

**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level**  
**One Technology Center**  
**Tuesday, September 26, 2023, 1:00 p.m.**

**Meeting No. 1324**

**Members Present**  
Bond, Chair  
Radney, Vice Chair  
Stauffer  
Barrientos  
Wallace

**Members Absent**

**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 September 21, 2023, at 11:38 a.m.

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Mr. Bond called the meeting to order at 1:04 p.m.

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**Unfinished Business**

**23557 – Lou Reynolds**

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

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

**(Item was approved on August 8th, 2023; the Board moved to reconsider item on September 12th, 2023)**

City Legal stated that the item has been placed on a temporary stay by the court, so it should be continued.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Bond, Stauffer, Wallace, Barrientos "ayes"; no "nays"; no "abstentions"; Radney "absent") to **Continue** the request for a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3) to the November 14th meeting or other orders from the district court.

**Property Description**

*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.*

## **23562 – Lou Reynolds**

**Action Requested:** Special Exception to permit a Freestanding Monopole Communications Tower in the AG District (Sec. 25.020-B, Table 25-2) and to reduce the required setback of the Tower from an adjoining AG zoned lot (Sec. 40.420-E.6.a)

**Location:** 11211 S. Yale Ave. (CD 8)

**(Motion to approve item failed on August 8th, 2023; the Board moved to reconsider item on September 12th, 2023)**

### **Presentation**

**Nathalie Cornett**, 2727 E. 21st St., she stated that she is representing SPA, the tower company, and that she is asking the board to reconsider the previous motion to deny the special exception. She stated that they will be relocating the cell tower on City of Tulsa property and that the tower will be 15 feet taller than the existing tower, at 195 feet tall, to add an additional service provider and allow the placement of the fire station emergency equipment. She stated that in the previous meeting she was unsure of how long the lease was going to be for, but she has confirmed it will be for 30 years. She stated that the relocation of the tower will be considerably far from residents unlike where the current cell tower is it. She stated that currently, the fire department's emergency equipment is on a tornado siren pole which is obstructed by trees, but with a relocation, the fire department will be able to have their equipment higher to have considerably better service.

Mr. Bond asked if the fire department has weighed in on the matter. Ms. Cornett stated that they have not spoken to her but there is someone from the City of Tulsa to weigh in on the matter.

**Thomas Chandler**, 175 E. 2nd St., building operations manager for the City of Tulsa, said that the fire department has no objection to placing the tower on the property, adding that it will improve reception and be a benefit to the City of Tulsa.

### **Interested Parties**

**William Grimm**, 110 W. 7th St., stated that he does not believe that it was legal for the board to reconsider the matter since it was already denied. He stated that if the tower is relocated, the fall area would cover 40% of the property to the north and would be detrimental to his client, who owns that property. He stated that there are already three towers in their area, and they do not need a fourth.

**Darrell Chissoe**, 11010 S. Yale Ave., stated that he is the owner of the property where SPA currently has their tower. He stated that he has worked with them for 26 years and he feels as though they want to move because of monetary reasons. He stated that they have a working cell tower and there is no reason to add another tower. He stated that there are currently 2 carriers on the tower but there could be 3 more added if they chose to do so. He stated that he is opposed to the relocation of the tower.

### **Rebuttal**

Ms. Cornett stated that there would not be four towers as mentioned by the interested party, only three. She stated that they have brought the reconsideration to the board legally since the zoning code allows for a reconsideration at either the same meeting it was denied or the very next meeting. Regarding the fall area, she stated that the cell tower is a monopole design and the tower collapses within itself.

Mr. Bond asked what would change if the cell tower was moved back further from the property on the north. Ms. Cornett stated that she does not feel as though it would mess with any capabilities, but she did not negotiate the lease and where the cell tower was set to be at. She stated that the height is critical for 5G operations to function correctly.

### **Interested Parties**

**Brian Broach**, 11242 S. Quebec Ave., stated that he is the owner of the property on the north of the proposed cell tower and that he is concerned about the fall area being on his property. He stated that he understands that it is a monopole tower, but he would like to see the tower moved further away from his property. He suggested that the best thing that they could do is leave the tower where it is located and increase the size of it instead of making it inconvenient for him and everyone else surrounding the

property. He stated that he feels if they put the tower in the proposed location, it will decrease the value of his property.

