

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1302
Tuesday, September 13, 2022, 1:00 P.M.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
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 September 7, 2022, at 3:18 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 Ms. Radney was arriving late. Ms. Radney arrived at 1:08 p.m.

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

MINUTES

On **MOTION** of **BROWN**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Wallace “ayes”, no “nays”; no “abstentions”, Radney “absent”) to **APPROVE** the **Minutes** of August 9, 2022 (Meeting No. 1300).

On **MOTION** of **BROWN**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Wallace “ayes”, no “nays”; no “abstentions”, Radney “absent”), to **APPROVE** the **Minutes** of August 23, 2022 (Meeting No. 1301).

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UNFINISHED BUSINESS

23398 - Diane Wells

Action Requested:

Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3) **Location:** 3442 S. Atlanta Place **(CD-9)**

Presentation:

Jack Arnold, 7310 S. Yale, Tulsa, OK 74105 stated that he was there to represent his client.

This was continued because a neighbor did not understand what they were doing, and we have met with them and explained it more clearly and they agreed to the request. Our client purchased a house twenty-five years ago and it was a RS-1 zoning at that time. Later it became a RE zone. The new owner wants to put a garage on it. The garage itself is set back the fifteen feet required. The existing garage was five feet. He pointed to a small area that encompasses the door swing and that is where the Variance is requested. The neighbors are in support.

Mr. Brown asked when the lot was split. Mr. Arnold stated that there were two existing lots and the owners joined them together within the last six months.

Interested Parties:

Gary McDonald, 2602 6th Street, Suite 2602, Tulsa, OK, 74119, stated that he represents Frank Henke and Bonnie Henke. They have been involved in efforts to maintain and preserve this beautiful historic neighborhood. She was instrumental in maintaining the RE zoning which now covers this property. They have no objections to this request. The Variance is slight and not visible from the street and approve of making it one large lot. Mr. Chapman was helpful in getting his focus on the matters at issue and wanted to thank him for his help.

Comments and Questions:

Mr. Brown stated that it is a huge lot and has no problem with this.

Mr. Wilkerson stated that from the staff side, they would like to hear is from the hardship perspective. It looks like a design choice on where that encroachment is. It is very minor, and he wanted to hear why it was not moved back out of the setback. Mr. Arnold stated that it does not impact the neighborhood. There is no lot line to go off to do the fifteen feet. He stated that he is not over the line.

Mr. Barrientos stated that this is self-imposed. Mr. Wallace stated that there were other solutions to achieve the purpose. Mr. Bond stated that the existing non-conforming setback makes this topographically unique.

Ms. Radney stated that what was at issue was the steps and the door. She was inclined to support it due to the shape of the lot, but narrowly. What Mr. Barrientos observed about the fact that a hardship must be clearly not self-imposed by the applicant and in this case, she would agree that the continued use of the existing garage structure and it predates the code. This seems like the least burdensome relief that the Board could grant given the circumstances.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-2-0 (Bond, Brown, Radney all “ayes”, Barrientos, Wallace “nays”, no “abstentions”) to **APPROVE** a Variance to reduce the required 15-foot side setback in the RE District (Sec. 5.030-A, Table 5-3) finding the hardship to be the unusual shape of the lot as well as an existing non-conforming structure, per the Conceptual Plan that is shown on pages 3.5 and 3.6 of the Agenda packet.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable 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.”*

Lot Four (4), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. AND Lot Five (5), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS AND EXCEPT the following Two (2) tracts of land described as follows, to-wit: A tract of land that is part of Lot Five (5), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows; to-wit: BEGINNING at a point on the Westerly line of said Lot 5, said point being 83 feet Northerly of the Southwest comer thereof; thence Easterly and parallel to the Northerly line of Lot 5 for 10 feet; thence Northerly and parallel to the Westerly line of Lot 5 for 52 feet; thence Easterly and parallel to the Northerly line of Lot 5 for 90 feet: thence Southerly and parallel of the Westerly line of Lot 5-to a point that is 30 feet Northerly 'of as measured, perpendicular to the Southerly line of Lot 5; thence Easterly and parallel to said Southerly line to a point on the Easterly line of Lot 5 and also being on the Westerly right-of-way line of South Atlanta Place; thence Northerly along said Easterly line and along the right-of-way line to a point that is 60 feet Northerly of as measured perpendicular to the Southerly line of Lot 5; thence Westerly and parallel to said Southerly line to a point that is 220 feet Easterly of the Westerly line of said Lot 5, said 220 feet being measured parallel to the Northerly line of Lot 5; thence Northerly and parallel to the Westerly line of Lot 5 to a point on the Northerly line thereof, said point being 249.1 feet Westerly of the Northeast comer of Lot 5; thence Westerly along said Northerly line for 220 feet to the Northwest comer thereof; thence Southerly along the Westerly line of Lot 5 for 62 feet to the POINT OF BEGINNING. AND A tract of land that is part of Lot Five (5), Block Four (4), OAKVIEW ESTATES, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: BEGINNING at a point on the Westerly line of said Lot 5, said point being 62 feet Southerly of the Northwest comer thereof; thence Easterly and parallel to the Northerly line of Lot 5 for 10 feet; thence Northerly and parallel to the Westerly line of Lot 5 for 52 feet; thence Easterly and parallel to the Northerly line of Lot 5 for 90 feet; thence Southerly and parallel to the Westerly line of Lot 5 to a point that is 30 feet Northerly of as measured perpendicular to the Southerly line of Lot 5; thence Easterly and parallel to said Southerly line to a point on the Easterly line of Lot 5 and also being the Westerly right-of-way line of South Atlanta Place; thence Southerly along said Easterly line and along said right-of-way line to the Southeast comer of Lot 5; thence Westerly along the Southerly line of Lot 5 for 390.1 feet to the Southwest comer thereof; thence Northerly along the Westerly line of Lot 5 for 83 feet to the POINT OF BEGINNING.(The property herein lies wholly within and constitutes a part of the SW/4 of the NW/4 of Section 20, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma.)

Mr. Wallace left the room at 1:23 p.m. and returned at 1:25 p.m.

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 51st Street, Tulsa, Oklahoma, 74135 stated that he had brought photos that were requested by the Board from the last meeting. The manufactured home will get new paint and skirting when it is moved over.

Ms. Radney asked what the age of the structure was. Mr. Cisneros stated that it was built in 1996.

Mr. Barrientos asked if there were any other singlewide mobile homes in the neighborhood. Mr. Cisneros stated that there one about four blocks away. Mr. Barrientos asked if they had spoken with any of the neighbors. Mr. Cisneros stated that no one has opposed it.

Mr. Bond asked how long you propose to have a Special Exception to this. Mr. Cisneros stated that it would be permanently.

Ms. Radney asked if Mr. Cisneros had the elevations requested. Mr. Cisneros stated that he only brought the photos. The HVAC is going to be repaired so they will not have the window units any longer.

Ms. Radney asked if Mr. Cisneros submitted a site plan. Mr. Cisneros stated that he did. Ms. Radney stated that one of the questions that they had was about the overhang and could he speak more about that. Mr. Cisneros stated that the overhang will be in the front of the house where the front door is located. It will cover the entire concrete area beginning at the peak of the house and slightly slope down. It will have gutters.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that he had issues about the age of the mobile home with the permanent relief. He would be more in favor of this if they had a shorter amount of time.

Mr. Wallace stated that it was challenging to him even though it made economic sense to him, there was a precedence of not putting mobile homes in RS-3 Districts. He was also concerned about the roof.

Mr. Bond stated that there are neighborhoods in town where manufactured homes that are part of the neighborhood, but he does not see it here.

Mr. Brown asked about the length of time.

Ms. Radney stated that the typical lifetime usage of a manufactured home and she believed was between thirty and forty years.

Mr. Barrientos stated that this manufactured home was in the last few years of its life span.

Mr. Bond stated that three years was the most he could agree to.

Ms. Radney stated that she could do ten years because the Special Exception will allow this unit to be moved there and will also give enough time to be replaced with something that is more modern. She is concerned more about the age than that it is manufactured. Mr. Cisneros stated that it was understandable. She is trying to move to a better neighborhood, so if they get the relief of ten years, it will help to put a new one on the lot.

Ms. Radney stated that the intention was not to replace the unit. The applicant already owns this unit. Ms. Radney stated that she still supported ten years.

Mr. Bond stated that he was going to join Mr. Wallace on this one.

Mr. Brown stated that he was in favor of seven years.

Ms. Radney stated that she was willing to let it age to thirty-six years old in place, but she would not go to forty.

Mr. Brown stated that he could do ten years.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-2-0 (Barrientos, Brown, Radney all “ayes”; Bond and Wallace “nays”, no “abstentions”) to **APPROVE** a Special Exception to allow a manufactured housing unit in the RS-3 district (Sec.5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit for a period of ten years (Sec.40.210-A); per the Conceptual Plans shown on page 4.7 and the photo submitted at the meeting on the unit in question, subject to the following conditions that this approval is to extend to a period of ten 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.

N.80 LT 2 BLK 24,MARTIN SECOND ADDN, in the City of Tulsa, County of Tulsa, State of Oklahoma.

Mr. Wallace left and meeting at 1:23 and returned at 1:25.

