

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1210
Tuesday, July 24, 2018, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Back, Vice Chair Ross, Secretary Radney	Bond	Miller Ulmer Sparger E. Smith	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on July 23, 2018, at 10:23 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

Ms. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES
None.

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today. Any motion will require an affirmative vote of three of the remaining four members. When there is less than a full Board the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

UNFINISHED BUSINESS

22462—Jennifer and Michael Abbey

Action Requested:

Special Exception to permit the parking and storage of recreational vehicles in an RS-3 District (Section 45.150). LOCATION: 3818 South 142nd Avenue East (CD 6)

Presentation:

Jennifer and Michael Abbey, 3818 South 142nd East Avenue, Tulsa, OK; stated she and her husband have lived at the same residence for 30 years and have never had any problems. They received a letter from the City stating there could not be two recreational vehicles in the drive. Ms. Abbey stated she never knew that they were both considered to be recreational vehicles. They had a separate slab poured for the utility trailer that has nothing on it and there is a boat on a trailer in the driveway. Ms. Abbey stated they cannot be placed in the back yard because of the soccer fields behind the house. She does not want to store them in an off-site facility because things happen when items are stored, specifically utility trailers because they are sought after. Ms. Abbey stated they had a special device installed and concreted in to attach the utility trailer to. Ms. Abbey stated that she provided a list of neighbor's names and addresses that do not object to the trailer or boat in the driveway.

Mr. Van De Wiele asked Ms. Abbey how long she had the boat and/or the trailer parked in the drive. Ms. Abbey stated that it has been about 25 years.

Michael Abbey came forward and stated that they have always had a boat and always had a trailer. It might have been a different boat or a different trailer, but they have always had the boat and the trailer. Mr. Abbey stated that the extra slab that he had poured for the utility trailer is about 15 years old.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated that he had no issues with this at the last meeting and he still has no issues with it today. He believes this is a situation that has been in existence for several years, plus the further evidence of the neighbor's showing support. There have been two opportunities to those that might have objected to show up and he has not seen any opposed to this. He would suggest that the approval be limited to a boat and a trailer of the same size and type that is generally being seen today.

Ms. Ross stated that she previously had an issue because she was concerned that there were neighbors that may not been able to attend the last meeting. Seeing the list of signatures from neighbors up and down the street that do not oppose this request she no longer has any issues with the request.

Ms. Back stated that she took it upon herself to see who the neighbors were, and through the Assessor's office she found out that quite a few of the people are renters. She did notice that the two houses to the north of the subject address did not sign showing support. Ms. Back stated that she is still undecided.

Ms. Radney stated that she is new to the Board, but in anticipation of being a determining vote she drove by the subject property and looked at it. She does not think this is out of keeping with the rest of the neighborhood. There are a number of houses in the neighborhood that have recreation vehicles parked in their drives. The way the homeowner has accommodated those vehicles on the property is probably in better keeping with the original character of the neighborhood than others in the neighborhood. Ms. Radney stated that she can support the request.

Board Action:

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to permit the parking and storage of recreational vehicles in an RS-3 District (Section 45.150). The approval is subject to the condition that the boat and the trailer must remain of similar size that currently exists, or they can be smaller. 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; for the following property:

LT 14 BLK 6, SUMMERFIELD SOUTH, City of Tulsa, Tulsa County, State of Oklahoma

22471—Jody Cole

Action Requested:

Variance to permit an accessory building to exceed 25% of the building coverage in the rear setback (Section 90.090-C-2); Variance to allow a detached accessory building that exceeds the maximum height requirement (Section 90.090-C.2).

LOCATION: 237 Hazel Boulevard East (CD 4)

Presentation:

Jody Cole, 2440 West 81st Street, Tulsa, OK; stated he represents Cole and Ray Davis. They would like to demolish an existing very small two-car garage which was originally built in the 1920s. The existing garage has a small office area on the side and the home owners would like to have a three-car garage with an artist studio on the second floor.

Mr. Van De Wiele asked Mr. Cole if the existing garage was a one-story structure. Mr. Cole answered affirmatively.

Mr. Van De Wiele stated that the existing garage is 18 x 20, and he asked Mr. Cole what the size of the proposed garage would be. Mr. Cole stated the new garage will be about 25 x 25 with a storage area.

Mr. Van De Wiele asked Mr. Cole about the roofline and the exterior of the new garage. Mr. Cole stated the new garage will look like the main house, but the second story materials are still being discussed.

Mr. Cole stated the second story will not be the entire footprint of the garage; it will be a smaller footprint with a patio. Mr. Cole stated the studio will be about half of the garage.

Mr. Van De Wiele asked Mr. Cole if he had heard from any of the neighbors. Mr. Cole stated the neighbor from the north had a concern about parties being held on the patio. Mr. Cole stated the homeowner likes to work outside and will be using that patio for that purpose.

Mr. Van De Wiele asked Mr. Cole if the patio wrapped all the way around the back of the structure. Mr. Cole stated that it did not.

