



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1340

Tuesday, June 25, 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 June 18, 2024, at 8:19 a.m.

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

Members Absent: None

Staff Present: Audrey Blank, Nathan Foster, Caleb Rocha, Dylan Siers

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, Radney called the meeting to order at 1:02 p.m.

Approval of Minutes

Minutes from Meeting 1336, April 23, 2024

Motion: Approval of Minutes

Motion By: Wallace

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

Unfinished Business

BOA-23711

Location: 2111 South Darlington Avenue

City Council District: 5

Applicant: William Aguilar

Action(s) Requested

Special Exception to increase the permitted fence height inside the street setback (Sec. 45.080-A)

Presentation by Applicant

Jose Villescás, 14228 E. 37th St., stated that he wants to build a seven-foot fence for the safety of children playing, due to the property fronting a main road.

Speakers

None

Board Comments

The board acknowledged they received emails in opposition to the fence but stated that the new plans addressed the concerns of the neighbors. The board stated that they were in favor of the new site plan.

Board Action

Motion: Approve, per plans shown at the meeting.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

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

PRT NE NW BEG 45S & 15E NWC NE NW TH S285 E430 N280 W165 N5 W265 POB SEC 15 19 13 2.79ACS, and Lots 6, 7, 8, 9, 10 of Block 2, Darlington Hills Addition, City of Tulsa, Tulsa County, State of Oklahoma.

New Applications

BOA-23706

Location: 3112 South Birmingham Avenue

City Council District: 9

Applicant: Mark Nelson

Action(s) Requested

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

Presentation by Applicant

Mark Nelson, 3132 S. Utica Ave., stated that he wants to add a circle driveway to the property to eliminate parking on a busy street. He informed the board that adding a circle driveway would be in keeping with the neighborhood.

Speakers

None

Board Comments

The board acknowledged that a circle driveway is in keeping with the neighborhood and they were inclined to support it.

Board Action

Motion: Approve, per plans on pages 3.9-3.10 of the agenda packet.

Motion By: Wallace

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

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 LESS N94 & LESS N35 VAC 31ST PL S ADJ ON S & LESS PRT LT 1 BEG SECR TH N66 SWLY184.67 S64 E184.5 POB, Rothhammer Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

BOA-23719

Location: 439 South 127th East Avenue

City Council District: 3

Applicant: Richard Wise

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

Richard Wise, 439 S. 127th E. Ave., stated that he would like to build a storage unit for his tools and car on his one-acre lot. He mentioned that his neighbors do not have an objection to the accessory building.

Speakers

None

Board Comments

The board stated that the size of the lot is very large for RS-2 and approving the application is the minimum relief that could be granted.

Board Action

Motion: Approve, per plans on pages 4.12-4.14 of the agenda packet, finding the hardship to be the size of the lot with preexisting uses that predate the current zoning code.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

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

N1/2 OF LT 7, Plainview Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23720

Location: 2623 West 38th Street South

City Council District: 2

Applicant: Belinda Elms Latham

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 1-year limit for a Manufactured Housing Unit (Sec. 40.210-A)

Presentation by Applicant

Belinda Latham, 2623 W. 38th St. S., stated that she purchased a lot and manufactured home for permanent residency.

Tyler Poulsen, 11920 E. Admiral Pl. N., representative of Lifeway Homes, stated that the applicant purchased a 2024 manufactured home to place on the lot. He mentioned that the home will look like any other home in the area, and it will be on a concrete slab.

Speakers

- (-) Jana Schell, 3808 S. 29th W. Ave., was concerned that putting a manufactured home in the neighborhood would devalue the property surrounding it.
- (-) Beverly Bailey, 4424 E. 105th Pl. S., was concerned that a manufactured home affect property values.
- (-) Earl Brashear, 2501 W. 37th St. S., was concerned about the manufactured home affecting property values.
- (-) Kyle Bruce, 3651 S. 28th W. Ave., was concerned about the depreciation of properties surrounding the lot. He referenced a manufactured home that was approved 15 years ago with the condition that a traditional home was going to be built but it never was. He noted that he made a petition to deny the manufactured house and received 57 signatures.
- (-) Greg Guerro, 1313 S. Elwood Ave., was concerned about property values.
- (-) Brandon Worley, City Council staff speaking on behalf of City Councilor Jeannie Cue, stated that it would not be in keeping with the character of the neighborhood.