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 46th Place, Tulsa, Oklahoma, 74145

Mr. Bond stated that in the last meeting, the Board had questions from your neighbors about the odor. Mr. Bond asked if he was able to talk to anyone from City Code or any of the other neighbors about the problem. Mr. Hanson stated that he was able to get the Open Records request back two days after our meeting on the initial inspection of our facility. It stated that “no violations had been issued to 7450 East 46th Place. Officer McPherson was on an order complaint in the area and has spoken to all the facilities in the area several times. This facility is one of the better facilities that he has visited, and he does not feel that this facility is the cause of the order concern since it was not in violation at the time of his visit.” We called Mr. McPherson following the last Board meeting as per the Board’s request to schedule another time for him before this meeting. He stated that he was on medical leave for another week. He sent an email to another officer’s to see if they could come out. He sent an email to Mr. Chapman stating that no notices were given to facilities in the area not because there was no odor, but there was no way to tell whose odor it was by standing in the street at the lot lines. The address in question has been very compliant and has improved their security, locked trash receptacles within the facility, employee entrances and separate rooms built inside the facility for the grow itself, unlike others, no notices were issued. We wanted to get a representative out there to inspect it because we want to be good neighbors. Mr. Tim Gardner and Mr. Michael Rider did come out this past Friday, drove around the facility as well as sat in the street. Mr. Gardner did say that he smelled something coming from our facility at the lot line. Mr. Rider walked the perimeter of the facility and stated that he did not smell anything from the perimeter, but he could smell it from the street. Mr. Hanson stated that he and his business partner discussed what had changed from the inspection and found that we had redirected an HVAC unit from one area to another because of the extremely hot summer for our employees as well as temperature of our water lines. We had to cool that space in our grow facility and that could be the origin of the odor. We called our HVAC company had them come out and talked to them about getting a negative pressure solution created to eliminate any odors that would be coming from our facility. They also identified a couple of roof shoots that were no longer being used that could be some of the source of the leaching of the odor. They are

working on an exhaust system in our grow facility and in our office facility and they will seal up all roof shoots not in use.

In terms of the processing that we want to do, there have been a couple of concerns about noxious gases or odor coming from that process. We want to take our current raw material, take about 25 to 50 percent of it and flash freeze it, churn it in water and ice, press that with to create a more concentrated finish produce. We are not asking to introduce any solvent into this. The tricone heads are the source of the odor. When they are frozen the odor in, they do not smell as much at all. It will be process and shipped frozen. We will add a carbon filter into that processing facility, to prepare for the processing.

Interested Parties:

Joseph Wallis, 7457 East 46th Place, Tulsa, Oklahoma, stated that his business is directly across from this facility. He was there to confirm that the odor continues. Mr. Hanson is trying to eliminate the odor, but nothing has changed. I would request until the odor is fully remediated and he can get a clean inspection, that this be continued. These odors must be resolved somehow. He stated that growers surround his business. They are not the closest to my business, but they are there and contributing to the problem. There is one next door and one to the north of our business.

Rebuttal:

Luke Hanson stated that one of the things that Mr. Gardner said was if his department comes out for complaints, they will them and try to shut them down. We want to get this problem taken care of.

Comments and Questions:

Mr. Bond stated that there a lot of growers around this area and as discussed last time, any industry is going to have odors. In this case, he had asked for interaction working with the neighborhood to get an idea what was going on. Based on the original inspector going out, he was much more comfortable accepting this application. A lot of other people in the industry are not taking these significant steps to reduce the odor, at this point he would be in favor of them with their freezing process.

Ms. Radney stated that she appreciated acknowledging that compliance is a continuous process and the willingness to acknowledge that was in fact odor that was emanating from this site was admirable. The Board does not have the ability to police odor and what we are looking at is whether we approve or deny the increase of intensity. We have received adequate answers to the questions that we had, and the rest is left for the other jurisdictions to do their part. She would be inclined to support it.

Mr. Brown asked if they could put a short time limit on this to make sure the processing is completed and give it time to work. He would be in favor of a one-year period.

Mr. Wallace liked Mr. Brown's idea because it allows the applicant to proceed, but it also gives both sides some reason to keep fighting this situation. He did not want the applicant to be a pawn in a bigger picture, but this gives some motivation for both sides to remedy the neighborhood and proceed forward.

Ms. Radney stated that she was not in favor of a time for it to expire. She would not be supportive of one year. She suspected that with all these issues with volatiles have a lot of seasonality to them and she does not think that a year is an adequate time for the city to establish a valid record of compliance. A three-year expiration would make more sense, but she does not support one year.

Mr. Bond stated that he would like for some of the other adjoining facilities to come back to have time, so he would be more inclined to support a three-year time.

Ms. Radney asked if any limitations were put on the other facilities. She addressed Mr. Brown saying that they are already operating a growth facility. There is still going to be activity there generate odor and from her perspective the mitigation is related to but not directly connected to this intensity of usage. The processing that they are requesting is not likely to significantly contribute to the odor problem as it exists now. A three-year time is long enough to demonstrate compliance makes sense in a business context.

Mr. Brown stated that the applicant has demonstrated a willingness to work with the neighborhood and to propose some changes in their system.

Mr. Bond stated that he would be more inclined to support a three-year period for the need for business continuity. The applicant's diligence in reaching out to collaborating with the neighbors and seeking voluntary compliance helps give the Board a better idea of what to do to avoid the odor issue.

Mr. Brown stated that he would go with the three-year period.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all "ayes", no "nays", no "abstentions") to **APPROVE** the 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 Conceptual Plans shown on page 5.6 of the Agenda packet, subject to the following conditions, that this Special Exception be granted for a period of three years from it's 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.

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

Mr. Wallace left and meeting at 2:05 and returned at 2:07.

Mr. Bond left the room at 2:07 and returned at 2:09.

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:

Christian Ortiz, 9810 East 58th Street, Tulsa, Oklahoma 74146 stated that he was there to request a Variance at 1244 South Harvard Ave., Tulsa, Oklahoma for Dutch Bros. We want to locate three wall drive-thru signs and three free standing signs within 50-feet of residential. He stated that he supplied a second site map identifying the locations. All the ordering is done at the window, none of the sign areas will have a speaker to order. All the signs are below the fence line, and they all meet the illumination standards of the City of Tulsa code which is less than seventy candle and lie within two feet of the face, so they should not have any obstruction within the residential zone. On the south elevation, those are the two main identifying signs for Dutch Bros. which is the face of the building. Then there are three free standing signs which are on page 13 of the packet which indicates what this sign will look like. At none of these signs will there be a microphone system. They are menu signs. Page 6 of 21 shows the three wall signs that are within the fifty-foot residential zone.

Mr. Brown stated this signage will be like the signage at 51st and Yale location. Mr. Ortiz stated that there are some differences regarding the residential zone. The windmill is outside of the fifty-foot residential zone.

Mr. Bond asked which sides will be within the 50-foot residential zone. Mr. Ortiz stated they fall into a gray area, because they are technically menu boards, but they are not menu boards if you do not order at them. The best way we could figure out to try to permit them or as wall signs. We are counting them as wall signs where we permitted them, but all three of those fall within the fifty foot of the residential zone, but they are below the fence line. They should not emit any light towards the residence. They do close at 10:00 p.m. They will be shut off.

Ms. Radney asked are you saying that if there were microphones that were attached to these, they would be menu boards, that would not be subject to the need to have this Variance. Is that what you just said? Mr. Ortiz stated that he believes that even if they were menu boards, they still are privy to the fifty foot within the residential zone. I would have to read the code again. But they are they might be exempt from it. I would have to go back and double check.

Mr. Bond asked if someone to weigh in on what constitutes a sign versus a menu board. Is it illumination?

Mr. Chapman stated that a sign is advertising.

Ms. Radney stated because it is advertising, what does that mean for us.

Mr. Chapman stated it is not supposed to be within fifty feet of the residential. Regardless of whether it is activated with sound or not, it is okay.

Mr. Barrientos asked what the hardship was there.

Mr. Bond stated that he had one more questions first. Is there a way this could have been designed to where the signs would not be within fifty feet of residential zone.

Mr. Ortiz stated that the topographical condition of the property is very narrow. About the only placement for the building to allow the two lanes of traffic and the main entrance, being off Harvard and then being able to exit off the 13th. There was really no way to move that over and still allow the two lanes of traffic and main entrance off Harvard and required parking spaces in front. Now, I did do some research on some other one on 51st and Harvard, and they did apply for those three that were on their wall as menu boards. I was speaking with Danny at the city to figure out which was the best route to go forward. We ended up passing it last month, because we were not sure, which was the best route on this. We just ended up a little bit of a gray zone, because if I go with the menu boards, and I exceed my amount of menu boards allowed, and then I need to request the different Variances.

Mr. Bond stated that leads us to if they are not menu boards, then they are signs. Then that leads us to Mr. Barrientos question if this is self-imposed as far as the hardship goes.

Mr. Ortiz stated that the topographical conditions is the hardship. Where these three displays are within the fifty foot of the residential zone, along with three other ones, that if you look back in the drive thru lanes, for the background, before it curves, we have three others that are like these, they are the same thing except they are freestanding, that also fall into that 50-foot zone. As well as like I said, the wall signs along the south elevation.

Ms. Radney asked if Mr. Ortiz could you wish to point out again where the other three are. Mr. Ortiz showed her where they were. He also stated that there is a privacy fence that has been installed here to block any additional noise that the business creates.

Ms. Radney asked what was the rational for the three signs at the entrance to the lanes. Mr. Ortiz stated that it was for people to be ready to order when they get to the window.

Mr. Ortiz stated that the maximum menu boards allowed is two per law. A lot of the new

drive thru have two lanes makes it difficult. At the 51st and Yale location, these three were processes menu boards along the south elevation. Then the others were permitted as free standing as such as what we have done here. I am not sure how to progress with this, because I know we have other locations of Dutch Bros. coming up here in Tulsa, that I am going to need to permit in the future, and I am just trying to make sure I am doing the right move forward.

Mr. Bond stated that this was completely a legitimate one a question and for me, and you are going get four other answers, they are quite different. But for me, at least, on here, my issue would be, I do not want to give an exception that would allow you to put additional signs that today, a new board without a light or anything else like that, that the concern is something else. If relief is granted here with us being really restricted on what it is, it is a neighborhood. And I think that the other off the 51st, as opposed to houses, their neighbors are signing Quick Trip. That is my two cents going forward. Because I know it looks like Dutch Bros. is making a move, we are going have the great Dutch Bros. versus Starbucks war, something we are all excited.

Mr. Ortiz stated may he potentially suggest placing a height restriction on these menu boards where they would not exceed like going above the visual height that might then impose the lighting onto the residents.