### **Rebuttal**

Ms. Cornett stated that while requesting a reduction in the setback she does not feel as though it would be affecting anyone's property surrounding the proposed tower. She stated that there is no evidence shown that a communications tower reduces the property's value in any way. She stated that the existing tower that is at the other location was there before all the homes were built, and people continue to buy those homes, and they are very expensive.

### **Comments and Questions**

Ms. Stauffer stated that she does not hear anything new that changes her mind, so she still is a yes.

Mr. Wallace stated that he heard some new information on why they are not able to move the cell tower and his answer is the same, he said he is still a yes.

Ms. Radney stated that will still not support the request, and that she does not think it is not in the realm of impossibility to move the tower further south to be less intrusive to the property to the north.

Mr. Barrientos stated that he also feels as though that the tower can be moved further south and if the applicant was willing to do that, he would be persuaded to say yes, but he stated that he is a no as it stands now.

Mr. Bond stated that that there are 11 factors to consider in passing these and a lot of them have to do with the impact the cell tower has on surrounding neighbors. He stated that the onus is on us to find the least impactful sort of thing to do, and he thought the least impactful would be for the applicant to move the tower back as far as possible [from the property to the north]. He indicated that he does not feel the proposed location is the best location, and he is a no as it stands but would consider voting to approve it if the tower was moved further south.

### **Board Action:**

On **MOTION** of **Barrientos**, the Board voted 3-2-0 (Bond, Barrientos, Radney "ayes"; Stauffer, Wallace "nays"; no "abstentions"; no "absent") to **Deny** 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 an adjoining AG zoned lot (Sec. 40.420-E.6.a).

### **Property Description**

*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*

**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. & E. 51st Street S. (CD 5)

**Presentation**

**Nathalie Cornett**, 2727 E. 21st St., stated that she is representing the owner to allow for a small portion of the drive-through facility to face the street. She explained that the property has no direct access to 51st St. because first there is not enough street frontage to add a curb cut based on the city traffic engineering standards. She also stated that the site's topography would create limitations and would affect the sanitary sewer flow. She stated that because of these access limitations, the pickup window would need to face Braden on the west side of the building. She stated that not being able to access the building on 51st St. is unique to the site because it is the only commercially zoned property at least a half a mile on 51st that does not have direct access to 51st St. She stated that also because it is on a corner lot, and they have two street frontages, it has resulted in hardship.

**Interested Parties**

**Linda Waytula**, 810 S. Cincinnati Ave., read a letter from Heidi Blackshaw with LynCo Properties who is the property manager of the apartments that are directly to North of the proposed facility in support of the facility.

**Comments and Questions**

Mr. Bond stated that he thinks the applicant has done the best job to design the property to be as least intrusive as possible and that he would support it.

Ms. Stauffer stated that she would support it.

Ms. Radney stated that she would disagree that the hardship exists because it is self-imposed. She indicated that she is not persuaded because it is the applicant's intention to install another drive-through restaurant to the east. She stated that on the presented plans, cross-traffic will be congested, and the circular pattern is odd. She stated that she is not in favor of the application in the proposed location.

**Board Action:**

On **MOTION** of **Stauffer**, the Board voted 4-1-0 (Wallace, Bond, Barrientos, Stauffer "ayes"; Radney "nays"; no "abstentions"; no "absent") to **Approve** 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) finding the hardship to be the inability to access the site on 51st St., per the conceptual plans shown on page 3.9 of the agenda packet.

*In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

**Property Description**

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

**23569 – Mark Capron**

**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:** SE/c of 21st St. S. & S. Vandalia (**CD 4**)

**Presentation**

**Mark Capron**, 123 N. M.L.K. Jr. Blvd., stated that there are several businesses in the area that have a drive-through facility that faces the street. He stated that they are unique because where they will be it is in a corner lot. He stated that a coffee shop can not be positioned with the stacking that occurs where a drive through window is not facing the street. He stated that with them receiving an approved variance it will be safer and more convenient for the customers coming to the shop. He stated that he does not believe that they are harming the area to the neighborhood but helping it. He stated that the concerns of the neighborhood concerning the drive onto Vandalia has been resolved with them closing of access to Vandalia.

