

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1273
Tuesday, May 25, 2021, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bond, Chair Radney, Secretary Barrientos Brown Shelton		Wilkerson Chapman Sparger K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on May 20, 2021, at 2:44 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

The City Board of Adjustment was held by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool. Members of the public will be allowed to attend and participate in the Board of Adjustment’s meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/COT5/boa-gotomeeting-in-council-chambers-may-25th>

The staff members attending remotely are as follows:

None

The Board members and staff members attending in person are as follows:

Mr. Austin Bond, Chair
Ms. Burlinda Radney, Secretary
Mr. Tomas Barrientos
Mr. Steve Brown, Board Member
Ms. Jessica Shelton, Board Member
Ms. Audrey Blank, City Legal
Mr. Austin Chapman, Tulsa Planning Office
Mr. Dwayne Wilkerson, Tulsa Planning Office
Mr. Kendal Davis, Tulsa Planning Office
Ms. Janet Sparger, Tulsa Planning Office

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Mr. Bond announced that Ms. Jessica Shelton is leaving the Board and leaving Tulsa. Mr. Bond thanked Ms. Shelton for her service and presented her with a plaque.

Mr. Bond requested that everyone stand in a moment of silence in remembrance and honor of black veterans that helped during the 1921 Tulsa Race Massacre, and the black veterans that defended their neighborhoods.

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MINUTES

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the Nat 11, 2021 Board of Adjustment meeting No. 1272.

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UNFINISHED BUSINESS

23109—Brock Moore

Action Requested:

Special Exception to permit a small (up to 250-person capacity) Event Center / Private Lounge (Commercial/ Indoor Assembly & Entertainment) Use in an IM District (Section 15.020, Table 15-2); **Variance** to reduce the parking requirement for an Indoor Assembly & Entertainment Use from 12 spaces to 0 spaces (Section 55.020, Table 55-1). **LOCATION:** 1920 East 6th Street South (**CD 4**)

Presentation:

The applicant has withdrawn the application.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 3 BLK 4, ABDO'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23116—Ryan Kuzmic

Action Requested:

Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2). **LOCATION:** 7438 East 46th Street South (**CD 5**)

Presentation:

Ryan Kuzmic, 1602 South Main Street, Tulsa, OK; stated his client would like to be able to conduct moderate impact medical marijuana processing in an industrial light zoned building, which is already a fully licensed accredited medical marijuana grow facility. This will be water-based extraction that will occur in a tub like vessel. There will not be any additional smells or employees and no additional foot traffic. Mr. Kuzmic stated that it is his understanding that the party that objected to this request is here today, and he has had correspondence with that party. At this point he deferred to the interested party.

Interested Parties:

Kevin Litz, 7455 East 46th Street, Tulsa, OK; stated he is Counsel for several affiliates that operate in the 46th Street area. He originally intended to object to serious odor issues permeating. He has actually heard from other property owners in the area about a deep marijuana smell permeating throughout and within other buildings. Mr. Kuzmic has provided him with a lot of information that would lead him to believe that it is very unlikely that it is the applicant's facility, and also Mr. Kuzmic informed that there are two other nearby facilities which he would request the Board turn this over to the appropriate mechanism for an investigation to find out who is violating their zoning restrictions. Mr. Litz stated that his immediate client is a federal contractor, so they have a drug free workplace, and when federal auditors arrive for a compliance inspection it raises concerns when the facility reeks of marijuana. He would formally withdraw his client's objection to the applicant.

Rebuttal:

Ryan Kuzmic came forward and stated there are two employees at the subject company and they are in attendance today if the Board would like to request any information from them. Mr. Kuzmic stated he does not have anything else to add but he did provide Mr. Litz with information to help with the issues.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Section 15.020, Table 15-2), subject to conceptual plans 3.8, 3.9, 3.10m 3.11, 3.12, 3.13, 3.14 and 3.15 of the agenda packet. The approval has a time limit of three years, May 25, 2024. 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 4 BLK 4, INDUSTRIAL EQUIPMENT CTR 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23117—Brett Davis

Action Requested:

Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F). **LOCATION:** 6505 West Edison Street North (CD 1)

Presentation:

The applicant was not present.