Mr. Van De Wiele asked Mr. Cole to state his hardship. Mr. Cole stated the garage cannot be constructed any larger going to the south, toward the house, because a person could not navigate a car into the garage so it could only go to the east. There is a utility easement to the north and the setback on the west side. Mr. Cole stated his client would like to have the studio because there is not an area that can be partitioned off for a studio.

Mr. Van De Wiele asked Mr. Cole how tall the garage would be overall. Mr. Cole stated that it would be about 22 feet. Mr. Van De Wiele asked Mr. Cole how tall the principal house is. Mr. Cole stated the house is about 28 feet tall; it sits four feet off the grade with a basement.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that the hardship seems to be a valid hardship, with the navigation of a car and the utility easement. The garage is tall but it is not taller than the house so she can support this request.

Mr. Van De Wiele stated he agreed with Ms. Back. He would like to see some kind of limitation on roof lines and materials being complimentary to the house.

Ms. Ross stated she has no issues with request as long as the studio is used for personal use and not a business.

Ms. Radney stated that she appreciates the design and the way the windows and doors have been positioned to allow maximum privacy for the adjoining neighbors and the owner.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to permit an accessory building to exceed 25% of the building coverage in the rear setback from 584 square feet to 684 square feet (Section 90.090-C-2); **Variance** to allow a detached accessory building to exceed 18 feet in height to 22 feet in height and to exceed 10 feet in height at the top of the top plate to 11 feet (Section 90.090-C.2), subject to conceptual plans 2.10 and 2.11 of the agenda packet. The Board has found the hardship to be for the area Variance there is not enough room to navigate automobiles in and out of the garage due to easements and setbacks that exist, and for the height Variance the garage is not as tall as the house and is in keeping with the style and character of the house. The roofline and the materials being used will be complimentary to the principal residence. The studio is to be for personal use and not business use and if the studio is used as a dwelling unit it will be for family members only. The Board finds that the following facts, favorable to the property owner, have been established:

- a. 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;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. 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; for the following property:

ALL LT 18 W 20 LT 19 BLK 12, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

22473—Brian Sellers

Action Requested:

Special Exception to allow a carport in the street yard in an RS-3 District (Section 90.090-C.1). **LOCATION:** 3423 South Yorktown Avenue East **(CD 9)**

Presentation:

Brian Sellers, 3902 East 51st Street, Tulsa, OK; stated he represents Sylvia Flint, the home owner. This case was continued from the last meeting and based on conversations that have been had with the opposition he is proposing some new options. Originally the carport was going to be a detached structure and now it will be attached. The home owner really wants to enhance the character of the house and the value. Previously the garage had a shed roof and it will be gabled. The carport would have the same roof pitch and the same building materials as the main house. The columns for the carport would match the front porch of the house. The carport will not encroach into the setback area. Mr. Sellers stated that he did some research of the neighborhood in response to the opposition at the last meeting. Mr. Sellers stated there are multiple violations of the restrictive covenants or exceptions to the covenants. There are multiple three-car garages and detached structures in the back yards. There is a metal carport, though it is not in the front yard, it is in the side yard. There is a stem wall in the front yard of a house in the neighborhood. There is a fence in the street yard of a house in the neighborhood. There is a veranda that was built in the street yard that is right around the corner. There is an attached carport down the street, even though it is attached it is still a carport. Mr. Sellers presented several Google photos of the neighborhood showing violations of the restrictive covenants. Mr. Sellers stated the hardship for the home owner is that her car cannot fit into the garage because the chimney juts into the garage and he presented pictures of the chimney. Mr. Sellers stated that he is trying to supply something that fits the home owner's needs. Mr. Sellers stated that there have been about 20 requests over the past three years for Special Exceptions for carports, and only one of those was denied.

Ms. Ross asked Mr. Sellers if they were all in the subject neighborhood. Mr. Sellers stated that he does not think it was restricted to Adams Estates.

Interested Parties:

Robert Sartin, 110 West 7th Street, Tulsa, OK; stated he is a home owner in Adams Estates. What Mr. Sellers referred to is the restrictive covenants that govern the neighborhood. He understands the Board is not bound by the covenants, but the covenants have an impact on the neighborhood. Although the covenants may not be binding on the Board they certainly set the character for the neighborhood. Mr. Sartin stated that he too drove the whole neighborhood and with the exception of the one side carport that looks like it has been in place for many, many years there are no carports in all of Adams Estates, so he does not know where the 20 carports that Mr. Sellers referred to are located. The fact that the carport may be detached or attached does not change his viewpoint of the neighborhood. The fact that there may be detached buildings in back yards does not bother him because it does not affect him as he drives around

the neighborhood. There are no detached buildings in front yards. The character of the neighborhood is such that these are all single-family residences that meet the terms of the covenants, and it would not be in keeping with the character to allow a carport. Mr. Sartin stated that he is not critical of this particular carport, he certainly thinks they have done their best to make a nice carport but even the agenda request says, "approval of a carport". It is a carport. Mr. Sartin stated that there has been discussion of a 25-foot setback and the covenants stipulate a 30-foot setback. That shows the character of the neighborhood, and to the extent that the carport encroaches on a 30-foot setback he would object to the carport on this additional basis.

