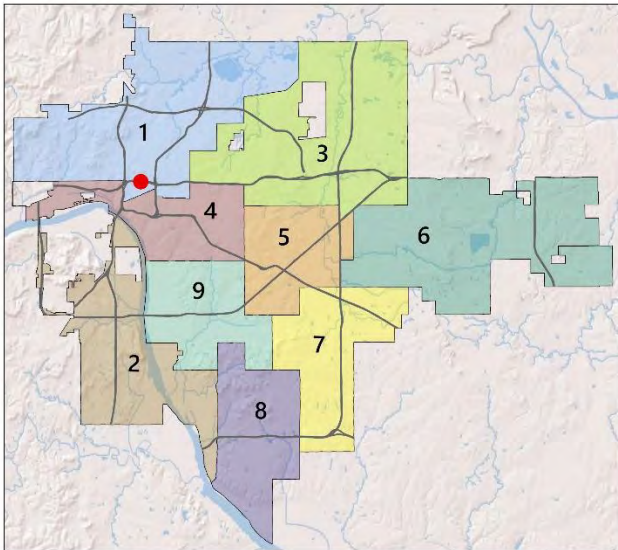
**Property Location**

321 East Reconciliation Way

Tract Size: ±0.78 acres

**Location within the City of Tulsa**

*(shown with City Council districts)*



**Elected Representatives**

City Council: District 1, Vanessa Hall-Harper

County Commission: District 2, Lonnie Sims

**Public Notice Required**

Newspaper Notice – min. 10 days in advance

Mailed Notice to 300’ radius – min. 10 days in advance

**Request Summary**

Variance to permit a structure in the right-of-way (Section 90.090-A).

**Zoning**

Zoning District: CBD

Zoning Overlays: N/A

**Comprehensive Plan Considerations**

**Land Use**

Land Use Plan: Downtown

Small Area Plans: Downtown, Brady Village

Development Era: Downtown Era

**Transportation**

Major Street & Highway Plan: Commercial/CBD/Industrial Street

planitulsa Street Type: N/A

Transit: N/A

Existing Bike/Ped Facilities: Sidewalks

Planned Bike/Ped Facilities: Bike Lane

**Environment**

Flood Area: N/A

Tree Canopy Coverage: 0-9%

Parks & Open Space: John Hope Franklin Park, ONEOK Field, & Guthrie Green

## **Staff Analysis**

The applicant is requesting a variance to permit a structure in the right-of-way (Section 90.090-A). The proposed structure is a walk-up ATM located between the sidewalk and street along Elgin Avenue.

This case was previously scheduled for the April 8, 2025, hearing, but the Board continued this case to the April 22, 2025, hearing to permit the applicant with time to provide evidence, such as crime statistics, to support their statement of hardship.

### **Section 90.090      Setbacks**

#### **90.090-A      Measurement**

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See [90.090.C](#) for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right-of-way or planned right-of-way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

### **Relevant Case History**

- BOA-21938, August 25, 2015; The board of adjustment voted to approve a special exception to permit a brewpub/restaurant in the CBD district.
- BOA-22138, September 27, 2016; The board of adjustment voted to approve a variance to allow a bar within 300 feet of a public park and verified the 300-foot spacing requirement for a bar from public parks, schools, and religious assembles and 50-feet from an R-zoned lot.
- BOA-23214, December 14, 2021; The board of adjustment voted to approve a variance to increase the permitted height for a projecting sign in the CBD district from 25-feet to 29-feet.

### **Statement of Hardship**

The applicant's statement of hardship is attached as a separate exhibit

### **Comprehensive Plan Considerations**

#### **Land Use Plan**

Downtown is generally understood to be the area within the Inner Dispersal Loop (IDL) highway. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on the street, behind buildings, or in structured parking garages.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	CBD	Park and Open Space	Park
East	CBD	Downtown	Assembly & Entertainment
South	CBD	Downtown	Commercial
West	CBD	Downtown	Commercial

**Small Area Plans**

The subject property is located within the Downtown Area Master Plan and the Brady Village small area plan.

