

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1295  
**Tuesday, May 24, 2022, 1:00 P.M.**  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bond, Chair Radney, Vice Chair Wallace Brown	Barrientos	D. Wilkerson S. Tauber K. Davis A. Chapman K. Sawyer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on May 13<sup>th</sup>, at 10:30 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

Mr. Bond notes that they are a 5-person board, and they are missing one today. Applicants can request a continuance to a future meeting when they have a full board.

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**Mr. Bond** announced that a continuance was requested in BOA-23357 and the Board would now hear that request.

**23357-Nathan Cross**

**Special Exception** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in a CS district. (Sec. 15.020, Table 15-2)

**LOCATION:** NE/c of MLK Jr. Blvd & E. Pine St. **(CD)**

**Presentation:**

City Councilor, Hall-Harper, asked for a continuance and the applicant agreed so that she can engage with her community. She nor her community was aware of the proposal, and

she has contacted leaders of the Cherokee Nation and will be hosting a town hall meeting. That is why she has requested that this be postponed at least 30 days.

**Interested Parties:**

**Nathan Cross**, 2 West 2<sup>nd</sup> Street, Suite 700, Tulsa, OK representing the applicant. He agrees to continue this discussion in 30 days.

**Comments and Questions:**

None.

**Board Action:**

On **Motion** of **RADNEY**, the Board voted to 4-0-0 (Brown, Radney, Wallace, Bond “aye”, no nay”, no “abstentions”, Barrientos absent) to **CONTINUE** the request for a **SPECIAL EXCEPTION** to allow a Public, Civic & Institutional/Governmental Service or Similar Functions Use in the CS district. (Sec 15.020, Table 15-2) to be continued on June 28, 2022, for the following property:

**A TRACT OF LAND THAT IS PART OF BLOCKS TWO (2), THREE (3), AND FOUR (4), OF STROBEL ADDITION, IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALSO PART OF VACATED PINE PLACE LYING BETWEEN SAID BLOCKS 2 AND 3, AND VACATED DETROIT AVENUE LYING BETWEEN SAID BLOCKS 2, 3 AND 4, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:BEGINNING AT A POINT ON THE NORTH LINE OF LOT 7 AND BLOCK 2 OF SAID STROBEL ADDITION, SAID POINT BEING 15 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID LOT 7; THENCE DUE EAST ALONG THE NORTHERLY LINE OF BLOCK 2 FOR 420.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF BLOCK 2; THENCE S 00° 01'44" E ALONG THE EASTERLY LINE OF SAID BLOCK 2 FOR 200.00 FEET; THENCE DUE EAST ALONG A WESTERLY EXTENSION OF AND ALONG THE NORTHERLY LINE OF SAID BLOCK 4 FOR 190.00 FEET TO THE NORTHEAST COMER OF LOT 1 OF BLOCK 4; THENCE S 00° 01' 44 E ALONG THE EASTERLY LINE OF BLOCK 4 FOR 380.00 FEET; THENCE DUE WEST 20 FEET NORTHERLY OF AS MEASURED PERPENDICULARLY TO AND PARALLEL WITH THE SOUTHERLY LINE OF SAID BLOCKS 3 AND 4 FOR 610.00 FEET; THENCE N 00° 01' 44" W 15 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO AND PARALLEL WITH THE WESTERLY LINE OF SAID BLOCKS 2 AND 3 FOR 580.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.LESS AND EXCEPT LOTS ONE (1), TWO (2), THREE (3) FOUR (4), FIVE (5), SIX (6), SEVEN (7) AND THE NORTH THIRTY (30) FEET OF LOT EIGHT (8), BLOCK FOUR (4), STROBEL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. 6003511.1**

## UNFINISHED BUSINESS

### 23319-Jason Evans

Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2); Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2); Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

LOCATION: 4217 E. 15<sup>th</sup> Street (CD 4)

### Presentation:

None

### Interested Parties:

No interested parties present.

### Comments and Questions:

None.

### Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-0-0, (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to **CONTINUE** the request for a **VARIANCE** to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2); a **VARIANCE** of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2); a **VARIANCE** to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C) to the June 24, 2022, Board of Adjustment meeting; for the following property:

**LT 10 BLK 4,ELECTA HGTS ADDN**

**23332- Cheryl Harlin Jones**

**Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

**LOCATION:** 2730 S HARVARD AV E (CD 4)

**Presentation:**

**Greg Wies**, 8030 S. 268<sup>th</sup> E. Avenue, Tulsa, OK

The building that they are in is 80% outside of the 1,000 feet distance that they need. The city has approved them to put up a wall to make it a multi-tenant site they can use the one side as the dispensary. He would like permission to use the whole building which is the other 16-18' of the building so they don't have to have to partition it. Asking for permission to use the entire building. This makes it 5 feet over the 1,000 feet. The hardship is the sharing the parking lot with another tenant. The prints are in the documents showing the two sides of the building and how it would be divided. The plans to take the whole building have been approved by permitting. The landlord said he would use the other space for storage, so he would keep that side for himself.

**Cheryl Harlin-Jones** 1426 North Waco Ave., Tulsa, OK

The hardship that she has is all about the mapping. Submitted two different maps showing different footage from the closest dispensary was further away.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Bond stated that he was hoping they would better imagery that would describe foot wise. The applicant has spent a lot of money on this property so far and many people have in the past, but the applicants haven't shown a hardship.

Ms. Radney is inclined to support it since it is more nebulous than others that they have looked at in the past. Since it is less than 10 feet, and that they did get a permit to do the work that they did do, she is inclined to support them since they received contradictory information is the hardship.

Mr. Bond stated that he agreed with Ms. Radney and that he would like some accuracy, but he is not with them on the wall as an articulated hardship.

Ms. Radney stated that they have a structural difference in opinion. She felt that they would not have started the wall if they hadn't received the timely information.

Mr. Bond stated that there had been a couple of application had been granted a hardship due to governmental confusion because of a new statute that been reformed a couple of times. The other one was over what constitutes a Certificate of Occupancy.

Mr. Brown stated that an expectation that there would be a registered land surveyor that measured the distance professionally. He also wished this had come before them earlier before developing this dispensary, but the facts are that they didn't. He tends to support it.

Mr. Wallace stated that he doesn't have enough information before him. If they haven't been granted a zoning permit, then they probably haven't been granted a building permit. He doesn't have enough information to approve this. When they have a precise measurement to support it then he will consider it.

