

CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level
One Technology Center
Tuesday, August 22, 2023, 1:00 p.m.

Meeting No. 1322

Members Present
Radney, Vice Chair
Wallace
Stauffer
Barrientos

Members Absent
Bond, Chair

Staff Present
A. Chapman

Others
A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on August 17, 2023, at 10:30 a.m.

Ms. Radney called the meeting to order at 1:02 p.m.

Unfinished Business

23548 – Joseph I Hull, IV

Action Requested: Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) **Location:** 35 E. 18th St. **(CD 4)**

Board Action:

On **MOTION** of **Stauffer**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Continue** the request for a Variance to increase the permitted size of Temporary Mobile Storage Units on a non-residential lot (Sec. 50.030-F.2.C) to the September 12th meeting, for the following property:

LT 7 BK 2, STUTSMAN ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23549 - Criminal Justice and Mercy Ministries of Oklahoma, Inc.

Action Requested: Special Exception to permit a Residential Treatment Center/ Transitional Living Center Use in an RS-3 District (Table 5.020, Table 5-2)

Location: 5707 S. Memorial Dr. **(CD 7)**

Presentation:

Lou Reynolds, 2727 E 21st St., stated that he would like to protest the lack of continuing the matter to a later date. He stated that he has never been denied a continuance when there was less than a full board.

Ms. Radney stated that she does not have an issue continuing the matter, but a motion has not prevailed to continue the matter.

Mr. Reynolds stated that he would like to ask that there be a motion to request a continuance.

Ms. Radney asked the board if there was anyone willing to make a motion.

The board members did not make a motion to continue the matter, so the applicant continued with the presentation.

Mr. Reynolds stated that there was a meeting at Woodland Christian Church on August 1st, and he said there were about 40 to 50 people in attendance. He stated that after the meeting councilor Lori Decter Wright spoke and was in favor of the transitional living center. He stated that within a half-mile radius, there is not a transitional living center, as many have claimed there to be. He stated that Memorial Park has come to him and requested that a fence be placed between both properties, which he proposed to do in the plans.

Mr. Reynolds stated the building has been closed for 2 years now and is on a 2.6-acre lot. He stated that there is a creek owned by the City of Tulsa that acts as a barrier between the facility and the neighborhood.

Ms. Radney asked if there was a change of elevation across the boundary.

Mr. Reynolds stated that there is a substantial change in elevation. He stated that the closest home is 225 feet, and on the west across Memorial, it is a little more than 350 feet to the nearest home. He stated that the property is an ideal spot for a transitional living center to be located. There are barriers such as the creek, there will be a fence that will be in place, and homes are considerably far from the property. He stated that the transportation and convenience for those who are in the home to get to and from work is what is needed, adding that there are two bus lines just on the street corner of the property and that there are also two other bus lines just a mile from the property.

Mr. Reynolds stated that this would be the best location for a transitional living center that he has seen in a long time. He stated that there are not any similar facilities within half a mile of the property. He stated that the property would not have a negative impact on the neighborhood.

Ms. Radney asked what the previous occupancy was for the nursing home.

Mr. Reynolds stated that he does not know but their occupancy will be thirty, which he believes is less than what was there.

Keith Dobbs, 2624 E. Newton St., stated that he is the executive director of CJAMM (Criminal Justice and Mercy Ministries of Oklahoma). He stated the program is a 6-month, faith-based reentry program that begins a year before the client is released from incarceration. He stated that they do not accept recent violent offenders or any sex offenders into the program. He stated that the person entering the program must be clean and sober for a year. Once they are released from prison, they have a four-hour period to come through the doors, and as they come in they are drug tested and random drug tests are done while in the program. He stated that everyone has their own apartment, and they are not allowed to bring a

guest in unless the guests are approved. He stated there will be a family visitation area, but it is monitored by staff. He stated that the curfew is 10 p.m. and the doors will be locked. There will be four staff members who live on the property and who will be there at all times of the day. He stated that there will be 10 male apartments and 10 female apartments, as well as 4 separate apartments for those who have been reunited with their children, and 6 apartments for overflow. He stated that each apartment is sponsored by a different church and the church picks them up and takes them shopping for clothes and food.

Ms. Radney asked Mr. Dobbs to further explain how each apartment is sponsored by a different church. Mr. Dobbs stated that each apartment is sponsored by a church. He stated that the church provides the furnishings of the apartment, and they act as the adopted parents for the people who are in the program. He stated that they have birthday dinners and holidays with them, and that when they are going to graduate, the church sets up the graduation.

Ms. Radney asked how many churches they are expecting to sponsor the facility. Mr. Dobbs stated that the goal would be that each apartment would have one sponsor. He stated that as of now, they have churches that sponsor more than one apartment.

Ms. Radney asked what the program rate was. Mr. Dobbs stated that 50% of those that come in the program complete the program and the rate of those who go back and reoffend is 3.1%.

Ms. Radney asked if the rest of the 50% is a program failure. Mr. Dobbs stated that they are an open program, so they do not force anyone to be there who does not want to be there.

Ms. Radney asked if they track the recidivism rate of those who do not complete the program. Mr. Dobbs stated that they do not.

Interested Parties

Chris Laport, 5607 S. 79th E. Ave., stated that his greatest concern is the elementary school directly behind the church. He stated that the individuals inside the program do not have a vehicle so they would probably walk on the school property to get to somewhere close to them.

Julie Potter, 5649 S 84th E. Ave., stated that there are about 3 Oxford Homes around Memorial that are nearer than the limit of what the zoning codes allow. She stated that these homes have caused nothing but trouble for her neighborhood. She stated that they have not been more afraid than this past year because of all the drugs and trash that they are seeing around the bus stations on 56th and Memorial.