Mr. Bond stated he needed a hardship on this. The hardship needs to be something which is not self-imposed, for example, the large sign that you do not have to have a variance for because it is outside of fifty feet where you moved it. Some reason that this place is unique, this piece of property is just because it abuts a residential area. To me is not unique. I know it is narrow, but that, again is not going to be unique. And I distinguish that between things which would be there on that property, which are not the applicants fault, or their doing. We see this all the time. Easements, odd shape, things like that even typography has not been shaped in this case. Staff brought up you have a decline in grade change, which is going to allow all these signs that are there, to be even more broadcast into the neighborhood.

Mr. Brown asked what the difference between the site plan shown on 6.12 and 6.32. Mr. Ortiz stated that it is the highlighted blue section indicating the residential zones. The original one did indicate the red indicates the windmill still within the residential zone that was moved out of out of place. Then this will indicate the same three menu boards along that wall.

Mr. Brown asked what the hardship is. Variance from the law requires a hardship grant. Mr. Ortiz stated the unique condition of the property being narrow, but Mr. Bond has indicated to me that that may not be considered a hardship in this situation. That is what my hardship was at this point. The main thing also is just the discrepancy on whether there should be many boards or wall sides because then we are looking at a completely different Variances in different versions, and different reasons why we should have it. Mr. Ortiz stated it gives you a platform is a considered a menu, then I am just requesting to have one additional menu board.

Ms. Radney asked then what is technically allowed by code. Mr. Ortiz stated you are allowed to have one primary per lane up to thirty-two square feet, and one additional one, which I believe is the eight square feet or sixteen square feet, just like before, I have three.

Ms. Radney stated but you would not be allowed four. Is that what you are saying?

Mr. Ortiz stated that is where the discrepancy falls in that as is that if since there are technically two lanes, am I allowed four or am I allowed two only, and that is where, you know, he is, if that is the case, I am within code if I am allowed four. I am not sure if we ever produced the best solution. That is what I ran with him was with wall signs, when I looked at 51st Street location. It was not technically a menu board, were they the way they would apply for them there. I am in communication with the City of Tulsa trying to figure out the best solution for this.

Ms. Radney stated so possibly would have been allowed four. Mr. Ortiz stated yes, potentially.

Ms. Radney asked you are requesting three. You are allowed the other four more? I count nine. Mr. Ortiz stated we have three menu boards along the wall, and then the other six are freestanding signs.

Ms. Radney stated you may or may not be okay, on the three menu boards. And how much relief are you asking for the free-standing sign. Mr. Ortiz stated that he was asking for the relief of the three freestanding signs Ms. Radney stated that she was not being clear. How many signs are you allowed of each category? Mr. Ortiz stated he was within budget of all the signage other than the fact that I am within the fifty foot of the residential zone.

Ms. Radney stated that the other Variance is allowing Mr. Ortiz to increase the number to how many. Mr. Ortiz stated that is where the application gets a little odd and that is still a little in the gray area is. The signs we applied for as wall signs, if and right now the relief I am asking for is to allow wall signage within fifty feet of residential zone. If I apply for them as menu boards, they only count them as two, because right now, the way you read the code is you are allowed two menu boards per lot, but that does not indicate whether it is per lane, or if it is per just drive through in general. If that is the case, then I am requesting relief for one additional menu board, if we are only allowed two per lot.

Mr. Chapman stated that Mr. Whiteman for the sign permit office is here and we can ask him, but these three signs are walls signs that are on the building. The code calls them drive thru signs. They may not have speakers, but they are allowed to have those per lot, and then two secondary signs for a total of four. So, he has six drive through signs and then three wall signs.

Ms. Radney stated that they are exceeding the number of allowed drive thru signs by two.

Mr. Chapman stated that they were in budget with the wall signs, it is just they are not supposed to be within 50-feet of the residential district. None of these signs are supposed to be within fifty feet of residential district.

Mr. Bond stated that the Board has had a couple of other similar type, restaurant beverage, drive thru type places that have come through recently, it is not just you. I think a lot of it are the designs that people are used to using other cities. We have our own zoning code. So, I understand the confusion on some of this stuff.

Mr. Wilkerson stated that from the staff perspective he would like to point out that there is nothing in the code that requires that building to be so far away from Harvard. So, from our perspective, the site design has created its own circumstance. It puts us in, and I think the building permit people in an awkward spot when the when the code allows the building to be closer than the signs themselves would be allowed. From our perspective, it is hard not to look at this and say that this is the self-imposed hardship, because of the site design, without taking into consideration what the zoning code standards were for signage. It does not matter if it is drive thru or wall signs or any of that, that that was not an integral part of their site plan design.

Ms. Radney stated that this building is constructed. Mr. Ortiz confirmed yes.

Mr. Barrientos asked how far those signs from the residential, were they ten feet to twenty feet. Mr. Ortiz stated that they are about thirty-eight feet. It was part of their architectural team or something, but they are in a situation now, without those wall signs, they cannot operate their business, and it is the only way anyone can order there. They are willing to do whatever they can to try and make the best we can to find the best solution for this. They have suggested, making them non illuminated to have their signage to be able to operate. If there are any questions, there anything I can provide to find the best solution for me in this situation. I can get back to the customer on what we can do to be able to provide them with menu boards, so that they can operate at this point.

Mr. Wallace asked Mr. Ortiz where they order. Mr. Ortiz stated not until you get to the window.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace asked if Mr. Chapman could show the Conceptual Plan 6.4. My challenge with this granting the hardship in the Variance because we created a situation for the neighboring residential property because of the elevation. They could not build a taller fence than they already have. There is a utility easement, so there's screening is a

challenge. We are creating a situation and the hours of operation are 5:00 a.m. to 10:00 p.m. With the drive thru lane, people's headlights going into people's backyards, is part of it. That has been granted and, they live backed up to a commercial district, but I think going to continue to create a hardship on other people would that is something I cannot get past. I think there might be another way to do it they need to do in their in their circumstance.

Mr. Bond agreed, and Mr. Ortiz has been up here and helped us off some complicated issues and signage before. This was an issue when they decided to build this long before Mr. Ortiz got involved on this. I do not see a hardship here. The zoning exists for a reason; we must uphold that. To give you a hardship, we need a real non-self-imposed reason and allowing illuminated signs on an existing neighborhood is not something we want to do.

Ms. Radney stated that she was assuming that part of the reason that they built it in this way is because they did not want to a pattern that was countered to the direction of oncoming traffic, especially at that hour of the day. This is one of those circumstances where we have not been presented with what the alternative would have looked like. And I think in some of the instances that we have approved these variations, we have been also presented with what the alternative would have been, to the extent that this is a model that the corporation wants to replicate. I can see my way to a to what the hardship might be, but the burden is on the applicant to describe that for us. I think that Mr. Ortiz has done a noble job of explaining circumstances as it relates to signage, but what we do not have is an explanation of the way of the motivation for why this site needs to be operated in this way. That requires this layout for signage.

Mr. Brown stated that this site being close to the University of Tulsa, will be an active site during all hours, that it is open.

Ms. Radney stated that either the architect or the owner needs to describe for us what really is happening here, it is not the duty of the gentleman who has been task with signs to do that.

Mr. Barrientos stated that he does not feel comfortable with approving without seeing what the hardship really is, especially as the building is already constructed. He would like to see a continuance and see if they can come back with a fresh design or review the hardship.

Mr. Bond asked Mr. Ortiz if a continue to help you to try to address these issues. Mr. Ortiz stated that he was going to request a continuance for two weeks and reach back out to Dutch Bros. and see what information they provide. See if we can provide a legitimate hardship in this situation.

Mr. Bond stated that he was fine with a continuance.

Board Action:

On **MOTION** of **MS. RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **CONTINUE** the 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) for the following property until the September 27th Board of Adjustment Hearing:

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

Mr. Wallace left the meeting at 2:20 p.m. and returned at 2:24.

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 he is requesting an apron of concrete and about thirty-feet of gravel back to the house where there will be a normal twenty-foot concrete driveway as well.

Mr. Bond stated that he did not recall any issues with the neighbors. Mr. Holland stated that there are no issues with the neighbors. It is all agricultural, and there is no city sewer.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated with the zoning correction, he did not have any issues.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstention”) to **APPROVE** a 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) per Conceptual Plan shown on page 7.4 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.

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

Mr. Brown left the meeting at 2:42 and returned at 2:46.

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:

Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, Oklahoma, stated that he was representing the property owner at 7373 East 25th Place, Tulsa, Oklahoma. This property is in a strip of properties. Often, we put up the overhead the area that is there. As you can see running west to east, east to west that are extremely large in this area. The houses are of comparable size to the houses and other parts of this part of Tulsa, but the lots are extremely large.

As you can see from this overhead that are also multiple outbuildings in this neighborhood, some of the lots even have two outbuildings on them. The reason is that many of the people, my client included who move who are drawn to this neighborhood with these unique lots is that they do other things with the large yard that they have. Much of that is storage. Many of my clients neighbors store items outdoors in their backyard, which of course requires no relief or permitting. Some people bring in have brought in temporary storage, like things a storage container you put on a ship a shipping container. They put those in their backyard because those are not structures per se and my client is seeking to avoid that and has requested a variance to build an outbuilding the rear portion of his yard. I will note that part of the uniqueness of this request and this location is that the request for size of an accessory structure is one of the weird things in the zoning code of its tied solely to the size of your house, if he had a 5000 square foot house on this ample lot, he could build this building without any further relief from his body. It is a function of what your primary structures, sizes. In this area, there are some larger homes, and that may be why these people have built larger outbuildings without, requesting relief. But his house just happens to be a smaller, speaking house on a very large lot in this neighborhood. My client is an engineer and is retired. He wants to follow all the rules and in support of that has gone out and solicited input from all his neighbors. As far as I know, if there is someone here that wants to speak out on this, then that would be news to me. The only comments he is received. Most of the neighbors said why cannot you just build your outbuilding, and that's kind of the tenor of the of the neighborhood. That is not submitted as a sign of precedent as much as is submitted as a sign of the nature of the neighborhood and the consistency with which people use this concept on their properties, because they are so large. Many of the people that moved to this area, want large lots for storage and things like RVs, which is one of the things my client intends to store indoors. His chief concern is to keep it indoors for purposes of security and aesthetics. But also, just because he likes the idea of having a kind of an area indoors where he can service his RV, and he has a couple of extra cars that he works on from time to time. He went specifically talk to his neighbor behind him and the comment was, if you do not put in a privacy fence. I like our chain link fence between us.

