

**BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1317
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center Tuesday,
May 23, 2023, 1:00 P.M.**

Meeting No. 1317

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

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on May17, 2023, at 3:30 p.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Bond called the meeting to order at 1:00 p.m.

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

Mr. Bond stated that we are losing our beloved Staff member Dwayne Wilkerson to retirement and today will be his last Board of Adjustment meeting. As a lawyer in this town, when it comes to the city that is a BOA related project, one of the first people you will hear from is Dwayne. There are few people in a professional setting who have more of a consummate professional, maxed out with a great attitude all the time and professional acumen. He is going to be missed. We want him to know how much we have appreciated it and he is always on point. Mr. Bond presented Mr. Wilkerson with a giant trophy.

MINUTES

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **CONTINUE** the **Minutes** of April 25, 2023 (Meeting No. 1316) to the next BOA meeting on June 13, 2023.

NEW APPLICATIONS

23528 - Joel Collins

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b)

Location: 1207 E. 21st St. **(CD 4)**

Presentation:

Joel Collins, 2626 South Troost Avenue, Tulsa, Oklahoma, 74114, stated that we did solar studies on it only to realize that there was a five-foot utility easement within the back, which he absolutely did not want to try to impede. We revised everything on the owners list, which was three items. Jennifer Simmons is going to back us up that the owner is happy. Secondly, the drawings he submitted on Friday brought us out of that five-foot easement. We are now five feet off the back line. We also revised the height of the building to be eighteen feet so that we did not impede any shadows or anything into his back pool area. We are still asking for three things that are a two-story building unit as a guest quarter to be within ten feet of the back of the house just because of the home itself being built in 1926. There is just a tiny backyard which he had noted on the site plan. The other request was to have entrance on the east side which does face the people to the east. Their current building/garage is on the property line. He did not think there would be any reason that entry on the side was affected.

Interested Parties:

Jennifer Simmons, 1212 East 20th Street, Tulsa, Oklahoma, 74120, stated that she thought their biggest concern really was after he made the changes just the utility easement. He said it was moved back five feet that that easement is used for about six or seven houses. In 2020, they had bucket trucks in this driveway to service. They put in new overhead power lines. If that is still accessible, we agree to the changes.

Rebuttal:

Mr. Collins stated the reason we are asking for it is because the home is one of the most historic types of houses and it is called the Irish Capital of Tulsa. It was built in 1926. And it is just pushed all the way to the north of the property line. Getting it in and out of the garage is absolutely a catastrophe. The idea was just to put a nice easy in and out garage in the back. It is just the only space we had and that is really our hardship.

Comments and Questions:

Mr. Bond stated that your fun fact for the day is, from what he understands this was one of the early zoning fights in the city because there was potential for the thatch roof on this house that the original owners took up with the city.

Ms. Stauffer stated that it all seemed fine and reasonable to her.

Mr. Barrientos stated that he did not have any issues with this, and he was inclined to support it.

Mr. Bond stated that he appreciated the neighbor, the builder, and the property owner all working together. It is always the best solution. We see the worst.

Ms. Radney asked what hardship it was.

Mr. Bond stated that it was a non-conforming lot built prior to the Comprehensive Zoning Code.

Mr. Bond stated that Staff might just add the lot is conforming. It is non-conforming in a modern sense of the actual lot as far as zoning standards that it conforms to the zoning code to the best of my knowledge.

Ms. Radney asked what we mean by non-conforming in the modern sense.

Mr. Chapman stated that what he was saying if you are using the term non-conforming to say that the placement of a house is not consistent with how it normally would be. That is for the board to decide. As far as the actual conforming to the zoning code, there is not anything about that house that he was aware of that is not conforming to the zoning code.

Ms. Radney stated that it is primarily the citing of the existing structure is non-conforming.

Mr. Bond stated that on pages 2.08 and 2.4 you can see where it is pushed back to the back.

Ms. Radney asked if we have plans.

Mr. Chapman stated that the revised plans were given to you today.