**Development Era**

The subject property is in the Downtown Development Era (late 1800s-1910s), which was developed prior to streetcars and automobiles. Land uses are fully integrated and include a vertical mix of uses among high-density residential development, with major employers and destinations drawing large numbers of visitors. Priorities in these areas include walkability, urban design, revitalization of historic properties, housing type variety, mixed-use and high-rise development, major employment and headquarters uses, parking lot infill, and parking strategies.

**Transportation**

Major Street & Highway Plan: North Elgin Avenue runs parallel to the east side of the subject property and is classified as a Commercial/CBD/Industrial Street, which has a planned minimum right-of-way width of 80 feet. East Reconciliation Way runs parallel to the south side of the subject property and is classified as a Commercial/CBD/Industrial Street, which has a planned minimum right-of-way width of 80 feet.

Comprehensive Plan Street Designation: N/A

Transit: N/A

Existing Bike/Ped Facilities: Sidewalks are present along street frontages.

Planned Bike/Ped Facilities: The 2015 GOPlan recommends a Bike Lane along North Elgin Avenue.

Arterial Traffic per Lane: N/A

**Environmental Considerations**

Flood Area: N/A

Tree Canopy Coverage: Tree canopy in the area is 0%. Preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: John Hope Franklin Park is located adjacent to the north of the subject property. ONEOK Field is located adjacent to the east of the subject property. Guthrie Green is located nearby to the west of the subject property.

**Sample Motion**

I move to approve or deny a variance to permit a structure in the right-of-way,

- 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 the hardship to be \_\_\_\_\_.

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

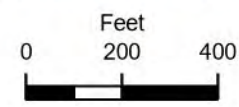
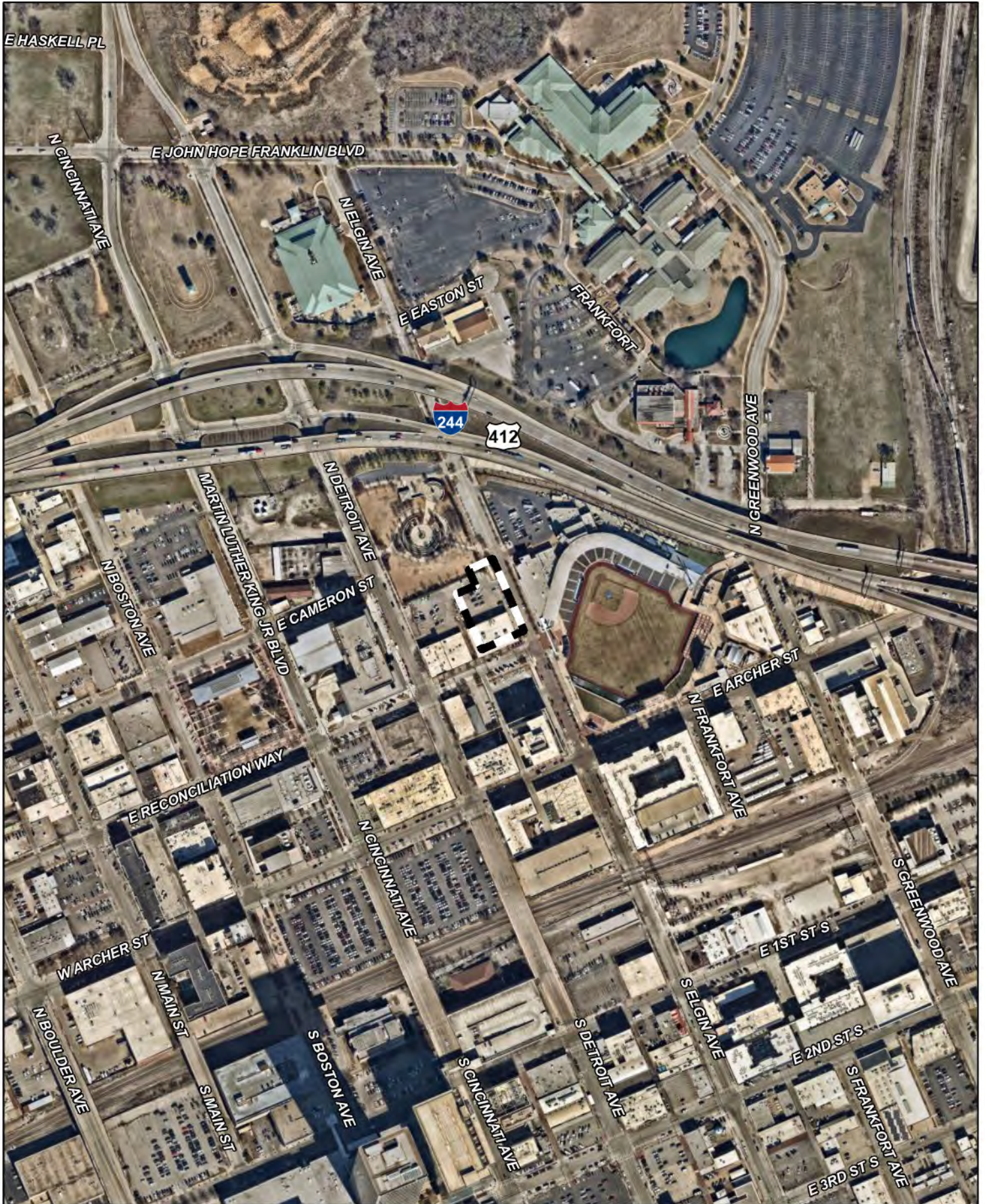
- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal 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.

