

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1297  
**Tuesday, June 28, 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>
Radney, Vice Chair Wallace Barrientos Brown	Bond, Chair	D. Wilkerson S. Tauber K. Davis A. Chapman	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on June 22, 2022 at 10:31 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 1:00 p.m.

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

Ms. Radney notes that they are a 5-person board and that the Mr. Bond, Chair is absent. Applicants can request a continuance to a future meeting when they have a full board. One of our commissioners will be recusing on Item #9, so we will only have 3-person for this Item. Also, one application has been withdrawn which is BOA-23357 by Mr. Nathan Cross.

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## MINUTES

On **MOTION** of **Brown**, the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all “ayes”, no “nays”, no “abstentions”, Bond “absent”) to **APPROVE** the Minutes from April 12, 2022, Meeting #1292; the Minutes from April 26, 2022, Meeting # 1293; Minutes from May 10, 2022, Meeting #1294; and the Minutes from May 24, 2022, Meeting #1295.

## UNFINISHED BUSINESS

### 23319- Jason Evans

#### Action requested:

Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C) **Location:** 4217 E. 15<sup>th</sup> St. S. **(CD 4)**

#### Presentation:

**Jason Evans** 4217 E. 15<sup>th</sup> St., Tulsa, OK stated that they would like to have an exterior metal garage. There is room on this lot for this and there was a previous structure. This will be set back from 15<sup>th</sup> Street and the house itself is in the setback. It will be a 25-foot x 24-foot metal building on concrete slab adequate to fit a truck and extra storage. Part of the Variance is that it can't exceed 40% of the home itself. The garage will be about 600 square feet and the home is 1,100 square feet. It is not excessive. He had not spoken to any of the neighbors. There are a significant number of metal buildings in the neighborhood, and this would not be an eye sore. The Fair Grounds also have a significant amount of metal buildings.

#### Interested parties:

No interested parties were present.

#### Comments and questions:

Mr. Brown stated that he was not in favor of a metal and is not inclined to approve. He felt that it should have similar siding to the house.

Mr. Barrientos stated that he was concerned about the metal building and does not approve.

Mr. Wallace stated that he thought another exterior would be preferable and does not approve. He stated that it could look nice but doesn't have enough information to justify the quality of the building.

Ms. Radney stated that one of the things we must have a clear understanding of to grant a Variance is what is unique about this location and your hardship, and it can't be self-imposed. She asked him to state his hardship.

Mr. Evans stated that he was a disabled Marine Corp Veteran and especially during inclement weather he needs to be able put his vehicle inside.

Ms. Radney asked what he might do to the exterior of the building to help it blend with the neighborhood.

Mr. Evans stated that he would go with the same color of the house which is white with a charcoal roof and would build a fence in front of it along 15<sup>th</sup> Street.

Ms. Radney asked if Mr. Evans could provide more information about how the building would look for the July 12<sup>th</sup> meeting.

Mr. Evans stated that there are multiple finishing options for the exterior veneer and windows that he could submit via the portal.

**Board Action:**

On **MOTION** of **WALLACE** the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all "ayes", no "nays", no "abstention" Bond "absent") a **CONTINUE** the request for a Variance to allow the floor area of the detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure. Variance of the 35-foot setback from an arterial street. Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback July 12, 2022; for the following property:

**LT 10 BLK 4, ELECTA HGTS ADDN, TULSA COUNTY, STATE OF OKLAHOMA.**

## **23348 – Hana Momic**

### **Action Requested:**

Special Exception to permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D); Variance to permit a Detached Accessory Dwelling Unit exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C) **Location:** 3822 S. Atlanta Pl., Tulsa, OK **(CD 9)**

### **Presentation:**

**Hana Momic**, 3822 S. Atlanta Place, Tulsa, OK 74105, stated that they are requesting a Special Exception for a two-car garage and an apartment above it at the end of their driveway. The driveway slopes down considerably. The garage would be 28-feet wide by 23-feet deep. This was opposite in our last meeting, so we had that corrected since then. It would be a brick structure in the front to match the house and the roof would be the same as the house. This structure will be about 25-feet, so that will be 7-feet on top of the 18-feet to allow for a one-bedroom apartment that would be utilized strictly as their elderly parents. The main house has 4 bedrooms so this would add a bedroom and we would now have a 4-car garage. They currently have 6 vehicles and that would change too much in the coming years. They are trying to keep with the city ordinance of keeping vehicles off the street for prolonged periods of time. Our hardship is an oddly shaped easement diagonally through the backyard that eats a large portion of being able to make this a one level for the living space and garage. There is a garage apartment on top of the garage in the neighborhood. The garage apartment will have no windows on the neighbor's side and the only windows will face Battle Creek Church's parking lot and two large dormer windows in the front that will face the street.

