

**BOARD OF ADJUSTMENT**  
**MINUTES** of Special Meeting No. 1221  
Tuesday, February 5, 2019, 2:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Van De Wiele, Chair Back, Vice Chair Ross, Secretary Bond Radney		Wilkerson Ulmer Sparger E. Smith Katie Wing	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 31, 2019, at 8:45 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

\*\*\*\*\*

Ms. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

\*\*\*\*\*

**MINUTES**

None.

\*\*\*\*\*

Mr. Van De Wiele explained to the applicants and interested parties, for the people that were present at the January 8<sup>th</sup> meeting he would like to apologize for the inconvenience of needing to do this step twice. Mr. Van De Wiele stated that he has been on the Board for many, many years and this is the first time this has happened. Mr. Van De Wiele stated that the Board will try to get everyone through the agenda as quickly as possible so it can be as small of an inconvenience as possible. To that end, even though the votes that were taken on an applicant's matter at the January 8<sup>th</sup> meeting were ineffective, the presentations from the applicants, comments from interested parties whether they were in favor of or opposed to an application, were all heard and they are all part of the official record. Any documents that were presented

are part of the official record of the Board, so there is not a need for anyone to repeat verbatim or otherwise the comments that were made at the prior meeting. The Board certainly wants to give anybody an opportunity to speak, but know that if the Board heard you once the Board heard you then. For everybody's time if the presentation can be limited to new information that would help everyone get through more quickly. With that in mind, the goal will be to limit each speaker to no more than three minutes and the Board has the discretion if there are questions from the Board to applicants or interested parties to go beyond that time frame.

**Ms. Radney entered the meeting at 2:09 P.M.**

\* \* \* \* \*

**UNFINISHED BUSINESS**

**22555—Greg Helms**

**Action Requested:**

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, bail bonds offices, plasma centers, day labor hiring centers or pawnshops (Section 40.300-A). **LOCATION:** 1522 East 15<sup>th</sup> Street South **(CD 4)**

**Presentation:**

**Greg Helms**, 424 East Main Street, Jenks, OK; no formal presentation was made by the applicant.

Mr. Van De Wiele stated the Board has received the spacing exhibit. Mr. Van De Wiele asked Mr. Helms if anything has changed between now and January 8<sup>th</sup>. Mr. Helms stated that he is not aware of any changes.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

**N 35' W 100' LT 14 & W 100' LTS 15 & 16 BLK 4, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22558—K. B. Enterprises**

**Action Requested:**

Variance of the dustless, all-weather surfacing requirement to permit a gravel drive (Section 55.090-F). **LOCATION:** 4401 South Olympia Avenue West (**CD 2**)

**Presentation:**

**Kenneth Barth**, 4412 South 177<sup>th</sup> East Place, Tulsa, OK; came forward.

Mr. Van De Wiele stated the Board has received the testimony and the exhibits at the last hearing, and he asked Mr. Barth if anything has changed, new or different, that could be presented. Mr. Barth stated there is nothing new.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the dustless, all-weather surfacing requirement to permit a gravel drive (Section 55.090-F), subject to conceptual plans 2.5 and 2.7 of the agenda packet. The Board has found the hardship to be the pre-existing nature of the property and the setback of the driveway from the road. 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; for the following property:

**BEG 637.6N & 318.79E SWC SE NW TH E345.41 N418 NW75 NW CRV LF 180.91 NW TO PT 1579.4N & 50E SWC SE NW TH S248.39 TO PT 50E NWC SE NW SE443.37 SELY297.96 SLY5.30 POB SEC 26 19 12 7.526 ACS, City of Tulsa, Tulsa County, State of Oklahoma**

**22559—Brett Baldwin**

**Action Requested:**

Variance to reduce the minimum lot area and lot area per unit requirement in an RS-1 District to permit a lot split (Table 5-3); Variance to reduce the minimum required street setback requirement in an RS-1 District (Table 5-3). **LOCATION:** 5220 East 91<sup>st</sup> Street South **(CD 8)**

