



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1341

Tuesday, July 9, 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 July 3, 2024, at 12:19 p.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 1:05 p.m.

Unfinished Business

BOA-23714

Location: 220 South Yale Avenue

City Council District: 4

Applicant: Femi Fasesin

Action(s) Requested

Special Exception to permit an accessory dwelling unit in the RS-3 zoning district (Sec. 45.031-D)

Presentation by Applicant

Morad Raheb, 5118 E. 80th St. S., stated that he wants to convert a storage unit into an ADU with a one-car garage. He stated that a duplex in the neighborhood would be in keeping with the area. He informed the board that he had not heard any negative feedback from neighbors.

Speakers

None

Board Comments

The board advised that the application be continued because the site plan shows that additional relief is needed, and notice will need to be given.

Board Action

Motion: Continue to the August 13th meeting.

Motion By: Stauffer

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: Radney

Ms. Radney arrived at 1:19 p.m.

New Applications

BOA-23725

Location: 4915 North Xanthus Avenue

City Council District: 1

Applicant: Carol Lopez

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

Misty Lopez, 1115 N. Fulton Ave., stated that she would like to put a manufactured home built in the year 2000 on her property for an indefinite amount of time. She stated once it is on the property it will be remodeled and put on a concrete foundation. She stated that she has not heard any negative feedback from the neighborhood.

Speakers

None

Board Comments

The board stated that a manufactured home did not fit in the fabric of the neighborhood and were concerned about the age and lifespan of the manufactured home.

Board Action

Motion: Deny the application.

Motion By: Wallace

Ayes: Barrientos, Bond, Stauffer, Wallace

Nays: None

Abstentions: Radney

Absent: None

BOA-23727

Location: 3804 South Troost Avenue

City Council District: 9

Applicant: Larry Vincent

Action(s) Requested

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

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Continue to the July 23rd meeting.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

BOA-23728

Location: 515 South 161st East Avenue

City Council District: 6

Applicant: Gary West

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 (Sec. 45.030-A)

Presentation by Applicant

Gary West, 515 S. 161st E. Ave., stated that he would like to build a shop on his 2.5-acre property to house all his metal and woodworking material. He stated that he has spoken to his neighbors, and they are not opposed to him building one.

Speakers

None

Board Comments

The board stated that they do not have an issue with the application, being that the size of the lot is large, and the lot is unique.

Board Action

Motion: Approve, per plans on page 4.11 of the agenda packet, finding the hardship to be the unique shape and size of the lot for RS-3 zoned property.

Motin By: Wallace

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

PRT N/2 SW BEG 451N SWC N/2 SW TH N146.30 E744.60 S146.30 W744.39 POB SEC 02 19 14 2.50ACS, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23729

Location: 4730 & 4740 South Vancouver Avenue

City Council District: 2

Applicant: Aaron Meriwether

Action(s) Requested

Special Exception to permit duplexes in the RS-3 district (Sec. 5.020, Table 5-2, Table 5-2.5)

Presentation by Applicant

Aaron Meriwether, P.O. Box 902, Broken Arrow, stated that he would like to build duplexes on these half-acre lots. He stated that there are other duplexes in the neighborhood, and he has not heard any negative feedback.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on page 5.11 of the agenda packet.

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.

Property Description

S 60 LT 4 BLK 4 LESS E 5 TO CITY and N115 LT 5 LESS E5 THEREOF BLK 4, Greenfield Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23730

Location: 1910 West 89th Street South

City Council District: 2

Applicant: Ariel Pearce

Action(s) Requested

Variance to reduce the required street frontage in the AG district to permit a lot split (Sec. 25.020-D, Table 25-2)

Presentation by Applicant

Ariel Pearce, 1910 W. 89th St. S., stated that her parents own 11 acres of land, and she wants to use 2.2 acres in the northeast corner to build a home. She informed the board that 89th St. is a private road, and the owner of the road has given her permission to use it when the house is built.

Speakers

None

Board Comments

The board indicated that there are going to be other issues that may arise in the process, such as easements and the road being a private road. 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 6.11-6.13 of the agenda packet, finding the hardship to be the topographical platted uniqueness of the property.

