

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1286
Tuesday, January 11, 2022, 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 Barrientos Wallace	Radney, Vice Chair Brown, Secretary	Wilkerson Chapman K. Sawyer K. Davis	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on January 6, 2022, at 11:10 am, 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 Board members and staff members attending in person are as follows:

- Mr. Austin Bond, Chair
- Mr. Tomas Barrientos
- Ms. Audrey Blank, City Legal
- Mr. Tyler Wallace
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Mr. Austin Chapman, Tulsa Planning Office
- Ms. Kim Sawyer, Tulsa Planning Office
- Mr. Kendal Davis, Tulsa Planning Office

Mr. Bond explained to the applicants and interested parties that the Board is a five person board, but we have two members that are not present, and although you do not need five votes for approval, having members from different perspectives can change the outcome your case. Mr. Bond offers a continuation for applicants if they would prefer to proceed when all members are present. If the applicants would like to proceed, they are able to. He states that once they vote, it is final and they would have to go through a different procedure.

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UNFINISHED BUSINESS

23211—Rick Stuber Architecture, Inc.

Action Requested:

Variance to reduce the required rear setback from 40 feet to 23 feet in the AG District (Section 25.020-D, Table 25-2).

LOCATION: 2663 West 73rd Street South **(CD 2)**

Presentation:

Rick Stuber- 2642 East 21st Street, Suite# 19

Mr. Stuber represents the homeowner, Dr. Tate. This is a continuance from the previous request of a variance for the required setback from 40 feet to 23 feet. Some members of the board requested additional information and graphic representation of the existing conditions, so Mr. Stuber has presented these to the board. Mr. Stuber states that they have majestic pine trees that stand over 60 feet tall, and their intention is to keep those on the property. They have revised the proposed site plan to show where it is aligning with the existing garage, and they have documented the trees to show the screening the trees provide.

Mr. Stuber stated that Dr. Tate, the resident, has spoken to some of his neighbors. He has spoken to Mr. Johnson, who attended the last hearing and his son in law that lives to the adjacent property to the north and west.

Interested Parties:

Dave Johnson- 7310 South 26th West Avenue

Mr. Johnson has spoken with his neighbor, Dr. Tate, and expressed that he would be agreeable to the 28-foot setback to the fence.

Comments and Questions:

Mr. Wallace states that everything previously requested by the board has been presented.

Mr. Barrientos states that the hardship is clear on the request for this variance.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Brown, Radney) to **APPROVE** Variance to

reduce the required rear setback from 40 feet to 28 feet in the AG District (Section 25.020-D, Table 25-2). Per the conceptual plans presented at the hearing and under the condition that the existing trees are preserved. Finding the hardship to be the location of the septic tank system. 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 6 BLK 2,ROSEWOOD ACRES 2ND ADDN

23213---A-Max Sign Company

Action Requested:

Variance to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6 feet to 22 feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Section 20.050-D.5.b.(1) (2) (4)).

LOCATION: 10133 South Delaware Avenue East **(CD 2)**

Presentation:

Continuance requested to the January 25, 2022, meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Brown, Radney) to **CONTINUE** the request for **Variance** to allow an internally illuminated sign enclosed in frames, increase the permitted height for a monument sign from 6 feet to 22 feet and to increase the permitted display surface area from 50 square feet to 220 square feet inside the River Design Overlay (Section 20.050-D.5.b.(1) (2) (4)) to the January 25, 2022, meeting **LOCATION:** 10133 South Delaware Avenue East **(CD 2)**

For the following property:

LT 1 BEG NEC THEREOF TH S220 W225 N220 E225 TO POB BLK 1, RETAIL CENTER II

23215—Josh Miller

Action Requested:

Special Exception to permit an alternative compliance parking ratio for an apartment use in the CH District to reduce the minimum parking requirements from 21 parking spaces to 17 parking spaces (Section 55.050-K & Section 55.020, Table 55-1).