Mr. Bond moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time; for the following property:

31-20-12 BEG SE/C LOT 5-N 377.5' TO NE/C LOT 5-W 457.73'-S 390.10' TO S LN LOT 5-E 460' TO BEG, City of Tulsa, Tulsa County, State of Oklahoma

23119—CNF Signs

Action Requested:

Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Sections 60.020 & 60.080-B.5).

LOCATION: 1401 South Boulder Avenue West (CD 4)

Presentation:

Pete Webb, 1401 South Boulder Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Brown asked Mr. Webb if the name had changed. Mr. Webb stated that it had changed after a couple of weeks after he submitted.

Mr. Brown asked Mr. Webb if the letters were going to be blue. Mr. Webb stated the letters will be black with blue and white neon. Mr. Brown asked if the neon would be animated. Mr. Webb answered no stating that it will be a continual light source.

Mr. Brown asked Mr. Webb if the letters were to remain seven feet tall. Mr. Webb answered affirmatively. Mr. Brown asked Mr. Webb if the square footage of "First Title" was less than originally presented. Mr. Webb stated that it is less than what is allowed by the City, and it is slightly smaller than "abstract" but not by much.

Mr. Webb stated that he would like to be able to keep the seven-foot letters so the sign can be seen. The sign is even difficult to see a block away because of the trees as shown in the exhibits presented.

Mr. Bond asked Mr. Webb about his hardship. Mr. Webb stated that even if the sign were mounted on the fascia of the building the trees and other buildings would block the view of the sign and that is the hardship.

Ms. Radney asked Mr. Webb if people enter the business from the parking lot side of the building and not from the Boulder side of the business. Mr. Webb stated employees mainly access the building from the parking lot, there is a main entrance on the northwest corner for the customers. Ms. Radney asked Mr. Webb where the customer parking is located. Mr. Webb stated that customer parking is in the back of the building.

Ms. Shelton asked Mr. Webb if the owner of the building owned the parcel directly to the east where the parking is located. Mr. Webb deferred to Mr. Lower.

Interested Parties:

Jeff Lower, 320 South Boulder, Tulsa, OK; stated the owners of the building own the parking lot behind it, to the east. Mr. Lower stated there is not much development to the east, there is one building at the bottom of the hill and the rest is mainly parking.

Comments and Questions:

Mr. Bond stated that he likes the sign, but he is wary of making a precedent. He thinks the City Council carved out an area in the entertainment district, and even then, those businesses have to come before the Board.

Mr. Brown stated he appreciates the additional information. His reservation is that this will set a precedent for additional roof mounted signs outside of downtown and he does not like that.

Mr. Barrientos agreed with Mr. Brown.

Ms. Radney agrees that this will set a precedent, but this discussion has sufficiently, according to the Board's rationale why they would move forward with this, she does think that the siding of this particular building is unusual. She is a bit more persuaded by the way-finding argument, downtown is a difficult landscape to navigate, and she suspects that many of the applicant's clients are not accustomed to coming into that part of downtown on a regular basis.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 4-1-0 (Barrientos, Bond, Radney, Shelton "aye"; Brown "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a roof sign to be located on a building outside of the Downtown Entertainment District or the Route 66 Overlay (Sections 60.020 & 60.080-B.5), subject to the conceptual plan submitted today. The sign is to be neon only, not dynamic and no animation. The Board has found the hardships to be the orientation of the building and where patrons enter the building, as well as the lack of visibility of a wall sign from adjacent thoroughfares. 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; for the following property:

E 66 LT 46 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23121—Gaytan Blas

Action Requested:

Variance to reduce the 10-foot side building setbacks from R Districts in an OL District to permit a single-family home (Section 15.030, Table 15-3). **LOCATION:** 1508 North Main Street (**CD 1**)

Presentation:

The applicant was not present.

