

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1308
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
February 14, 2023, 1:00 P.M.

Meeting No. 1310

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS
Barrientos		A. Chapman	A. Blank, Legal
Bond, Chair		S. Tauber	
Radney, Vice Chair		J. Banes	
Wallace		D. Wilkerson	

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on February 9, 2023, at 9:04 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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Ms. Radney called the meeting to order at 1:00 p.m. Our chair is going to be delayed in getting here today. We are going to put towards the end of our agenda our Board comments regarding the passing of our dear member, Mr. Brown. We will have comments and those of you who would like to participate in that remembrance, we would encourage you to stay until we get to the end of the regular agenda items. She would also anticipate that those of you who might want to leave your comments or condolences for the family, you might leave that note with Mr. Chapman at the end. With that, we will go ahead and begin our regularly scheduled meeting with some remarks from Staff.

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

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MINUTES

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Radney, Wallace all “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **APPROVE** the **Minutes** of January 10, 2023 (Meeting No. 1308).

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NEW APPLICATIONS

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23488 - Heather Thomas

Action Requested:

Special Exception to permit a Day Care use in the IM District (Sec.15.020, Table 15-2) **Location:** 2436 N. Lewis Ave (**CD – 1**)

Presentation:

Heather Thomas, 2436 North Lewis Avenue, Tulsa, Oklahoma, 74110 stated that she wanted to turn this building into a daycare. Her architect was here to speak for her. **Ken Alexander**, 187 West Hickory Drive, Sand Springs, Oklahoma, 74063, stated that he was representing Ms. Thomas. The building is 2795 square feet on 1/10 of an acre. It is 2436. North Lewis. Previously, it was a business. We need a Special Exception to permit the daycare in that area. She was looked at the area thinks there was a need there. He is trying to help her get started here. We are going to run a fence down the south property line. The fire exit will come out here. The kids will be out there all fenced in and safe. It is a solid building, built in the 1960s. It has three bathrooms, and two kitchens. She thinks this is great for her purposes and he would have to agree.

Ms. Radney asked if he were saying that there are no major interior modifications that would be required for the for a daycare use. What about in terms of the outside?

Mr. Alexander stated that the outside is okay. It is freshly painted, and it has a new roof on it. There are two fire exits and it seems to be in good shape.

Ms. Radney asked what is going to be the number of children in care there.

Mr. Alexander stated that he thought that the code requires 35 square feet per person that will put it up to about 78 for the entire building.

Ms. Radney asked if the outside grounds would accommodate that as well. Ms. Thomas, this probably is a question for you. What is the outdoor play area requirement for 78 children.

Ms. Thomas stated that it was up to 45 children with DHS. When she talked to the worker at DHS, she told me up to 45. It depends on what you come out and measure. Then she would let me know if we can get more.

Ms. Radney asked what we are looking at here. Is this all building and concrete or is there actually like a grassy surface?

Mr. Alexander stated that he had the site plan here that shows that. There is a landscape area or grass area on the north and the south side of the building. It will be all fenced.

Ms. Radney stated that there is a standard for a certain square foot a similar standard for square footage per child in terms of outdoor play space. It is a DHS requirement. It is analogous to the number of toilets and that sort of thing that she would have for the number of kids that care. You are saying that the area, that upper triangle here is that is a grassy area or an outdoor area, which is not pavement.

Mr. Alexander stated that Highway 75 is the border of that is that diagonal line cutting through there. The flat part of the property is at the toe of that embankment and that is all grass areas. Then on the south side of the building, as well down to the property lines, but it's the entire south side of the building.

Mr. Wallace stated that part of our confusion is the document shows the property lines a little bit different than this. You guys do have the property to the north as well. So that meets your requirements.

Ms. Radney asked Staff if this site map does not comport with the property diagram that we have, would they need to have a memorandum of understanding to attach to this so that we understand that there is open space?

Ms. Radney stated that was asking Staff, but you see what we are getting at. When you look at what is on the screen now that is the actual property boundary that you are asking for the Special Exception for. But what you guys have submitted as your actual site that you will be using is area that is not included enclosed in that.

Mr. Alexander stated that they got their information from the County Assessor's website.

Mr. Barrientos stated that he was wondering is that legal description.

Mr. Wilkerson stated that we cannot take any action on anything north of this property. The idea of a Special Exemption for childcare on this site that may be fine, but if they want to use that parcel on the north, they are going to have to come back for something else.

Mr. Chapman stated that to save them some time, it might be best to continue this and we re-notice, including the entirety of the legal description.

Ms. Radney asked Mr. Chapman if the legal description included that triangle to the north.

Mr. Chapman stated that it did on the site plan they gave us. But not on what was noticed. For the county assessor, they are two separate parcels. When the application was taken, it did not include that top portion.

Mr. Wallace asked if it was possible to grant approval today for this property so that they can proceed with their building permits. Then they come back to get permission for that north piece? He just did not want to add weeks.

Mr. Chapman stated that you could.

Mr. Wallace stated that then DHS would not approve it until that is all reconciled.

Mr. Chapman stated if that were how the Board would like to proceed.

Mr. Wallace stated that he knew it was not straightforward.

Ms. Radney stated that she thought that might end up being problematic for the applicant, though, because that play area is absolutely going to be required to get that license. And technically, that space would not be included in the Special Exception. She did not know what the underlying zoning is for that upper triangle. Is it the same zoning Mr. Chapman?

Mr. Chapman stated that It would be the same if the Board did a continuance to the 28th we could get it re-noticed.

Ms. Radney asked if you can we see the space that is on the south portion of the site? That does not look like that was noticed either.

Mr. Chapman stated that the aerials did not line up perfectly with the building. Where he was pointing right now, that is the property line. That is what was noticed. It looks like part of that. It looks like that buildings right on the property line. The entirety of the building and the parking area was part of that notice. It is just that square property to the north that is labeled landscaping was not.

Mr. Barrientos stated that was a different legal description.

Mr. Alexander asked if he was saying the upper triangle, you said different legal description?

Mr. Chapman stated that was correct. It was not included in an application.

Ms. Radney stated that what she was getting at with full disclosure, she had operated in the licensed childcare facility before and what she was saying to you is that you need relief for where the building is located, the shape that is highlighted on the screen, and the landscaping area that is to the north, that upper triangle. Because without that, also having a being included in this Special Exception that you are granting, you would not actually have a site that you will ever be able to get a license for. Because you would not have the play area that you're going to be required to have, you must have that land that grassy area. We could consider moving forward with an approval today without that, but she did not think that is going to be advantageous for you in the future. And it is not going to be advantageous for the property owner, because when the next person got ready to do their license, they are going to be faced with the exact same dilemma that she was talking about. You cannot get a license without the outdoor play area. She was basing her conclusion on that just based on my experience with the licensing process. Sit is up to you whether you want to proceed today, but she was likely to vote no at this point until we can we re-notice it. What Mr. Chapman is saying is that they will re-inform the public, showing the entire boundary that you need to be able to give notice to the public that you want to use as a daycare. And then once you have all of that in place, then we can consider the whole large triangle and move forward with your application.

Mr. Alexander stated that he thought they should get whatever approval we can get today so we can start the project. She was going to employ about six people here. Payrolls are important for the community. There is enough room out there for quite a few kids.

Mr. Wallace asked how far away you are from submitting a building permit.

Mr. Alexander stated that they were just doing interior improvements like flooring and painting and things like that. We were not going to get a permit because the type of

work we are doing does not require it. We are not doing any structural. There one door that is a fire exit that we are going to reverse swing that we are going to put panic hardware on it. That is all we are trying to do so but felt like we needed to get started as soon as we could so she can get in business and with the workload while the contractors around town, and we kind of must get in line for all that. The sooner we get her approval we can get that process started. While we are waiting on the survey that the building owner gave her was all folded up. He could not read any dimensions on there. He thought that was why the original submittal did not make any sense at all. That is why he prefers to work from the survey, but he could not read it. So went to the County Assessor's website and got the dimensions here and the legal description.