**Presentation:**

**Brett Baldwin**, 18301 South Peoria Avenue, Mounds, OK; stated he is the owner of the subject property. Mr. Baldwin stated that he does have new information to present to the Board and he presented an exhibit for the Board to review. Mr. Baldwin stated the two properties immediately to the south of the subject property are zoned RS-1 and everything else around the property is zoned RS-3. The hardship for this case is the location of the existing structure on the property. Mr. Baldwin stated he met with INCOG staff three separate times in August 2018 and they recommended this as the best way to proceed. They saw the key to the whole thing as being the two RS-1 properties to the south, because they both have the same issues as being addressed in this case. They are both RS-1 and do not meet the minimum lot size of 13,500 square feet, and they both do not have street setbacks up to 35 feet; one is about 30 feet and the other is about 25 feet, and his property is 24.9 feet. His resulting lots will be 17,663 square feet for one and 10,435 square feet for the other. That is the largest four-sided lot that can be drawn based on the existing structure that is on the property.

Mr. Van De Wiele asked Mr. Baldwin if he meant by the largest four-sided lot, that if he is going to take from the southern lot and move to the northern lot it would have to dip into the back yard effectively. Mr. Baldwin answered affirmatively.

Mr. Baldwin stated that a six-sided lot can be drawn but it still does not quite reach the required 13, 500 square feet because he did think about doing that as a solution, and it is not really a desirable configuration or add any benefit.

Mr. Van De Wiele asked Mr. Baldwin if the access would still be off 91<sup>st</sup> Street or would it be off Darlington? Mr. Baldwin stated the access would be off Darlington.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Back stated she is still having a hard time with the request. She thinks the rezoning of the subject lot would be more appropriate because he is comparing the property to RS-3 zoned lot sizes, and he is an RS-1 zoned pocket. The lots he has compared on the exhibit are the RS-3 lot comparisons. She thinks the proper way to do this would be to rezone the property.

Mr. Bond stated that he has not changed his opinion from the last meeting.

Ms. Radney stated she is more sympathetic today, but she does take Ms. Back's point about the rezoning.

Mr. Van De Wiele stated he agrees the more appropriate route would have been to rezone the property to RS-3. The Board could make a condition in the motion to have property accessed off Darlington, because he would hate to see that size of a lot accessed off 91<sup>st</sup> Street. He is still supportive of the second Variance, and he thinks everybody is, given where the Board has been with this, he thinks he could support a motion to approve the first Variance if it is subject to being accessed off Darlington and not off 91<sup>st</sup> Street.

Mr. Van De Wiele asked Mr. Baldwin if he had looked at a rezoning of the subject property between then and now. Mr. Baldwin stated he can always pursue that, but he was told that it would be about four months to a hearing for the rezoning. The main thing he thinks he left out of the presentation the first time is what the INCOG staff said. The reason INCOG staff recommended this was the RS-1 immediately to the south that matches what he is attempting to do, and he did not present that at all the first time.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 3-2-0 (Radney, Ross, Van De Wiele "aye"; Back, Bond "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the minimum lot area and lot area per unit requirement from 13,500 square feet to 10,435 square feet for the north tract, subject to the conceptual plan 3.10 of the agenda packet. The Board has found the hardship to be the large size of the lot and the location of the house not allowing the lot to be split any other way and because the lots to the south are RS-1 lots as well in an otherwise RS-3 neighborhood. The approval is subject to the condition that access to the northern lot be off Darlington and not off 91<sup>st</sup> Street South. 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; for the following property:

**PRT NW BEG 1320W & 50S NEC NW TH S180 E156 N180 W156 POB SEC 22 18 13 .644ACS, City of Tulsa, Tulsa County, State of Oklahoma**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the minimum required street setback from 35'-0" to 24'-9" (Section 5.030-A) along South Darlington Avenue for the south tract, subject to conceptual plan 3.10 of the agenda packet. The Board has found the hardship to be the location of the tract being close to 91<sup>st</sup> Street and that it would be easier to access from Darlington. 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; for the following property:

**PRT NW BEG 1320W & 50S NEC NW TH S180 E156 N180 W156 POB SEC 22 18 13  
.644ACS, City of Tulsa, Tulsa County, State of Oklahoma**