**Property Description**

PRT LT 1 BEG SECR LT 1 TH SW85 NW50 NE84.91 SE50 POB & PRT LT 2 & PRT VAC ALLEY BEG NEC LT 2 TH SE100 SW150 NW95 NE64.99 NW5 NE85 POB & LT 3 & E10 VAC ALLEY ADJ ON W BLK 25, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

**Exhibits**

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



 Subject Tract

**BOA-23870**

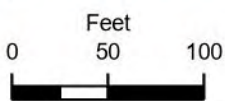
19-12 01

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

Aerial Photo Date: 2024



3.5



Subject Tract

**BOA-23870**

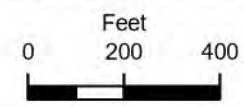
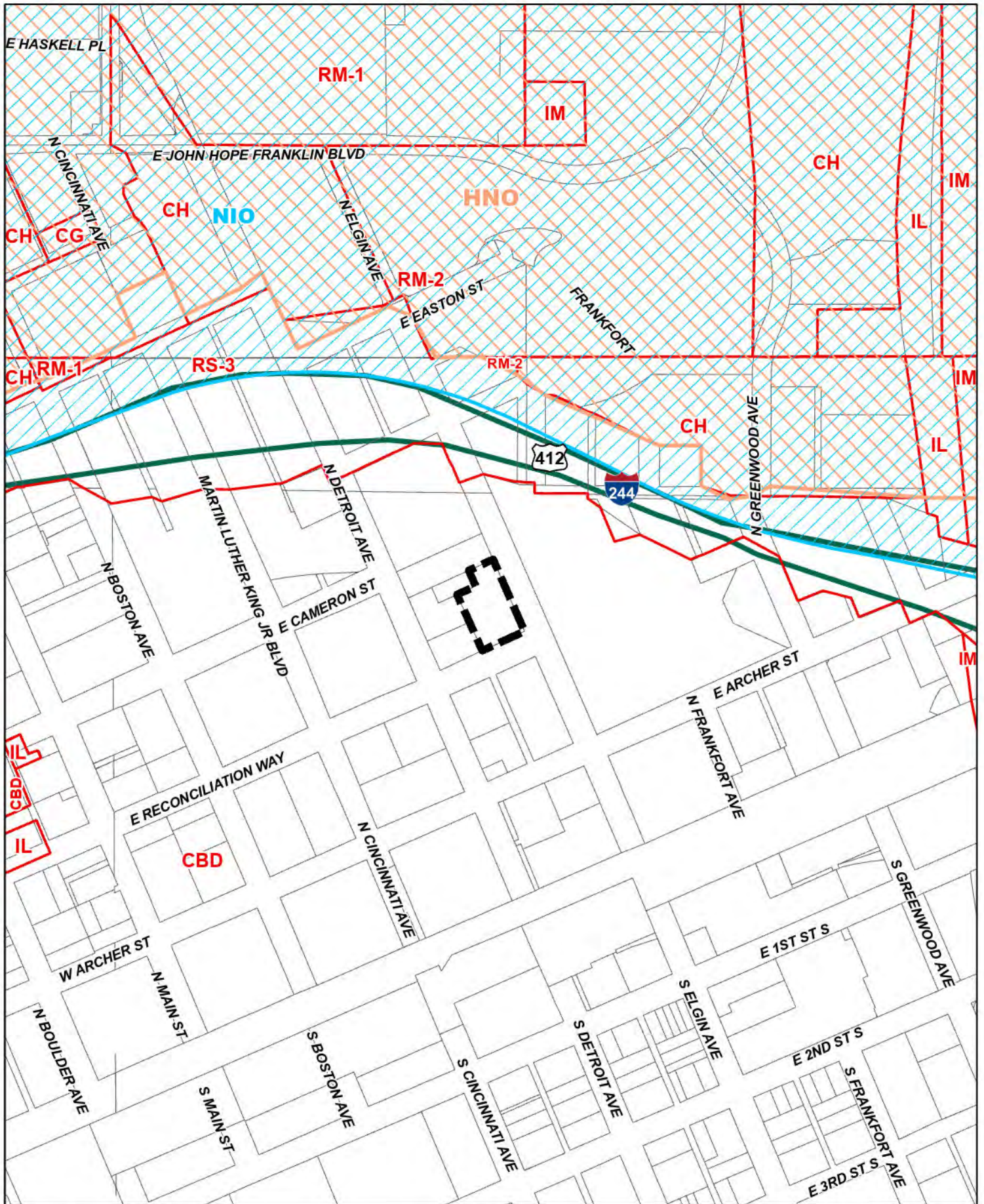
19-12 01