Ms. Radney ask Mr. Chapman on 2.7, that includes this survey. Was part of the original application?

Mr. Chapman stated that is what we had.

Ms. Radney stated that this boundary was not noticed.

Mr. Chapman stated that was correct. It looks like that. Whoever took the application to realize that was a part of the application, they were focused on where the actual building is into, they assume this was desperate that was representing.

Mr. Alexander asked if we had mentioned that effort triangle to begin with, that would have been on your site.

Mr. Chapman stated that if we would have had what you have given us today, when we took the application, he did not think this mistake would have made been made. He would say he thought it was in your benefit to continue it until the 28th of February and get the whole of the property notice to move forward.

Mr. Alexander stated that he would be out of town. He did not know why we cannot just proceed, and then do that. Have that running concurrently.

Mr. Wallace stated that he thought they were going to have a chapter with that today, because we are not unanimous, and you needed a unanimous Board to do that. Once we get all this reconciled, it sounds like the Board will be on the side of approving this. It is just we would like to have everything in order.

Ms. Radney stated that especially since this is a Special Exception. Accepting that we put a time limit on it, it is going to run with the land in perpetuity. If we really want to do this to the point of appropriate completeness, we need that we need the entire boundary that you are going to be using to be under the Special Exception that we would be inclined to approve. She would make a Motion to continue it until the February 28

agenda. Then you will be right at the top of the agenda again. At that point in time, you come back and represent all the documents that you brought to us, we will have the proper legal description that will have been noticed before the public and then it should be a perfunctory review, at least by we three.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Radney, Wallace all “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **CONTINUE** the requested Special Exception to permit a Day Care use in the IM District (Sec.15.020, Table 15-2) until the Board of Adjustment meeting on February 28, 2023, for the following property:

PRT NE NE BEG 824.54S NEC NE NE TH W116.69 SW76.81 E177.52 N46.08 POB LESS E16.5 FOR RD SEC 30 20 13 .13AC AND BEG 33W SECR N/2 N/2 SE NE TH N65 SW106.03 TO PT SL TH E POB SEC 30 20 13 .07AC , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23489 - Lucas Daffern

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 2547 E. 26th Pl S **(CD – 4)**

Presentation:

Lucas Daffern, 1660 East 71st Street, Tulsa, Oklahoma, 74135 stated that we are requesting to increase the width of the driveway, six feet to the west. It is a circle drive and the way the house is positioned; it makes it kind of difficult when you are on that west side of the approach. You can see the existing approach, the way it is angled, kind of facing more of a southwest direction. We made a third car garage and extended the driveway, but the way it is laid out makes it very difficult to make that turn to go back east, especially now as the vehicles are getting bigger. All we are asking is to add six feet, actually just right as the approach kind of comes in not actually at the street, but you see where the gravel is laid out.

Ms. Radney stated that you are proposing that the gravel area that is at the bottom of the image that we see here, you that you would be allowed to make to pour concrete in that space.

Mr. Daffern stated that was correct. We have added that just to help with the flow of the homeowners. We are proposing and requesting to replace the gravel and widen that approach. The current property owner owns the property to the west as well. In 2001, they took 14 feet of that lot. The property line is fourteen feet greater than what the original property line was to the west.

Ms. Radney stated that the fourteen feet is on this diagram. It says new property line that should bring the property line over to the west.

Mr. Daffern stated that was correct. That the existing 14 feet is what the existing driveway is now. We are asking for an additional six feet to make it a full 20 feet.

Mr. Chapman stated that that measurement is taken an aggregate as far as what you are allowed. So, it is between these two curb cuts added together. It is why they are over.

Mr. Wallace asked what the lot frontage is.

Mr. Chapman stated that it is 155 feet per this site plan. It is twenty-seven feet in the right-of-way and 30 feet on the lot is what they are allowed.

Ms. Radney stated that as it exists, it is thirty-four feet.

Mr. Daffern stated that they were right at 30 feet right now. Our existing fourteen and we are at 28.

Ms. Radney stated that in terms of the poured concrete on 3.7. at the bottom, the way they are using the property was the gravel there. It is effectively 20 on one side, 20 on the west and 14 on the east proposed. You have already poured the additional concrete to the north of this widening in the street right away.

Mr. Daffern stated that they had already poured the driveway. The issue is now the approach.

Ms. Radney stated that if you look at 3.7 now you can see what a concrete edge. As we compare that to 3.12, that concrete edge conforms with what they have on the site plan. But what we are looking at in the image is concrete that has been poured widening the driveway to the north.

Mr. Daffern stated that our line is right out that approach line and so that is what we were requesting is just to widen the approach to make it float.

Ms. Radney stated that the only reason she asked that, is that we do not have a site plan, then other than the drawing that you have that describes what it is that you want to do.

Mr. Daffern stated that was correct, but this shows the way they did with creating the new property line taking the fourteen feet to the west.

Ms. Radney stated that page 3.12 shows 28 feet.

Mr. Wallace stated that he did not have any issues with this. Sometimes we require additional plans, but he thought on driveways lately, we have been granting this kind of information.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney stated that if we go back to the picture on 3.7, what we are approving is a triangular shaped wedge, which will extend from where we can see that darker line which is the edge of the concrete to the west to a maximum of 20 feet.

Mr. Barrientos stated that it is thirty-four in total.

Ms. Radney asked Mr. Chapman if the needed anything in terms of the curb cut width and this is sufficient for what they need.

Mr. Chapman stated that is the 34 feet is the width of the curb cuts, the proportion that is in the right-of-way. When you look at the site plan, that it is not clear on this where their building setback is. Based on the picture he thought that is obvious. It is probably close to meeting that threshold and the street setback of 30 feet. There is not a real clear delineation on where that building line is on the site plan.

Mr. Daffern stated that all we are asking for is four additional feet to what the maximum allotted approach with this.

Mr. Wallace asked that on 3.11 is that circle is that is the only portion of driveway that we are talking about. That is where you are widening things.

Mr. Wilkerson stated we do not have a good site plan. There is no way to know if it is all in the street right-of-way or not. The one thing that we can do is ask the applicant to come back with a site plan that makes sense. The other is look at the variance for both. We need to remind the applicant that he must get a permit for construction in the right-of-way wherever that is.

Ms. Radney stated that not knowing whether it is in the right of way or not, even if we approved it as it is currently written, that is not going to be sufficient for the permit is what you are getting at.

Ms. Radney asked if they concurred that we need a more accurate site plan.

Mr. Barrientos stated that he did not feel comfortable with approving that we do not have enough information on.

Mr. Daffern stated that they are still under construction for the addition and so that we still we still have an open home construction permit for the addition along with all the associated pieces.

Ms. Radney stated that what we are saying, and she thought they were unanimous on this, is that we are going to need a site plan that delineates the street setback in the street right-of-way so that we can determine what we are approving.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Radney, Wallace all “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **CONTINUE** a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) to February 28, 2023.