**22581—George Anding**

**Action Requested:**

Variance to reduce the required side (interior) setback in an RS-3 District (Section 5.030-A). **LOCATION:** 1535 South Yorktown Avenue East **(CD 4)**

**Presentation:**

**George Anding**, 2189 North 138<sup>th</sup> West Avenue, Sand Springs, OK; stated there is nothing new to add and there are no changes since the last meeting.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the required side (interior) setback from five feet to three feet in an RS-3 District (Section 5.030-A), subject to conceptual plans 4.16, 4.17 and 4.18 of the agenda packet. The Board finds the hardship to be the narrow lot width. The approval is subject to the following conditions: the side setback shown is approximately three feet. 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; for the following property:

**LT 10 BLK 1, MAYWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22562—918 MVP**

**Action Requested:**

Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B); Variance to allow stairs to be located in the required side (interior) setback (Section 90.090-C); Variance to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Section 90.090-C-2); Variance to allow a detached accessory structure to exceed 18 feet in height and exceed 1-story in the rear setback in an RS-3 District (Section 90.090-C). **LOCATION:** 3403 East 8<sup>th</sup> Street South **(CD 4)**

**Presentation:**

**Izael Quezda**, 8107 East Admiral Place, Tulsa, OK; stated that the only new information he has is that the appearance of the structure to keep in character with the neighborhood.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure, to be increased from 500 square feet to 1,152 square feet (Section 45.030-B); Variance to allow stairs to be located in the required side (interior) setback (Section 90.090-C); Variance to permit a detached accessory building to exceed 30% coverage of the floor area in the rear setback (Section 90.090-C-2) to be increased from 300 square feet to 360 square feet; Variance to allow a detached accessory structure to exceed 18 feet in height to 22'-0" in height, and exceed 1-story to 2-story in the rear setback in an RS-3 District (Section 90.090-C), subject to conceptual plans 5.8 and 5.19 of the agenda packet and the new conceptual plans submitted today. The Board has found the hardship to be a house that predates the Comprehensive Zoning Code. The accessory building is not to be used as a rental for short term or long-term occupancy as defined by the City Code. 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; for the following property:

**LT 7 BLK 1, BRADEN HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22563—Shane & Frances Bevel**

**Action Requested:**

Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure (Section 45.030-B); Variance to reduce the required side (interior) setback in an RS-3 District (Section 5.030-A).

**LOCATION:** 816 South Jamestown East **(CD 4)**

**Presentation:**

**Shane Bevel**, 816 South Jamestown, Tulsa, OK; stated he has nothing new to add to his case. Mr. Bevel did state that even though this is a significant delay he appreciates the effort to move this meeting up by a week.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a detached accessory structure to exceed 500 square feet or 40% of

the floor area of the principal structure to be increased from 500 square feet to 898 square feet (Section 45.030-B); Variance to reduce the required side (interior) setback from 5'-0" to 4'-2" in an RS-3 District (Section 5.030-A), subject to conceptual plans 6.12, 6.13, 6.14, 6.15, 6.16 and 6.21 of the agenda packet. The Board finds the hardship to be that the structure sits on a very narrow lot and the original garage was dilapidated and falling apart; the structure also predates the Zoning Code. The garage is to be for family use only in conjunction with the principle residence. 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; for the following property:

**LT 27 BLK 7, BRADEN HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22566—Tom Neal**

**Action Requested:**

Variance to reduce the required street (rear) setback in an RS-3 District (Section 5.030-A); Variance to allow an accessory structure to be located less than 3 feet from a side interior lot line (Section 90.090-C.2); Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure (Section 45.030-B). **LOCATION:** 4618 East 14<sup>th</sup> Place South **(CD 4)**

**Presentation:**

The applicant was not present.

Mr. Van De Wiele stated the applicant sent the Board a note stating that he would be out of town and that the home owner could not be here today.