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

Aerial Photo Date: 2024



3.6



 Subject Tract









**BOA-23870**

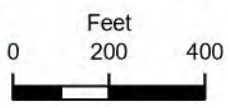
19-12 01



3.7



Land Use Plan Categories	
	Arkansas River Corridor
	Downtown
	Employment
	Local Center
	Multiple Use
	Neighborhood
	Park and Open Space
	Regional Center



 Subject Tract

**BOA-23870**  
19-12 01





**Exhibit "A.1"**

**Legal Description of the Property**

Lots Two (2) and Three (3), Block Twenty-five (25), and the Easterly 10 feet of the vacated alley adjacent to the Westerly line of said Lots Two (2) and Three (3), ORIGINAL TOWN, now CITY OF TULSA, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

LESS AND EXCEPT:

A 5 feet wide strip of land that is part of Lot Two (2) and the Easterly 10 feet of the vacated alley adjacent to the Westerly line of said Lot Two (2), Block Twenty-five (25), ORIGINAL TOWN, now CITY OF TULSA, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said strip of land being more particularly described as follows, to-wit:

COMMENCING at a point that is the Northeast corner of said Lot Two (2); Thence South 66°00'00" West along the Northerly line of said Lot Two (2) for 85.00 feet to the Point of Beginning of said strip of land; Thence South 24°00'00" East for 5.00 feet; Thence South 66°00'00" West and parallel with the Northerly line of said Lot Two (2) for 64.99 feet to a point on the centerline of the said vacated alleyway; Thence North 24°06'30" West along said centerline and parallel with the Westerly line of said Lot Two (2) for 5.00 feet to a point on the Westerly extension of the Northerly line of said Lot Two (2); Thence North 66°00'00" East along said Westerly extension and said Northerly line for 65.00 feet to the POINT OF BEGINNING of said strip of land.

AND

A tract of land that is part of the Southerly Half of Lot One (1), Block Twenty-five (25), ORIGINAL TOWN, now CITY OF TULSA, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract of land being more particularly described as follows, to-wit:

BEGINNING at a point that is the Southeasterly corner of said Lot One (1), Thence South 66°00'00" West along the Southerly line of Lot One (1) for 85.00 feet; Thence North 24°00'00" West for 50.00 feet to a point on the Northerly line of said Southerly Half of Lot One (1); Thence North 66°00'00" East along said Northerly line for 84.91 feet to a point that is the Northeasterly corner of the Southerly Half of Lot One (1); Thence South 24°06'30" East along the Easterly line of Lot One (1) for 50.00 feet to the POINT OF BEGINNING of said tract of land.