PRT LTS 5 & 6 BEG 14.06W SECR LT 6 TH NELY196.88 E14.06 SWLY17 E155 SWLY179.80 W169.06 POB BLK 1,WOODY-CREST SUB , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

23490 - Hemphill, LLC, c/o Faulk & Foster

Action Requested:

Special Exception to permit a Wireless Communications Facility in the AG District to allow a freestanding monopole tower (Sec. 25.020-B, Table 25-1); Special Exception to reduce the required setbacks of 110% the height of the tower from adjoining Office and Agricultural Zoned Lots (Sec. 40.420-E. 6.a) **Location:** 2525 S. Garnett Rd. **(CD – 6)**

Presentation:

Ralph Wyngarden, 1478 Trailside Court, Northwest, Grand Rapids, Michigan, 49504, stated that he was there on behalf of the applicant Hemphill, LLC. Also with me today is **Scott Zimmerman**, who is senior pastor at Christ View Christian Church, which is the property owner. Hemphill LLC is based here in Tulsa and collaborates closely with a major wireless providers and communities across the nation by constructing wireless communication sites to address current demands and to accommodate future providers. In this case, the immediate need is Verizon service to the Disney Elementary School, Martin Library, church parcels, and the surrounding residential neighborhood. Our Special Exception request today has a couple of components. The first one is to allow a freestanding 100-foot monopole in the AG zoning district. And then the second component is to allow a reduction in the required 110-foot tower height setback. Just as a point of clarification, as well, in the packet on page 4.10, there was a reference to Verizon antennas being at 190 feet. That is a typographical error, that proposed tower is only 100 feet and Verizon antennas will be at 96 feet. If you could go to page 4.15, with respect to the first request, we have provided some coverage plats from Verizon Wireless from the radiofrequency engineering to kind of indicate the area of need and the gap in service. The coverage is shown in green on this lot. And then I've marked out where Disney Elementary is in Martin Library and then there is residential all around that area. Then if you look at the next page 4.16, you can see that with 100-foot monopole, this coverage area fills in that that coverage hole. The intent of this site is to serve people in their homes and our neighborhood streets. It would support communication and data service that supports home businesses, library patrons, remote learning, students at the school, and their parents. Then from a public safety standpoint, most 911 calls nowadays come from cell phones. So good services essential to responding to accidents, crimes, health events, and natural disasters. Then

the good data service supports notifications like Amber Alerts or weather notifications. It can monitor weather radar and have access to other critical information in emergencies. The difficulty with providing service in residential areas like this is just that the coverage gap is often in the middle of a neighborhood. Fortunately, in this case, the residential neighborhood is kind of like a donut with a well-positioned AG zone hole in the middle. If you could go to 4.17, you can see in this aerial photo, there are townhouse apartments to the north. And then on the east, south and west are all densely built single family homes. In the middle of these larger properties which consists of the library property, and then the City McCullough Park properties and their city property to the north as well. And then and then the Christ View Christian Church. Of those parcels, we reached out to the library, and they did not have interest in pursuing this proposal. We had some conversation with the parks department who looked at it. They indicated that their current policy prohibited leasing park property for commercial purposes. And then they also further consulted with the legal department, who indicated that there has been a recent Oklahoma Supreme Court decision in 2021 about parklands being a public trust and kind of limiting the uses that could be made. So, they indicated that it was unlikely they would change that policy. And that left us with just the Christ View Christian Church parcel is really the only feasible location kind of within this doughnut hole that we could use to provide coverage. That brings us to the second component of a request, which relates to positioning the site on the church property and the setback requirements. The zoning code requires a setback of 110% of tower height from any lot line or the adjacent lot is zoned R O AG or AG-R. The challenge for us here is that the church and its parking lot occupy much of the parcel. Much of the open space on the parcels in the front yard of the church, which is right across Garnett drive from the single-family residences. If you look at page 4.4, that is a closer view of the parcel. We want to put this site behind the church building and kind of maximize the distance from the residential, which is across Garnett Road. So, we are looking at the southeast corner of the parcel, right in this area here. That puts it behind the church building. It also avoids disruption of the circulation of traffic through the parking lot. That would put the pole 339 feet 10 inches from the north property line, 576 feet seven inches from the west property line, which is allowing Garnett Road, but it does put us in need of setback relief to the south, because the monopole would only be 23 foot two inches from that property line, and also relief to the east where it is 32 feet three inches from the property line. In granting this relief, it would allow us to stay the farthest away from the residential and from Garnett Road. We can minimize impact on parking and traffic circulation. The project will be entirely within the existing paved parking lot footprint, so it is not going to have any additional drainage impact or impervious surface. Also, because the adjacent property is library, and city park property, it is not going to be developed as residential in the future. So, you would not have future conflict with a residential use in this location. In Section 40.420 F.2.a code list several Special Exception factors that must be considered in your decision. We have tried to address each of those. Factor Number one is the height of the proposed tower. And again, this height is limited to one hundred feet that allows service objectives to be met for Verizon. And it also will accommodate

three additional future providers as well. 100-foot height also avoids the need for aviation lighting, so it would be a completely dark site at night, there won't be any flashing light. Factor two is the proximity of the tower to residential structures, residential district boundaries and existing towers. This is the only AG zoned parcel of the various parcels in that doughnut hole of AG that was available. Selection of this parcel and placement within the southeast corner avoids residences. It is almost 600 feet to the east before you get into Garnett Road. To the south, it is more than 350 feet. We do not have any residences within 350 feet from this location. Factor three is the nature of uses and adjacent and nearby properties. The church parcels this tower location is kind of buffered by the city park property to the east into the library of property to the south. So, there is not any immediate residential parcels that are impacted. Factor Number four is the surrounding topography. The topography in this area is level which allows good signal propagation in all directions to the library to the school and to the surrounding residential neighborhood. Factor five is surrounding tree coverage and foliage. This area is mostly open right around the tower area. But there are trees that along with the church buildings will help screen sight from public view from the road if you look from that direction. The homes that are all around the kind of central area that is open, have trees in their backyards. There are some utility lines that were that run along the properties itself is utility lines that run through their backyard and else utility lines that run across the side of the Garnett Road so anyone looking from their homes are going to have like utility poles and overhead lines in the foreground view.

Factor Six is the design of the tower with reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness. Again, here we are going with the monopole design which has the smallest footprint of any tower design, and it is less visually impactful than like a guide tower or a lattice self-supporting tower. We are going to place vinyl privacy slats in the chain link fence and encloses the compound to screen and review the ground equipment. The distance from the residences the placement behind the church buildings, and the buffering library and city park properties all mitigate any potential for visual impact. The 100-foot tower height makes it completely dark at night, so there is no visibility at nighttime. Factor Seven is the total number and size of antennas proposed and the ability of the proposed tower to accommodate colocation. Verizon will be at 96 feet. We have shown in our drawings that at least three additional carriers can locate at 86, 76, and 66 feet on the pole. Factor Eight is architectural design of utility buildings and accessory structures to blend with surrounding environment. Here we are not proposing any utility buildings. Verizon's equipment is usually placed outdoor cabinets on a slab. That is the way the carriers have gone; they have gone away from the big concrete buildings that they used to have. But all this again will be behind the slats and the privacy fencing. Factor Nine is proposed ingress and egress, we will be using the existing church driveway and existing parking area to access the site. So, there's not going to be any new driveways or new access points, or any additional paving occurring. Factor Ten is the need for power within the immediate geographic area. And that is the plots that we've provided to show that. Factor Eleven is

the size of the tract and most likely future development is indicated by the comprehensive plan infrastructure, biography, and other physical characteristics. The church parcel is fully developed with a church and parking lot. The library and the park parcels are going to stay as they are in terms of uses. So, this is not an evolving environment where you are going to have residential neighbors immediately in the future. In conclusion, we believe that this location is in harmony with the spirit and intent of the ordinance. If we can provide service in for a residential neighborhood without having an injurious impact on immediate residences, the site is going to serve those residences as well as the school in the library. And position the site on the southeast corner of the parcel uses a portion of the existing parking lot footprint that avoids parking, drainage, or utility disruption and maximizes distances to roads and residences. All of the Special Exemption factors have been met. We would respectfully request Special Exemption approval to allow a freestanding 100-foot monopole in the AG district, and to allow a south setback of 23 foot two inches, and an east setback of 32 feet three inches. Thanks again for your consideration of this. And he was happy to answer any questions from you all or any members of the public at the appropriate time.

Mr. Barrientos thanked him for such detailed presentation. Have you heard from any other residential neighbors?

