

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1289  
Tuesday, February 22, 2022, 1:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Wallace Radney, Vice Chair Brown, Secretary	Bond, Chair Barrientos	Wilkerson S. Kelvington K. Davis R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on February 16, 2022, at 9:48 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice Chair Radney called the meeting to order at 1:04 p.m.

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

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

- Ms. Audrey Blank, City Legal
- Mr. Steve Brown, Secretary
- Ms. Burlinda Radney, Vice Chair
- Mr. Tyler Wallace
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Ms. Sandra Kelvington, Tulsa Planning Office
- Mr. Kendal Davis, Tulsa Planning Office
- Ms. Robi Jones, Tulsa Planning Office

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Ms. Radney explained to the applicants and interested parties that the Board is a five member 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. Ms. Radney offers a continuation for applicants if they would prefer to procede when all members are present. If the applicants would like to proceed, they are able to.

## **NEW APPLICATIONS**

### **23261- Jonathan Belzey**

#### **Action Requested:**

**Variance** to reduce the building setback from a street (E.8th Street), in an RM-2 District, from 10 feet to 2 feet to permit Six Townhouse Units. (Section 5.030), Table 5-3). & a **Variance** to reduce the building setback from a street (S. Quincy Ave), in an RM-2 District, from 10 feet to 5 feet to permit Six Townhouse Units (Section 5.030, Table 5-3).

**LOCATION:** 801 & 807 S. Quincy Ave E (CD 4)

#### **Presentation:**

Jonathan Belzey- 1220 S. Owasso Dr

They are seeking the relief to reduce the setback that is required by code to allow a backyard and private green space in the back of the townhouses. This is an area that he has been working on for the past decade. Mr. Belzey says they have unanimous support from the Pearl District Association.

They are building six townhouses that will have two parking spaces for each unit, privacy wall to the south to act as a barrier for those neighbors. They setback to the North side / Quincy facing units allows for a covered entry. That canopy is a second story balcony that covers the entry, and they believe that at certain times of the year residents of these homes will have views of the downtown skyline.

Mr. Brown asks the applicant if the units are 2 or 3 bedrooms? Mr. Belzey responds 2 bedrooms.

#### **Interested Parties:**

No interested parties.

#### **Comments and Questions:**

Mr. Wallace has no issues. Neighbors are in support of it.

Ms. Radney believes it is consistent with the comprehensive plan. Asks what the hardship would be?

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; two absent, Barrientos, Bond) to **APPROVE** a **VARIANCE** to reduce the building setback from a street (E.8th Street), in an RM-2 District, from 10 feet to 2 feet to permit Six Townhouse Units. (Section 5.030), Table 5-3). & a **VARIANCE** to reduce the building setback from a street (S. Quincy Ave), in an RM-2 District, from 10 feet to 5 feet to permit Six Townhouse Units (Section 5.030, Table 5-3). Finding the hardship to be the neighborhood predates zoning code and per conceptual plans 1.11 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

**LTS 15 & 16 BLK 5,EAST LYNN ADDN**

**23267- Jennifer Gleason**

**Action Requested:**

**Variance** to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2)

**LOCATION:** 1410 E. 64th St. (CD 2)

**Presentation:**

Nathan Sweats- 4641 S. Braden Ave – Anthem Construction  
Mary Scott- 1410 E 64<sup>th</sup> St

Mr. Sweats is seeking a variance to allow for a detached garage. The proposed use is for multi-purpose. On the back of the garage there will be access for Ms. Scott's horses and the front of the garage will serve as a garage for Ms. Scott. There is not a second floor on the garage. It will be wood construction, siding and shingle roof that will match the existing siding of the home on the property.

Ms. Scott indicates that she is a veterinarian, but she will not be using this for her clinic, just personal use. Ms. Scott purchased the property and an additional 3 acres that previously had a house and trailer on the property. Ms. Scott intends to remove the trailer from that property. Ms. Scott states that she does not have any immediate neighbors to her property. Her desire is to enhance the property as this is her only residence.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. Brown would like a condition that there will not be a second floor in the garage.