Ms. Blank asked along the same lines, Mr. Chapman, could you just confirm which Variances are still looking at. Because it sounds like the last one about accessory dwelling to be less than 10 feet behind the house. Was that that one still necessary?

Mr. Chapman stated that the only one that would be modified is on the height and it is a variance to allow two stories. The top plate is less than 10 feet, and the height of the overall building is eighteen feet and so it does not need relief for the height. But still technically it is about two stories.

Ms. Blank stated that then the entrance they need that and then also the dwelling unit to be less than 10-feet behind the house.

Ms. Radney asked in the sample motion, do we need to read the second part about the eighteen feet in height.

Mr. Chapman stated that portion could be stricken.

Mr. Wallace asked if this is another one of those where if they would have connected it would have been allowed by right.

Mr. Chapman stated that no because it would have been encroaching on the rear setback, and so accessory buildings can encroach on the setback of the principal buildings.

Board Action:

On **MOTION** of **Radney**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story in the rear setback (Section 90.090-C2); Variance to permit the entrance of an Accessory Dwelling Unit to face a side lot line (Sec. 45.030-D.8.a); Variance to allow an accessory Dwelling Unit to be less than 10-feet behind the detached house (Sec. 45.030-D.8.b), per the Conceptual Plans that were submitted at today’s meeting.

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 5 & W 25 OF LT 6 BLK 4, MAPLE HGTS ADDN, CITY OF TULSA, TULSA COUNTY,
STATE OF OKLAHOMA**

23529 - Tanner Consulting, LLC

Action Requested:

Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2) **Location:** 2123 W. 91st St. **(CD 2)**

Presentation:

Erik Enyart, with Tanner Consulting, 5323 South Louis, Avenue, Tulsa, Oklahoma 74105 stated that they are preparing the application on behalf of our donor, Dr. Schiesel, and his wife. They acquired the property in September of last year. At the time there were two tracks in this area, the one two-acre tract that existed before contained a house, that two-acre tract had been in existence since 2012. It was an understanding of the buyer, my client, that they had two tracks when they ended up with this transaction. The property was legally described around the entire boundary, and it was assumed that the two-acre tract and that contract status was lost. That is the hardship that they find trying to get their two-acre tract back. Albeit with a more appropriate configuration is more befitting of the house as it is situated on land. The fundamental purpose of requiring street frontage is to ensure that alongside legal access to the property, it has an existing driveway, all the way down to 91st Street South. It is also secured by an access easement. Furthermore, it does have a panhandle that extends physically down to 91st South. If the driveway were to be moved, they would have their own physical access route too, to do that. To make sure that we are doing this the right way. We want the Staff to make sure we are on the right track in this approach. We would appreciate your thoughtful consideration.

Ms. Radney asked if he could explain a little bit more about what you are referring to by the former two-acre tract.

Mr. Enyart stated that on the first page of the narrative that we put together there is in red a rectangular two-acre tract that is deep and contains the dwelling about half of. That tract of land was created by conveyance from time to trust the two individuals' spouses, and that two-acre tract was lost when the property was described as one singular 20-acre parcel.

Ms. Radney asked if he was saying that these parcels existed as an example from the assessor's record, there were two parcels here and there were two tax IDs.

Mr. Enyart stated that was correct. There was until September of 2022, that was when the last conveyance from an entity called The Stables to Tulsa Hills LLC, conveyed the entire twenty-eight-acre tract continued that two-acre tract within it as one metes and bounds description of the entire perimeter. That caused the trigger tract to be subsumed by the larger 20-acre tract and that status was lost.

Mr. Bond stated the only relief you are asking for from us is to reduce the street frontage.

Mr. Enyart stated that was correct. The zoning requirement that depends on having this report.

Ms. Radney asked if he could say a little bit more about the hardship. The hardship is they did have a two two-acre tract tracks total and that has been lost by no fault of the current owner. There are also benefits to having a separate smaller track containing a dwelling whether that be for real estate tax purposes, other tax purposes, insurance and he would not know all the different thing's reasons that it would be beneficial to have two tracks rather than one, the smaller track containing the dwelling. The house was built around early 2010.

