

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1284
Tuesday, November 9, 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		Wilkerson	Blank, Legal
Radney, Vice Chair		Chapman	
Brown, Secretary		Sparger	
Barrientos		K. Davis	
Wallace			

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on November 4, 2021, at 9:21 a.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, an online meeting and web conferencing tool. Members of the public were 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://us02web.zoom.us/j/87612270012>

312-626-6799 Meeting ID: 876 1227 0012

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

Mr. Austin Bond, Chair
Ms. Burlinda Radney, Vice Chair
Mr. Tomas Barrientos
Ms. Audrey Blank, City Legal
Mr. Dwayne Wilkerson, Tulsa Planning Office
Mr. Austin Chapman, Tulsa Planning Office
Ms. Janet Sparger, Tulsa Planning Office
Mr. Kendal Davis, Tulsa Planning Office

Mr. Bond explained to the applicants and interested parties that there were only four board members present at this time but Ms. Radney will be in attendance in about 30 minutes. If a case is called and the applicant would like to wait for Ms. Radney to arrive they may let the Board know and the item will be moved to the end of the agenda, otherwise, motions from the Board will require an affirmative vote of three members. The audience nodded their understanding and no one came forward to request a continuance.

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MINUTES

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace "aye"; no "nays"; no "abstentions"; Radney absent) to **APPROVE** the **Minutes** of the October 12, 2021 Board of Adjustment meeting No. 1282.

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Wallace "aye"; no "nays"; no "abstentions"; Radney absent) to **APPROVE** the **Minutes** of the October 26, 2021 Board of Adjustment meeting No. 1283 with two changes; motion in case BOA-23193 and motion in case BOA-23194.

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UNFINISHED BUSINESS

23199—Eller & Detrich – Lou Reynolds

Action Requested:

Appeal of the Administrative Decision issued in Case No. ZONV-050120-2021 (the “Decision”) pursuant to Section 70.140 of the Tulsa Zoning Code (the “Code”) for property located at 2667 South Trenton Avenue. The Decision found that an art sculpture on the Property (1) constitutes a sign; (2) is advertising a home occupation on the Property; (3) requires a permit; and (4) is located in the front building setback. **LOCATION:** 2667 South Trenton Avenue East **(CD 4)**

Presentation:

The application has been withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 16 N.30 VAC. AT 26TH PL. BK 15, TERWILLEGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

23196—Vincent Travis Thornton

Action Requested:

Special Exception to permit an alternative compliance parking ratio for a Medical Marijuana Dispensary in an IM District to reduce the minimum parking requirements from seven parking spaces to zero parking spaces (Section 55.050-K & Section 55.020, Table 55-1). **LOCATION:** 1217 East Admiral Boulevard (**CD 1**)

Presentation:

Ryan Kuzmic, Viridian Legal Services, 1602 South Main Street, Tulsa, OK; stated that previously the parking impact was discussed. Mr. Thornton's dispensary has been at the subject location for almost 2 ½ years and he has submitted daily sales figures for the entire calendar year of 2021 with the average total per month, the average of customers per hour. There are never more than two employees at the store at any one time and no more than four cars for the dispensary at any one time. Customers are never in the store for more than 20 minutes on average, and there is rarely more than one customer at a time.

Mr. Brown asked Mr. Kuzmic where the employees park. Mr. Kuzmic stated they park in the street. There are two street parking spaces directly in front of the dispensary and across the street, and down the block on the same side of the street there is about 8 parking spaces.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Barrientos, Brown, Wallace "aye"; Bond "nay"; no "abstentions"; Radney absent) to **APPROVE** the request for a Special Exception to permit an alternative compliance parking ratio for a Medical Marijuana Dispensary in an IM District to reduce the minimum parking requirements from seven parking spaces to zero parking spaces (Section 55.050-K & Section 55.020, Table 55-1), subject to conceptual plan 3.10 and the parking data submitted today. 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, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area; for the following property:

LTS 25 THRU 30 BLK 4, BERRY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23197—Raul Cisneros

Action Requested:

Variance to reduce required 25-foot street setback to permit an addition to an existing structure (Section 5.030, Table 5-3). **LOCATION:** 1446 South 157th Avenue East **(CD 6)**

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; for the following property:

S/2 LT 5 BLK 7, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

23198—Keith Robertson

Action Requested:

Special Exception to permit a Commercial Service / Building Service Use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 8310 East 11th Street South (CD 5)

Ms. Radney entered the meeting at 1:28 p.m.