Mr. Bond asked Mr. Cross to walk him through the hardship. The piece of property is 45,000 square feet. Mr. Cross stated this is a uniquely large lot for this area. There are several of them, but they are all unique for this area. This is an acre lot with a 2200 square-foot household. Other variants requests are tied to specific harsh rules. This request is tied to how big your house is. His house happens to be smaller on a large lot line. He has ample size of a lot to build this thing, because it is such a uniquely large lot without having to encroach on any other setbacks or anything else relative to the surrounding properties.

Mr. Wallace stated that by right, you could build this as an addition. Mr. Cross stated several people in a room have done that there is one down the road, with a white top that is down the road to the west, that where they have done this exact thing that built a pole barn and butted it up to the house as a to get around making this request because it's then not an accessory structure. My client does not want to do that because he thinks it is unsightly. Because it does not match the consistency of the house now because the pole barn itself is unsightly. He does not have enough room on one side of his lot since the way his house is angled for him to build it right on that side of his house. Plus, he already has a garage, I believe the person who did that, remodel their garage into a usable space and then you can attach this pole barn as a garage.

Ms. Radney stated in this structure, the garage is being used as a garage. Mr. Cross stated that it will continue to be used as the garage.

Ms. Radney asked how will you traverse this distance from the front of the lot to the back of the lot where for the storages. Mr. Cross stated he intends on having some sort of driveway. He more concerned about having the interior storage for his rear yard than he is having the ability to come and go frequently. To that building is my understanding is that the use of the building is primarily for storage but also for occasional service of his RV.

Mr. Bond asked if there is a RS-1 now that is currently presently plotted. Is there a maximum number of square feet for one a house or for an accessory structure for house for the whole lot presently?

Mr. Bond asked if there was a maximum lot size. Mr. Chapman stated it is 13,500. There is no maximum lot area for any zoning district. All of Johansen acres is zoned as RS-1, but not that this is necessarily relevant to the conversation. But I think part of that one acre is related to deed restrictions that are placed on the curriculum plat.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated there are certain parts of the city that we see routinely on certain issues. This part is one that I have driven this neighborhood so many times for previous applications that that I did not need to drive this one. It is odd zoning, and they are odd

sizes. I am trying to articulate this into a hardship though, do you have any thoughts on this?

Ms. Radney stated that what they are proposing is conforming to the way that people use the land over there. It is my understanding that at one point in time, there were even horses that were allowed to be housed in this neighborhood. So that I think there probably are some old vintage barn like structures even. We do not see any schematics in terms of what this structure would look like, or how it might better complement the ranch style of the neighborhood. It is a neighborhood that does have restrictive covenants and I would anticipate at some point in time, it might end up with a historical overlay. Because it does have historical significance in that way. I would be a little bit reluctant to approve a variance for the structure of this size without at least some idea of what it might present as. But I do concur with the argument and that there are a lot of outbuildings and that people purchase in this area for the ability to be able to have big toys and big fun on lots of land. I am inclined to support it, but I would appreciate a schematic.

Mr. Wallace stated that he would be inclined to support it. In storing an RV, I would be curious to see if it comes back with the modified eave heights for an RS-1 district, but that is not what is in front of us. It just seems like a large structure, but part of the zoning. I am just trying to struggle with that.

Ms. Radney stated that if it is for RV storage and we are asking for another variance.

Nathan Cross stated, it is not going to need another variances. He has not seen the plans, but we have been discussing that my client does not believe it is the roof height is going to be an issue. That may be hard for this body to believe. If we get there and there is an issue, then there is an issue, but he at this point does not believe it is going to be an issue.

Ms. Radney stated that is fair enough, but what could inform our approval or decision anyway would be something that sort of indicates what they are expecting in terms of from time to pitch and all that sort of thing. Mr. Cross stated that he would text his client to get the height.

Mr. Chapman stated that they are limited to thirty-five feet in that location, because he is in the rear yard, but he is not in the rear setback, which is twenty-five feet and RS-1 so that he has the same building height restrictions as the principal building, which is thirty-five feet. I might suggest if we are going to get more information, move to a different case and come back if you can get that degree.

Mr. Cross stated that he was happy to get with his client and come back, but the I would leave you with this. I certainly appreciate Commissioner Radney's comments regarding aesthetics, but that is not typically part of our request. I will ask my client. The building size is the issue for this request. But I will talk to my client if we can table this until.

Mr. Cross stated that he was able to talk with his client and he emailed these plans that I got. What they give is that they do not give an aesthetic component we because aesthetics is not part of what's considered in the code for something like this, although I will tell you that his goal is to have this done in some color that matches the color of the house or as close as possible as he can get. The height of the building to the actual cap that goes over where the roof pieces meet is not on here, but I can tell you if you look at If you look at this drawing, you can see the height of the door is approximately fourteen feet. The height up to that if you look at the lower diagram behind up to that small space, just below the kind of where squares off is eighteen feet so you can estimate from there that it is twenty feet is the is the proposed height. It is an outbuilding for purposes of storing his stuff, and for working on his vehicles. I would point out that to go back to the oddness of this situation. This is zoned RS-1, which means theoretically, subject to setbacks. With 45,000 square feet, you could cover 38,000 square feet of this with construction with structures if subjected to setbacks from the street and the side. But you can cover a large portion of this property because it's just uniquely large for this area. If he had a five thousand square foot house on this property, he could build this. He can have this without relief. So, it is a function of a small house on a big lot. It is unique for this area.

Mr. Wallace stated this is what satisfies our question on understanding the scale.

Board Action:

On **MOTION** of **WALLACE**, the Board voted, 4-1-0 (Barrientos, Bond, Brown, Wallace all “ayes”, Radney “nay”, no “abstentions”) to **APPROVE** a 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) finding the hardship to be an existing uniquely large lot a large lot of 45,398 square feet, per the Conceptual Plans shown on page 8.6 in the Agenda packet and the elevation drawings submitted by the applicant.

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.”

LT 14 BLK 10,JOHANSEN ACRES EXT, 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 (CD 5)

Presentation:

Justin Haynes, 4312 South Mingo Road, Tulsa, Oklahoma, 74146, stated that from the last meeting that we had to this one, the only thing I had gotten from my clients are an easement agreement or some type of agreement they have sent to me, but that has been it. I have not talked to anybody else. There has been nothing, they are still looking for their six directionals. The only thing I can say for them is they are below the height requirement. I understand that it is in the easement, but I am at your mercy. They gave me the license agreement and the gentleman from corporate McDonald's said that it should all be okay.

Mr. Wallace stated that was about the neighbors along Yale.

Mr. Wilkerson stated that the staff has done some research on the city side as well. This license agreement was for parking spaces only. It allowed eleven parking spaces in the street right away. It was specific in the language that did not exclude the requirement to meet zoning standards and anything other than parking. The idea that this license agreement has any effect on the signage is not true. The design itself, again, was not designed to meet the standards that are in our ordinances. There may have been some effort to present it in a way that it was a remodel was. I cannot speculate on why. But the site that is being constructed out there does not meet our current standards for landscaping and setbacks from property lines. There is a lot of things about the site that do not meet our code. So, we have dug deeper into this than we normally would, because it is an unusual set of circumstances. I guess the main thing to take away from all that conversation, is that the signage, if the board sees that something that makes sense on this site, they will have to go back to the city and ask for an amended license agreement or a new one or somehow modify their license agreement. So that should be a part of your motion if you choose to go that path.

Mr. Bond stated that it is what is a self-imposed hardship. I know it is a weird spot. This was a transitional area for the neighborhood when it was built was at Southwood's Mall. There is a lot of history here, I do not see a hardship that would cause us to hurry into code here.

Mr. Wallace asked if they were going to be able to get a certificate of occupancy. Mr. Wilkerson stated he thought they have the permits they need to move forward for some occupancy, but I do not know if there will be some temporary nature given to signage or

how that is going to work out.

Mr. Wallace stated that he was referring to the other things outside of signage. Mr. Wilkerson stated we have not looked at that.

Mr. Wallace asked if they were open. Mr. Hayne's stated that they are open. I already have permits on building signage.

Mr. Bond stated that he was in the same spot as the previous one as far as the hardship because I think if they are going to seek relief with some of their zoning and I do not see a hardship that is not self-imposed with these signs here. You are going to see the Golden Arches from a long way away no matter where you are.

Mr. Wallace stated that he was really looking forward to a better response than we should just approve it.

Ms. Radney stated that we were just unpersuaded. I am a no at this point. Do you want us to decline it or continue it?

Mr. Haynes asked for a Continuance, and he will tell them what is going on.

Interested Parties:

Comments and Questions:

Board Action:

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all "ayes", no "nays", no "abstentions") 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 4 square feet of display area for driveway signs (Sec. 60.030-A.1, B.2) until October 11, 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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NEW APPLICATIONS

Mr. Bond left the meeting at 3:05.

23420 - Cameron C. Wallace

Action Requested:

Special Exception to amend a previously approved site plan for a Country Club in the RS-1 District (Table 5.020, Table 5-2; Sec.70.120 **Location:** 2363 E. 61st St. S. (CD 9)

Presentation:

Stephen Burgan, 2973 South Cincinnati, 2nd Floor, Tulsa, Oklahoma, stated that he was representing Southern Hill Country Club. The project is to do an indoor tennis court where there were two existing tennis courts abutting the existing indoor tennis court there. But also revise approval from requiring it to be an approved site plan to approved use. This is a recreational use, allows it will allow them to be based off recreational use, therefore, we would not have to come to the board of adjustments anytime the club decides to add onto a building or add another recreational use building to the site.

Ms. Radney asked if he would like to tell us a little bit about the plans that are presented for us. Mr. Burgan stated it is an indoor tennis court. The exterior will be matching what is there already. It is two courts, totally enclosed. It is an existing two exterior courts with exterior lighting that lighting will be removed.

