

**BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 1305  
Tuesday, October 25, 2022, 1:00 P.M.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2nd Street**

**Meeting No. 1305**

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

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on October 19, 2022, at 12:37 p.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 1:04 p.m. Mr. Bond noted that they are a 5-person board.

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

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**MINUTES**

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all "ayes", no "nays", no "abstentions") to **CONTINUE** the **Minutes** of

September 27, 2022 (Meeting No. 1302) to the November 8<sup>th</sup>, 2022 Board of Adjustment Hearing.

Mr. Chapman asked Mr. Bond if he would like to set time limits for this hearing. Mr. Bond stated that he did want to set three-minute time limits for Interested Parties. Mr. Bond stated that as the Board of Adjustments, it is important before we start, for us to understand that we do not make policy or you have a City Council for that, you can vote them into office, you can move them out of office, we are just appointed volunteers. There are things that that we do and that we do not do, what we do is decide within a very narrow, carved out area where we can grant exceptions to certain zoning boards, we do not have the ability to make policy, we do not have the ability to make zoning laws here. And that is important, it is important for everyone in the city to know that. That is not us. Areas that we do not address, the other parts of the city do are going to be things like water runoff, there are going to be things like other types of building codes, safety issues, we simply look at whether things are going to be applicable under a variance and appeal for a special exception. When we get into these issues, please keep in mind, those are not things that are before us. Those are not things we can grant you any relief for. Those we can suggest that are places to go with that but that is not something we can do. With that in mind, we will go to our first and then we will impose a three-minute timer restraint when individuals who are responding to a matter and those time restraints will be deliberately altered if we needed to be for those presenting and those main parties objecting.

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**UNFINISHED BUSINESS**

**23429 - Ray Toraby**

**Action Requested:**

Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D); Variance to allow a dynamic display sign to be within 20-feet of the driving surface of the street (Sec. 60.100-E). **Location:** 9014 S Yale Ave E **(CD- 8)**

**Presentation:**

**Ray Toraby**, 7501 West Princeton, Broken Arrow, Oklahoma, 74012, stated that his shop is in Tulsa and that he was there on behalf of the tenants and the landlord of the property located on the northwest corner of 91st and South Yale. He wanted to bring to the Board's attention the following facts to the best of my knowledge, so he could shed light on why the rules on digital billboards. They are fair, safe, and practical. We all have seen digital billboards that they are a very pleasing display. They are not so bright at night, and they are controlled by certain rules by Permitting Center City of Tulsa. Relative to the billboards size, which are usually fourteen feet by forty-eight feet, 672

square feet, and an average four foot by 10-foot digital display sign or onsite digital display, is not any more attention getting than that the billboards relative to this view. They are not more attention getting or distracting. Everything is relative to the size. If a three hundred square foot sign is displayed, near a street, it may be overwhelming. But a fully digital display may not solve everything is relative. We all know that the digital displays have come a long way in a noticeably brief time. It is past the time those digital display has traveling messages with big balls right on attractive and disruptive. Now, we practically use the digital display for a regular sign with the high resolution and the fact that you have the control, you know not to have animation or a special effect, simply just like a billboard go from one frame and another every second to 10 seconds, or whatever must be minimum eight second according to city rule. And this rate from one frame to another it is almost unnoticeable. He had a video about it, but Mr. Chapman informed me that he could not show the video. He had taken the screenshot of the billboard, an average billboard that from one frame to another. You barely can notice it, everybody is seen this especially now we have controlled to make it a fraction of a second, the only thing you notice is that it is a different display. But it does not shout at you does not jump in your face.

Mr. Bond stated that the Board had questions for you in and one of the things that we need to grant your relief is to show that there is a hardship here based upon the uniqueness of your property. We cannot alter the city code, which is not what we are here for. What we can do is grand relief if there is a non-self-imposed, not for your own economic benefit reason that this piece of property is unique that would allow us to alter that regulation.

Mr. Toraby stated that to get there, he had more items to mention, then he could explain the hardship if you do not mind. He was here to try and later we will take the city record out that the digital display if they follow a billboard rule should not be treated any different than a digital printed sign and should be treated as such. They do not need an additional setback environment see if existing structure in this case meets the centerline setback requirements. Anything installed on that should not need additional permit especially if that digital display into a negative RSA and decide not to change it about once a month or two months, wants to have that capability. It is a sign. So that should not require an additional setback. In this case, of course, we are so close, if you measure from the driver-in surface to the edge of the thick pipe is seventeen foot. If you measure from there to the edge of our display, which is about another eighteen inches farther, we are talking about nine, almost nineteen feet. A foot of disparity should not create a big problem, especially that this was installed according to the required setback long time ago and the steel meets the structure meets the required setback. And if the sign is moved any farther, it goes in the middle of the driveway of Starbucks. That is one or two cases that Mr. Chapman advised me to bring up. This sign should not be for additional setback not any different than a digitally printed sign.