Ms. Radney stated that there might have been a requirement if there was a mortgage.

Mr. Bond asked if there were a lot of flight lots in this in this neighborhood. Is this a standard lot layout for this neighborhood or was this one unique?

Mr. Wallace stated that there are others.

Ms. Radney asked if there is something about the topography of the land, separate and apart from the fact that that is a boundary that was recognized previously as a separate parcel. Is there anything going on with the topography of the land that would justify the dimensioning of this parcel?

Mr. Enyart stated that he was not aware of the topography of the land, but he did know that the house is situated at more of an angle. It is not true South. It is facing southeast. The proposed track with your approval, street frontage Variance, would be proposed when we do lot split is that the tract respect the angle of the dwelling, the front lot line face the front of the dwelling in the rear lot one facing the rear.

Ms. Radney stated that you are not suggesting that what is on the screen now would be the boundary for the new lot. You are just asking for relief to be able to legally create a lot split.

Mr. Wallace stated that the other line is it is an easement. For the front entrance, there is no frontage for the property.

Mr. Bond asked if the frontage is right to the south on West 101st Street.

Mr. Enyart stated that the current 28-acre tract putting an acre tract does have a Panhandle. You can see it ends at the yellow boundary, it does extend down to 91st Street South and that portion of the balance tract will remain.

Mr. Bond asked if he could tell him how big is that frontage on 91st Street.

Mr. Enyart estimated that to 6C, 50 to 60 feet.

Mr. Bond stated that the way the Board of Adjustment looks at these is all we can really do for you is to reduce the minimum required frontage. There would be other things that you may or may not need from the Planning Commission, or a group like that.

Mr. Bond asked if he had spoken with any neighbors or Neighborhood Association.

Mr. Enyart stated that he had not had communication with anybody joining this property or heard of any concerns about this.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Wilkerson asked Mr. Chair if they could bring Mr. Enyart back up because first, he wanted to make sure we understand because the lot split is in process. The access easement that you have shown here is the written document that allows access knowing that the driveway is not within that easement. Is that only for personal use or does it include emergency access? Do you know what the purpose of that easement included?

Mr. Enyart stated that when he read it in the 2012 deed from the trust to the individuals, all it says was access easement through the larger parcel to the two-acre tract that they contain at the time to the individuals. He did not know that it would be for anybody else, it does not say that it is. But like any driveway regardless of length, if you need emergency access, emergency responders will use your driveway. So as this comes forward through the lot split process, there will be discussion about fire protection and those other things. Have you had any conversations with any of the engineering groups about how access is going to be? He did not know that was necessarily important to the Board, but it is something that is in a lot split process, he thought we were going to want to know some more details about it. As you move forward, it would be helpful for us to have a look at the actual easement document.

Mr. Enyart stated that he did not disagree. He has not had any communication. It was premature until we knew that we were safe and had a track that did not have frontage

but had access from consistent driveway and access easement. The lot split would not have any new material change on access requirement.

Mr. Wilkerson stated that a Motion from the Board might be if you are inclined to agree with no access, with the provision that the appropriate access easement is there. That is a vague term, but he was thinking probably overthinking the idea of post office deliveries, and all that stuff that access also includes.

Mr. Enyart stated that he would agree with that, thank you.

Mr. Bond stated that he was not sure how it would be appropriate to condition it there. Maybe the discussion is the frontage requirements exists for the intent to not stack houses on top of each other. Those are important to whatever type of setting a house is in some type of limited language to where in the future a house could not be built within that area to the south? It would be fair to neighbors to make sure that someone could not come along after your client put a house right there. That is think that is what the spirit and the character the neighborhood.

Ms. Radney stated that she was not sure she understood. Were you saying that they would be prohibited from putting another house?