Mr. Wallace asked where it is located on the overall site. Mr. Burgan pointed to it on the plans.

Ms. Radney stated that ideally, this would be the last of its kind in terms of having of approving this as a Special Exception. Mr. Burgan stated that if we if we remove the requirement to approve the site plan and approve it as for recreational use, allowing us to not have to come back to the board every time that we either add onto the clubhouse or do any type of construction on this site. We do not want to rezone it. You would have to come back every time you so much. I was I was talking to Mr. Chapman, much like a city park and the neighborhood.

Mr. Chapman stated the board has approved certain uses and attached a site plan requirement. The biggest one that we have done are city parks. And as a part of that sometimes the board included language on future site plan amendments, saying that if you are building something that is commensurate with a park use, you do not have to come back. It has been a while since we have done that and just to make that clear that that language was requested by the applicant and I did put sample language if the board wants to do that, but that is solely your discretion and not necessarily a Staff recommendation, but it was requested at the board so chooses.

Mr. Burgan stated that this is something that we are talking to the permitting department about as well. Michael Skates agrees that this is a cumbersome process that Southern Hills keeps going through. By allowing this, his department will be able to approve permits faster and more easily.

Ms. Radney stated that she did not see that additional language.

Mr. Chapman stated it would be under the sample motion it would this second line “and to include future modification improvements commensurate with kind of like Country Club amenities.”

Ms. Radney asked if that was not inherently limited to outdoor amenities. Let us just say the country club decided they wanted to build a restaurant, would that not be considered, would that be outside the scope of this?

Mr. Chapman stated that he would treat that as commensurate if he was in the permit office. You are under no obligation to approve it with that language.

Mr. Radney stated that she understood the logic, she was not sure that she approved. Could you tell me just a little bit more about what you would be hoping to include in terms of scope Mr. Burgan? Well, it is a different language that we are looking at. The idea that we would include future modifications and improvements commensurate with the country club amenities, with no further board of adjustment approval required. Can you advocate a little for that?

Mr. Burgan stated that he did not know what she was asking. We are it will be restaurants, locker rooms, indoor golf. We are trying to add a new fitness. The type of projects that we're talking about doing at Southern Hills is redoing Snug Harbor, which is a restaurant currently into a new restaurant, adding onto the pro shop, to allow for additional office space for the for the pros, adding on to the north patio, existing clubhouse to allow for single dining space, redoing the existing fitness center so that they can have a bigger facility for exercise and yoga than other items. It would all be under that same type of uses. We are not talking about going out and building a warehouse if they decided they want to build a giant warehouse on the backside of Southern Hills, obviously, we would have to come to this board to get that approved.

Ms. Radney asked if it has not been noticed with this additional language, correct.

Mr. Chapman stated it was just to amend the site plan. Previously, we have done that and treated it that way for parks that you approve request them in the site plan and with that language that they do not have to come back.

Mr. Wilkerson stated that this falls right in line with some other applications we have looked at recently, where there may have been an approval site plan back in the day, but no one can present what that site play looks like. He thinks it is putting us at Staff

level and risky position to approve a change to something that we do not know what the basis of it was. The idea of if they came in with a site plan that had all the details of the existing conditions on the site and wanted to think about it in a much more global way, then maybe it makes sense to do that. But it might also make sense to rezone the site. The idea of zoning is inherently based on some level of predictability and with that, without having the existing site plan, we have no idea of what we are amending. I think that if we want to keep going down the path working with a Special Exception, which may be fine, that is okay, but to base it on a site plan, perpetually that we do not know what that that basis is, it is a tough spot for Staff.

Ms. Radney stated that she appreciated that clarification, because admittedly, a special exception is the least burdensome of all of that, you know, the relief that we could grant, and you are bounded by an awful lot of residential real estate. She cannot imagine that without a plan, she thinks we would be remiss wave our hands and say, you know, go forth and said no more.

Mr. Wallace stated that he agreed. He stated that thought we are all aligned on this, you could argue a warehouse is a commensurate facility for a club Country Club. We have seen more difficult things argued. He thought it would be wise had like a master plan that showed all the different projects, when looking at this today we were hoping to have a complete timeframe. He thought that would give us more understanding because the Board changes people, and Staff changes. To keep things consecutive.

Ms. Radney stated that in fairness that the times that we had such requests, may we have had a site plan, which was something more akin to a master plan for whatever that site was, or what its future uses might be.

Mr. Burgan I can do that as a separate issue. I do want today to get approval.

Mr. Wilkerson stated that he thought we are good there. From a Staff perspective, he was not arguing with that at all. What is in front of us may be perfectly fine, but the bigger picture is a little more troubling.

Mr. Barrientos stated that just on the tennis court plan was okay for now, but we would like to see the site plan for reference.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace stated that he was good with the proposed request.

Ms. Radney stated that she was not inclined at this time without a fuller plan for the entirety of the site. She was not inclined to add the additional language, but I am inclined to approve a Special Exception that has been presented to the board today.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 4-0-1 (Barrientos, Brown, Radney, Wallace all “ayes”, no “nays”, Bond “abstention”) to **APPROVE** a Special Exception to amend a previously approved site plan for a Country Club in the RS-1 District (Table 5.020, Table 5-2; Sec.70.120) per the Conceptual Plan shown on page 10.7 of the Agenda packet.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

A tract of land in Section 32, Township 19 North, Range 13 East, and Section 5, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: beginning at the southwest corner of Lot 3, Block 2; Southern Villas Addition, thence East 165.09'; thence south 330.18'; thence east 165.11'; thence south 815.5'; thence southeast 368.48'; thence east 295.42'; thence south 656'; thence west 955'; thence south 825'; thence west 827.98'; thence north 165.05'; thence west 1,817.73'; thence south 330.5'; thence west 1,444.5'; thence north 208.71'; thence west 168.71'; thence north 2,389.4'; to a point which is 25' south and 40' east of the northwest corner of Section 5, Township 18 North, Range 13 East; thence along the south boundary line of East 61st Street South to a point, said point being 329.4' north of the POINT OF BEGINNING; thence south 329.4' to the POINT OF BEGINNING.

Mr. Bond returned at 3:19 p.m.

23421 - Joseph Welbourne

Action Requested:

Special Exception to permit a carport in the street yard and street setback with modifications to increase the allowable length and reduce the required setback (Sec. 90.090-C.1). **Location:** 2344 S. Gary Pl. E. **(CD 4)**

Presentation:

Joseph Welbourne, 1705 West Broadway St., Broken Arrow, Oklahoma, 74012 stated that his

Client wants to build a carport at his house. The original length of the carport that my client and I had talked about was twenty-two feet long. That was an oversight on my part because I went back and looked through the approval for that in Section 90 and it states that is not to exceed twenty feet. We wanted to change that back to twenty-by-twenty feet. We have talked to the neighbors are all fine with the carport. There are also other carports in the neighborhood that I brought a picture of that we are going to design this one after the match as closely as possible.

Mr. Brown asked if this was for a parking a RV. Mr. Welbourne stated that it is for parking a pick-up, and another car underneath, but no RV.

Ms. Radney stated that we have a drawing of the site, but it has been observed that this is not to scale. To the best of your knowledge, you are asking for three feet of relief to the eastern property line.

Mr. Welbourne stated that from the end of the proposed carport to the middle of the street is thirty-eight feet.

Mr. Bond stated that we do no need to reduce the required setback.

Mr. Chapman stated it can all be varied by Special Exception, but the way the code reads for carports when they are in the street setback because they are bound by these rules, and so at the minimum it needs to be setback. This property is a little bit unique because it is corner lot, so it is technically the side setback and street setback. So really five feet, is supposed to be a minimum setback from the property line. If you are wanting to reduce it down to 20 by 20 he guessed you don't need that relief on that those dimensions, but Staffs comments about that three feet are that the site plan we have is not scaled to the lot and so it's that carport is going to be you're saying this is the I'm unclear if this is the curb or the property line but this carport is going to be pretty close to the property line on here. What he is trying to avoid is, he would always recommend you get it surveyed make sure you know where the lot lines are but depending on how you do that, you're putting your client in danger putting it in the city right of way as far as border that is because and I think from a permit center standpoint, they're having trouble discerning what to do with this and how that's measured. He would suggest talking to your client. He has a mortgage inspection plat when he bought the property that shows you what those distances are. And that should be clear where that line is. He is just

trying to prevent him from putting that in the city right away and making sure the Board is not potentially encouraging him to do so.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace stated that he thought it was a nice carport that they presented to him it just but for our records, some scale drawings with an overlay of the setback would help. The we would be approving something that is what is being stated.

Mr. Bond stated that if we take out the portion in our sample motion here, the portion about allowable length, or we produce required setback, and that then no matter where that line is, they will be able to go over it without additional relief. It is the onus is going to be on the applicant to make sure that they are not encroaching on a setback. If we take out that relief because you do not think he needs it right now. If he ended up being in that setback, you will have to come back to us. If he is going to go into the setback, I would like to see it. It looks like we have a curve and some other things going on. If he is not getting out of the setback, he would be okay with that, and we take that out of the sample motion.

Ms. Radney asked if this carport has already been built. It has not. Would it be built in the manner that we saw on the screen. That is referenced on their drawings, material. Mr. Chair, you are saying let us just go ahead and grant them the minimum to leave and set aside reducing the required setback that has not been constructed yet?

Mr. Bond stated unless they do, we may want to come back out for this unless you think you are going to be outside of that. I think what we are trying to say is if you are going to be outside of that, we want to see a detailed site plan. Mr. Welbourne stated that he did not think that they would be outside.

Mr. Wilkerson stated that one thing that might help the Board is if you are comfortable in granting the ability to put this carport generally in that location but requiring the applicant to provide an accurate site plan to the building permit office before they get a permit that might be helpful to the building permit office, because then they're struggling with the same blanket detail that we are.

Mr. Bond asked Mr. Wilkerson what he thought the best way to do that was. To be make that a conditional portion of the Special exception? Or would it have been continuing to have them come back. Mr. Wilkerson stated that conditional part of it would be helpful to the building permit office. I think they would prefer having a better site plan. It is okay, from our perspective if you want to do that now. it would be subjected to a site plant that is drawn to scale and then approval by the building permit office.