Chris Peterson, 5261 S. 70th E. Pl., stated there are four Oxford Homes closer than what the zoning code allows. He stated that they already have too many and do not need any more of these homes in this area of Tulsa.

Ashley Morris, 7719 E. 53rd Pl., stated her son goes to the elementary school behind the church and she is concerned that anyone from the program could walk to the school yard without a problem. She stated that the school is not good at locking the gates to the playground, so any one of the 30 people living in the home could just walk right in the yard.

Jan Ambrose, 5657 S. 84th E. Ave., stated that she applauds what the program consists of, but she is in support of her neighborhood. She stated that she is concerned about the ongoing changes that are being made with how many residents will be there and how many staff members will be there at a time. She said that she understands that there are two bus stations that are close to this property which are city buses, but she said that they are also children's bus stops, which is concerning to her.

Karen Gray, 5607 S. 82nd E. Ave., stated that she is in support of the what the program is doing but she does not feel like this is a good location for transitional living. She stated that when she spoke to the program leaders, they told her that the 30-person number would just be a starting number. She asked the board if they allow the special exception would they limit on how people could be at the facility.

Marcie Powell, 5649 S. 84th E. Ave., stated that she is concerned with the term that has been used by Mr. Dobbs about those who are let in do not have recent violent convictions. She asked what time frame they considered 'recent.' She stated that her other concern is that in the first meeting, Mr. Dobbs stated that in the future they would turn the apartments into double occupancy, which would be around 80 people who could be living at the location.

Alan Jandebaur, 5653 S. 83rd E. Ave., stated that he has been living in his home for 25 years and ever since the halfway homes came through their area, all he has dealt with is theft and problems. He stated that in this part of Tulsa, there is already too much going on and they do not need another halfway house in their neighborhood. He stated that the homes that are in his neighborhood were considered nice houses but with all the halfway homes, their property value will only go down.

Helen Collier, 6342 S. 73rd E. Ave., stated that she has been a nurse for 42 years and she said that she has dealt with people with mental health problems for a long time. She stated that to think that someone will not go through a crisis, or a mental breakdown is not reality. She stated that the location of this building provides easy access for someone to commit suicide with all the traffic on Memorial. She stated that the people in the program do not have vehicles and if they are walking, they will have to stay on one side of the street because it is nearly impossible to go to the other side with how much traffic is there.

Ron Reed, 7209 E. 57th St., stated that he was a soccer coach for more than 18 years at the school right behind the church. He stated there are always kids out in the field who he is concerned about. He stated that ever since the Oxford homes came into the neighborhood, neighbors have had to deal with vandalism and theft.

Carter Fox, 1515 E. 71st St., stated that this would be the worst location to put a transitional living home due to many things that have already been stated. He stated that this location is 1,000 feet within a school district which is concerning him. He stated that there are no sidewalks on the side where the transitional place would be, so the people in the program would have to walk in the grass and since the bus stations are on the other side, they would be in danger of crossing the street. He stated that they have heard conflicting news on how many people are going to be in the facility at a time and things could change if the board allows the special exception without anyone knowing. He stated that the applicant has not shown enough evidence to the board on allowing the special exception.

Tom Robertson, 5111 S. Memorial Dr., stated he is representing Memorial Park Cemetery. He stated that he commends the work that is being accomplished by the program, but he said that this is not a good location to have a transitional living center. He stated that from what he understands, the people in the program do not have cars to get to any location, so they walk from place to place. He stated that to get around Memorial Park it is a mile walk, but if someone cuts through the park, a third of a mile is cut off. He stated that they already deal with a lot of trespassing and theft, and he is confident that in 100-degree weather or a very cold morning, those from the program will walk through the cemetery to cut off a third of a mile.

April Hubler, 5630 S. Memorial Dr., stated that she has been to all the meetings and that things keep changing. She stated that according to crime rate map, the area north of 51st and Memorial has more crime than 61st and Peoria, and law enforcement has not done their job. She asked the board to keep the zoning code to what it was intended to be when businesses in the area invested their time, money, and talents.

Shelley Ware, 1513 S. 31st St., stated that she has been working as a social worker for 21 years and has been a part of jail ministry for the past 2 years. She stated that the concerns of the neighbors are some of the same concerns she had when she began jail ministry, but that she now has a different perspective. She stated that these people do not know how to change but they want to, and that these programs help them get back into society and become better citizens. She stated that these people have already served their sentence and just need the resources to change.

Stan Stevens, 6116 E 60th St., stated that the people who get out of prison are free to go wherever these chose. He stated that some are at the QuikTrip on Memorial or walking across Memorial. He stated that a program like the one that is being presented is what people need to not panhandle and continue to be in a cycle of crime. He stated that he does not know how the zoning code works or what the board has to look at, but he said that without a program like this he would not be there today.

Matthew Austin, 4652 S. Jamestown Ave., stated that he is the pastor at the United Methodist Church on the TU campus. He stated that he is in support of what CJAMM is doing and their church is highly involved in the work that is being done. He stated that 400 churches widely spread around support CJAMM with their finances and time. He stated that if he could choose anyone to be his neighbor it would be those who are in the program.

Frankie Long, 2624 E. Newton St., stated that she is the site director and case manager for the current Exodus House. She stated that she has had extensive training on what a program like this needs to succeed. She stated that when she is going to accept someone in the program, she is very selective in who she chooses. She stated that not everyone is ready for the structure that the program offers and so she takes those who are willing to have such structured lives. She stated that many that have completed the program are successful businesspeople who have given back to society.