Motion By: Stauffer

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

SE SE LESS E767.42 & LESS S233.7 W208.7 THEREOF & LESS E343.88 W553.58 S417.4 THEREOF & LESS BEG 1326.04N 1321W 906.85S SECR TH S183.7 E208.88 N183.7 W209.02 POB SEC 15 18 12 11.52ACS, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23731

Location: 8105 East 21st Street South

City Council District: 5

Applicant: Nathalie Cornett

Action(s) Requested

Variance to permit two dynamic display signs on a lot (Sec. 60.080-E); Variance to permit a dynamic display sign to be located within 50 feet of a signalized intersection (Sec. 60.100-D)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St. S., stated that the application is for the QuikTrip at E. 21st St. S. and S. Memorial Dr. She stated that QuikTrip is in the process of updating all its pricing numbers from the white plastic tiles that are changed manually to LED e-tiles that will be changed electronically. She explained that the sign cabinets will not be moving but will only be updated. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs regardless of the direction of travel.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on pages 7.12-7.13 of the agenda packet, finding the hardship to be that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

Motion By: Stauffer

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

A tract of land that is part of Block Nine (9), O'CONNOR PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 1236 thereof, said tract of land being described as follows: Commencing at the Northwest corner of said Block 9; thence South 01°10'04" East along the Westerly line of said Block 9 for 410.76 feet; thence North 88°50'54" East parallel with and 175.00 feet Northerly of as measured perpendicularly to the Southerly line of said Block 9 for 10.00 feet to the Point of Beginning of said tract of land; thence continuing North 88°50'54" East parallel with and 175.00 feet Northerly of said Southerly line for 165.00 feet; thence South 01°10'04" East, parallel with and 175.00 feet Easterly of as measured perpendicularly to said Westerly line of Block 9 for 165.00 feet; thence South 88°50'54" West parallel with and 10.00 feet Northerly of as measured

perpendicularly to said Southerly line of Block 9 for 150.00 feet; thence North 46°11'10" West for 21.21 feet; thence North 01°10'04" West parallel with and 10.00 feet Easterly of as measured perpendicularly to said Westerly line of Block 9 for 150.01 feet to the Point of Beginning of said tract of land.

BOA-23732

Location: 9621 East Pine Steet North

City Council District: 3

Applicant: Nathalie Cornett

Action(s) Requested

Variance to permit two dynamic display signs on a lot (Sec. 60.080-E); Variance to permit a dynamic display sign to be located within 50 feet of a signalized intersection (Sec. 60.100-D)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St. S., stated that the application is for the QuikTrip at E. Pine St. and N. Mingo Rd. She stated that QuikTrip is in the process of updating all its pricing numbers from the white plastic tiles that are changed manually to LED e-tiles that will be changed electronically. She explained that the sign cabinets will not be moving but will only be updated. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs regardless of the direction of travel.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on pages 8.12-8.13 of the agenda packet, finding the hardship to be that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose, which is to minimize distraction to vehicular traffic from flashing or animation of digital signs, which the proposed signs will not contain.

Motion By: Stauffer

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

A tract of land lying in the East Half of the Southeast Quarter of the Southeast Quarter (E/2 SE/4 SE/4) of Section Twenty-five (25), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Beginning at the Southeast corner of said E/2 SE/4 SE/4, thence South 89°58'39" West and along the South line of said E/2 SE/4 SE/4 for a distance of 350.00 feet; thence North 00°07'01" West and parallel to the East line of said E/2 SE/4 SE/4 for a distance of 340.00 feet; thence North 89°58'39" East and parallel to the South line of said E/2 SE/4 SE/4 for a distance of 350.00 feet to a point in the East line of said E/2 SE/4 SE/4; thence South 00°07'01" East and along said East line for a distance of 340.00 feet to the Point of Beginning.

