



# CITY OF Tulsa

## Board of Adjustment

**Case Number:** BOA-23557

**Hearing Date:** 08/22/2023 (Continued from 08/08/2023)

**Case Report Prepared by:**

Austin Chapman

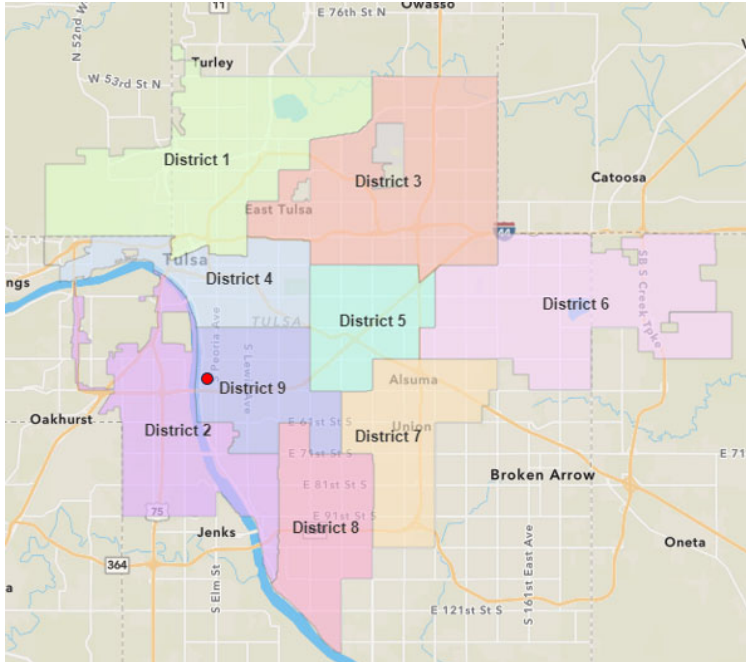
**Owner and Applicant Information:**

**Applicant:** Lou Reynolds

**Property Owner:** Independent School District No. 1

**Action Requested:** Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

**Location Map:**



**Additional Information:**

**Present Use:** School

**Tract Size:** 3.87 acres

**Location:** 1110 E. 45 Pl. S.

**Present Zoning:** RS-3





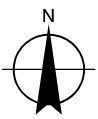
**SUBJECT TRACT**

**BOA-23557**

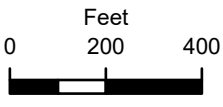
19-12 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021