Mr. Van De Wiele asked the Board members if they wanted to continue this case or proceed. Mr. Van De Wiele stated that he would be inclined to not continue this case.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the required street (rear) setback in an RS-3 District from 35'-0" to 2'-0" (Section 5.030-A); Variance to allow an accessory structure to be located less than 2 feet from a side interior lot line (Section 90.090-C.2); Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the floor area of the principal structure to be increased from 536 square feet to 624 square feet (Section 45.030-B), subject to conceptual plan 7.8 of the agenda packet. The Board finds the hardship to be the size of lots when the old mid-town subdivision area was created and fronting on a non-arterial street and an arterial street really condensing the lot based on the street setbacks. 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; for the following property:

**LT 7 BLK 3, ADAMSON HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22569—Red Bud Elixirs, LLC**

**Action Requested:**

Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020). **LOCATION:** 5903 South 107<sup>th</sup> Avenue East **(CD 7)**

**Presentation:**

**Virgil Richmond**, 610 South Fir Court, Broken Arrow, OK; stated there was nothing new or different to add to the request.

**Virgil Richmond, II**, 610 South Fir Court, Broken Arrow, OK; stated that he agreed that he had nothing new to add to the request.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020), subject to conceptual plans 8.15 and 8.16 of the agenda packet. The approval is subject to the requirements of Section 35.070.B2. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LTS 1 & 2 BLOCK 1, EWING IRRIGATION RSB PRT L 15 & 16 B1 GOLDEN VALLEY ADD, GOLDEN VALLEY, City of Tulsa, Tulsa County, State of Oklahoma**

**22570—Encinos 3D Custom Products & Signs**

**Action Requested:**

Variance from the requirement that dynamic displays not be located within 200 feet of an R District (Section 60.100-F); Variance from the requirement that dynamic displays not be located within 20 feet of the driving surface of a curb/roadway (Section 60.100-E). **LOCATION:** 1442 South Quaker Avenue East **(CD 4)**

**Ms. Radney recused and left the meeting at 2:48 P.M.**

**Presentation:**

**Christian Ortiz**, Encinos 3D Custom Products, 9810 East 58<sup>th</sup> Street, Tulsa, OK; presented the Board with new information for this request and deferred to Pastor Kathy Brown.

**Interested Parties:**

**Pastor Kathy Brown**, 1442 South Quaker Avenue, Tulsa, OK; stated she is not a golfer, but she is familiar with the term “mulligan”, the do over you get after a really bad shot. At the last board meeting there was not a very good attempt at explaining the intent of the sign, and she will take full responsibility for that. She is very thankful to have this chance again. As a United Methodist Pastor, she is itinerant, and the Cabinet sends her where they think she can serve best. She came to St. Paul’s in June 2018 and she quickly learned that St. Paul’s United Methodist Church is one of Tulsa’s best kept secrets. The church is a socially and theologically progressive church, and the church is a reconciling United Methodist Church. The church is one of only three in the state; the other two in the Oklahoma City metro area. A reconciling United Methodist Church is that not only do the parishioners welcome the LGBTQ brothers and sisters, but the church fully affirms them and celebrate them the way God created them to be. The church works intentionally and diligently to remove barriers of oppression and discrimination that exists within the United Methodist Church. The church also works for social justice and take Jesus’ words of “feed My sheep” literally; there is a free hot meal served every Friday for 140 to 170 people. The church is not just a Sunday morning church; there are activities, outreach ministries happening at the church throughout the week, and the church needs to get that message out. The church needs to let people know about the services, events, activities, and what the church does to help the community. The church needs to find a way to do that in a timely affective and cost-efficient manner. Within a month of her appointment she came to realize that the church needs a sign that can be changed more often; a sing that will help tell the community who the church is. She thinks the church is the kind of church that many on Cherry Street are looking for. Pastor Brown stated that if a person drives by the church, there is nothing right now about the church that says the church is anything other than an atypical bible belt church. It is the sign that tells the story. A sign gives a person insight into what to expect, and a sign is the best way for the church to let the community know who the church is. There is a sign currently, but it literally takes two people an hour to change the sign and it is a safety hazard especially on windy days. Within a month of her arrival Pastor Brown began speaking to the leaders of the church about the possibility of getting an electronic sign, but there were no funds to purchase such a sign. Pastor Brown said she kept talking and praying about it, to make the sign a priority. Unexpectedly, a member of the church offered \$20,000 for a sign and that is when the church found Mr. Ortiz. If the current sign can be kept in its current location and simply retrofit what is there the church can get a sign that is basically the same sign, the same style for about \$23,000. If the location has to be moved it will cost the church an additional \$3,000 which is money the church does not have. The last time the sign came before the Board the Board stated that they read the church’s current message and that they liked the message. The Board is already reading the sign and that is what the church wants people to do with the new sign. The text will be brief like it

is now, but it will change more often, not just every few weeks. Pastor Brown had samples of the proposed sign messages on the overhead projector.