Presentation:

Keith Robertson, 4073 Southwest Boulevard, Tulsa, OK; came forward and introduced the property owner.

Juan Cardosa, Owner of City Lights Construction, 731 West Freeport Street, Broken Arrow, OK.

Mr. Bond asked Mr. Robertson if he had discussed the application with any of the neighbors. Mr. Robertson stated that he personally gave one of the interested parties that attended the last meeting his information and he never received any feedback, though, yesterday Mr. Cardosa informed him that the interested party had contacted him.

Mr. Robertson had a site plan placed on the overhead projector and explained the orientation of the subject property to the neighborhood and the future traffic brought to the site by the applicant's company. Mr. Robertson stated that technically there is no setback in the rear due to the fact that the site is so far from the neighborhood per Mr. Chuck Lange with the City. The yard wall is to be an opaque non-visible access into the site, and he would like the fence to be eight feet tall. Mr. Robertson presented photographs of equipment and vehicles at the site and had them placed on the overhead projector. Mr. Robertson stated that he was asked about the hours of operation of the business by an interested party and he stated that the hours would be the standard business hours of 8:00 a.m. to 5:00 p.m.

Mr. Brown asked Mr. Robertson if the property would be lit 24/7. Mr. Robertson answered affirmatively and that is a lighting commitment that must be honored through the Zoning Code. It will be lighting that reflects inward on the lot only.

Mr. Robertson stated that Mr. Cardosa has been a successful businessman in Tulsa and outside the State of Oklahoma, and he cares about his employees. This site will be consistent with what Mr. Cardosa does, the business will be a family-oriented business and he wants to be a good neighbor to the area.

Mr. Robertson has photos placed on the overhead projector of the proposed building for the subject site and explained the materials to be used.

Mr. Bond asked Mr. Robertson if the proposed building faced north. Mr. Robertson stated the front of the building will face Route 66 and the side elevation will face East 83rd.

Mr. Robertson presented photographs of the surrounding area in relation to the proposed subject site. Mr. Robertson stated that he has spoken with the City Councilor for the District about the proposal and presented photo samples of what the area could look like.

Mr. Robertson stated that he is discussion with Chris Kovac and other City Engineers about creating a sewer tap and a tap for a water line for the subject site.

Interested Parties:

Mary Junk, 8311 East 15th Street, Tulsa, OK; stated that she has not spoken with Mr. Robertson even though he stated he spoke with a female from the last meeting, and she was the only female in attendance at the last meeting. Ms. Junk stated that she did place a call to Mr. Cardoso to discuss the future plans for the subject site. Ms. Junk provided a written copy of her statements to Mr. Chapman. Ms. Junk stated that Mr. Cardoso had told her about the plans to erect an 8-foot fence with barbed wire along the top. Ms. Junk thinks that fence would cause an obstruction for the view. Ms. Junk stated that she has done research on the property, and it is her understanding that city sewer is not accessible, because the access to obtain sewer to the property would have to across Route 66 or the stormwater drain; that is why people have not developed the property. She thinks that issue should be addressed because if Mr. Cardoso cannot get city sewer access this is a waste of time for everyone. Ms. Junk stated that to get construction to a job site everything has to start very early in the morning, which means he will be starting vehicles to get them onto trailers. Also, when working construction equipment they have to be started and knowing how close this property is to the neighborhood she is concerned about noise and the veterans that live in the neighborhood. She and the neighbors oppose this request.

James Highland, 1310 South 83rd East Avenue, Tulsa, OK; stated that he thinks the neighbors would not even be here today if he had not contacted the City Councilor for District 5 to say there is work that is already proceeding a mere two weeks after the applicant purchased the property. Mr. Highland submitted pictures and correspondence that he has had with the City Councilor. The applicant has started bull dozing and doing things before there was even a permit. A number of people have withdrawn business plans for the subject property because they could not meet the sewer requirements. There are only two ways into the neighborhood, 12th Street off Memorial and 83rd East Avenue off 11th Street. Mr. Highland stated that the applicant wants to have heavy equipment move in and out of 83rd East Avenue which is a neighborhood street with children. Camper Land does not make noise though they do obstruct traffic and there are plenty of times he has had to watch the Camper Land equipment make U turns with the campers obstructing traffic. Mr. Highland stated his main issue is that the applicant started work without permits and there should be a cost to that. Today the site has a pile of dirt with grass now covering it a person cannot see oncoming traffic on 11th Street, and the applicant does not have any concerns about that. Mr. Highland stated that he reported the applicant on July 2nd, July 8th he followed up with his complaint when the applicant started dumping things on the subject property with no permits and the applicant is in the construction business so he should know and he didn't take any of the proper channels, he just thought he would be able to build first and apologize later and it took the neighborhood to bring it to the City's attention.