Mr. Van De Wiele asked Mr. Sartin what the restrictive covenant prohibits. Mr. Sartin stated that he left a copy of the covenants with the staff and brought another copy today. Mr. Sartin handed that copy to the Board for the review and gave them a copy of the Plat which he says is relevant.

Mr. Sartin stated that the specific covenant that would prohibit the carport, which is Item A, all lots in the tract shall be known and described as residential lots, "No structures shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single-family dwelling not to exceed two stories in height and a private garage for not more than two cars." Mr. Sartin stated the restrictive covenants prohibits anything that is not either a single-family dwelling or a two-car garage. It would prohibit the installation of a carport whether it is attached to the residence or whether it is detached. As Mr. Sellers pointed out, it would prohibit the outbuildings but if they are in the backyard Mr. Sartin does not know if that is out of character or really an issue he wants to address because they are not something he can see in the neighborhood. Mr. Sartin stated that he is trying to pivot is construction of a dwelling in the neighborhood that is not in keeping as a person travels throughout the neighborhood. Mr. Sartin stated the next covenant that applies to this is Item C which addresses the front setback requirement, "No building or parts thereof except open porches and terraces shall be constructed and maintained on said sites nearer to the front lot line and the building lines established on the recorded plat of said addition." Mr. Sartin stated the recorded plat sets a front setback of 30 feet for the subject lot.

Ms. Ross asked Mr. Sartin if he had any suggestions, based on the knowledge of the covenants, about an acceptable solution of getting around chimney bump out in the garage. Mr. Sartin stated that today is the first time he has heard of that issue. Mr. Sartin stated for the cost of the carport the home owner could probably extend the house to the north to solve the problem. Once that problem is solved the home owner could go backwards with the carport behind the garage thus creating a drive-thru garage.

Rebuttal:

Brian Sellers came forward and stated the carport can be shortened to meet the 30-foot setback mentioned in the covenants. As to expanding on the north side of the house, it is not possible because there is only ten feet with a five-foot setback. That would mean building right up to the property line and he does not think that is a viable

option. Mr. Sellers stated the carport cannot be placed in the rear because of the chimney placement and there is a porch on the rear of the house as well; that would be major alteration. Mr. Sellers stated the subjectiveness of it being fine to break the covenants as long as it is in the backyard is ridiculous. The covenants are very old; there are items in the covenants regarding race and none of it really matters when it pertains to the requested Special Exception. Another solution would be to build an enclosed garage which would not require a Special Exception and that would look ridiculous, which Mr. Sartin agreed to that. Mr. Sellers thinks the carport is a viable option and he would certainly keep it within the height restrictions and all the other requirements.

Mr. Van De Wiele asked Mr. Sellers if he had any conversations with the neighbors on either side of the house, or the neighbors across the street. Mr. Sellers stated that he has not.

Ms. Radney asked Mr. Sellers if the houses to the south of the subject property were newer construction. Mr. Sellers answered affirmatively. Ms. Radney asked Mr. Sellers when the subject property was built. Mr. Sellers stated that he is not sure, but he thinks it was 1948. Ms. Radney asked Mr. Sellers if the garage was added at a later date because of the chimney placement. Mr. Sellers stated that he does not know. Ms. Radney stated that at looking at the picture she would say the garage is an add on. Ms. Radney stated that there is something to be said in wanting to honor the heritage of the neighborhood by keeping a house that is original to the community, but a person also has to acknowledge that the way people need to use their homes evolves over time as is evidenced by the fact that there is in-fill building which razes the original homes and replaces them with something else. Maybe there is some more nuance that needs to be discussed about the way a vehicle could be accommodated, but she thinks there is also something laudable about actually renovating an existing house. This looks like it is a relatively modest sized house and so keeping some of that mix in terms of the size and footprint of the houses in the neighborhood has a value too.

Sylvia Flint, 3423 South Yorktown Avenue, Tulsa, OK; stated that the small white part of the garage with the flat roof was added on to the house, but the rest is original. There is the original plumbing and air conditioning is in the original garage.

Ms. Radney asked Ms. Flint if the proposed carport would extend from where the chimney is located outward. Ms. Flint stated that it would be at the end of that. Ms. Radney asked Ms. Flint why she did not destroy that shell and push the entire garage back instead of adding a carport to the front. Ms. Flint stated that she did not think of that.

Brian Sellers came forward and stated that from a feasibility stand point you are talking about adding an entire foundation from which the original structure sets on, which is all new footings and a frame to expand to the north. That is a pricey option.