**Exhibit "A.2"**

**Legal Description of ATM Location**

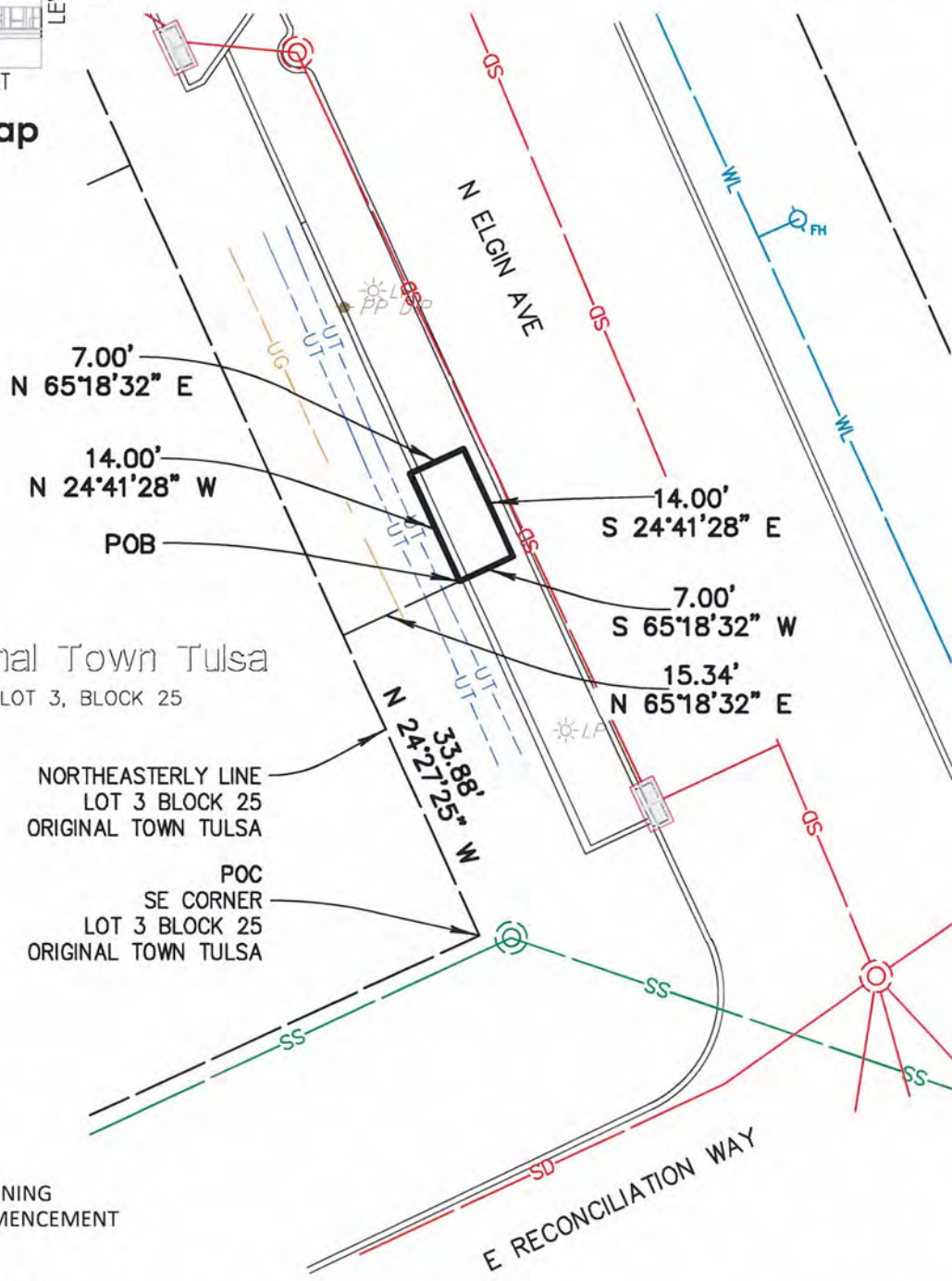
A TRACT OF LAND THAT IS IN THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN AND BASE MERIDIAN, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA. SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT THREE (3), BLOCK TWENTY-FIVE (25), "ORIGINAL TOWN TULSA"; THENCE NORTH 24°27'25" WEST ALONG THE NORTHEASTERLY LINE OF LOT THREE (3) FOR A DISTANCE OF 33.88 FEET; THENCE NORTH 65°18'32" EAST FOR A DISTANCE OF 15.34 FEET TO THE POINT OF BEGINNING; THENCE NORTH 24°41'28" WEST FOR A DISTANCE OF 14.00 FEET; THENCE NORTH 65°18'32" EAST FOR A DISTANCE OF 7.00 FEET; THENCE SOUTH 24°41'28" EAST FOR A DISTANCE OF 14.00 FEET; THENCE SOUTH 65°18'32" WEST FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 126 SQUARE FEET OR 0.003 ACRES.

