

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1301  
**Tuesday, August 23, 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</b>
Bond, Chair Radney, Vice Chair Wallace Brown	Barrientos	D. Wilkerson S. Tauber J. Banes A. Chapman	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on August 17, 2022, at 4:14 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Bond called the meeting to order at 1:05 p.m. Mr. Bond noted that they are a 5-person board, and that the Mr. Barrientos is absent. Applicants can request a continuance to a future meeting when they have a full board.

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

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **APPROVE** the **Minutes** of July 26, 2022 (Meeting No. 1299).

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **CONTINUE** the **Minutes** of August 9, 2022 (Meeting No. 1300) until September 13, 2022.

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**NEW APPLICATIONS**

**23406- Ryan Neuhor**

**Action Requested:**

Special Exception to permit a Dynamic Display sign in a Residential District containing a School 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:** 2177 S. 67<sup>th</sup> E. Ave. (Hale Middle School) **(CD 5)**

**Presentation:**

**Ryan Neuhor**, P.O. Box 1602, Owasso, Oklahoma 74055, stated that he was there to represent Image Builders and Tulsa Public Schools and we are requested a dynamic sign for Hale Middle School. It meets all the setback requirements and no Variances needed. We are moving the sign 56-feet to the south, but it still will maintain the required setback. They will abide by the requirements to turn the sign off from 9:00 p.m. to 7:00 a.m. daily. It also comes with automatic dimming. We are not aware of any neighbors that have objected.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **WALLACE** the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **APPROVE** the Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) and Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) per the conceptual plans shown on pages 3.9 and 3.10 of the Agenda packet.

The Board finds that the requested Special Exceptions 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:

**NE NW SEC 14 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23407 - 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:** 2019 N. Evanston Pl. **(CD 1)**

**Presentation:**

**Raul Cisneros**, 3902 East 51<sup>st</sup> Street, Tulsa, Oklahoma 74135, stated that they want to put a manufactured house here. They have not been able to talk to any of the neighbors. There is another manufactured home in the area.

**Interested Parties:** None.

**Comments and Questions:** Mr. Bond asked if Mr. Cisneros could tell them what this was going to look like. Mr. Cisneros stated that it was a typical mobile home. The bottom will be covered by a skirting.

Mr. Brown stated that the site plan shows the mobile home, and the north is a metal roof overhang and asked if that was necessary to be on concrete. Mr. Cisneros stated that it would be, and the driveway would be also.

Mr. Chapman stated that a carport would be allowed in this location. There are not any restrictions if it is not in the street yard or street setback.

Mr. Wallace asked if there were any elevations or images of the mobile home. Mr. Cisneros Mr. Wallace stated that they typically see elevations or pictures before we approve something.

Mr. Chapman asked Mr. Cisneros if he had any images that he could send in. Mr. Cisneros stated that he did not, but he could get some.

Ms. Radney stated that she would not be inclined to support this without some sort of image or elevation.

Mr. Bond stated that he would like to move this to the end of the docket so we can move on while Mr. Cisneros finds a picture of the mobile home on his mobile phone

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays;” no “abstentions,” Barrientos “absent”) to **CONTINUE** the 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) until the September 13, 2022 Board of Adjustment Hearing, for the following property: **N.80 LT 2 BLK 24,MARTIN SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

## **23408 - Luke Hanson**

### **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:** 7450 E. 46th Pl. **(CD 5)**

### **Presentation:**

**Luke Hanson**, 7450 East 46<sup>th</sup> Place, Tulsa, Oklahoma, 74145, stated that he was requesting a Special Exception for Moderate-Impact Medical Marijuana processing in their business.

Mr. Bond asked if they were already doing processing. Mr. Hanson stated that they had been cultivating under a growers license for years. We are asking for a less than three hundred square feet of their 20,000 square foot facility of the building. We are not increasing our total output of medical marijuana, just asking to change a portion of the finished product. To process it into a higher concentrated form. It is called fresh frozen solventless ice water. I have pictures of what it will look like the Mr. Chapman has.

Mr. Brown asked if there was waste. Mr. Hanson stated that there was, and they contract with a company called Enso Solutions, a licensed cannabis waste management company. We do not incinerate, or compost and we do not put it into the regular waste. We have locked trash bins in the loading dock facility, and we will ask them to give us more monthly. This space is fully sprinklered.

Mr. Brown asked if they will totally occupy the building. Mr. Hanson stated that they already do. That space is an unused kitchen area with a sink and a bathroom. We are hoping to use it long term to use it as such. Our lease is for the whole facility.

Mr. Wallace stated that there is correspondence about an odor in the area and asked Mr. Hanson to address that for us. Mr. Hanson stated that their first indication last year Mr. Austin McPherson came out with an odor complaint from a neighbor. We no idea which neighbor it was and we passed that inspection without any violation. Then we had an objection to this specific to odor and we added documentation into our packet that shows our current filtration system. We have carbon filters with fans that push the air through the charcoal filters as well as the carbon filters. We are willing to add as many of those as we need to. There is a grower across the street next to the facility that is objecting to this.

Ms. Radney asked if Mr. Hanson could show the Board where that objection is coming from. Mr. Hanson showed the Board where their facility is located, where the other facility is located, and where the objector is located. There is approximately six inches in between the other grower and the objector, and the other grower is in a concrete block, porous structure. Ours is made of grid iron and steel. There is two hundred feet between our facility and the facility across the street. The other grower has approximately three times as many plants as we do.

Mr. Bond asked if the waste and the products are loaded inside the warehouse or are you taking them outside to transport. Mr. Hanson stated that the loading dock area is specifically for the waste bins. The waste bins are loaded, taken to the loading dock, and locked and Enso Solution's truck backs into the loading dock and load the bins and replace them with new ones. The waste rarely open to open air.

**Interested Parties:**

**Clark Robinson**, 7240 East 46<sup>th</sup> Street, Tulsa, Oklahoma 74145, stated his basis of objection is that we cannot isolate the offending facility. Anytime the wind is out of the east or northeast, the odor is almost unbearable. Whatever either one of those facilities are doing to control the odor it is not working. My objection is to allow them to produce more to grow in their facilities and make the problem even worse. It is embarrassing to have retail customers smell the odor and problematic every time I get out of my car, and you can smell the odor.

Mr. Bond asked if Mr. Robinson had been able to contact code enforcement at the city. Mr. Robinson stated that there are also three growing spaces in the area. One of the Vice Presidents pursued this for a long time, and we were never able to get satisfaction.

Mr. Bond stated that the Board is not able to do any fact finding. He would suggest that Mr. Robinson contact the city.

**Joseph Wallis**, 7457 East 46<sup>th</sup> Place, Tulsa, Oklahoma, 74145, stated that he was with the facility from across the street. Growers surround my facility. Regarding the odor, all these facilities are going to say that it is not them that is causing the odor. As outlined in my letter, I have tried to work with the city inspectors. I have written my counselor and I cannot get anything done about the odor. The issue about the smell is not his problem. That is the industries problem. Nothing has been done to take care of it and he has been fighting it for years. To Mr. Robinson point, it is not our issue which facility or all of them combined are making. This industry cannot regulate itself, there it should not be approved for more usage until it gets something done. It is embarrassing for my customers as well. I have the most walk in traffic and I must explain to my customers that they are not smoking marijuana inside their vehicles, in the facilities, and we are not doing complex mechanical operations while partaking of marijuana even though it is permeated throughout my facility. I can only change my air conditioning filters so often as a non-grower. The odor gets in them, and it permeates my building. I am at my wits end. I am pleading with you to please to not pass anymore increased usage until this industries on my street can get it is house in order.