Mr. Bond stated that where the frontage is right here on 91st, his concern would be that if we did approve this, that we also would not later cause give someone the ability to put a house there. That would not be congruent with the spirit of the intent of the frontage requirements for this area.

Ms. Radney stated that it made sense now. Does the applicant have any intention in terms of further development of this land?

Mr. Enyart stated that he had not heard that from them at this point. They have no plans to my knowledge to further develop any portion of this property. He does think that they would have concerns about that. That access is managed through the lot split process to make sure that both tracks have adequate access to utilities.

Ms. Radney stated that what the Chair is suggesting is that if we granted this parcel as it currently exists, the relief to create lots within this parcel with zero frontage then you could put twenty-eight houses in here. They all would get the same deference in terms of their not having frontage to the road. He is asking is this just a relief for the current occupant of the proposed two-acre tract. Are we talking about some others, like decimation of this land into additional smaller other parts?

Mr. Enyart stated that as long as both tracks were allowed to be split, he did not believe the client would have any concerns with there being the ability to have two dwellings on

two legal, separate tracks that have been approved for lot split through the vetting process. He understood the concern that it can be further subdivided, but there are controls in place that would prevent that.

Mr. Wallace stated that it kind of looks like it could be a subdivision, but that if that was the case, which is a whole other set of issues. It is a public right away, not at easement.

Mr. Bond stated that the bigger question that he had is if this is right for us right now for a lot split to be made? He could support this. It just feels like that this is the last determination should be made before we do that.

Mr. Chapman asked Mr. Chair if he could, he would say that we cannot approve a lot split until this relief is granted.

Mr. Enyart stated that an application had not been submitted yet. We are waiting for this to be secured before we invest more time and certainly resources.

Mr. Chapman stated that if the board is trying to make sure that there are not further splits, if you tied it towards this conceptual site plan, there are lot split processes, we would allow turning one lot into two per this diagram. Any further splits would have to go through unless theoretically, there was another way to make another lot out of a flag that would meet this subdivision and development regulations. If you said you do not want any further splits, he would put that in your motion.

Ms. Radney stated that there is a reference at the bottom of 3.10 that she had never seen before. She was wondering if maybe Staff can explain what is meant by "the land division, creating the track was too large to be subject to the requirement for lots of approval. But it was reviewed and approved as an exempt land division application." What is that referring to?

Mr. Chapman that per state statute, if you are dividing a property, and all the laws created are above five acres, they are not subject to last split approval in the Tulsa metro area. That is covered by the Tulsa Metropolitan Area Planning Commission, we require what is called an Exempt Land Division, which is they make an application in our office. What we do is verify that all the tracks are above five acres, you are not splitting the land, and the number of times that we would trigger a subdivision plat. We stamp that is saying buyer beware this has been reviewed as an exempt land division. It is not required to go through a formal lot split process. We would not guarantee that you can get building permits. That is a process just because we have had issues with wildcat subdivisions in the past where people have bought property that was 5.01 acres with an access easement and then later down the road, they got held up in permitting because they do not meet the zoning requirements.

Ms. Radney asked that this two-acre division was reviewed and still found to be exempt even if it did not meet that five-acre minimum.

Mr. Chapman asked if she was talking about the original two-acre tract, he did not believe it ever went through a formal lot split process and unless Mr. Enyart knew differently it was not stamped. They just deeded it to themselves outside of that process.

Ms. Radney stated that she would like to see the proposed lot split before approving this.

Mr. Bond stated that they need our approval before they can do that.

Mr. Wallace asked if it was the difference between 3.6 and 3.12 or is it something else.

Mr. Chapman stated this two-acre tract was on its own deed which again, from the knowledge that he has, the previous owners it was deeded, and it was recorded. The County just processed a new parcel number and never went through a formal lot split process. Essentially, that is gone. The current figuration of a lot is this right here. They are asking to create this track down here.

Mr. Wallace stated that is not in front of us. We are just looking at the frontage of the current flag lot as it is.

Mr. Chapman stated that they are looking at creating this track right here is what is being requested and it has no frontage. That is why they need a variance.

