



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1337

Tuesday, May 14, 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 May 8, 2024, at 11:30 a.m.

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

Members Absent: None

Staff Present: Audrey Blank, Rebecca Surber-Cantu, Nathan Foster, Caleb Rocha, Sean Wallace

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 1:04 p.m.

Approval of Minutes

Minutes from Meeting 1334, March 26, 2024

Motion: Approval of Minutes

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Unfinished Business

BOA-23667

Location: Southwest Corner of East 5th Place South & South Quaker Avenue

City Council District: 5

Applicant: Justin DeBruin, Wallace Design Collective

Action(s) Requested

Variance to allow parking serving a residential use to be located on another lot (Sec. 55.080.D, Sec. 90.090-A);

Special Exception to reduce the required parking ratio for apartment/condo uses in the CH District (Sec. 55.050-K)

Presentation by Applicant

Justin DeBruin, 123 N. Martin Luther King Jr. Blvd., stated that they want to use the property to build a multi-family residential property, but they are limited by parking requirements. He pointed out that a variance would allow them to use the eastern property as a parking lot. He stated that they are projecting to have 209 units, with 90% of them being 1-bedroom with the remaining 10% as 2-bedroom. He indicated that they are proposing to reduce the parking to 164 parking spaces with a ratio of 0.78.

Jay Penn, 5148 E. 107th St., stated that the last two weeks he has been going to the adjoining neighbors to see what their opinion of the project was. He stated that he received nothing but positive feedback.

Speakers

(-) Kevin Hale, 1319 E. 6th St., was concerned that reducing the parking ratio would be harmful to the area.

(-) Shelby Navarro, 935 Barker Creek Dr., Sand Springs, was concerned about not having enough parking.

Applicant Rebuttal

The applicant stated that the multimodal transportation that surrounds the site is why they have chosen more density and the reduction of parking. He stated that he would prefer to have the application continued rather than denied.

Board Comments

The board recommended that the applicant come back with creative solutions other than reducing the parking ratio so low.

Board Action

Motion: Continue to the May 28th meeting.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

New Applications

BOA-23680

Location: 2304 East 4th Place South

City Council District: 1

Applicant: Mark D. Crowl

Action(s) Requested

Special Exception to permit a duplex in the RS-4 zoning district (Table 5.020, Table 5-2, Table 5-2.5)

Presentation by Applicant

Mark Crowl, 125 E. 26th St., stated that he wants to build a duplex on a lot that has been vacant for quite some time. He informed the board that he reached out to surrounding neighbors to provide them with details about the project. He said the neighbors did not have any negative feedback but there was a lot of interest and questions.

Speakers

- (-) Ruth Stanfill, 2319 E. 4th Pl., was concerned about the increase in traffic, and the demographic of people it would attract.
- (-) C. Lewis Jones, 2320 E. 5th St., was concerned about the demographic of people that it would attract, and the style of duplex is not a craftsman style.
- (-) Deena Burks, 2218 E. 5th Pl., was concerned that the style of duplex would not fit in.
- (-) Kimberly Crower, 504 S. Gillette Ave., was concerned that the style of duplex would not be cohesive with the spirit of the neighborhood.
- (-) Milton Gray, 2303 E. 4th Pl., was concerned that the style of duplex would not be cohesive with the craftsman style which is prevalent in the neighborhood.
- (-) Tyler Knepper, 2315 E. 4th Pl., was concerned that the style of duplex would not be cohesive with the craftsman style homes in the neighborhood.
- (-) Christiana Green, 2307 E. 4th Pl., was concerned for the safety of the vehicles backing on to Gillette. She was also concerned that the style of duplex would not be cohesive with the neighborhood.
- (-) Betty Turner, 436 S. Gillette Ave., was concerned that the style of duplex would not be cohesive with the neighborhood.

Applicant Rebuttal

The applicant expressed that they are not building a structure to fit a certain demographic of people, they are just building a duplex to allow more people to enjoy the neighborhood and provide housing for the City of Tulsa. He stated that he is willing to make the necessary changes to the style of the home if it will satisfy the neighbors.