Mr. Bond asked if there was something unique to this piece of property that would cause us to need to measure this differently or make the use of the sign independent unique to this property.

Mr. Toraby stated that it is important to note is that if this signs the structure moves to meet that additional three feet it will interrupt the drive thru and the parking lot. It meets the required setback but that twenty feet from driving surface to the edge of the structure versus to the edge of the display is a little bit hard to meet.

Ms. Radney stated that in your Statement of Hardship, if when you say that the tenants need this changeable messaging, well, how many tenants are in the building.

Mr. Toraby stated that there are three tenants. And they want to even though, is going to be controlled by Tulsa Gold because they have extra staff, but there is going to be shared by the existing tenant, any future there is only room for three tenants. If one of leaves, there will be another one. People like to promote their business from time to time and this sign is a better than flags by the road or banners, this eliminates a need for all that. It is a very controlled, very enforceable display. The City does not have to worry about when collecting illegal banners and flags. We are not changing the structure of the sign. We are simply taking the permanent sign faces and putting a digital display on that sign, which is a slightly smaller.

Ms. Radney asked when the building was constructed in 2007, did it have multiple tenants in it then or was it a single tenant. Mr. Toraby stated that originally it was a Texaco station. When it was built was designed for three tenants. He knew that Starbucks and Tulsa Gold have been there for the from the beginning. Advantage Imaging has been the latest one. The shopping center itself was designed for a minimum three tenants.

Ms. Radney asked if he would use the little laser there to show us where the sign currently is. Mr. Toraby showed where the sign is currently in the grass area. If you move to meet that additional three feet, here, into the parking area, you create a problem.

Ms. Radney stated that she had a different question separate from the parking. You have two curb cuts on this lot, one on South Yale and another on 91st. She was assuming that you need to be able to have traffic, enter and exit at both of those entrances just. If you were to move the sign further into the towards the interior of this lot, then she was assuming that would impede the ability of traffic to be able to circulate around.

Mr. Toraby stated that there is slight difference if you measure to the edge of display is only like a one foot off.

Ms. Radney asked if that is an island on 91st Street that would keep your customers from turning left there on as they were headed south on Yale.

Mr. Toraby stated that he believes it recently has been constructed. He believed there is an island there. They just finished construction.

Mr. Bond stated that he had a question for the City is that, are we talking about two feet here.

Mr. Chapman stated that there are two requests, one is just a blanket rule that it cannot be within twenty feet of the driving surface. This one is seventeen feet; it also cannot be within fifty feet of a signalized intersection. That is how that is measured. Right now, he is thirty-two feet. He would need to reduce that by eighteen feet because it is within fifty feet from the signalized intersection.

Mr. Bond stated that this an impossible request, but can you with your mouse, can you guesstimate where the sign would need to be for him to be in conformity with well, to meet the authority to meet the fifty feet Mr. Chapman.

Mr. Toraby stated that to meet the fifty feet you must add additional hours to go additional eighteen feet, you will be in the middle of the driveway, not even the edge of it, in the middle. That is almost impossible to meet with the because it was a double whammy is twenty feet from the driving surface. If you meet that, then fifty feet from there where the two lines meet, which are very few signs that can meet that requirement. My argument is you cannot change the rule, at least you can consider the fact that all the tenants and the landlord of the intersection which is a premium property paying a higher mortgage and rent, they are at the greatest disadvantage because they are on the corner. The next lot can have their digital display, essentially where the sign is located. If you are near the intersection or at the intersection, you cannot, so it is a very great disadvantage because as property owners,

Ms. Radney asked if there are other LED signs that are in this corner.

Mr. Toraby stated no, there is none on this corner. There is one digital display on Arby's farther away that is on one of the entrances on Yale. He did not know if that meets the 20-foot setback, but he was sure they do not have the 50-foot setback from the intersection requirement.

**Interested Parties:**

No interested parties were present

### **Comments and Questions:**

Mr. Bond asked the Board if anyone here could see the hardship. He was personally struggling to find one.

Ms. Radney stated that she saw a hardship. She agreed with the applicant, that the building has been put on the site in such a way that it creates like the maximum amount of through the lot, considering that it is on a corner, and to be able to maximize its parking. She also appreciated the fact that, one of the things that we talk about, at least in Midtown is the idea of pulling these buildings closer to the corners, rather than making them look like giant big box facilities. To her, the idea of distributing that parking around the building, as opposed to having a giant lot of parking in front of it, and the building that is just down to the south, there at 91st at Yale is a more appealing. Which is all not germane to the hardship. But what she was getting at is that they do need to be able to maintain that ingress and egress that is like unrestricted. To put the sign anyplace else who we are creating more of a hazard than not. She has driven through this lot, and anything that helps to direct traffic better towards this building, she thought, it is going to be to the betterment of this traffic flow than not.

