



City of Tulsa Board of Adjustment

Minutes of Meeting No. 1343

Tuesday, August 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 August 6, 2024 at 10:33 a.m.

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

Members Absent: None

Staff Present: Audrey Blank, Rebecca Surber-Cantu, Nathan Foster, Kim Sawyer

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, Mr. Bond called the meeting to order at 1:04 p.m.

Approval of Minutes

Minutes from Meeting 1337, May 14, 2024

Motion: Approval of minutes

Motion by: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Minutes from Meeting 1338, May 28, 2024

Motion: Approval of minutes

Motion by: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Minutes from Meeting 1339, June 11, 2024

Motion: Approval of minutes

Motion by: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Minutes from Meeting 1340, June 25, 2024

Motion: Approval of minutes

Motion by: Wallace

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Minutes from Meeting 1341, July 9, 2024

Motion: Approval of minutes

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Minutes from Meeting 1342, July 23, 2024

Motion: Approval of minutes

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

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 district (Section 45.031-D); Variance to allow 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, Section 45.031-D.6); Variance of the street setback in the RS-3 district (Section 5.030, Table 5-3).

Presentation by Applicant

Morad El-Raheb, 5118 East 80th Street South, stated he has a two-car garage that he would like to convert into a one-bedroom accessory dwelling unit.

Speakers

None

Board Comments

The Board stated they could support the Special Exception if it excludes the porch.

Board Action

Motion: Approve the Special Exception to permit an accessory dwelling unit in the RS-3 district, per plans on pages 7.12-7.15 of the agenda packet, subject to the condition that the porch be excluded. The Board further moves to approve a 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 for a total floor area of 768 square feet; and a Variance of the street setback in the RS-3 district from 35 feet to 1 foot, 7 ³/₄ inches, per the conceptual plans shown on pages 7.12-7.15 of the agenda packet, subject to the condition that the additional square footage is for the garage only.

Motion By: Radney

Ayes: Bond, Radney, Stauffer, Wallace

Nays: Barrientos

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

Lt 455, Blk 2, Rodgers Hgts, City of Tulsa, Tulsa County, State of Oklahoma

New Applications

BOA-23744

Location: 7642 East 46th Place South

City Council District: 5

Applicant: Jeff Skaggs

Action(s) Requested: Appeal of the Notice of Violation issued in Case 87299-2024 (Section 70.140)

Speakers

Aaron Cummings, lead neighborhood investigator with City of Tulsa Code Enforcement, stated that his department received a citizen complaint in February 2024 via the 311 customer care center. He stated that after a thorough inspection of the property, multiple violations were found, including:

One of the properties lacked the minimum parking ratios required by the zoning code;

The subject property lacks the required parking for employees, patrons or an accessible space; and

The applicant does not have a Certificate of Occupancy on file with the City of Tulsa.

Mr. Cummings stated that Code Enforcement also received a statement and a letter from a property owner across the street, which was also sent to the applicant, requesting that he cease parking on a property that he does not own.

Presentation by Applicant

Jeff Skaggs, 7642 East 46th Place South, stated he is handicapped and assumed that he has the right to park in his own accessible parking space that is located on the west side of the building right in front of the door. Mr. Skaggs stated that he has owned the building for 32 years and is licensed by the state to sell used cars, and he believes they required a certificate of occupancy when he received his initial license, but he does not know where that license is currently.

Board Comments

The Board stated that there was not sufficient evidence presented to reverse the decision of the Neighborhood Inspector.

Board Action

Motion: Affirm the administrative decision by a neighborhood inspector in Case 87299-2024 that the subject property is in violation of Sections 55.020, 55.080-D, and 70.080-A of the City of Tulsa Zoning Code, finding that the Neighborhood Inspector acted appropriately in the administrative decision that the subject property is in violation of Sections 55.020, 55.080-D, and 70.080-A.

Motion By: Barrientos

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Property Description

Lot 8, Block 2, Industrial Equipment Center 3rd, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23745

Location: 7652 East 46th Place South

City Council District: 5

Applicant: Jeff Skaggs

Action(s) Requested: Appeal of the Notice of Violation issued in Case 91951-2024 (Section 70.140)

Presentation by Applicant

Jeff Skaggs, 7642 East 46th Place South, stated that the neighborhood inspector told his employee that the cars on the western boundary of the subject property would need to be moved because Mr. Skaggs did not own the property. He stated that he has owned the property for 32 years.

Speakers

Aaron Cummings, lead neighborhood investigator with City of Tulsa Code Enforcement, stated that while working the previous case, Code Enforcement discovered that Mr. Skaggs also owned the subject property. He stated that there were multiple vehicles in varying states of operability parked on the grass in this vacant lot. Mr. Cummings stated that some of the vehicles had been there long enough for trees to grow up through them. He stated the lot has never had an established use and there is no building on it. Since there is no primary principal use, he said, it cannot have a secondary use of parking. Mr. Cummings stated that there have not been any parking plans, site plans, or anything else submitted to the City to get a zoning clearance permit to use that lot for parking. He stated that the subject property is being used as accessory to the Applicant's current business, which is two lots away, so it does not abut this lot.

Board Comments

The Board stated that there was not sufficient evidence presented to reverse the decision of the Neighborhood Inspector.