**Rebuttal:**

Mr. Hanson stated that he wanted to clarify that we are not asking to increase usage, are only asking to change the finished goods material from a finished flower product to a more concentrated form. It decreases the smell by taking it from a frozen state instead of selling it as a whole flower, trimming it in a fresh state, and then distributing it as such. We are taking it to freezers outside of the grow rooms, the freezers go into fresh

frozen process. There are six barriers between the street and our cultivation rooms. There are two doors, another door, two clean room doors, and finally the cultivation door. Our grow facility is split into three individual rooms, instead of one large cultivation room. We are not asking to increase our usage or increase our output; we just want to change the processing. We are willing to increase our filtration process as much as we need to satisfy our neighbors.

Ms. Radney asked if Mr. Hanson would step the Board through the barriers on page 5.6 with the pointer. Mr. Hanson showed the Board the front door, door two, door three, door four, door five, and door six. On harvest day we chop down the plants, the root ball, stalks and stems and any trim waste go into the bin into the loading dock to the waste truck. He spoke with a neighbor last week and he did not comment about the smell. They agreed about the project. This is where it would accumulate the most.

Mr. Bond asked Mr. Hanson if he had noticed the smell and Mr. Hanson stated that he had not. People say that they can smell it as they walk up to the facility, but not once inside. We are willing to increase the number of carbon filters to satisfy the neighbors. We were compliant with the city inspection, and we have passed the OMMA state inspection.

Ms. Radney asked if there was any if there were any other rooms that were not in use. Mr. Hanson stated that the dry room that she was referring to was never built out and there are no other spaces.

Ms. Radney asked if all their products would be frozen in this method. Mr. Hanson stated that is close to 50 to 75 percent is their plan. Instead of taking the fresh plant to the dry room for 7 to 10 days, then from there it goes to the trim room, and then distribute it to the customers through the loading dock door. Instead, we plan to take the plants, bucking the flowers into a two-gallon zip lock bag, then putting them into the freezers where they sit in a frozen state until we distribute them to our processor that is doing this process for us externally.

Ms. Radney asked what it is that type of operation that generates the order that people complain about. At what step in the processing does that occur. Mr. Hanson stated that as the flowers grow mature in the flower room. Ms. Radney asked if it was not in the drying and trimming stages, it is as it is growing. Mr. Hanson stated that it will get the smell in the flower room, but it will still smell in the dry and trim room. As you handle the plant it is going to intensify on harvest day for example, more odor floats through the air. When it is not being handled the smell stays relatively consistent. By using the freezing process, we will handle it less. This will go straight into the freezers. While it is in it is frozen state, we then put it into ice and water where all the trichomes fall to the bottom. At that point, the cannabis material no longer smells as it did before. Then we take that raw material or the leaves and the old buds that no longer have trichomes on them go out to our waste bin. Then we sift the trichomes, press them, and then package in a freezer as well.

Ms. Radney asked to what extent do you feel you have an obligation as one of several cannabis related industries on this vicinity to minimize this interference that is happening. It is becoming an environmental issue and you are part of it. What do you feel is your obligation to that? Mr. Hanson stated that as a fellow operator, this is something that my business partner and I have spoken about is to go to these neighbors and promoting better odor mitigation and giving them resources to do that more effectively. In terms of what our obligations is, I would say that it is not 100% our responsibility, however, we are willing to do what we need to do make this right for the neighborhood.

Ms. Radney asked if Mr. Hanson's license was subject to renewal. Mr. Hanson stated that their growers license was subject to renewal once a year. If one of the owners was to commit a felony, if we were to be found to be uncompliant during one of our OMMA inspections, if we moved out of state, however, I do not know of anything odor related that would put us up for non-compliance.

**Comments and Questions:**

Mr. Bond stated that as far as industry wide problems, we do not set the policy on this, the State Legislature enacted it. The city has enacted zoning requirements, but this Board has a say about something that injurious to the neighborhood or otherwise welfare. I am not comfortable with us getting into carbon filters because there is specialist that do that with the city, but I do have concern when it is interfering with residence of Tulsa and their businesses. I would like to encourage the interested parties to reach out to Working in Neighborhoods, WIN, if that is the appropriate channel for something like this. After we have issued permits for facilities to operate, we have heard problems from neighbors, and neighboring businesses. He has driven by similar businesses and smelled it. We are sensitive to this problem. If you contact WIN or whoever the appropriate investigating mechanism for zoning, and they tell you they are not going to do anything, I will give you the opportunity to contact this Board and see if there is something you can appeal on that decision because I think it is something we need to look at. I am saying that because I am not hearing today what approving this proposal is going to do to increase the smell. I do not want to dismiss your concerns. I feel the offenders may not be here today, however, I do think if this Board finds this injurious to the neighborhood it is something within our purview.

Mr. Radney stated that her concern is that because this is a new industry, and most of these other businesses that are potentially creating a nuisance, a good bit of that was decided by boards like this one to allow them to be concentrated in a small area. To the extent that the city may or may not have the mechanical means of sensing and quantifying exactly the level of nuisance is, it gives me pause about continuing to make special exceptions or grant variances to continue not necessarily to intensify the concentration of this odor. In the absence of having any mechanical engineering data that tells us what exactly emissions are coming from this facility, I do not know enough about cannabis whether it is or not going to make the odor worse. If you surrounded by those who may or may not be compliant, there non-compliance could affect the businesses that are trying to be compliant. If it were my business, I would be taking

extra measures to make sure that I was at least get mechanical sensory objective measurement at my point source. I am not inclined to support this, but I do wonder if there might be an opportunity for this applicant and others to speak together about ways that they can be better neighbors.

Mr. Bond agreed with Ms. Radney, but he was not sure how that could be achieved. A question for the city is if it is possible to request to continue this matter and have WIN go out there decide for us.

Mr. Wilkerson stated that it would be unusual to do that, but there is not anything that says you cannot. That is up to the Board's discretion.

Mr. Bond stated that they have limited control over situations like this and they may come back and tell us they cannot help, but I would like to request that.

Mr. Wilkerson stated that being specific about having some insight on this production facility adding the odor would be helpful want inspection. What we are hearing is the odor from the grow operation and not the processing. He did not know how the inspector is going to be able to say the processing is going to be fine, but we will go back and check it after it is already there. You cannot decide on what might be there.

Mr. Bond stated that for this case we are seeing a lot of sealing off and comprehensive design that we do not see with a lot of other ones. There is not enough in front of me to tell if this is going to be detrimental to the neighborhood. I would like for WIN to go out for us and for the citizens. We are mindful that we are not a rubber stamp, and we are one of the last protections that the citizens of Tulsa have against things that can interfere with their homes and businesses.

Ms. Radney stated that the people that have spoken before us could use some additional time to augment their argument before both for and against. She would like to see more information about the odor before deciding.

Mr. Wilkerson stated to be clear you are speaking about the odor of the requested processing facility. That is the question that is in front of us.

Mr. Bond stated that it was the question of if it was coming from this facility and if there is that they do their best to enforce city code.

Mr. Wilkerson stated that in an industrial district it is anticipated that there may be some objectionable sound, odors, and dust and we are not in the game of enforcing those.

