



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1330

Tuesday, January 23, 2024, 1:00 p.m.

Tulsa City Council Chambers, 175 E. 2nd St., Tulsa, OK 74103

The notice and agenda of said meeting were posted in the City Clerk's office on January 18, 2024 at 11:14 a.m.

Members Present: Bond, Radney Stauffer, Wallace

Members Absent: Barrientos

Staff Present: Austin Chapman, Caleb Rocha, Audrey Blank

Speaker Key:

- (+) indicates a speaker generally supportive of an item;
- (-) indicates a speaker generally opposed to an item; and
- (=) indicates a speaker generally neutral or who has questions about an item.

Motions and actions require an affirmative vote of three members. When there is less than a full Board, the Board may consider a request to continue agenda items to a later meeting date.

After declaring a quorum present, Bond called the meeting to order at 1:09 p.m.

Unfinished Business

BOA-23557

Location: 1110 E. 45th Pl. S.

City Council District: 9

Applicant: Lou Reynolds

Action(s) 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)

(Item was approved on August 8th, 2023; the Board moved to reconsider item on September 12th, 2023; Board further continued item until 01/23/2024)

Presentation by Applicant

None

Speakers

None

Applicant Rebuttal

None

Board Comments

None

Board Action

Motion: Continue to the February 27th meeting.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: Barrientos

BOA-23603

Location: 2703 E. 41st St. N.

City Council District: 1

Applicant: Janet Espino

Action(s) Requested

Special Exception to permit a Manufactured Housing Unit in the AG zoning district. (Section 25.020-C; Table 25-1.5); Special Exception to allow the Manufactured Housing Unit permanently (Sec.40.210); Special Exception to reduce the required parking ratio for a Manufactured Housing Unit in the AG District (Sec. 55.050-K)

Presentation by Applicant

None

Speakers

None

Applicant Rebuttal

None

Board Comments

The board requested that staff reach out to the applicant one more time by a written letter and a phone call before they proceed with the motion to deny the request.

Board Action

Motion: Continue to the February 13th meeting.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: Barrientos

BOA-23615

Location: 2626 S. Evanston Ave.

City Council District: 4

Applicant: Charles Okyere

Action(s) Requested

Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

Presentation by Applicant

Kevin Carbon, 1340 S. 161st E. Ave., stated that he would like to build a circle driveway at the proposed location, and that he has only heard one comment from a neighbor that is right next to the property, which was neither good, bad, or indifferent.

Speakers

Chris Cox, 2536 E. 25th Pl., stated that just because the driveway fits on the property does not mean it should be built.

Applicant Rebuttal

Mr. Carbon stated that the street is very busy and that a circle driveway would allow for the owner to not park on the street and reduce the risk of any collisions.

Board Comments

The board agreed that the circle drive will not be a detriment to the neighborhood especially since there are several circle driveways and larger driveways that predate the code in the neighborhood.

Board Action

Motion: Approve per plans on page 3.7 of the agenda packet.

Motion By: Stauffer

Ayes: Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: Barrientos

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 10 BLK 2, CRESTWOOD ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23626

Location: 2448 E. 20th St.

City Council District: 4

Applicant: Lou Reynolds

Action(s) Requested

Variance to permit a fence to be located within the street right-of-way (Sec.90.090-A)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St. stated that the owner purchased the property in 2014 and the fence was already in the right-of-way. She stated that while researching the property, it appeared that the fence has been in place since 2007. She stated that the owners received a letter of violation stating that the fence was in the right-of-way. She stated that the owners have done everything they can do to get this resolved and received many signatures from the neighbors in support of leaving the fence where it is. She stated that the hardship is the existing improvements that have been on the property and the large mature trees are unique to the property, and relocating the fence to the interior of trees would reduce the side yard.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board agreed that the fence should have been caught when surveying the property and when the property was purchased in 2014. They agreed that the neighborhood is in support of the fence and the city also has a license agreement that is in place if ever the City of Tulsa needed to access knock down the fence to access lines or replace curbs. They agreed that preserving the trees in this area is a priority and the hardship is the amount of time that the fence has been there and the uniqueness of the lot.