**Interested Parties**

**Keilen Richardson**, 688 E. Millsap Rd., stated that there are two businesses that will be in the proposed area. He stated that one business is an a.m. service while the other is a p.m. service. He stated the intensity of traffic during certain hours would not affect either business. He stated that the flowability of the traffic will be smooth because of the different times that each business runs.

**Comments and Questions**

Ms. Radney stated that the concerns of the neighborhood have been addressed by the applicant. She stated that also the flow of traffic looks better than what was proposed at the last meeting.

Mr. Bond stated that he agreed with Ms. Radney.

Ms. Stauffer stated that she is thankful that the applicant has worked with the neighbors before they have brought it before the board.

Ms. Radney stated that previously she was completely against granting a variance because of what the traffic flow looked like previously. She stated that the traffic flow makes more sense to her now.

**Board Action:**

On **MOTION** of **Stauffer**, the Board voted 4-1-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; no “absent”) to **Approve** 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) finding the hardship to be the uniqueness of the property in regards to grading and building setback, per the conceptual plans shown on pages 4.30-4.31 of the agenda packet with intent to not have access on Vandalia.

*In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

**Property Description**

PRT BLK 1 & PRT VAC 21 PL BEG NWC BLK 1 TH E197.04 S5 E59.08 SE APR 24.42 S124.96 CRV RT 54.03 W104.54 S15.97 W135 N197.80 POB, MAYO MEADOW EXTENDED CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**23570 – Joel Collins**

**Action Requested:** **Action Requested:** Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A.); Variance to permit more than 30% coverage of the rear setback by Detached Accessory Buildings (Sec.90.090-C, Table 90-2); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

**Location:** 1616 S. Florence Ave. (CD 4)

**Presentation**

**Joel Collins**, 2626 S. Troost Ave., representing the owner of the property, stated that they are requesting the floor area to be 218 square feet larger than is allowed, and to reduce by 361 square feet the minimum 4,000 square feet of open space. He stated that the second request for coverage of the rear setback is no longer needed.

Mr. Bond asked if he had heard any comments from neighbors. Mr. Collins stated that he had not.

Mr. Barrientos asked what his hardship was. Mr. Collins stated that the detached homes that are in the neighborhood are not accommodating to current vehicles or any type of storage.

**Comments and Questions**

Mr. Bond, Ms. Stauffer, and Mr. Barrientos stated that they do not have any issues with granting the variance.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 5-0-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; no “absent”) to **Approve** the request for a Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A.); a Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3) finding the hardship to be the construction of the home and typology which predates the comprehensive plan, per the conceptual plans shown on page 5.9 of the agenda packet.

*In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

**Property Description**

LT 4 BLK 8, AVONDALE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Board member Radney entered the meeting at 1:28 p.m.

## **New Applications**

**23571 – Raul Cisneros**

**Action Requested:** Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

**Location:** 1732 S. Jamestown Ave. (CD 4)

### **Presentation**

**Jose Gomez**, 1732 S. Jamestown Ave., stated that he wants to build a duplex in the RS-3 district, following the zoning code requirement. He stated that there are about 10 or more existing duplexes on this street, so it is nothing out of the ordinary in the neighborhood.

Mr. Bond asked if he had heard any comments from the neighbors. Mr. Gomez stated that the neighbors have vocalized that they do not like seeing the change that is happening in their neighborhood.

### **Interested Parties**

**Carolyn Harris**, 1747 S. Knoxville Ave., stated that she will continue to oppose any variance or special exception in the RS-3 district. She stated that she has spoken to many of neighbors to see if they are going to stay in the neighborhood and they have told her no, because of the change that is evolving. She stated that she is unsure if they have any permit to work at the property since there is no posted permit sign. She stated that the duplex is an overbuild for the neighborhood.