Board Comments

The board expressed concern about the use of words from the neighbors when referring to what kind of people would be living there. They stated that they do not vote on who is going to live there, but on the style of duplex. The board stated that neighborhood has a historical context to it and they would like for the applicants to work with the neighbors and the architects to design it in a way to fit in with the neighborhood.

Board Action

Motion: Continue to the May 28th meeting.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

BOA-23687

Location: 3123 W. Easton St. N.

City Council District: 4

Applicant: Frank Steward

Action(s) Requested

Special Exception to allow a carport in the street yard and setback with modifications to the dimensions and setbacks (Sec. 90.090-C.1)

Presentation by Applicant

Frank Steward, 5415 Redbud Pl., Sand Springs, said that he wants to build a 10-foot by 20-foot metal carport. He informed the board that he went around the neighborhood to see what they thought, and no one opposed the carport.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on pages 4.11-4.13 of the agenda packet.

Motion 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 18 Block 5, Easton Heights, addition to the City of Tulsa, Tulsa County, State of Oklahoma.

BOA-23688

Location: 2809 East 81st Place South

City Council District: 2

Applicant: Raul Cisneros

Action(s) Requested

Special Exception to permit duplexes in the RS-5 zoning district (Table 5.020, Table 5-2, Table 5-2.5)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the May 28th meeting.

Motin By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

BOA-23689

Location: 2131 East 19th Street S.

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 zoning district (45.031-D)

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl., said that the current garage was destroyed in the Father's Day storm last year, and his client wants to build a slightly bigger version of what they had to accommodate larger vehicles. He clarified that the second floor of the ADU would not be for an Airbnb but for office space.

Speakers

- (-) Joe Johnston, 2123 E. 18th St., was concerned that the property values would decrease in the neighborhood because of a two-story garage being out of character in the neighborhood.
- (-) Scott Mertha, 2216 E. 19th St., was concerned about the height of the ADU.
- (-) Steve Kollmorgen, 2139 E. 19th St., was concerned about the design, and the traffic that a home office would bring to the home.

Applicant Rebuttal

Tom Neal stated that he is a former member of the Preservation Commission, and he has designed this ADU to fit in with the character of the home. He mentioned that there were a couple of two-story ADUs in the neighborhood and what is proposed is not out of character of the home.

Board Comments

The board stated that they do not have any concerns about the application and stated that Mr. Neal has addressed the concerns of the neighbors.

Board Action

Motion: Approve, per plans on page 6.10 of the agenda packet, finding the hardship to be that the property is on a non-conforming lot platted before the modern zoning code.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer

Nays: Wallace

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

Lot 17 Block 5 Woodward Park Addn to the City of Tulsa, Tulsa County, State of Oklahoma

BOA-23690

Location: 2450 West 78th Street South

City Council District: 2

Applicant: Anthony Hoffman

Action(s) Requested

Variance to reduce the 150-foot minimum lot width in the AG-R zoning district to permit a lot split (Sec 25.020-D, Table 25-2)

Presentation by Applicant

Anthony Hoffman Cheryl Hoffman, 2450 W. 78th St., stated that they are wanting to split their lot. They said that they have not heard any concerns from the neighbors.

Speakers

- (-) Annetta Beeler, 2400 W. 78th St., stated she is concerned that the back of the property is in a flood zone and not buildable. She stated that it will not fit the neighborhood.
- (-) Donald Oxford, 7920 S. 23rd W. Ave., stated she is concerned that the property is not wide enough to be able to access that back of the property.

Applicant Rebuttal

The applicant explained that there is a driveway that can access the back of the property.

Board Comments

The board stated that they do not have any concerns about the application because of the amount of land that the property has and the unique shape of the lot. Ms. Radney and Mr. Barrientos stated that they are opposed to splitting the lots because it will make both properties non-conforming lots.

Board Action

Motion: Approve, per plans on page 7.10 of the agenda packet, finding the hardship to be the uniquely shaped lot, and that there is a mutual access agreement for the property.