Ms. Radney stated that her logic on this Mr. Wilkerson is that this applicant would not be making this application for this location without the presence of the growth facility. The growth facility may or may not be creating a nuisance, I would be hesitant to approve a Special Exception for processing in that they are linked and that is what is going to inform my vote.



Mr. Bond stated that he would propose that they continue this item.

Mr. Wallace stated that the smell is subjective, and he was not saying one way or another. It is a tricky thing for the Board to determine. By right, they could build out the rest of the facility with grow rooms and increase the situation. We cannot stop it. I think more time will help both parties and I agree with the neighbors that there is a systematic issue because we see this a lot. It is something that I hope people are working on. This is a new industry and needs to be better regulated. He did not know how the decision by this Board was going to help the actual situation. There are so many variables.

Mr. Brown stated that he did not think there was a “cannabis smellometer” that is available post somewhere that could monitor the odor.

Mr. Bond stated that he would like for WIN to tell us that. It is not our job or business on particulate matter in the air, but it is our job if it is injurious to the neighborhood.

Ms. Radney stated that she is not a fan of how this city measures odor. When we have businesses that say this has an observable impact. I think that as a city that has authorized this type of activity, we need to do better at who is and who is not in compliance. It is not our position to enforce these odor violations, but we must have something in front of us about odor to be able to decide based on those reports.

Mr. Hanson stated the last comment that he wanted to make was that they did have WIN out late last year with no subjective information. We passed the inspection; they came into the facility and toured it. They smelled it from the road, and we passed. We are more than willing to have them out again. I did attach that with my documentation. I was not able to get the actual report from Erin McPherson when he was out earlier in the year.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **CONTINUE** the 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) to September 13, 2022, for the following property:

**E1/2-LT-4-BLK-2, INDUSTRIAL EQUIPMENT CTR 3RD ADDN RESUB PRT FIRST RES & DEV, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## **23409 - Keith Morgan**

### **Action requested:**

Special Exception to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D) **Location:** 7615 S. 26th W. Ave. **(CD 2)**

### **Presentation:**

**Keith Morgan**, 20815 East 103<sup>rd</sup> Street North, Claremore, Oklahoma, 74019, stated that the homeowner wishes to occupy the separate garage which the contractors finish construction on the main house. It was always going to be a four-car garage, we are going to turn it into a small apartment during the construction of the house. When the homeowners move into the house, they will be turned back into a four-car garage. It is 1,600 square feet of space during the build out. INCOG sent me one letter and his issue were about drainage. The drainage is the same if it is a garage or an accessory dwelling unit. We have combatted the drainage on this two-acre lot. When we purchased the lot, it was completely clear cut and stripped. We have since terraced it, changed the drainage, and made sure everything is compliant so that there are no issues with anyone else's property. That is the only complaint that we have had.

Mr. Bond stated that nothing that the Board grants will change additional requirements the city will make as far as construction permits.

Ms. Radney stated that it looks as though there is some relief across this lot and there are some section that are rocky. Mr. Morgan stated that the back of the property falls about forty feet, the main structure is a walk out basement. Now we have the land terraced in two areas, so it is not one big slope. We have controlled the drainage from a big free fall. There will be nothing from the road to the house and we have created swells where the water can drain. The people that are complaining were complaining before we started construction. We put silt fences in and paid \$3,500 for a drainage study to be done. We have complied in every way we can help this issue. The ADU we are here today for has no application for drainage. The septic system is an aerobic system and there are only four occupants using it. When the septic system comes on and sprays, it has lots of room. The garage/ADU is on the septic system as well.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Brown stated that we are not being asked to look at. We are being asked to approve this building as an ADU, while a four-car garage does not have bathrooms and a kitchen, which is being installed for temporary occupancy by the owner. It is a larger structure most ADU's that we see. We need to put a limit very clearly on so that there is no short-term housing on this project beyond the family's use during construction of their home.

Mr. Chapman stated that we can put limitations on short-term rentals.

Mr. Radney asked to speak with Mr. Morgan. You emphasized that it was the home-owners intention not to use this as a dwelling space. Mr. Morgan stated that there is a center wall running the building now to isolate for his wife and two daughters and as soon as the house is ready, we will tear that wall back out so he can put his vehicles in there. He does want to keep the kitchen because he likes to cook. It will not be occupied or an Air BNB.

Ms. Radney asked if the owners have an objection to an expiration date since the applicant is asking for it to be temporary. Mr. Morgan stated that they would be fine with that, and two years would be acceptable.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **APPROVE** a Special Exception to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D) per the Conceptual Plans shown on pages 6.8-6.10 of the Agenda packet and subject to the condition that this structure only be allowed as an accessory dwelling unit for a period of two years from the date of this approval.

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:

**BEG 305.66W & 355.09S CENTER SEC 10 TH E305.41 S306.60 W305.50 N305.69  
TO POB SEC 10 18 12 2.15ACS, City of Tulsa, County of Tulsa, State of  
Oklahoma.**

## **23410 - Blaise Tintong**

### **Action requested:**

Special Exception to allow a Small (< 250-person capacity) Indoor Assembly & Entertainment Use with alcoholic beverage service in the CS District (Sec. 15.020, Table 15-2, Sec. 15.020-G, Table Note 2) Special Exception is required when the use is within 150-feet of a Residential District. **Location:** 6622 S Lewis Ave. E. **(CD 9)**

### **Presentation:**

**Blaise Tintong**, 2423 South Phoenix Avenue, Tulsa, Oklahoma, 74107, stated that as an event center, they would like their customers to be able to serve the food and beverages that they would like. He had a chance to speak with some of the neighbors and they thought it was going to be a bar. We are not going to be selling alcoholic beverages. They gave us their support.

Ms. Radney stated that it looks like from your response that you would not be using this as a night club and that is what most of the objections are about. For what would you be using this facility? Mr. Tintong stated that it would be an event center that we rent out to people who are having birthday parties, wedding showers, wedding anniversaries, or reception parties. Sometimes these events are catered, and it would be incumbent upon them to have a liquor license to serve or sell liquor. Some of the people I have spoken to thought that we were going to be selling alcohol there, our goal is to provide the center for people who want to use it.

### **Interested Parties:**

**Craig Jenkins**, 6726 South Atlanta Avenue, Tulsa, Oklahoma 74136, stated that for the sake of his neighbors and himself, please do approve this request for the alcoholic beverages. We do not need any additional nighttime or early morning traffic to our streets, especially drunk or impaired drivers who may be discharging weapons, playing loud music, or adding litter in our community. There are homeowners that walk our neighborhood in the evenings, some of them with pets and children. Please do not add to our neighborhood pressures. There are multiple cannabis stores located nearby, plus the issues around 61<sup>st</sup> Street and Peoria. The current owners may have good intentions, but they cannot be passed on to any future owners. Please vote no on this application.

Ms. Radney stated to Mr. Jenkins that in our packet it indicates at this location that there was previously approved Special Exception which matches this one. Mr. Jenkins did not know anything about it. Mr. Chapman stated that she was correct, however, it was never operational prior to it expiring. That would be a questions for the applicant. Ms. Radney stated in June of 2020, we approved an action like this one before us today. It had a two-year expiration date.