Comments and Questions:

Ms. Back stated that the Board is tasked on how to find solutions when presented with unique situations. Ms. Back stated she is not a carport fan, however, there are a lot of challenges with this property, i.e., the chimney coming out into the garage area. The applicant has tried very hard to attach the proposed carport to the main structure to make it look like it is an extension of the main structure. Personally, she would like to see a garage there but that would look odd as well. Ms. Back stated she can support this request because they have done a good job of matching the materials and matching the style.

Ms. Ross stated she is on the fence. She is not a carport fan, but she does not know how this could have been designed any better to fit in with the house. Ms. Ross stated that she does see the chimney jutting out into the garage as something that cannot be moved around without spending a lot of money to expand the garage. Ms. Ross stated on the hand she is a believer in rules and there are covenants in place and she thinks it is important the home owner knows that if she violates the covenants any home owner in the neighborhood can take her to court to make she is in line with the covenants. Even if the Board were to say yes to this request it is something she needs to be aware of. It may not happen, but it could.

Mr. Van De Wiele stated that he has been on the Board for about nine years and the Board rarely takes the covenants into consideration. A couple of weeks ago a comment was made they may give an indication as to the look, feel, fabric of the neighborhood. Everyone in the real estate business knows that all the covenants about race are no longer enforceable. It is a horrible thing that they are even there, and it certainly does not have a bearing on this case other than maybe to show the age of the covenants. Mr. Van De Wiele stated that he has read the covenants and he does not know that he would reach the conclusion that an attached carport be viable. If this were a porch covering on the back or on the front stoop it would be different. Mr. Van De Wiele stated he would not support the carport over the 30-foot building line because he thinks the Board can take notice of the covenants for at least purpose. When he looks at page 3.5, with many of the applications that want to extend the front of the building whether it be a carport, an addition, or anything that is one of the things he typically looks at is the actual existing front of all the structures. Mr. Van De Wiele stated that from a carport standpoint typically what he looks at is the neighborhood, and he does not recall any approvals that he made motions for, voted for where it was the initial carport. For that reason, he does not think he can support a motion that says this within the harmony and spirit and intent of the Zoning Code for this neighborhood; he would not be in favor of this.

Ms. Back agreed with Mr. Van De Wiele because it is her concern also.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-1-0 (Back, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; Bond absent) to **DENY** the request for a Special Exception to allow a carport in the street yard in an RS-3 District (Section 90.090-C.1)

finding that this will not be in harmony with the spirit and intent of the Code and will be injurious to the neighborhood and otherwise detrimental to the public welfare; for the following property:

LT 7 BLK 1, ADAMS ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

22478—Justin Doolin

Action Requested:

Special Exception to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3). **LOCATION:** 10212 South Oswego East **(CD 8)**

Presentation:

Justin Doolin, 10212 South Oswego Place, Tulsa, OK; stated he drives a ¾-Ton pickup truck he can easily identify 14 parking spaces in the cul-de-sac and that is not including 103rd Street, so to entertain a party of 20 or more is easy in the neighborhood and on the cul-de-sac. There are three circle drives on the cul-de-sac and diagonal from him is a driveway with three approaches. His goal is to create a play area that is out of the street for his two children and to have more parking for his family and friends.

Mr. Van De Wiele asked Mr. Doolin if the tractor was going to go away after he is finished with the work. Mr. Doolin answered affirmatively.

Interested Parties:

Tonya Keeney, 10204 South Oswego Place, Tulsa, OK; stated she lives directly south of the subject property. Ms. Kenney presented pictures of the subject area for the Board to review. Ms. Kenney stated that Mr. Doolin has been working on his yard for about a year. Ms. Kenney stated there are two tractors and a riding lawn mower that pulls a tire in the yard which she has looked at for over a year. Ms. Keeney stated that she has concerns because in the past four years Mr. Doolin has had the tractor on the driveway, two boats, a trailer, an ATV in the garage so she is afraid the driveway will become a parking lot for all those things. Ms. Kenney stated that Code Enforcement informed her that if a person has a tractor it is to be stored in an enclosed building. Ms. Kenney stated she does not want to see a gigantic parking lot with all kinds of stuff on it other than cars. The Doolins are only a two-car family and there is ample parking for both vehicles now and there is an extra piece on the side, which is shown in Exhibit 3 or 4, so a visitor could park there to keep them off the street. Ms. Keeney stated she still has the concern of this project cutting down on the parking for visitors in the cul-de-sac. Ms. Kenney stated that she is not a mathematician, but Mr. Doolin is proposing a lot of driveway.

Mr. Van De Wiele stated that if this proposal were exceeding the allowed square footage Mr. Doolin would need additional relief from the Board, and he can only assume that it was not requested because the plans that were submitted did not magnify a

coverage issue. Mr. Van De Wiele thinks what is being missed is the area around 103rd which would count toward the open space.

Ms. Miller stated there is an amendment being worked on and it is for the street setback, and that is between the property line and the street setback which is basically the house. Ultimately, this far exceeds what the proposed amendment is. The proposal is 50% of the lot frontage or 30 feet whichever is less outside of the right-of-way in front of a house.