Motion By: Wallace

Ayes: Bond, Stauffer, Wallace

Nays: Barrientos, Radney

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

W/2 SW SW NW SE & W/2 NW NW SW SE SEC 10 18 12 2.5ACS, Unplatted, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23691

Location: 3030 East 91st Street South

City Council District: 2

Applicant: Highway Man Signs, LLC

Action(s) Requested

Variance to increase the permitted wall sign display area of 32 square feet in a residential zoning district (Sec. 60.050-B.2)

Presentation by Applicant

Kenneth Sutherland, 1351 Cherokee Hills Dr., Bartlesville, stated that his client wants to replace their current signs, and needs it to be larger because of how far the building is setback from the street. He said that the sign will not be seen by the residential properties but pointed at the commercial businesses.

Speakers

None

Board Comments

The board stated that they do not have an issue with granting the variance due to the setback and location of the building. Mr. Wallace stated that he is not in support of the sign due to the existing signs on the property.

Board Action

Motion: Approve, per plans on pages 8.13-8.18 of the agenda packet, finding the hardship to be the uniqueness and size of the lot and setback of the building.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer

Nays: Wallace

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

LT 1 LESS BEG NEC TH S70 W24 N19 TH ON CRV RT 12.57 N13 W10 N TO NL E TO POB BLK 1 & PRT NW NE BEG SWC WIMBLEDON PL ADDN TH S270 E480 N270 W480 POB SEC 20 18 13 2.98 ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

BOA-23692

Location: 2427 East 27th Street North

City Council District: 1

Applicant: Martha Gibson

Action(s) Requested

Special Exception to permit a Manufactured Housing Unit in the RS-3 zoning district (Sec. 5.020, Table 5-2.5);

Special Exception to extend the one-year limit for a Manufactured Housing Unit (Sec. 40.210-A)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the May 28th meeting.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

BOA-23693

Location: 2617 South Owasso Avenue

City Council District: 4

Applicant: Sarah Somji

Action(s) Requested

Variance to reduce the required rear setback in the RS-2 zoning district (Sec.5.030; Table 5-3)

Presentation by Applicant

Sarah Somji, 337 Hill Creek Ln., Grapevine, TX, stated that they want to build between the garage and the primary residence to have them attached. She informed the board that the buildings are non-conforming and were built in the 1920s.

Speakers

None

Board Comments

The board stated that the existing buildings were built prior to the current zoning code and the improvement to the home is appropriate in the neighborhood.

Board Action

Motion: Approve, per plans on page 10.11 & additional exhibits of the agenda packet, finding the hardship to be that the existing structure predates the existing zoning code, and the shape and topography of the lot is such that this would be the minimum accommodation provide the relief that has been requested.

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 11 Block 7 Sunset Terrace, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23694

Location: 231 South 66th East Avenue

City Council District: 3

Applicant: Kawesta McCray

Action(s) Requested

Special Exception to allow a Principal Use Family Child Care Home in an RS-3 zoning district (Sec.5.020 Table 5.2)

Presentation by Applicant

Kawesta McCray, 641 E. Latimer Pl., stated that she wants to establish a Family Child Care Home that will be strictly used as a daycare and not a residence. She said that she sent letters to invite nearby neighbors to a community meeting and no one showed up. She informed the board that she had not heard any negative feedback from the surrounding neighbors.

Speakers

None

Board Comments

The board stated that they do not have any concerns about the application.

Board Action

Motion: Approve, per plans on page 11.9 of the agenda packet.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Property Description

Lots 17 and 18, Block E, Crestview Estates, City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof, City of Tulsa, Tulsa County, State of Oklahoma

Other Business

None

New Business

None

Board Member Comments

Mr. Bond requested that the city staff add the neighborhood associations to the mailed notices.

Staff Comments

Mr. Foster noted that they will make sure that neighborhood associations are added to the mailing list.

Adjournment

There being no further business, the meeting adjourned at 4:30 p.m.

Date approved: 8-13-24

Chair: 