LOCATION: 2405 East 5th Place South and 519 South Lewis Avenue East **(CD 4)**

Presentation:

Josh Miller- 7030 South Yale Avenue Suite 600

Mr. Miller states that he sent Mr. Chapman documented evidence of the adjacent parking lot and overall stats of the existing parking of the two phases of West Park, which will be a similar demographic of the third phase. The documents show parking availability during the day. It supports the evidence that only 75% of their residents that own cars.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Wallace stated he visited the site in the evening and witnessed there being plenty of parking available for the residents.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent, Brown, Radney) to **APPROVE** Special Exception to permit an alternative compliance parking ratio for an apartment use in the CH District to reduce the minimum parking requirements from 21 parking spaces to 17 parking spaces (Section 55.050-K & Section 55.020, Table 55-1). Per the conceptual plans 3.6 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, that the other allowed parking alternative (Section 55.050-K & Section 55.020, Table 55-1) are feasible or do not apply in the reduced parking ratios pros are not likely to cause material adverse impact on traffic circulation or safety or on the general welfare of property owners and residents in the surrounding area for the following property:

LT 14 BLK 6; LTS 49 50 BLK 6, COLLEGE VIEW ADDN AMD

NEW APPLICATIONS

23229- Josh Clark

Action Requested:

Variance to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1)

LOCATION: 4555 S HARVARD (CD 9)

Presentation:

Josh Clark- 4111 South 74th East Ave

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond suggests a continuance on this case until they have the full board present. The meeting will be held on January 25, 2022.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent, Brown, Radney) to **CONTINUE** the Variance to increase the number of allowed signs per street frontage in the OL District from 1 sign to 4 signs along South Harvard Ave. (Sec.60.060-B.1) to the January 25, 2022, meeting.

LOCATION: 4555 S HARVARD (CD 9) For the following property:

LT 7 BLK 2, VILLA GROVE HGTS NO 1

23230- Chelsey Shafer

Action Requested:

Special Exception to permit a Detached House and accessory buildings in the CS District to permit an addition of a non-conforming building (Sec. 15.020-H, Table 15-2.5) **(CD 4)**

LOCATION: 1443 S Elwood Ave.

Presentation:

Chelsey Shafer- 1443 S Elwood Ave

She is seeking a special exception to permit an accessory building. The home was built in 1925 before they had the overlay zoning in place. The home is over 100 years old and is need of serious repairs and remodeling.

Interested Parties:

Joshua Berman- 1616 E 26th Street Tulsa

He is there to speak in favor of this special exception because he is also seeking the same special exception for his property.

Comments and Questions:

Mr. Bond and Mr. Barrientos agreed that she would have a hardship in asking for this special exception and they do support.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Brown and Radney) to **Special Exception** to permit a Detached House and accessory buildings in the CS District to permit an addition of a non-conforming building (Sec. 15.020-H, Table 15-2.5) (CD 4) per the conceptual plans 5.7 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 14 BL 5, LONGVIEW ACRES

23231—Tom Neal

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Section 45.031-D); Variance to permit the aggregate floor area of accessory buildings/ dwelling units on a lot in an RS-2 district to exceed 40% the floor area of the primary residential structure (Sec. 45.030-A, 45.031-D); Variance to permit a detached accessory building/ dwelling unit to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C); Variance to allow a detached accessory building/ dwelling unit located in the rear setback to be less than 3' from an interior lot line (Sec. 90.090-C) **(CD 4)**

LOCATION: 1120 E Woodward Blvd

Presentation:

Tom Neal- 2507 East 11th Place

He is representing a young family with children that would like to take an existing garage that was built for 1920's cars and add on to use for modern day cars and they would like to also add a 2nd floor to accommodate an aging family member that needs to be nearby but wants to retain some independence. The existing garage is non-conforming, but they are attempting to keep in style with the home, but the brick is challenging. They are going to use brick that is in the side yard and try to match the style of the home. The brick will cover the full front of the garage and there will be siding used on the sides of the home. They are reusing the existing vintage tile from the old garage on the front part of the garage where it is visible from the street. For the back part of the roof, they will be using a composite shingle. The addition will use the same slope as the existing roof.