Board Action

Motion: Approve per plans on page 4.8 of the agenda packet, finding the hardship to be the unique configuration of mature trees in the side yard.

Motion By: Wallace

Ayes: Stauffer, Wallace, Bond

Nays: none

Abstentions: Radney

Absent: Barrientos

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.

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 1 BLK 3, WILMAC-KNOLL ADDN CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

New Applications

BOA-23621

Location: 1244 S. Indianapolis Ave.

City Council District: 4

Applicant: Tom Neal

Action(s) Requested

Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Variance to allow the floor area of a Detached Accessory Dwelling Unit to exceed 500 square feet or 40% of the floor area of the principal residential structure (Section 45.030-A2; 45.031-D6.a)

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl., stated that the previous ADU was taken down by a tree that had fallen during the Father's Day storm in 2023. He stated that the builder noticed that the previous ADU was not on a footing but just the concrete slab. He stated that the builder did not want to build it in the same location but a little closer to the property line. He stated that he has not heard any negative concerns from the neighbors.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board stated that they had no issues with putting the ADU back into a similar location to the other one was in.

Board Action

Motion: Approve per plans on pages 5.11-5.14 of the agenda packet, on the condition that the maximum square footage does not exceed that which is proposed in the presentation, finding the hardship to be the existing ADU that was destroyed by natural occurrences and the proposed plan to build a new structure will be in a similar footprint which is topographically unique, and the previous ADU predated the comprehensive plan.

Motion By: Radney

Ayes: Wallace, Stauffer, Radney, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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

LT 20 BLK 2, HARVARD HGTS, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23627

Location: 126 N. Garnett Rd.

City Council District: 2

Applicant: Devin Randall

Action(s) Requested

Special Exception to permit a Wholesale Sales and Distribution and Warehouse use in a CS District (Sec. 15.020, Table 15-2)

Presentation by Applicant

Devin Randall, 1437 S. Boulder Ave., stated that they want to expand the warehouse for their framing business, which would have a showroom and a building to sell out of.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board stated that they have no issues with it being a warehouse since the other properties surrounding the area have similar uses. The board agreed that this permit will not allow for cannabis to be distributed or stored at the property.

Board Action

Motion: Approve per plans on pages 6.9-6.14 of the agenda packet, subject to the following conditions: that this relief does not extend to warehouse or sales that involve cannabis.

Motion By: Radney

Ayes: Wallace, Stauffer, Radney, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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

RES A & LT 1 BLK 1, GARNETT SOUTH, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23628

Location: 3145/3151 E 26th St.

City Council District: 4

Applicant: Richard Rohde

Action(s) Requested

Variance to reduce the required lot area and lot area per unit to permit a lot line adjustment in the RS-2 District (Sec. 5.030, Table 5-3)

Presentation by Applicant

Richard Rohde, 3151 E. 26th St., stated that he wants to sell one side of his property. He stated that when he got it resurveyed, the entire lot was 8,865 square feet but the minimum requirement per code is 9,000 square feet to do a lot split. He stated that he could move the fence a foot and a half to the north, but several large trees would have to be removed. He stated that his neighbors have no problem with him doing it.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board commented that the lot was platted before the highway was built and they do not have any issues with granting the variance.

Board Action

Motion: Approve per plans on page 7.10 of the agenda packet, finding the hardship to be that the proposed lot division comports with the long-time use of the property, which has been historically impacted by the construction of the Broken Arrow Expressway, and is topographically unique.