Michael Skates, Development Service Director, I don't attend all these meetings, but try to attend some of them. In the future, I will have the pertinent staff here to attend and answer some of these questions. I'm not familiar with this particular project, but if they would table it until the next meeting, I will get with staff and Austin Chapman so that you have an accurate map. I don't know what staff was measuring from and to, but we are talking about feet and if we can correct that to help them out, we may not have to come back, but if we do, we will have an accurate map. I can that the permit part of it has three reviews; there is AR (architectural), Zoning, and there is Water Shed. Architectural may have approved it, but the Zoning part is what is not approved for the completion of that permit and that is why they are here before you today, because there is some issue with this zoning.

Ms. Radney stated that it has been a while since we have walked through this process, but the physical changes that need to be made to the building for them to ultimately get their C of O is not in place yet.

Mr. Skates wants to get with his staff and work out all the measurements correctly for a clear representation of the details.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0, (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to **CONTINUE** the request for a **VARIANCE** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D) to the June 14<sup>th</sup>, 2022 Board of Adjustment hearing; for the following property:

**N 10 LT 11 ALL LT 12 BLK 1, BANDERA**

**23348- Hana Momic**

**Special Exception** to permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D); **Variance** to permit a Detached Accessory Dwelling exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C)

**LOCATION:** 3822 S ATLANTA PL E (CD 9)

**Presentation:**

**Hana Momic** 3822 S. Atlanta Place, Tulsa OK 74105 We are asking for permission to make a garage apartment at the end of their driveway. They have 6 cars and 7 people living in their home. They want to get their cars off the street. One way to do that is to put in a 4-car garage. Also, her parents live with her, and they are in their 70's and she want to make the garage apartment for them. The hardship is that the backyard is small to begin with and there is a 5-foot PSO easement that runs diagonally across most of the yard. They are unable to build across the easement. Also, the lot slopes. The zoning is for only one level, but if they do add the second level it will go over the 18' maximum. Their structure goes up to 25-foot, but their lot dips down so far that it would not protrude or look out of place from the front of the driveway. It will look on level with their house. They only have a single driveway. The house was built in 1976 and they added on in the back of the house before they purchased the house back in 2007.

**Mr. Bond** asked if they had had any conversations with their neighbors.

**Ms. Momic** says yes, she had walked her whole neighborhood and talked to 15 of her neighbors. Out of the 25, they got back 8 signed letters that they are okay with the project. No one else sent anything in. Austin Chapman sent her a complaint from her neighbor that is adjacent to the back. She talked to him and took the building plans, and he was concerned with the privacy issues because he has a pool on the other side of their fence. She assured him there would not be any windows on that side of the house so nothing will be overlooking his pool area. He was concerned with her taking down a tree in her backyard, but she is concerned that the tree could damage his or her property if it falls.

**Mr. Brown** stated that the new addition is 23-feet by 28-feet and the 28-feet is the width. He sees a discrepancy with the measurements and the drawing, and the balcony is incorrect as well.

**Ms. Momic** stated that it isn't drawn correctly. She stated that she is trying to get in touch with the architect to correct the drawings. It should be 28-feet wide and 23-feet deep, and the balcony will face their yard and will not encroach on that easement.

**Interested Parties:**

No interested parties present.

**Comments and Questions:**

Mr. Bond can't figure out the 5' easement.

**Mr. Wallace** is trying to figure out what Mr. Brown's issue is with the plans. He is not fully understanding.

**Ms. Radney** asked if 23-feet is wide enough for a 2-car garage?

**Mr. Wallace** said that Mr. Brown said it is supposed to be 28' wide.

**Ms. Radney** asked if a structure can go inside of the shaded box?

**Mr. Bond** stated that he does not think it would be harmful to the neighborhood because it is in keeping with that neighborhood. The hardship would be the easement that goes through diagonally in the backyard which would preclude a wider building.

**Ms. Radney** stated that the plans that they have address the concern for privacy and that the tree is within the property and that it is their prerogative to take it down.

**Austin Chapman** stated that the directional indicators on the map are off as well.

**Ms. Momic** stated that there would be no windows facing her neighbors.

**Board Action:**

On **Motion of Radney**, the Board voted 4-0-0, (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to **CONTINUE** the request for a **SPECIAL EXCEPTION** TO permit an Accessory Dwelling Unit in the RS-1 District (Sec. 45.031-D); and the **VARIANCE** to permit a Detached Accessory Dwelling exceeding 1-story or 18-feet in height and 10-feet to the top of the top plate in the rear setback (Sec. 90.090-C) to allow the site plans to be corrected by the architectural firm until the June 28, 2022; for the following property:

**S100 N294 E135 NW SW SW SEC 20 19 13**

**23349- Charles Maddox**

**Special Exception** to allow Accessory Dwelling Unit in an RS-2 Zoned District (45.031-A); **Variance** to reduce the 30-foot street setback in the RS-2 District (Sec. 5.030-A, Table 5-3) **Variance** to allow a detached accessory building/dwelling unit to exceed 40% of the floor area of the principal residential building (Sec. 45.030-A, Sec. 45.031-D)

**LOCATION:** 221 E HAZEL BV S (CD 4)

**Presentation:**

**Charles Maddox** 1139 South Gary Place, Tulsa 74104 is the builder representing the property owners, Scott and Vanessa Robinson. They have two variances requested here. The house is about 90 years old, and they want to update the systems. One of the requests that the property owner has that the foyer be made larger and the only way to do so is to move forward which moves it into the set back. The only portion of the house that would be in the setback is the foyer which is 10' wide and will extend 5' into the setback. The other variance has to with the carriage house, which is also 90 years old, and has a wood foundation. The property slopes toward the carriage house, so the water goes through it. They want to replace it with a new structure as shown on the plan. The new structure is slightly larger than the original one to accommodate modern vehicles in the garage space. Also, to accommodate a two-bedroom apartment on the second floor. The apartment is so that extended family can stay at the residents with them. They have designed this structure in such a way so that there are no windows facing any of the adjoining properties. The only window space faces the Robinson's backyard. We also have planned to landscape with Green Giant Evergreens which would grow to about 20' tall. This would completely screen the whole backyard from everybody. The height of the structure to the ridgeline is 26' and there is a cupola in the middle which goes to 32' and the height restriction is 35'.