The homeowners have reached out neighbors and everyone has been in support, except for one letter that was received. It was from a neighbor that lives a block away and is not an immediate neighbor.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Wallace does not have an issue with this.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; "nays"; no "abstentions"; two absent Radney, Brown) to **APPROVE** a Special Exception Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Section

45.031-D). **LOCATION:** 819 South Xanthus Avenue East (**CD 4**) per the conceptual plan 4.12 of the agenda packet and the compliance alternative landscape plan. Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Section 45.031-D); Variance to permit the aggregate floor area of accessory buildings/ dwelling units on a lot in an RS-2 district to exceed 40% the floor area of the primary residential structure (Sec. 45.030-A, 45.031-D); Variance to permit a detached accessory building/ dwelling unit to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C); Variance to allow a detached accessory building/ dwelling unit located in the rear setback to be less than 3' from an interior lot line (Sec. 90.090-C). The Board finds the hardship to be the existing house predates existing code and does not accommodate the size of a modern-day vehicle. Per conceptual plan 6.9-6.11 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. In granting the Variations 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 2 BLK 10,SUNSET PARK AMD

23232- Stuart VanDeWiele

Action Requested:

Variance of Section 5.030 (Table 5-3) to reduce the minimum lot area of a special exception use from 12,000 square feet to 8,691 square feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum lot width of a special exception use from 100 feet to 67 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum

street setback from 25 feet to 18.87 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 8 feet; Variance of Section 5.030 (Table 5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 14.33 feet; Variance of Section 90.090-A to allow parking within the planned right-of-way along Quaker Avenue, subject to granting of a right-of-way license agreement from the City of Tulsa.

LOCATION: 4920 S Quaker Ave (CD 9)

Presentation:

Stuart VanDeWiele- 320 Boston Suite 200

He represents the church of St. Mary's in connection with their new outreach center project. This is a companion application to a special use that the board granted in December 2020. Through that process there was some miscommunication on the letter of deficiency and the application dealt with the use and not the handful of measuring variances that were needed. He did bring two members of the church that can answer any operation questions the board may have.

They are requesting six total variances due to the small lot area to accommodate the project.

Interested Parties:

Councilor Fowler
175 E 2nd Street
CD#9

The location of the property falls in his district. Mr. Fowler states that St. Mary's has been part of this community for many generations and are great stewards. They are working on a revitalization of 61st and Peoria and St. Mary's have been an intricate part of this. He does not see this request dramatically altering the neighborhood and he believes that are a great anchor and neighbors. He asks they board to grant this variance.

He has spoken with one neighbor and answered his questions.

Comments and Questions:

Mr. Bond does not have any issues and Mr. Wallace agrees.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; "nays"; no "abstentions"; two absent Radney, Brown) to **APPROVE** a Variance of Section 5.030 (Table 5-3) to reduce the minimum lot area of a special exception use from 12,000 square feet to 8,691 square feet; a Variance of Section 5.030 (Table 5-3) to reduce the minimum lot width of a special exception use from 100 feet to 67 feet; a Variance of Section 5.030 (Table 5-3) to reduce the minimum street setback from 25 feet to 18.87 feet; a Variance of Section 5.030 (Table 5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 8 feet; a Variance of Section 5.030 (Table

5-3) to reduce the minimum interior side yard (to the west) from 25 feet to 14.33 feet; a Variance of Section 90.090-A to allow parking within the planned right-of-way along Quaker Avenue, subject to granting of a right-of-way license agreement from the City of Tulsa. Per the conceptual plan 7.10 of the agenda packet and per the plans provided at the meeting. Finding the hardships to be the abutting RS properties are not currently in use as residences and is tied to a larger pre-approved plan for a religious institution that is in an RS area. In granting the Variances 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 8 BLK 18, BELLAIRE ACRES SECOND EXT