# Exhibit "A.2"

## ATM Location



**LEGEND**

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- FH FIRE HYDRANT
- SD STORM DRAIN
- UG UNDERGROUND GAS
- UT UNDERGROUND TELECOMMUNICATION
- WL WATER LINE

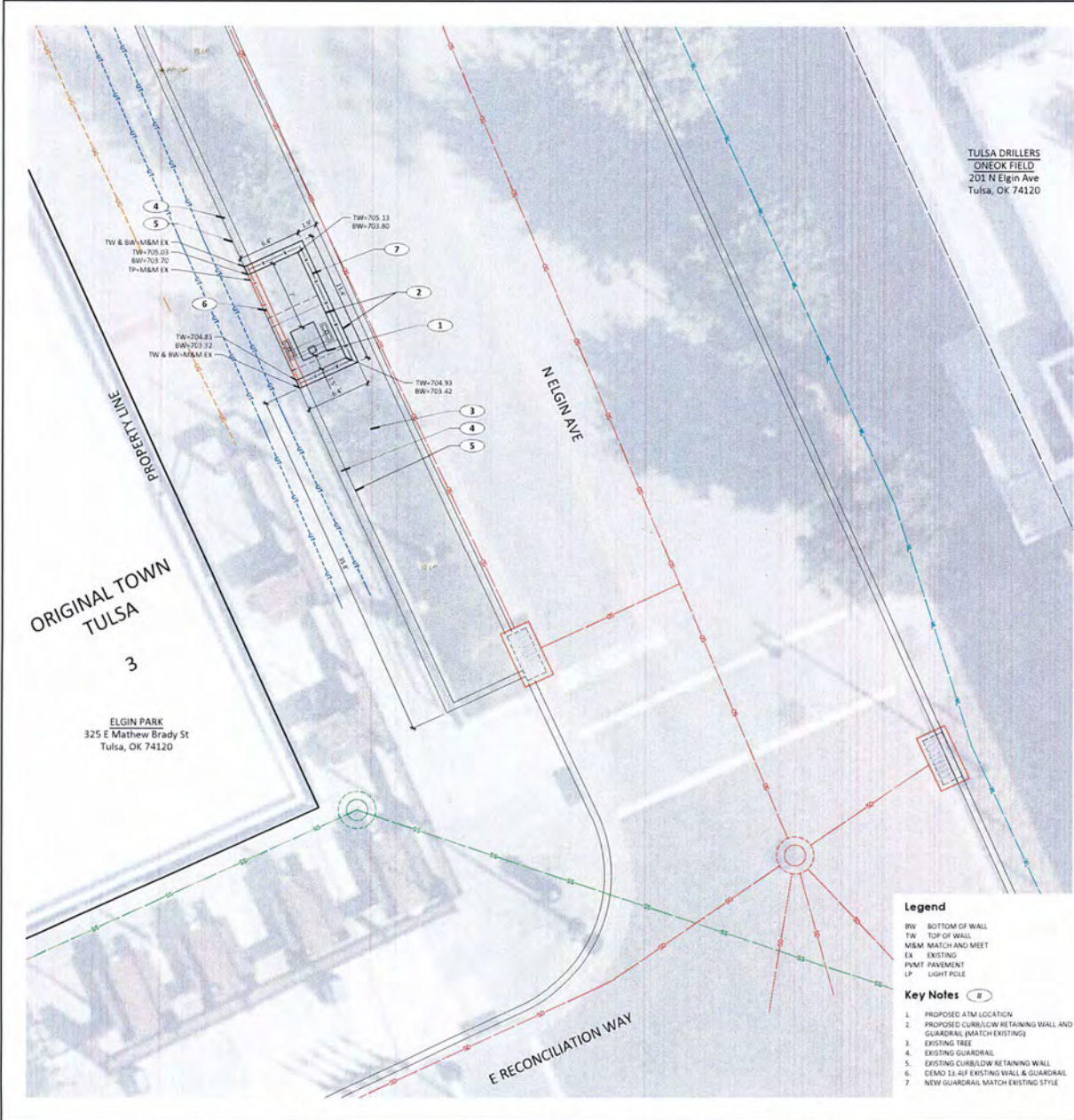
## **Exhibit “B”**

The Applicant requests a Variance of Section 90.090-A of the Tulsa Zoning Code (the “Code”) to permit a walk-up ATM machine to be located in the right-of-way of North Elgin Ave., east of the property located at 321 E. Reconciliation Way (the “Property”), in the CBD District.

The Property is located at the southwesterly corner of N. Elgin Ave. and E. Reconciliation Way in downtown Tulsa, across the street from ONEOK Field. MidFirst Bank desires to locate a walk-up ATM machine along the westerly side of Elgin for use by the public. The ATM will be located within the grassy landscape area between the existing sidewalk and the pavement of Elgin. A conceptual site plan is attached hereto.

This area of downtown Tulsa is fully developed and is a bustling entertainment district for the City. All of the buildings in this area, including the building on the Property, are built up to the property line, which encourages the walkability and urban night life of the area. However, this layout also prevents providing modern amenities, such as the proposed walk-up ATM, from being located in places that are convenient, safe, and accessible to the public.

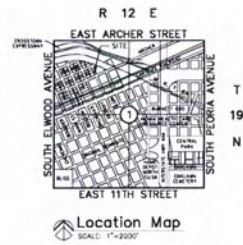