Board Action

Motion: Affirm the administrative decision by a neighborhood inspector in Case 91951-2024 that the subject property is in violation of Sections 45.010-A, 55.090-F.1, 55.090-F.2, and 70.080-A of the City of Tulsa Zoning Code, finding that the Neighborhood Inspector acted appropriately in the administrative decision by a neighborhood inspector in Case 91951-2024, and that the subject property is in violation of Sections 45.010-A, 55.090-F.1, 55.090-F.2, and 70.080-A.

Motion By: Stauffer

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

Property Description

Lot 10, Block 2, Industrial Equipment Center 3rd, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23746

Location: 17401 East 11th Street South

City Council District: 6

Applicant: Fernando Adame

Action(s) Requested: Special Exception to allow a horizontal extension to be added to a building with a non-conforming setback (Section 80.030-D)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Approve the Special Exception to allow a horizontal extension to be added to a building with a non-conforming street setback, per plans on page 10.12 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

S/2 SW SE SE & N/2 SW SE SE & NW SE SE LESS BEG 1321.57E SWC SE TH N50 E78.43 S50 W78.43 POB SEC 2 T19N R14E 19.910ACS

BOA-23747

Location: 5028 South 30th West Avenue

City Council District: 2

Applicant: Jon Brent

Action(s) Requested: Variance to reduce the required 60-foot lot width in the RS-3 district to permit a lot split (Section 5.030, Table 5-3); Variance to reduce the required lot area and lot area per unit to permit a lot line adjustment in the RS-3 district (Section 5.030, Table 5-3)

Board Comments

Because the Applicant was not present, the Board discussed continuing the item to August 27, 2024.

Board Action

Motion: Continue the item to August 27, 2024.

Motion By: Radney

Ayes: Barrientos, Bond, Radney, Stauffer, Wallace

Nays: None

Abstentions: None

Absent: None

BOA-23749

Location: 4710 South Wheeling Avenue

City Council District: 9

Applicant: Maureen Sherry

Action(s) Requested: Variance to reduce the required 15-foot side street setback in the RS-1 district (Section 5.030, Table 5-3, Table note [3])

Presentation by Applicant

Maureen Sherry, 4710 South Wheeling Avenue, stated they would like to reduce the required setback by five feet on the north side of the property to build a master bedroom.

Speakers

None

Board Comments

The Board stated that they found no issues in granting this Variance, with the hardship being the existence of drainage mitigation systems and the location of a utility easement that restrict the opportunity for additional construction.

Board Action

Motion: Approve the Variance to reduce the required side street setback in the RS-1 district from 15 feet to 10 feet, per plans on pages 12.10-12.13 of the agenda packet.

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 1, Block 2 Bolewood Manor Addition, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23750

Location: 5137 South Hudson Place

City Council District: 9

Applicant: Vicki Sue Loehrs

Action(s) Requested: Special Exception to allow a Type 2 Home Occupation in the RS-3 district to permit an electrolysis business (Section 45.100)

Presentation by Applicant

Vicki Sue Loehrs, 5137 South Hudson Place, explained that her request is for a special exception to have an electrolysis business in her home. She stated there would be no employees and it would be no more than 25 hours per week. She stated she has met with the neighbors, and most were supportive.

Speakers

(+) Helen Maxey, 5930 East 54th Street South, stated she has no problem with this business if the applicant does not have employees. She stated that if Ms. Loehrs wishes to grow her business and needs additional employees, there are brick and mortar spaces across the street.

Board Comments

The Board stated they had no problems with this application.

Board Action

Motion: Approve the Special Exception to allow a Type 2 Home Occupation in the RS-3 district to permit an electrolysis business, per plans on page 13.11 of the agenda packet, subject to the following conditions: only one client at a time is allowed; there must be a designated customer parking space on the driveway during hours of operation; the hours of operation are limited to a maximum of 7 hours a day, up to 25 hours per week; there shall be no non-resident employees; and clients may park on South Hudson Place if space is available.

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

LT 3 BLK 1 Park Plaza Third, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23751

Location: 8720 East 13th Street South

City Council District: 5

Applicant: Keith Dalessandro

Action(s) Requested: Special Exception to increase the permitted fence height of 4 feet within the street setback (Section 45.080-A)

Presentation by Applicant

None

Speakers

None

Board Comments

Ms. Stauffer stated that the Board received a letter in opposition.

Board Action

Motion: Approve the Special Exception to increase the permitted fence height within the street setback, per plans on pages 14.12-14.13 of the agenda packet, subject to the following conditions: Fence pickets shall not exceed 5 feet in height and fence posts shall not exceed 6 feet in height.

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

W/2 LT 1 BLK 6 Forest Acres, City of Tulsa, Tulsa County, State of Oklahoma

BOA-23752

Location: 2747 South Florence Avenue

City Council District: 4

Applicant: Lacey Marino

Action(s) Requested: Variance to reduce the required 30-foot street setback in the RS-2 district (Section 5.030-A, Table 5-3)

Presentation by Applicant

None

Speakers

None

Board Comments

None

Board Action

Motion: Approve the Variance to reduce the required street setback in the RS-2 district from 30 feet to 15 feet, subject to the following conditions: The approval is only for the southwest addition of living space and garage, per plans on pages 15.12-15.15 of the agenda packet. The Board finds the hardship to be the unique pie shape of the lot.

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

LT 18 BLK 8, Sheila Terrace, City of Tulsa, Tulsa County, State of Oklahoma

Other Business

None

New Business

None

Board Member Comments

Mr. Bond thanked staff for a great work session today.

Staff Comments

None

Adjournment

There being no further business, the meeting was adjourned at 3:23 p.m.

Date approved: 8-27-24

Chair: 