Ms. Radney stated that we will not use the exhibit 11.5 but use 11.6 because it references building materials and things like that.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a carport in the street yard and with modifications to increase the allowable length to twenty feet (Sec. 90.090-C.1) per the Conceptional Plans shown on page 11.6 of the Agenda packet and subject to the condition that a site plan drawn to scale be attached to this approval at the point that it this is submitted to the building department for permitting.

Amended MOTION of **RADNEY**, the Board voted The Board (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to finds that the requested Special Exception **APPROVE** a Special Exception to permit a carport in the street yard and with modifications to the allowable length to twenty feet and located three feet from the side lot line, per the Conceptional Plans shown on page 11.6 of the Agenda packet and subject to the condition that a site plan drawn to scale be attached to this approval at the point that it this is submitted to the building department for permitting.

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.

LT 1 BLK 2,WIL-REY TERRACE, in the City of Tulsa, County of Tulsa, State of Oklahoma.

23422 - Grand Lake Mental Health Center, Inc.

Action Requested:

Special Exception to permit a Residential Treatment Center and Transitional Living Center in the CS District (Sec. 15.020, Table 15-2); Special Exception to reduce the 2,640-foot required dispersal standard for Residential Treatment Centers and Transitional Living Centers (Sec. 40.130) **Location:** 6128 E. 38th St. **(CD 5)**

Presentation:

Carter Fox, 1515 East 71st Street, Tulsa, Oklahoma, 74008 stated that he was there on behalf of Grand Lake Mental Health Center. We are here to request a Special Use Exception merely for the use of the building and to operate that building within the 2000-foot requirement that this building cannot be within two thousand foot of another building operating with a similar use. If you look at this applicant with this site plan, the 6128 building is right here. The other building that is currently providing the same services are owned and operated by the same company, Grand Lake. He pointed to the map stating this is Twelve and Twelve here, and Twelve and Twelve, just merged with Grand Lake, and they purchased the Skyline East Two building. The hope is to use this building to provide the same types of transitional living, residential care treatment that is being conducted in this building and in the other building.

We have talked with all the neighbors, and the memo that I believe just got passed out. We specifically spoke with Bishop Kelly, which is the main entity over here. Bishop Kelly did not have concerns. They said that Twelve and Twelve has been a great neighbor through the years. We spoke with Millennium Church, they moved into this building with the full knowledge of what Twelve and Twelve does. They supported Twelve and Twelve and, fully supported the mission that occurs here. And we are not concerned about also conducting those types of services in the new building 6128. He pointed to an apartment complex he believed it was Stonebridge. They also had no concerns about operating the treatment in this subject property. There is also a Domino's Pizza, and they were happy they talked about providing flyers to residents and things like that. The only neighborhood we could not speak with some section eight housing. We tried to make contact several times just could not make any contact. But we have not received any objection to providing the services that are currently done in this building appear in the new subject property. We are requesting that we can use this building for the residential treatment and transitional living that is currently done in here. They share the parking lot, so it is within that to 2,000 feet. It is two story. We purchased the property back in June. Now it is housing some administrative offices. We are not using it for the full use that we would like too yet. They are going to have to do some renovations on the inside, but they are waiting to get an answer here. To see if they can even use the building for that purpose before they have the architect proceed to the next phase, work on that, then also go through that permitting process. Once we find out that if we can even use the building for that purpose.

Mr. Brown asked what happens in a residential treatment center and transition Living Center. Mr. Fox stated the purpose right now is to provide a lot of addiction recovery services. There are contracts with Tulsa Police Department, providing sobriety centers so that if somebody is arrested inebriated, they go through booking and that process, they can be brought to Twelve and Twelve to sober up and get to a state where they can go through that. Those same services would also happen here. His understanding was the difference between residential treatment and transitional living is the amount of time the person spends the night in the building. For residential, it falls more in line with transitional living. These people would not stay usually for more than a week. It is the service rather than our living facility. But it could also fall under that residential treatment center definition as well.

Ms. Radney asked if it would be a locked facility. Mr. Fox said no.

Bryan Day, 6333 Skelly Dr., Tulsa, Oklahoma, 74135 stated that he is the Director of Development for Grand Lake, an employee of the 501 C three and the former CEO of 1212 through the merger and the Tulsa Sobering Center. The Tulsa Sobering Center is locked. When TPD (Tulsa Police Department) brings detainees to the Sobering Center, they are there for 10 hours. That is the only detention that facility operates is through the Tulsa Sobering Center. All residential care is voluntary. All Transitional Living is voluntary, and they can check themselves out at any time.

Ms. Radney asked if Transitional Living is not housing people who are adjudicated. Is that correct? They might be but it is not like a formal halfway house. Mr. Day stated that is exactly right. They could have legal ramifications for leaving our center. But correct, it is not locked. It really is assessment driven acuity. So those same services are just driven through American Society of Addiction Medicine Objective scores as to whether somebody needs a medically supervised detox, or a residential or transitional living environment.

Ms. Radney stated that it was her understanding that Twelve and Twelve does not do any of that sort like the outpatient and do not due to methadone treatment. Mr. Day stated they do not do methadone which falls under the Oklahoma Department of Mental Health and Substance Abuse Services chapter 70. We are not under that chapter. We are a comprehensive community Addiction Recovery Center, which falls under 450.24 and 450, Chapter 450.27, which does allow us to do outpatient services.

Ms. Radney asked in Transitional Living Center were you to provide those services would be available to say methadone clinics, if that was something that you offered. Mr. Day stated if it was something, were we and other methadone clinics, we do transport to other methadone clinics, if for their dosing for their methadone dosing. So, it is really about that containment of that medication. Ms. Radney stated that she knows you work closely with the drug court, as well. Mr. Day stated very much so. Mr. Day stated that it was a very needed service for drug court.

Interested Parties:

Nathan Cross, 3738 South Canton Avenue, Tulsa, Oklahoma stated I had no idea this was on the agenda. I do not know these guys. I drive 38th Street virtually daily, coming through to share it and I drop my kids off at Zarrow International School. I would say that in addition to them doing the Lord's work in terms of what they do for their clientele, you would not know they are there. I have driven through there for a decade since I've we have been there. If you are talking if the biggest concern for something like this is the impact on the neighbors and the surrounding area, you could not find something that was less impactful.

Comments and Questions:

Mr. Wallace stated that he lives nearby and honestly, after Twelve and Twelve went in, I knew about the facility as an architect, because it is a beautiful facility. But I did not necessarily know exactly where it was. Now that I do, I have noticed that that area has been cleaned up since you have been there. As a citizen, I appreciate that. From that perspective, I think is a great service. Thank you for all you do.

Ms. Radney stated that in the interest of full disclosure, she has a significant other who spent a considerable amount of time working with Twelve and Twelve and very familiar with some of the services there. As a former resident to the east of the traffic circle, I would also compare it Twelve and Twelve. This historically, at least been a pretty darn good corporate neighbor. And they do a lot of important services.

Mr. Bond stated that he was a graduate of Bishop Kelley High School and anticipate sending my children there. If that is an issue for you, I will recuse. How would we feel about limiting it to its present statutory licensure? He mentioned some issues, I am not saying I would be blanket have an aversion to them. If you do expand and levels of treatment, I would like to have a chance to, to review that a little more in depth.

Ms. Radney stated that she would not be inclined to support that. But I do appreciate what you are getting at. To the extent that clientele is already engaged with that some type of outpatient therapy, I do not think it would substantively change anything. And we are in a paradigm now, where, with the federal government and changes in medical care, for people in who have mental health and other substance abuse diseases, I think that they would appreciate fewer limitations rather than more. They need that flexibility. But that would be her inclination because she did not think absolutely being there and taking a move to a locked facility. She did not think any limitations that we would sit on it would be effective.

Mr. Bond stated that for these applications, or social services, we voiced the same concern, even when the county election board was moving, and it is just for me, at least it is a question of understanding what type of scale it is going to be. So, there was expanded use within the social services governance services type, he would like to take this application out completely, just like we do with parks, he would like for us to try to maintain as much review as possible. That is the reason, and he is not saying it, that

would be even averse to it if they wanted to go from, 450.24 or 450.27 into expanded areas. He just would like to hear that if they do because he gets something important that he has voiced the same issue anywhere in this great city dealing with this.

Ms. Radney stated that she would ask the Staff because I do not know the answer to this. She would support it if that were what we needed to. If it were really something important to you to add to this to the motion. Would that change if they were to change?

Mr. Chapman stated that what he would say is right now we do not have a detailed listing of some of the services about which they are talking. What we are talking about is a transitional living center in a residential treatment center, as described on your screen. He is not competent enough to speak about different state licensures and what that allows you all that we are really looking at is what is in front of you as far as those descriptions.

Ms. Radney stated that she thought it might trigger a need for a new special exemption altogether.

Ms. Bond stated that he thought it needs a limitation that you put on an offensive rotation for any, anyone that we have had, including election board office, which can turn into other things it is not the idea that any expanded use is wrong, good, or bad or anything else like that. He thought there are a variety of even borderline uses that our neighborhoods, stakeholders, things like that are sensitive about. He thought it was institutionally healthy for us to be able to look at those are those. He was not going to vote against it.

Mr. Barrientos asked if we need to put limitation on the 2643. Does it have to be restricted to the building? Mr. Chapman stated this is the building that they have recently purchased, that they are wanting flexibility to use as a transitional living and residential treatment center.

Mr. Brown asked Mr. Chapman in the sample motion, under suggested condition, there is a building that is referenced. Mr. Chapman stated the second part of this relief is we have a spacing requirement for certain land uses of 2,640 feet, which he thought is a half mile. What they are saying is, this is the existing Twelve and Twelve. For that, he was not sure what it is called now. But this is their existing facility, they bought this facility. As it stands now, they are two separate facilities that are within distance of each other. So, what I was saying is that you are limiting that special exception or reduce that distance between these two buildings. He thought they would get there by referenced the exhibit on 12.4.