Mr. Bond stated that for the record, he just wanted to make sure that what we are going to do today will have a future effect on that. They will get granted relief for what we have in front of us not at attention and radically for things down the road.

Ms. Radney stated that her concern is less whether those divisions would be burdensome in general, it is more are they burdensome to the people around them. They would be impacted by this landlocked development.

Ms. Stauffer asked if could say what the hardship was to the current lock configuration.

Mr. Enyart stated that the hardship is that the tract used to have two tracks within it and now they have lost that status. They only have one. There are also benefits that come with the flexibility of having two different tracts of land: real estate taxes, other property taxes, and insurance.

Ms. Stauffer stated that the former was just deeded to themselves. It was not through legal channels.

Mr. Enyart stated that he did not see any TMAPC approval certificate on that date.

Mr. Bond stated that this being topographically unique as opposed to not getting into the weeds here. What would be compelling for his vote would be that this was based on the uniqueness of this lot, as opposed to the fact that the lot was going to be unique no matter what.

Ms. Radney stated the applicant has not presented anything that makes this particularly unique to her, accepting the fact that there was a house built in the middle of it, that means a two-acre tract attached to it. for financial reasons, which are not a hardship that we can consider. We must have something that is more compelling.

Mr. Barrientos stated that was why he was not there yet.

Mr. Wallace stated that he was trying to think back to when we flipped the flag properties like this, how we have done them, and they have subdivided, moms moved into the back and they would give them access and reduce the frontage, but they had frontage. He was really trying to understand the access easement, and they must get this approval to get that. That is where he was just struggling with a landlocked property that then they could go sell. It sounds like they own everything right now, but they could go sell the surrounding property.

Ms. Radney stated that she had a question for Staff. If this land had been conveyed separately then the previous parcel that was recognized at least by the assessor's office would have persisted, is that right? Is it really gone just because of the convenience? The convenience treated it as though we it can all be conveyed in one because it What strikes me as being weird about this is that we are talking about a conveyance, but it feels like it must have already been owned by the same owner. If there were two parcels already that were owned by the same owner and then she took it from my right-hand pocket and put it in my left pocket and then somehow because of the instrument that I use, she dissolved my two-acre parcel. Is that what happened?

Mr. Chapman stated that is my understanding.

Ms. Radney stated that is self-imposed. She could acknowledge that maybe one did not realize that that was going to happen and so she could get there by the fact that because it was it ownership was transferred from one entity to another entity that this has occurred through no fault of the property owner of the house and that as such this is the minimum amount of relief that could be requested to re-separate the these two parcels. They could not be merged unless they were the same owner in the first place.

You cannot just deed you something that does not belong to you. They had an attorney write this up and then convey all is one big parcel so that is self-imposed.

Mr. Bond stated that it is still a unique flag property.

Ms. Blank asked Mr. Chair, she would like to suggest that, if you are working on a Motion there that make it clear that the only piece that we're granting the zero frontage is for that two-acre piece depicted on the exhibit, because the application is legal description that goes with this applications for the entire 20 acres, but we are not granting that all parts of that 28 acres doesn't have to have frontage. It really needs to be specified that it is only that and we also do not have a legal description of that two-acre tract.

Mr. Bond asked if they needed a legal description for the two-acre tract to give it relief.

Ms. Blank stated that it would be better just for clarity purposes, and for the people in the future who are going to have to decipher for this stuff.

Ms. Radney stated that Ms. Blank was saying that we are giving relief to the entire twenty-eight acres based on the legal disclaimer used.

Ms. Blank stated that is the legal description that and it is the big parcel. Technically, the doughnut hole piece the two acres is not a flag lot. She thought it was inaccurate to describe it as a flag lot.

Mr. Wallace stated that would trigger if they were to do anything in the future that they would have to come back. outside of that.

Mr. Bond asked that if we are inclined to do that, then the question is, do we need, do we need to be comfortable doing this.