**Barbara Nottingham**, 1634 S. Indianapolis Ave., stated that anything that is built affects everyone surrounding them. She stated that in the neighborhood there are 250 homes and 39 duplexes, that the neighborhood was intended for single families and seniors who wanted to downsize, and she would like to keep it that way. She stated that another duplex will be detrimental to the neighborhood, not beneficial.

### **Rebuttal**

Mr. Gomez stated that they do have a permit to work on property and added that he is trying to build more spaces for more families to live, while making them affordable. He stated that building duplexes is the way to make that happen. He stated that also in the neighborhood there are different designs and so what they would be building will not be out of the ordinary.

Ms. Stauffer asked how many two-stories are in the neighborhood. Mr. Gomez stated that there are about 40 to 60 in the neighborhood, which has a mixture of everything.

Mr. Barrientos asked how many bedrooms would be on each side. Mr. Gomez stated that each unit would include three bedrooms and two bathrooms.

### **Comments and Questions**

Ms. Stauffer stated that she is very sympathetic to the concerns of the neighbors, but she stated that she does not find the duplex to be injurious or detrimental to the neighborhood.

Mr. Wallace and Mr. Barrientos stated that they have no issues with the duplex.

### **Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-1 (Bond, Stauffer, Wallace, Barrientos “ayes”; no “nays”; Radney “abstention”; none “absent”) to **Approve** the request for a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) per the conceptual plans shown on pages 6.7-6.13 of the agenda packet.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

### **Property Description**

LT 14 BLK 1, SUNRISE TERRACE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**23572 – Atul Sood**

**Action Requested:** Special Exception to permit the alteration, expansion, or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D)

**Location:** 4216 S. 25th W. Ave. **(CD 2)**

**Board Action:**

On **MOTION** of **Stauffer**, the Board voted 5-0-0 (Bond, Stauffer, Wallace, Barrientos, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Continue** the request for a Special Exception to permit the alteration, expansion, or enlargement of a structure with an existing non-conforming street setback (Sec. 80.030-D) to the October 10th meeting.

**Property Description**

*LT 5 BLK 1 & E5 VAC ALLEY ADJ ON W, PARK ADDN - RED FORK CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA*

**23573 – Timothy Jay Roberts**

**Action Requested:** Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3)

**Location:** 1639 S. Carson Ave. (CD 4)

**Presentation**

**Tim Roberts**, 1639 S. Carson Ave., stated that he is requesting a detached house in the OM district and would like greater than the 0.50 maximum floor area ratio. He stated that the home was built long before the zoning code, and that there are several homes in the neighborhood that have detached homes with a floor area ratio of at least 1.0.

Mr. Bond asked if Mr. Roberts’s home was in a historic preservation overlay. Mr. Roberts stated that he is three homes away from the overlay.

Mr. Bond asked if he had heard anything from the neighbors about the request. Mr. Roberts stated that he just had a block party, and all those there were in favor.

**Comments and Questions**

Ms. Stauffer and Ms. Radney indicated their support for both requests.

**Board Action:**

On **MOTION** of **Wallace**, the Board voted 5-0-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Special Exception to permit a Detached House in the OM District (Sec. 15.020-H, Table 15-2.5); and a Variance to permit greater than 0.50 Maximum Floor Area Ratio (FAR) in the OM District (Sec. 15.030; Table 15-3), finding the hardship to be the existing property was platted before the current comprehensive zoning code, per the conceptual plans shown on page 8.8 of the agenda packet.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it 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: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

**Property Description**

N25 LT 14 S/2 LT 15 BLK 8, STONEBRAKER HGTS ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**23574 – Regina Dake**

**Action Requested:** Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5)

**Location:** 6330 N. Elwood Ave. **(CD 1)**

**Presentation**

**Regina Dake**, 2626 E. 15th St., stated that she wants to build a duplex on an empty lot that is zoned as single-family residential.

Mr. Bond asked if she has had a chance to talk to the neighbors in the neighborhood. Ms. Drake stated that she spoke to about 10 of them and they all stated that they were excited to have something there.