**Mr. Brown** stated the site line is unclear to him. He doesn't see a clear designation, but he doesn't see the size on the plans.

**Mr. Maddox** stated that the structure is 24' wide, 22' feet off the property line, and the depth is 35'6.

**Mr. Brown** asked where it extends into the hatched area and where are the windows.

**Mr. Maddox** used the pointer to show him the areas.

**Ms. Radney** asked if there were windows and a balcony area as well.

**Mr. Maddox** agreed.

**Mr. Wallace** asked for the measurements and Mr. Maddox provided them.

**Mr. Bond** asked how many houses encroach upon the setback.

**Mr. Maddox** stated that Hazel Blvd. is a very wide street and that there was once a trolley line that ran through there. There is a wide city easement, so the front yard is huge.



**Mr. Bond** asked if there were any more questions at this time.

**Ms. Radney** asked what the hardship the street is set back.

**Mr. Maddox** stated that the only way to make the foyer any larger is to extend it forward. The stairway going to the second floor is right there and there are rooms on either side that preventing you from enlarging that space.

**Mr. Bond** asked if there were any more questions. Please have a seat and we will hear from interested parties now.

**Interested Parties:**

**James Weger**, 227 Hazel Blvd., Tulsa, OK 74114 stated that he lives next door to the east just to the right of the outlined diagram. He is glad they are trying to improve this house because it needs a little TLC. He does not have an issue with the 5' encroachment on the front. Many people have put in front porches on the front of their houses. He is concerned about the carriage house. It seems awfully large. There are a lot of 2 story garage apartments in the neighborhood, but he doesn't know if there are any that are this large. He is concerned that the applicant or someone that owns the house in the future might try to Air BNB that. He would certainly ask that if you were to consider an outbuilding that big that there be a restriction that there be no Air BNB there. I don't think anyone in the neighborhood wants parties thrown in the backyard of their houses. The windows do face his backyard, but there is a privacy fence between them. I would like to make sure there is consideration is of his backyard and his privacy, if they do allow a second story. He thinks the carriage house is too big. A two-bedroom, two-bathroom house is almost building a second house in the backyard. Most are one-bedroom with one-bath. He likes the improvement but wants restriction particularly about any Air BNB.

**Ms. Radney** asked if the property is in a historic neighborhood.

**Mr. Weger** stated that it is not. This is Maple Ridge Central.

**Dorinda Alexander**, 220 Hazel Blvd., Tulsa 74114 lives across the street and has a garage apartment and has family stay and it is convenient for their family. There is one similar going in a house a couple of houses nearby. She is for this because it would fit in with the character of the neighborhood. She has talked to the owner of the property, and she gone out of her way to not put windows that would bother neighbors, is going to improve the drainage system.

**Tim Loposer**, 209 Hazel Blvd., Tulsa, OK 74114 There are a few things about this that troubled him. One is that structure is taller than what is currently there. We are in the process of building a pool that will be directly adjacent to this garage apartment. It will be a looming structure over their hot tub that they are in the process of installing. We do believe with the covered patio will be almost 50% the size of the structure. Also, the owners of this property own quite a between 10-15 other properties in the neighborhood, so there really is no certainty that they will be living there. He's concerned that this could be just a flip, the concern about the Air BNB. There is no parking available for this additional structure, and the privacy, the security issue, and the lack of parking for a

structure of this size.

**Mr. Bond** stated that what we have is 26'9" and you are saying that it will be taller than that.

**Mr. Loposer** stated that the current garage is only one story and that adding a second story with a roof is going to be shorter than what is going to be there.

**Ms. Radney** correctly stated that the garage will not be taller than the house itself.

**Chris Fling**, 227 East 25<sup>th</sup> St., Tulsa, OK 74114 He shares the concern about Air BNB's in the neighborhood. It seems to be a very thinly veiled attempt to circumvent the zoning rules in the neighborhood. That the usage of the term "carriage house" I think is way out of line. It is a garage and that has never been a carriage house, but now they are turning it into potentially a second house on the property. I am opposed to that. There is an Air BNB across the street from him and there are big parties and not enough parking, so they are opposed to this.

**Jennifer Cook**, 2609 South Owasso Ave., Tulsa, OK 74114 I am the backyard neighbor to the north of them. I am the one that submitted some of the photos. I agree with everything that everyone else that opposed has stated. I am so happy for this house to be improved it does need work. I agree that the garage is small for modern cars and that it does need to be enlarged, however, I feel like their hardship is not particularly valid. My other concern is that the current setback. The garage is not parallel with the fence and so part of that garage corner is 18' from the fence and other corner is 20' feet from the fence. I understand that the required setback to be 25'. My concern is if they tear down the old building and put their new building there that the setback will not be accurate. She is also concerned about privacy. Additionally, she is concerned about the drainage and where it will be diverted. The other photos that she submitted were of other garages in the area and the fact that those typical garages are one-bedroom, one-bathroom. Most of the garages in their part of the neighborhood are one story and have been enlarged by dormers instead of an entire 2<sup>nd</sup> floor.

**Mr. Bond** said he lives close by and asked if she knew how many garage apartments are actual two story.

**Jennifer Cook** stated that her next-door neighbor has a combined living and sleep area with a tiny bathroom and a kitchenette with a dorm room refrigerator and a burner top. Most are single bedroom and bathroom with maybe a little sitting area, but again just the attic space was increased with dormers instead of two bedrooms, two bathrooms, with a kitchen and living area.

**Deborah Maddox**, 1139 South Gary Place, Tulsa 74104 I would like to address as much as possible the issue that Ms. Cook had brought that this could be a drainage problem. The landscaping that they are proposing will help with the drainage problem that she currently has. The footprint of the carriage house is very only slightly different. The only thing we are looking at is a second story and it looks like a small carriage house, because on the bottom on the back is a small little pool bath and it doesn't have a kitchen, only a small refrigerator and sink and a changing area. The outside of the pool house is beautiful

and will add value to everyone in the neighborhood. There are numerous in the neighborhood that are garages with apartments and some that are huge. The lots on most of these are small. This lot is close to a half an acre. As far as the opposers facing privacy issues and it is a solid wall with no windows which should add value to their properties because it will give them privacy from other parts of the neighborhood and their pool.