Karen Gaddis, 6409 S. 90th Pl., stated that she has helped the Exodus House since it first came to Tulsa. She stated that for the first Exodus House, they dealt with the same concerns then as they do now. She stated that the Exodus House has benefited the area, and even new homes are being built around the Exodus House. She stated that the disadvantage to the current Exodus House is that jobs are not available in the area. She stated that where they want to put the new home, there are advantages for work, bus routes and it would get the homeless people out of the abandoned building. She stated that the advantages outweigh the disadvantages of the new proposed location.

Brittany Rootharne, 11225 E 45th St., stated that after hearing all the concerns that the neighbors have, the concerns are happening all around them already. She stated that the Oxford Homes that are around this neighborhood are self-proclaimed and self-run, meaning that those living in the home create the rules for themselves. She stated that the Exodus House program is run by staff, is faith-based, and not an easy one to get into. She stated that if any rule is broken, clients are immediately taken out of the program and put in another place that is best for them. She stated that without this program, she would not have all the abilities to be a successful person in life. She stated that she is thankful for what they have done and said that this would be a great place to put CJAMM.

Brenetta Thierry, 2624 E. Newton St., stated that she had a lot of drug problem and was in a jail for 30% of her life. She stated that now she is changed and sober due to the program. She stated that she had tried many different programs but when she came to CJAMM, she was supported and helped to get clean. She stated those that truly want to change and go through the program will be a success story.

Breita Workman, 2624 E. Newton St., stated that she had been incarcerated for five and a half years, and Exodus House came to her rescue. She stated that with the strict rules that are in place, she was able to separate herself from drugs and alcohol. She stated that going to prison was easy but going through rehabilitation is where the rubber meets the road. She stated that now she works with others to help rehabilitate them and to give them a better future.

Ms. Radney asked Mr. Dobbs to clarify those who will be there as staff. Mr. Dobbs stated that there will be four staff members who live there but there will be always someone who is on call there 24/7. He stated that there are other staff members such as a drug and alcohol counselor, the faith coach and others that come once a week to help those in the program.

Ms. Radney asked if those in the program are court ordered. Mr. Dobbs stated that the many of the people that are in the program must report to the court on a routine basis, but they are not forced to be there.

Ms. Radney asked how many residents would be in the building at one time. Mr. Dobbs stated that initially they did not know how many residents would be in the building, but they sent the blueprints out to someone that does space planning, and they were told that 30 people would be a perfect number. He stated that they are not looking to double or triple the amount of people as some residents stated that they would.

Mr. Barrientos asked if the program accepts sex offenders, and Mr. Dobbs responded that they do not.

Mr. Reynolds stated that the way the property is laid out is perfect for a transitional living program such as the one being presented. He stated that there is one wing where the women would be and where a woman counselor would live, as well as another wing in the property where the men would be, and a male counselor would be there. He stated that once the fence is put up, there will be sufficient buffers to stop people from trespassing. He stated that the residents will have to have a job, and they will attend church and meetings that are set up by the program. He stated that they will have to do community service and there will also be strictly enforced curfews. He stated that this location would give opportunities to the residents to have easier access to jobs.

Comments and Questions

Mr. Wallace stated that he is certain that everyone in the room has been affected by someone who was addicted or has been incarcerated. He stated that there is a problem with those being released, he said that he commends the work that CJAMM is doing, which is needed. He stated that with the 50% fail rate is something that he is struggling with because he understands that when someone is addicted, it is hard to overcome. He stated that he struggles as a parent and as a Tulsan within proximity to the school. He stated that there are no sidewalks to get to the bus stations, and because of those factors, he will vote no.

Ms. Stauffer stated that they are talking about property that has been vacant for two years with homeless people living at the property and with the businesses dealing with people walking through their property. She stated that on the one hand having the property being used would help what is going on, and on the other hand, she struggles with the proximity to the school.

Mr. Barrientos stated that as a real estate broker, the properties surrounding this location will be affected by having a transitional living center. He stated that he understands that it is something that is needed, but he is struggling with it being injurious to the neighborhood, and detrimental to the public welfare. He stated that he appreciates everyone giving their opinion, but he will vote no.

Ms. Radney stated that she is not a strong no, because the facility is going to be hard to repurpose. She stated that she does not see it as being injurious to the neighborhood, adding that she that she understands the crime rate, but that is out of the scope of the board.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 3-1-0 (Wallace, Barrientos, Stauffer, "ayes"; Radney "nays"; no "abstentions"; Bond "absent") to **Deny** the request for a Special Exception to permit a Residential Treatment Center/ Transitional Living Center Use in an RS-3 District (Table 5.020, Table 5-2), for the following property:

BEG NWC SW TH E620.64 SW349.40 SW479.64 W104.88 N646.57 POB LESS BEG NWC SW TH S646.57 E60 N5 W10 N125 W5 N311.57 W10 N205 W35 POB & LESS BEG 45E & 250S NWC NW SW TH E332.21 SW.89 SW479.64 W44.88 N5 W10 N125 W5 N266.57 POB SEC 36 19 13 2.65ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23550 - Cyntergy/ Linda Waytula

Action Requested: Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) **Location:** NE/c of S. Braden Ave. and E. 51st St. S. **(CD 5)**

Board Action:

On **MOTION** of **Stauffer**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Continue** the request for a Variance to allow drive-through facilities to be located on the street-facing side of the property (Sec. 55.100-C.2) to the September 12th meeting, for the following property:

*PRT LTS 17 & 18 BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB; LTS 17 & 18 LESS
PRT BEG SWC LT 18 TH N22.41 SE19.60 SE216.56 E69.07 S7.42 W304.50 POB, CANFIELD SUB CITY OF
TULSA, TULSA COUNTY, STATE OF OKLAHOMA*