Mr. Bond asked if there would be any garages. Ms. Drake stated that there would not be any garages but there would be sheds in the back.

Ms. Radney asked how many parking spaces would be for each unit. Ms. Drake stated that there will be one space for each unit since it is just a one-bedroom unit.

Mr. Barrientos asked if there are any other duplexes in the neighborhood. Ms. Drake stated that there are none, but there are a lot of empty lots and boarded-up homes. She stated that it would bring some affordable living to the area.

**Comments and Questions**

Mr. Bond stated that he has no objection to the special exception.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 5-0-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) per the conceptual plans shown on pages 9.7-9.10 of the agenda packet.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

*LT 8 BK 5, NORTHGATE THIRD ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA*

**23575 – Nancy Gallimore & Lawanna Smith**

**Action Requested:** Special Exception to permit an Animal Boarding Facility in the CS District (Sec. 15.020, Table 15-2)

**Location:** 5331 E. 41st St. (CD 5)

**Presentation**

**Nancy Gallimore**, 5331 E. 41st St., stated she that she began her company in 2005 in a smaller location, that the company did very well and so they moved in 2009 to get more space. She explained that the property owner at the time told her that all the zoning was in place to start her business. She stated that they have been boarding animals for 14 years under the impression that they were following the city code. She stated that they have now discovered that while the western portion of Southroads shopping center is zoned CH and allows for boarding services, the Southroads Village where their building is at is zoned CS. She stated that since it is zoned CS, they are required to request a special exception to do any type of animal boarding.

Mr. Wallace asked what triggered them to find out about the mistake. Ms. Gallimore stated that working on a lease renewal alerted them to the mistake.

**Interested Parties**

**Kier Mosso**, 8114 S. Memorial Dr., stated that when they acquired the property in 2012, they assumed that everything was in place. He explained that he thought it would be best to get the issue corrected while they are negating the lease to make sure nothing falls through. He stated that they have been good neighbors to those surrounding the area and have a proven track record, and asked that the board members would consider approving the special exception.

**Comments and Questions**

Mr. Bond and Mr. Barrientos stated that they do not have any issues. Mr. Wallace stated that his dog has spent some time at this boarding facility. He stated that he does not have any issues. Ms. Stauffer stated that they have boarded a dog here as well but does not impair her judgment. She expressed appreciation that the applicants brought the matter before the board when they discovered the mistake.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Special Exception to permit an Animal Boarding Facility in the CS District (Sec. 15.020, Table 15-2) per the conceptual plans shown on page 10.7 of the agenda packet.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

BEG 466.41W & 455.58N OF SECR SE SW TH N364 W300 S364 E300 POB SEC 22 19 13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**23576 – Little Gurus Steam Academy**

**Action Requested:** Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E)

**Location:** 1020 N. Peoria Ave. (CD 1)

**Presentation**

**Stuart McDaniel**, 827 N. Madison Ave., stated that he is the property owner and co-owner of the business. He explained that the building had a projecting sign in the same proposed location a few years ago, but the previous owner took the sign as a souvenir. He stated that there is no other location to place the sign since it is a small area. He stated that they have everything needed to connect the sign because of the previous sign that was there.

Mr. Bond asked if there have been any issues from the neighborhood concerning the sign. Mr. McDaniel stated that they own 300 properties in the neighborhood, so they are the largest neighbor, and that everyone in the area is in support of the sign.

**Comments and Questions**

Mr. Bond stated that he has no issues with the special exception.

Ms. Stauffer stated that the sign looks great and is in character with neighborhood.

Ms. Radney stated that she thinks the sign looks great.