**Mr. Bond** asked how many square feet is involved after the proposed construction.

**Ms. Maddox** stated that it is 1,704 square feet including the garage.

**Ms. Radney** asked how much living space there will be.

**Mr. Maddox** stated that it is 852 square feet. Also, to address the hardship, Mr. and Mrs. Robinson are a late life blended family and they have children and family that like to come visit from out of town. She has never heard from the Robinson that have any intention of an Air BNB. They are investing a lot of money on this project, and it is not one that you would invest to flip or do as an Air BNB.

**Mr. Bond** asked if they would object to a restriction of an Air BNB.

**Ms. Maddox** said she had no idea as this was a new issue.

**Julia Karlak**, 2616 S. Owasso Ave. 74114 stated that she lives in the neighborhood and that unfortunately, Hazel Blvd. has been violated with builders that are building large buildings with large carriage houses. We have 3 modern houses on Hazel Blvd., on this nice street. We are near the Gathering Place. I'm opposed to this structure because it is 50% of the house. She does have a garage apartment that always been there that has a very small bathroom. She doesn't not rent hers but will rent it to a Tulsa ballerina for a month. Maple Ridge is part of the history of Tulsa.

**Mr. Bond** thanked her and noted that this part is not part of the historic overlay.

**Elizabeth Alpert**, 1623 S. Madison Ave, Tulsa, OK 74114 she does agree with the homeowners that turning it into a potential of it becoming a rental. She does not see this as being a hardship at all.

### **Comments and Questions:**

**Mr. Maddox** wanted to clarify. The existing structure only has three bedrooms. We are preservation architects. The reason we are even interested in this project is because we did not want to see the demise of this area. It is one of the best areas in Tulsa. It is about four blocks from Philbrook. We totally respect the historic nature of the neighborhood and area and would not ever do anything denigrate any of that. It will improve the appraisal from \$650,000 becomes \$1.4 million and will increase the value of the neighborhood. Our interest is in providing this home for the Robinsons. They have no interest in an Air BNB. They do own a few properties in the area. They love Tulsa and love being here. The reason they bought that house was because it has a huge backyard and swimming pool. They own a house a few houses down, but it has a small backyard with no swimming

pool.

**Ms. Radney** stated that she can see from the map that there are various sizes of homes in the area and wants to know if this home is on the large size for this neighborhood.

**Mr. Maddox** stated no and that they are not adding hardly any to the original footprint of the property.

**Mr. Bond** asked for the dimensions of the existing structure.

**Mr. Maddox** stated that it is going from 20' wide to 24' wide and the depth is 32' going to 35'. It will not encroach into the setback.

**Mr. Bond** stated that he wanted to remind people that this board does not make policy or law. We have a City Council and Mayor's Office that does that. It is our job to narrowly interpret that with Variance exceptions with a timely set of appeals. The rightness or wrongness of Air BNB's is not something we address. We are here for a Special Exceptions, and we are here for a Variance.

**Mr. Brown** stated that it is appropriate to have a phrase in the motion that there will be no Air BNB will take place in the addition.

**Mr. Bond** asked the city if that is something we are allowed to do.

**Austin Chapman** stated that he would use the term Short Term Rental that inclusive of how the zoning defines the use.

**Ms. Radney** asked if we could do this

**Austin Chapman** affirmed that we can.

**Ms. Radney** asked what the requirements for an Air BNB are now under the currently licensing uses.

**Austin Chapman** stated that he would have to look them up. Essentially, you are allowed by right to use it on your house. You can utilize accessory units if they are approved, short of if the Board restricted.

**Mr. Bond** stated that as far as the square footage the question is if it will be harmful or injurious to the neighborhood. Based on the square footage, he doesn't think that it will be. The articulated concern that he heard is that it will be used for other commercial purposes which Mr. Chapman is going to address. The second one is for the variance. Where I have issues is with the front set back. There is no hardship there. We grant hardships for houses that were built prior to the zoning codes, and we allow the construction and reconstruction of these houses throughout the city in many areas of town. They were just built before modern cars, and they don't serve a function now with the size of cars. He has no issue there. The two issues remaining are the front set back, what is the hardship for that is there something unique about it that would require a front set back, but as far as the square footage of this, I don't think it is beyond the pale. I

would support to the extent that we can do it giving the fact that the applicants have stated several times that they have no intention of using it as an Air BNB or a short-term rental.

**Mr. Wallace** stated that he is not sensing a lot of harmony in the neighborhood. I think that the drawings are great, I think it is going to be a great addition, it just sounds like there needs to be some conversation to be had with the neighbor.

**Austin Chapman** wanted to know if there was a specific that someone wanted to know about short term rentals.

**Ms. Radney** stated that she wanted to know in theory what was due by rights.

**Austin Chapman** stated that you would be limited to 8 guests at one time as a part of the party, no on-site events, no weddings, anniversary parties. You are not supposed to change the character of the neighborhood. They are subject to a license through the City of Tulsa, and they can be as a principal use of the house or accessory to a residential house by rights.

**Mr. Brown** stated that the front intruding into the setback does not concern him at all. It is a big street, and the houses sit back and it's not a problem at all. The only draw back is for the short-term rental. I think that's necessary for the motion to pass.

**Ms. Radney** tends to support it as well. One of the things that she does appreciate about architect does appreciate the integrity of the home. They could level this house and build a modern 6,000 square foot home. She does not have the same concern about the Air BNB issue but will defer to the rest of the board on that. She needs someone to tell her what the hardship is.

**Mr. Bond** stated that this was a house that was platted and planned before the zoning code, and we would just be non-conforming and compatible with modern life and that's why they must come here.

**Ms. Radney** stated that the hardship that they have all concurred on is that they are going to replace an existing structure that was constructed prior to the modern times and existing code. The Hardship on the 5' encroachment is self-imposed.

**Ms. Radney** asked of the applicant if the foyer is handicapped accessible.

**Ms. Maddox** stated that it can be but is not now. The foyer is minimal and that is the issue.

#### **Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney Wallace "aye", no "nays", no "abstentions"; Barrientos absent) to **APPROVE** the requested **SPECIAL EXCEPTION** to allow Accessory Dwelling Unit in an RS-2 Zoned District (45.031-A) the Board voted 3-0-1 (Radney, Brown, Wallace "aye", no "nays", Bond "abstention", and Barrientos absent) and to **APPROVE** requests for a **VARIANCE** to reduce the 30-foot street setback in the RS-2 District (Sec 5.030-A, Table 5.030-A Table 5-3) and a **VARIANCE** to allow a detached accessory building/dwelling unit to

exceed 40% of the floor area of the principal residential building (Sec. 45.030-A, Sec. 45.031-D) per conceptual plan pages 4.20 – 4.28 with the condition that there be no short term rentals use of the accessory building. In granting the Special Exception the Board finds 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. In granting the Variance 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:

**PRT LT 14 BEG SEC TH W40 N TO PT 42W OF NEC E42 S POB & ALL LT 15 BLK 12,SUNSET TERRACE**

### **NEW APPLICATIONS**

*Review and possible approval, approval with modifications, denial or deferral of the following:*

#### **23351- Tulsa Precise Investments LLC**

**Special Exception** to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); **Special Exception** to increase the permitted driveway width in a Residential District (Section 55.090-F.3).