23553 – Joe Kesterson

Action Requested: Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b)

Location: 505 E. 2nd St. (CD 1)

Presentation

Joe Kesterson, 1225 N. Lansing Ave., stated that he is an agent for the sign company and is representing the property owner. He stated that he has brought some more information to the board that was requested. He stated that they are asking for a variance for the allowable square footage for the rooftop sign, adding that the property owner wants to put the sign in the middle of the building because it will be the central location to where there will be meetings and a place for the community to gather. He stated that in the previous meeting, the hardship was considered by the board as self-imposed, but he reiterated that with them putting the sign in the middle of the courtyard area, it creates a central space and an open-air feeling. He stated that they are requesting a 643 square foot sign, and that even though the sign seems like it is large, when put up on the building it looks small. He stated that when coming down 2nd St., which is a one-way street heading east, the signage according to the exhibit given is blocked by the other buildings until people get closer to the building.

Ms. Radney asked what the hardship would be to approve the variance.

Mr. Kesterson stated that the best location for the sign to be on is the middle building, which he agreed is somewhat self-imposed. He stated that the code allows for a 500 square-foot sign on each building, which would be more of an eyesore and the owner of the building only wants one rooftop sign. He stated that also they are limited in visibility because of the one-way street. He stated that if they conform to the zoning code, it is going to be hard to see from any direction.

Comments and Questions

Ms. Radney stated that she is willing to support it because of the uniqueness of the downtown context, being in the central business district, and placemaking aspects.

Mr. Wallace stated that he agreed with what Ms. Radney said. He stated that the sign is more of an architectural element than just a sign, but he said it is classified as a sign. He asked the applicant to please explain the reason for the letters being 6 feet, 9 inches tall rather than 5 feet, 9 inches tall, which would meet code. He stated that in the example drawings that were given, to the untrained eye there is not much difference in visibility.

Mr. Kesterson stated that in signage the first they that is looked at is visibility from distance, and the generally held belief is that one inch in height is 50 feet in a viewable sense. He stated that if the sign is shrunk by 15 inches, when multiplied by 50 feet, the loss of visibility is 750 feet.

Ms. Radney stated that she drove the site, and if the sign was put in the middle of the building it would not be intrusive. She stated that she would be inclined to support it.

Mr. Barrientos stated that he is not opposed to it, either.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-0-1 (Radney, Wallace, Barrientos, “ayes”; no “nays”; Stauffer “abstentions”; Bond “absent”) to **Approve** the request of a Variance to allow a roof sign to exceed 500 square feet in area (Sec. 60.080-B.5b) per the conceptual plans shown on 4.11-4.15 of the agenda packet and the additional exhibits given by the applicant, finding the hardship to be the building setback to create a public space, and the sign contributes architecturally to the downtown skyline.

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:

ALL BLKS 84 & 85 & ALL VAC ALLEYS THEREIN & ALL ST ROW OF FRANKLIN AVE THEREIN LESS LTS 6 & 7 & N20 LT 5 & LESS W80 LT 1 & W80 N70 LT 2 BLK 85 & LESS ALL LTS 1 -3 & 8 & VAC ALLEY THEREIN & PRT LTS 4 - 7 BEG NEC LT 1 TH SE300 SW211.39 NW29.34 NE5.80 N, TULSA ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23556 – Farron Hollabaugh

Action Requested: Special Exception to increase the allowed fence height of 8 feet inside a building setback (Sec. 45.080-A) **Location:** 4835 S. 83rd E. Ave. **(CD 7)**

Presentation

Farron Hollabaugh, 4835 S. 83rd E. Ave., stated that the existing fence sits on top of a one-foot, six-inch storm water retention wall that extends from the north and south end of the property. He stated that when he went to apply to put a new fence in, he told the permit department that he wanted the fence to be the same as it is which was put in, in 2009. He stated that he spoke to all the neighbors surrounding the property and they were all okay with them putting a new fence. He stated that currently the fence with the retaining wall is nine feet, six inches, and all he wants to do is remove the old pickets and replace it with metal fencing. He stated that he did not think it would be a problem, so he bought all the material to replace it, and added that he would appreciate the board allowing him to replace the dilapidated material with the material that he has bought.

Ms. Radney stated that they received a letter from Daniel Nickels regarding the requirements for tree planting on the fence line. She asked if Mr. Hollabaugh was familiar with the letter.

Mr. Hollabaugh stated that he is not familiar with the letter, but he does know Mr. Nickels and when he spoke to him, he had wanted them to replace the wood picket with wood picket instead of metal fencing. He stated that the material has already been approved and they have already bought the fence.

Mr. Wallace asked if they were only changing out the fence. Mr. Hollabaugh stated that they are taking off the wood picket and replacing it with a metal fence.

Mr. Wallace asked if the barbed wire would remain on top of the fence.

Mr. Hollabaugh stated that he would like it to remain because of all the expensive equipment that they have, which has been stolen in the past.

Comments and Questions

Ms. Radney stated that she does not have an objection to the height, but she is not happy with the razor wire that the applicant is also wanting to put on, since it adds additional height to the fence.

Mr. Chapman stated that according to his knowledge he does not believe that if the applicant goes to the permit department to request barbed wire, they are going to tell him no unless it is for the height.

Mr. Wallace asked if the barbed wire would be a part of the fence. Mr. Chapman stated that it would be a part of the fence. He stated that if the board was going to approve the special exception, he would encourage them to state in the motion that they are either approving the additional height for the barbed wire or not. He stated that if it was approved per plan, it would not include the barbed wire.