23233 Jessie Bucelluni

Action Requested:

Special Exception to permit a projecting sign to project into the planned right-of-way of S. Harvard Ave. (Sec. 60.020-E)

LOCATION: 1427 S Harvard (CD 4)

Presentation:

Continuance requested to the January 25, 2022, meeting

Interested Parties:

There were no interested parties

Comments and Questions:

N/A

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Brown, Radney) to **CONTINUE** the request for Special Exception to permit a projecting sign to project into the planned right-of-way of S. Harvard Ave. (Sec. 60.020-E) to the January 25, 2022 meeting.

LOCATION: 1427 S Harvard (CD 4)

For the following property:

LOT-7-BLK-3; LOT-6-BLK-3, SUMMIT HGTS ADDN

23234 Yolanda Rodriguez

Action Requested:

Special Exception to allow a manufactured housing unit in the RM-2 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

LOCATION: NW/c of W. 9th St. S. & S. 61st W. Ave (CD 1)

Presentation:

Yolanda Rodriguez- 818 South 61st West Ave

They are trying to move an existing mobile home to a new property they have purchased. The mobile home was built in 1998 and it is a double wide. The applicant states there are other mobile homes in the area.

They have not spoken to any of the neighbors, but the board did receive a letter of support.

Interested Parties:

There were no interested parties

Comments and Questions:

Mr. Bond does not have an issue.

Mr. Wallace would like to have a time limit for review of this property.

Board Action: On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Brown, "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) to **APPROVE** the Special Exception to allow a manufactured housing unit in the RM-2 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit for a Manufactured Housing Unit (Sec.40.210-A) per the conceptual plan 9.9 of the agenda packet and a time limit of 10 years. The Board finds that requested Special Exception will be in harmony with the intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

LT 30 BLK 3,LAWNWOOD ADDN

23235- Lou Reynolds

Action Requested:

Variance to reduce the required 25-foot rear setback in the RS-1 district to permit an addition to the existing residence (Sec. 5.030, Table 5-3)

LOCATION: 2630 E 65th PI S (CD 2)

Presentation:

Lou Reynolds- 2727 East 21st Street

He is representing the homeowners of this property and the hill on the property causes an issue with this property with the extension of the back of the existing home. Mr. Reynolds states the neighbors are supportive of the proposed plans.

Interested Parties:

There were no interested parties.

Comments and Questions:

Mr. Wallace is in support.

Board Action: On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) to **APPROVE** the request Variance to reduce the required 25-foot rear setback in the RS-1 district to permit an addition to the existing residence (Sec. 5.030, Table 5-3) Finding the hardship to be the home predates the large existing setback and per the conceptual plans 10.10 & 10.11 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification.
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- 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-3-BLK-2, TIMBERLANE ROAD ESTATES

23237- Gregory Helms

Action Requested:

Special Exception to amend an approved site plan for a High School Use (Booker T. Washington High School) in an RS-3/RM-1 District to permit the construction of new athletic facilities (Sec. 5.020, Table 5-2, Sec. 70.120)

LOCATION: 1514 E. Zion St N (CD 1)

Presentation:

Mike Tedford- 123 North Martin Luther King Jr Blvd

Seeking a special exception to amend a previously approved site plan to add additional sport courts, lighting, and parking.

Mr. Tedford states that he is not aware of any engagement or meetings with the neighbors other than this being a Bond funded project, which was written, and the community voted on it for approval. He states that a continuance to this case would adversely affect the schedule and completion of this project as it is set to begin in the next month. A continuance could also affect the cost of the project.