**Board Action:**

On **MOTION** of **Stauffer**, the Board voted 5-0-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Special Exception to permit a sign in the right-of-way or planned right-of-way (60.020-E) per the conceptual plans shown on the additional exhibits of the agenda packet.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

LT 27, BULLETTE SECOND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**23577 – Tim Sprik-Sprik Properties, LLC**

**Action Requested:** Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3); Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3)

**Location:** 1517 E. 39th St. (CD 9)

**Presentation**

**Tim Sprik**, 10603 S. Richmond Ave., explained that he is requesting a reduction in the setback and the open space requirement. He stated that that information that he received when he bought the property was that it had a 15-foot setback, but the zoning code states that it is a 25-foot setback, which greatly reduces the buildable space on the lot. He explained that to keep the house in the same price point and in the same caliber as others nearby, he would need more space to build. He stated that the property on the west is 17 feet from the setback line, which is close to the 16-foot setback he is requesting. He stated that on the property to the east they are 21 feet from the setback. Regarding the open space requirement, he requested that it be reduced to 3,500 instead of 4,000 feet.

Mr. Bond asked if there have been any concerns from the neighbors. Mr. Sprik stated that it is the only house that will face 39th St. and so no other home will be built like the one is going to build.

**Interested Parties**

**Brian Auge**, 3849 S. Rockford Ave., stated that he is located west of the property and that they are unaware of the setbacks that the home was built on. He explained that the builder never came through the neighborhood to ask about the building and that he should have come through the neighborhood to ask the opinions of those living close to the proposed build. He said that it seems the hinderance of the setback was known before the builder bought the property but still chose to buy, so it should not be granted. He stated that the edge of the driveway where the garage is being proposed is right up against his fence and that there is a runoff drain that would affect his home.

**Laura Collins**, 3903 S. Rockford Ave., stated that she is southwest of the proposed home being built, and that this would be the only house that would facing 39th St. because it will be on half of a lot. She stated that the owner of the property has done a lot split and is trying to sell both pieces of land. She said the builder has less building space because he is only working with half of the full lot, and that she was not contacted by the builder to see what her opinion was.

Mr. Bond stated that there are notice requirements that are sent out to the homes within a certain proximity of the proposed home, but the builder does not have to speak to anyone directly. He stated that the board likes to see when an applicant does but they are not required to.

**Vera Auge**, 3849 S. Rockford Ave., stated that they paid \$870,000 for their retirement home and she feels as though this will greatly affect the value of their home. She stated that the home that is being proposed is very large for the size of the lot, and that she is concerned about the runoff that the home will create since the proposed home is elevated on hill. She asked the board to ask the builder if he had closed the deal or if he was still in the process of buying the lot.

**Rebuttal**

Mr. Sprik stated that he does not understand why Mr. & Mrs. Auge are concerned about the size of the home that he is proposing when their home is over 4,100 square feet and the size of the home that he is proposing has not been determined yet. He stated that the first-floor plan that will be proposed will be no more than 2,000 square feet. He stated that the quality of the home that he will be building will be just as nice if not nicer than the home that they just purchased and will not bring down his value.

Mr. Bond asked what the hardship is. Mr. Sprik responded that the hardship is the size of the lot and trying to build the same caliber of house comparable to the others.

Ms. Radney asked if the purchase has been closed. Mr. Sprik stated that they will be closing in 2 days.

### **Comments and Questions**

Mr. Barrientos stated that if the proposed home is built, it will alter the essential character of the neighborhood, and indicated his opposition to the request.

Mr. Bond stated that he is torn on the situation because the lot split was granted by the city and so something will go in each lot. He stated that whether the home that is being built is in character to the neighborhood is the question. He stated that he is on the fence.

Ms. Stauffer stated that she is against the lot splits and cramming large homes on small lots. She stated that it is not what is before them, but with the setback being so far back it would alter the character especially with it being the only home that is facing 39th St. She stated that it already has been approved to a point by the city, so it is hard for her to know what to think.

Ms. Radney stated that she is inclined to support one of the variances but not both. She stated that she would be inclined to support the front setback but not reducing the open minimum space.

Ms. Stauffer and Mr. Bond stated that they would be inclined to support the front setback as well.

### **Board Action:**

On **MOTION of Radney**, the Board voted 4-1-0 (Wallace, Bond, Stauffer, Radney “ayes”; Barrientos “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3), finding the hardship to be that the existing lot exists as a singularity in the neighborhood as the only property facing 39th St. and the reduction in the street setback would be the minimum relief that would be required to build property that would be consistent with adjoining properties, per the conceptual plans shown on page 12.9 of the agenda packet.