Ms. Radney stated that she thought that because we will be granting it for the entire parcel, that we do need a legal description as an exhibit for the Variance that we can refer to as a legal description.

Mr. Bond asked Mr. Enyart if he had a legal description for this two-acre tract.

Mr. Enyart stated that they did not at this time. If the approval of the application on the 28-acre works to be restricted to one tract of two-acres that should cover it for him. If the Board would like the legal description and the Staff is willing to work with us after today to get that put it in the record, we can certainly do that.

Mr. Bond stated that the zero-frontage requirement would only apply to these two acres within the square within the flag. What he was uncomfortable with would be granting zero lot line or zero frontage to entire flag lot.

Ms. Radney asked if the Board would be comfortable with language that just said, an area of land not to exceed two acres that contains this existing pool and house that is built on the property. Would that be sufficient to describe what we are specifically referring to? As depicted on 3.1 to cover in this case.

Mr. Wilkerson stated that he thought from the Staff's perspective that he must have two-acres because it is an AG zoned property. He liked the idea of putting some kind of throttle on that but not to exceed 2.1 acres or two and a half, something that is conceptual enough in nature that he thought they needed a little bit of room for flexibility there.

Ms. Radney asked what we do have now for the hardship.

Mr. Bond stated that just the uniqueness of this lot.

Board Action:

On **MOTION** of **Radney**, the Board voted 3-2-0 (Bond, Radney, Wallace, all "ayes", Barrientos, Stauffer "nays", no "abstentions") to **APPROVE** a Variance to reduce the required street frontage in the AG district from 30-feet to 0-feet to permit a lot split (Sec. 25.020-D, Table 25-2) per the Conceptual Plans found on page 3.12 of the Agenda packet. Subject to the following condition that the zero-frontage relief shall apply to an area of land no less than 2.0 and no more than 2.5 acres in a boundary that surrounds the existing pool and house. This relief shall only apply to smaller parcel within this boundary. Acknowledging that this Variance does not endorse any additional relief related to any other City of Tulsa subdivision or development regulations of City of Tulsa Ordinances

Finding the hardship to be the uniqueness of this circumstance a large agricultural parcel with a newly constructed home that does not exist with frontage onto the arterial street.

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:

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°52'36" WEST AND ALONG THE SOUTH LINE OF SAID SE/4 FOR A DISTANCE OF 1653.58 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°52'36" WEST AND CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 76.28 FEET; THENCE NORTH 1°11'43" WEST FOR A DISTANCE OF 477.40 FEET; THENCE SOUTH 88°53'58" WEST FOR A DISTANCE OF 252.45 FEET; THENCE NORTH 1°13'14" WEST FOR A DISTANCE OF 852.05 FEET; THENCE SOUTH 88°52'36" WEST FOR A DISTANCE OF 660.00 FEET TO A POINT ON THE WEST LINE OF SAID SE/4; THENCE NORTH 1°13'14" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 869.39 FEET; THENCE NORTH 88°46'46" EAST FOR A DISTANCE OF 990.52 FEET; THENCE SOUTH 1°13'14" EAST FOR A DISTANCE OF 772.08 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE FOR THE FOLLOWING EIGHTEEN (18) COURSES; ALONG A 88.41 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 45°50'23" EAST, A CENTRAL ANGLE OF 46°51'32", A CHORD BEARING AND DISTANCE OF SOUTH 22°24'37" EAST FOR 70.31 FEET, FOR AN ARC DISTANCE OF 72.31 FEET; THENCE SOUTH 1°01'11" WEST FOR A DISTANCE OF 67.24 FEET; THENCE SOUTH 6°46'19" WEST FOR A DISTANCE OF 59.88