Ms. Radney asked if it was allowed by right. Mr. Chapman stated that it is allowed by right because it is zoned industrial.

Mr. Hollabaugh asked the board if the height of the barbed wire was the reason why they were having an issue with it. Mr. Wallace stated that it is because of the height.

Ms. Radney stated that the applicant would get a stronger decision if what was in front of them was exactly what he wanted. She stated that if they approve the application as it stands, it will not include the barbed wire.

Mr. Hollabaugh stated that he would like to have the special exception so he can put in the fence at the height that he wants and then he will worry about the barbed wire later.

Mr. Barrientos stated that he would approve of what is being brought before them without the barbed wire.

Ms. Radney stated that the board should approve it in the manner that the applicant wants to build it.

Ms. Stauffer stated that she would approve of the height of the fence as presented.

Mr. Barrientos stated that they are not approving of the picture they are just approving of the height of the fence.

Mr. Chapman stated that he would not use the picture presented either but use the plans for the fence being at the height that he wants, which is page 5.8 of the agenda packet.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-1-0 (Wallace, Barrientos, Stauffer, “ayes”; Radney “nays”; no “abstentions”; Bond “absent”) to **Approve** the request for a Special Exception to increase the allowed fence height of 8 feet inside a building setback (Sec. 45.080-A) per the conceptual plans shown on page 5.8 of the agenda packet, limited to the materials per the drawing, for the following property

PRT PRT LT 4 BEG NWC LT 4 TH E277.29 S305 E354.25 S25 W634.55 N330 POB LT 3 BEG SECR THEREOF TH WLY381.47 NLY280 WLY250 NLY50 ELY631.99 SLY330 POB & PRT LT 4 BEG 277.29E NWC LT 4 TH E354.18 S305 W354.25 N305 POB BLK 1, SECOND RESEARCH & DEVELOPMENT CTR RESUB, City of Tulsa, Tulsa County, State of Oklahoma

23557 – Lou Reynolds

Action Requested: Special Exception to permit a library in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3)

Location: 1110 E. 45th Pl. S. (CD 9)

Presentation

Lou Reynolds, 2727 E. 21st St., stated that he is representing the Tulsa City-County Library. He stated that the property is 9 acres, but the library will be on 3 acres of the southwest corner. He stated that they are requesting a variance to reduce the required setback to 15 feet because there is a 10-foot concrete storm vault running through the school's property in the easement. He mentioned that the walking trail right next to the property will not be removed, but the fence will be relocated so those walking can stop by the library. He stated that on 46th, there is a road that is like an alley, but it is a public way that will be used as entrance for those to drop off a book. He described that on the corner there will be dumpsters, and a bookmobile that will enter and exit the property. He indicated that on the corner there will also be a large amount of landscaping between the street and the trail sidewalk, and that most of the traffic will be coming in on the north side of the property. He stated that the hardship for the variance is that there is a 10-foot concrete storm sewer that crosses the property which does not allow them to get the building any closer to it, saying that is why they want the setback to be 15 feet instead of 25 feet.

Ms. Radney asked if the building was placed in such a way because of the easement that runs through the property.

Mr. Reynolds stated that is exactly why they placed it in such a way, and there was no other way to move the building.

Ms. Stauffer stated that they received several emails regarding the green space.

Mr. Reynolds stated that the property is school property and not a park. He stated that he is sure that people have played in that area, but it is not a green space or open space. He stated that this would be a perfect location for TPS, and a great partnership since it is their property.

Ms. Stauffer asked if they would be taking away all the fenced green space.

Mr. Reynolds stated that they would not be taking away all the fenced green space, and that they have worked very hard with their architects and landscape team to preserve and be respectful to the green space.

Interested Parties

Kelsey Royce, 336 E. 45th Ct., stated that she is speaking in opposition to the library, and that there were others from her neighborhood that were also going to speak but they left since the meeting had already gone on for five hours. She continued, describing her neighborhood as a working-class community and said the needed community engagement has not happened. She confirmed with the board that the emails that had been sent by the neighborhood have been seen by the board members.

The board members stated that they had received and read emails from the neighborhood.

Ms. Royce stated that in the emails there were pictures that contradicted the traffic flow that Mr. Reynolds stated that there would not be. She stated that there is a significant amount of traffic along Madison Pl. in the afternoons. She stated that the applicant did not picture that putting this project where he wants it to be would create a blind curb on 46th. She stated that special exception and the variance are not in harmony with the spirit and intent of the zoning code, and that approval by the board would be injurious and harmful to public welfare. She stated that paving 3 acres of open space is deeply concerning for her and her neighborhood, and that putting a lot of asphalt will create a localized heat dome. She stated that they were without power for eight days after the Father's Day storm, and the heat was unbearable. She stated that if the board approves the project, then they need to realize what impact these 3 acres of

asphalt will have. She stated that on 46th, there will be a blind curb and there is a lot of traffic that goes through there.

Mr. Wallace stated that he wanted to clarify that traffic control is out of their purview. He stated that if it is truly an issue then it will be handled outside of the board.

Ms. Royce stated that she would like to reiterate that she supports the library but that it does not belong in the middle of the neighborhood.

Ms. Radney asked how many people she was speaking on behalf of.

Ms. Royce stated that there was one person that was with her that left the meeting, but the neighborhood has been meeting to discuss the matter.

Mr. Reynolds stated in the site plan, the project does not create a blind curb. He stated that they respectfully addressed the street grid by coming in into the property off the street grid. He stated that they will not be causing any more traffic, but they have opened the area where it was all fenced in. He asked the board to approve it as it is currently planned.

Comments and Questions

Ms. Radney stated that the board should address both items separately to get an understanding of where everyone is coming from.