Rebuttal:

Justin Doolin came forward and stated he has two small children that attend school and they plan on being in the house for a very long time. Mr. Doolin stated he plans to add 3,200 square feet to the house and with the porches and garage it would be over 4,000 square feet, and he will be below 50% in the proposed area. Mr. Doolin stated that he would like to make the house and property more useable for his family.

Comments and Questions:

Mr. Van De Wiele stated he does live in this neighborhood and he did drive by the site twice, there are not a lot of cars parked in the street. There are multiple circle drives in the neighborhood, and he does not think this is out of keeping with this neighborhood. Mr. Van De Wiele cannot remember ever seeing an issue with parking in the neighborhood. Mr. Van De Wiele stated that this will definitely reduce the amount of curb line, but will it reduce the amount of curb line to the point of it being injurious to the neighborhood or detrimental to the public welfare, he does not see that. Mr. Van De Wiele stated he does not have a problem with this application.

Ms. Ross disagreed with Mr. Van De Wiele. Ms. Ross sees a lot of circle driveways in the neighborhood but none that are located in the cul-de-sac except for the one across the street from the subject property, which one side exits into the cul-de-sac and the other exits on 103rd Street South. If Mr. Doolin were to have additional guests does have a lot of parking on 103rd Street already that is in front of his house, and the other individuals in the cul-de-sac do not have that option. Ms. Ross stated she would have less issue if this were a circle drive that exited on to 103rd Street South instead of having two entrances off South Oswego Place. Ms. Ross stated that she cannot support this request.

Ms. Radney agreed with Ms. Ross. Ms. Radney stated she was curious why the extension of the driveway was coming into the cul-de-sac as opposed to out on to 103rd, that would be more in keeping with the way the house across the street and would be more consistent with the way the drives are positioned.

Mr. Doolin came forward and stated that his utilities are located in that area Ms. Radney is speaking of, and there are two large trees there. Mr. Doolin stated that he also plans to expand the house out towards 103rd in the future.

Ms. Back stated she also looked at the neighborhood and there are a lot of circle driveways. Ms. Back stated that she cannot say in clear conscious that this would not be in harmony with the spirit and intent of the Code, so she can support this.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-1-0 (Back, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3), subject to conceptual plans 4.9 and 4.10 of the agenda packet. The large tractor being stored on the site is to be removed 120 days from today's date, August 24, 2018. 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; for the following property:

LT 12 BLK 1, SHADY OAKS ESTATES II, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

22481—Mark Capron

Action Requested:

Special Exception to permit a school use in an RS-3 District (Section 5.020-C).

LOCATION: 3121 East Queen Street North (**CD 3**)

Ms. Ulmer stated the property is unplatted; the legal description has Spess-Martin Addition, Louard Heights Addition, and Jeens Addition and that needs to be removed.

Presentation:

Byron Todd, P. O. Box 330291, Tulsa, OK; stated he is the architect on the project for Tulsa Educare, which will be the fourth early childhood education center in Tulsa. The center will be about 43,000 square feet. There have been two different neighborhood meetings and they had a lot of concerns. There will be two parking lots; a visitor parking lot and an employee parking lot. Clinton Elementary School is to the east and several years ago there were improvements made to that school. One of the largest complaints from the neighborhood was traffic; cars back up along Seminole. Educare has added a road along the end of the cul-de-sac to join Seminole and Queen Street to create a circular path so the traffic would not back up. The neighbors were concerned that the traffic would not follow the street all the way to the cul-de-sac to turn around, so

that was moved to the east side of the property, so traffic would flow clockwise up Queen Street and up the new street then go to the drop off zone.

Mr. Van De Wiele asked Mr. Todd if he was talking about the pick up and drop off circulation for Clinton Elementary. Mr. Todd answered affirmatively.

Educare School is for children six weeks to three years old, and they are required to park in the visitor parking lot because parents must physically bring their child to the classroom.

Mr. Van De Wiele asked Mr. Todd if he was working with TPS and Clinton on these projects. Mr. Todd answered affirmatively. Mr. Todd stated that TPS is within 30 days of acquiring the park to be a TPS site and Tulsa Educare has the lease arrangement with TPS for the property.

Mr. Todd this is the same model as the previous three Educare facilities. Each of those have been situated adjacent to or in close proximity of an elementary school and this population of children are from the neighborhood. It makes an easier transition from early childhood education to the preschool, kindergarten. Mr. Todd stated there is an existing parking lot and a little shade structure on the site and they will remain. There is a backstop for baseball currently and that will be lost because the site is not large enough to accommodate that. There is a detention pond that has a large drainage pipe that runs diagonally through the project and that pipe picks up watershed from the north and the west. This pond will be relocated on the site. There will also be a large detention pond added to the site for the added storm water.

Mr. Van De Wiele asked Mr. Todd if this was all within a singular detention facility. Mr. Todd answered affirmatively. Mr. Van De Wiele asked if it was a dry detention facility. Mr. Todd answered affirmatively and stated that when it rains it will fill and it has a slow release. Mr. Todd stated there is a fence all the way around the detention pond.