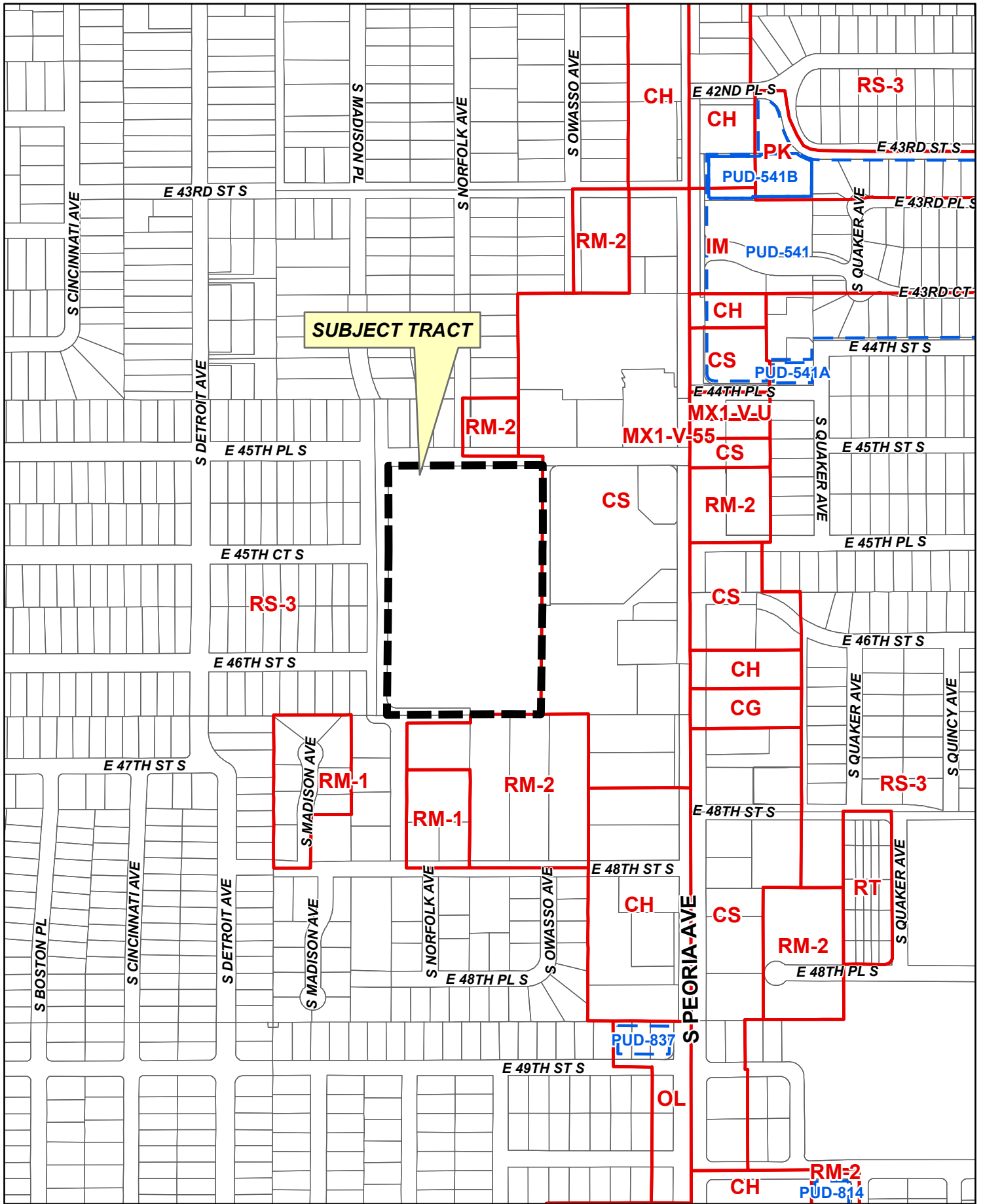


6.2



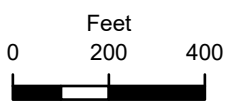
Subject Tract



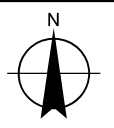


**SUBJECT TRACT**

**BOA-23557**



19-12 25



6.3

**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9225  
**CD:** 9

Case Number: **BOA-23557**

**HEARING DATE:** 08/22/2023 (Continued from 08/08/2023)

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5); Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3)

**LOCATION:** 1110 E 45 PL S

**ZONED:** RS-3

**PRESENT USE:** School

**TRACT SIZE:** 168591.83 SQ FT

**LEGAL DESCRIPTION:** See attached.

**RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**BOA-21380;** On 02.28.12 the Board ***approved*** a Variance to permit a digital sign to have non-constant light and a Variance to permit a digital sign within 200-feet of a residential district.

**BOA-12091;** On 08.19.82 the Board ***approved*** a Special Exception to permit a daycare use accessory to Wright Elementary School.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Neighborhood".

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**STATEMENT OF HARDSHIP:** See attached exhibits.

**STAFF ANALYSIS:** The applicant is requesting a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

**35.040-I Library or Cultural Exhibit**

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

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



*Table 5-3: R District Lot and Building Regulations*

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Min. Building Setbacks (ft.)</b>													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	10	10	10	10	35
Other streets	35	35	30	25	20	20	25	10	10	10	10	10	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

Applicant is requesting to reduce the street setback from 25-feet to 15-feet for non-arterial streets.

**Facts staff finds favorable for variance request:**

- The presence of the storm easement on the site as identified on the property does present a physical limitation of the building area of the site.

**Facts Staff find unfavorable for the variance request:**

- None.