Mr. Wyngarden stated that they have not heard as there are not within 350 feet. The immediate parcels of a library and park which we both talk to, and they did not have any objection, they just did not have an interest in, in proceeding with anything on their own properties.

Ms. Radney asked what the radius of 110 feet would look like and what existing structures would be impacted.

Mr. Wyngarden stated that there would be no structures within 110-foot radius. It would not reach as far as the church building. There are no buildings on the adjacent park parcel that is all open field. On the library parcel there is a rear parking lot in proximity to that. But that is not use the regular parking library occurs more than the front of parking lot. He has never seen cars parked back in that area.

Ms. Radney asked if he had anything that shows that distance from the center of the pole to the edge of the church building.

Mr. Wyngarden stated that if you are looking at 4.22, he did not an exact measurement on there to the church building. But there is 153-foot measurement with the parking stalls and if he took like two thirds of that measured from the poll. It looks like we are just about at that point with the corner of the current building.

Ms. Radney stated that her second question is would there be a location on the site that would not require the Special Exception where you would be within that 110 feet. And if so, where would that be?

Mr. Wyngarden stated that the only location that he could see for that would be somewhere in the front yard. Because there is more parking lot and lawn space in the front yard, but that would put it to closer to Garnet Road and much closer to the residential neighbors to the to the west. He was not sure if there was anything about front yard location for structures, and that is a restriction we run into.

Mr. Chapman stated that if it is not in the street setback it is okay.

Mr. Wyngarden stated that placement of a tower in the front of a building in the front yard, near the public street and within better view of the residences is not a preferred location. The public interest and kind of the spirit of things is best met by hiding it as much as possible behind the buildings and putting it further from the street and further from residences.

Ms. Radney asked if he could show us where that would be on 4.4. where you would be able to cite locate the tower and still be within the existing code.

Mr. Wyngarden stated if you put it right in the middle here between the lines, you need it to the north and south, and you would need it to the west, whatever it happens to be closer into the church building kind of right in this area. The church prefers to have it back here too. He did not know that the church would you entertain something right in front of their main part of their building. Because it would be right up right out in front is the most visual factor both to people looking at the church and to the people on the internet and across the street in the residences.

Ms. Radney stated that she appreciated that. It is helpful to our discussion to have an idea of what it would look like if you were to proceed without the request for the Special Exception. So that is helpful.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wallace stated that he did not have any issues with it. He had a similar thought at the beginning. But then as he was studying the plans a little bit more, the utilities that you all are bringing in off Garnett you are running them to the back of the property. That is the shortest run for you guys without having to move in into the middle of set back behind the church. Then the City-County Libraries to the south. The City of Tulsa owns

all the property around it. It is a park and a library and a drainage facility. He thought this is a good place for something like this.

Mr. Barrientos stated that he agreed with this location. If they had to move it to meet code, that is going to be against point number six is going to be obstructive.

Board Action:

On **MOTION** of **BARRIENTOS** the Board voted 3-0-0 (Barrientos, Radney, Wallace all “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **APPROVE** a Special Exception to permit a Wireless Communications Facility in the AG District to allow a freestanding monopole tower (Sec. 25.020-B, Table 25-1); Special Exception to reduce the required setbacks of 110% the height of the tower from adjoining Office and Agricultural Zoned Lots (Sec. 40.420-E. 6.a), per the Conceptual Plans shown on pages 4.17 through 4.34 of the Agenda packet, subject to the following condition that this relief does not grant for any non-conforming improvement that currently exists on the property.

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. The Board also finds that the following factor have been considered in this decision :

1. Height of the proposed tower;
2. Proximity of the tower to residential structures, residential district boundaries and existing towers;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;
8. Architectural design of utility buildings and accessory structures to blend with the surrounding environment;
9. Proposed ingress and egress;
10. The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area.
11. The size of the tract and the future development as indicated by the comprehensive plan, planned infrastructure, topography, and other physical considerations.

For the following property:

**N363 OF S726 OF W/2 NW LESS E660 THEREOF & W50 FOR ST SEC 17 19 14
5.084ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23491 - Phyllis Bedford

Action Requested:

Special Exception to permit duplexes in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to four duplexes. **Location:** South of E. Woodrow Pl. between N. Midland Pl. and N. Lansing Ave. **(CD – 1)**

Presentation:

Reina Morel, 2234 North Main Street, Tulsa, Oklahoma 74106, stated that she was representing Phyllis Bedford. We are asking for a Special Exception to build two duplexes on North Midland and two duplexes on North Lansing.

Ms. Radney stated that she was trying to understand the addresses, so you have got two duplexes per lot, is that what you're seeing right here.

Mr. Chapman stated that there are currently two lots. They are wishing to split those two lots, essentially, north to south. So currently, this is a lot, and this is a lot they were wanting to add another lot right here. You would have four lots and then a duplex on each lot which a duplex is two units. It is four duplexes, or eight dwelling units is the density that you're looking at.

Ms. Radney asked if she was anticipating that you would do a north/south lot split. Each of the duplexes each of the two door units would be on their own lot. So right we go from two lots to four.

Mr. Barrientos asked if the duplexes were two story buildings. Are there any other ready two-story buildings nearby?

there are like two story homes at the end of the street. Yes, at the end of the street, and across the street. There are two story homes.

Ms. Morel stated that there are larger single-family houses nearby.

Ms. Radney stated that she was presuming that the underlying four lots that would be created would be of sufficient size to be able to have the duplexes located on them as drawn on 5.4. Have you had any comments from the neighbors? No, or adjoining property owners?

Ms. Morel stated that she had not.

Mr. Wallace stated that there is also an apartment complex mediate across the street. He did not think this is too out of character for the neighborhood and where the neighborhood's going.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Barrientos stated that he did not have any issues with it.

Mr. Wallace stated that he was excited to see development in this area. He thought what was proposed here in our packet is a nice project.

Ms. Radney stated that they did not ask anything about the square footage of the units from the applicant. We need to get that for the record.

Ms. Morel stated that she did not have the square footage, but she said they would two-bedroom one bath.

Ms. Radney asked about surface parking.

Ms. Morel stated that they we would have parking designated as well.

Ms. Radney stated that at this point you do not have an intention to build an attached garage. Just the off street and on-site parking for one or two vehicles.

Ms. Radney stated that she was inclined to support this as illustrated on 5.4 and 5.4A

Ms. Blank stated that the exhibit 5.4A, shows a lot split but she thought it might be helpful to clarify that. You are not working on approving a lot split here.

Ms. Radney stated that in this case, we are limiting our to build duplexes on these two lines.

Ms. Blank stated as in accordance with the subdivision regulations.

Ms. Radney asked if they needed to add that language.

Ms. Blank stated that she thought because you are including the sideline there that we should just make it clear what we are approving which is approving the use on these lots.

Ms. Radney stated that for the record what we are saying is that for the two lots that have been noticed, we are giving permission for the construction of duplexes. The applicant is requesting to build four duplexes, do we have to address that?

Mr. Chapman stated that he would use say up to four to make it clear. They would not get building permits for it. If that is still two lots to do for duplexes, they would have to take a lot split.

Ms. Radney stated that we are giving permission for the construction of duplexes on the two lots that are before us. Limiting that to for a maximum of four duplexes, subject to the subdivision regulations.

Board Action:

On **MOTION** of **WALLACE**, the Board voted 3-0-0 (Barrientos, Radney, Wallace all "ayes", no "nays"; no "abstentions", Bond "absent") to **APPROVE** a Special Exception to permit duplexes in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 4 duplexes, per the Conceptual Plans shown on pages 5.4 and 5.5 of the Agenda packets, subject to the following conditions that we are not approving the lot split shown on 5.4. This needs to fall under the requirements of the subdivision regulations.

The Board finds that the request okay with 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 9 BLK 5; LT 8 BLK 5, LECLAIRE ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

This case was heard at the end of the meeting.

