

**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level**  
**One Technology Center**  
**Tuesday, October 10, 2023, 1:00 p.m.**

**Meeting No. 1325**

**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 October 6, 2023, at 5:28 p.m.

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Mr. Bond called the meeting to order at 1:03 p.m.

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**Approval of Minutes**

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Stauffer, Barrientos, Bond "ayes", no "nays"; no "abstentions", Radney "absent") to **Approve the approval** of the **Minutes** of July 11, 2023 (Meeting No. 1319).

On **MOTION** of **Barrientos**, the Board voted 4-0-0 (Wallace, Stauffer, Barrientos, Bond "ayes", no "nays"; no "abstentions", Radney "absent") to **Approve the approval** of the **Minutes** of July 25, 2023 (Meeting No. 1320).

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Board member Radney entered the meeting at 1:08 p.m.

## **Unfinished Business**

### **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)

### **Presentation**

**Atul Sood**, 8522 E. 91st Pl., stated that the construction of the home is now in bad shape and has shifted. He explained that the home is unlivable now but if the special exception is granted, it will become a nice and livable home. He stated that currently the home is 1,100 square feet but will be 1,279 square feet.

Mr. Bond asked if he would be going out any further to the street. Mr. Sood stated that he will not be going out any further in the front.

Mr. Bond asked if he has spoken to any neighbors or interested parties. Mr. Sood stated that he has spoken to several people, and they are happy that the remodeling is happening.

### **Comments and Questions**

Mr. Bond, Mr. Wallace, and Mr. Barrientos stated that they do not have a problem with the application.

### **Board Action:**

On **MOTION** of **Barrientos**, the Board voted 5-0-0 (Bond, Stauffer, Wallace, Barrientos, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** 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) per the conceptual plans shown on pages 3.10-3.12 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 5 BLK 1 & E5 VAC ALLEY ADJ ON W, PARK ADDN - RED FORK CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## **New Applications**

### **23580 – Ryan Neurohr, Image Builders**

**Action Requested:** Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)

**Location:** 525 E. 46th St. N. **(CD 4)**

### **Board Action:**

On **MOTION** of **Barrientos**, 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 a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c); Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F) to the October 24th meeting.

### **Property Description**

*SW SE SW SEC 12 20 12, SUBURBAN ACRES THIRD ADDN, FAIRHILL 2ND ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA*

**23581 – Saul Pena**

**Action Requested:** Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in IM and CH Districts (Sec. 15.020, Table 15-2)

**Location:** 1150 S. Sheridan Rd. **(CD 5)**

**Presentation**

**Thao Mauricio**, 14242 E. 37th Pl., stated that the building was a skating ring, and the Certificate of Occupancy was for 490 people but since they want it to be an Assembly and Entertainment center, they need a special exception. She stated that they are just upgrading the building and adding a sprinkler system.

Mr. Bond asked if she has spoken to any neighbors about the change that they will be doing. Ms. Mauricio stated that a lot of them are commercial buildings, so they have not heard any issues arise.

Ms. Radney asked what the parking capacity is. Ms. Mauricio stated that there are 120 parking spaces in the front.

**Comments and Questions**

Mr. Bond stated that he does not have an issue with application, and he said that it is consistent with the neighborhood.

Mr. Wallace and Ms. Radney stated that they would be inclined to support it with a time limit placed on the approval.

Ms. Radney stated that she can support it by adding a 7-year limit.

**Board Action:**

On **MOTION** of **Radney**, the Board voted 5-0-0 (Bond, Stauffer, Wallace, Barrientos, Radney “ayes”; no “nays”; no “abstentions”; none “absent”) to **Approve** the request for a Special Exception to permit a Large Assembly and Entertainment Use (greater than 250-person capacity) in IM and CH Districts (Sec. 15.020, Table 15-2) per the conceptual plans shown on pages 5.7-5.8 of the agenda packet, subject to the condition that the approval will expire seven years after the time of its granting.