**SAMPLE MOTION:**

*Special Exception:*

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Library in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5);

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any):  
\_\_\_\_\_.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*Variance:*

Move to \_\_\_\_\_ (approve/deny) a \_\_\_\_\_

- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

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;*

*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*e. That the variance to be granted is the minimum variance that will afford relief;*

*f. 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*

*g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”*





***Subject Property***

**Exhibit "A"**

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit:

The East 995 feet of the South 474 feet of the Annie May Grant Tract "B" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30 T-19-N, R-13-E; and the East 995 feet of the Annie May Grant Tract "C" of the L.J.F. Rooney Survey of Annie May Grant (née Abdo) and Harry N. Abdo lands in Section 25, Township 19 North, Range 12 East, according to the recorded plat thereof, the East boundary thereof being the center of the Section line between said Section 25, T-19-N, R-12-E, and Section 30, T-19-N, R-13-E, LESS a tract of ground in the Southwest corner of the Annie May Grant "C" Tract (which is part of the N/2 of NE/4 of SE/4 of 25-19-12) specifically described as: Beginning at a point in the center of Section line on the East side of said Section 25 at the Southeast corner of the Annie May Grant "C" Tract, according to the recorded plat and running thence North in the center of said Section line along the East boundary of said Section 25 a distance of 160 feet, thence due West and parallel with the South boundary line of said Section 25 a distance of 170 feet, thence South and parallel with the East boundary line of said Section 25 a distance of 160 feet, thence East along the South boundary line of said Annie May Grant "C" Tract a distance of 170 feet to the Point of Beginning.



### **Exhibit "B"**

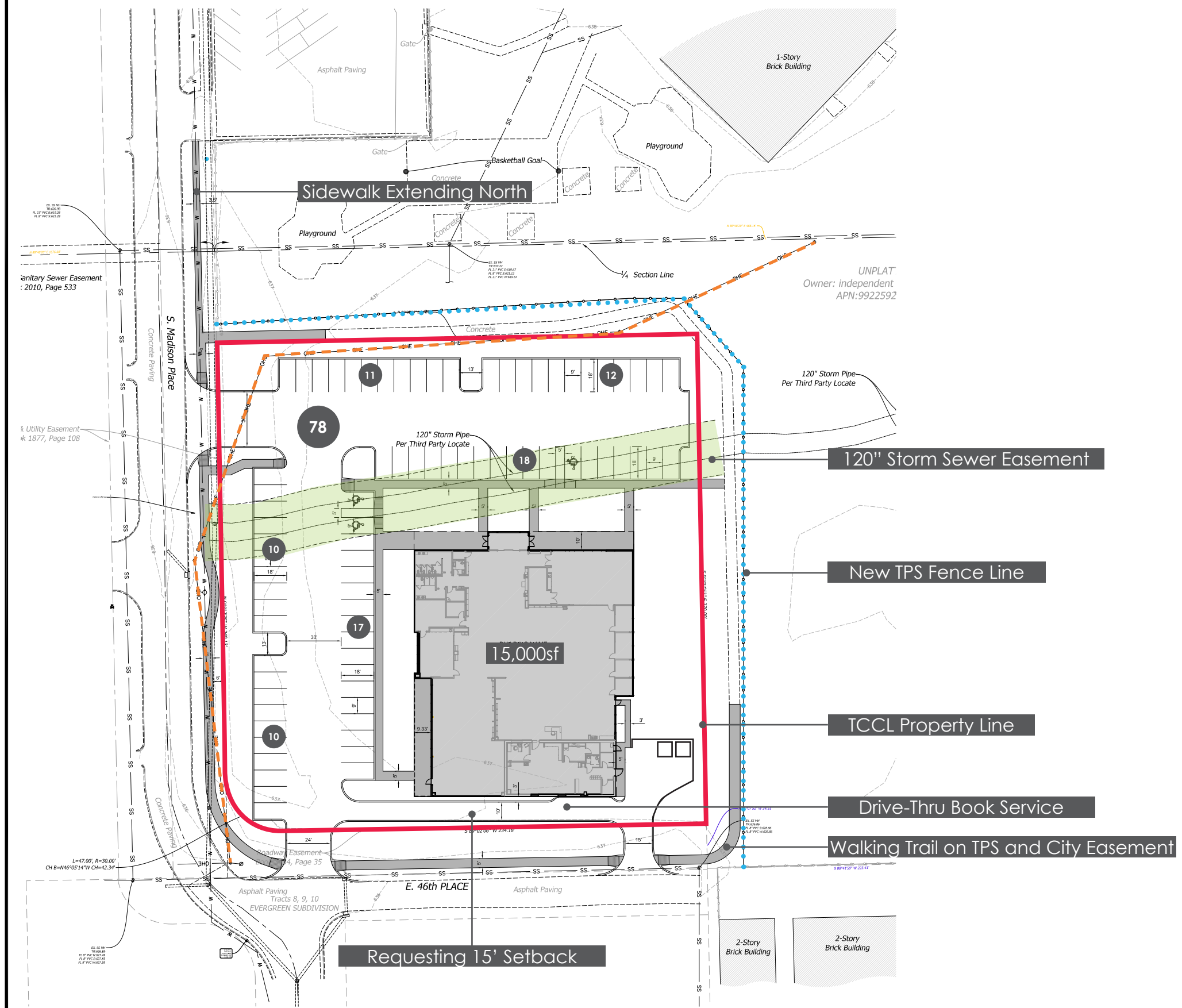
The Applicant requests (1) a Special Exception pursuant to Table 5-2 of the Tulsa Zoning Code (the "Code") to permit a Library in the RS-3 district; and (2) a Variance to reduce the minimum non-arterial street setback from 25 feet to 15 feet, all for property located at 1110 E. 45<sup>th</sup> Place S. (the "Property").