Mr. Wallace recused himself, left the meeting at 3:28, and returned at 3:35.

23492 - Claude Neon Federal Signs

Action Requested:

Special Exception to permit a monument sign in the right-of-way/ planned right-of-way (Section 60.020-E) **Location:** 3720 E. 31st St. S. **(CD – 9)**

Presentation:

James Adair, 7508 East 77th Street, Tulsa, Oklahoma, 74133, stated that Cindy Owens, who is with represents TTCU Federal Credit Union was with him to answer any additional questions that might be have her rather than myself. We are requesting a Special Exceptions to permit a monument sign in the right-of-way. The building was built in 1967, and they planted trees in front of the building. Those trees are now 50 years plus. When the buildings built there was a brick monument sign that was placed in the front of those trees on the north side of the building. In 2003, he was here for that hearing, he received a Variance to allow us to demolish that existing sign and install a new double faced illuminated monument sign. In 2012, there was an application by an Acura Signs to change the copy on that sign. Back when he built the original sign, it was Tulsa Teacher Credit Union and when they changed their logo and changed the copy of the sign and became a Federal Credit Union. The building currently is being renovated and built new for a new structure, it will no longer be the corporate headquarters, which has been over these years. It will be a major branch for them. The new building is a current modern design architecture features. So TTCU has chosen to take their sign image and create an image that will coordinate with the architectural design for the new building. We are asking you to do is allow us to remove a sign that when ordinarily be grandfathered, update the image, and replace it with another side that is ten feet wide and not 11 feet wide, six feet tall and not eight feet tall. It will a little bit smaller, just a different design. But we would like to place it in in the same 36.8 feet away from the center of the street, which is the same as the existing sign.

Mr. Bond asked if as far as the graphics go other than the marks like what we have now an illuminated sign nothing else.

Mr. Adair stated that the existing sign is internally illuminated, and this sign is individual letters that are illuminated. It is a little bit different design a little bit more creative, and a little bit more modern. We would like to remove the existing side and replaced with a new design sign. We also do realize that if you approve this, that we still must go to the City and get a contract for a removal contract. We know that there is another step in the process.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that he did not have an issue with this.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 3-0-1 (Barrientos, Bond, Radney, all “ayes”, no “nays”; Wallace “abstained”, to **APPROVE** a Special Exception to permit a monument sign in the right-of-way/ planned right-of-way (Section 60.020-E) per the Conceptual Plans that are shown on pages 6.12 and 6.13 of the Agenda packet, subject to the following conditions that this Approval is contingent on the removal of the existing sign and the execution of a removal agreement with the City regarding the encroachment into the City right-of-way.

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 3 & E/2 LT 4 LESS N20 LTS 3 & 4 THEREOF,ALBERT PIKE SUB , CITY OF
TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23493 - AMAX Sign Company

Action Requested:

Variance to increase the permitted size for a wall sign serving a non-residential use in a Residential District (Sec. 60.050-B.2.a) **Location:** 3001 N. Martin Luther King Boulevard **(CD – 1)**

Presentation:

Lori Worthington, 9520 East 55th Place, Tulsa, Oklahoma 74145, stated that they are requesting to add larger than 32 square foot of signage on the Salvation Army wall. She did have what it would look like for thirty-two square foot of signage compared to what we have now. The square footage that is listed on here at 333 square feet, that is the total boxed in area of signage. We only have about 230 square feet whenever each one of the items are blocked off. It is significantly less than that for which was originally applied. By doing it individually, that decreases it down to about 233 she believed. It brings it down to 233.44 square feet. The logo for Salvation Army with the wording "the" Salvation Army comes to a total of 96.99 square feet. The wording below it the logo with North Maybe Boys and Girls Club totals 136.45 square feet.

Mr. Barrientos asked for her to explain the hardship.

Ms. Worthington stated that the hardship is the location of the building is set so far away from any streets that it is very hard to even see at this rate. It is set back approximately 400 feet from one of the streets. Right now, we are 400 feet from the center of the road. Based on the typical sign height specs, James Adair might be able to help me out that. From the street at 360 feet, it would be 36 inches tall. If we were to do it according to the 32 square feet, it would make our letter height three inches tall. And at three inches tall. You can see it for thirty feet.

Ms. Radney asked what is the size of the lettering that we currently have. We see here in the middle of the image. She was assuming that is the current signage.

Ms. Worthington stated at the top that is not currently there. That is what we were applying for now is to have that signage put up. The words The Salvation Army are three foot tall. And North Maybee Boys and Girls Club is two- and one-half feet tall.

Mr. Wallace asked where the middle image in the lower image is.

Ms. Worthington stated that the middle image is if we were to use the thirty-two square feet. The maximum height of the letters are six inches. If we were to stay with the 32 square feet based on a background type, that would still give us only six-inch-tall letters.

Ms. Radney stated that she had given us an image of what it would look like comporting with the code. On the on 7.9, can you show us where these letters would be superimposed on the roof? Is it going on the roof structure itself?

Ms. Worthington stated that it is going on the building, physically attached to the wall.

Mr. Wallace stated that the increase is 32 square feet. What would be allowed? And what is the ask? What is the square footage?

Ms. Worthington stated it was 233.

Mr. Barrientos stated So this gauge that we had on 7.8, that is much larger than 333 square feet.

Ms. Radney asked if they would be keeping the letters but no longer including the box around it. It is just that 96.99 for the first line and the 136.45 for the second line that is letters only.

Ms. Worthington stated that was correct and the logo.

Ms. Radney stated that it brings it to a total of 233.44.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Barrientos asked if they needed to limit the size to 233.44.

Ms. Radney asked if he wanted to limit it to 233 or do you want to round it up to 250 maximum. She would pause in this moment of remembrance of Mr. Brown and observe that this variance that we are looking at is certainly going to serve the public by making the increasing the visibility from the street. It really is set back quite considerably. So

Mr. Wallace stated that he had a similar comment. You would agree with it as well, and that this facility, it is nondescript, if you do not know it is there. He has driven by it several times before he knew that it was the Salvation Army. He was excited to see that it is been cleaned up and some things are happening here. He was in support of this.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Radney, Wallace all “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **APPROVE** a Variance to increase the permitted size for a wall sign serving a non-residential use in a Residential District (Sec. 60.050-B.2.a) finding the hardship to be the location of the existing building and

the deep setback from the main road, per the Conceptual Plans shown on 7.8 of the Agenda packet, subject to the following conditions that it be limited to 250 square feet maximum.

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

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

N/2 NW NW SW & NE NW SW SEC 24-20-12; S1/2 NW NW SW SEC 24 20 12 CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23494 - Jim McClellan Residence

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an AG District (45.031-D); Variance to reduce the 10-foot setback for an Accessory Dwelling Unit from the principal house; and Variance of the requirement that the exterior finish materials and roof pitch match of the Accessory Dwelling Unit match those of the principal house (Sec. 45.031-D) **Location:** 9010 S. 28th W. Ave. **(CD – 2)**

Presentation:

Jim McClellan, 9010 South 28th West Avenue, Tulsa, Oklahoma, 74132, stated that this property's been owned by my parents since 1991. We came back from Dallas last year and we purchased this from them. We want to build an ADU on this property that will be their living quarters. It will have a garage and the living quarters for them. Then in turn, we will come back and the second phase and demo the current house that they live in. By the code requirements there, the ADU in an AG is supposed to be 10 feet behind the current residence at mass the existing exterior of the roofline, which we are doing it in reverse order. Once we get this built and then the home built, they will all match and never been made all the requirements. That is the intent here and what we are seeking the Special Exception for. He has gotten around to all the for the adjacent landowners to explained to them kind of the plan now and future. He has had no resistance, and everybody has been supportive of that. Everybody around us owns two and a half to five-acre tracts of land.