Mr. Wallace stated that he understands the variance because of the storm drain that runs through the property. He stated that by just stepping back and looking at the project it is great to see the school and the library working together in this manner. He stated that it is unfortunate for the code requirements for parking, but he said that it is not something that they can handle. He stated that he heard the comments about the asphalt being a heat island, but the board has no control over that. He stated that the library would be a great benefit to the neighborhood and the school.

Ms. Stauffer stated that she agreed with both things that Mr. Wallace stated.

Ms. Radney stated that she inclined to support as well and she appreciated the concerns of the neighborhood.

Mr. Barrientos pointed out that the legal description for the special exception included the school building plus the library.

Mr. Chapman stated that if the motion approves the special exception per the conceptual site plan, the special exception will only apply to the library and if in the future they want to expand, they would have to come back to the Board.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 3-0-1 (Stauffer, Barrientos, Wallace, "ayes"; no "nays"; Radney "abstentions"; Bond "absent") to **Approve** the request for a Special Exception to permit a Library in an RS-3 District (Table 5.020, Table 5-2, Table 5-2.5) per the conceptual plans shown on page 6.10-6.16 of the Agenda Packet; and a Variance to reduce the required 25-foot street setback in an RS-3 District (Sec. 5.030-A, Table 5-3), finding the hardship to be the easement that runs across the property per the conceptual plans shown on page 6.10-6.16 of the agenda packet.

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

- a. *That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

- b. *That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- c. *That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, 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 located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: The East 995 feet of the South 474 feet of the Annie May Grant Tract "B" of the L.J.F. Rooney Survey of Annie May Grant (nee Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30 T-19-N, R-13- E; and the East 995 feet of the Annie May Grant Tract "C" of the L.J.F. Rooney Survey of Annie May Grant (nee Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30, T-19-N, R-13-E, LESS a tract of ground in the Southwest corner of the Annie May Grant "C" Tract (which is part of the N/2 of NE/4 of SE/4 of 25-19-12) specifically described as: Beginning at a point in the center of Section line on the East side of said Section 25 at the Southeast corner of the Annie May Grant "C" Tract, according to the recorded plat and running thence North in the center of said Section line along the East boundary of said Section 25 a distance of 160 feet, thence due West and parallel with the South boundary line of said Section 25 a distance of 170 feet, thence South and parallel with the East boundary line of said Section 25 a distance of 160 feet, thence East along the South boundary line of said Annie May Grant "C" Tract a distance of 170 feet to the Point of Beginning.

NEW APPLICATIONS

23554 – Metroplex Realty LLC

Action Requested: Special Exception to permit Outdoor Assembly & Entertainment use (Food Truck Park) in the MX2-U-35 District (Sec.10.020, Table 10-2) **Location:** 52 N. Delaware Ave. E. **(CD 3)**

Presentation

Paul Murod, 624 S. Boston Ave., stated that is speaking on behalf of Metroplex Realty to request a special exception to permit an outdoor assembly and entertainment use. He stated that they have already gone through the process of getting the area rezoned, so this is the last step that needs to take place for them to start. He stated that they have had a lot of support from people around the neighborhood and from other similar businesses. He stated that the idea behind the project is for those living around the neighborhood to be able to just walk to a food truck and get fresh food. He stated that the TU campus is located close to this property, so those going to college would be able to enjoy these benefits. He stated that many cities around the country do this kind of use and it has been a help to the neighborhood and businesses. He stated that this is a short-term idea, and in the future, they are wanting to build affordable housing when the market goes down.

Ms. Radney asked if a 3- or 5-year agreement would be enough time to allow the special exception.

Mr. Murod stated that he would be okay if it was necessary to put a time limit on the special exception; he just does not know when pricing and affordability will go down.

Comments and Questions

Ms. Radney stated that it a unique use and she is in favor of it. She stated that it is something that is more common now around the area. She stated that she would like to put an expiration date, that way it would give the neighbors a chance to weigh in to see if it is a good fit.

Mr. Wallace stated that just because the board sets an expiration date does not mean it has to stop, but it allows for the applicant to come back and explain that everything is going well. He stated since he has been on the board he has not seen where an application is denied an extension.

Ms. Radney stated that she would be inclined to allow it for five years. She stated that the area is a highly trafficked intersection, and she would feel comfortable knowing that it is a good fit for the tight space.

Ms. Stauffer stated that she agreed to allowing it for five years.

Mr. Barrientos stated that he would like to see it for more than five years.

Mr. Wallace stated that he would be open to time frames.

Mr. Barrientos stated that he is fine with five years, but he was inclined to have it pushed out to 10 years.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Approve** the request for a Special Exception to permit Outdoor Assembly & Entertainment use (Food Truck Park) in the MX2-U-35 District (Sec.10.020, Table 10-2), per the conceptual plans shown on page 7.8 of the agenda packet, limited to 5 years, for the following property:

LT 1, OZARKA PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23559 – Justin DeBruin, Wallace Design Collective

Action Requested: Special Exception to amend a previously approved site plan for a Religious Assembly Use in an IL District (15.020, Table 15-2; Sec. 70.120) **Location:** 1003 N. 129th E. Ave. **(CD 3)**

Presentation

Justin DeBruin, 4912 E. El Paso St., stated that they are looking to receive a special exception for the Church on the Move because any changes made to the site plan require the applicant to come before the board. He stated that they are proposing an 8,000 square foot lobby expansion, and that it does not conflict with any setback or zoning.

Ms. Radney asked if the revised master plan is found in exhibit 8.6.

Mr. DeBruin stated that is correct, and that everything else is staying the same, just that they are doing a lobby expansion.