Steve Hahn, 8323 East 12th Street, Tulsa, OK; stated he represents many neighbors that oppose this, they could not be here today because they are elderly, and he presented a petition to Mr. Chapman. Mr. Hahn stated his parents own the two houses that are closest to 11th Street off 83rd. There are a lot of children in the neighborhood, and he is concerned about the noise. There is a bike path on 11th Street, and he has concerns about the impact to that.

Ms. Radney asked Mr. Hahn stated that at the last meeting it was observed that the zoning the envelopes the residential area is commercial. Ms. Radney asked what all the objects were on page 5.1 in the agenda packet, to her they look like trucks. Mr. Hahn stated that to the east of

the property there was a building that is now city owned and everything that has been removed. Mr. Hahn stated that the applicant is in the construction business, and he knows better, he is coming to the Board asking for forgiveness when he needs to ask for permission not forgiveness, which is a big concern. Ms. Radney asked about the white objects shown on the property that is directly behind the first house on the east side of the street. Mr. Hahn stated that is his house and they are enclosed trailers, he races for fun.

Mary Junk came forward and stated there is a seated bus stop in front of the subject property, and people get on and off the bus there.

Joan Perez Ross, 8329 East 12th Street, Tulsa, OK; stated there are older people in the neighborhood and there is already heavy equipment on the site which is already causing a traffic issue on 83rd East Avenue. Ms. Perez Ross said that if more equipment added, people will not be able to go and down the street, and asked what will protect the residents of the neighborhood when there is heavy equipment on the street. She states that Camper Land lights shine through her windows all night and asked if this applicant installs lights what will keep them from shining into the windows.

Ms. Radney stated that she empathizes with the situation of having commercial that is so closely juxtaposed against residential because she lives off Route 66 so she is very sympathetic, she asked Ms. Ross if she would feel better if there were no ingoing and outgoing traffic off 83rd East Avenue and that traffic was limited to just 11th Street. Ms. Ross stated there are existing car lots that do not have pavement and that is what the applicant is talking about doing, and that is dusty. Even coming in from 11th Street there will still the problem with traffic, especially since the bike lane went in because there are only two lanes there now. It is going to be congested no matter how it goes. There is also a concern about the weight of the equipment using 83rd East Avenue because that street is not made for heavy traffic. Even if the applicant were to enter and depart on 11th Street traffic will still be blocked. This is Route 66, and it is supposed to look good, this is not feasible.

Rebuttal:

Juan Cardosa came forward and stated he did purchase the property, He is not going to build a pad and will not be building the yet, he just wants to be able to sit the equipment on gravel. Mr. Cardosa stated that he was told by the City not to do anything more on the property until his case has received an approval by the Board of Adjustment and until he receives a permit. His intention is to not leave the project halfway complete because he does want to build a nice building. He has clients that he has meetings with, and he wants to have a nice office for those meetings. The gravel that has been mentioned is only a temporary thing so he can leave equipment at the site. Mr. Cardosa stated the site is mainly for an office and a storage facility for leftover equipment and materials. Once everything is complete the property will be paved or asphalt. He does not want clients to visit a half-completed site because that is not the presentation he wants for his business.

Mr. Bond asked Mr. Robertson why the access needs to be on 83rd East Avenue as opposed to 11th Street. Mr. Robertson stated there is a bus stop next to a power pole and there is no crossover, and 83rd East Avenue is a crossover intersection. Mr. Robertson stated the curb cut has been placed close to the intersection to keep equipment from coming into the neighborhood, and the site is 230 feet away from the neighborhood. The equipment is not heavy equipment, and it will be gone for several days at a time.

Ms. Radney asked Mr. Robertson about the equipment that will be at the site. Mr. Robertson had Mr. Chapman display pictures of equipment, a 30-foot trailer that is used to take materials to job sites, a pick-up truck, a hydraulic battery-operated lift, a forklift, a personnel van.