Mr. Bond moved this item to the end of the agenda.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required at this time; for the following property:

LT 11 BLK 2, ENGLEWOOD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

23125—Encinos 3D Custom Products & Signs

Action Requested:

Variance to allow projecting signs within 30-feet of other projecting signs (Section 60.040-B.2); Variance to increase the maximum number of projecting signs allowed in a CH District (Section 60.080-C.2.b). **LOCATION:** 1404 and 1406 East 11th Street South (**CD 4**)

Presentation:

Christian Ortiz, Encinos 3D Custom Products, 9810 East 58th Street, Tulsa, OK; stated this request is to allow more than one projecting sign at the subject location and to allow signs to be within 30 feet of each other. The building sits relatively close to the street which limits the visibility and safety of someone being able to identify a business in the area. The building is located within the Route 66 Corridor. Both signs are flag mounted signs, and the Code stipulates that these signs would be considered a ground sign. In this location there is no place to plant a ground sign and historically in this location the signs have always been projecting signs. As recent as 2012, according to the County Assessor's office, the location was only advertised with projecting signs. The Code changed around 2015 and that changed the situation. In this location he is limited by the structure of the building, it was constructed about 1926 so the sign location is

limited. The signs are not abrasive, not oversized and not in the way of each other. Both of the subject signs have been approved by the Route 66 Commission for the neon. The signs are located between Peoria and Utica in the Route 66 Corridor. The store fronts are about 25 feet apart. There are two existing projecting signs, one is a flower shop and the other one is an architectural firm.

Mr. Brown asked Mr. Ortiz if the signs would be lighted. Mr. Ortiz answered affirmatively stating that it would be with neon only.

Ms. Radney asked if the existing signs that are in place were lit. Mr. Ortiz stated that the sign immediately next door is neon and lit, and he does not think the other sign is illuminated, but there are other neon signs across the street.

Mr. Brown asked Mr. Ortiz if the neighbors had been contacted. Mr. Ortiz stated that the neighbors like the proposed signs.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to allow projecting signs within 30-feet of other projecting signs (Section 60.040-B.2); **Variance** to increase the maximum number of projecting signs allowed in a CH District (Section 60.080-C.2.b), subject to conceptual plans 7.16, 7.17, 7.18, 7.19, 7.20 and 7.21 of the agenda packet and the conceptual plans submitted today. The conceptual plans are for the general dimensions and the location but not for the content of the signs. The Board has found the hardship to be how close the building is in proximity to the street, the age of the construction, in addition to the shape and area of the store front, as well as there being multiple tenants that occupy one building. 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; for the following property:

LTS 51 & 52 LESS N2 1/2 LT 52 BLK 2, ORCHARD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23127—City of Tulsa – Gary Schellhorn

Action Requested:

Minor Special Exception to modify a previously approved site plan to make improvements to McCullough Park (Section 70.120). **LOCATION:** 11534 East 25th Street South (**CD 6**)

Presentation:

Gary Schellhorn, City of Tulsa, 2317 South Jackson, Tulsa, OK; stated this Special Exception is a request to modify a previously approved site plan for McCullough Park. The original site plan was approved “per site plan” which had four baseball fields and a parking lot. The new improvements being proposed for the park is to have a water playground, BMX track, a playground, additional parking, shelters, and a restroom facility. The City did go through a place making process, the pasture of the adjacent Christ View Christian Church was incorporated. The City/County Library system, staff from Tulsa Public Schools, specifically Disney Elementary, bike clubs in Tulsa, Councilor Connie Dodson was also involved. The City also spoke with the neighbors and had events at the school and had flyers distributed and received input from the public about what they would like to see in the park. What is being proposed today is the culmination of that place making and the design process.