**LOCATION:** 1015 East Young Street **(CD 1)**

#### **Presentation:**

Applicant was not present .

**Mr. Bond** in his capacity as the Chair moved the item until the end of the agenda.

**23352- Jeremy Wilkinson**

**Special Exception** to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5).

**LOCATION:** 4013 South Louisville Avenue (CD 9)

**Presentation:**

**Jeremy Wilkinson** 4234 W. Oswego Ave., Tulsa, OK 74132 He is trying to build a duplex in RS 3

**Mr. Bond** asked if Mr. Wilkerson has any drawings or conceptual plans other than what he sees.

**Mr. Wilkerson** stated that He thought that the blueprints, but he just submitted a face shot of the building and handed it to Mr. Chapman. There are duplexes in that neighborhood for everything that he could look up in the RS 3 area zoning. When he purchased the lot, he assumed there wasn't going to be an issue with building a duplex. He has spoken with the neighbors and the neighborhood directly to the south. There have been a couple of issues. There are two duplexes on the same street within half a mile. The street is crowded. People Park there to pick up their kids in the street. The lady across the street has stated concerns about the parking because it's going to be crowded. It's been a vacant lot for years and one of the for it not selling is that people are worried about resale. It will be a long-term rental and he can impose parking restriction and not have them park in the street. There will be single drives and a single car garage on each side, and he would put in the lease that no one can park in the street.

**Interested Parties:**

**Elizabeth Alpert**, 4130 South Jamestown Ave., Tulsa, OK 74132 She has lived in this neighborhood for 25 years and sold this property to Mr. Wilkerson. As far as that spot, she received nothing from him about building a duplex. Most are 3 bedroom/2 bath or 3 bedroom/1 bath. Her concern is that it is only 3 lots in from Patrick Henry and she is curious if he wants to purchase two other lots just south of the lot and put-up duplexes as well. Looking at the overall picture, this would change the dynamics of the neighborhood, but she would ask that they reconsider.

**Ms. Radney** asked that one of the things that Ms. Alpert is particularly concerned with is the two-story aspect.

**Elizabeth Alpert** stated that the other duplexes are single story and they fit in with the neighborhood and that these would be a marked change and might be setting a precedent into converting that neighborhood into something else than it is.

Ms. Radney stated as a realtor and is familiar with the neighborhood and would like to see new construction that is in keeping with the style of the neighborhood. These duplexes shown are on the transitional side.

**Mary Ellen Sommer** 3474 S. Zunis Ave. 74106 She is the property owner of 3633 E. 40<sup>th</sup>

Place and is objecting to the variance to build the duplex. It would be against public interest, but the applicant would not experience any unnecessary hardship from the zoning ordinance. There are single family residences with garages. Her objections are that Marion Gardens is zoned for RS 3 single family residential district. Furthermore, she thought there were not any other duplexes. There is no hardship for the applicant if the zoning is enforced. The code intends to preserve the single-family character and density of this neighborhood and she feel it should be upheld. The traffic is already overwhelmed with parking issues.

**Jean Anderson**, 4012 S. Marion Ave., Tulsa, OK 74135, I have lived in this home for 25 years. My property directly backs up to the lot in question. I had no knowledge of this happening until she saw the sign posted.

**Greg Wies** 8039 S. 268<sup>th</sup> E. Ave, Tulsa 74106 I lived in that neighborhood my whole life. He knows of duplexes in the area. He approves of this request.

**Jeanne Smith**, 3625 East 40<sup>th</sup> Street, Tulsa, OK 74135 has been a resident for 30 years and is concerned about the duplex and wants to keep the simple charm of the homes in the area. Since he is not planning to live there it doesn't concern him how it effects the neighborhood.

**Mr. Smith (Jeanne Smith's husband)**, 3625 East 40<sup>th</sup> Street, Tulsa, OK 74135, agreed with his wife

**Jason Day** 4107 S. New Haven Place, Tulsa, OK He owns a property in the area of this topic. It would be significantly different, not because of it being a duplex, but because is two-story but because it would be significantly different.

**Jeremy Wilkinson** This is a divided neighborhood, and I am making an investment into that neighborhood. I feel that since this has been a vacant lot, this will add value to the neighborhood

### **Comments and Questions:**

**Ms. Radney** asked to talk more about the architectural style.

**Mr. Wilkinson** stated that he was trying to find something that was two story that would accommodate a narrow lot. It is a deep lot and he tried to stay with the feel of a lot of the single-family garages. My impression of this plan was more of a craftsman style, which has become a prominent style of the new builds. It's not a modern style and this one has a lot of brick as well and siding on top which is the style of most of the houses in the area.

**Ms. Radney** asked what size each of the units are.

**Mr. Wilkinson** stated they are 1,143 per side. So together they are shy of 2,300 square foot living. Each has a single car garage.

**Mr. Bond** asked the city if there anything in the zoning code dealing with duplexes.

**Austin Chapman** didn't know that there is.



**Mr. Wallace** is going to recuse himself because he lived in the neighborhood. He thinks the architectural style is nice and of the times.

**Mr. Brown** stated that neighborhoods change although strong points have been made. Traffic problems exist at every school in the city. He tends to support it.

**Ms. Radney** stated that two driveways is a concern to her. The visibility is a concern. She is inclined to support it, in part because we do see patterns of greater density are on the periphery of neighborhoods, but she is not in love with the design aesthetic. She thinks that it should be more complimentary to the neighborhood style. She is unconvinced at this point.

**Mr. Bond** asked if this with the two driveways gone through permitting or are we the 1<sup>st</sup> stop.

**Austin Chapman** stated that it's gone through permitting. The width of the driveways was not called out. He didn't think anything had been called out, if it's one car width, they can make it within what they are allowed. They can stack if they have more than one car. The way the code reads you can have two cars per unit stacked.