**Darold Smith**, stated that he was a member of the Royal Oaks Board, HOA, which right behind this property, the problem we see is 66<sup>th</sup> Place U-turns and turns into 66<sup>th</sup> Court. There is only one way in and out. Mr. Blaise wants to let 250 people in and there is only

parking for fifty people. Please vote no, it will create a parking problem and it will be a nuisance or hazard.

**Julia Delcour Cleary**, 6717 South Atlanta Place, Tulsa, Oklahoma, 74136, stated that she was there representing the Williamsburg Homeowners Association of which I am a member. Our neighborhood is across Lewis to the east. A board member and I met with Mr. Tintong this past week, and he showed us the proposed space and answered our questions. We also had concerns about 250 guest at that facility and he answered our questions. There are 50 to 65 parking spaces there and there was some auxiliary parking to the south. Our concern is that would put pressures on the neighborhood. We do not know what will happen in the future. We are very concerned. He may have wonderful intentions and follow his word, but if the Special Exception is granted and a new tenant comes in and does use it for a different purpose such as a night club.

Ms. Radney asked Mr. Chapman if a nightclub require a different action from this one. Mr. Chapman stated that it was treated as a bar, and they would have similar spacing restrictions from residential and so they might be back before us. It depends on your definition of a nightclub. An event center with concerts is treated the same as somewhere you are renting out for wedding. I cannot say there is a restriction that someone could not rent every Saturday for their social club. Ms. Radney stated that there is a questions of intensity and Mr. Chapman agreed.

**Femi Fasesin**, 421 South Olympia South Avenue, Tulsa, Oklahoma, 74127, stated that he is the architect that designed this shopping center, and we designed it to accommodate an event center to the south. Since it was approved two years ago by this Board, the client had put in all the required in six toilets, and a firewall between the event center and the next tenant. Mr. Blaise has put in a lot of money into this with the idea that it was approved. Regarding parking, not every person brings a car.

Ms. Radney stated that part of the reason this did not become operational was due to the pandemic. So, we are reviewing this because of the renewal precisely because we wanted to be considerate of the neighborhood and make sure that they did not create a nuisance.

**Don Bingham**, 2221 East 67<sup>th</sup> Street, #1308, Tulsa, Oklahoma, 74136, stated that he lived about 150 to 200-feet from the back of this proposed event center. He respects Pastor Tintong and appreciate the contributions he has made to our community. He thinks this is a difficult proposition for all the people that live in Royal Oaks. It is a huge apartment complex. It is a diverse and wonderful community, and it is affordable. There will be some events with alcohol that will be sedate and well controlled and some that will not be sedate. There could be other events that could have an unknown number of people. If it is a reunion, it is not how many you invite, but how many show up. Regarding the parking, the number of people that will be there consuming alcohol until late or what time the event center will be closed. It is going to impose a burden on the people all around the area, because there will be spill over for certain events.

Ms. Radney stated that when the Board looked at this matter two years ago, we did have some limitations that we placed on the approval. One of them was that it had an expiration date, which is why they are back before us, and the other was that all events must end by 10:00 p.m. on Sunday through Thursday. We did allow until 12:00 a.m. on Friday and Saturdays. We also stipulated that security had to be provided at a ratio of one security guard for every one hundred guest. Does that mitigate some of your concerns? Mr. Bingham stated that for a lot of families that live in Royal Oaks, which is helpful, but the security will work the event but will not work the surrounding area. Will they be able to secure the parking lot after the events? It is going to call for additional security and the homeowners should not have to bear it. The event center is a blank check with alcohol involved. It is a legitimate business, and these are good people who want to operate it there, but they will rent to people and organizations that are not accountable to any of us.

Mr. Bond stated that this group was here two years ago, they were not able to open, we put limitations on them, and in the meantime, they have done what they needed to do to follow other city regulations. Are there other specific recommendations that you could make to make this more palatable for the neighborhood?

Mr. Bingham stated that he does not represent anyone else, and I am in favor of small business and thoroughly believe in it. It is a lawful use, but it is so close to many people who rent, many condominium homes on our side, and I cannot tell you what will happen there and that is what concerns me.

**Yohannes Misginn**, 4405 West Quincy Street, Broken Arrow, Oklahoma 74012, stated that he has a property in Royal Oaks. When we saw that this space was sold, we were very happy because it had been vacant for years, so we had so many issues especially for the owners. Behind the building they have built a fence. For me, this is a blessing to have them. Of course, if it were a bar or nightclub, I would say no because I care about my tenants. Having them there is good for the neighborhood. Please say yes.

**Charles Stoddard**, 2208 East 66<sup>th</sup> Place, #1601, Tulsa, Oklahoma, 74010, stated that he was going to request that the Board vote no. There are a lot of senior citizens that live there, which I have spoken to, and they have objected to this.

**Rebuttal:**

**Blaise Tintong**, 2423 South Phoenix Avenue, Tulsa, Oklahoma, 74107, stated that he wanted to thank the neighbors for coming out to express their objections and support. I have met with some of them and heard their fears. Before we got the property, it had been abandoned for over six years and it has been a hub for criminal activity. When we got the exception two years ago, we stated work on it, but due to the restrictions based on the pandemic, some of the work had to slow and we never got to open. He is very mindful of the concerns of the people. He is a pastor and a service member in the military. There is a fence behind the property. The concerns about parking have been addressed by the architect. There is a building south of us with extra parking. He has spoken to the owner and has permission to park there if there is ever any need. There is

fencing around it the property except to the northside, but from the southside where the event center there is no way to drive to through Royal Oaks except to Lewis. He understands their concerns and am mindful of that and I appreciated the restrictions and guidelines for us to be able to operate, so that concerns can be about actual impact and not on what may happen.

Ms. Radney stated that in the notes we previously asked you if the food and alcohol would be catered because there is no kitchen in the building and is that still the case. Mr. Tintong stated that was correct that there is no kitchen in the building. Previously, a Mr. Dole stated that the space was going to be divided and not just one large open space. Mr. Tintong stated that is still the case. We will not know what the occupancy will be until the fire marshal finally approves it. The number of bathrooms, and square footage determines this. Ms. Radney asked if he has any objections to the stipulation from before. Mr. Tintong stated that he did not.

Mr. Bond stated that before they had limited it to Sunday through Thursday to close at 10:00 p.m. and the Friday and Saturday close at 12:00 p.m. do you have a requirement to close an event by midnight on the weekends. Mr. Tintong stated that yes, he did and based on some of the other things that I have seen in the industry, there is a limitation to midnight. So, the event will need to close by 11:30 pm and that will give the people until 12:00 to clean up. That is a standard contract in the industry. It is almost ready to open.

Ms. Radney asked if Mr. Tintong is still comfortable with two-years limitation. Mr. Tintong stated that he would like longer, but he is mindful of the fact that there are people here that have legitimate concerns. I would like for them to see what we do.

Ms. Radney asked if they were to approve it today, how much time would it take to open. Mr. Tintong stated that it would be about six months from today with all the final inspections from the city.

### **Comments and Questions:**

Mr. Bond stated that this matter was brought to the Board in 2020. I was the Vice-Chair then, and I did vote to approve it and it carried unanimously. We had discussions about parking and the same concerns then as now. The applicant followed the rules, did what he needed to do for the city to approve it, but they did not get a chance to open due to the pandemic. I do have concerns about the parking, and about it abutting a neighborhood. If he were to vote for this again, he would want the same restrictions and have a quick review. Two years is about the quickest he has seen.