FEET; THENCE ALONG A 157.61 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 7°00'58" WEST, A CENTRAL ANGLE OF 45°17'46", A CHORD BEARING AND DISTANCE OF SOUTH 15°37'55" EAST FOR 121.38 FEET, FOR AN ARC DISTANCE OF 124.60 FEET; THENCE SOUTH 23°16'25" EAST FOR A DISTANCE OF 42.88 FEET; THENCE SOUTH 16°28'36" EAST FOR A DISTANCE OF 57.14 FEET; THENCE SOUTH 6°39'39" EAST FOR A DISTANCE OF 28.87 FEET; THENCE ALONG A 411.51 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 2°31'31" EAST, A CENTRAL ANGLE OF 19°05'29", A CHORD BEARING AND DISTANCE OF SOUTH 7°01'14" WEST FOR 136.48 FEET, FOR AN ARC DISTANCE OF 137.12 FEET; THENCE SOUTH 16°33'58" WEST FOR A DISTANCE OF 50.79 FEET; THENCE ALONG A 60.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 82°25'47" WEST, A CENTRAL ANGLE OF 135°57'50", A CHORD BEARING AND DISTANCE OF SOUTH 14°26'52" WEST FOR 111.25 FEET, FOR AN ARC DISTANCE OF 142.38 FEET; THENCE ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 54°16'55", A CHORD BEARING AND DISTANCE OF SOUTH 26°23'35" EAST FOR 22.81 FEET, FOR AN ARC DISTANCE OF 23.69 FEET; THENCE ALONG A 592.13 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 4°30'35", A CHORD BEARING AND DISTANCE OF SOUTH 1°30'25" EAST FOR 46.59 FEET, FOR AN ARC DISTANCE OF 46.61 FEET; THENCE SOUTH 3°45'47" EAST FOR A DISTANCE OF 83.39 FEET; THENCE ALONG A 183.88 FOOT RADIUS CURVE NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 8°33'31" EAST, A CENTRAL ANGLE OF 23°38'24", A CHORD BEARING AND DISTANCE OF SOUTH 3°15'41" WEST FOR 75.33 FEET, FOR AN ARC DISTANCE OF 75.87 FEET; THENCE SOUTH 15°04'53" WEST FOR A DISTANCE OF 88.57 FEET; THENCE ALONG A 166.70 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 16°26'34" WEST, A CENTRAL ANGLE OF 32°35'10", A CHORD BEARING AND DISTANCE OF SOUTH 0°08'59" WEST FOR 93.54 FEET, FOR AN ARC DISTANCE OF 94.81 FEET; THENCE SOUTH 16°08'35" EAST FOR A DISTANCE OF 73.60 FEET; THENCE ALONG A 460.45 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 9°51'04" EAST, A CENTRAL ANGLE OF 12°46'42", A CHORD BEARING AND DISTANCE OF SOUTH 3°27'43" EAST FOR 102.48 FEET, FOR AN ARC DISTANCE OF 102.69 FEET; THENCE SOUTH 1°56'40" WEST FOR A DISTANCE OF 48.82 FEET; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°55'59", A CHORD BEARING AND DISTANCE OF SOUTH 45°24'39" WEST FOR 41.28 FEET, FOR AN ARC DISTANCE OF 45.52 FEET; THENCE SOUTH 1°07'24" EAST FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

SUBJECT TRACT CONTAINS 1,215,374 SQUARE FEET OR 27.901 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83). CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.

23530 - Nathalie Cornett

Action Requested:

Special Exception to permit a Large (>250-person capacity) Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) **Location:** 1330 E. 15th St. **(CD 4)**

Presentation:

Applicant has requested a **CONTINUANCE** until the next BOA meeting of June 13, 2023.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **CONTINUE** the requested Special Exception to permit a Large (>250-person capacity) Commercial Assembly and Entertainment use in the CS District (Sec.15.020, Table 15-2); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces (Sec. 55.050-K) until the next BOA meeting on June 13, 2023.