**Mr. Bond** stated that he too is very ambivalent and it's important that we have more housing. He probably would support it with the caveat that there be restriction for parking, so they don't compete for parking with Patrick Henry during their events. Yes, with language for the parking.

**Ms. Radney** stated that he could put it in his lease that there will be no parking on the street.

**Mr. Wallace** stated that you can't say that no one can park in front of his house.

**Ms. Radney** asked if he had a more detailed site plan with him and Mr. Wilkerson stated that he did not. She stated that there was a dearth of small houses and it is virtually impossible to for anybody to build a 1000 square foot house. She thinks she could convince herself to support this. She will defer to the rest of the board.

**Mr. Bond** stated that he only has issues with the driveway. There is a limit to how wide that can be collectively.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 3-0-1, (Bond, Brown, Radney, "aye"; no "nays"; Wallace "abstentions"; Barrientos absent) to **CONTINUE** the requested **SPECIAL EXCEPTION** to permit a duplex in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5) to June 14, 2022; for the following property:

**LT-4-BLK-11, MARION GARDENS**

**23353- John Garufi**

**Special Exception** to allow an Accessory Dwelling Unit in an RS-3 District (45.031-D); **Variance** to allow an Accessory Dwelling Unit less than 10-feet behind the Detached House (Sec. 45.030-D.8.b).

**LOCATION:** 3402 W. Edison (**CD 1**)

**Presentation:**

**John Garufi**, 3402 W. Edison St., Tulsa, OK 74127 He is asking permission a Accessory Dwelling. It was a prefab building

**Mr. Bond** asked if there had been questions or interested from his neighbors about it.

**Mr. Garufi** stated that there has not been.

**Interested Parties:**

No interested parties present.

**Comments and Questions:**

**Mr. Bond** asked that since this is a prefabricated does he need relief for this?

**Austin Chapman** had some comments from the building permit office on that building and it was mostly related to the foundation to make improvements. For the purposes of the code, there were none.

**Mr. Bond** stated that it looks great with the existing house. He would not have issue with this special exception. Just looking at 7.1, it is nice for the neighborhood.

**Mr. Brown** stated that he does not have a problem with it.

**Austin Chapman** stated that in his staff report he did that the size of the lot compared to what is required in the RS 3 District.

**Ms. Radney** stated that this does not appear to be a platted neighborhood.

**Mr. Bond** stated that it is unplatted and it is a RS 3 neighborhood, and it is a large lot compared to the other lots there as well.

**Ms. Radney** asked if there are any imposed thoughts about the special exception and the type of structure.

**Mr. Bond** didn't have an issue. Every other one that he knows of that were approved had to have a skirt.

**Ms. Radney** asked about the foundation.

**Austin Chapman** stated that they might ask the applicant what they intend to do about that.

**Mr. Garufi** stated that he had a structural engineer come in he 24” wide runners. The circumference will not be sitting on cinder blocks. The cinder blocks will be on top of the footing and there will be an anchor over the runners to tie it down to keep it from blowing over.

**Ms. Radney** asked Austin Chapman if with that recommendation from his structural engineer, will that address the permitting issue.

**Austin Chapman** stated that the skirting and masonry addresses the aesthetics.

**Mr. Garufi** stated that it will be skirted, and the front part will be graded.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0, (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to **APPROVE** the request for a **SPECIAL EXCEPTION** to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); and the **VARIANCE** to allow an Accessory Dwelling Unit less than 10-feet behind the Detached House (Sec. 45.030-D.8.b) with the exception that the Accessory Dwelling Unit be skirted near or about the time that building permitting process completed. In granting the Special Exception the Board finds 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. In granting the Variance 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:

**NW E/2 GOV LT 1 LESS E100 SEC 4 19**

**23354- Mike Buerker, Gorilla Brothers Renovations**

**Special Exception** to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D), **LOCATION:** 7902 S. Waco Ave. **(CD 2)**

**Presentation:**

**Mike Buerker** 14824 East 72<sup>nd</sup> St. North, Tulsa, OK The contractor for Mr. Clark and hoping to build little cottage off the back to house someone on site in his older years.

**Mr. Bond** asked if there are any issues with the neighbors.

**Mr. Buerker** stated that all the neighbors are on board.

**Mr. Bond** asked if there were any questions for the applicant.

**Interested Parties:**

None.

**Comments and Questions:**

**Ms. Radney** asked if Austin Chapman would speak 8.3 what it is referring to there

**Austin Chapman** stated that there is a small area of the plan that encompasses this area and that is what lead to the AG-R District which people were voluntarily rezone themselves into with no cost to themselves. As a part of that small area plan, accessory dwelling units were called out as a recommendation to all where this encouraged on these lots.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-0-0, (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to **APPROVE** the request for a **SPECIAL EXCEPTION** to permit an Accessory Dwelling Unit in the AG-R District (Sec. 45.031-D) per the conceptional plan shown on 8.9 of the agenda packet. The board finds that the Special Exception will be in harmony with the intent of the code and will not be injurious of the neighborhood or otherwise detrimental to the welfare. For the following property:

**NE NW SE SE LESS S25 THEREOF SEC 10 18 12**

### **23355-Tulsa Fraternal Order of Police**

**Special Exception** to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit the Fraternal Order of Police Lodge and Event Center (Sec.15.020, Table 15-2)

**LOCATION:** Northwest corner of East 51st Street South and South 161st East Avenue (CD 6)

#### **Presentation:**

**Jeff Downs** stated in preparation to purchase this property, they have met several residences of Trinity Creek. The person they are purchasing this land from is the developer of Trinity Creek. It is a unique neighborhood because a large portion of are police officers that are a part of our membership. Their Board of Directors met with the residents two weeks ago and they brought up several questions they had and asked for building ideas. Several houses that back up to the property asked that foliage to block the view from their backyard. They also asked about parking so that we will not be blocking the main road into their neighborhood. The site plan it is clear to see that there is ample parking. The 3<sup>rd</sup> item, if they would be allowed to use our building for some of their meetings and we agreed as part of the event space area of the facility.

