



## City of Tulsa Board of Adjustment

### Minutes of Meeting No. 1331

**Tuesday, February 13, 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 February 7, 2024 at 11:00 a.m.

**Members Present:** Barrientos, Stauffer, Wallace

**Members Absent:** Bond, Radney

**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, Barrientos called the meeting to order at 1:05 p.m.

### **Unfinished Business**

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#### **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)

**(Application withdrawn by applicant)**

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## **New Applications**

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### **BOA-23630**

Location: 3923 N. Lansing Pl.

City Council District: 1

Applicant: Raul Cisneros

### **Action(s) Requested**

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a RS district (Sec. 55.090-F.3)

### **Presentation by Applicant**

None

### **Speakers**

None

### **Board Comments**

None

### **Board Action**

Motion: Continue to the February 27th meeting.

Motion By: Stauffer

Ayes: Wallace, Stauffer, Barrientos

Nays: none

Abstentions: none

Absent: Bond, Radney

### **Property Description**

LT 8 BLK 2, CAWILL ADDN RESUB PRT B8-10 CHANDLER FRATES 5TH ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**BOA-23636**

Location: 407 E. Seminole Pl.

City Council District: 1

Applicant: Billie Hall

**Action(s) Requested**

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

**Presentation by Applicant**

Billie Hall, 407 E. Seminole Pl., stated that they need to add a driveway on the east side of the home due to the number of cars they own and with guests coming frequently. The length of the driveway from the curb will be 95 feet, and it will be 12 feet wide.

**Speakers**

None

**Board Comments**

The board was in approval of the driveway but stated that since a portion of the driveway will be in the right-of-way, they will need to get a right-of-way permit and hire an approved contractor by the city.

**Board Action**

Motion: Approve, per plans on page 3.8 of the agenda packet; required to get a right-of-way permit.

Motion By: Stauffer

Ayes: Wallace, Stauffer, Barrientos

Nays: none

Abstentions: none

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.*

**Property Description**

Lots 9 and 10 Block 9, Meadowbrook Addition, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23637**

Location: 1704 . Yorktown Ave. E.

City Council District: 4

Applicant: Tom Neal

**Action(s) Requested**

Variance to allow a detached Accessory Dwelling Unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate in the rear setback (Section 90.090-C); 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-B); Special Exception to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); Special Exception to increase the permitted driveway width in a RS-3 district (Sec. 55.090-F.3)

**Presentation by Applicant**

Tom Neal, 2507 E. 11th Pl., stated the property has already been through the process of the Preservation Commission, and with changes made accordingly it has been approved. He stated that the dwelling unit will be used as an office space and not intended for use as an Airbnb as neighbors have alluded to. He stated that the hardship is that the size of garage does not allow for modern vehicles to fit inside. He closed by stating that the height of the new garage and the home are very close in size, so it would not tower over the house, upon the request of the preservation commission.

**Speakers**

None

**Board Comments**

The board commented that the Tulsa Preservation Commission has already approved of the garage, and it that it would be a great addition to the property.

**Board Action**

Motion: Approve, per plans on pages 4.11-4.15 of the agenda packet, finding the hardship to be that the current garage predates the modern zoning code and is not large enough for modern cars.

Motin By: Stauffer

Ayes: Wallace, Stauffer, Barrientos

Nays: none

Abstentions: none

Absent: Bond, Radney

*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**

Lot 1 Block 4, Maywood Addition, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23639**

Location: 307 W. 65th St. N.

City Council District: 1

Applicant: MP Advocates

**Action(s) Requested**

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 2,500 square feet of open space per unit for a duplex use in the RS-3 District (Sec. 5.030, Table 5-3)

**Presentation by Applicant**

Jessica Shelton, 21207 Sand Jack Rd., Larue, TX, represented the property owner, who owns several vacant properties in the subdivision and now wants to build on them. She stated that they met with the neighborhood on three different occasions, and they were very receptive to having duplexes built. She stated that they designed the duplexes in such a way that would be cohesive with all the homes in the neighborhood. She concluded that the duplexes would have three bedrooms, two bathrooms, and a single car garage. She stated they are requesting the variance because without the variance they will have to remove a bedroom or convert the garage of each unit into bedroom space, which would be unreasonable. She said that the lot is smaller than a standard RS-3 lot, which is their hardship.

**Speakers**

None

**Board Comments**

The board agreed that it is a unique lot and that the duplex would be a great addition to the neighborhood.

**Board Action**

Motion: Approve, per plans on page 5.11 of the agenda packet and exhibit BOA-23639-A.1, finding the hardship to be the uniqueness of the lot, and that the subdivision was platted before the modern zoning code.

Motion By: Wallace

Ayes: Barrientos, Wallace, Stauffer

Nays: none

Abstentions: none

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**

Lot 9 Block 2, Northgate Third Addition, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23640**

Location: 231 W. 65th Pl. N.

City Council District: 1

Applicant: MP Advocates

**Action(s) Requested**

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

**Presentation by Applicant**

Jessica Shelton, 21207 Sand Jack Rd., Larue, TX, stated that the neighborhood is in support of having a duplex in the empty lot. She indicated that the duplex is going to be the exact same design as the duplex that will be built at 307 W. 65th St. N.

**Speakers**

None

**Board Comments**

The board was in favor of the duplex and stated that the lot is large enough to accommodate the duplex.

**Board Action**

Motion: Approve per plans on page 6.8 of the agenda packet and exhibit BOA-23640-A.1.

Motion By: Stauffer

Ayes: Barrientos, Wallace, Stauffer

Nays: none

Abstentions: none

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.*

**Property Description**

Lot 5 Block 1, Northgate Third Addition, City of Tulsa, Tulsa County, State of Oklahoma

**BOA-23641**

Location: 2024 N. Harvard Ave.

City Council District: 1

Applicant: Dustin Alphin

**Action(s) Requested**

Special Exception to increase the allowed fence height of 4 feet inside the street setback (Sec. 45.080-A)

**Presentation by Applicant**

Dustin Alphin, 1217 Commercial Ave., Mounds, OK, 74047, stated that he is requesting the allowed height of the fence to be 6 feet due to his client having problems with theft. He stated that the fence will be a chain-link fence and that it is already up without a permit.

**Speakers**

None

**Board Comments**

The board was in favor of having the fence 6 feet high since there is already a precedent of taller fences, and for safety and security in the neighborhood.

**Board Action**

Motion: Approve, per plans on page 7.9 of the agenda packet; with the condition that it should not exceed 6 feet.

Motion By: Stauffer

Ayes: Barrientos, Stauffer, Wallace

Nays: none

Abstentions: none

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.*

**Property Description**

BEG 75S NEC SE TH S113.8 W380 N113.8 E380 POB LESS E50 THEREOF SEC 29 20 13, City of Tulsa, Tulsa County, State of Oklahoma

**Other Business**

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None

**New Business**

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None

**Board Member Comments**

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None

**Adjournment**

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There being no further business, the meeting adjourned at 1:52 p.m.

Date approved: 2/27/24

Chair: Art I. Burt