The Property is comprised of approximately 9 acres, with Collegiate Hall, a public charter school, located on the northern half of the Property. The Tulsa City-County Library Commission desires to build a new Brookside Library at the southwest corner of the Property. A Conceptual Site Plan of the new library facility is attached hereto. Currently, Brookside Library is located just north of the Property, across E. 45<sup>th</sup> Place. The proposed 15,000 SF library will be a much needed upgrade to the current 7,000 SF library built in 1970.

Given the existence of a library in this neighborhood just a couple of blocks away for over 50 years, the proposed Library use will not be injurious to the neighborhood and the Special Exception is in harmony with the spirit and intent of the Code.

The RS-3 zoning district requires a 25 foot building setback from non-arterial streets. Due to an existing storm sewer easement crossing the northern portion of the Property, the location of the proposed Library is confined to the area of the Property to the south of the easement. In order to accommodate the building on the site, the Applicant requests a Variance to reduce the 25 foot street setback to 15 feet.

Taking into account the existing 50 feet of right-of-way of E. 47<sup>th</sup> Street, the Library building will be setback 65 feet from the residential property boundary to the south and 85 feet from the nearest residential building wall to the south. Accordingly, the literal enforcement of the setback established by the Code is not necessary to achieve its intended purpose and the Variance will not impair the use of the adjacent property or the spirit and intent of the Code.











**Eller & Detrich**  
*A Professional Corporation*

Philip J. Eller  
Kevin H. Wylie  
R. Louis Reynolds  
Daniel C. Cupps  
Andrew A. Shank  
Shanann Pinkham Passley  
Mac D. Finlayson  
Steven P. Flowers  
Kenneth E. Crump, Jr.  
Sloane Ryan Lile  
Nathalie M. Cornett  
Natalie J. Marra  
Jacob W. Purdum

*Telephone*  
(918) 747-8900

*Toll Free*  
(866) 547-8900

*Facsimile*  
(918) 747-2665

*Of Counsel*  
Donald L. Detrich, *Retired*  
Jerry M. Snider  
Katherine Saunders, PLC  
Heidi L. Shadid  
Joshua M. Tietz

*Writer's Direct Line*  
(918) 392-9400

*Writer's Direct Fax*  
(918) 392-9406

*Writer's E-Mail*  
[rlreynolds@ellerdetrich.com](mailto:rlreynolds@ellerdetrich.com)