Ms. Radney stated that this is a short turnaround and very limiting, but we as a Board had this as an important stipulation for us to get to that unanimous vote. She would still be in favor of a short expiration date. She would argue for 30 months so that they could see two years of running time.

Mr. Brown stated that he tended to support this the conditions and that two years is adequate.

Mr. Bond stated to the neighbors that they have been heard and if there are issues, come back. He wanted the minutes to reflect that this concerns will be heard if there is a problem in the future. The issue is that the Board had already approved this, and they have invested based on that approval. It is important when people own businesses they can come here and get consistency. We do not want to appear to vote based on our mood that day. He wants to make it clear that there are concerns for parking and events spilling over into the neighborhood. We feel that the owner was able to address those concerns. Should those concerns not be able to be addressed in the future, he thought it would be the opinion of the Board that this application seriously be re-examined for further approval.

Mr. Wallace stated that he did not have any comments, but that he would vote no at this moment. He would like to see the community talk with the property owners.

Mr. Brown stated that if there are problems, call the police. If there continue to be problems, call the city.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 3-1-0 (Bond, Brown, Radney “ayes”, Wallace “no”, no “abstentions”, and Barrientos “absent”) to **APPROVE** a Special Exception to allow a Small (< 250-person capacity) Indoor Assembly & Entertainment Use with alcoholic beverage service in the CS District (Sec. 15.020, Table 15-2, Sec. 15.020-G, Table Note 2) per Conceptual Plans shown on page 7.9 of the Agenda packet, subject to the following conditions that any approval today would expire at the end of 24 months from this date of approval, that the event must end by 10:00 p.m. Sunday through Thursday and events must end by 12:00 a.m. on Friday and Saturday, further, that two security guards must be provided for all events where alcohol is served per every 100 guests, with the expectation that those security guards are responsible for regulating the interior and exterior of the facility.

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 SE BEG 250S & 50W SECR SE TH S292 W190 S98 W10 N390 E200 TO POB LESS BEG 2385.91N & 50W SECR SE TH W10 SE14.14 N10 TO POB SEC 6 18 14 .001AC, City of Tulsa, County of Tulsa, State of Oklahoma.**



**23411 - Encino's 3D Custom products & Signs**

**Action requested:**

Variance to allow signs within 50-feet of Residential Districts (Sec. 60.040-B.3);

Variance to increase the number of allowed drive-through signs and to allow the drive-through signs to be within 50-feet of residential zoning districts (Sec. 60.030-B)

**Location:** 1244 S. Harvard Ave. **(CD 4)**

**Presentation:**

Staff requested a Continuance until 9-13-22.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Actions:**

On **MOTION** of **BROWN**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "ayes", no "nays"; no "abstentions", Barrientos "absent") to **CONTINUE** the requested Variance to allow signs within 50-feet of Residential Districts (Sec. 60.040-B.3); and Variance to increase the number of allowed drive-through signs and to allow the drive-through signs to be within 50-feet of residential zoning districts (Sec. 60.030-B) until the September 13, 2022 Board of Adjustment Hearing, for the following property:

**LTS 8, 9, 10, 11 & 12 LESS E15 THEREOF & LESS S20 W20 LT 12 BLK 4,EAST  
LAWN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

## 23412 - Lloyd and Karen Farmwald

### **Action requested:**

Variance to reduce the required 20-foot rear setback and 15-foot side street setback in the RS-3 District ( Sec. 5.030-A, Table 5-3; Sec. 5.030-B Table Note [3] ) **Location:** 1703 S. Atlanta Pl. **(CD 4)**

### **Presentation:**

**Lloyd Farmwald**, 14319 West 18<sup>th</sup> Place South, Sand Springs, Oklahoma, 74063, stated that house has been a rental property for years, was not maintained at all on the exterior and he purchased it he wants to add two bedrooms on the south end of it to increase the size of the living space to accommodate a family. We have talked to some of the neighbors, and they were excited that the property was going to be cleaned up. It was the last ugly house in the neighborhood. The proposed construction will put me within seven feet of the surveyed boundary line.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Bond stated that the hardship is that this is the only direction he can go due to the easements on the property.

Mr. Bond asked what year the house was built. Mr. Farmwald stated that was 1936.

Mr. Wallace stated that it is over a power easement, and it is safety during construction that concerns him.

Mr. Bond stepped out of the room at 3:00 p.m.

### **Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 3-0-1 (Brown, Radney, Wallace “ayes”, no “nays”; Bond “abstentions”, Barrientos “absent”) to **APPROVE** a Variance to reduce the required 20-foot rear setback and 15-foot side street setback in the RS-3 District ( Sec. 5.030-A, Table 5-3; Sec. 5.030-B Table Note [3] ) per Conceptual Plans 9.6 and 9.18 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 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-5-BLK-2,RENA PARK ADDN RESUB L9 GLEN ACRES ADDN, City of Tulsa, County of Tulsa, State of Oklahoma.**

Mr. Bond returned at 3:03 p.m.

## **23413 - Richard Holland**

### **Action requested:**

Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2) **Location:** 17009 E. 14th St. S. **(CD 6)**

### **Presentation:**

**Richard Holland**, 2110 West G Street, Jenks, Oklahoma, 74037, stated that the land is zoned agricultural, and he was not sure why it was still says residential. He was here November 17, 2021, for the first meeting to get it zoned agricultural and I have printed off the cleared check that was filed with the city of Tulsa, February 2, 2022, so I am not sure why the records have not been changed.

Ms. Radney asked Mr. Chapman if this affects our public notice. Mr. Chapman stated that for some reason that was never changed on our maps, so I was treating it as if it were residential. I do not think it changes the nature of the request, but the zoning information is incorrect.

Mr. Bond asked if he had talked to his neighbors and Mr. Holland stated that they he had not.

Mr. Holland stated that on page 10.3 it is not a picture of his property. He took a picture of his property of the front entrance and gave it to Mr. Chapman. On pages 10.4 you can see where the concrete would be and where the gravel would be. It will be approximately four hundred feet of gravel.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Wilkerson asked Mr. Bond if they could get the applicant to tell us when he made the zoning application. He remembers him coming to the Planning Commission and going through that process. He thinks it may be a circumstance where the ordinance has not been approved yet. Mr. Holland stated that the actual meeting was November 17, 2021, and it was signed by Susan Miller, approved December 1, 2021. He wrote the check on February 1, 2022, and it cleared on February 4, 2022. Mr. Wilkerson stated that he could not explain why the maps are not in order.

Mr. Wallace stated that he did not have any issues as it is proposed, the apron should not be required and do not understand why the permit to store motorized vehicles on a surface. The language is confusing.

Mr. Chapman stated that this is for a commercial business or if you are storing a truck that if you are outside the building setbacks can be treated. We have taken and the

permit center has run with it that you can request it as a Special Exception if you are outside the building setback. In residential districts it is rare that you could do that, but in larger lots you could.

Ms. Blank stated to answer the questions asked our concern is that the notice was incorrect. The city has completed the process to enact the ordinance and we are not 100 percent sure we have noticed the correct jurisdiction. We just do not have enough information to know right the map is correct or whether the process was completed. There are some other options here. She asked Mr. Chapman if it were noticed again when the earliest hearing could be continued to. Mr. Chapman stated September 13, 2022. Ms. Blank stated that it would be a continuance to make sure that the notice is correct. If it turns out to be agricultural, you will have to wait further for the notice to be corrected.