Motion By: Radney

Ayes: Wallace, Stauffer, Radney, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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

PARCEL NO. 37700-93-17-07660 (GENERAL WARRANTY DEED BOOK 7091 PAGE 1559) LOT SIX (6), BLOCK TWO (2), SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUN"TY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. LESS AND EXCEPT THAT PORTION OF THE SUBJECT PROPERTY CONTAINED IN THE REPORT OF COMMISSIONERS FILED IN BOOK 3255 AT PAGE 1 OF THE RECORDS OF THE TULSA COUNTY CLERK, AND LESS AND EXCEPT

THAT PORTION OF THE SUBJECT PROPERTY CONTAINED IN THE REPORT OF COMMISSIONERS FILED IN BOOK 3254 AT PAGE 672 OF THE RECORDS OF THE TULSA COUNTY CLERK AND PARCEL NO. 37700-93-17-07670 (GENERAL WARRANTY DEED BOOK 6402 PAGE 0367) LOT SEVEN (7), BLOCK TWO (2), LESS AND EXCEPT A TRACT BEGINNING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7), THENCE SOUTH ALONG THE EAST LINE A DISTANCE OF FOUR AND SEVEN TENTHS (4.7) FEET; THENCE NORTH 61°06' WEST A DISTANCE OF SIXTY-TWO (62) FEET TO A POINT ON THE NORTH LINE OF SAID LOT SEVEN (7); THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF SIXTY-ONE AND NINE THENTHS (61.9) FEET TO THE POINT OF BEGINNING, SHEILA TERRACE, AN ADDITION TO THE CITY OF TULSA, TULSA COUN"TY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1406. AND ALL OF LOT EIGHT (8), BLOCK TWO (2), SHEILA TERRACE ADDITION TO THE CITY OF TULSA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT A TRACT BEGINNING AT THE SOUTHWEST CORNER OF LOT EIGHT (8), THENCE NORTH ONE HUNDRED SIXTY-SIX AND FOUR TENTHS (166.4) FEET; THENCE EAST SEVENTY-FIVE (75) FEET; THENCE SOUTH TO THE PROPERTY LINE Eighty-Five (85) FEET EAST OF SOUTHWEST CORNER OF LOT EIGHT (8), THENCE WEST EIGHTY-FIVE (85) FEET TO POINT OF BEGINNING.

BOA-23629

Location: 4620 N. Lewis Ave.

City Council District: 1

Applicant: Harold Cambell

Action(s) Requested

Special Exception to permit a transitional living center in the CS District (Sec. 15.020, Table 15-2)

Presentation by Applicant

Harold Cambell, 4620 N. Lewis Ave., stated that they want to have a sober transitional living center at the proposed location which includes 2 buildings. He pointed out that there are not any transitional living centers close to the property. He mentioned that they have reached out to the neighbors to inform them of what they are wanting to do and have not had any bad feedback. He informed that there will be only 4-6 young men ages 18-24 who will live at the center, non-violent offenders who will be in the program for a year.

Speakers

None

Applicant Rebuttal

None

Board Comments

Some of the board members agreed that this would be a great asset neighborhood, while other board members were concerned that it was in close proximity to a school. The board members in favor of the transitional living center stated that they would limit the use to the existing structures, and it would have a time limit of 5 years. They stated that also it would need to meet the exact definition of what the code states is a transitional living center.

Board Action

Motion: Approve per plans on pages 8.7 and 8.10 of the agenda packet, with the condition that the operator shall provide a supervised living environment with counseling and rehabilitation services for all resident persons, limited to 5 years, and limited to the existing structures.

Motion By: Radney

Ayes: Wallace, Radney, Bond

Nays: Stauffer

Abstentions: none

Absent: Barrientos

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-6-BLK-1, NORTH HIGHLAND ACRES ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23631

Location: 10117 E. 11th St.