Mr. Brown asked if it will be one garage or two. Ms. Momic stated that it will be one large garage door instead of two.

### **Interested parties:**

**Keith Colgan** 2506 East 38<sup>th</sup> Street, Tulsa, OK 74105 stated that he has property that is Northwest of property. He stated that he had submitted some pictures and they show that the windows will negatively impact the value of his property. We will lose privacy and their property value will go down. He is opposed to this. He stated that the windows that face the west will have a direct view of his pool area.

Ms. Radney asked Mr. Colgan if the windows were glazed or clerestory if he would still have an objection. Mr. Colgan stated that would help and he appreciated Ms. Momic's efforts.

### **Rebuttal:**

**Ms. Momic** stated that there the windows are facing the church parking lot. The

bathroom window can be obscured with glazing. She stated that Mr. Colgan's pool cabana overlooks her driveway and house with an outside sitting area. There will be no windows facing his pool directly and the windows that are closest to his property will be obscured.

**Comments and questions:**

Ms. Radney stated that she is appreciative of the modification and that they answered the questions that she had. She stated that she thought that one-garage door should be a condition and that the clerestory, or the glazed windows makes sense in this setting. That with the unusual easement agrees with the hardship that is unique to this lot.

Mr. Wallace stated that he agrees with Ms. Radney and if the applicant would be willing to make the bathroom window a clerestory or opaque along with the kitchen windows, he would approve it.

**Board Action:**

On **MOTION** of **BARRIENTOS** the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all "ayes", no "nays", no "abstentions", Bond "absent") to **APPROVE** the Special Exception to permit an Accessory Dwelling Unit in the RS-1 District per the Conception Plans show on pages 6.30 through 6.34. Subject to the following conditions:

- No windows on the north side of the building
- The window on the west side be opaque or clerestory.
- There may be one garage door instead of two.

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.

Further on a **MOTION** of **BARRIENTOS** the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all "ayes", no "nays", no "abstentions", Bond "absent") a Variance to permit a Detached Accessory Dwelling Unit exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback finding the hardship to be the occurring easement on the property that this is the only location possible where this building can be located. Also, the orientation of the house makes it impossible for the building to be located on the west side. Per the Conceptional Plans found on page 6.30 through 6.34. 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:

**S100 N294 E135 NW SW SW SEC 20 19 13 .31AC, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23351- Tulsa Precise Investments, LLC**

### **Action Requested:**

Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 1015 East Young Street, Tulsa, OK **(CD 1)**

### **Presentation:**

**Arvelestar Rentie Jr.**, 747 East Queen Street, Tulsa, OK 74106, stated that he was requested to make changes on his plans that he presented at the last meeting. He stated that he went from a 4-car garage to a 2-car garage, and a one-car garage facing the street. The square footage of the homes will remain the same.

### **Interested parties:**

**Debra Atkinson Moses**, 1007 East Young Street, Tulsa, OK, asked if the driveways would still be facing the park. She felt that the duplexes with their garages in the front facing the park will be a safety issue and they will devalue their homes.

Mr. Chapman stated that the plans he submitted were for a different site.

### **Comments and questions:**

Mr. Brown stated that he approves of this solid plan. He tends to support it.

Mr. Wallace stated that he tended to support it as well.

Mr. Chapman suggested that they state the width of the garage doors and the width of the driveway since that is most relevant. Per the site plan that is in your packet limited to a one-car garage for one side and a two-car garage for the other side to reduce the width of the driveway.

### **Board Action:**

On **MOTION** by **BARRIENTOS**, the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all "ayes", no "nays", no "abstention", Bond "absent") to **APPROVE** a Special Exception to permit a duplex in the RS-4 District, and a Special Exception to increase the permitted driveway width in a Residential District per the conceptual plans submitted at the meeting in the agenda packet of 7.7 through 7.12 and will be subject to the following conditions: Limited to a one 1-car garage and one 2-car garage maximum and the maximum width of the driveway will be 34-feet and will face Young Street. 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 OF LT 9 BLK 3,SUNNY SLOPE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23357-Nathan Cross**

**Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in a CS district. (Sec. 15.020, Table 15-2)

**LOCATION:** NE/c of MLK Jr. Blvd & E. Pine St. **(CD 1)**

Application withdrawn by applicant. No action taken.