Lots Three (3), Four (4), Five (5) and Six (6), Block Six (6), AMENDED PLAT OF MORNINGSIDE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; -AND-Lots One (1) through Sixteen (16) inclusive, Block Eight (8), and the vacated alley lying within said Block Eight (8), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the Recorded Plat thereof;-AND The West Half (30') of Vacated Quaker Avenue lying adjacent to the East line of Block Eight (8) from 15th Street to 16th Street, ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof;-AND- The West Fifteen (15) feet of Lots Nine (9), Ten (10) and Eleven (11), Block Seven (7), ORCUTT ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, AND the East Half (E/2) of Vacated South Quaker Avenue between 15th Street and 16th Street lying adjacent to the West line of said Lots 9, 10, and 11, Block 7.

23531 - Luke Gaylor

Action Requested:

Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A) **Location:** 4106 W. 57th Pl. **(CD 2)**

Presentation:

Ken Kennedy, 12547 Skelly Drive, Tulsa, Oklahoma, 74128, stated that he was there on behalf of Oakwood Homes and the property owner, Jonathan Cherry. He is the general manager at Oakwood Homes in Tulsa. Mr. Cherry had contracted with us to get a manufactured home on his lot which is on a dead-end street that is not maintained by the city. He was surprised when told him that manufactured homes are not approved there, because there are others in the same neighborhood. The valuation of the manufactured home is more consistent with the site-built homes in the area. He asked us to come down and see if we could talk the Board into it. The hardship that the lots are not conducive to do a site-built home. There is no way that they were not value at what it costs to site-built home.

Mr. Bond stated is a uniquely shaped plot.

Mr. Kennedy stated that there is an old camper on the back of the property that somebody had taken up as a residence at one point in time. We are improving go the lot.

Mr. Bond asked if he could give us an idea of how many manufactured homes are in this neighborhood.

Mr. Kennedy stated there are a few of them down on 39th Street. They are in the main area it just passed the Tulsa Housing Authority.

Mr. Bond asked if they had any photos or drawing of the manufactured home that has been selected.

Mr. Kennedy stated that they have photos with them. The home is a residential construction. You have a shingled roof, vinyl siding, and it will have metal skirting around the crawlspace. The neighbor next to him was for the neighbor next to him sold him these lots many years ago and so this is the only person who is going to even see these considering the location.

Mr. Bond asked if this was in a floodplain.

Mr. Kennedy stated that the very back of the property there is but where he is putting the house. There is a little shed back there.

Ms. Radney stated that it would impact the viability of like traditional sticks and bricks new construction.

Mr. Barrientos stated that we are curious about what is on 5.6.

Mr. Kennedy stated that was an is an old that is a camper. That is the neighbor's camper.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Barrientos asked how long they wanted to approve it for.

Ms. Radney stated that we should have asked if it was going to be financed.

Mr. Kennedy stated that it is being financed this lender went for 25 years on this one is.

Mr. Bond asked if they wanted to say I do want to say 26 years.

Board Action:

On **MOTION of Radney**, the Board voted 5-0-0 (Barrientos, Bond, Radney, Stauffer, Wallace “ayes”, no “nays”; no “abstentions”) to **APPROVE** a Special Exception to allow a manufactured housing unit in the RS-3 district (Sec. 5.020, Table 5-2); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A), per the Conceptual Plan presented to the Board today and subject to the following conditions: this relief will last for a term of 26 years for this particular unit, must meet the requirements of tie downs, skirting, and parking requirements of 55.090.

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

LTS 5 & 11 THRU 13 BLK 12, DOCTOR CARVER, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

Ms. Radney stated that she wanted to dovetail Mr. Chairs comments about Mr. Wilkerson's retirement. She said that they would definitely miss him. She was privileged to share a few minutes with him at this retirement party where she told him that he had really left a mark on the City during this time and his contributions had been appreciated.

Mr. Wilkerson stated that it was a great experience, and he has enjoyed working with all the Board members.

Mr. Chip Atkins stated that he wanted to thank Mr. Wilkerson for all he has done. He stated that Dwayne had been a great advocate for the neighborhood, explaining what was going on, and how it works. That is a rarity in this city and thanking him for all his hard work. Good luck in retirement.

Mr. Wilkerson thanked everyone.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved: _____



5/11/2023

Chair