Ms. Shelton asked Mr. Schellhorn if the improvements being proposed are reflected in the parks master plan. Mr. Schellhorn stated the master plan did not specifically identify specific parks and the amenities that would go into them. The place making that the City went through, the City had a long list of items that was felt would improve the park. Through this experience, with all the neighbors that attended the meeting, the public made the selection of what they wanted to have in the park. Ms. Shelton asked Mr. Schellhorn if it was a democratic process when the City reached out to the neighbors. Mr. Schellhorn answered affirmatively.

Mr. Bond asked if this proposal would displace any baseball and softball players. Mr. Schellhorn stated that it would not, there has been very little use of the subject fields; the City is retaining two of the fields. With the limited amount of play, by keeping two fields would still allow the use of the fields.

Ms. Shelton asked Mr. Schellhorn if the sidewalk located in the southeastern corner connect to the neighborhood to the south. Mr. Schellhorn answered affirmatively stating there is also a connection to the neighborhood on the northeast and it also connect to the school.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Barrientos stated this is a great project for east Tulsa.

Mr. Bond agreed with Mr. Barrientos stating that the splash pad will be greatly appreciated.

Mr. Chapman stated that under the approval there is a suggested condition that will, basically, make it so that the Parks Department will not have to come back to the Board again for any future improvements. That suggestion is consistent with what has been done for other parks that have been approved. This is so the Parks Department can make improvements without needing to come back to the Board if the Board would like to consider that suggestion.

Ms. Shelton stated she does not remember the suggested language, but she is not okay with the suggested condition.

Mr. Bond stated that for him it depends on what modifications and improvements mean.

Ms. Shelton stated that is why it is triggering her but when there is a major change, like how the park is used, the suggestion is designed based on a democratic neighborhood outreach but what if the City decides to something radically different?

Mr. Bond stated he has a concern over a future budget crunch. The Board's interest in this is whether it is injurious to the neighborhood or otherwise detrimental to the public welfare. Parks in the past, when funding has become tight, there have been issues. Mr. Bond stated he appreciates the condition, but he agrees with Ms. Shelton. He wants the Parks Department to be to do great things, but he would like to see the Board have a say in keeping quality parks open in the future.

Ms. Radney stated she is persuaded not to include the condition as well. She is familiar with neighborhoods which have become essentially decommissioned because the amenities are not supported. There are modifications and improvements broadly defined here, it could be devolutionary not evolutionary.

Mr. Brown stated that he had no idea the park plan existed. He thinks it is a fine addition to east Tulsa that will be well used. As for the suggested condition he thinks is okay, but he thinks the overall effect of the park proposal is marvelous with the suggested condition.

Mr. Barrientos stated that he is favor of moving forward and is in favor of the suggested condition.

Mr. Chapman stated that he would like to provide background on the suggested condition and how it came about. That condition came about, the most recent round was in 2018 when five parks come to the Board when there were improvements being made to the playgrounds. Typically that condition is if the Parks Department is moving over a playground a few feet or replacing a new playground that was the intent where the language came into play. It is not completely removing the process that Mr. Schellhorn has described. It is the Parks Department's process to include the community to make decisions on how things are included. This condition is not unique to this specific park, that is something that has been recommended since he has been in his position and under previous Board Administrators. The staff has been trying to make it a little easier for projects to go through the system when the Parks Department depends on capital budgeting, so they do not always need to come back to the Board of Adjustment. Though this is at the Board's discretion.

Mr. Bond stated he understands Mr. Chapman's point, it makes it more practical and makes for easier planning. He thinks the community has an equitable issue with parks in Tulsa, and he likes the idea that this Board is one of the few boards that regular citizen volunteers can be on. Everyone that serves on this Board takes the job seriously and if there is any chance the Board can have input is ideal. Mr. Bond stated that his hesitancy is not based on this, it is based on when the City shuts down a community center park that is used for a lot of things.