City Council District: 3

Applicant: Encino 3D Custom Products, C/O Ivory Ortiz

Action(s) Requested

Variance to increase the allowed height for a freestanding sign in the Route 66 Overlay (Sec. 20.070-B.3.a);

Variance to increase the permitted display area for a freestanding sign in the Route 66 Overlay (Sec. 20.070-B.2.a)

Presentation by Applicant

Dixie Pebworth, P.O Box 690657, stated that they will not use the hotel building as a hotel, but as a facility for those trying to live a sober life, called Wings of Freedom.

Chad Plaster, 14510 E. 580 Rd., the builder of the proposed sign, stated that they want to rebuild the existing historic monument that was the Saratoga Hotel and now will be the Wings of Freedom. He informed the board that decreasing the size of the sign will alter what is considered a historic monument.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board applauded the restoration of old landmarks, and stated that they believe this would further enhance the comprehensive plan.

Board Action

Motion: Approve per plans on pages 9.6-9.7 of the agenda packet, finding the hardship to be the original historic sign that they are rebuilding predates the current zoning code and the unique site is part of the preservation district, and that the literal enforcement of the code would hamper the route 66 Overlay.

Motion By: Stauffer

Ayes: Radney, Wallace, Stauffer, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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

S652.42 LT 1 BLK 1 GUARANTY CENTER NORT .58 & LESS S15 E15 W158 THEREOF BLK 1 SARATOGA ADDN & PRT SE SW BEG 26N & 996.66W SECR SW TH NLY569 W305 E569 E TO POB LESS S26 THEREOF SEC 06 19 14 4.883ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23632

Location: 2525 E. 47th St.

City Council District: 9

Applicant: Ron Vanderslice

Action(s) Requested

Variance to reduce the required 25-foot rear setback in a RS-1 District (Sec. 5.030-A, Table 5-3)

Presentation by Applicant

Ron Vanderslice, 2525 E. 74th St., the owner of the property, stated that they are in the process of remodeling their home. He proposed a garage addition that would be 2,500 to 3,500 square feet. He stated that they have received nothing but good responses from their neighbors concerning the addition.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board commented that the hardship is not self-imposed, and the lot was platted before the current zoning code.

Board Action

Motion: Approve per plans on page 10.10 of the agenda packet, finding the hardship to be that lot is a non-confirming lot and the was not self-imposed.

Motion By: Stauffer

Ayes: Wallace, Radney, Stauffer, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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 E150 LT 6 BEG SECR TH W150 N123.57 E43.60 N9.60 E106.34 S134.30 POB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23633

Location: SW/c of E. 34th St. N. and N. 77th E. Ave.

City Council District: 3

Applicant: Brian Aussieker

Action(s) Requested

Variance to eliminate Interior Parking Lot Landscaping requirements (Sec. 65.050)

Presentation by Applicant

Brian Aussieker, 777 Airport Dr., stated that they are in the process of building a control tower and are now at the final stages of permitting. He requested to eliminate the landscape requirements due to required federal regulations.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board concurred that they do not have any issues with allowing the variance due to the specifications of the site, and the safety and security given the use.

Board Action

Motion: Approve per plans on page 11.9 of the agenda packet, finding the hardship to be that the strict application of the landscape requirements would constitute safety and security risks given the current use.

Motion By: Radney

Ayes: Stauffer, Wallace, Radney, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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 SEC 23 BEG NEC S/2 NE TH W APROX 1906.90 NW APROX 63.65 SW APROX 98.99 W APROX 310.56 S APROX 31.54 NWLY APROX 339.81 N APROX 17.53 W APROX 243.44 SW APROX 742.54 SELY APROX 1709.99 ELY 1784.37 N APROX 1734.54 TO POB SEC 23 20 13 110.7686ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23634

Location: NE/c of 36th St. N. and N. Peoria Ave.