Ms. Radney stated that she wanted to be clear. Where you are proposing to put the structure now is outside of that 10-foot range. However, once you build the new structure, will it be closer to the new structure or not?

Mr. McClellan stated that the current one will be about little over eight feet behind the current house. When we replaced the current house with our future home for, he and his wife and it will have the ten feet of separation it requires. We also have a little bit of a floodplain on the southwest corner that is the reason we are moving the proposed site here, to the north and to the east to see a little bit further away from the floodplain. We will be well out of it for sure at a higher elevation. By doing that we encroach a little bit more on that on the current house but will be to the north of it by quite a ways. But if you take the back of the house right here, this is the this is the current house. If you run that up, you'll see that we're about eight feet here, but we'll be quite away from when the when the future house is built, it'll sit up here closer like this and copy this shape is what we have with drawn up with our architect. It will meet all the requirements, the mass, the roof lines, and the exterior finishes. We are just kind of doing this in reverse order. We have got to do this first so he can get his parents into that before we can take down the house that they are in now.

Mr. Wallace stated that he was not understanding the 10-foot setback piece.

Mr. McClellan stated that if you took a line right here, this is the back of the current house. If you drew a line you are supposed to be 10 foot behind, that is the setback requirement. We are like 8.3 foot. That is one of the Variances. Then the others, of course, is the roofline. This just current house is like a barn shaped roof. The new ADU will not have that roof, it is going to be a stucco stone finish, where this is like a one by twelve cedar type finish. We are not going to meet those three requirements. But whenever we go to replace this house, it will all match then. The back of the furthest back part of this house will be ten feet in front.

Ms. Radney stated that this is a Special Exception, so you do not have to deal with a hardship. However, what she thought she heard you say was by putting the proposed structure where you are putting it on you that helps you to avoid some of the issues around the floodplain.

Mr. McClellan stated that when Sizemore did our survey, this is the 500-year floodplain line, and over here is the 100 year. The current house and everything are outside of that. But this property has about almost twelve foot of fall from this corner to here, so we are moving up just a little bit further, to get further away from the floodplain and build it up just a little bit. When we replace this, we are going to move this way as well ended up so just getting a little bit further away from everything.

Mr. Barrientos asked what your timeline for the second stage is.

Mr. McClellan stated that just soon as we get this one done and get my mom to get rid of some stuff, so we should be right on the back end.

Interested Parties:

No interested parties were present.

Comments and Questions:

Ms. Radney stated that it looks like to her it looks like a wonderful sort of on trend contemporary plan for this site. Makes sense to also move it so that you can stay away from the existing flood boundaries. What pages do we want to call out for this special exception?

Mr. Chapman stated that if the board is inclined to grant the Variances, if you do not want to quote a site plan on the Variances, you can put a time limit for those to expire. If the intent is at the point that he demolishes the principal house and rebuilds it, all of that will match. He did not know what that timeframe would look like. But that could be an option.

Ms. Radney stated that as she was thinking about it, technically the time limit is on it would affect their timeline to begin construction on the ADU.

Mr. Chapman stated that it would hurry it.

Ms. Radney stated that she could go with 36 months. Otherwise, she would not put a time restriction.

Mr. Wallace asked if the time limit was to do with when the primary house is constructed.

Mr. Chapman stated that was his thought.

Ms. Radney stated that she thought that he was saying that it is their intention to conform at that point.

Mr. Chapman stated yes and that is why if the Variances expire, the Special Exception remains intact, then that would get to the intent of the code.

Ms. Radney asked if that gets complicated for them if they destroy the existing house. Is not the primary residence then the dwelling unit?

Mr. Chapman stated that it would, but at the point they are building a new house that is clearly primary, he thought they could work that out with permitting, as far as what they declared their primary residence.

Ms. Radney stated that we would be approving the ability to build an accessory dwelling unit wherever it is that it gets located. No matter what happens to the primary, the accessory dwelling unit will continue to be regarded as an ADU without the need to have to come back because they would be building two structures on one lot.

Mr. Chapman stated that the issue that might trigger him to come back is if you tied it toward to the Conceptual Plan, and that changes when they get to the new house design and built.

Ms. Radney stated that she was inclined to approve it as without those extra contingencies.

Mr. Wallace stated that going back to earlier discussions today, he thought knowing where and what the proposed primary residence would be would kind of help with some of that discussion as well.

Mr. Chapman stated that Mr. McClellan had sent in the floorplan for what they are wanting to build, but it does not really have the site on the lot, it is just more of a floorplan view. But that would be the Phase Two residence they would like to build.

Ms. Radney stated that she was still inclined to do it without any additional requirements. She recognized that when we think in a metropolitan setting, when we think about ADU's, and the concerns primarily of adjacent neighbors, not so much the property owners, the idea that these new infill buildings are going to conform with the existing neighborhood are important, but we are looking at five acres. It is not uncommon in an AG setting to see structures that do not identically match. That is just her position on it. She thought that if we read the Variance today as written, that there will be no harm, no foul, if we just give them what they are asking for.

Ms. Blank stated that on 8.13 and Mr. Chapman, please weigh in on this. They have laid out their plan that they have discussed here. And so maybe make a reference to what is on 8.13. It is going to be in conformance with 8.13. She thought their deadlines are soft enough that they are estimating a timeline.

Ms. Radney asked Ms. Blank if that would stand for both the Special Exception and the Variance for the just the project description 8.13.

Ms. Blank stated that she thought the concern is that the primary dwelling does not get built. They get the Variance for having this current ADU not in compliance. And then they are saying when they build the new primary residence, it will be in compliance.

Mr. Chapman stated that gets us there. You read my reference, the conceptual site plans, and then the timeline laid out and on 8.13, and just let them move forward. There is enough information from the discussion, the board had to get them where they are wanting to go. But if you wanted to just approve the Special Exception or Variance without any plans or conditions, you cannot do that, that would get them where they want to go as well.

Ms. Radney stated that the description the project description only applies to the allowance for the accessory dwelling unit for the Special Exception and we do not need it for the Variance. Because basically that explanation is telling us about the order in which the new construction would proceed with just the motivation for which is creating the requirement to request the special the variance now. Then accepting any changes to what they are proposing to build. If we do not cite those plans now that gives them the ability to adjust moving forward. They could adjust really what they are planning on doing for the accessory dwelling unit. They may decide they want to do clapboard at not stucco.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-0 (Barrientos, Radney, Wallace all “ayes”, no “nays”; no “abstentions”, Bond “absent”) to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in an AG District (45.031-D); Variance to reduce the 10-foot setback for an Accessory Dwelling Unit from the principal house; and Variance of the requirement that the exterior finish materials and roof pitch match of the Accessory Dwelling Unit match those of the principal house (Sec. 45.031-D) per the timeline and development concept described on 8.13 of the Agenda packet.

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

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

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

For the following property:

BEG 330N OF SWC SE SW TH N330 E330.97 S330 W331.7 POB LESS E25 FOR RD SEC 15 18 12, , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Bond joined the meeting at 2:50 p.m.

23495 - Lonnie Basse

Action Requested:

Special Exception to modify the conditions of the previously approved case BOA-21563 and extend the 10-year time limit an additional 10-years and amend the approved site plan for a temporary Seasonal Sales Use (Pumpkin Patch) originally approval expires on 5/14/2023 (Sec. 50.020-D); Variance of the parking design standards to allow the use of gravel parking lot (Sec. 55.090) **Location:** 5950 S. Garnett **(CD – 7)**

Presentation:

Lonnie Basse, 4732 South Columbia Place, Tulsa Oklahoma, 74105, stated that they were here to request a modification of our original approval day for a pumpkin patch at 61st and Garnet. We have been there 10 years now. We have been doing business for 22 years now. We want you to continue to do so we are here to ask for modification of our dates.

Ms. Radney asked about how much what period you typically operate the pumpkin patch.