BOA-23733

Location: 1443 South Denver Avenue

City Council District: 4

Applicant: Nathalie Cornett

Action(s) Requested

Variance to permit a dynamic display sign to be located within 50 feet of the driving surface of a signalized intersection (Sec. 60.100-D); Variance to permit a dynamic display sign to be located within 200 feet of a residential district (Sec. 60.100-F); Variance to permit a dynamic display to be located within 20 feet of the driving surface of a street (Sec. 60.100-E); Variance to permit two dynamic display signs on a lot (Sec. 60.080-E)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St. S., stated that the application is for the QuikTrip at W. 15th St. S. and S. Denver Ave. She stated that QuikTrip is in the process of updating all its pricing numbers from the white plastic tiles that are changed manually to LED e-tiles that will be changed electronically. She explained that the sign cabinets will not be moving but will only be updated. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs regardless of the direction of travel.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on pages 9.12-9.13 of the agenda packet, finding the hardship to be that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose, which is to minimize distraction to vehicle traffic from flashing or animation of digital signs, which the proposed signs will not contain.

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

Lots 1 & 2, Block 1, D-Landco Addition, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23734

Location: 1014 South Sheridan Road

City Council District: 3

Applicant: Nathalie Cornett

Action(s) Requested

Variance to permit two dynamic display signs on a lot (Sec. 60.080-E)

Presentation by Applicant

Nathalie Cornett, 2727 E. 21st St. S., stated that the application is for the QuikTrip at E. 11th St. and S. Sheridan Rd. She stated that QuikTrip is in the process of updating all its pricing numbers from the white plastic tiles that are changed manually to LED e-tiles that will be changed electronically. She explained that the sign cabinets will not be moving but will only be updated. She noted that the hardship is that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose and that the traffic will need to be able to see the pricing signs regardless of the direction of travel.

Speakers

None

Board Comments

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

Board Action

Motion: Approve, per plans on pages 10.12-10.13 of the agenda packet, finding the hardship to be that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose, which is to minimize distraction to vehicle traffic from flashing or animation of digital signs, which the proposed signs will not contain.

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 Sixty (60), GLEN HAVEN ADDITION, a Subdivision in Tulsa County, Oklahoma, according to the Recorded Plat thereof, EXCEPT a tract described as follows: Beginning at a point Three Hundred Twenty-five (325) feet North of the Southeast corner of Lot Sixty (60); thence in a Westerly direction parallel to the South line of said Lot a distance of One Hundred Forty (140) feet; thence in a Northerly direction parallel with the East side of said Lot a distance of One Hundred (100) feet; thence in an Easterly direction parallel with the South line of said Lot a distance of One Hundred Forty (140) feet; thence South along the East line of said Lot a distance of One Hundred (100) feet to the point of beginning.

BOA-23735

Location: 2612 East 22nd Street South

City Council District: 4

Applicant: Philip Doyle

Action(s) Requested

Variance to reduce the required 25-foot rear setback in the RS-2 District (Sec. 5.030-A, Table 5-3)

Presentation by Applicant

Philip Doyle, 1720 S. Newport Ave., stated that his client wants to build a one-story addition, but he needs relief for the rear setback. He informed the board that there are about 60 homes in the neighborhood that are 140 feet in depth, but his clients' home and another home were reduced to 125 feet in depth at some point. He stated that his client has spoken to his neighbors, and they do not have an issue with his request.

Speakers

None

Board Comments

The board stated that that if the lot was not reduced in depth at some point the applicant would not be before them. They suggested that the reduction of depth was not self-imposed and said they do not have an issue with the application.

Board Action

Motion: Approve, per plans on page 11.11 of the agenda packet, finding the hardship to be that the lot is a non-conforming lot.

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

N 125 OF E/2 LT 8 & N 125 LTS 9 & 10, BLK 1, HARTER'S FOURTH RESUB L1-20 B1 HARTER'S THIRD RESUBL1, City of Tulsa, Tulsa County, State of Oklahoma

Other Business

None

New Business

None

Board Member Comments

Ms. Radney stated that she would like to get further clarification about the standards for approving manufactured housing by staff and the City Council.

Mr. Bond reminded the board members of the work session on August 13, 2024.

Staff Comments

None

Adjournment

There being no further business, the meeting adjourned at 2:36 p.m.

Date approved: 8-13-24

Chair: Ante Bond