Ms. Blank asked Mr. Chapman to address the fact this request is a Minor Special Exception. It seems to be a list that is related to Parks in the Code. Ms. Blank quoted Section 70.120-E.1D stating that is where she has found the list of improvements in public parks, and she quoted from the Code. Ms. Blank stated that if the Parks Department wanted to install a lighted soccer stadium, they would need to come back to the Board of Adjustment. Mr. Chapman agreed that was the intent, but he does take the Board's point of view. He does want to make it clear that it is not specific to this park that the suggested condition has been recommended. It is something that has been done for several years for all existing parks that come to the Board.

Ms. Radney stated she appreciates the clarification, and it has further supported her desire not to see the suggested condition. The reason she says that is because some of the parks that really have been less equitably treated over time actually do not have enhanced amenities like illumination. The idea that there is a special card out for the parks that do not have the greatest amount of public investment makes her even more concerned about adding the suggested condition. She absolutely believes in administrative efficiency but what she does know that what is efficient isn't always equitable. Part of the reason she is involved in some of the Boards and Commissions that she is involved with actually began around a dispute of a park that was essentially being deconstructed. That park's elements were being taken from the budget and those

monies were being applied in other public spaces, so this is a personal concern to her. She thinks there are some parks that need advocates more than others, she thinks that in the future is likely to be one that is going to continue to need to have advocates. She is a hard no on including the suggested condition.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Minor Special Exception to modify a previously approved site plan to make improvements to McCullough Park (Section 70.120), subject to conceptual plan 8.7 of the agenda packet. The Board finds that the requested Minor 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:

The East 720 feet of a tract beginning at a point on the West section line 2284 feet South of the Northwest corner of Section 17, thence East to a point 2281.90 feet South of the North line of said Section 17 to the East line of the West half of the Northwest quarter of said section; thence South on said line a distance of 363 feet; thence West along the South line of the West half of the Northwest quarter and on a line parallel with the North line of this tract to the West section line; thence North on said section line a distance of 363 feet to the point of beginning all in the West half of the Northwest quarter of Section 17, Township 19 North, Range 14 East, and containing 6 acres more or less. (Book 4098, Page 1861)

And

The East 660 feet of a tract beginning at a point on the West section line 1921 feet South of the Northwest corner of Section Seventeen; thence East to a point 1918.90 feet South of the North line of said Section 17 to the East line of the West half of the Northwest quarter of said section; thence South on said line a distance of 363 feet; thence West on a line parallel with the North line of this tract to West section line; thence North on said section line a distance of 363 feet to the point of beginning, all in the West half of the Northwest quarter of Section 17, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County1 Oklahoma, according to the U.S. Government Survey thereof. The above-described property containing 5.5, City of Tulsa, Tulsa County, State of Oklahoma

23129—Dan Prather

Action Requested:

Variance to allow a sign in a residential district that is not a neighborhood or subdivision identification sign to permit a historical marker (Section 60.050-B.1.b).

LOCATION: 4370 East 60th Place South (CD 9)

Presentation:

Daniel Prather, 1108 East 21st Street, Tulsa, OK; stated this request is to allow a historical marker sign in a residential zoned district; it is not the neighborhood or subdivision sign for the area. His son is 16 and working on his Eagle Scout project and is a big Tulsa history buff, and it was noted that the very large road known as Urbana by 61st and Yale was a former airport runway. Most people in Tulsa do not even know that and his son doesn't know why. He thinks that more of that history needs to be known and he is hopeful to have the Variance approved. Mr. Prather read a statement that was written by his son about his inspiration for the project came about after watching a short news broadcast on Channel 6. The old runway site is now underneath Urbana and that explains why Urbana is unusually wide compared to the rest of the streets in Tulsa. Mr. Prather stated that his research came from a video made by and speaking with Tulsa's historian Jack Frank as well as the aviation in Tulsa and Northeast Oklahoma book that was written by Ken Jones. Mr. Prather stated he also spoke with Ken Busby of the Route 66 Commission and Mr. Frazier Henke has also been a great assistance toward the project.