Ms. Radney agrees and would like to also add that it is for personal use, not commercial use. Ms. Radney would like to officially state that this variance request does not allow any home occupation and if ever used as that would be in violation of the code. It may not be used for any Veterinarian services.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; two absent, Barrientos, Bond) to **APPROVE** a **VARIANCE** to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2) Finding the hardship to be the existing property use predates current zoning code. Per the conceptual plans 2.7 & 2.11 of the agenda packet. Per the following conditions: there will not be a second floor built in the structure and it is for personal use only. 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 3 BLK 3, VALLEY VIEW ADDN**

#### **23268- Jennifer Gleason**

##### **Action Requested:**

**Variance** to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2)

**LOCATION:** 4404 N. Main St. W. (CD 1)

##### **Presentation:**

Nathan Sweats- 4641 S. Braden Ave – Anthem Construction

Mr. Sweats is the owner of Anthem Construction and represents the homeowner, who is not present. Mr. Sweats states the homeowner purchased the lot next to his property of his residence. The homeowner would like to build a garage on the property. It will be wood construction, standard garage doors, shingle roof. It would be used for the homeowner's personal vehicle storage. The proposed garage would be 45x30 – 1,350 sq ft. They are not proposing a driveway in the plans, they will be using the existing curb.

Ms. Radney states she is observing that if they took this application to vote the board would be a split and possibly opposed, she advises the applicant that to grant a variance the board needs a clear and defined hardship that can be relieved by the board. It cannot be financial, and it cannot be self-imposed. She feels like they will not be inclined to approve it and the absence of two board members, she recommends a continuation to the next meeting.

**Interested Parties:**

No interested Parties.

**Comments and Questions:**

The board would like to continue this request so the applicant can bring in additional details with the updated building plans to show wood construction and to have a more defined hardship.

Mr. Brown and Mr. Wallace agree with Ms. Radney.

**Board Action:**

On **MOTION** of **Brown**, the Board voted 3-0-0 (Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; two absent, Barrientos, Bond) to **CONTINUE** the requested **Variance** to allow the floor area of Detached Accessory Buildings to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A.2) to the March 8, 2022, meeting. For the following property:

**LTS 12 & 13 BLK 28, VALLEY VIEW ACRES**

**23270- Janet Garcia**

**Action Requested:**

**Special Exception** to allow a Large (>250-person capacity) Indoor Assembly & Entertainment Use in the in the IL district. (Sec.15.020, Table 15-2)

**LOCATION:** 825 N Sheridan Rd E (**CD 3**)

**Presentation:**

Pedro Garcia- 825 N. Sheridan Rd

Mr. Garcia is seeking a continuance of a previously approved special exception that expired. They own and operate a community event center that hosts quinceanera, church charity events, etc. They are seeking the same the same variances that were previously granted.

**Interested Parties:**

No Interested Parties.

**Comments and Questions:**

Mr. Brown and Mr. Wallace have no issues with granting the special exception.

Ms. Radney suggests an expiration of 10 years from the date granted.

**Board Action:**

On **MOTION** of **Brown**, the Board voted 3-0-0 (Radney, Wallace, Brown, "aye"; "nays"; one Radney "abstentions"; two absent, Bond, Brown) to **APPROVE** a **SPECIAL EXCEPTION** to allow a Large (>250-person capacity) Indoor Assembly & Entertainment Use in the in the IL district. (Sec.15.020, Table 15-2) per the conceptual plan 4.22 of the agenda packet and subject to the following conditions: must close at 2:00 am on Friday and Saturday, closing at midnight all other times. There is to be adequate security provided for all events. There is to be trash pickup at all events. The fence is required to be maintained on the east and south sides of the subject property. Any music heard outside of the building must be kept at acceptable decibel levels per City ordinances. The Board makes this approval for a period of ten years with a date of expiration of 2/22/2032. 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 3 & 4 LESS W 5' TO CITY, POLSTON SECOND SUB**

**23271- Lori Worthington / A-MAX Sign Company**

**Action Requested:**

**Variance** to allow free standing signs within 30-feet of other freestanding signs (Sec. 60.040-B-2) **Variance** to allow more than one free standing sign and more than one dynamic display sign per street frontage in the RD District (Sec. 60.050-B-2.b;c.1 ) **Special Exception** to permit a Dynamic Display sign in an Residential District containing a Church Use (Sec. 60.050-B.2.c); **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) **LOCATION:** 7100 E. 31<sup>st</sup> Street (**CD 5**)

**Presentation:**

Ms. Worthington asks for a continuation to the March 8, 2022, meeting

**Interested Parties:**

No interested parties.