The orientation of the building on the Property and the surrounding built environment are unique and result in unnecessary hardship. Additionally, in accordance with Section 90.090-A of the Code, the City of Tulsa has approved a license agreement for the proposed ATM within the right-of-way, which agreement is pending final signature by all parties. Accordingly, the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



TULSA DRILLERS  
ONEOK FIELD  
201 N Elgin Ave  
Tulsa, OK 74120

ORIGINAL TOWN  
TULSA  
3  
ELGIN PARK  
325 E Mathew Brady St  
Tulsa, OK 74120

- Legend**
- BW BOTTOM OF WALL
  - TW TOP OF WALL
  - M&M MATCH AND MEET
  - EX EXISTING
  - P&M PAVEMENT
  - LP LIGHT POLE
- Key Notes** (circled number)
1. PROPOSED ATM LOCATION
  2. PROPOSED CURB/CURB RETAINING WALL AND GUARDRAIL (MATCH EXISTING)
  3. EXISTING TREE
  4. EXISTING GUARDRAIL
  5. EXISTING CURB/DW RETAINING WALL
  6. DEMO 18" ALF EXISTING WALL & GUARDRAIL
  7. NEW GUARDRAIL MATCH EXISTING STYLE



**A EXAMPLE OF ATM MACHINE**



**Tanner Consulting**  
INCORPORATED  
CIVIL ENGINEERING, EROSION CONTROL, SURVEYING, LANDSCAPE ARCHITECTURE, PLANNING  
1425 SOUTH LEMAY AVENUE  
TULSA, OKLAHOMA 74106-6539  
OFFICE: 918.763.9659  
CERTIFICATE OF AUTHORIZATION NO. 04-CA-0087 EXP. 6/30/2025  
LANDSCAPE ARCHITECT OF RECORD: JEROME ROBERT HICKMAN, OK LICENSE EXP. 6/30/2025



ALL PLANS AND SPECIFICATIONS ARE SET TO BE CONFORMED TO THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, AND TO THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, BRIDGES AND STRUCTURES, AND TO THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF AIRPORTS, AND TO THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF WATER SUPPLY SYSTEMS.