Comments and Questions

Mr. Wallace stated that he does not see any issues with the special exception.

Mr. Barrientos stated that he does not have any issues with the request.

Board Action:

On **MOTION** of **Wallace**, the Board voted 3-0-1 (Wallace, Barrientos, Radney “ayes”; no “nays”; Stauffer “abstentions”; Bond “absent”) to **Approve** the request for a Special Exception to amend a previously approved site plan for a Religious Assembly Use in an IL District (15.020, Table 15-2; Sec. 70.120), per the conceptual plans shown on page 8.6 of the agenda packet, for the following property:

LT 1 BLK 1 LESS BEG NWC THEREOF TH E55 S100 S54.86 W55 N54.92 N100.05 POB, CHURCH ON THE MOVE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23560 – Ignacio Becerra

Action Requested: Special Exception to permit a carport in the street setback and yard with modifications to the allowable height, width, and setback requirements (Sec. 90.090-C1)

Location: 6747 E. Independence Pl. N. (CD 3)

Presentation:

Ignacio Becerra, 6747 E. Independence Pl., (speaking through an interpreter) stated that he is helping the property owner with the paperwork to request a special exception for a carport that is already built without any permits.

Jonathan Nunez, 6747 E. Independence Pl., stated that he is the property owner requesting the special exception to allow the carport that has already been built. He stated that he and his parents did not know about getting any permits until the city came by and told them to stop working on the carport.

Ms. Radney asked the property owner to explain why they want to build a carport that exceeds the allowed space. Mr. Nunez stated that out of ignorance they accepted what the contractors told them would look good.

Mr. Barrientos asked if they were going to extend the driveway since the carport looks like it would fit 2 to 3 cars under it. Mr. Nunez stated that was the goal for the future.

Mr. Wallace asked how much the carport exceeded the dimensions of what the zoning code allowed. Ms. Stauffer stated that it exceeded the dimensions by 8 feet.

Ms. Randey asked if they had a drawing of what the carport would look like if it met the requirements of the zoning code. Mr. Becerra stated that they do not have them right now, but they do have plans that have been corrected.

Mr. Barrientos asked if they have spoken to any of the neighbors. Mr. Nunez stated that they have spoken to the neighbor next door, and he was okay with it until they started building it.

Interested Parties

CJ Anderson, 6768 E. Independence Pl., stated that the carport is very nice, but it is just too big. He stated that it covers most of the front of the house and goes over the property line. He stated that there are similar styles built in the neighborhood, but they are not this large. He stated that that is happy with the look of the carport, but it is just too big. He stated that he has no objection to a carport.

Comments and Questions

Ms. Stauffer stated that she is all for granting the special exception that meets the zoning code.

Ms. Radney stated that she would be willing to give a special exception for a carport to exceed the standard zoning code in one dimension but not all three.

Mr. Chapman stated that if they are wanting to grant the special exception with them meeting the zoning code, then they could grant that, but if the applicant is wanting to make changes and have it exceed what the code requires, then he would request for the board to continue the matter and ask for the plans.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Barrientos, Stauffer, Radney “ayes”, no “nays”; no “abstentions”; Bond “absent”) to **Continue** the request for a Special Exception to permit a carport in the street setback and yard with modifications to the allowable height, width, and setback requirements (Sec. 90.090-C1) to the September 12th meeting, for the following property:

LT 27 BLK 14, VAL-CHARLES ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23561 – Tom Neal

Action Requested: Special Exception to increase the maximum driveway width in a residential district (Sec. 55.090-F.3) **Location:** 3919 S. Atlanta Pl. E. **(CD 9)**

Presentation

Tom Neal, 2507 E. 11th Pl., stated that he is coming to the board to ask for forgiveness on behalf of the residents at the property. He stated that the contractor poured concrete without a permit or approval, and that the driveway should not have been more than 30 feet wide. He stated that what has already been poured is 32 feet.

Mr. Wallace wanted to confirm that it has already poured and the width of the driveway.

Mr. Neal stated that beginning at the street it is narrow and falls under the maximum width, but as it moves toward the porch, it is expanded to 32 feet.

Ms. Radney asked if the relief would be sufficient to be as drawn and as built.

Mr. Neal stated that would be sufficient.

Comments and Questions

Mr. Wallace stated that he is comfortable with approving as drawn and as built.

Ms. Stauffer stated that she agreed.

Board Action:

On **MOTION** of **Wallace**, the Board voted 4-0-0 (Wallace, Barrientos, Radney, Stauffer “ayes”; no “nays”; no “abstentions”; Bond “absent”) to **Approve** the request for a Special Exception to increase the maximum driveway width in a residential district (Sec. 55.090-F.3), per the conceptual plans shown on page 10.8 of the agenda packet, and as built, for the following property:

LT 10, BROADMOAR ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23562 – Lou Reynolds

Action Requested: Special Exception to permit a Freestanding Monopole Communications tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the tower from the adjoining AG zoned lot (Sec. 40.420-E.6.a) **Location:** 11211 S. Yale Ave. **(CD 8)**

Presentation

Nathalie Cornett, 2727 E. 21st St., stated that she is representing SBA Networks Services, who is requesting a special exception for a cell tower to be in the AG district, as well as to reduce a couple of the required setbacks. She stated that SBA has a current cell tower on the northwest corner, and that they would be relocating the tower into subject property. She indicated that the current cell tower is on tribal land and is not subject to the city's regulations. She stated that the lease for the cell tower has expired and that is why they are proposing to locate the cell tower on a City property owned by the Fire Department. She stated that the current cell tower is 180 feet tall with two tenants on it. She stated that the proposed tower will be 195 feet tall and will have 3 carriers on it. She stated that because it will be located on City property, emergency services will be able to place their communications lower on the tower. She stated that the required setback is 110% of the height from any abutting AG or residential properties, which would be 214 feet. She stated that they are requesting a reduction on the north and east boundaries, which would allow them to site the tower at the rear corner of the property. She stated that the modern towers collapse within themselves, so if they do fall it will not just tip over. She stated that the current cell tower is abutting residents' backyards, and that is because when it is on tribal land they do not have to follow any zoning rules. She stated that this cell tower, if approved, will be in the required setback of 214 feet. She stated that she has seen emails from the neighborhood concerning the effects of 5G or radio frequencies, but the board cannot base their opinions based on concerns of this matter.