July 26, 2023

Antony & Najat Abdo  
2020 Revocable Trust  
7726 S. 69th East Ave.  
Tulsa, OK 74133-3414

Re: Brookside Library, 1110 E. 45<sup>th</sup> Place South, Tulsa, Oklahoma 74105  
Board of Adjustment Case No. BOA-23557

Dear Mr. and Ms. Abdo:

If you have not already, you will be receiving a notice in the mail from the Tulsa Planning Office regarding our application for Case No. BOA-23557, which will be heard by the City of Tulsa Board of Adjustment on Wednesday, August 8, 2023, at 1:00 p.m.

The Tulsa City-County Library Commission is in the design process for a new Brookside Library facility. The existing Brookside Library, on the north side of 45<sup>th</sup> Place, was built over fifty years ago in 1970 and, with approximately 7,000 square feet, simply does not have the space or amenities of a modern library.

The new Brookside Library facility is proposed to be built on the south side of Collegiate Hall, on South Madison Place. The new building on Madison will be approximately 15,000 square feet and in addition to a larger book selection, will have meeting areas, computers and multi-media resources available to the public.



July 26, 2023

Page 2

The purpose of this Board of Adjustment application is for a Special Exception for the library use to be in a residential district and, due to a large storm sewer bisecting the Property, a Variance to reduce the street setback by 10 feet (from 25 feet to 15 feet) along E. 46<sup>th</sup> Place. Attached to this letter are a Conceptual Site Plan and Building Elevation that will be provided to the Board.

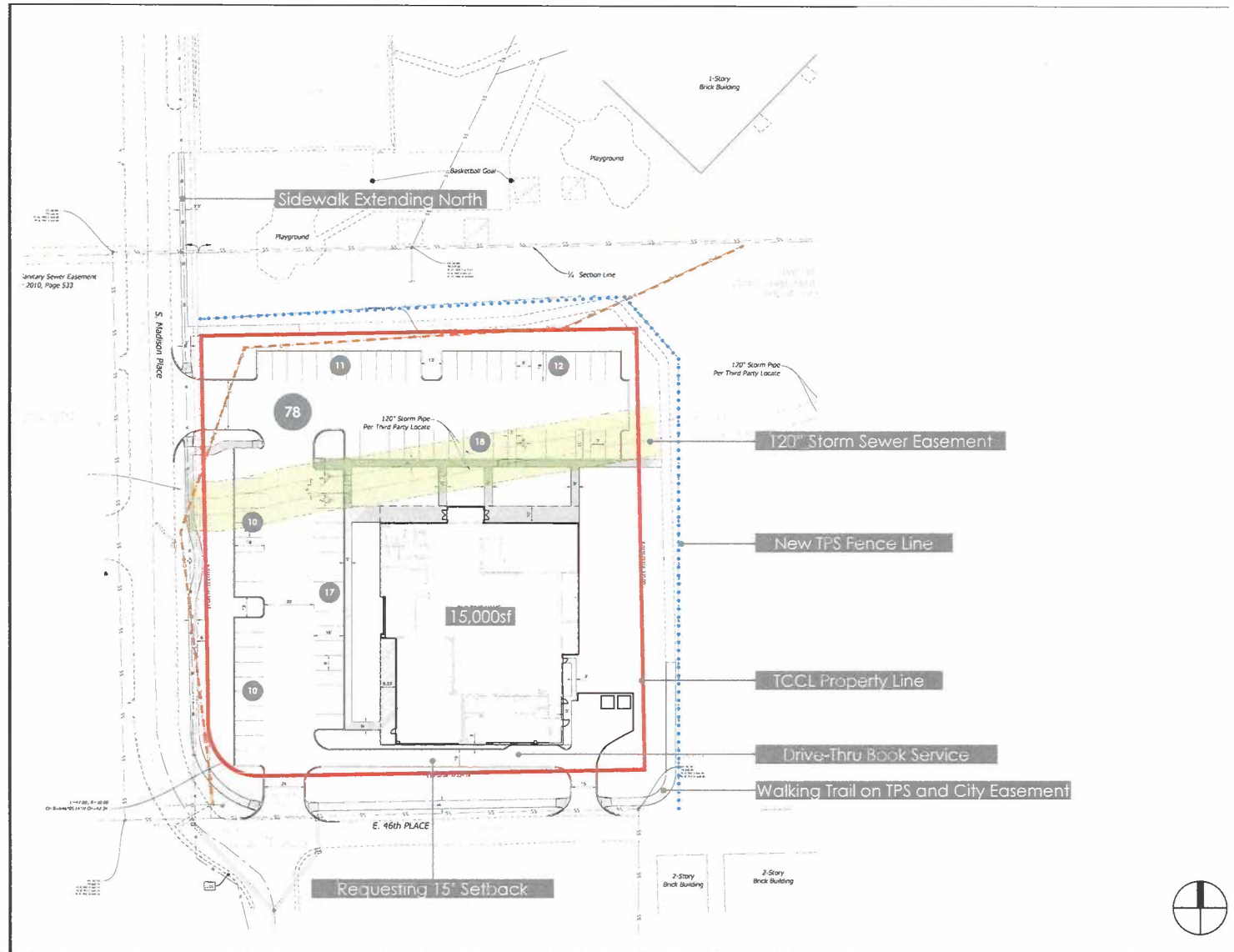
We are excited for the new Brookside Library and think it will be a wonderful, much needed upgrade for the community and you, as its neighbors. If you have any questions about the project, please do not hesitate to call me at (918) 747-8900.