Mr. Brown stated that on the case report there is no address on the location for this property. That can be corrected at the same time. Mr. Chapman stated that it could be corrected.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **CONTINUE** the requested **Special Exception** to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2) until the September 13, 2022 Board of Adjustment hearing, for the following property:

**LTS 2 & 7 BLK 6, LYNN LANE ESTATES, City of Tulsa, County of Tulsa, State of Oklahoma.**

## **23414 - Peter Janzen- Encino's 3D Custom Products**

### **Action requested:**

Variance to allow projecting signs within 30-feet of other projecting signs (Sec. 60.040-B.2)Variance to increase the maximum number of signs allowed in a CH District (Sec. 60.080-C.2.b). **Location:** 2636 E. 11th St. S. **(CD 4)**

### **Presentation:**

**Peter Janzen**, 9810 East 58<sup>th</sup> Street, Tulsa, Oklahoma, 74146, stated that was the Campbell Hotel building and it was originally constructed in 1927. It precedes Route 66. Route 66 was redirected in 1933 passed this avenue. It is an historic building. It is under the Route 66 grant which is the landlord's interest for this Variance. The property owner is Arron Meek, who I have presented for to the Board a few times over the past two years. This is another building that he would like to have the option to put blade signs on that the Route 66 committee is paying for half of approved grants. The hardship is twofold. The visibility from the street. This building is much closer to the street than modern building would be by current setback. The building walls are up against the sidewalk which is about an eight-foot sidewalk there. Wall signs are limited visibility to the east/west traffic. A single face wall sign is does not provide a lot of visibility or service to tenants on this bottom floor. The other concern is Variance to alleviate future issues. Right now, they are allowed three projecting blade signs and we are currently having two with the property owner working on a tenant that may get a third one. He is remodeling and would like to have would like to have three more retail spaces at the bottom. It is unlikely that any of those signs will be within thirty feet of each other, but if they are we would like to address that in this Variance and have it been approved for the future. With the age of the building, and the type of sign the property owner is proposing, literal interpretation of modern city code is at odds with historical requirements and nature of that building. The request is to honor the history of that sight.

Mr. Brown asked if there was a lighted sign. Mr. Janzen stated that under the request in the Variance, all proposed signs will be blade signs and will be neon illuminated. They will be neon illuminated or non-illuminated, but with the grants status, they will all be illuminated.

Mr. Brown asked if the size was four-feet by six-foot. Mr. Janzen stated that was correct. This is a generic sign plan here indicating future, so the sign would not be a rectangular sign. The is a square footage on the signage limitation, we will honor that, and we are close to it with this proposal, but we do not need to go bigger. This is an acceptable limitation for the property owner.

Mr. Brown asked on page 11.5 of the agenda package, there is a dimension of 240 inches which is twenty feet what does that indicate. Mr. Janzen stated that is height from the grade to the top of the sign.

Ms. Radney stated that there was previously a blade sign for Jane's Deli, do you know how large that sign was in terms of it is height. Mr. Janzen stated that he did not handle

that sign, but he thinks that sign is about 18-feet tall and about 2-feet wide and about 12 or 14- feet above grade. Ms. Radney stated that this sign was significantly taller than this one and Mr. Janzen stated that sign was at least twelve feet tall.

Ms. Radney stated that what they are asking for is a deeper sign so instead of it being two feet or so, now you are saying four feet. Mr. Janzen stated that their Variance does not address the dimensions of the signs at all, it only addresses the number of projecting blade signs allowed and the setback from projecting blade signs to each other. We would like to keep everything else compliant with existing code for sizes.

Ms. Radney asked if he had a request for maximum number of signs. Mr. Janzen stated that it was to raise it to six.

Mr. Bond stated that prior to the extensive renovation, there were originally blade signs there. Mr. Janzen stated that it depended on how far back he was asking. In the 1930's, there was a Safeway there and a drug store, a florist, and a general retail store.

Mr. Brown asked if there was a request for six additional signs. Mr. Janzen stated it was six additional projecting signs. They would be allowed to thirty-five signs up on the wall, singled faced with no problem. Mr. Brown stated that on 11.6 there are nine signs shown. Mr. Janzen stated that Mr. Brown was correct, that is in addition to the three existing signs. It is six additional to the three existing signs makes it nine signs total.

Mr. Janzen stated that there are no issues with the initial permit of the size of the signs.

Mr. Bond stated that the questions he has for the city is are we okay with the permitting the dimensions on here.

Mr. Janzen stated that they have gotten a Variance for a blade sign to do Tom's Bicycles.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that there was a demonstrable showing of a hardship here with the age of the building and the way it is built as it exists with the current zoning codes. Will this change anything towards their sign budget? Mr. Wilkerson stated that all the nine signs shown on 11.6 with the size that they have, it looks like it is less than the sign budget. It is not clear that three of those blade signs are existing, but the idea that nine blade signs are being approved here with the total square footage.

Ms. Radney stated that she would be inclined to make the Motion with the total sign budget. Mr. Chapman stated that was the intent demonstrated as to give an envelope where the sign can go in and not to exceed that since we do not have the actual copy in front of us.

Mr. Wilkerson stated that what is being shown on the concept drawing with nine signs is 249.6 square feet and the sign budget is 270 square feet.

Mr. Chapman stated that the 180 is referring to the additional signage requested.

Ms. Radney stated that she would defer to Mr. Brown's preference on this, but she prefer the blade signs to be a bit bigger than what we have on page 11.5. She thinks they are much more effective when they are larger rather than smaller. We are looking at a total of nine with a total sign budget to be distributed at the property owners discretion up to 270.

Ms. Blank stated that Mr. Whiteman from Development Services is here. He may be able to help us with that.

Mr. Whiteman, City of Tulsa Sign Plan Review, stated that he did not this sign plan review. Is there a specific question? Ms. Radney stated that if they knew the total sign budget for the entire structure from end to end, she would like to include that amount in her motion, allowing that much square footage to be embedded in the nine blade signs. Mr. Whiteman stated that the Route 66 overlay does give a greater allowance for signs that comply with neon requirements. It states that for free standing projecting signs may be 50 percent greater than the sign area allowed by the underlying zoning district providing that the sign area shall not exceed 250 square feet. There is a maximum applied there. Ms. Radney stated that per the drawing on page 11.6, on the six additional signs that are proposing, it was only asking for 180 square feet. If we do 250 square feet as the maximum total, that should be satisfactory. Mr. Whiteman answered that it seems reasonable to him, future sign applications come in because there was no relief given for area. They are not requesting relief for sign display area. At any future sign application, we would look at to make sure that additional signs do not exceed the overall signal area allowed. Ms. Radney stated that from Mr. Whiteman's perspective, we would not really need to address the total sign budget because you are indifferent if the sign is on the wall or on a blade assuming that we have given them a Variance on the blade signs.

Mr. Wallace disagreed. He stated that the square footage should be regulated by the building and permit office and not by this Board. He thought what is being proposed is great.

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "ayes", no "nays"; no "abstentions", Barrientos "absent") to **APPROVE** the Variance to allow projecting signs within 30-feet of other projecting signs (Sec. 60.040-B.2) and a Variance to increase the maximum number of signs allowed in a CH District (Sec. 60.080-C.2.b) finding the hardship to be that the structures location and proximity to the street limits visibility of traditional signage and further that the sign codes at this time at odds with the historical standards for a building of this age and historical significance,



per the Conceptual Plans shown on page 11.6 of the Agenda packet and subject to the following condition that the maximum square footage for nine blade signs that are approved today shall not exceed 250 square feet or the maximum square footage allowed by the Route 66 Commission which ever is greater.