Mr. Barrientos stated that he thought we are going to be where you are saying, he would have liked to see something more to scale. Could he see where the same will be at fifty feet, which is going to be an issue.

Mr. Chapman stated that they are not going to be able to impede traffic flow, and the Board was not going to be able to help them do that. They are going to have to maintain access onto the property. He just wants to be clear; he thought the board was either telling them, they are going to have to do a projecting sign or something on the building, or one of those faces, or we are not doing a dynamic display. He did not think it is going to get pushed into that. He might be able to show where it would go in that lane, but if the Board denies it, he was not going to be able to just go put a sign in there and restrict the flow of traffic on the lot.

Ms. Radney stated that in that way, she thought that is unique to this particular property as it is currently constructed. She realized that they were really talking about what makes this site unique, but given that the building was preexisting, it is compelling to her.

Mr. Chapman stated that the only thing he might point out and he might be able to speak to this differing, but he believed the current owner was the one who was cited that building of the property. It was duly permitted though.

Mr. Brown stated that he found this sign to be abominable. It is too big. They are asking us to make it bigger. The purpose of driving, going through this is not to look at the signage. It is to drive, and he found this sign distracting. You are saying there is no

animation. You are saying that the sign can change face every eight seconds while you are sitting there at the intersection. How many times have you been behind someone looking at their phone? Every time. He cannot and will not support

Ms. Radney stated that she agreed with Mr. Brown. She can get there on the dynamic sign, but the size of what we see on 2.11 was imposing. She agreed with you about that.

Mr. Brown stated that there was a potential if the sign is approved to have this type of sign on all four corners. That is silly and unnecessary. There are other ways to just to display on the building, or wherever. He cannot support it.

Ms. Radney stated that she would personally like to see something that is not so big that they might consider. She would be inclined to ask the applicant and they would consider a continuance to give us something that is a little less. Here is an example, she did not see the need given that the explanation that we have received for each of these tenants to have a large, branded sign area and the dynamic display. That does not make sense to her.

Mr. Bond stated that it was a good point. He guessed where his head was at least for my individual vote, was that he did not see a hardship here that could not be applied to everyone in this intersection. But you have a good point about the size.

Ms. Radney stated that she thought that the direction that the signage is going in, it is that dynamic signs are becoming ubiquitous, everywhere. To the extent that was the case, this site was always going to be limited by the current code because of its the proximity of the buildings and the way that traffic flow must move through that parking lot. In that regard, the ability to maintain and keep up modern dynamic sign was always going to be limited because of the existing use of the property. In that way, she was not opposed to a dynamic sign. She did not particularly like this one on 2.11. But she did not think that we are at a point now where dynamic signs are as the applicants said. They are so ubiquitous in the market. Our code, she thought does not really consider that ubiquity, in terms of having a separate set of guidelines to where they are set. She did agree that a signalized intersection is important to be careful around, but there was no way that they can ever have a dynamic sign in this location under the current code.

Mr. Bond stated that he agreed with Ms. Radney about that he would take the opportunity to speak we have to watch it. When they were forming the code for the dynamic signs prior to that, it was tough, because we do impose all the dwell time, things like that. Then when the city council reformed that code, they did an excellent job. It made our life easier. What we have seen since then, we have a great as far as the

considering the technology, the brightness, the dwell times, things like that those are now prescribed, which he thought was better, because we do not have to do that. But the spacing issue is still an issue with us. Because if we do have signs which are dictated by code are only going to be as bright as an illuminated sign. Not any brighter than it does not consider the spacing here. But having said that, he still had an issue with the hardship.

Ms. Radney stated that she would like to continue it, but we can take a straw poll as to whether that would make any difference.

Mr. Wallace stated that he was going to be a no regardless of if at this location. Dynamic signs this close to the streets. He has been driving a couple that we have approved recently. At seven in the morning when it is dark outside and he knew there are restrictions and everything, but it looks like Las Vegas. We have been approving some in densely populated areas where people are living. He thought there is something we need to be more cognizant about dynamic signs. They are not the same thing as a lit-up sign. It is different. It is color changing, and they are bright. He thought from a safety standpoint, at this location, he was going to be a no regardless.