**Comments and Questions:**

No additional comments or questions.

**Board Action:**

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

standing signs within 30-feet of other freestanding signs (Sec. 60.040-B-2) **Variance** to allow more than one free standing sign and more than one dynamic display sign per street frontage in the RD District (Sec. 60.050-B-2.b;c.1 ) **Special Exception** to permit a Dynamic Display sign in an Residential District containing a Church Use (Sec. 60.050-B.2.c); **Special Exception** to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) to the March 8, 2022 meeting.  
For the following property:

## **LT 1 BLK 1, WOODLAKE VILLAGE B1**

### **23272- Peter Janzen**

#### **Action Requested:**

**Variance** to increase the permitted number of signs along E. 11th street to permit 1 freestanding sign and 5 roof signs (Sec. 60.080-C.2) and a Variance to allow roof signs within 30-feet of other roof signs (Sec. 60.040-B.2)

**LOCATION:** 1018 S. Rockford Ave (**CD 4**)

#### **Presentation:**

Peter Janzen- 9810 E 58<sup>th</sup> St.

This variance is for the Josey record location that is under the Route 66 corridor and is eligible for the Rout 66 sign grant. The old configuration of the building does not allow enough space for a wall sign, so they are requesting the variance to be able to place a sign on the roof for all the tenants in the building, for a total of 5 signs. All signs will be traditional signs with glass neon.

Mr. Janzen states the hardship is the relationship between the canopy and roof of the building do not accommodate a traditional wall sign.

Ms. Radney asks for clarification for the request for the freestanding sign. Mr. Janzen states there is an existing freestanding sign and they do not have any intention of adding an additional sign, it is just because of the way modern code is written.

#### **Interested Parties:**

There were no interested parties.

#### **Comments and Questions:**

Ms. Radney states that although she has not conducted business with the property owner, she has served on the Market District Board and forming committee with the applicant. She wants to disclose she is familiar with this district, and it includes a footprint of the market district boundary upon which she serves as a board member. But she does not have any specific relationship with a particular business or property owner.



Ms. Radney asks for clarification from Mr. Wilkerson about the number of signs being requested. Mr. Wilkerson explains there is a sign budget that is written in the code and that the way the budget is written it places a ground sign and a roof sign in the same budget allotment. He further explains that this case is unique that if the building space would allow for a wall sign, they would not need to file this variance request, they would be able to place the wall signs on the building and be within the sign budget. However due to the style of the building they must place the signs on the roof.

Mr. Wallace and Mr. Brown are in agreement.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; two absent, Bond, Barrientos) to **APPROVE** a **VARIANCE** to increase the permitted number of signs along E. 11th street to permit 1 freestanding sign and 5 roof signs (Sec. 60.080-C.2) and a **VARIANCE** to allow roof signs within 30-feet of other roof signs (Sec. 60.040-B.2) Finding the hardship to be the existing single use facility converted into a multi-tenant facility, the need to remove the existing low hanging signs so they are cleared from the pedestrian walkway per the conceptual plans 6.8-6.9 of the agenda packet and subject to the following conditions: each tenant sign must adhere to the wall sign allowance and contain 25% neon in accordance to the Rt. 66 Neon Sign Program. 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:

**ALL LTS 4 THRU 6 & LT 7 LESS S2.5 THEREOF BLK 8,EAST LYNN ADDN**

**23273- Nathan Cross**

**Action Requested:**

**Special Exception** to permit the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface (Sec. 55.090-F-2)

**LOCATION:** 1320 North 105<sup>th</sup> East Ave **(CD 3)**

**Presentation:**

Requested a continuance

**Interested Parties:**

There were no interested parties.