Interested Parties:

Denise Wilson- 1813 East Young Street

Ms. Wilson is a resident in the area, and she feels this will impact the quality of life. She has lived in the neighborhood for almost 45 years and the area has been in transition since she has lived there, and people are once again buying homes in the area. She is concerned that some of the elderly in the neighborhood reside on the east side of where the facility will be, and she is concerned about the proximity of the new sport courts and how it will adversely impact those residents. One of Ms. Wilson's concerns is the additional light pollution. She requests the denial of the special exception so the school system will reach out to the neighbors so they can engage the community so they can speak about this matter.

Brian Jeffers- GS Helms Architects 424 East Main Street

Mr. Jeffers would like to clarify a few things that Ms. Wilson spoke on. The wall that is proposed is not part of the sports facility project it will be on a different application. But the school is considering building the concrete wall due to recent violence in the area. In addition, after he spoke to Ms. Wilson he reached out and obtained information on the photometric of the new lighting and he can confirm that the new lighting will not spill into the neighborhood. The plan is to have the construction completed by August 2022.

Comments and Questions:

Mr. Bond states that Booker T. is a flagship of Tulsa Public Schools and one enjoyment that have on this board is seeing improvements to the schools. He acknowledges the concerns of the neighbors with the light pollution, but he is inclined to vote today and not have a continuance.

Mr. Barrientos agrees with Mr. Bond and is inclined to support.

Mr. Wallace wishes there was more neighbor engagement by TPS, but he is leaning towards approving the request.

Mr. Wilkerson reminds the board that this is just a request for the special exception for a revision to the site plan and not a variance that includes discussion of the lighting.

Board Action: On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) to a **APPROVE Special Exception** to amend an approved site plan for a High School Use (Booker T. Washington High School) in an RS-3/RM-1 District to permit the construction of new athletic facilities (Sec. 5.020, Table 5-2, Sec. 70.120). Per the conceptual plan 11.9 -11.23 of the agenda packet. The Board finds that requested special exception will be in harmony with the intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare

LT 1 BLK 1,BOOKER T WASHINGTON PRT RSB CARVER HT 2&3 &TRENTON ARMS&PRT COOTS

23238- Joshua Berman

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Sec.45.031); Variance to allow a Detached Accessory Dwelling Unit/Garage to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C)

LOCATION: 1616 E. 26th St. S. **(CD 4)**

Presentation:

Joshua Berman- 1616 East 26th Street

The home is built in the 1920's so it has a very small garage and does not have a guest room. They are seeking a special exception to add a second story to the garage. He will not be changing the footprint of the existing garage due to the high roof pitch. The brick on the garage matches the home. Mr. Berman said in the neighborhood 25-30% of the homes have the same structures on their properties. He has not had any opposition from the neighbors.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Wallace is in support.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) to **APPROVE** Special Exception to allow an Accessory Dwelling Unit in the RS-2 district (Sec.45.031) per the conceptual plans 12.14, 12.18-12.20 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. On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) to **APPROVE** Variance to allow a Detached Accessory Dwelling Unit/Garage to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C). Finding the hardship to be the home predates modern zoning code. Per the conceptual plans on 12.14, 12.18 – 12.20 of the agenda packet and with the condition of keeping with the existing materials of the home. 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 34 BK 15,TERWILLEGGER HGTS

23239-Jones, Gotcher & Bogan P.C.

Action Requested:

Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A)

LOCATION: 3501 E. 107th Pl. (CD 8)

Presentation:

Requested a continuance to the February 8, 2022, meeting

Interested Parties:

There were no interested parties present.