Mr. Todd stated another concern of the neighbors was the children walking to Clinton Elementary can now walk through the park, so attention was paid to sidewalks and places where the children can cross the street. There was a fence added along the east property line to keep the children from cutting through the parking lot of Clinton. There is also a fence around the employee parking lot to keep the children from cutting through that parking lot also.

Mr. Van De Wiele asked Mr. Todd if there was pedestrian connectivity on Seminole at the west end of the cul-de-sac. Mr. Todd answered affirmatively; there is a sidewalk that cuts through between houses.

Mr. Todd stated there was a second neighborhood meeting after a few changes were made resulting from the conversations had in the first meeting, and he came away from that meeting with no definitive changes. He thought the neighborhood meetings were very productive and helpful.

Interested Parties:

Luwanna Horn, 3107 East Seminole, Tulsa, OK; stated that her street was widened about three years ago and there was a concrete walkway that goes from the cul-de-sac to the school. Her concern is that there is a lot of safety issues. Children will be children and they don't pay attention to what is going on. Ms. Horn stated that for 25 minutes every day the street is packed with cars taking all three lanes; people cannot leave their houses during that time of day because of the cars five days a week. The neighbors do not want anything that will make that traffic worse. The neighbors are also upset about losing the park.

Connie Page, 3025 East Seminole Street, Tulsa, OK; stated lives at the end of the dead-end street and has lived there most of her life. The cul-de-sac was developed to eliminate the traffic that was backing up on Harvard going to Clinton, after it was doubled in size. The resolution of that problem created a problem for the neighborhood and so the residents are hesitant about this project. Ms. Page stated that Clinton Park is a natural drainage area and the storm water backs up and does not flow freely through the water table, so she has concerns. The baseball field in Clinton Park is used by the community and it is the only green space in the entire area. Geese use the field for food and water. There are trees that the neighborhood would hate to lose. Ms. Page would hate to see the family groups lose the park.

Ms. Miller left the meeting at 3:00 P.M.

Robert Buchanan, 3107 East Seminole Street, Tulsa, OK; stated his concern is that the neighbors did not find out about this project until all the architectural work and things had been done, even the City given a ten-dollar lease on the property without contacting anybody in the area. He thinks this is a run through. He has great concerns about the public area; playing baseball, tennis, basketball, practicing golf shots, driving golf balls, walking their dog. In the fall there are always elementary children there practicing football as a team because there is plenty of area to do it. There is a vacant lot on Harvard between Seminole and Tecumseh that would be able to handle this entire complex. His concern is the quality of life on the North side once the park is removed. Mr. Buchanan stated that there has been no consideration to leave the area as it is when about 100 feet away there is a vacant lot and could be used for this complex.

Rebuttal:

Chris Hudgins, Executive Director of Tulsa Public Schools, 3027 South New Haven, Tulsa, OK; stated that he realizes that the circulation of transportation is a big problem, and part of the vision is to improve the safety around the schools, so they have been working with a Traffic Engineer. One of the first things that will happen is to move the traffic signal that is currently south of Seminole and Harvard. The Traffic Engineer's proposal is to move the signal to Seminole and Harvard that would force the circulation

so there would be drop off on the passenger side of the vehicle. This is going on separately from this project.

Mr. Van De Wiele asked Mr. Hudgins what the time frame is for getting a fully developed traffic plan and moving the traffic signal. Mr. Hudgins stated that it will be completed within the next year. Mr. Van De Wiele asked Mr. Hudgins for the time frame of getting it designed. Mr. Hudgins stated it is being worked currently and in the design mode, and the design should be complete within the next six months.

Mr. Hudgins stated that there are about 650 students at Celia Clinton, and there are only one or two buses which are special ed buses. Everything else is parent drop off. The playgrounds at Celia Clinton will be open for the public for after school hours.

Mr. Van De Wiele asked if Educare was a part of TPS. Mr. Hudgins stated that Educare will be on TPS property with a long-term lease.

Ms. Radney asked Mr. Todd what kind of traffic load does Educare generate, and why would the parent parking lot be on the north edge along Seminole which is already having an issue with traffic as opposed to being on the southern end where Queen is. Mr. Todd stated that Tulsa Educare does not start of the day, so they do not have those 25-minute congestion times. The parents that come to Educare are spread out over one to two hours in the morning, and they are open until 6:00 P.M. The traffic that Tulsa Educare generates does not overlap the elementary school they are adjacent to.

Ms. Radney asked Mr. Todd why the employee parking was placed in the southern end as opposed to placing the employee parking where there is an existing congestion problem off East Seminole. Mr. Todd stated when the road was on the far west side both parking lots were off Seminole. When the street was moved to the east to try to alleviate having both parking lots off Seminole which is where the congestion is, the employee parking was pulled off that street so that it would alleviate adding more congestion on Seminole.