*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 255S & 50W NEC NE TH S375 W280 N375 E280 POB LESS BEG 50W AND 621.14S NEC NE NE TH S8.86 SW280.01 N11.33 NE280 POB SEC 10 19 13 2.345 ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA*

**23582 – Wallace Design Collective**

**Action Requested:** Special Exception to amend a previously approved site plan for a Country Club in an RS-1 District (Table 5.020, Table 5-2; Sec.70.120)

**Location:** 2636 E. 61st St. S. (CD 9)

**Board Action:**

On **MOTION** of **Barrientos**, the Board voted 4-0-1 (Bond, Stauffer, Barrientos, Radney “ayes”; no “nays”; Wallace “abstentions”; no “absent”) to **Continue** the request for a Special Exception to amend a previously approved site plan for a Country Club in an RS-1 District (Table 5.020, Table 5-2; Sec.70.120) to the October 24th meeting.

**Property Description**

*NE LESS 36.39AC & NW LESS 8.5AC & LESS 2.16AC FOR RD & LESS BEG 208.71N SWC NW TH N1704.80 E50 S1704.79 W50 TO POB SEC 5 18 13 268.793ACS*

### **23583 – Conner Van Holten**

**Action Requested:** Variance to permit a dynamic display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50 feet of a signalized intersection (Sec. 60.100-D)

**Location:** 924 S. Boulder Ave. (CD 4)

### **Presentation**

**Corey Taylor**, 924 S. Boulder Ave., stated that they are requesting a variance for a display sign. He stated that the sign will help elevate their business hosting concerts and large events.

Mr. Bond asked how big the sign was going to be. Mr. Taylor stated that the sign will 51 feet by 4 feet.

Mr. Barrientos asked what the hardship was.

**Eric Sherburn**, 924 S. Boulder Ave., stated that it has been encouraged by the city to place dynamic signs on Route 66. He stated that the route stops 150 feet from their building, that they are on Route 66, and they deserve the same opportunity.

Mr. Chapman stated that he wanted to clarify that the Route 66 overlay excludes downtown, and explained that the zoning code specifically states that dynamic display signs are not allowed downtown.

Mr. Bond asked how many people they are expecting at the events. Mr. Taylor stated that they are expecting 1,200 people.

Ms. Stauffer asked what would be displayed on the sign. Mr. Taylor stated that they would be display upcoming concerts and current events that are happening.

Mr. Bond asked if they would be able to give directions for parking through the sign or, in case of an emergency, show ingress and egress. Mr. Taylor stated that they will be able to put whatever they need on the sign.

Ms. Radney stated that she has still not heard anything about the hardship and would like the applicant to expand on why the variance should be granted.

Mr. Taylor stated that with a smaller sign it would be hard to direct the crowds to know where they would need to go. He stated that since the building is very large, they need to proportion the sign accordingly.

### **Comments and Questions**

Mr. Bond stated that he would be inclined to support the sign.

Ms. Stauffer stated that she is inclined to support it. She stated that it fits the size of the building and with the neighbors being okay with the sign she can support it.

Mr. Barrientos stated that because the building is large the sign needs to be large as well. He stated that he is inclined to support it.

Ms. Radney stated that the hardship could be made that it is an unusual location in the way that building is sited as it relates to the street intersection. She stated that a long thin sign is less intrusive than a wide, large sign. She stated that she is inclined to support it.

### **Board Action:**

On **MOTION** of **Wallace**, the Board voted 3-1-1 (Wallace, Bond, Stauffer, Radney “ayes”; Barrientos “nays”; Wallace “abstentions”; none “absent”) to **Approve** the request for Variance to permit a dynamic display sign to exceed 48 square feet (Sec. 60.080-E); Variance to permit a dynamic display sign within 50 feet of a signalized intersection (Sec. 60.100-D), finding the hardship to be the unique shape and location of the site as well as it being in the CBD, per the conceptual plans shown on page 7.10 of the agenda packet, subject to the condition that the approved sign is not to exceed 227 square feet.

*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**

LTS 3 & 4 LESS ST BLK 192, TULSA-ORIGINAL TOWN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**Other Business**

**New Business**

**Board Member Comments**

**Adjournment**

There being no further business, the meeting was adjourned at 1:46 p.m.

Date approved: 12-12-23

Chair: 