W/ESTONE DATE

W/ESTONE	DATE

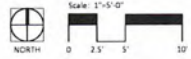
PLT DATE: 1/31/25

**MIDFIRST BANK ATM**  
Elgin Ave & Reconciliation Way  
Tulsa, Oklahoma

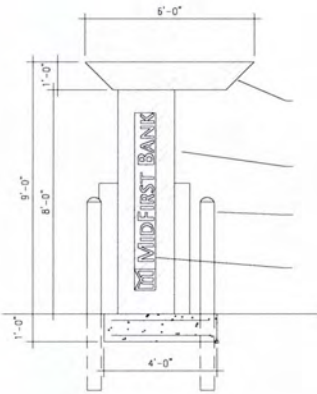
PROJECT: 24089  
ISSUE DATE: 12/11/2024

PLAN SCALE: (D) 1"=5'-0"  
(V) N/A

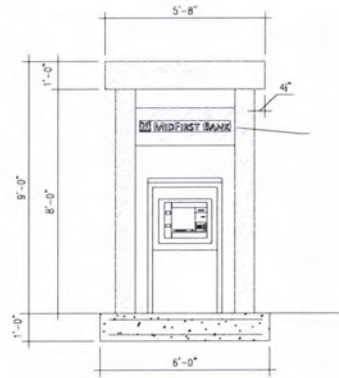
**SITE PLAN**



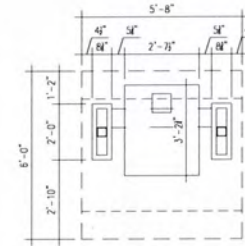
**L1**



**5 SIDEELEVATION**  
A2.0 SCALE: 1/2"=1'-0"



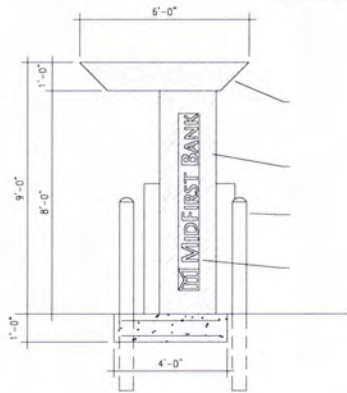
**3 FRONTELEVATION**  
A2.0 SCALE: 1/2"=1'-0"



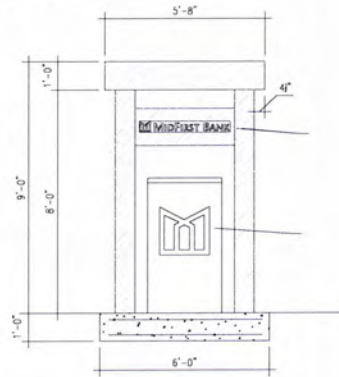
**1 PLAN**  
A2.0 SCALE: 1/2"=1'-0"



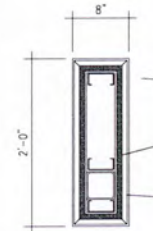
5 TOTAL SIGNS = 15.1 S.F.



**6 SIDEELEVATION**  
A2.0 SCALE: 1/2"=1'-0"



**4 BACKELEVATION**  
A2.0 SCALE: 1/2"=1'-0"



**2 COLUMNPLAN**  
A2.0 SCALE: 1"=1'-0"

\*DETAILS ON THIS PAGE PROVIDED BY MIDFIRST BANK



**Tanner Consulting**  
LANDSCAPE ARCHITECTURE

3321 SOUTH LEWIS AVENUE  
TULSA, OKLAHOMA 74106-3539  
OFFICE: 918.763.9100  
CERTIFICATE OF AUTHORIZATION NO. DA CA 82987 EXP. 8/30/2025  
LANDSCAPE ARCHITECT OF RECORD  
DEREK R. McALL  
DA LICENSE EXP. 8/30/2025



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MILESTONE	DATE

PLDT DATE: 1/31/25

**MIDFIRST BANK ATM**  
Elgin Ave & Reconciliation Way  
Tulsa, Oklahoma

PROJECT: 24089  
ISSUE DATE: 12/11/2024

PLAN SCALE: (D) N/A  
(S) N/A

ATM STANDARD DETAILS

**L2**