Applicant Rebuttal

Mr. Poulsen elaborated on the modern quality that manufactured homes are built to and acknowledged that the neighbors' concerns would be valid if it was an older, manufactured home.

Ms. Latham informed the board that when she purchased the lot, she cleaned it up to make it her home.

Board Comments

The board requested more information about the unit and pictures of the manufactured home. They proposed to continue the application to allow the applicant to talk to the neighbors and because two members of the board were absent.

Board Action

Motion: Continue to the July 23rd meeting.

Motion By: Wallace

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

BOA-23721

Location: 2413 East 17th Place South

City Council District: 4

Applicant: Sean Cooper

Action(s) Requested

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

Presentation by Applicant

Colten Nevel, 6119 S. Knoxville Ave., stated that he wants to widen his driveway to take cars off the busy street and free up street parking on 17th Place.

Speakers

None

Board Comments

The board stated that they do not have any concerns about the application and would be inclined to support it.

Board Action

Motion: Approve, per plans on page 6.9 of the agenda packet.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

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

W 55 LT 3 BLK 2, LEWISTON GARDENS AMD SUB L12&15 GLEN ACRES Addition, City of Tulsa, Tulsa County, State of Oklahoma.

BOA-23722

Location: 12884 East 7th Street South

City Council District: 3

Applicant: Raul Cisneros

Action(s) Requested

Special Exception to permit an ADU in the RS-2 zoning district (Sec. 45.031-D); Special Exception to increase the permitted driveway width in an RS district (Sec. 55.090-F.3); 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 (Sec. 45.030-A, Sec. 45.031-D.6)

Presentation by Applicant

Felipe Perez, 2785 S. 136th E. Pl., explained that he wants to extend his driveway, add storage units, and permit the existing ADU on his one-acre lot he just purchased.

Speakers

None

Board Comments

Nathan Foster suggested that the board continue the application to the July 23rd meeting because the plans do not have exact measurements of each building. He stated that they would need to know the measurements to properly know how much relief they will be granted if it is approved.

The board proposed that the application be continued.

Board Action

Motion: Continue to the July 23rd meeting.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

BOA-23723

Location: 1851 East 16th Place South

City Council District: 4

Applicant: Tom Neal

Action(s) Requested

Special Exception to permit an ADU in the RS-3 zoning district (Sec. 45.031-D); Special Exception to expand a structure with a non-conforming setback (Sec. 80.030-D)

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl. S., stated that he would like to extend the garage four feet to the front for modern vehicles and reestablish living quarters in the ADU. He informed the board that the ADU was gutted, and his client would like to make it livable again.

Speakers

None

Board Comments

The board stated that they do not have any concerns about the application and would be inclined to support it.

Board Action

Motion: Approve, per plans on pages 8.9-8.11 of the agenda packet.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

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

L1 13 BLK 1, BUNGALOW COURT, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

BOA-23724

Location: 5025 and 5013 South 29th West Avenue

City Council District: 2

Applicant: Tom Neal

Action(s) Requested

Variance to reduce the required 60-foot lot width in the RS-3 zoning district to permit a lot split (Sec. 5.030, Table 5-3)

Presentation by Applicant

Tom Neal, 2507 E. 11th Pl., stated that his client wants to build two affordable houses on the lot rather than one. He explained that reducing the required width to 50 feet would be in alignment with what has been done on the east and west side of the lot.

Speakers

None

Board Comments

The board stated that permitting a lot split will conform with the lots surrounding the property and they would be inclined to support it.

Board Action

Motion: Approve, per plans on pages 9.10 of the agenda packet, finding the hardship to be returning the existing lot to conform with what was likely the standard that was platted before the existing zoning code.

Motion By: Stauffer

Ayes: Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Barrientos, Bond

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 TEN (10), BLOCK THREE (3), OAK GROVE ADDITION TO THE TOWN OF CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; PLAT No. 836; AND THE SOUTH HALF (S/2) (AKA SOUTH FIFTY (50) FEET) OF LOT ELEVEN (11), BLOCK THREE (3) OAK GROVE ADDITION TO THE TOWN OF CARBONDALE, NOW AN ADDITION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; PLAT No. 836.

Other Business

None

New Business

None

Board Member Comments

None

Staff Comments

None

Adjournment

There being no further business, the meeting was adjourned at 3:12 p.m.

Date approved: 8-13-24

Chair: Ante K...