Mr. Basse stated that they opened somewhere around September 20 to the 25th and close after Halloween. Around 45 days.

Ms. Radney asked if he had any problems to this point or complaints from adjacent property owners about mud or other you know gravel or other non-permanent materials making their way out into the roadway. No safety issues and no problems with like water runoff mud or you know other kinds of like trenches that are duds or anything like that.

Mr. Basse stated that he had not had any of these issues.

Mr. Bond asked if he had any issues with the neighbors, good, bad, or indifferent.

Mr. Basse stated that they all have said they love it.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Barrientos asked what the hardship was.

Mr. Bond asked the applicant to come back up. Can you tell us what's unique about this property?

Mr. Basse stated that it is more about the business than the property. Temporary, seasonal uses, it has always been standard for any approvals that we've gotten. He does some other seasonal businesses that we come before the County Board of adjustment on, they do not require the hard surface parking, because it is seasonal business. Number one, we cannot afford it. Number two, when that property developed someday, any hard surface parking put down will not be where it needs to be.

Mr. Bond stated that he did not know what their articulated hardship is for the lack of eloquence here, if it was good enough for them, and nothing has changed in this matter. He did not see any reason to impose any type of judgment on their decision.

Ms. Radney stated that Mr. Bond was saying that if the use is limited to the seasonal sales, in this case, the pumpkin patch you would support it.

Mr. Wallace stated that it looks like they that does not give a hardship. But you probably have an issue with that.

Ms. Blank stated that she believed that the process was different 10 years ago. She thought that it looks like the gravel was included as part of this Special Exception. So that is probably why there is no hardship in the minutes. But that was then this is now.

Mr. Chapman stated that this is the same site plan that they are approved, except for the modifications he put on here. Originally, this was the gravel lot that was approved, just per the aerial that has obviously expanded over time. And so that is why we added the Variance because it is this whole portion was not included in the original approval as far as the gravel. It was really the lot up here that was existing at the time,

Ms. Radney stated that we could say that the existing use predates the existing code. She realized that is not a standard we usually use, but it would create a hardship for the existing user to be held to the new code, when in fact they are doing the same thing on the on the property that they were they have been doing apparently for 20 years and so.

Mr. Bond stated that he would agree with that.

Mr. Barrientos asked if they need to put another expiration date.

Mr. Chapman stated that we notice it was a request for 10 years. The original approval had cited the number of days per year that they are allowed to operate is 179 days per year, so at your discretion, you might reference that as well.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace all “ayes”, no “nays”; no “abstentions”) to **APPROVE** a Special Exception to modify the conditions of the previously approved case BOA- 21563 and extend the 10-year time limit an additional 10-years and amend the approved site plan for a temporary Seasonal Sales Use (Pumpkin Patch) originally approval expires on 5/14/2023 (Sec. 50.020-D); Variance of the parking design standards to allow the use of gravel parking lot (Sec. 55.090) per the Conceptual Plans shown on 9.11 of the Agenda packet; subject to the conditions that this approval is limited to a ten year period, not to exceed 189 days per year and that the operation is consistent with the previous 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.

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

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

For the following property:

**PRT SE SE BEG 472W & 50N SECR SE TH W335.09 N1271.66 E748.51 S835.01
W72 S137 W136 S228 W114 S72 POB SEC 31 19 14 19.443ACS, , CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

23496 - Phillip Doyle

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6) **Location:** 2915 E. 45th Pl. **(CD – 9)**

Presentation:

Phillip Doyle, 1720 South Newport Avenue Tulsa, Oklahoma, 74120 stated that the owner is wanting to a smaller ADU consolidated with the existing house on their property. The property is about nine tenths of an acre. You are allowed 1686 square feet. The structure itself for the heated space is about 680 and the rest of its porch, so that brings it up to about 1050. So normally, it would be fine, but there was an existing large garage that was covered in the property. That is pushing us over the square footage that is allowed. There is a lot of surface water that goes to the middle of this property from adjacent properties as well. These all open to each other. To get out of that surface water area, we must keep the line of sight between properties, it is pushed in that back corner. That was the reason for that placement.

Mr. Bond asked what the hardship is.

Mr. Doyle stated that one would be the existing structure that was already there. That is really what is pushing us over that square footage because we are well below what's allowed except for that, obviously, that existing structure, which is like a three-car garage. It was just an oversized structure that was already there. It is similar in scale to what we are doing. It is below the ATP it's a one-story low pitch structure.

Ms. Radney asked if that is just a garage structure with storage of vehicles and other miscellaneous equipment. If it were attached to the property as opposed to detached, you would not be here. it was without

Mr. Bond stated that the new structure will be smaller in square footage to the existing structure.

Mr. Doyle stated that heated square footage itself was only 684 and then the rest of that square footage is just uncovered porch area.

Mr. Bond asked if they had any conversations with your neighbors.

Mr. Doyle stated that they had talked to the neighbor directly adjacent to the north, they ask them questions and not have any issues.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that he understood less square footage. He did think it was in keeping with the spirit and the intent of the code. Just the hardship a little bit difficult.

Ms. Radney stated that the code says that the living space cannot exceed 750 square feet for a dwelling unit.

Mr. Chapman stated that it is saying both. You cannot have more than 750 square feet or 40% of the principle of residential and square footage for all detached accessory buildings in the aggregate.

Mr. Bond asked Mr. Doyle if he could talk to us briefly about topographic conditions relating to drainage.

Mr. Doyle stated that there was discussion about would this ever been attached to the house. It is not an ideal, they wanted it to be an accessory dwelling, just to give some autonomy because they have an aging parent or something in place. But there is a lot of surface water drainage that comes through between the garage and the house from adjacent neighbors. There is kind of a continuous drainage pattern that comes through there. There was a concern that anything that gets in that area, even if it was detached, but especially if it was attached, would disrupt that flow. And it would be an issue in that in that area.

Ms. Radney stated that you are saying it would sort of intensify that that flow.

Mr. Doyle stated that it flows from west to east and runs through the properties. He was not sure where the final outlet comes. But in that area, it is a swale, it is a low area that is between the driveway and the house. And it would block that.

Ms. Radney asked if that was a part of what motivated having the garage built, detached and setback so far.

Mr. Doyle stated yes, it was one of the concerns, because there was a consideration, could it be somewhere else on the lot. That is the optimal place for it to be on the high ground up there. It is out of those drainage patterns. It is also a line-of-sight issue. It is nice for those neighbors that nobody blocks the middle of that lot as well. It is keeping in character.

Ms. Radney stated that if she was looking at 10.3, there's an amoeba shaped or peanut shaped, landscaped area that is on the property to the west. It is heavily treed it seems on this particular property and then it still extends and along the line that she thought you can discern across the next two adjacent properties.

Ms. Radney stated that she could get there on the unique topographical setting.

Mr. Barrientos stated that he saw the existing garage is also in a non-conforming is not confirming now.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace all "ayes", no "nays"; no "abstentions") to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6), per the Conceptual Plans shown on page 10.13 of the Agenda packet.

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

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

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

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”

For the following property:

LT 23 BLK 7,VILLA GROVE PARK , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23497 - Chyla Gibbs

Action Requested:

Special Exception to permit a Day Care Use in the RS-2 District (Table 5.020, Table 5-2); Variance to reduce the 12,000 square-foot minimum lot size; and 100-foot minimum lot width for Special Exception uses in the RS-2 District (Sec. 5.030-A, Table 5-3); Variance to reduce the 25-foot setback for non-residential Special Exception uses from R-zoned lots (Sec. 5.030-B, Table note [4])

Location: 4905 E. 4th Pl. **(CD – 3)**

Presentation:

Chyla Gibbs, 912 South Darlington Avenue, Tulsa, Oklahoma, 74112, stated that she wanted to put a small daycare facility there in the property is not zoned correctly is zoned RS-2. She is trying to do is do a look a small center. She would have to have some type of commercial zoning.