Mr. Bond asked Mr. Prather if the bank is his neighbor. Mr. Prather stated the bank is the property owner, he said Mr. Henke but the bank technically is the property owner and Mr. Henke works at the bank. Mr. Bond asked Mr. Prather if they were fully supportive of this project. Mr. Prather answered affirmatively.

Ms. Radney asked Mr. Prather if the bank owned the residential house. Mr. Prather answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a sign in a residential district that is not a neighborhood or subdivision identification sign to permit a historical marker (Section 60.050-B.1.b), subject to conceptual plans 9.9 and 9.10 of the agenda packet. The Board finds the hardship to be the historical nature of the neighborhood and this particular property being at the end of what the airstrip. 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; for the following property:

LT 21 BLK 20, HOLLIDAY HILLS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23121—Blas Gaytan

Action Requested:

Variance to reduce the 10-foot side building setbacks from R Districts in an OL District to permit a single-family home (Section 15.030, Table 15-3). **LOCATION:** 1508 North Main Street **(CD 1)**

Presentation:

Blas Gaytan, 15001 South Columbia Avenue, Bixby, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Bond read the applicant's hardship and asked Mr. Gaytan to state what makes this property unique. Mr. Gaytan stated the property is currently zoned for office so having 10-foot setbacks on each side makes it difficult to build a house because the lot is only 50 feet wide. By making the lot residential he would gain another five feet on each side.

Mr. Barrientos asked Mr. Gaytan if he owned the lot on the south side of the subject property. Mr. Gaytan answered no stating that the lot is owned by the Tulsa Housing Authority or the City of Tulsa.

Ms. Radney asked Mr. Gaytan if the subject property was vacant when he acquired it. Mr. Gaytan answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the 10-foot side building setbacks from R Districts in an OL District to permit a single-family home (Section 15.030, Table 15-3), subject to conceptual plan 6.7 of the agenda packet. The Board finds the hardship to be that current residential development patterns are adjacent and that the lot is a 50-foot-wide lot zoned for office despite the context and holding the owner to a 10-foot setback on either side would prevent the construction of a typically sized single family home for the area, and the adjacent property to the south is likely a right-of-way owned by the City of Tulsa. 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; for the following property:

LT 11 BLK 2, ENGLEWOOD ADDN, City of Tulsa, Osage County, State of Oklahoma

23117—Brett Davis

Action Requested:

Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F). **LOCATION:** 6505 West Edison Street North (CD 1)

Presentation:

The applicant was not present.

Mr. Bond asked the Board members if they would like to continue this case. Ms. Shelton asked if this was the second time this request has been on the agenda. Mr. Chapman answered affirmatively stating that no one appeared at that meeting to represent the case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Shelton "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance of the dustless, all-weather parking surface requirements to allow a gravel driveway (Section 55.090-F) to the June 8, 2021 Board of Adjustment meeting; for the following property:

31-20-12 BEG SE/C LOT 5-N 377.5' TO NE/C LOT 5-W 457.73'-S 390.10' TO S LN LOT 5-E 460' TO BEG, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

None.

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NEW BUSINESS

BOARD MEMBER COMMENTS

Mr. Bond appointed Mr. Brown as Secretary for the Board of Adjustment in light of Ms. Shelton's retirement from the Board.

Mr. Brown stated that he did not receive a mailed agenda with any of the backup literature. There has been some trouble with the mail system but nothing like this before. In discussion with Mr. Chapman he suggested an e-mail requesting the agenda packet be hand delivered if the postal mailed agenda packet is not received. Mr. Brown state he felt very awkward today.

Mr. Bond stated that it has been tough, especially with the larger packages and his office is doing personal delivery currently. Mr. Bond stated that he has had Mr. Chapman or Mr. Wilkerson drop off agenda packets at his office in the past.

There being no further business, the meeting adjourned at 2:46 p.m.

Date approved: 6-8-2021

A. Bel
Chair