**Mr. Brown** asked what will happen here.

**Jeff Downs** stated that the property is very close to Broken Arrow but is in the city limits of Tulsa. They will assemble twice a month some events and the events space are for events such as baby showers, etc. They will have limited ability for some of their community partners to rent. The maximum amount of people that we have had at one meeting is about 200-225 people, but typically they only have 25-50 people for standard lodge meetings. We are good community partners and will not be a detriment to the neighborhood. The hours of these meetings are 6:30 to 10:00.

**Ms. Radney** asked if there was a plan for lighting.

**Jeff Downs** stated that Stephan could address that issue

**Stefan Tittijung** 21630 East 133<sup>rd</sup> St. South, Tulsa, OK. He stated he is the engineer from Cynergy that is helping them with put all of this together. There will be zero lot lighting and mostly off the building. 51<sup>st</sup> has a 20' elevation difference so the building is in a depression so there will not need any lot lighting.

**Ms. Radney** asked if all the lot was zoned RS-3.

**Joanna Ford** stated that they are using all the commercial part of the zone and will leave the back part empty land as it exists today.

**Ms. Radney** asked what the neighbors had to say about screening.

**Joanna Ford** 512 East Glendale Street, Broken Arrow, OK 74011. She represents the FOP in purchasing this piece of property so they can construct their new lodge, she

stated that the City of Tulsa is going to require an 8' privacy that is going to be on the east side.

**Stefan Tittijung** stated that there is a greenbelt/easement which will remain.

**Joanna Ford** stated that there are some drainage problems that the City of Tulsa has stated will need water shed to take care of the runoff and not affect the neighborhood.

**Mr. Brown** asked about the timeline.

**Jeff Downs** stated that the goal was 18-24 months after purchase, but it could be longer. One of the hardships was to be more centrally located, but unable to afford these properties. We are Not for Profit. It has been hard to find something to fit their needs within the Tulsa City Limits. Economics have forced them farther east.

**Ms. Radney** asked about the hours of operation.

**Jeff Downs** stated that they would meet on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of month and usually end by 10:00 PM. Then for graduation everyone is gone about midnight. That only happens 3 times a year.

**Ms. Radney** asked if there were any plans for serving alcoholic beverages.

**Jeff Downs** stated that there would be if there was a special event. Midnight would be a cap if that helped get this through.

**Joanna Ford** asked what the city ordinance was on how late they could stay open.

**Austin Chapman** stated that it would follow he would have to look further into it, but he believed that 2:00 was the limit.

**Ms. Radney** asked if there were any request around vegetation from the neighborhood.

**Jeff Downs** stated that there wasn't a specific type requested, but they didn't want people being able to walk up and look in their backyards. They are requesting a privacy buffer and we are happy to do that.

**Joanna Ford** stated there was going to be acoustic panels to prevent it from being too loud inside and out.

### **Interested Parties:**

**Jeff Goldsbang** 1301 W. Omaha Place, Tulsa, OK Had not heard anything about this until the letter they recently received. He is concerned about protesting at this location. He is concerned about the alcohol. Because it is being advertised as a large event center for 250 people with a bar concerns him. The intersection has two lane streets that are crossing there. Be aware of wildlife being disrupted because they had a family of bobcats, racoons, and other animals living in the greenbelt.

**Jeff Downs** stated that he feels that since they will be so far east that it will not be prone to protest. As far as the alcohol issues, our lodge deters alcohol abuse. They have never had any alcohol issues related to the lodge functions.

**Mr. Bond** stated that this is for is for membership and doesn't have an issue with the alcohol issue.

**Mr. Brown** tends to support this project.

**Ms. Radney** stated that she would like to see more about landscaping along 161<sup>st</sup> East Ave.

**Joanna Ford** stated that they haven't gotten that far yet. They will do that before they apply for permit.

### **Comments and Questions:**

**Dwayne Wilkerson** stated that if the board wants to approve this not to do it with a site plan concept. There is 16-18' of elevation change just within the building site, so there will be retaining walls. There are a lot of details not shown here that would significantly impact this site plan. There are tree requirements every 30 feet along the street and the scrub is supposed to be a visual barrier.

**Mr. Bond** stated the question is if we are going to allow an event space.

**Ms. Radney** was concerned that it should be looked at again in seven years and would like to see more details.

### **Board Action:**

On **MOTION** of **WALLACE**, the Board voted 3-0-1, (Bond, Brown, Wallace "aye"; no "nays"; Radney "abstentions"; Barrientos absent) to **APPROVE** to allow a Large (>250-person capacity) Commercial Assembly & Entertainment Use in the CS District to permit the Fraternal Order of Police Lodge and Event Center (Sec.15.020, Table 15-2) per the conceptional plan shown on 9.6 of the agenda packet. The board finds that the Special Exception will be in harmony with the intent of the code and will not be injurious of the neighborhood or otherwise detrimental to the welfare. For the following property:

**BEG 50N SWC SW TH N840.33 SELY CRV LF 244.13 SE179.10 SELY CRV RT  
399.58 S134.09 SW56.25 W398.44 POB SEC 26 19 14**

**23356- Jefferey L. Donnell**

**Variance** to reduce the open space requirement in the RS-3 district from 4,000 square feet to 3,779 square feet. (Sec. 5.030-A; Table 5-3). **LOCATION:** 6835 East 83rd Street  
(CD 8)

**Presentation:**

**Jeffery L. Donnell** 4828 East 111<sup>th</sup> Street, Tulsa, OK This house is in a neighborhood where typically there are 3 car garages. The problem is that most houses are 60 – 65' wide, 5 and 5 side yards. When they submitted for the permit, they were told that they were 221' above the requirement of 4500 feet. He didn't realize that they counted sidewalks and concrete in the open space. The driveway puts him over 4000 square feet. The subdivision has many lots that have the same problem. The city gave them a permit, but we had to go back and say the 3<sup>rd</sup> car garage would be a storage and we could only put a 16' driveway instead of a 26' driveway. They are committed to building the house, even if they must build it with carriage doors to use as a storage space. The hardship is that if we do that then we are held to standards that other builders and other houses haven't been held to because their houses are bigger on a smaller lot. We are requesting that we have a variance to build a 26' driveway.

**Interested Parties:**

**Board Action:**

**Mr. Bond** asked Austin Chapman about a prior space having to have a structure on it.

**Austin Chapman** stated that the driveway in the front of this house does count against open space.

**Mr. Bond** asked Austin Chapman is there a minimum that the city will allow houses to be plotted on as far as width goes.