Mr. Bond asked if she had spoken with any of her neighbors.

Ms. Gibbs stated that she had not.

Mr. Barrientos asked what kind of business was there before.

Ms. Gibbs stated that it was a State Farm Insurance Company for several years. It has been sitting vacant for the last three or so years. But before that, it was an insurance company.

Mr. Wallace asked how many children you think you will serve.

Ms. Gibbs stated that the way DHS is, they come out and they measure your square footage and then they also go by how many toilets we have available. In a center facility it would be 15 children per toilet, but they would have to coincide with their square footage. She only has one toilet in there right now. If the square footage would allow, she could possibly put another toilet in to make 30 kids or somewhere within the 30. But other than that, it would just be 15.

Mr. Barrientos asked if she had sufficient parking there.

Ms. Gibbs stated that the parking is sufficient. It was an insurance company before and there are pictures on the website of the County Assessor. It shows where there were several cars that could be parked in that area.

Ms. Radney stated that the issue is that the building is essentially built right up at the property line to the east.

Ms. Gibbs stated that had a Variance to reduce the 12,000 square foot minimum lot size and the 25-foot setback for non-residential.

Ms. Gibbs asked Mr. Chapman if part of the reason that this commercial structure was sited this way is because they needed to be set back from the corner from both Yale and 4th Place.

Mr. Chapman stated he could not find a whole lot of history on this property in general. Based on what it looks like, it might have originally been built as a residential home. Alright, he guessed you can ask your question one more time.

Ms. Radney stated that she was knew it was at a corner, and the setbacks for a corner are going to be different than if it were in the interior of a street. She wondered why it would have been cited in this way right at the property line in the past.

Mr. Chapman stated he thought she had the original survey in here, and it does not have it marked up. That aerial he did not think was correct. It is not a correct representation of where that building is in relation to the property. He thought it was five feet, which is standard with residential from on a side setback.

Ms. Radney asked if then the rear yard would have been going towards the north.

Mr. Chapman stated that was correct.

Mr. Bond asked how many square feet right now.

Ms. Blank stated that the Staff reports as it is 10,460 square feet.

Ms. Radney stated that the tax record showed it was built in 1985 and the building is 1235 square feet, and the lot area is the under a quarter of an acre at 10,405 square feet.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Bond stated that it is plainly on not just one but two arterial streets. He did not have an issue with a Special Exception because this is really in keeping with what we do with these daycare facilities, especially when they are on the outside of a neighborhood or along arterial streets. This type of variance though is going down roughly 2000 feet. He

would assume on this that there has been a large amount of land that has been taken from this corner over the years. He was trying to find a hardship for the Variances.

Ms. Radney stated that it looks like on item number one on 11.10, she thought this is the applicants submission is stating that it was it was platted at only 75 feet wide instead of 100 feet wide. Would that make it a preexisting non-conforming lot?

Mr. Chapman stated that the 75 feet is conforming to the RS-2 district just not to daycare.

Mr. Chapman stated that he did not have any history to say the office use was approved at that location.

Mr. Bond stated that he did not have any issues with the Special Exception for the daycare.

Ms. Radney stated that it was envisioned as a residential corridor, but it has been commercialized over time.

Mr. Bond stated that it is a heavily trafficked area. He thought that it is not self-imposed, and relief would be appropriate.

Ms. Radney stated that if we think about the way that Yale Avenue has evolved over time, especially in that segment that runs between 11th and Admiral. There are a lot of residential properties that front to Yale, which has become increasingly commercialized over time. The north south corridor here on Yale is now a commercial artery and that 4th Place is probably also become more of a commercial artery as a as an east west connector between Harvard and Sheridan. Accordingly, then this site, which was originally platted as residential, we are saying its existing use that which predates the current code. Even its existing us as an office, which predates the existing code, or even as a residence.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace all “ayes”, no “nays”; no “abstentions”) to **APPROVE** a Special Exception to permit a Day Care Use in the RS-2 District (Table 5.020, Table 5-2); Variance to reduce the 12,000 square-foot minimum lot size; and 100-foot minimum lot width for Special Exception uses in the RS-2 District (Sec. 5.030-A, Table 5-3); Variance to reduce the 25-foot setback for non-residential Special Exception uses from R-zoned lots (Sec. 5.030-B, Table note [4]), finding the hardship to be existing non-residential use predates the exiting code and neighborhood context.

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

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

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 4 LESS E60 THEREOF & LESS BEG SWC THEREOF TH E24.50 N3.50 W12
NW12.67 N18 W3.50 S30.50 POB BLK 11, WHITE CITY ADDN , CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

OTHER BUSINESS

Review and approval of changes to the City of Tulsa Board of Adjustment Policies and Procedure.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Chapman stated that when this was first discussed, there was discussion about how long the time limit should be for speakers. We had recommended no more than 15 minutes for the applicant followed by 5 minutes per interested parties. Then 10 minutes of rebuttal. It is also written that The Chair can reduce that if there are more time restraints needed.

Ms. Blank stated that if you look at the following provision under i) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Board and permitted by the Chair. So, you do have the flexibility if you want to get more information from an applicant, which what is done anyway. This Public Procedure is the one section that had the most change.

Mr. Bond stated that he did not have any issues with this. The staff has put a lot of work into this so he would support it.

Ms. Radney stated that she was all right as it is stated here. Sometimes she thought it would be beneficial to stated that the public hearing has been closed just for the clarification to the public.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Barrientos, Bond, Radney, Wallace all "ayes", no "nays"; no "abstentions") to **APPROVE** the changes to the City of Tulsa Board of Adjustment Policies and Procedures as presented on page 13.1 through 13.6 of the Agenda packet.

NEW BUSINESS

None

BOARD MEMBER COMMENTS

Mr. Bond stated that he was sure was read earlier, we are saddened at the passing of our Secretary, Mr. Steve Brown. For a lot of us, it was a big hit. Anyone that knew him would say, what a great guy. Mr. Brown diligently went through the Agenda packet and through the minutes, better than he had seen done anyone do. His care for this Board and his care for this city was evident to everyone, not just us, but to his colleagues and to his family. He was a graduate of Central High School. In between OSU and Arkansas, he spent four years in the Navy where he deployed to Vietnam. He served

his country honorably and we know he did it because he never bragged about it. He will be missed. The architectural community will miss him and he come from a long lineage of well known architects including his grandfather that helped design Webster High School, which is one the architectural monuments of this city. We will not be able to replace him. Having been on this Board for a long, he has cared more than anyone he had served with and about what this Board does. He wished we had more people like him.

Ms. Radney stated that she appreciated the Chairs remarks. She too considered Mr. Brown to have been not just a colleague, but also a friend. His contribution will certainly be missed, but his admonitions to us to order our steps in the wake of some of the insight that he brought to this Board will be adhered to at least in her mind if she was here to serve. Her condolences to his family.

Mr. Wallace stated that as an architect as well, Mr. Brown took me under his wing at the very beginning and met with me to explain the expectations and the importance that this Board holds in this community. He will dearly miss him. He had 40 years in the profession and everybody in town knows who he was and everybody who had the opportunity to work with him said he was an amazing teacher and was always looking out for the younger ones coming up trying to make sure they were learning the right ways throughout. Another comment that he heard from someone that worked with Mr. Brown was that he had eternal kindness. He was always thoughtful and always looking to help people and looking for the right side of things. We will miss him.

Mr. Barrientos stated that not only was Mr. Brown a Board member, but he was also a friend to us. He always asked questions about his family when he got married out of the country. He was shocked to hear the news of his passing. Mr. Brown was a person that he admired. He gave so much to the city, to this Board, and he is going to be missed. His condolences to Mr. Brown's family.

There being no further business, the meeting adjourned at 3:50 p.m.

Date approved: 3-14-23

Adam P. Boul
Chair