Ms. Radney asked Mr. Robertson if the truck used to pull the trailer is a two axled vehicle. Mr. Robertson answered affirmatively.

Ms. Radney asked Mr. Robertson about the noise level. Mr. Robertson stated there will be little to no noise.

Mr. Barrientos asked Mr. Robertson if there would be any equipment operated inside the building. Mr. Robertson stated vehicles will go into the building to pull materials out of the building, or the vehicles would be returning to the building.

Mr. Bond asked Mr. Robertson if the building would be shielded from the neighborhood with opaque fencing. Mr. Robertson answered affirmatively.

Mr. Robertson stated the building would be a contemporary industrial building. He wants to use the recycled containers by taking a boxcar container and turning it on its side, give the container texture and tie that into the structure. The building would be a two-story office building with an aluminum and glass front with a Route 66 emblem on the top. The side that faces 83rd East Avenue would have a container with texture with a neon logo. Mr. Robertson stated that he too spoke with the District City Councilor about making this a photo op stop, so the entire length of the property would be a mural painted by an artist to enhance that portion of Route 66.

Mr. Bond asked Mr. Robertson about the access on 11th Street, can it not be done? Mr. Cardosa came forward and stated the curb cut to the east is on City property and it is about five feet outside of the subject property; he would like to purchase that property.

Comments and Questions:

Mr. Wallace stated that he would be interested in hearing what the City has to say about an access off 11th Street.

Mr. Bond stated that he drove the area after the last meeting and he does not think it would be harmful to the neighborhood, especially because of the drainage ditch. He likes what the applicant has said about his plans for the property. The traffic is a little concerning.

Mr. Brown stated that most of the concerns will be alleviated after the building is complete and in place; the concerns are temporary. There are some things that could be better, but he believes this is a fine project that will add to the neighborhood.

Mr. Barrientos stated that he understands the resident's concerns, but he does not think any business would be acceptable to the neighbors, and he would support the applicant's request with some restrictions.

Ms. Radney stated that she would be prepared to support this request, but she does not like the ingress from 83rd East Avenue. She understands the objections, but she thinks those would be temporary.

Mr. Bond stated that there is not a setback from where the building is located but he would like to see that as a condition if this approved.

Mr. Chapman stated that if the Board approves this request today the applicant cannot store equipment on the site for any period of time, he needs a building permit, and the construction equipment should be related to building the actual building. The applicant will continue to be in violation if he parks construction equipment on the site that is not related to the construction of the building.

Mr. Wilkerson stated the idea of access to 11th Street is just like any other infrastructure question. There are many engineering questions that need to be resolved, and if the Board chooses to have a condition that access comes from 11th Street, and it cannot be done the project would be stopped.

Ms. Radney stated the City has grown in this direction, one of the things about being in the outer reaches of the City's limits is that people enjoy the complex zoning contexts, but that also people to have trailers on their lot that is being used for racing in what would otherwise be a residential neighborhood, so it is a mixed bag. What she does respect is that 83rd East Avenue is primarily a residential street and even though it does have that small bit in a commercial zone she is sensitive to the fact that if that is a primary point of entrance that really changes the nature of being able to get into and exit out of the neighborhood. Ms. Radney stated she would be willing to support this request provided the primary point of ingress and egress is not on the residential street with the other points of the 5-foot setback and the opaque fencing shielding the neighborhood, not withstanding Mr. Wilkerson's advice.

Board Action:

On **MOTION of BROWN**, the Board voted 4-1-0 (Barrientos, Bond, Brown, Wallace "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a Commercial Service / Building Service Use in a CS District (Section 15.020, Table 15-2), subject to conceptual plan 5.5 of the agenda packet and the renderings submitted today. The building is to be constructed with a minimum of a 5-foot setback on the south boundary, and the property on the southern edge be enclosed with opaque fencing at least five feet in height. The hours of operation are 7:00 a.m. to 7:00 p.m. The premises is to be fully paved with a durable all-weather dustless surface except for any required landscaped area. The approval has a time limit of three years from today's date, November 9, 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 LESS BEG SECR TH N162.75 W138.10 S162.75 E138.17 POB BLK 2, FOREST ACRES, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Chapman informed the Board that a representative for case BOA-23197 has arrived. Mr. Bond stated the case would be heard at this time.