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 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:*

**LTS 1 THRU 9 BLK 1 & LTS 1 & 2 & 25 & 26 BLK 2 & 10 VAC ALLEY BETWEEN  
BLKS 1 & 2 LESS E15.3 LTS 1 & 2 & LESS W9.7 LT 25 & LESS W9.7 S10 LT 26  
BLK 2,MAX CAMPBELL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF  
OKLAHOMA**

## **23415 - Bryan Broaddrick**

### **Action requested:**

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) **Location:** 12150 E. 11th St. S. (CD 6)

### **Presentation:**

**Brian Broaddrick**, 7550 South Toledo Avenue, Tulsa, Oklahoma, 74136 stated that he was there on behalf of Tulsa Public Schools requesting a Special Exception for a Dynamic Display sign at East Central High School. This sign was before the Board on May 10<sup>th</sup> and was approved at that time, however, information submitted by Image Builders was incorrect regarding the location and overall design. In May, Image Builders indicated that the sign was going to be replacing the existing pylon sign just north of the school, however, the plan is to move the entrance to the parking lot off 11<sup>th</sup> Street. The sign is outside of the required setback and fifty-seven feet and nine inches from the center of 11<sup>th</sup> Street.

Mr. Bond asked if there were any issues with the neighborhood. Mr. Broaddrick stated that they had not received any letters of protest.

Mr. Wallace asked if we have the originally approved sign or any of the documentation for it. Mr. Chapman stated that he could find it. Mr. Wallace stated he wanted to know what was approved for the height and location.

Mr. Bond stated that we have had a couple of other request on this property. They are expanding their athletic facilities and expanding some of their other activities too.

Mr. Broaddrick stated that this sign is larger, but not significantly larger.

Mr. Blank asked if the exhibit in the packet has a note that says, "will be using current sign location for new sign," is that still correct. Mr. Broaddrick stated that is not correct and should be stricken.

Ms. Radney stated that she was confused 12.12, that does not look at all like the sign we just saw on the screen. Mr. Broaddrick stated that the dynamic display sign itself did not change significantly, however, the overall sign is different from the original pole mounted sign. Ms. Radney asked if that was the LED unit that is perpendicular to the monument. Mr. Broaddrick stated that it was.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

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

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

Ms. Radney stated that she could support it.

**Board Actions:**

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays;” no “abstentions,” Barrientos “absent”) to **APPROVE** the Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) per the Conceptual Plans shown on page 12.10 through 12.14.

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 1 GEMO ADDN & E130 N660 NE NE NW & N300 NE NE NE NW LESS E130 & PRT W200 E/2 NE NE NW BEG 300S NWC THEREOF TH S65 E200 N65 W200 POB LESS W25 & BEG 365S & 25E NWC W200 E/2 NE NE NW TH S55 E175 N55 W175 POB & NW NE LESS ALL E/2 E/2 NW NW BEG NEC E/2, City of Tulsa, Tulsa County, State of Oklahoma**

**23416 - Nathan Cross**

**Action requested:**

Variance to allow the floor area of a detached accessory building to exceed 750 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.1)

**Location:** 7373 E. 25th Pl. (CD 5)

**Presentation:**

The applicant was not present

**Interested Parties:**

No interested parties were present

**Comments and Questions:**

None

**Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays;” no “abstentions,” Barrientos “absent”) to **CONTINUE** the requested Variance to allow the floor area of a detached accessory building to exceed 750 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.1) until the September 13, 2022 Board of Adjustment hearing, for the following property:

**LT 14 BLK 10,JOHANSEN ACRES EXT, City of Tulsa, County of Tulsa, State of Oklahoma.**

## 23417- Ethan Morris

### **Action requested:**

Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district (Sec. 15.020, Table 15-2) **Location:** 6943 E. 12th St. **(CD 5)**

### **Presentation:**

**Ethan Morris**, 4008 East 88<sup>th</sup> Street, Tulsa, Oklahoma, 74112 stated that he wanted to the Special Exception to allow hydro-carbon extraction for medical marijuana. He has spoken with his neighbors and the same exception was granted to the neighbors across the street two weeks ago. This will be butane and ethanol in a C1 D1 controlled space and a C1, D2 in a controlled space as well. They will be in the northeast corner of the building and will be about eight hundred square feet total, split between two booths which is 10 percent of building.

Mr. Bond asked if Mr. Morris was here earlier for this and would like him to explain the overlay. Mr. Morris stated that for this facility we do filtration on all our air intake and exhaust for both HVAC and for the booth air control. We have solvent level detectors throughout the facility for not only marijuana, but also for solvent or chemical spill that contains and dumps it into controlled area required and lined out by OMMA. We have hired and contracted an engineering service and a fire protection service. They are both entity's that OMMA is using to re-inspect everyone is ongoing for future renewals and application for the site plan and has a safety analysis. This is with the idea that being able to put extraction into this building. We have built with firewall rating corridor throughout and we plans permitted through the city for full firewall permitting for one hour burn times on everything.

Mr. Brown asked which of the two buildings are they going to occupy. Mr. Morris stated that he was in the northern most of the two.

**Interested Parties:** No interested parties were present.

**Comments and Questions:** None

### **Board Actions:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "ayes", no "nays;" no "abstentions", Barrientos "absent") to **APPROVE** the Special Exception to permit High-Impact Medical Marijuana processing (High-impact Manufacturing & Industry Use) in the IM district (Sec. 15.020, Table 15-2) per the Conceptual Plan shown on page 14.6 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, for the following property: **LT 12 BLK 2, SHERIDAN INDUSTRIAL DISTRICT, City of Tulsa, Tulsa County, State of Oklahoma.**

## **23418 - Property Arts, INC**

### **Action requested:**

Special Exception to increase the permitted driveway width in a Residential Zoning District (Section 55.090-F.3) **Location:** 1608 E. 32 St S. **(CD 9)**

### **Presentation:**

**Eric Endicott**, 3220 West Lansing Street, Broken Arrow, Oklahoma, 74012 stated the owners would like to have a circle drive in front of the house. It is a L shaped house that sits on 32<sup>nd</sup> Street. The garage is behind the house, and they would like to eliminate off street parking and there is no curb there. Their intention would be to create this driveway to keep people from parking up in the yard. By creating the circle drive, it will give them more off-street and keep people from pulling up in their grass. This gives them access to the front of the house.

Mr. Bond asked if there had been any issues or discussions with the neighbors. Mr. Endicott stated that he had received an email from Mr. Chapman and the person stated that they did not have a problem with it.

Ms. Radney stated that both the entrance and exit of the new circle drive would from to 32<sup>nd</sup> Street. Mr. Endicott stated that was correct.

Mr. Wallace stated that there is no curb or gutter here. Mr. Endicott stated that is what prompted this request. Mr. Wallace stated that there is a lot of street traffic here because of the because of the park across the street and the games played there.

Ms. Radney stated that this is for the property owners, so they would also be able to park at their own house.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Bond stated that he even sees a hardship if this were a Variance. This neighborhood has had to deal with a long history of heavy traffic.

Mr. Brown asked what the allowed driveway width in the RS-3 District. Mr. Chapman stated it is thirty feet on the lot and twenty-seven feet on the right-of-way.