Mr. Van De Wiele asked Pastor Brown if the church intends to keep the sign monochromatic as is being shown on the overhead projector? Pastor Brown answered affirmatively.

Pastor Brown stated that the church may want to display the rainbow flag in a corner of the sign, especially when displaying for pride events. The church simply wants to let people know that it is a church where they can come without judgement, and can experience God's hospitality and welcome, and where they can come and be in partnership with the church. The church wants to let people know about various events and activities. Allowing the church to retrofit the current sign will allow the church to get the message out in a timely, cost-efficient and safe manner.

Ms. Ulmer informed the Board that she just received a letter of support from Councilor McKee. Mr. Van De Wiele acknowledged the statement.

**Karen Hoyt**, 913 Roosevelt, Sand Springs, OK; stated she is a retired language arts teacher and a Tulsa native, and she spent much of her time in the 1970s along the restless ribbon in Brookside and Cherry Street. Cherry Street is still the heart of Tulsa for many people like herself. After surviving cancer, she had a liver transplant, and she was looking for a place where people were disabled and could participate in yoga. Ms. Hoyt stated she may not look disabled, but she still has special needs. She wanted people to be able to participate without discrimination for their size, shape or physical limitations and she could not find that in Tulsa area; she was not hireable as a public school teacher and as a yoga teacher because of her physical limitations. She had a friend suggest the United Methodist Church on Cherry Street that had always been open to things that were going on in Tulsa. She approached the leadership of the church about teaching a yoga class at the church and their immediate answer was yes. As a citizen she appreciates the way St. Paul welcomes the City of Tulsa and the surrounding community to use their facility. She applauds the church's efforts in preserving the integrity of the historical structure. Ms. Hoyt asked the Board to please allow a sign of similar size and design to replace the old sign that is in disrepair, to add to the value of the real estate, the community efforts, and the heart of Cherry Street in Tulsa.

**Ann Frances Ellis**, 1424 South St. Louis Avenue, Apt. D, Tulsa, OK; stated she is the lead for the Cherry Street Neighborhood Association, and she has lived on St. Louis Avenue for ten years. She met the Community Outreach Coordinator for the church, and she has been working with the coordinator on ways to reach out to the community to help everyone feel more cohesive. She has confidence that the church will do a tasteful job of putting a sign in. The neighborhood is deteriorating to a degree; multi-family dwellings are replacing single family homes and it is aging. The church is making every effort to create the community feeling for the neighborhood and to enhance their own facility. Ms. Ellis stated that she feels this is a contribution to the community in

terms of upgrading and enhancing the aging structures that exist. She does expect the church will do anything flashy and she feels certain the neighborhood will be able to work with the church to address any community concerns.

**Dynda Post**, 3136 Manchester, Catoosa, OK; stated she is a member of St. Paul's church and she drives in from Catoosa to attend church every Sunday. Ms. Post stated she was on the committee that the sign was presented to and her first response was no. She had no idea how hard and precarious it is to put the letters on the existing sign, and she did not think about people not knowing about the church. As it was studied, she came to understand that this is important to the church, that it does need to be tasteful, and perhaps it needs a lighting requirement. Ms. Post stated that she is supportive of the sign now and many of the members have come to see that it is not enough to just be there. It is important to make the church's presence known and how it wants to serve the community. People do not know the church is there. The church is a place people come to when they can find no other place to go. Ms. Post thinks that for the church to survive and thrive it does have to become more of a presence in the community.

**Rebuttal:**

**Christian Ortiz** came forward and stated that he would answer any technical questions on the Board, if there are any.

Mr. Bond asked Mr. Ortiz if there had been any change in the application as far as whether the sign is monochromatic, how bright it is, etc. Mr. Ortiz stated the sign will be 5,000 NITS and most signs operate at 7,100 NITS.