Mr. Wallace asked if they were to combine the lots, which would not be an issue. He was just not saying he was suggesting that was asking. Mr. Chapman stated that he did not think it would, and he was not if they were to combine the lots, which would not be an issue. I am just not saying I am suggesting that was asking. He did not think it was really in a good position that on how their business is operating, or different funding

streams or any of that, but that will limit their ability to combine all that into one complete service.

Mr. Bond stated he was okay with how it was written. The additional building, he thought we have one reference. 12.5. Conceptually, it is a picture just to know that it is expanding, like includes expanded in that building that got the right to do that.

Mr. Wallace stated for clarification, for the applicant, you are currently using this as office space and if you need in a flux situation to have this flexibility.

Mr. Fox stated that the hope is that if we get approval from this body, we will be able to use that building in the same way that we are currently using the 6333. But the reason that it is administrative now is because they cannot use it for transitional living or residential without approval.

Mr. Bond stated it is an expansion, what you are already doing.

Ms. Radney asked how much you are anticipating that the population would be able to increase by allowing the transitional living in the Skyline East Two. Mr. Fox stated that the master plan for that is under review right now with architects and Grand Lake's leadership. A lot of the new building is contemplated for outpatient and administrative use. Because we were able to move administrative staff out of Twelve and Twelve over to the new building, we are expanding residential services in that location. If we end up feeling like the additional contracting, and opportunity for expansion of residential and transitional living, is warranted in the overall master plan, without this body's approval, we will just have to shut that down and say, that is just not possible.

Ms. Radney asked what your current census is. Mr. Day stated that the current census right now is 250 or so and with administration moving out, we could go up to about 350 individuals. If he were to put a number on that, in the new building, he would be remiss going ahead of architects and master planning table. He knew, in his capacity, and in his conversations, most of this building is going to be used for outpatient services.

Ms. Radney stated that when she thinks about the way that say, an institution, like Parkside, expanded on their campus, like some of their original additional buildings or dedicated to youth, because by being able to have a separate building, you could provide like a greater level of security for a population that doesn't really need to be sort of combined with the general population. Is that more along the lines of what you'd be? Mr. Day stated absolutely, it has not been decided that youth was a final option in the master plan. But if that option was considered, you must have a separate entrance, you cannot make commingle those populations. He thought that space and community would the gap is there. The need may be there. But he is not sure that is the contemplated use right now we have a significant adult problem.

Mr. Bond stated he thought what you were talking about with the expansion of existing facilities and things like that, I think that underlines my point that as these facilities grow,

we do not have a very specific we have a very broad kind of catch all definition to the zoning code about what they are. But because we are tasked with something which would be the spirit instead of a code, and not injurious to the neighborhood or detrimental to the public welfare those last few obligations that we have, he would like to see us in data, for instance, like this, in every part of the city, people look at that.

Ms. Radney asked what is that statutory designation so we can add to motion. Mr. Day stated it would become methadone, in Chapter 70.

Mr. Bond stated that he would be comfortable just saying as presently licensed. Ms. Radney stated that may not be sufficient, updated as an example, if they wanted to do youth.

Mr. Day stated even chapter 27, which is strictly outpatient. Some of that has to do with national accreditation, versus non national accreditation. So, Twelve and Twelve Joint Commission of accredited hospital organization, so we secured that. Grand Lake is also contemplating CARF accreditation, which is Commissioned of Accredited Rehabilitation Facilities. It does get complicated, sir. It is not just the state chapter, it is also a national oversight, that we could potentially start to have to have to weigh out just a little bit. Chapter 70, of course, is an outpatient service, which is interesting, too, because people would just come receive their methadone and leave. And it is really driven by that one class of drug versus other classes of drugs, which we are currently licensed in an outpatient setting to administer.

Mr. Bond stated that he did not want to put shackles on what they can do. Because he does not think they are going to get any argument out of this Board on what you are doing. It is a grossly under service needed in this town. He stated that he does want to maintain some oversight, though.

Ms. Radney asked if Mr. Bond would like to put an expiration date on it. Mr. Bond stated that he would want to maintain some oversight, though. Since he has been on here, they are the things that have been approved that were approved for one thing, and now turned into kind of another blowback from a lot of folks around here.

Mr. Wallace stated that to help him understand what we are trying to achieve here as a Board. This is a facility for people with a disease. If there is unruly or circumstances that are concerning, we are not here to conduct your procedures, but just to help us.

Mr. Day stated there is guidelines throughout our system for patient safety, staff safety, the list, of course, goes on and on. The entire joint commission accreditation has to do with that sphere and scope of, of how do we manage those things, are we following best practices, and we reserve the right to administratively discharge individuals who are combative to us or to our objectives. Mr. Wallace stated that you are not just putting them on the curb. Mr. Day stated that we are not just putting them on the curb. Even when we were working through the Tulsa Sobering Center. Our goal at that time was to

ensure everyone in city council and Mayor's office and TPD, we transport people to their next destination. We are deeply involved in transportation.

Mr. Bond asked what you anticipate expanding to as far as treatment classifications. Mr. Day stated that the continuation before he came here today, the continuation of Twenty-Four and this new Twenty-Seven, expanded outpatient services is really what I was, told we were going to continue to do. There was the potential discussion at one point around a methadone clinic. He did not know whether that is even in the cards. He could tell you that he would just be saying that is in the cards, which is in the master plan. It is not in the master plan, as I understood it when I came today, so he certainly would not be resistant at all, and I do not think our leadership would be resistant at all, to coming back to this body with new accreditations.

Mr. Bond stated he would say it is presently accredited. The largest treatment facility for drug and alcohol, and for psychological needs in this town should not be the Correctional Facility, which is not designed to do that. It does not do it. We all as citizens of Tulsa, do not need to take a drive far from this building, to see what happens when we do not provide that. He put these onesies on us not because he wanted to restrict serving people in our community, but because he wanted to make sure that we are not trying to throw people away, not in this case, but to other parts of town because we see it is evident what causes that.

Mr. Day stated, thank you for those comments. He has spent my entire adult life committed to the safety of our community and the wellbeing of those that we treat. He could not agree with you more. It is just it is so vital that we are great neighbors, not simply good, but great neighbors, and we are highly effective at what we do. We need organizations like this deeply committed to extremely effective outcomes, and he can assure you Grand Lake is very committed to great outcomes. Mr. Bond stated this is in any putting a facility this next to any school will always give us pause and it is your proven history and diligence, this application which will help us get there. Thank you very much for what you do.

Ms. Radney stated as presently accredited. Mr. Bond stated he was fine with no time limit and as it is presently credited.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a Residential Treatment Center and Transitional Living Center in the CS District (Sec. 15.020, Table 15-2); and a Special Exception to reduce the 2,640-foot required dispersal standard for Residential Treatment Centers and Transitional Living Centers (Sec. 40.130) per the Conceptual Plan on 12.4 of the Agenda packet subject to the following conditions that this Special Exception applies only to the subject property and property identified in 12.4, and for the extended use as presently accredited in the adjacent location formerly known as Twelve and Twelve. This relief is limited to allow

the use on the subject property to be within 2,640-feet of the use located at 6333 East Skelly Drive, previously known as Twelve and Twelve.

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.

All of Lot Three (3), Block One (1), TULSA SCOTTISH RITE SUBDIVISION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT that part being more particularly described as follows, to-wit: Commencing at the Northeast Comer of Lot Three (3); thence South 0°02'15" East along the East line thereof for a distance of 156.94 feet to the POINT OF BEGINNING; thence South 0°02'15" East for a distance of 43.75 feet; thence South 41°08'05" East for a distance of 32.03 feet; thence South 48°51'55" West along the Southeasterly line of said Lot Three (3) for a distance of 400.00 feet; thence North 41°08'05" West for a distance of 65.00 feet; thence North 48°51'55" East on a line that is parallel to the Southeasterly line of said Lot Three (3) for a distance of 428.76 feet to the POINT OF BEGINNING.

23425 - January Leavell

Action Requested:

Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3) **Location:** 1339 S. 75th E. Ave. **(CD 5)**

Presentation:

January Leavell, 1339 South 75th East Avenue, Tulsa, Oklahoma, stated that she is asking for 10-foot setback of the right of way. They want to build a garage to protect our vehicles from weather from vandalism and from theft, which it has all happened. My neighbors and they never have any issues. They all our neighborhood has various houses there nothing's uniform in it. We have a house that has a six-foot privacy fence in their front yard, and everyone has a six-foot chain link fence the front yard. My next-door neighbor has a 20-foot setback on their right of way. They have a 3.5 car garage that is two story. You can see it on the aerial video, aerial picture, it sticks out quite a bit further than my house does. She was asking for ten foot they have 20-foot setback. If you want to see, she had pictures of what the neighbor's houses look like compared to her house. What neighbors she talked to and when she talked to them.

Mr. Bond asked how many feet we are going into the setback. Ms. Leavell stated that they are going ten feet into the right-of-way.

Mr. Chapman stated that he can confirm it is as ten feet into the setbacks. It is supposed to be twenty-five feet and she is asking it is about fifteen feet. The thing he would bring to your attention is the right-of-way on 75th East Avenue is platted at 70 feet the typical residential street would be fifty feet. He did not really have any context on why that was done a lot, but that is exceptionally large it is not considered a collector street or anything other than a residential neighborhood street.

Mr. Bond stated that this was done decades and decades ago. Mr. Chapman stated that he did not know when a subdivision was plotted but it has been a while.

Mr. Bond stated that he was trying to distinguish this between Yale or Harvard or some places we have had these with the setbacks.

Mr. Bond asked Ms. Leavell when her house was built. Ms. Leavell stated that she thought it was built in 1956.

Ms. Radney asked if 75th Street was an arterial Street to the south. Mr. Chapman stated that it is not an arterial street.

Mr. Bond asked when we did this before have, we required a removal agreement or anything else like that. Mr. Chapman stated this is in the planned right-of-way, so there would not be any need for that. So, it is the setback is standard. It is a larger than normal right of way.