**Comments and Questions:**

No additional comments or questions.

**Board Action:**

On **MOTION** of **Brown**, the Board voted 3-0-0 (Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; two absent (Bond, Barrientos) to **CONTINUE** the requested **SPECIAL EXCEPTION** to permit the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface (Sec. 55.090-F-2) to the March 8, 2022, meeting. For the following property:

**LT 7 BLK 1,PINE STREET PARK**

**23274- Joel Collins**

**Action Requested:**

**Variance** to allow the aggregate floor area of a detached accessory structure to exceed 750 sq. ft. and 40% of the of the floor area of the principal structure (Sec. 45.030-A.1)

**LOCATION:** 17330 East Admiral Place **(CD 6)**

### **Presentation:**

Joel Collins- 2626 S. Troust Ave.

Luis Mendez- 17330 E Admiral Place South

Mr. Collins is working with the property owner, Mr. Mendez in building a detached accessory building that will be used for personal storage, trailers, and equipment. It is a 50x100 sq ft building. The surrounding properties are Agriculture or industrial use. The homeowner does live on the property, and he uses both plats of land as his personal home, although they are titled separately.

### **Interested Parties:**

There were no interested parties.

### **Comments and Questions:**

Ms. Radney and Mr. Brown are inclined to support.

### **Board Action:**

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Wallace, Radney, Brown "aye"; "nays"; no "abstentions"; two absent, Bond, Barrientos) to **APPROVE** a **VARIANCE** to allow the aggregate floor area of a detached accessory structure to exceed 750 sq. ft. and 40% of the of the floor area of the principal structure (Sec. 45.030-A.1). Finding the hardship to be the area agriculture and industrial in nature and predates the modern zoning code and the need for equipment storage to maintain the property. Per the conceptual plan 8.7 of the agenda packet, but only as it relates to the size and location of the accessory structure. 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:

**W168.32 OF E174.82 LT 7 SEC 2 19 14 2.53AC**

**23284- Minum Productions “Reservation Dogs”**

**Action Requested:**

**Special Exception** to permit a Temporary Office Use in the RS-3 District for up to 180 days. (Sec. 50.020-D)

**LOCATION:** 3205 West 39<sup>th</sup> Street (CD 2)

**Presentation:**

Dylan Bodie- 1608 S. Peoria Ave

Mr. Bodie is here as representative of Minum Productions and as the producer of the show. Reservation Dogs. They would like use Park Elementary as a base of operations for the second season filming of the show. There will not be any filming taking place at the location and they will have a limited footprint in the building. Filming will conclude June 3<sup>rd</sup>.

Ms. Radney asked if they have a footprint now at the location. Mr. Bodie replies yes, but it is very limited because they are waiting for the board approval.

Mr. Wallace also mentions he is a huge fan of the show and is excited there is a second season coming.

**Interested Parties:**

Ellen Decker- 4444 Oak Road

Ms. Decker is here to represent Tulsa Public Schools, the owners of the property. TPS feels this is a great opportunity for TPS. TPS would still be able to use the location as a bus drop off for their students. TPS feels the production company would be a great tenant and neighbor. This building has been vacant for six years and they are thrilled to be able to support a business and production like this.

**Comments and Questions:**

Ms. Radney, Mr. Brown, and Mr. Wallace are all in support of.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Wallace, Brown, Radney "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** a **SPECIAL EXCEPTION** to permit a Temporary Office Use in the RS-3 District for up to 180 days. (Sec. 50.020-D) with the condition that all activities are to be held indoors. 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:

**ALL BLK 6 & W30 VAC STREET ADJ ON E; LTS 4 THRU 6 & E30 VAC STREET ADJ ON W BLK 35, YARGEE ADDN, RED FORK**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

No comments

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There being no further business, the meeting adjourned at 2:50 pm.

Date approved: 3/22/22



Chair