23197—Raul Cisneros

Action Requested:

Variance to reduce required 25-foot street setback to permit an addition to an existing structure (Section 5.030, Table 5-3). **LOCATION:** 1446 South 157th Avenue East (**CD 6**)

Presentation:

Anna Lopez, 1446 South 157th East Avenue, Tulsa, OK; stated she did not know he needed a permit for an addition to the house. There was an existing porch, and she added a bedroom.

Mr. Bond asked Ms. Lopez how far into the setback is the structure. Mr. Chapman stated these are platted lots and the original right-of-way that was platted was only 40'-0". Current standards are 50'-0" of right-of-way and he believes the structure is 46'-9" from the center of the street and per Code that should be 50'-0" if this were a new build; the existing structure is already non-conforming.

Ms. Radney asked Mr. Chapman if the structure encroaching is the porch. Mr. Chapman stated that part of the encroachment is the porch, but part of the actual structure is also encroaching.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce required 25-foot street setback to permit an addition to an existing structure (Section 5.030, Table 5-3), subject to conceptual plans 4.6, 4.7, 4.8, 4.9, 4.10 and 4.11 of the agenda packet. The Board has found the hardship to be the house was built in the 1940s. 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:

S/2 LT 5 BLK 7, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

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 1 2 E.5'LT 3 BLK 8; W.20'LT 3 ALL LT 4 BLK 8, OVERLOOK PARK ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

23203—Nathan Cross

Action Requested:

Special Exception to expand a religious assembly use in an RS-3 District (Section 5.020, Table 5-2;). **LOCATION:** 2027 North Martin Luther King, Jr. Boulevard East (**CD 1**)

Presentation:

Nathan Cross, 2 west 2nd Street, Suite 700, Tulsa, OK; stated this request is a formalization of something that is already happening on the site. The two lots are actually one site, the front part is zoned OL, and the remainder is zoned RS-3, and that is because of the way the area has grown. This is the site of the John 3:16 Family and Children Center, and it was originally approved as a worship center in 1948. The existing church building is used as family and children services; there are after school programs and donation work for families in need. The driveway on the east side of the property is the original plan and it is on the OL parcel, and the driveway serves the church use to allow for trucks that bring donated goods on to the site. The relief requested is to build a basketball court in an area that serves as a playground, and that playground use was approved by the Board of Adjustment about 14 years ago on the south side. Currently the children are playing basketball in the grass and the client would like to be able to pour asphalt for a basketball court. A 6-foot wooden privacy fence has been built all along the east side, and there have been no complaints from the neighbors.

Mr. Brown asked Mr. Cross who would be using the basketball court. Mr. Cross the basketball court will be used by the after-school programs.

Mr. Brown asked Mr. Cross if there would be people driving in, parking and using the basketball court. Mr. Cross answered no stating that nothing about the site is changing. The request is to simply convert what is currently a grass basketball court into an actual asphalt basketball court to be used by the children.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to expand a religious assembly use in an RS-3 District (Section 5.020, Table 5-2), subject to conceptual plan 8.16 in 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:

LTS 11 & 12 BLK 5, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23204—Danny McCuen

Action Requested:

Variance of the dustless all-weather parking surface requirement to permit the use of gravel for a driveway (Section 55.090-F). **LOCATION:** 6515 East 25th Place South (CD 5)

Presentation:

Danny McCuen, 6515 East 25th Place, Tulsa, OK; stated he would like to have a gravel driveway to an existing shop so he can park his RV in the shop; the driveway is 270 feet long. The property is next door to a day care center and there is an existing privacy fence. He would use Class A gravel and currently he is parking the RV in front of the house, and he would like to move it to the rear because he has had people break into the RV. Mr. McCuen stated that he has spoken to his neighbors, and no one has any complaints about this request.

Mr. Brown asked Mr. McCuen where he would park the RV. Mr. McCuen stated that he would park it behind one of the shops and it would be concealed from the street.

Mr. Brown asked Mr. McCuen if the shop was a business. Mr. McCuen answered no.

Ms. Radney asked Mr. McCuen if there was a pre-existing gravel pad going to the shop. Mr. McCuen answered affirmatively.