Mr. Wilkerson stated that in the Motion consideration for this there is always the provision that if you are going to build something in the street right-of-way, then you must have the right-of-way permit from the city. He stated that he would be reluctant on this to reference the site plan, because when we first got the application, the boundary of property was not shown. They have only shown the edge of the pavement. What Mr. Chapman put on the screen now shows some driveway paving, a seating area, and other things that are not going to be part of the right-of-way permit. The site is likely to

change. If you are approving the additional right-of-way width but be mindful that the site plan is going to change.

Ms. Radney stated that Mr. Wilkerson is asking us to consider agreeing to the extension of the total permitted driveway width to a maximum of forty-two feet six inches in a manner and style that we see on 15.3 just as it pertains to the driveway. Mr. Wilkerson stated that it is likely that the circle part of the driveway is going to have to come closer to the house and get a portion of the drive out of the right-of-way. He did not want to put words in the permit guys mouths, but since we know that they do not have a permit for this right now, the right-of-way group has the authority. They are looking for two 12-foot-wide driveway widths with the exact location of the circle to be determined.

Mr. Wallace asked what the applicant can do. Mr. Wilkerson stated that right now they can not do anything. It needs to be clear that you are adding two additional driveways on the site with a maximum width of twenty-four feet and to connect those with a circle on their property may be fine. He did not want the applicant to think that they could build a driveway with have of it in the right-of-way and half of it not. It is awkward, so be loose in what that concept is.

Mr. Bond asked Mr. Endicott what the width is. Mr. Endicott stated that he would like to stay with the twelve-feet. The design is very conceptual. The original intent was to get the driveway. Mr. Bond asked if they say two additional driveways of twelve feet will that be acceptable. Mr. Endicott stated that was good.

**Board Actions:**

On **MOTION** of **WALLACE**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays;” no “abstentions,” Barrientos “absent”) to **APPROVE** a Special Exception to increase the permitted driveway width in a Residential Zoning District (Section 55.090-F.3) to permit two additional 12-foot-wide driveways and curb cuts with the condition that the applicant must acquire a right-of-way permit from the City of Tulsa.

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.

**LOT-8-BLK-2,PARK TERRACE in the City of Tulsa, County of Tulsa, State of Oklahoma.**

## **23419 - Superior Signs**

### **Action requested:**

Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted four-square feet of display area for driveway signs (Sec. 60.030-A.1, B.2) **Location:** 4249 S. Yale Ave. E. **(CD 5)**

### **Presentation:**

**Justin Haynes**, 4312 South Mingo Road, Tulsa, Oklahoma, 74146, stated that they need drive-through signs for the new McDonalds. The previous McDonalds was torn down and rebuilt close to 41<sup>st</sup> and Yale. They want to put entrance and exit signs in. It is over the allowable square footage; however, it is under the 5-foot height requirement. They want to put in six total. The hardship is the traffic issue going in and out of the front area and off the side street.

### **Interested Parties:**

**Norman Bolin**, 4308 South Braden Avenue, Tulsa, Oklahoma, 74135, stated that this has been a problem in our neighborhood. A couple of problems in the area. East of this McDonalds, they are going to put in two ice skating rinks in the mall and this will access that parking space. It is a two-lane street that is not very wide. McDonald's there does not have enough property for the restaurant. About five years ago, we had a meeting with a judge, and he told them they needed to buy more land. They are using street easement for Yale Avenue as part of their driveway in the front of the building. It still is not their property. The stop light at 43<sup>rd</sup> Street and Yale Avenue is not much help. It causes more harm than it does good during those high traffic times.

Mr. Bond stated that what they are asking the Board to approve entrance and exit signs. This Board has no oversight or authority on the items you have brought up. I am not saying it is not valid, I am just saying something that we can determine here. We need to find out if there is a hardship reason for them to have these extra signs. Mr. Bond asked Mr. Bolin if he had the opportunity to speak with the McDonalds people if this would help traffic flow or not. Mr. Bolin stated that he had not.

Mr. Bond stated that the problem to the Board is does this solve the problem or if the hardship self-created or not.

### **Rebuttal:**

Mr. Haynes stated that the area D, this is where the drive through is coming through and you cannot turn in south on Yale. The only way to get in is going north.

Ms. Radney asked if he was talking about signage at points of ingress and egress that have already been there. Mr. Haynes stated that he did not know if there were there before they torn the previous McDonald's down.



### **Comments and Questions:**

Mr. Wallace stated that he was not aware of this situation, but I would assume that the permit office would be able to shed some light. They would have to approve a permit and they would have reviewed the site plan and its boundaries. There is going to be a lot more traffic around that whole facility twenty years ago. Some signage would alleviate some of the traffic problems, but the McDonald's for decades and so has the shopping center.

Mr. Bond asked the city if there is an exception on sign budgets for directional routings. Mr. Chapman stated that they are given a sign budget and they are exceeding it.

Mr. Wilkerson stated that one thing that the city has done in the past that we have not asked anyone to do lately is to provide a drawing that shows signage that conforms to our sign standards and one of the items that we asked for a continuance on about is exactly the same thing and it would be helpful to the Board for the applicant to put together a drawing that shows what the signage will look like if played by the sign ordinances that we have.

Mr. Haynes stated that he thinks the question was of the number of sign exceptions allowed for driveway signs and so it is on 16.10. One driveway sign may be installed at each vehicle entrance and there are two signs proposed for vehicle entrance. One of the things that we had asked for on the site plan because no distance was shown to the edge of the sign, and we have requested because that does extend to the right-of-way is 90-feet from the center line of Yale.

Mr. Bond stated he would like to continue this to the next meeting so we can look at a drawing to see what it would look like with the budget.

Mr. Haynes asked with the continuance what do you need me to provide. Mr. Wilkerson stated that they need a set of sign drawings that illustrates what can be done without asking for Variances or Special Exceptions.

Ms. Radney stated that she had a general question for staff. We do not expect to see a removal agreement for any of these signs as well. Mr. Chapman stated that they would he may have neglected to put that requirement in, but it would be a requirement when they go through permitting because it is in the right-of-way. Ms. Radney asked if those removal agreements have begun before we act on these Variance. Mr. Chapman stated that has never been required prior.

Ms. Blank stated that it was her understanding that there has been a license agreement for the parking in the right-of-way and it is in the process. The ordinance would call for them to do a removal agreement if the sign is in the right-of-way. Ms. Radney stated that the document would answer the question the resident had about the free use of space that is in the right-of-way. That way the public knows that this question has been addressed.

**Board Actions:**

On **MOTION** of **RADNEY** the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “ayes”, no “nays”; no “abstentions”, Barrientos “absent”) to **CONTINUE** the requested Special Exception to permit signs inside the right-of-way or planned right-of-way of S. Yale Avenue (Sec. 60.020-E); Variance to increase the number of allowed driveway and drive-through signs and to increase the permitted four-square feet of display area for driveway signs (Sec. 60.030-A.1, B.2) until September 13, 2022, for the following property:

**TR A BEG 1190 S 90 E OF NW COR NW NW TH E 150 N 150 W 150 S 150 TO PT BEG SEC 27-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

Mr. Brown asked that in the upcoming Board Work Session that the subject of the small print on the plans could be enlarged up so they can be read.

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There being no further business, the meeting adjourned at 4:28 p.m.

Date approved: 9/13/2022

  
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Chair