**Comments and Questions:**

Mr. Bond stated that he wants to explain his position on this Board as to his vote. It is not about the applicant, not about their mission, not about who they are, it is about the application and how that application affects the larger community. Mr. Bond does not think the church is a secret because it is an amazing place, and he is a neighbor. Mr. Bond stated that his issue is putting an LED dynamic display sign on Cherry Street. He does not think it is safe and it is not the right place. This is one of the most heavily trafficked pedestrian and vehicle areas of the City. Mr. Bond stated that he cannot support this request unless there are going to be some serious restrictions on the display and its color. This is not about the church, but it is about the next five people that want to put out LED signs on Cherry Street.

Ms. Back stated she grew up Methodist and she loves everything the church does. She thinks this is not the right type of sign for Cherry Street, but specifically for the church lot because the church is so close to the intersection and street. Ms. Back stated that if she were inclined to approve this request it would be drilled down as to what could be put on the sign and even down to the colors. This has nothing to do with the church and nothing to do with how wonderful the church is, it has everything to do with pedestrian safety and the location on Cherry Street. Ms. Back stated that as of right she would not support the request.

Mr. Van De Wiele stated that he is still where he was at the last meeting, in favor of the request. There are two Variances requests. There is an existing sign that is roughly the same size and it has a light box for the changeable copy letters. That white light cabinet may be larger than the LED board being discussed. It is not a sign going where a sign has never been before. The 200 feet from an R District Variance, the R District is 198 feet away and it is a parking lot. To him that is a Variance that should be easily approved. The point of the 200 feet is to protect people living in an R District and there is nobody residing in a car. Mr. Van De Wiele stated the driving surface that the sign is within 20 feet of is a parking lane. Mr. Van De Wiele stated he is still in favor of the sign request and likes it better if it is monochromatic.

Ms. Ross stated that she has been swayed today and she will vote in favor of the sign.

**Pastor Kathy Brown** came forward and stated the last thing the church wants is to be a distraction. The church wants to keep the community safe. The church wants to use the sign for text that does not move but it will change. The church is not a flashy church and that is not their agenda. The sign is just to inform the community of what is happening.

**Christian Ortiz** came forward and stated the software for the changing of the display does not allow a change a faster than every eight seconds; that is the fastest it can be set which is Code in most communities. Whenever the display changes the screen will go black for a second and the next text will come up. The dwell time for a message can set for a week at a time, a day at a time, or seconds at a time. Mr. Ortiz stated that most people set their message to dwell a few minutes for each message. Mr. Ortiz stated the sign will self-dim at night or according to the ambient lighting.

**Dynda Post** came forward and stated that the sign will not be dynamic. There will not be little figures or much of anything, it is going to be an informational sign. The word dynamic is troubling, because it is a non-dynamic electronic sign. The church would probably only change the words on the sign once a day. It is not a dynamic sign in the sense of movement.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Ross, Van De Wiele "aye"; "nay"; Radney "abstaining"; none absent) to **APPROVE** the request for a Variance from requirement that dynamic displays not be located within 200 feet of an R District (Section 60.100-F); Variance from the requirement that dynamic displays not be located within 20 feet of the driving surface of a curb/roadway (Section 60.100-E), subject to conceptual plan 9.11 of the agenda packet. The Board has found the hardship to be the age of the church, when the church was constructed and when the church's original sign was installed and the lack of area in front of the church to install a sign with the proper setback. The dwell time is to be no shorter than 1-1/2 minutes. The copy change of the sign will be static message to static message. The dynamic sign is to be used in a static message format. The United Methodist Church logo with the cross and



flame will be a static display. The Reconciling Ministries Network (RMN) logo is allowed, and the rainbow flag symbol is allowed. Otherwise the sign is monochromatic in use. The sign will be no more than 5,000 NITS with self-dimming based on ambient lighting. 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; for the following property:

**LT 4 LESS W3 & LT 5 BLK 1, BROADMOOR HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**Ms. Radney re-entered the meeting at 3:35 P.M.**

**22567—KKT Architects – Nicole Watts**

**Action Requested:**

Special Exception to allow a Bed and Breakfast with on-site events in an RS-3 District (Sections 5.020 & 40.060). **LOCATION:** 2210 South Main Street East (CD 4)

**Ms. Back recused and left the meeting at 3:35 P.M.**

**Presentation:**

**Nicole Watts**, KKT Architects, 2200 South Utica Place, Tulsa, OK; stated there is nothing new or different in the request from the last meeting.

