

Chapman, Austin

From: Scott Cole <scott.kali@gmail.com>
Sent: Tuesday, January 12, 2021 8:40 AM
To: esubmit
Subject: regarding BOA-23045

BOA-23045

Location: 2251 East 26th St S
Letter to Board of Adjustment

Dear Board Members,

We have lived in our current residence on 26th St since 2011. In our 10 years on the street we have witnessed nearly continual construction and remodeling projects which have always been encouraged and appreciated. In the last 10yrs on 26th we have not been presented with a hardship variance and most construction projects have been wholly supported by most of the neighbors and the neighborhood. After reviewing the plans and the architectural drawings my concerns are that it does impinge upon the privacy of the adjoining neighbors. Furthermore the structure of the requested addition does not match the character of the neighborhood (especially the view from Lewis). Consequently we are not in support of the requested hardship variance. That being said I am hopeful a project can be designed and completed by the homeowner which honors privacy of the surrounding residents and maintains the architectural integrity and character of the neighborhood. Thank you for your time and understanding.

Sincerely,

Scott and Kali Cole
2216 East 26 street

Thad & Lori Dale
2243 East 26th Street
Tulsa, OK 74114

Re: BOA-23045

Mr. Chapman / BOA,

My wife and I plan to participate in the meeting again tomorrow as a follow-up to the meeting that was continued from December 9, 2020. We own the property adjacent to the west side of 2251 East 26th Street.

To reiterate what we said during the previous meeting, we are extremely concerned about the privacy issue the proposed structure would cause. Part of the screening that was proposed during the last meeting includes horizontal wooden slats. That type of structure typically does not form a completely enclosed wall, either due to spacing during construction, or due to weathering as the boards age. In our opinion, this solution would not solve the visual or acoustical privacy issue.

The size of the proposed deck is also problematic. At 18.5' x 24', the deck would be larger than our living room. During the previous meeting, Mr. Pohlenz stated the deck was only to be used for quiet conversation off the master. I respectfully disagree with that statement. The structure's size and the homeowner's plan to add a pool in the future indicate otherwise. I was disappointed that Mr. Pohlenz did not mention the plan for the pool when the questions from the board presented the opportunity.

We are also concerned the proposed structure does not maintain the character of the neighborhood. The concept drawings do not complement the structure of the original house which is primarily stone. The modern siding and wood slat construction does not tie in with the original architecture.

Our home is the same age as the subject property and has a similar garage configuration – 2 single doors with a post in the middle. We were able to manage 5 drivers during our time living at this house without claiming a hardship. We have a full-sized Tahoe that we park in our garage on a regular basis. At no time did we park in the street or in the yard. The size of the garage and driveway for homes in this area are inconvenient but can be managed. The previous owner of the subject property was able to park his Camaro in the garage and never parked a car in the street or in the yard during the time we lived next door to them.

After participating in the December meeting, we are now even more concerned that the approval of this special exception and variance would allow this property owner, or any future property owner at this location, to build a structure up to 35' tall on this footprint. Furthermore, we do not feel the applicant has proven that a hardship exists that would necessitate the need for the proposed structure. For those reasons, we are respectfully requesting the denial of this application.

We look forward to speaking with you tomorrow.

Sincerely,

Thad & Lori Dale

Notice of Hearing: Special Exception Case Number: BOA-23045

To: the Board of Adjustment

From: Kenneth E. Dornblaser

January 11, 2021

Board Members:

The following comments are submitted as a supplement to those originally provided in connection with the above Case Number on December 7, 2020, and considered at the Board's meeting on December 9, 2020 (as a continuation of the Board's December 8, 2020 meeting).

My original comments noted my concern about the scope of the proposed tandem garage. As a result of my participating (remotely) in the Board's December 8 and 9 meetings, I became more specifically aware of the policies and procedures related to the granting of "variances" and "hardships" by the Board. As a result of my further "education", I would offer the following as more specific points for the Board's further consideration.

My understanding of the application is that it in part declares a "hardship" due to the fact that the property owners are unable to park cars in the existing garage and, therefore, a tandem garage built at the rear of the property and closer to the adjoining property lines is requested via a variance.

The stated "hardship" is related to the parking of cars only and a need to construct a new garage. I do not believe any nearby property owner objects to the construction of a tandem garage PROVIDED the new structure is in a location and architecturally designed to be as least intrusive as possible. I assume among the duties and obligations of the Board to nearby property owners, when addressing a hardship request, are that if the Board believes the hardship is one that is justified and should be remedied, then such remedy should be granted in a manner by APPROVING THE LEAST INTRUSIVE STRUCTURE POSSIBLE.

Under no logical rationale can the argument be made that a tandem garage necessary to park cars also requires a 20' x 20' second story outdoor room to cure the parking "hardship". Further, has the owner or the Board considered the ability to build the tandem garage in front of the existing garage – which would not result in the need for a variance? I am not an architect, but it appears the property has ample room nearer the street side of the property to address this issue.