Comments and Questions:

Board Action: On **MOTION** of **BARRIENTOS** the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Brown, Radney) to **CONTINUE** the request for Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A) to the February 8, 2022 meeting

LOCATION: 3501 E. 107th Pl. **(CD 8)**

For the following property:

LT 6 BLK 1,PHILCREST

23240- Raul Cisneros

Action Requested:

Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A)

LOCATION: 5317 E Xyler St N **(CD 3)**

Presentation:

Fernando Adame - 3737 East 16th Street North Sperry, OK
He is representing Raul Cisneros so they can move a 1998 mobile home onto the property. The home is a single wide home. They have other mobile homes and tiny homes in the neighborhood. The neighborhood to the north of the property is a manufactured home subdivision.

They have not spoken to any neighbors.

Interested Parties:

There are no interested parties.

Rebuttal:

Comments and Questions:

Mr. Bond does not have any objections.

Mr. Barrientos asked about a time limit to which they agree on 10 years.

Board Action: On **MOTION** of **Barrientos**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; one Radney "abstentions"; two absent Radney, Brown) to **APPROVE** a Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit for a Manufactured Housing Unit (Sec.40.210-A). Per the conceptual plan 14.5 of the agenda packet and with a time limit of 10 years. 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:

W 1/2 LT 6 BLK 10, INDUSTRIAL ADDN-DAWSON

23241- Jim Thomason

Action Requested:

Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C)

LOCATION: 2152 S Owasso Ave **(CD 4)**

Presentation:

Continuance requested to the January 25, 2022, meeting.

Interested Parties:

No interested parties.

Comments and Questions:

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Brown, Radney) to **CONTINUE** the request of a Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C) to the January 25, 2022, meeting.

LOCATION: 2152 S Owasso Ave **(CD 4)**

For the following property:

LOT 7 BLK 13, SUNSET PARK AMD

23242- Lou Reynolds

Action Requested:

Variance to reduce the 25-foot rear setback in an RS-1 District to permit an addition to the residence (Sec. 5.030, Table 5-3)

LOCATION: 4620 S Victor Ave (CD 9)

Presentation:

Lou Reynolds- 2727 S 21st Street

He represents the homeowners, and they seek a variance to the setback for the homeowners to place the addition on their home.

Interested Parties:

No interested parties.

Comments and Questions:

No comments

Board Action:

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) **TO APPROVE** Variance to reduce the 25-foot rear setback in an RS-1 District to permit an addition to the residence (Sec. 5.030, Table 5-3) Finding the hardship to be a uniquely shaped lot that backs up to an abandoned public street. Per the conceptual plan 16.6 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.
- e. That the variance to be granted is the minimum variance that will afford relief.

- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- 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 5,BOLEWOOD ESTATES

23243- Rob A. Coday

Action Requested:

Special Exception to permit a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL District (Sec. 15.020, Table 15-2)

LOCATION: 1320 W. 41st Street S., Building D (**CD 2**)

Presentation:

Rob Coday- PO Box 128 Kiefer, OK

Seeking a special exception to finish the interior of an empty building for a low impact marijuana processing facility. Will have 2-3 employees.

Nick Fischer- 12112 East Oxford Ave East

Owner of the business. They are adding to integrate the other parts of their marijuana company, which is fully approved and licensed. They are seeking the special exception for extraction. They use organic methods, non-solvent. They do not use flammable gases for extraction. They use ice and water extraction, which dates back to the early 1900's. Once processed it is used for edibles. This process does not have any smells.

Interested Parties:

No interested parties.

Comments and Questions:

No Board comments

Board Action: On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Bond, Wallace "aye"; no "nays"; no "abstentions"; two absent Radney, Brown) **TO APPROVE** Special Exception to permit a Moderate-impact Medical Marijuana Processing (Moderate-impact Manufacturing and Industry) Use in the IL District (Sec. 15.020, Table 15-2). Per the conceptual plan 17.5 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:

PRT NW BEG 35S & 125W NEC NE TH SW APROX 182.56 S307 SE173.78 SELY TO
PT 125 W & 500S NEC NE TH N TO POB SWC 26 19 12 1.71ACS

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

There being no further business, the meeting adjourned at 2:57 pm.

Date approved: March 8, 2022


Chair