City Council District: 1

Applicant: Mark Capron

Action(s) Requested

Variance to increase the Build-to-Zone from a 20-foot maximum to a 30-foot maximum along E. 36th St. N. in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to increase the Build-to-Zone from a 20-foot maximum to a 35-foot maximum along N. Peoria Ave. in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to eliminate the Build-to-Zone requirement along North Quaker in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to reduce the Build-to-Zone Percentage from 50% to 40% in the MX2-V District (Sec. 10.030-D, Table 10-6); Special Exception to reduce the required parking ratio for Apartment/Condo uses in the MX District (Sec. 55.050-K); Variance to reduce the transparency percentages to 15% in the MX-U and -F Districts (Sections 10.030-C/E, Table 10-5/7)

Presentation by Applicant

Mark Capron, 123 N. Martin Luther King Jr. Blvd., stated that part of the issues in the build-to-zone is the drainage channels that run along the area. He stated another issue is that they are not able to arrange all the of the buildings in a straight line because of the right-of-way. He stated that they are also requesting the parking counts to be reduced because of the parking along the streets, and the private parking spaces. He proposed having one parking space per dwelling unit because with all the other parking requirements on the MX use, they will have adequate parking for the area. He also requested the reduction of transparency from 20% to 15%.

Speakers

None

Applicant Rebuttal

None

Board Comments

The board commented that the project will be a great asset to the community and they are grateful for the extensive detail of work that is taking place. Ms. Radney noted that they do not like the aesthetics of having less transparency, but they were willing to comprise to get the ball rolling on the project.

Board Action

Motion: Approve per plans on page 12.13 of the agenda packet, finding the hardship to be that the strict application of all tenants of MX zoning do not meet the intended purpose of this development and the comprehensive zoning plan, conditioned to have 1 parking space per dwelling unit.

Motion By: Wallace

Ayes: Radney, Wallace, Bond

Nays: none

Abstentions: Stauffer

Absent: Bond, Radney

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

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE IN DIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TOWIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N88°08'50"E FOR A DISTANCE OF 1164.22 FEET; THENCE N01°21'19"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N01°21'19"W FOR A DISTANCE OF 1272.54 FEET; THENCE S88°08'58"W FOR A DISTANCE OF 1110.06 FEET; THENCE S01°10'30"E FOR A DISTANCE OF 852.26 FEET; THENCE N88°49'30"E FOR A DISTANCE OF 30.00 FEET; THENCE S01°10'30"E FOR A DISTANCE OF 379.99 FEET; THENCE S46°10'30"E FOR A DISTANCE OF 55.93 FEET; THENCE N88°08'50"E FOR A DISTANCE OF 1044.51 FEET TO THE POINT OF BEGINNING. AREA CONTAINING 32.18 ACRES, MORE OR LESS. LEGAL DESCRIPTION WAS PREPARED ON APRIL 2ND, 2020 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE SOUTH LINE OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 13 EAST, TULSA COUNTY AS BEING N88°08'50"E., CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23635

Location: 2404 E. 46th Pl.

City Council District: 9

Applicant: Jack Reed

Action(s) Requested

Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

Presentation by Applicant

Jack Reed, 10022 E. 46th Pl, stated that the existing garage is a 2-car garage on the west side of the home, but they built an additional 2 car garage on the same side of the street. He said now they do not have enough room and that they need to utilize the garage as safely as possible, so they need their driveway to be wider. He said that they have talked to the neighbors, and they have had all positive responses.

Applicant Rebuttal

None

Board Comments

The board commented that the neighborhood accommodates larger lots and so permitting a wider driveway would not be a problem.

Board Action

Motion: Approve per plans on page 13.7 of the agenda packet.

Motion By: Wallace

Ayes: Wallace, Stauffer, Radney, Bond

Nays: none

Abstentions: none

Absent: Barrientos

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

N 140 OF E 204 OF W 219 LT 8, ARNALL HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Other Business

None

New Business

None

Board Member Comments

Ms. Radney thanked staff for the new format of the staff reports and said that it will be helpful to them and the public.

Adjournment

There being no further business, the meeting adjourned at 4:20 p.m.

Date approved: 3-26-24

Chair: A. B. J.