On **MOTION of Radney**, the Board voted 3-2-0 (Barrientos, Stauffer, Radney “ayes”; Wallace, Bond “nays”; no “abstentions”; none “absent”) to **Deny** the request for a Variance to reduce the minimum open space requirement of 4,000 square feet in the RS-3 District (Sec. 5.030-A, Table 5-3).

*In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established: 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; that literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose; 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; that the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner; That the variance to be granted is the minimum variance that will afford relief; 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 that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.*

### **Property Description**

*PRT LT 8 BEG SWC LT 8 TH N87.61 E78.50 S86.13 W80.39 POB BLK 4, FOREST RIDGE ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA*

**23578 – Meenakshi Krishnasamy**

**Action Requested:** Special Exception to amend a previously approved site plan for a Religious Assembly Use in the AG District (25.020, Table 25-2; Sec. 70.120)

**Location:** 16943 E. 21st St. **(CD 6)**

**Presentation**

**Meenakshi Krishnasamy**, 1908 N. 7th St., stated that they have a Hindu temple on 21st St., which was built in 2004. He stated that the congregation has grown since then and they need a larger gathering area, explaining that they are planning to attach a 5,000 square foot event space to the temple.

Mr. Bond asked if there have been any concerns from the neighbors. Mr. Krishnasamy stated that there have not been any concerns that he knows of.

**Comments and Questions**

Mr. Bond and Ms. Stauffer stated that they have no issues with the special exception.

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Special Exception to amend a previously approved site plan for a Religious Assembly Use in the AG District (25.020, Table 25-2; Sec.70.120) per the conceptual plans shown on pages 13.5-13.7 of the agenda packet.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

*PRT W1/3 W/2 SE BEG SWC SE TH N2176.57 E440.83 S940 W390.90 S1236.62 W50 POB LESS S50 THEREOF FOR ST SEC 11 19 14 10.875ACS, TULSA COUNTY, STATE OF OKLAHOMA*

**23579 – Joe Medina**

**Action Requested:** Special Exception to increase the allowed fence height of four feet inside the street setback (Sec. 45.080-A)

**Location:** 6308 & 6320 S. Owasso Ave. **(CD 2)**

**Presentation**

**Alegandro Castro**, 9512 E. 78th Pl., stated that he bought the property six months ago, but they have had a lot of problems with theft, fires, and vandalism. He explained that they are attempting to completely remodel the property, but they need to keep the property safe.

Mr. Bond asked if the fence would be temporary or permanent. Mr. Castro stated that the fence would be permanent.

Ms. Radney asked if the fence that is being proposed will be closer to the units or closer to the street. Mr. Castro stated that it will be closer to the units.

Mr. Chapman stated that the applicants are proposing an 8-foot wrought iron fence.

**Comments and Questions**

Mr. Bond stated that he would be okay with the style of fence but maybe not the height.

Ms. Radney stated that she would approve of the special exception.

Mr. Wallace stated that he would probably be a no since it faces single family residences.

Ms. Stauffer stated that she would be a yes based on the style of fence.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 3-1-1 (Wallace, Bond, Barrientos, Stauffer, Radney “ayes”; Wallace “nays”; Barrientos “abstentions”; none “absent”) to **Approve** the request for a Special Exception to increase the allowed fence height of four feet inside the street setback (Sec. 45.080-A) per the conceptual plans shown on page 14.7 of the agenda packet, subject to the condition that the fence be no taller than eight feet and that the style be significantly consistent with the wrought iron fencing presented at the meeting.

*The Board finds that the special exception will be in harmony with the spirit and intent of the zoning code and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Property Description**

LT 2 BLK 4; LTS 3 4 5 6 & 7 BLK 4, SOUTH PEORIA GARDENS RESUB PRT TOWNE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Other Business**

**New Business**

**Board Member Comments**

Mr. Bond commented that there will be no tolerance for uncivil comments directed at staff or anyone else.

**Adjournment**

There being no further business, the meeting was adjourned at 3:12 p.m.

Date approved: 1-8-24

Chair: A. Bond