## NEW APPLICATIONS

### 23374 – Multipurpose Properties, LLC

Action Requested:

Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit an Event Center (Sec.15.020, Table 15-2) Location: 3146 S. Mingo Rd. E. **(CD 5)**

Presentation:

**Charo Naifeh**, 3144 South Mingo Road, Tulsa, OK 74146, stated that she owns building located at this address. She graduated from Rhema Bible School and ORU. They want to have events such as birthdays, weddings, and women’s conferences geared for battered women. The property used to be a Southern Agriculture and has good parking. They will not serve food or alcohol. They will most likely be open in the evenings and some afternoons.

Interested parties:

No interested parties were present.

Comments and questions:

Mr. Wallace stated that he didn’t have any issues with it. It is in an industrial/commercial area, it’s backed up to a drainage easement.

Mr. Brown was not opposed.

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

Board Action:

On **MOTION** of **Brown**, the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all “ayes”, no “nays”, no “abstentions”, Bond “absent”) to **APPROVE** to a Special Exception to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit an Event Center (Sec.15.020, Table 15-2) per Conceptual Plans on pages 9.8 through 9.17 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:

**PRT NE NE BEG 592S & 200W NEC NE TH S266.31 SW126.03 N266.31 SE124.40  
POB SEC 24 19 13 .766AC AND BEG 592S & 237.10W NEC NE TH N55 W88.83 S55  
E87.30 POB SEC 24 19 13 .11AC, CITY OF TULSA, TULSA COUNTY, STATE OF  
OKLAHOMA**

## **23375 – Nathalie Cornett**

### **Action Requested:**

Variance to reduce the 200-foot minimum lot width in the AG district (Sec 25.020-D, Table 25-2) **Location:** 4402 South 193<sup>rd</sup> East Avenue, Tulsa, OK **(CD 5)**

### **Presentation:**

**Nathalie Cornett** 2727 East 21<sup>st</sup>, Suite 200, Tulsa, OK 74114 requested a Variance to permit a lot width requirement in the AG district from 200-feet to 164.92-feet for each of the split tracks. The property is currently a 10-acre tract located along 193<sup>rd</sup> Street between 41<sup>st</sup> Street and 51<sup>st</sup> Street. There currently is a house that sits on the southern portion of the property and the property owner desires to divide the into 5-acre tracts one with the existing house and the would be a vacant tract and ultimately sold. The property is exceptionally deep. It's 1,318-feet in depth so it well exceeds all the other requirements in the AG district which has a minimum lot size of two-acres. The depth of the property being the hardship they would request a Variance to allow the lot width to be 164.92-feet for two 5-acre tracts. The only way to divide it is east/west. There are also some 5-acre tracts in the area.

### **Interested parties:**

No interested parties were present.

### **Comments and questions:**

Mr. Barrientos stated that he doesn't have any issues considering the shape of the property.

Mr. Wallace stated he did not have any issues.

Mr. Brown stated that he did not have any issues either.

### **Board Action:**

On **MOTION** by **Barrientos**, the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all "ayes", no "nays", no "abstentions") to **APPROVE** a Variance to reduce the 200-foot minimum lot width in the AG district, finding the hardship to be the depth of the property per the conceptional plans shown on pages 10.7 through 10.8 in the agenda package. 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:

**N/2 N/2 SE NE SEC 25 19 14, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23376 – Guy and Kim Thiessen**

**Action Requested:**

Variance to permit a detached accessory building in the rear setback to exceed 10-feet in height to the top of the top plate (Sec. 90.090-C2); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 District (Section 90.090-C2) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A)

**Location:** 2241 E. 32<sup>nd</sup> Place S.

Mr. Chapman explained that there was a mistake on the address posted for this case and re-noticing would be required.

