



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1333

Tuesday, March 12, 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 March 6, 2024 at 11:58 a.m.

Members Present: Barrientos, Bond, Radney, Stauffer, Wallace

Members Absent: none

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 1:00 p.m.

New Applications

BOA-23648

Location: 1625 S. Lewis Pl.

City Council District: 4

Applicant: Tom Neal

Action(s) Requested

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

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl., stated that the majority of this lot is unbuildable due to easements running along the lot, and said that the character of the lot is the hardship. He concluded that they are asking that the street setback be reduced to 17 feet measuring from the steps, but from the building it would be at 23 feet.

Speakers

None

Board Comments

The board stated that they do not have any issues with approving the variance.

Board Action

Motion: Approve, per plans on pages 1.10-1.11 of the agenda packet, finding the hardship to be the sewer easements on the rear side of the lot, and that the house predates current zoning code.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: none

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

S 160 of W 165 LT Less W 25, Glen Acres-Lynn Lane, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23649

Location: 6522 E. 86th Pl. S.

City Council District: 8

Applicant: Jimmy Arnold

Action(s) Requested

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

Presentation by Applicant

Joey Arnold, 8617 S. 66th E. Ave., stated that the owner of the property has since had a change of living conditions with there being only two vehicles to now four vehicles at the home. He pointed out that the current driveway is on a significant slope, and so the owner wanted to build another driveway in front of the home. He indicated that there is a neighbor that has a similar design to what they are wanting with two driveway entrances into the home.

Speakers

None

Board Comments

The board stated that they had no issues with allowing the wider driveway, because of the home being on the main corridor. They said that a second driveway widened to 20 feet would allow the owner of the home to safely come in and out of the home.

Board Action

Motion: Approve, per plans on page 2.12 of the agenda packet, subject to the condition that the relief is granted at no more than 20 feet width of the 86th Pl. side of the property.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: none

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, Chimney Hills Estates Blk 1-7, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23651

Location: 5120 S. 95th E. Ave.

City Council District: 7

Applicant: Peter McGraw

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

Peter McGraw, 1203 S. 2nd St., stated that they need a special exception to distribute very small medical devices from this facility. He informed the board that he has spoken to the neighbors, and they do not have any issues with them coming into the facility. He indicated that there will not be large amounts of traffic coming and going from the property.

Speakers

None

Board Comments

The board stated that they do not have any issues with the special exception being that the area is zoned as commercial.

Board Action

Motion: Approve, per plans on pages 3.12-3.13 of the agenda packet.

Motin By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: none

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 and 2, Block 1, 51st & Mingo Commercial Center, City of Tulsa, State of Oklahoma

BOA-23652

Location: 5150 S. 33rd W. Ave

City Council District: 2

Applicant: Superior Signs

Action(s) Requested

Variance to permit a dynamic display sign within 200 feet of Residentially Zoned Lots (Sec. 60.100-F)

Presentation by Applicant

Talia Villa, 5150 S. 33rd W. Ave., stated that Casey's recently bought the gas station and now wants to use the existing dynamic sign to project what the price of gas is. She said that the dynamic sign was previously used to promote sales, show the weather, the time, and many other things. She stated that they have not heard any concerns from the neighbors in the area.

Speakers

None

Board Comments

The board said that they did not have any issues with the sign being put back in the same location that the previous sign was in. They stated that the sign would be less dynamic than what had previously existed. Ms. Radney pointed out that denying the application would be a detriment to the business without the sign.

Board Action

Motion: Approve, per plans on pages 4.5 and 4.11-4.18 of the agenda packet, finding the hardship to be that the previous sign that was installed conformed to previous standards and codes, and that the effect on the residential neighborhood would be reduced.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: none

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 10 11 & 12 LESS BEG NEC LT 10 TH S61 NW TO PT 32.25W NEC LT 11 TH NWLY TO PT TH N24.02 E150 POB & LESS E10 LT 12 & LESS BEG SECR LT 11 N45 NWLY TO PT 10W & 47.84N SECR LT 11 TH S TO PT TH E10 POB & LESS W15 E25 LT 11 & 12 BLK 1, RICHMOND ACRES, ANDERSONS RESUB PRT B1 & ALL B2 RICHMOND ACRES, City of Tulsa, Tulsa County, State of Oklahoma.

BOA-23653

Location: 310 S. 185th E. Ave.

City Council District: 3

Applicant: Gustavo Vazquez

Action(s) 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)

Presentation by Applicant

Gustavo Vazquez, 310 S. 185th E. Ave., stated that he wants to put a prefabricated storage unit in his backyard, as many of his neighbors have one in their backyard. He said that they want to use the accessory building for storage because his home is too small for five people to have all their items in.

Speakers

None

Board Comments

The board stated that in the neighborhood it is a norm to have prefabricated buildings in the backyard because of the modest footprints of the homes. They stated that they have no issues with the application.

Board Action

Motion: Approve, subject to the condition that the approval shall not exceed 640 square feet, finding the hardship to be that existing structure is a modest-sized home, and this would be the minimum relief that would be necessary to accommodate the needs of the applicant.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: none

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 4, Block 13, Rolling Hills Third Addition, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23654

Location: 2736 S. Victor Ave.