Also, I would like to take the opportunity to address certain "rebuttal" comments made by Mr. Pohlenz at the December 9 meeting, after the microphones of the other interested parties had been muted, but before the Board went into its discussion. Mr. Pohlenz stated three things to the Board that, respectfully, I don't believe are entirely accurate.

First, Mr. Pohlenz stated the deck was intended as a “cozy place off the master bedroom where the homeowners would be able to share a quiet coffee”, or something similar to that effect. If the owners want such a small, cozy deck off the master, there appears to be several feet within the existing rear setback line where a small deck could be added without the need for a variance.

Second, he stated the owners had removed all the large trees in the back yard because they couldn’t grow sod under them. While it may have been impossible to grow sod under the prior environment, I believe the Board should be aware that the current owners have already indicated that they have contacted a pool contractor with the intent to construct a pool in the back yard.

Third, and related to the information noted immediately above, in response to a question from a Board member asking “if the deck was to accommodate a cozy access spot from the Master, why was it necessary to have an external staircase?”, the response was that the owner just wanted to have easy access to the ground floor of the house, i.e., the kitchen area. While no one objects to a pool being constructed, at the very least, failure to mention the intent to have a swimming pool at the bottom of the staircase, in response to such a question, is deceptive. Also, I believe a prior rendering of the structure also included a two-story waterfall coming from the deck, which would imply the intent to construct a pool.

During my oral comment period I conveyed to the Board my concern as to whether granting a variance to a hardship such as this would set a precedent, and asked the Board whether similar structures had been approved. The response was that each application stood on its own footing. However, my concern in this area was only heightened when two of the present Board members appeared, during discussion, to be perfectly satisfied with the concept that if the Board was going to approve the garage structure to satisfy the hardship, then it was appropriate to allow the homeowner to add whatever “extras” they wanted, regardless of the necessity to cure the hardship. I can’t believe that such conduct is in accordance with this Board’s intended function.

Finally, two of the Board members seemed satisfied that the addition of “privacy screenings” totally alleviated the adjoining landowners’ concerns about the proposed structure. This is also inaccurate. The adjoining landowners stated that **IF** any type of outdoor deck structure of this type was going to be approved, then at the very least there needed to be some privacy screening in place. But I don’t think any concerned participant in the prior meeting was intending to convey that they were otherwise fine with the concept of a second story deck as a starting point.

Again, I would think that the primary purpose of the Board when granting a variance for a hardship, would be to approve the variance in a manner that solves the hardship in the least intrusive manner to the surrounding area. Clearly, if the only available “fix” for this hardship is approval of a tandem garage in the rear location requested (i.e., construction at the front of the property is not feasible), then the garage structure itself should be constructed in a manner containing only a normal pitched roof consistent with the existing structure of the house.

Thank you for your consideration,

Kenneth E. Dornblaser

2240 E. 25th Place
Tulsa, OK 74114

Chapman, Austin

From: Megan Lewis <megan.lewis08@gmail.com>
Sent: Monday, January 11, 2021 7:34 PM
To: esubmit
Subject: Comments Related to Case BOA-23045

Case Number: BOA-23045

Board Members,

I am writing to voice concerns related to the application and proposed structure (BOA-23045). Concerns relate to the scope of the project and the original hardship declaration, neither of which seem to be transparent or fully detail the true structural intention.

I ask that the board please fully consider all concerns of the neighborhood and the full intent of the proposed structure. If there is a determined hardship, I would hope the board would look to approve a structure that is the least intrusive to the neighborhood while still addressing the homeowner's hardship.

I am unable to attend the hearing on Jan. 12, but voice similar concerns to those of the neighbors in attendance.

Thank you for your consideration,
Megan Patterson

2230 E. 25th Place
Tulsa, OK 74114

Notice of Hearing Case Number BOA-23045

To: The Board of Adjustment

From: Lisa Doyle
2244 E. 25th Place
(Property that backs up to the homeowner requesting the variance)

January 11, 2021

Dear Board Members:

I attended the last meeting on December 9, 2020 and voiced my concerns regarding the proposed variance. It was discussed that the homeowner filed this variance as a result of a parking inconvenience and is hoping to eliminate the inconvenience by building a tandem garage to expand to the North (rear) of the property.

Later it was revealed that the homeowner wanted to build a second story on top of the garage for the purpose of an outdoor entertainment area (per homeowner, a place where he and his wife could enjoy an intimate cup of coffee with it being positioned right off of the master bedroom). It would **also** be positioned right over the pool in **my** backyard. My concern is that if you approve the tandem garage to be positioned according to the variance, that at a later date, the homeowner could decide to go ahead with the 2nd story structure that could go as high as 35' without zoning approval? Since the homeowners moved in last summer, they housed many gatherings that took place on the beautiful patio that the previous homeowner installed. These gatherings were quite noisy with drinking involved. We are already very close to each other.

As the garage exists today, it sets back further from the rest of the house and is not flush. There is room for the homeowner to expand to the front just as easily as to the back. If the homeowner were able to expand the garage to the front of the house (South) versus the back of the house (North) then the need for the variance would not be necessary I can only wonder if the need to expand in the back is due to the 2nd story structure that has nothing to do with a parking inconvenience.