Mr. Van De Wiele stated that it seems to him that there is going to be more parent traffic than employee traffic. If that is the case, would it not make more sense to flip the two parking lots?

Ms. Radney stated that is what she was thinking, and there is already pedestrian traffic with the children using the pedestrian walkway. Wouldn't it make more to place the park features on the Seminole side which gives the residents more of a buffer and continue loading off of Queen. That would help keep people from cutting diagonally across the entire complex.

Caren Calhoun, Executive Director for Tulsa Educare, 11222 South 89th East Avenue, Bixby, OK; stated there are 64 employees and they have staggered hours, so they will be more involved with the parent drop off times of Celia Clinton. The parents come any time from 7:00 A.M. to 6:00 P.M. Our parent parking lot is pretty empty during the day

because it is coming and going. Ms. Calhoun thinks the Educare parents have learned not to come at the peak traffic times for Clinton, though the staff cannot do that.

Byron Todd came forward and stated that when the site plan was first done there was no connector road. The only road was Seminole and that is where Clinton is, so both parking lots were off Seminole. It wasn't until later in the process that it was studied on how to alleviate the Clinton Elementary parking, and it was decided to add the connector road. Mr. Todd thinks he has taken a step toward alleviating the Seminole congestion by placing the employee parking off Seminole. Employees can get in and out of their parking without ever touching Seminole now, and if it is placed on Seminole it conflicts with the elementary parking.

Mr. Van De Wiele asked Mr. Todd if the property were fenced such that if he lived in the neighborhood and wanted to use the picnic area or the basketball court it can't be reached. Mr. Todd stated that the residents will be able to cut through the park or the green space.

Mr. Van De Wiele asked Mr. Todd to explain what would be fenced in. Mr. Todd stated there is a fence around the entire detention facility, there is a fence that has been added that goes from the corner and connects to the building, and there is fire lane that is constructed of grass pavers which gives a hard surface for the firetrucks.

Ms. Radney stated that she still sympathizes with the people that have driveways that front Seminole; Queen Street, the way it is platted, those driveways either face Florence Place or Florence Avenue so it does not have the same impact on them as it does on the Seminole side. Ms. Radney stated that is a safety hazard. An additional load on Seminole concerns her. Ms. Radney stated that her only other objection is the loss of the park. The idea of not creating a space that is going to be easily accessible to children where they can play, this is one of the few completely surrounded spaces with residential streets, so she is concerned.

Ms. Back asked Mr. Todd if the traffic congestion on Seminole west of Florence to the cul-de-sac should theoretically stop because of the designed traffic pattern. Mr. Todd answered affirmatively.

Connie Page came forward and stated that Google is wrong. If you Google her address to go some place Google will tell her to go north on North Florence from Seminole, and you cannot go north on North Florence from Seminole because it is her driveway.

Comments and Questions:

Mr. Van De Wiele stated that from a global perspective this is a fine and admirable use. However, when there are traffic situations he is not inclined to approve something that will potentially or in reality exacerbate the problem. What he would like to see is a traffic flow plan, traffic design plan for this project. He personally would be inclined to approve this request today but make it subject to submission of a final conceptual site plan and a

traffic control plan. Mr. Van De Wiele stated he is not a traffic impact analysis expert, but it seems to him to be counterintuitive to put additional parents down Seminole. If the primary parent traffic is clockwise, west on Queen, north on North Florence, east onto Seminole, then the teachers could go the other way on Seminole. He wants to make sure that is fully thought out by those that are experts in that field and approved by both institutions.

Ms. Back stated that what she thinks what the Board is hearing is an existing school that has been very detrimental to the existing neighborhood as far as the traffic impact. She would be inclined to approve this request subject to the submission of final conceptual site plan and a traffic control plan from the City, and a traffic circulation plan from Celia Clinton and Educare showing how they work together.

Ms. Ross stated she would be in favor of approving this request with the addition of opening up Florence on the east side of the Educare tract because she thinks it would help the traffic flow quite a bit. Also, with the school and Educare putting out notices about how the pickup line traffic should travel she thinks the majority of the parents will follow the procedures outlined by the school.

Ms. Radney stated that she would be opposed. She knows the neighborhood really needs to have this service and it would be a benefit to the community as a whole, but what she finds is that parents park anywhere they can get their cars. Even with all the signage and the additional flow on North Florence Place, given the current proposal is still directing traffic west on Seminole, she cannot see that there won't be any parents that will use the cul-de-sac. Ms. Radney stated that type of traffic is almost the worst type of traffic for children who are pedestrians, because they dart in and out and they are not looking, and parents are in a hurry. Ms. Radney considers this a safety hazard both for the residents and the children who are pedestrians.

Mr. Van De Wiele stated that it appears the Board would make the approval subject to a site plan that would need to be brought back for approval, and a traffic plan that would also have to be approved. Mr. Van De Wiele stated this is a good location for this type of facility, but the Board has to make sure that both the vehicular and the pedestrian traffic works.