Yours very truly,

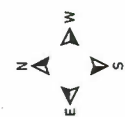
**ELLER & DETRICH**  
*A Professional Corporation*

Lou Reynolds  
Counsel for Tulsa-City County Library Commission

Enclosure







**From:** [Jonathan Pinkey](#)  
**To:** [Chapman, Austin](#)  
**Subject:** BOA-23557 New Brookside Library Being Planned  
**Date:** Monday, August 7, 2023 5:47:58 AM

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Greetings,

I am writing regarding Case BOA-23557 and the Brookside Library's planned new location. I wrote an earlier letter of concern to the Tulsa Library. Since writing that letter, I have spoken with some nearby residents. I have heard concerns that the project is unnecessary (regardless, the planned residential location seems very poor, all things considered). I have heard some strong concerns about the loss of green space. The large field has been in use for recreation and relaxation by many community members for decades (and would continue to be if left intact). Its size should not be substantially diminished, as it will be if this project proceeds. I have also become aware of concerns about this project contributing to the unnecessary existence of what the EPA calls a "heat island" in our neighborhood, which seems quite a serious consideration. There are other concerns as well. I agree with the statement that to grant the Special Exception/variance would do more harm than good for the local community. It seems that this project needs serious reconsideration.

Best wishes,

Jonathan Pinkey

4754 S Boston PL  
Tulsa OK 74105-4418

P.S. Why not move the library somewhere else, perhaps on Peoria? (Possibly where the old Arby's was—there is a big field behind it that could provide plenty of parking. There are other possible locations that might be considered as well.)

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**From:** [Kelsey Royce](#)  
**To:** [Chapman, Austin](#)  
**Subject:** Request for Continuance BOA-23557  
**Date:** Friday, July 28, 2023 4:15:57 PM

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Good afternoon,

Per our conversation, I am requesting a continuance for BOA-23557 which is scheduled for August 8, 2023. A continuance is appropriate for the reason that it coincides with an election and would overburden residents who might have to make a choice between the two for reasons of personal or work-related obligations.

To date, no mail has been received notifying those of us living within 300 feet (or distance otherwise specified by law) that a variance has been requested for this project. I would also ask that a public hearing be held so that those of us who have concerns may bring them before the body that governs these changes.

If there are any other steps to be taken in order to ensure that affected residents are able to engage and fully participate in this process, please advise.

Regards,

Kelsey Royce  
918-955-5007

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