**Austin Chapman** stated that its RS-3, so it would be 60' wide.

**Mr. Bond** noted that it is 63' wide, so it is above the minimum.

**Comments and questions:**

**Austin Chapman** spoke to the fact that you could shrink the covered porch as well to meet the open space requirement.

**Mr. Bond** needs a hardship that isn't self-imposed.

**Ms. Radney** stated that this is a one-story house and so it is sprawling a bit to accommodate the square footage.

**Mr. Brown** stated that the hardship being a single-story house.



**Ms. Radney** asked if there was a particular need for it to be single-story.

**Mr. Donnell** stated that they already have the construction loan, and everything is in place and on-going and hard to back out now without going back to the bank. It will create a hardship in the future if they sell without having a driveway that goes up to the third garage. He recently had a stroke and he is putting up for sale his two-story. It's hard for him to go up and down the stairs now because of his balance. This is built for aging in place.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace "aye", no "nays", no "abstentions"; Barrientos absent) to **APPROVE** the **VARIANCE** to reduce the open space requirement in the RS-3 district from 4,000 square feet to 3,779 square feet. (Sec. 5.030-A; Table 5-3) per conceptual plan page 10.7 of the agenda packet. In granting the Variance 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:

**LT 10 BLK 13, THE CRESCENT**

**23358- Mary Huckabee**

**Variance** to reduce the 200-foot minimum lot width in the AG district (Sec 25.020-D, Table 25-2).

**LOCATION:** 11840 S Sheridan Rd. E. (CD 8)

**Presentation:**

**Mary Huckabee**, an attorney at Conner and Winters, 15<sup>th</sup> East 5<sup>th</sup> Street, Tulsa, OK 74103. She represents Brenda Sulk, the property owner. Brenda and her daughter Ashley Bray. Ms. Sulk plans to construct her home on the tract labeled as Tract B on 12.13 in her packet. Then she will convey Tract A to her daughter Ashley. The lot is 700' deep, but only about 300' wide, so it makes it an awkward shape to develop for a single-family home and in addition to that in the middle of the lot there is a drainage ditch that runs through the middle of the property and divides it. It is hard to develop for just a single -family home, so they are seeking to divide it into lots so that they can have two separate residences on the property. There will be a long drive along the north side of the property. The lot expands to about 280' wide, which exceeds the lot width required by code. Prior to 2019, it was combined with the lot to the north and this board granted a similar variance with respect to that. The Tucker property to the north has a long skinny drive that connects the rear of the property. Exhibit B describes the Tucker property to the north and has a very similar lay out. We have intentionally patterned this lot after what was approved by the board in order to be in keeping with that precedent.

**Mr. Bond** stated that they are surrounded by AG to the north, RS 1 to the west, RS 2 to the east, and RS 3 to the south.

**Ms. Huckabee** stated that it would be an unusual spot to put in any traditional AG use.

**Mr. Bond** asked if there have been any issues with the neighbors.

**Ms. Huckabee** stated that the owners have spoken with the neighbors and there were no issues with them.

**Interested Parties:**

None.

**Comments and Questions:**

**Mr. Bond** stated that the creek running through it would be justification for a hardship.

**Mr. Wallace** asked if the easement was ok.

**Mr. Bond** stated that they are unable to grant any relief other than what is in the code. The hardship is that in an area that is traditionally AG and is now being used for residential and this board has a long-standing precedent granting variances for that in addition to the unique topographical shape of the lot and the creek that runs in the middle

of it make it impossible to develop otherwise. One of the previous applicants made a point by saying that zoning code was not intended to prevent development. In this case by the way it is bounded in and will continue to be bounded in agricultural use as intended in the code will now be impossible or close to it.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0 (Bond, Brown, Radney, Wallace “aye”, no “nays”, no “abstentions”; Barrientos absent) to **APPROVE** the **VARIANCE** to reduce the 200-foot minimum lot width in the AG district (Sec 25.020- D, Table 25-2) per conceptual plan page 12.13 and 12.14 of the agenda packet. In granting the Variance 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:

**PRT E/2 SE BEG 991.69N SECR SE TH W659.47 N107.88 W156.50 N70.86  
NE74.94 NE80.97 E701.46 S281.51 POB LESS E50 THEREOF SEC 34 18 13**

**23351- Tulsa Precise Investments LLC**

**Special Exception** to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); **Special Exception** to increase the permitted driveway width in a Residential District (Section 55.090-F.3).

**LOCATION:** 1015 East Young Street (**CD 1**)

**Presentation:**

Applicant was not present

**Interested Parties:**

**Crystal Thompson**, 1005 E. Young Street, Tulsa, 74106

**Comments and Questions:**

**Interested Parties:**

**Crystal Thompson** 1007 East Young Street, Tulsa, OK 74106 She lives immediately east of the property. She is concerned with the privacy. She doesn't know any details of the property if it is going to be a multi-level home or a multi-tenant short-term lease property. This area has already struggled with trying to rebuild this neighborhood and it is going well so far. She doesn't feel like this structure is beneficial to the neighborhood. Her family has owned this property and one other one on the street since 1932 and they have maintained that property. She wants to build on the property for both of her children that are in the military. She is concerned that when they retire, they won't have the privacy they want. She is also concerned about the congestion of traffic. This is a very small lot they are trying to put this on, and they are requesting to widen the driveway that will come over into her property. She's concerned about it becoming an Air BNB property since they are near the downtown area. She is concerned about the property devaluation if they build a home there due to the privacy. Lacy Park is there which adds to the parking issues.

**Tashawna Harris** 1005 East Young Street, Tulsa, OK 74106. They want to keep it residential. She is concerned about short term leases and concerned about the traffic.

**Comments and Questions:**

**Mr. Bond** stated they are welcome to come back which will allow them to get their comments on the record.

**Ms. Radney** asked if the lots extend from Young Street to Young Place.

**Crystal Thompson** replied yes, their property fronts on Young Street and the back is Young Place.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-0, (Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions"; Barrientos absent) to **CONTINUE** the requested **SPECIAL EXCEPTION** to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); **SPECIAL EXCEPTION** to increase the permitted driveway width in a Residential District (Section 55.090-F.3) to June 14, 2022; for the following property:

W 1/2 OF LT 9 BLK 3,SUNNY SLOPE ADD

NEW BUSINESS

None.


BOARD MEMBER COMMENTS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:27 pm.

Date approved: 06/28/2022

  
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Chair