Byron Todd came forward and asked if the condition the Board is referring to be prior to a Certificate of Occupancy versus a building permit? Mr. Van De Wiele stated that he is not into the building permit part of things, but his thought would be that plan would be at peril. If a traffic plan were brought back that three out of five Board members don't like, then something has been built that cannot be used. Mr. Van De Wiele stated that he would prefer a plan be brought back to the Board before a shovel is put into the ground, so the Board knows it will work. The Board has to find a lack of injury to the neighborhood and a lack of detriment to the public welfare. Adding additional cars into this area he cannot support. Mr. Van De Wiele stated that he is trying to give a vote of confidence in the use subject to it being shown to be non-impactful from a traffic and parking standpoint.

Ms. Back stated that she wants three things from the applicant. She wants the City's traffic plan, wants to know what they plan to do with the traffic signal, and see Celia Clinton's and Educare's traffic flow.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a Special Exception to permit a school use in an RS-3 District (Section 5.020-C) to the August 28, 2018 Board of Adjustment meeting; for the following property:

NW SE SE LESS N25 FOR RD SEC 29 20 13 9.62 ACS, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Back left the meeting at 3:35 P.M.

22482—Keith Dalessandro

Action Requested:

Variance to allow a detached accessory structure to exceed 18 feet in height and exceed 10 feet in height to the top of the top plate in the rear setback in an RS-3 District (Section 90.090-C). **LOCATION:** 305 East 20th Street South (**CD 4**)

Ms. Back re-entered the meeting at 3:38 P.M.

Presentation:

Keith Dalessandro, 320 South Boston, #2300, Tulsa, OK; stated he would like to build a portion of a detached garage in the rear setback. To conform to the historic guidelines he has been working on the project for a year to make sure the project received historic approval which has been done.

Mr. Van De Wiele asked Mr. Dalessandro how tall the proposed garage will be. Mr. Dalessandro stated that it will have a total height of about 25 feet, and the top plate would be at 19 feet.

Mr. Van De Wiele asked Mr. Dalessandro if he had received his HP approval. Mr. Delessandro answered affirmatively.

Mr. Van De Wiele asked Mr. Dalessandro to state his hardship. Mr. Dalessandro stated that the size of cars are large than they were when the house was built in the 1920s.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to allow a detached accessory structure to exceed 18 feet in height to 25 feet and exceed 10 feet in height to the top of the top plate on the second floor to 19 feet in the rear setback in an RS-3 District (Section 90.090-C), subject to conceptual plans 6.15, 6.16, 6.17 and 6.18 of the agenda packet. The Board has found the hardship to be the smaller size of the original garage being built in the 1920s. The garage is not to exceed 25 feet in total height or 19 feet at the top plate. The garage is to be built with similar materials and similar roofline as the main structure on the property and the other structures in the neighborhood. The Board finds that the following facts, favorable to the property owner, have been established:

- a. 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;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. 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; for the following property:

LTS 86 & 87 & S10 VAC ALLEY ADJ ON N BLK 10, SOUTH SIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22487—Cameron Wallace

Action Requested:

Modification to a previously approved site plan for Southern Hills Country Club.

LOCATION: 2636 East 61st Street South (**CD 2**)

Presentation:

Stephen Burgen, 810 South Cincinnati, Tulsa, OK; stated there are three projects on the subject site, but on page 7.41 Area A is the guard house. The old guard house will be demolished and replaced with a new guard house. Area B is a golf performance center that will be located at the west end of the driving range, and it will be just an indoor practice facility. Area C is replacing the existing cart storage building with a new under ground cart storage building and increasing the parking.

Mr. Van De Wiele asked Mr. Burgen if the new guard house would basically be the same as what is there now. Mr. Burgen stated the new guard house will have the same footprint and be in the same location.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; "abstaining"; Bond absent) to **APPROVE** the request for a Modification to a previously approved site plan for Southern Hills Country Club, subject to conceptual plans 7.36, 7.37, 7.38 and 7.41 of the agenda packet; for the following property:

NE LESS 36.39AC & NW LESS 8.5AC & LESS 2.16AC FOR RD & LESS BEG 208.71N SWC NW TH N1704.80 E50 S1704.79 W50 TO POB SEC 5 18 13 268.793ACS,SOUTHERN-KAY ADDN, VILLAS AT SOUTHERN HILLS, THE, MANOR VIEW ESTATES ADDN, CAPETOWN RESUB PRT LT A MUZINGO HILL ADDN, VINSON ADDN, BALMORAL RESUB LB B MUZINGO HILL, BROADMOOR HILLS, CLUB TERRACE RESUB L2-4 & PRT L1&5 CLUB VIEW EST, MUZINGO HILL, TIMBERLANE ROAD ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

The Board welcomed Ms. Burlinda Radney to the Board of Adjustment and look forward to working with her.

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There being no further business, the meeting adjourned at 3:45 p.m.

Date approved: Carolyn M. Bode
8.14.18
Chair