Ms. Radney asked how long the lease will be for.

Ms. Cornett stated that she does not know the answer.

Roger Acebo, City of Tulsa, stated that he believes the lease will be for 25 years.

Interested Parties

Darrell Chissoe, 11010 S. Yale Ave., stated that he is the property owner of where SBA currently has the cell tower. He stated that they have had the tower there since 1997, and that at the time they put the cell tower where it is, there were no homes in that area. He stated that there are two tenants on the tower, but he welcomes more to come onto the cell tower. He stated that he feels as though SBA is wanting to move location for monetary gains. He stated that he is not for the special exception.

William Grimm, 110 W. 7th St., stated that he represents Mr. Brian Broach, the owner of the property immediately to the north of the proposed special exception. He stated that the property that he owns is a very valuable piece of property and believes that if a cell tower is placed there, it will tremendously hurt the value of the property.

Phylece Clare, 11111 S. Fulton Ave., stated that her property is very close to this proposed special exception. She stated that her biggest concern is the research that has been made about 5G network cell towers. She stated that studies show that there is great harm to those who are near a 5G cell tower. She stated that she is against having the cell tower in that location.

Brian Broach, 11242 S. Quebec Ave., stated that he is the owner of the 2.5 acres that abuts where the proposed cell tower will be located. He stated that not only will his property be affected by the cell tower but also the church and the neighborhood. He stated that the church sold him 5 acres of the land in 1990, and then he sold 2.5 acres in 1994 to the City of Tulsa where they are now wanting to put the cell tower. He stated that by putting the cell tower there, it will greatly affect the land value and deter people from purchasing property in that area.

Gereldine Kaster, 1719 W. El Paso Pl., stated her concerns are the harm that the cell towers can cause. She stated that the harm would not be physical but neurological harm. She stated that the homes that are

close to the proposed cell tower will not be far enough away from what is required. She stated that she is concerned about the firefighters that are going to be right next to the tower, as well as children living in the homes next to the cell tower.

Ms. Cornett stated that the cell tower that is on Mr. Chissoe's property will be removed and relocated on the City property. She stated that currently there are three cell towers in the area, but if the board grants the special exception, another tower will not be added but the one that belongs to SBA will be relocated. She stated that she wanted to clarify it for the board. She stated that Mr. Broach's property is in the comprehensive plan as going to be commercial property. She stated that if they were to rezone it as commercial property, there would be no setbacks for the cell tower. She stated that she also wanted to address the fall area of the cell tower, but she stated that if the cell tower were to fall it would fall within itself and be contained in the fence that it would be in. She stated that there are already five cell towers on City property, that the firefighters use, and it has been a great benefit for them.

Ms. Radney asked if the location that they have chosen is the best location.

Ms. Cornett stated that the location that they have chosen is the least injurious to all the properties.

Comments and Questions

Ms. Radney stated that the impact that a cell tower has for the adjacent property gives her pause.

Ms. Stauffer said that when reading the emails and hearing the comments, she was given the impression that this was going to be the only cell tower in the area. She stated that after looking at the exhibits that were given, she understood that there were already three cell towers in the area and that has totally changed her perspective on allowing the cell tower. She stated that the other towers are much closer to residents, and this tower in her eyes is not as injurious. She stated that there are many things built around the other towers, so she does not feel as though there will be a great impact on the adjacent property.

Mr. Wallace stated that there is not a good solution for cell towers because if they are put where everyone would like them to be then they could not be in range.

Ms. Radney asked the board if they had received enough information to vote on the matter.

Mr. Wallace stated he does not know what more information they would need.

Ms. Stauffer stated that she agreed. She stated that she would be inclined to support it.

Mr. Wallace stated that he would be inclined to support it.

Ms. Radney stated that the property is zoned AG and even though there is a comprehensive plan she still does not know what the uses will be. She stated that she couldn't get to the 25- to 30-year contract because again it is too underdeveloped.

Mr. Barrientos stated that he doesn't know what the neighbor on the north is going to be building and that he has seen enough real estate deals that if a property is close to a tower, it will be affected. He also mentioned that he has also seen high-tension power lines next to homes and the appraisers have issues with it.

Board Action:

On **MOTION** of **Stauffer**, the Board voted 2-2-0 (Wallace, Stauffer “ayes”; Barrientos, Radney “nays”; no “abstentions”; Bond “absent”) to **Approve** the request for a Special Exception to permit a Freestanding Monopole Communications tower in the AG District (Sec. 25.020-, Table 25-2) and to reduce the required setback of the Tower from the adjoining AG zoned lot (Sec. 40.420-E.6.a), per the conceptual plans shown on page 11.12 of the agenda packet, with suggested contract being 25 years. **Due to a lack of three affirmative votes, THE MOTION FAILED**, for the following property:

S/2 W/2 W/2 N/2 NW NW SEC 34 18 13 2.50ACS, LEXINGTON CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Other Business

New Business

Board Member Comments

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.

Date approved: 1-9-24

Chair: A. B. D.