Ms. Radney asked Mr. McCuen if in the past there were horses allowed on the property. Mr. McCuen answered affirmatively stating that in the past one of the buildings was a stable.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the dustless all-weather parking surface requirement to permit the use of gravel for a driveway (Section 55.090-F), subject to conceptual plans 9.26 and 9.30 of the agenda packet. The Board finds the hardship to be that this residential development was conceived to accommodate agricultural style housing on larger lots in a manner which predates the existing Code, and that this accommodation is appropriate relief for a driveway on an acre plus sized lot. 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:

LOT-15-BLK-4, JOHANSEN ACRES AMD, City of Tulsa, Tulsa County, State of Oklahoma

23205—Patrick Drake

Action Requested:

Special Exception to allow a neighborhood identification sign in the street right-of-way (Section 60.020-E). **LOCATION:** 7200 East 61st Street South (CD 7)

Presentation:

Patrick Drake, Boulder Designs by Drake, 1315 North 108th East Avenue, Tulsa, OK; stated his firm was hired by the Neighborhood Association Shadow Mountain. A car had driven over the main signage at the entrance to the property. His product is a concrete based product that looks like real rock, so it lasts forever. He obtained all the permits and now he is before the Board for the Special Exception. There is an agreement for the neighborhood association to use the center median even though it is City property. The former sign was 4-foot wide, and the proposed sign is 6-foot wide and will be placed in an area that is 10-foot wide so it will not be intruding into the right-of-way.

Mr. Bond asked Mr. Drake if there would be any interference with utilities. Mr. Drake stated that the utilities have been moved, so all he is doing is installing a foundation and placing the rock. All of the old products will also be removed from the site.

Mr. Chapman stated that there is a license agreement in place, so this has been reviewed by the City.

Mr. Brown asked Mr. Drake if the signage would be lighted. Mr. Drake stated there are individual lights placed on the ground that will shine upward onto the rock.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a neighborhood identification sign in the street right-of-way (Section 60.020-E), subject to conceptual plans 10.5, 10.6, 10.7, 10.8, 10.9, 10.10 and 10.11 in 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:

The intersection of East 61st Street and South 72nd East Avenue, including a traffic median, in the Shadow Mountain Estates, and Addition to the city of Tulsa, Tulsa County, according to recorded Plat no. 3030, better described as a point of beginning at the NE/c of Lot 1 Block 2 Shadow Mountain Estates according to recorded Plat no. 3030., thence due North 20', thence Due East 70', then due South 144.4' then due West 70', thence due North 124.40' to the point of the beginning, City of Tulsa, Tulsa County, State of Oklahoma

23206—Church In Power

Action Requested:

Special Exception to permit a dynamic display sign in an RS-3 District and to allow a dynamic display sign within 200 feet of a residential district (Sections 60.050-B.2.c & 60.100-F). **LOCATION:** 732 East 31st Street North (**CD 5**)

Presentation:

Bukky Alabi, 4511 West Lansing Place, Broken Arrow, OK; stated the church would like to have a dynamic display sign to upgrade the old sign.

Mr. Bond asked Mr. Alabi if the sign was directly in front of the door to the church. Mr. Alabi answered affirmatively.

Mr. Bond asked Mr. Alabi if he had spoken with any of the neighbors. Mr. Alabi stated that a couple of people have called asking about the dynamics to the sign, and he explained what the sign would be.

Ms. Radney asked Mr. Alabi how far back the existing sign sits from the street. Mr. Alabi stated that he is not sure.

Mr. Brown asked Mr. Alabi if he was going to use the existing pole for the new sign. Mr. Alabi answered affirmatively.

Ms. Radney asked Mr. Alabi if he had plans of animating the new sign. Mr. Alabi stated that he only wants an LED sign, so the church be more visible to the public.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a dynamic display sign in an RS-3 District and to allow a dynamic display sign within 200 feet of a residential district (Sections 60.050-B.2.c & 60.100-F), subject to conceptual plans 11.7, 11.8, 11.9, 11.10 and 11.11 in the agenda packet. The approval has a time limit of five years, November 9, 2026. 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 THRU 3 & 22 THRU 24 BLK 10, STANDARD HGTS AMD, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Mr. Brown extended his thank you to the INCOG staff for arranging parking for the Board members, it is convenient and easy to use.

There being no further business, the meeting adjourned at 3:17 p.m.

Date approved: 12-14-21

A. Bond
Chair

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Mr. Brown extended his thank you to the INCOG staff for arranging parking for the Board members, it is convenient and easy to use.

There being no further business, the meeting adjourned at 3:17 p.m.

Date approved: 12-14-21

A. Boul
Chair