Mr. Van De Wiele stated that there has been one thing brought to his attention. Mr. Van De Wiele asked Ms. Watts about the lot split that is on file.

Ms. Watts stated that the owners are required to do a Historic Preservation easement on the mansion. In the filing they do not want to put that historic preservation on the entire tract of land. The owner wants the historic preservation restrictions on the mansion to keep it in tact so when she is gone, the mansion will still be there and still historically completely preserved but would like to have options in the future to west.

Mr. Van De Wiele asked Ms. Watts if there were current plans for Lot 1 or Lot 2. Ms. Watts stated there are no plans.

Mr. Van De Wiele stated that it is his understanding that the request is for a bed and breakfast approval for the existing facility. Ms. Watts confirmed that statement and stated that the plan is to have a bed and breakfast inside the facility and there are no plans for additional structures. There will be events that might spill onto the grounds. Ms. Watts stated the owner is prepared to say there is only one bed and breakfast allowed on the entire parent tract and it will be contained inside the mansion as currently constructed. There are no additional plans.

Ms. Ross asked Ms. Watts why are the westerly lots split into two instead of one? Ms. Watts stated the applicant wanted two lots, and there is an easement that goes down the center of it so she asked to have land go back historically as it was before it was platted, and it would be back to the way it was before it was platted into one lot.

**Interested Parties:**

**Susan Day**, 2211 South Main Street, Tulsa, OK; stated she owns the property directly east of Harwelden. Ms. Day stated that when she left the meeting last month, she was so angry, because she thinks they will turn plat 1 and 2 into a parking lot in the future, she decided to take a new approach. She has purchased a condo south of Utica Square and she will offer her corner lot overlooking Harwelden on April 2<sup>nd</sup> as soon as she closes on her new condo. She welcome people during Designer Showcase because she be will giving tours in hopes to sell her home on the very first day. Ms. Day stated she no longer cares about parking problems and she no longer cares if the back portion is turned into a parking lot because she is not going to be there.

**Rebuttal:**

**Nicole Watts** came forward and stated that she spoke with the owner, and if there is a lot of concern with the two lots, she can modify the application and have it as one lot instead of two lots. The intent was to take the mansion back historically but if there are concerns with the Board the owner is okay with just doing two lots instead of three lots.

Mr. Van De Wiele apologized to Ms. Watts, he tried to order the agenda from least controversial to the most controversial and he got the last two cases backwards.

**Comments and Questions:**

Mr. Van De Wiele stated that his concern was not wanting to see two new bed and breakfast structures on the lawn. He is still in favor of the same motion that was made at the last meeting but limit it to the structures that are currently existing and as constructed.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-1 (Bond, Radney, Ross, Van De Wiele "aye"; "nay"; Back "abstaining"; none absent) to **APPROVE** the request for a Special Exception to allow a Bed and Breakfast with on-site events for the existing structures at the time of this application in an RS-3 District (Sections 5.020 & 40.060), subject to conceptual plan 10.28 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 1 LESS BEG NWC TH E129.30 TH ON CRV LF 135.39 SE178.88 W20.80 NW298.88 NWLY39.44 POB BLK 1, HARWELDEN RESUB B4 RIVERSIDE DRIVE ADDN, RIVERSIDE DRIVE ADDN THIRD AMD, City of Tulsa, Tulsa County, State**

**Ms. Back re-entered the meeting at 3:45 P.M.**

\*\*\*\*\*

**BOARD MEMBER COMMENTS**

None.

\*\*\*\*\*

There being no further business, the meeting adjourned at 3:45 p.m.

Date approved: 2/26/19  
\_\_\_\_\_  
  
\_\_\_\_\_  
Chair