**Board Action:**

On **MOTION** of **Brown** voted 4-0-0 (Wallace, Radney, Brown, Barrientos all “ayes”, no “nays”, no “abstentions”, Bond “absent”) to **CONTINUE** the requests for a Variance to permit a detached accessory building in the rear setback to exceed 10-feet in height to the top of the top plate (Sec. 90.090-C2); Variance to allow more than 25% coverage by a detached accessory building in the rear setback in an RS-2 District (Section 90.090-C2) Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A) until eh July 12<sup>th</sup> Board of Adjustment Hearing, for the following property:

**LT 6 BLK 3, OAKNOLL, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23378 – Jason Day**

### **Action Requested:**

Variance of the required street setbacks in the RS-2 District (Section 5.030-A, Table 5-3) **Location:** 4112 S. New Haven Pl., Tulsa, OK **(CD 4)**

### **Presentation:**

**Jason Day** 4112 S. New Haven Place, Tulsa, OK was requesting a setback Variance for the front on New Haven Place and a setback Variance on the secondary arterial street which is adjacent to 41<sup>st</sup> Street. The property is a pie shaped lot at the end of New Haven Place and the plotted build lines shows that the current structure crosses the 30-foot setback. My proposal is simply to add a two-car garage that will be below the current roof line and that will set back to maintain the 20-foot build line on the front, but that would require a Variance for that 30-foot build line that is currently set with zoning laws. Also, the 35-foot set back would require a Variance. It would impact any visuals as it does not stick out in front of the house. The driveway will change will be straight to match the rest of the neighborhood. He has spoken to almost all the neighbors, and they all are fine with the addition. The hardship is that with the change in the zoning laws I am not able to expand the garage in the footprint of that house to bring it up to modern standards. It will maintain the ranch style of a one-story house. The garage will be 22-feet x 22-feet with an 18-foot garage door.

### **Interested parties:**

No interested parties were present.

### **Comments and questions:**

Mr. Brown stated that it was a good use of the existing property restrictions or limitations and had no objections.

Mr. Wallace stated it was an improvement to the property and the neighborhood will be proud of this addition.

Mr. Barrientos stated that he also was inclined to support it.

### **Board Action:**

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Variance of the required street setbacks in the RS-2 District (Section 5.030-A, Table 5-3). Finding the hardship to be the uniquely shaped lot in an existing non-conforming structure per the conceptional plans shown on 12.13 and 12.16, and the exhibit presented today showing the new driveway configuration. 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 13,PATRICK HENRY B13-23, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23379 – Arlen Gregory**

**Action requested:**

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

**Location:** 9901 East 46th Pl. South, Tulsa, OK **(CD 4)**

**Presentation:**

**Arlen Gregory** 13516 East 32<sup>nd</sup> St., Tulsa, OK 74134 is requesting a Special Exception from IL to allow Medical Marijuana processing. It's been deemed a non-volatile chemicals packaging. It's intended to be a distribution center for wholesale and storage, and not open to the public. He has spoken to all the owners in the area, and no one has any issues. The actual license itself is ice water and manual manipulation which is why it is low-impact and there are no chemicals involved. It will be a distribution center. There will be no extraction, but it will be the Moderate-Impact processing license. There is no Low-Impact processing license.

**Interested parties:**

No interested parties were present.

**Comments and questions:**

Mr. Wallace stated that he didn't have any issues with this.

Mr. Brown stated that he did not have any issues with this.

**Board Action:**

On **MOTION** of **Brown**, the Board voted 4-0-0 (Wallace, Radney, Brown, Barrientos all "ayes", no "nays", no "abstention") to **APPROVE** a Special Exception to permit Moderate-Impact Medical Marijuana processing (Moderate-impact Manufacturing & Industry Use) in the IL District (Sec. 15.020, Table 15-2) per the Conceptual Plans on pages 13.7 & 13.8 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:

**W20 LT 9 & ALL LTS 10 THRU 12 & E40 VAC ST ADJ ON W THEREOF BLK 6, ALSUMA, City of Tulsa, Tulsa County, State of Oklahoma**

**23380 – Kory Myers**

**Action Requested:**

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 3144 E. 33<sup>rd</sup> St. (CD 4)

Mr. Chapman explained that there was a mistake on the address posted for this case and re-noticing would be required.

**Board Action:**

On MOTION of Brown voted 4-0-0 (Wallace, Radney, Brown, Barrientos all “ayes”, no “nays”, no “abstentions”, Bond “absent”) to CONTINUE the Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) until the July 12th Board of Adjustment Hearing, for the following property:

**LT 6 BLK 6, RANCH ACRES RESUB L5-12 B5 & L4-6 B6, City of Tulsa, Tulsa County, State of Oklahoma**

There being no further business, the meeting adjourned at 2:53 pm.

**NEW BUSINESS**

None.

**BOARD MEMBER COMMENTS**

None.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 2:53 pm.



Date approved: 7-26-22

Anton P. Buel  
Chair