City Council District: 4

Applicant: Roger McKee

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 750 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B, 45.031-D. 6.a); Special Exception to allow an Accessory Dwelling Unit in an RS-1 District (45.031-D)

Presentation by Applicant

Roger McKee, 608 E. 3rd St., stated that they would like to build an accessory structure with the second floor as an apartment for the homeowner's mother-in-law. He stated that one of the neighbors expressed concern with the height of the building and the plans were altered accordingly. He noted that the accessory building will not be visible from the street, according to the new altered plans.

Rafaela Lewis, the property owner, 2736 S. Victor Ave., stated that the home was George Kaiser's childhood home, and they would like to keep the home as is. She stated instead of adding onto the home or building a new home, they have chosen to build an accessory dwelling unit for her mother-in-law.

Speakers

None

Board Comments

The board stated that they did not have an issue with the accessory structure, especially since more homes in the neighborhood have a second dwelling unit than not. They said that the lot is unique, and the existing structure of the home predates the modern zoning code.

Board Action

Motion: Approve, per plans on Addendum 1 of the agenda packet, finding the hardship to be that the existing structure predates modern zoning code and the extremely unique lot in both shape and topography.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: none

Abstentions: none

Absent: none

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

PRT LTS 14 & 15 BEG 60S NEC LT 15 TH SW TO PT ON WL LT 15 SE107 NE TO PT ON EL NWLY110 POB BLK 11 FOREST HILLS,
City of Tulsa, Tulsa County, State of Oklahoma.

BOA-23655

Location: 1710 E. 41st St. S.

City Council District: 9

Applicant: Lou Reynolds

Action(s) Requested

Special Exception to permit a Parks and Recreation Use in the RE District to permit a private sports court (Sec. 5.020, Table 5-2)

Presentation by Applicant

Lou Reynolds, 2727 E. 21st St., stated that they are building a tennis court for the owner of the property, not for public use. He said that they are going to build the home in time, but they want to have this built first as the home is still being designed. He explained that it could be built by right if the home was already built, but since it is not, they are required to obtain a special exception.

Speakers

- Justin Heinecke, 4510 S. Columbia Ave., stated that he is concerned that the tennis court will stay as a standalone park in the foreseeable future.
- Mike Mendosa, 4123 S. Troost Pl., stated that he is concerned about ultimate abandonment of the project after the tennis court is built.

Applicant Rebuttal

Lou Reynolds stated that the issue will be addressed if there is a two-year limitation on the owner to have a building permit for the home; if they have not, they would have to come back before the board.

Board Comments

The board stated that what the applicant has presented is a good plan to go into the empty lot. They said that putting a two-year time limit for the applicant to get a building permit will mitigate the concerns of the neighbors. Ms. Radney stated that what is before them is a great plan and a great asset to the property, but the plan looks as though it will accommodate more than the occasional family and friends with the amount of parking proposed. She stated that she would be inclined to support it only if the amount of time is reduced to 18 months to get a permit, instead of 24 months.

Board Action

Motion: Approve, per plans on pages 7.12-7.13 of the agenda packet, subject to the condition that the building permit of the primary use residents be filed within 24 months.

Motion By: Stauffer

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: none

Abstentions: Radney

Absent: none

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

A tract of land that is a part of Lot One (1), Block Seven (7), BOLEWOOD ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and the North 200 feet of the East 30 feet of vacated South Utica Avenue lying West and adjacent to said Lot One (1), said tract being more particularly described as follows: COMMENCING at the Northeast corner of said Lot One (1); Thence South 89°00'21" West and along the North line of Lot One (1) for a distance of 158.97 feet to the Point of Beginning; Thence South 01°20'00" East and parallel with the West line of Lot One (1) for a distance of

200.00 feet to a point; Thence South 89°00'21" West for a distance of 150.00 feet to a point on the centerline of said vacated South Utica Avenue; Thence North 01°20'00" West and along said centerline for a distance of 200.00 feet; Thence North 89°00'21" East for a distance of 150.00 feet to the POINT OF BEGINNING. AND A tract of land that is a part of Lot One (1), Block Seven (7), BOLEWOOD ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows: BEGINNING at the Northeast corner of said Lot One (1); Thence South 02°33'09" East and along the East line of Lot One (1) and the Westerly Right of Way line of Victor Avenue, for a distance of 180.00 feet to a point of curvature; Thence along a 3246.57 foot radius curve to the right, having a central angle of 00°21'15", with a chord bearing and distance of South 02°22'32" East for 20.07 feet, for an arc distance of 20.07 feet to a point; Thence South 89°00'21" West and parallel with the North line of Lot One (1) for a distance of 163.16 feet to a point; Thence North 01°20'00" West and parallel with the West line of Lot One (1) for a distance of 200.00 feet to a point on the North line of Lot One (1); Thence North 89°00'21" East and along said North line for a distance of 158.97 feet to the POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

Other Business

None

New Business

None

Board Member Comments

Mr. Chapman stated that the previous meeting that happened on February 27 must be reheard because of the mailed notices being postmarked past the time they should have been. He stated that staff put the notices in the mail on time, but later learned the City's mail contractor's machines were broken over Presidents' Day weekend, and so they did not go out in time. He informed the board that they will be rehearing the cases on March 26.

Adjournment

There being no further business, the meeting was adjourned at 2:52 p.m.

Date approved: 4/9/24

Chair: Ali Bow