The homeowner purchased the house knowing the garage constraints. The surrounding homeowners should not "suffer" due to the homeowner experiencing a parking inconvenience. As I mentioned on the last call, the previous homeowner lived in the house for 20+ years and during the course of 8 years, housed 4 drivers with 4 cars. Not once did they park their cars in the front yard or even in front of their house. They used their driveways like the rest of us.

The homes in the neighborhood are while quite lovely, still have their quirks (garages, small closets, etc.) I suffer from both as well but you don't see me parking my cars in the yard or placing a pod in my driveway to house the clothes that won't fit in my closet. These are some sacrifices that are made to be a good neighbor and not alter the character of the neighborhood or impact other neighbor's ability to enjoy their home surroundings.

I have driven past this house during different times of the day and different days of the week. I have seen 3-4 cars parked in the driveway with additional driveway space available. If the homeowner is wanting to build this tandem garage to be able to park cars inside, could the center divider be removed to open up the space? Has the homeowner explored alternate options to remedy his inconvenience that would negate the negative impact to the adjacent homeowners? Before passing an unnecessary variance that would negatively impact so many others, could it be suggested to the homeowner to pursue other alternatives?

I appreciate your due diligence when reviewing variances and how it impacts the adjacent homeowners as well as the rest of the neighborhood.

When reviewing what is factored into the decision making I have highlighted areas in which I would like to offer a comment.

e. That the variance to be granted is the minimum variance that will afford relief; Lisa Doyle's Comment: I interpret Minimum to be a garage structure only based on the parking inconvenience, not to include a 2nd story entertainment structure. The fact that approving the garage structure opens the space to additions up to 35 feet makes denial of this variance even more critical.

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 Lisa Doyle's comment: The 2nd story structure would alter the neighborhood. The character of this neighborhood does not currently have 2nd story entertainment structures and the renderings do not appear to match the style of the home. Also, it would negatively impact three adjacent properties from a privacy issue as well as a noise concern. I would not be able to enjoy my backyard space looking at a 35' structure positioned above my pool. I also would not be able to enjoy my quiet surroundings when the homeowners are hosting gatherings on the 2nd story entertainment structure.

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." Lisa Doyle's comment: This variance would affect my quality of life by not being able to "unwind" after a hard week of work by relaxing in my pool and enjoying my outdoor space. During this past year with the COVID pandemic, I have practiced social distancing and retreated to my home environment. It would be a shame if that were compromised as a result of this variance passing.

I appreciate the opportunity to voice my concerns. I request that the variance to expand to the North (rear) and the 2nd story structure be denied.

Thank you for your time.

Sincerely,

Lisa Doyle
2244 East 25th Place
Tulsa, OK

Case number: BOA-23045

Location: 2251 East 26 St S

Letter to Board of Adjustment

Dear Board Members,

My name is Emily Field Cary. I reside at 2235 East 25th Place. I would like to thank the board for your extended due diligence in addressing this variance request. I attempted to call in and speak on the first call but was unable to get through until too late in the call to offer my remarks. I appreciate the opportunity to do so at this time.

My home is situated across the street from the home that sits directly behind the home requesting the variance. I have a direct line of sight to the 2251 East 26th Street property due to the offset between the two homes the border it to the north.

My interest in this hearing is that in the more than 25 years I have been living in my home, I have never had an issue with noise or the inability of being able to comfortably enjoy my outdoor patio area. This past late summer into fall, on repeated occasions, I have experienced the excessive noise of music and revelry coming from the backyard of the property in question. This is the primary reason I took an interest in this request for a variance. I was dismayed to learn this this request for a variance for additional garage space is instead, a much more extensive request to construct an outdoor second floor resort style entertainment area. If I am already predisposed to hearing the excessive noise and resounding recreation, I fear that approving this variance and allowing the construction of a second floor exterior living and entertainment area will magnify the noise levels and grow into an even weightier annoyance and inconvenience. I have both walked and driven past the property several times to better understand the challenges that are faced in the proposed hardship. The photograph exhibit does not allow you to properly see the current garage which is set back substantially from the frontal home line. There is also an extended driveway, much like my own that will hold multiple vehicles. I don't pretend to have any architectural knowledge or training. Intuitively though from a layman's perspective, there are alternative options that solve the parking and garage issues in the front of the property rather than encroaching on the property line in the rear of the home. This appears obvious from the street view and from the renderings on exhibit 4.10. This brings in question for me, based on my personal experience in the amount of noise from the property, whether solving a parking hardship is the real intent of the variance, as opposed to an interest in increasing outdoor entertainment space at the expense of neighbors privacy and ability to enjoy our own outdoor living space. I fear it is a slippery slope to allow a hardship variance in this particular case when there seem to be clear and equivalent solutions that will not create an increased disintegration of privacy and quality of life for multiple homeowners in the area. I do not believe the property owner can demonstrate that their current variance request has exhausted other alternatives, nor do I believe that their request is in the best interest of the neighbors within the community. In fact, I believe that the variance will cause undue harm and disharmony to multiple homeowners in the immediate and extended area. I respectfully request that the variance be denied and I thank you for your time today.