Mr. Chapman stated that speaking to this property at the corner of 14th and 75th East Avenue that would be considered a corner line he did not have a site plan showing those exact dimensions, but they would get a break calling 75th East Avenue their side street setback. For the code, they get to choose that . He did not have a site plan, but they might be meeting this standard setback on 14th Street calling this their side street which they get a break down to fifteen feet. For the purposes of the code, you get to choose which is your side street.

Mr. Bond stated that it is hard to see looking at the imagery there but behind your existing garage is your house correct. Mr. Leavell stated that her garage is next to her house. They are attached and she wanted to put a garage in front of it that is to two doors one story to house our cars.

Ms. Radney stated the existing garage is a one plus but it is really kind of an old-fashioned version so you would not be able to drive a truck into depth wise or height wise. Your election not to decide to tear down the existing garage and replace it with a bigger garage. Can you tell us what your logic was on that? Ms. Leavell stated that the architect said it was cheaper just to add on and he could do a bigger and better that way and it would not encroach on my neighbor's side yard.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that typically when we granted relief on these is in the back. He just did not recall if we have done the opposite.

Mr. Wallace asked if we were doing an offset if it were fifty feet, we would it would be good. Mr. Chapman stated that he would imagine that house would have been designed differently the time it was built, but if for some reason the city came and closed that right of way, she would not need the relief she would be able to go out further.

Ms. Radney asked if that right away distributed equally on both sides of the street. Mr. Chapman stated that yes it was.

Mr. Bond stated that the right of way and the size of it is as we sit breathe today is unintelligible to me. He was just trying to think of that gives us the hardship because of the zoning imposition. Any thoughts on that?

Ms. Radney ask Mr. Chapman if he was saying that the city has currently has no plans to expand and use that broader wide right -of-way on 75th East Avenue. Mr. Chapman stated that he cannot speak to that. He thought a lot of this area still has bar ditches and at a certain point, they might come through and add some more drainage, but he doubted they would utilize that entire right of way. Ms. Radney asked Ms. Leavell if they had a bar ditch now and Ms. Leavell stated that her house did not.

Mr. Bond stated that he would support it.

Ms. Radney stated that she would support it as well. She thought that for a house of this size, age, and in this zoning category, that this is an unusual feature of the of this neighborhood and these houses that front does street. I would consider this to be acceptable. How many feet are we talking about? The applicant is asking for ten feet.

Mr. Barrientos is saying that the hardship is because of the unusual size of the setback is going to prevent her from adding onto her garage.

Ms. Radney stated that what she is saying is that there is a legacy overhang here in terms of the right of way for a neighborhood of this type, and a subdivision of this type. And so, the ability to be able to extend beyond the approved build line by ten feet is she would find that to be unique to this property.

Mr. Bond stated that he would have preferred that the right-of-way would have been dealt with in an amended in a proper manner. He was sure that it is not this Board that does so.

Ms. Radney stated that the applicant is not proposing to build on the street right-of-way. She just wants to be able to advance beyond the approved setback. She stated that she was inclined to support it.

Mr. Chapman stated that he made a typo on the sample motion. There is a new sample motion page for you, that is labeled 23425.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec.5.030-A, Table 5-3) finding the hardship to be the legacy overhang of the subdivision plat that proposes a 70 foot right away as opposed to the 50 foot, which is more standard for this zoning category in the city. Per the conceptual plans that are shown on pages 13.5 to 13.11 of the agenda packet.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;*

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable 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.”

**LTS 15 & 16 BLK 10, EASTMOOR PARK , CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

23426 - Raul Cisneros

Action Requested:

Special Exception to allow the alteration, enlargement, or expansion of a structure with a non-conforming street setback in the RS-3 District (Section 80.030-D)

Location: 2011 W. Easton St. **(CD 4)**

Presentation:

Raul Cisneros, 3902 East 51st Street, Tulsa, Oklahoma, 74135, stated that they are remodeling and adding to the second floor. The living space it is all behind the building setback. It is only the front porch that is currently in the rear setback, and we are tearing it down and building it new in the same location. But we are extending it over a little bit to the sides. But we are not encroaching more to the building setback into a building setback.

Mr. Bond stated that it is already done, and it is already a non-conforming.

Ms. Blank stated that there is a typo in the motion and there is a corrected page for it also.

Mr. Bond asked Mr. Cisneros if he had any conversations with neighbors about this. Mr. Cisneros stated that builder has talked to the neighbors, and they do not have any issue with it.

Ms. Radney asked that on page 14.6, are you saying it is just the porch that is encroaching. Mr. Cisneros stated that is correct. The building line goes right up to the front door. If you look at the 3-d model, it is right there to the front door. So only that entire front porch is in the building setback. Ms. Radney asked if he had removed a porch. Mr. Cisneros stated that before it used to be let us say half of that and we extended it over to the right that was the entirety of the front half of the house.

Mr. Bond asked Staff if they rebuilt a non-conforming structure, just the porch. The previously existing nonconformity was not as large as this is what you are getting at? Mr. Cisneros stated that if you go to 14.12, it gives you a better perspective here. it is currently, this down here. That is an existing right here. We are just adding a little bit more down here.

Ms. Radney asked how much relief in linear feet are you asking. Mr. Chapman asked how much is the end of the setback? Mr. Cisneros stated it is eight feet. Ms. Radney stated the porch they want to build is eight feet.

Mr. Wallace stated that it is Special Exception because it was already a non-conforming structure as opposed to Variance.

Ms. Radney stated that he does not need eight feet of relief correct. Mr. Cisneros stated he thought she was right. There is eight feet inside of the 25-foot setback currently, and we want to just keep it that way. But add a little bit to the right side.

Ms. Radney stated that it looks like you only need three and three-quarter inches. Is that wrong? Mr. Chapman stated that he thinks he is talking about the eight feet is how far it is into the setback. You are talking about how far he is adding. As far as the actual building width.

Ms. Radney stated that he wants the setback. What is the relief for the entire width of the building? Right. Mr. Chapman stated it is a special exception to add on to that to make that wider. My understanding it is not getting closer to the street, but the porch is getting wider.

Mr. Wallace stated he is maintaining the same setback line. It is just the porch is getting bigger than the east west direction. Mr. Chapman confirmed this is correct.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that he has no issues with this at all. It is more of like the houses that are here on Easton thing. This is similar to the one that we did over in Tracy Parker.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the Special Exception to allow the alteration, enlargement, or expansion of a structure with a non-conforming street setback in the RS-3 District (Section 80.030-D) per the Conceptual Plans shown on pages 14.6 to 14.15 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.

LT 16 LESS S10 THEREOF BLK 12, IRVING PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23427 - Hemphill, LLC, c/o Faulk & Faulk

Action Requested:

Special Exception to permit a guyed communications tower in the IL zoning District (Sec. 40.420-E.2.b) Special Exception to waive the landscaping requirements for a communications tower within 300-feet of residential zoning districts or lots occupied by a residential uses (Sec. 40.420-F)

Location: 6130 S. Oswego Ave. **(CD 3)**

Presentation:

Staff requests to Continue this case to September 27, 2022.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Wallace all "ayes, no "nays," Radney "abstentions,") to **CONTINUE** the Special Exception to permit a guyed communications tower in the IL zoning District (Sec. 40.420-E.2.b) Special Exception to waive the landscaping requirements for a communications tower within 300-feet of residential zoning districts or lots occupied by a residential uses (Sec. 40.420-F) until September 27, 2022, for the following property:

LT 13 BLK 1, ACME ACRE ADD , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23428 - Stephen Eubanks

Action Requested:

Special Exception to increase the permitted driveway width in a Residential Zoning District (Section 55.090-F.3) 6130 S. Oswego Ave. **(CD 8)**

Presentation:

Kristin Daffern with KleinCo. Construction, 1660 East 71st Street, Suite J, Tulsa Oklahoma 74136, stated that she was there representing her client, Stephan Eubanks. There has been no opposition from any of the neighbors to increase the size of the driveways. However, we need one clarification. In our permit application, we showed an existing and then what we were adding. What you see on page 16.6 is just the existing I am not seeing the page that has the changes. We currently set between two driveways, a circle driveway at 40 feet total in our right of way, and we are asking for one foot on the south side and five feet on the north side to straighten up access to an existing garage.

Mr. Bond asked if they had any issues with the neighbors or homeowners associations. Ms. Daffern stated we have an email from their HOA President giving his blessing and we have had no nothing from neighbors.

Mr. Wallace asked if the hatched area on the plan is what you are adding. Ms. Daffern confirmed this is correct.

Mr. Brown stated that this is a typical arrangement in the neighborhood gap everywhere. He had no problem at all.

Mr. Chapman stated they are required to have a right of way permanent anyway. That is just yes, this is I do not know abundance to make it clear that they need to get that and potentially make any changes they need to meet City of Tulsa requirements for work done inside the right of way.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** Special Exception to increase the permitted driveway width in a Residential Zoning District (Section 55.090-F.3), per the Conceptual Plans presented by the applicant today, under the condition that the applicant obtain a right-of-way permit for the driveway.

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 2 BLK 3,BRAESWOOD , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23429 - Ray Toraby

Action Requested:

Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D). **Location:** 9014 S Yale Ave E **(CD 8)**

Presentation:

Staff requested to Continue this case until October 11, 2022.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Wallace all “ayes”, no “nays”, no “abstentions”, Radney “absent”) to **CONTINUE** the Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D). **Location:** 9014 S Yale Ave E **(CD 8)** to October 11, 2022; for the following property:

LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1,SOUTHERN WOODS PARK, STAR CENTER II , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

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NEW BUSINESS

None.

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OTHER BUSINESS

None.

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BOARD MEMBER COMMENTS

Mr. Brown stated that he briefly wanted to say he thought we had successful meeting yesterday session. Yes, I would like to continue having those meetings and he knows it is a pain to arrange, but he continues to have questions on the cannabis issues, and this can

help. Mr. Bond added that it was extremely helpful yesterday and I know it is we asked a lot from city Staff. We appreciate it. We really do. Put together does it and has done it. I am amazed how much else out there learn.

* * * * *

There being no further business, the meeting adjourned at 4:45 p.m.

Date approved: 10/11/2022


Chair