Mr. Barrientos stated that he was a no right now.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 4-1-0 (Barrientos, Bond, Brown, Wallace all "ayes", Radney "nay", no "abstentions") to **DENY** a Variance to allow a dynamic display sign to be within 50-feet of the driving surface of a signalized intersection (Section 60.100-D); Variance to allow a dynamic display sign to be within 20-feet of the driving surface of the street (Sec. 60.100-E), for the following property:

**LT 1 LESS BEG NEC THEREOF TH W10 S155.02 NE14.15 N145.02 POB BLK 1,SOUTHERN WOODS PARK, STAR CENTER II , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23441 - Childs, Clinton Ross & Elizabeth Anne**

**Action Requested:**

Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) Special Exception to increase the permitted driveway width (Section 55.090-F.3)

**Location:** 2507 S. Evanston Ave. (CD 4)

**Presentation:**

**Beth Anne Childs**, 2507 South Evanston Avenue, Tulsa, Oklahoma, 74114, stated that she was the applicant. She asked Mr. Chapman to pull up the second document. You all had requested that she provide additional information. Mr. Chapman contacted me this morning and requested that she give more detailed drawings. She could not remember that terminology that he used. But if we could go if you could increase the size of that one place, what she was going to do is just show you quickly, what she did is she went to our contact of Land Records. She got online and tried to see if she can find what she assumed was a general utility easement. This is the back of my property. This is 25th Street, and right along right along there is at Evanston. She could not locate a recorded utility easement. Now, that does not mean it is not there. If she were to go back and go through the books page by page, she could find something, but it does not really matter. Because clearly, there is a prescriptive easement here because there are power lines. If you look at the pictures that he sent, you very clearly see the poles that are located about right here. My understanding is that PSO in addition to the powerlines, there is also, AT&T, Cox, and whoever else all have lines hanging along here, but my understanding is that PSO was going to require at least a 10-foot setback from the wire. She does not want my grandchildren to have 12 or 13 toes. She is okay with having the 10-foot setback right here. As she went back and looked at it, she did have my contractor do the measurements because she is challenged when it comes to doing this. If you have the 10-foot setback there would be if we were to do the new detached garage with just a five-foot walkway here about facilitate going back here. Her structure is already legally non-conforming, because if you look at it, this is that typical Midtown house that has been added on to several times. But specifically, what she is requesting is that she be allowed to put my garage twenty-nine feet and four inches from the centerline of 25th Street. That would make it line up with the existing structure along here. She did review the pictures last time and showed you where the neighborhood is if you have looked kind of ride along 25th Street, it is not it really will wind up nicely.

There was a previous variance that was granted for a proposed structure here. Of course, the construction was not completed and the people the applicant sold the house and moved. There is not in her mind another place that the garage can go because it is a legally non-conforming, existence of the structure. She did not know where else she

would put it. If you could roll up just a little bit, please. Mr. Chapman. She did take a moment and prepare this highly technical drawing because you may recall that Staff had suggested that it was possible to locate a garage that would not have to go through the Variance processes. Her neighbor across Evanston did this. But if you look at how it would have to be done, you are still going to have to set ten feet back and then go in through here. What that does is it goes twenty-six feet into my backyard. Also, she does appreciate the fact that the Board has talked just a little bit about sustainability because she thinks that matters too. You are basically turning 1239 square feet and impervious area into if she must if she is not granted the Variance into 2754 square feet of paving. She thought that was a lot of space. That is a lot of concrete, whereas if the Variance as it is shown right here, were granted for the proposed garage which would be thirty-six feet by twenty-four feet and she is requesting the setback of twenty-nine feet four inches, and then also have the driveway expanded to forty-two feet.

Mr. Bond asked her to talk about the driveway for the forty-two foot.

Ms. Childs stated that this would be the garage area. It would be street facing garage so we would pull straight in here. She was requesting to have it just a little more because we could put a concrete area here. The couple of things about that is there are six of us we have been boomerang college students that are here - they are not - they come back. She is mindful of the power lines in the right of way here. So, if she can have the expanded driveway that gives me additional parking here without having to encroach into the right of way.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that this was more palatable to him with a confirmation that this is being used as utility easement and there is just no place to put it. He felt like we grant a lot of these to folks in similar neighborhoods that have been plotted and then build upon it.

Ms. Radney stated that she thought that the combination of the widening of the driveway helps to prevent the need to have on street parking on what is already a narrow lane, so that was a reasonable accommodation.

Mr. Bond stated that she is occupying non-conforming structure not of her own making into that location of the actual prescriptive easement and what accommodated a garage anyone else.

Mr. Chapman stated that the confusing part is none of it is drawn to the property line. His recommendations the board is that there needs to be a proper site plan submitted to the permit office when she goes back for her complete building permits. Because those

twenty-nine feet and he thought was showing to the center of 25th Street. This is not to scale. This would not be property line in scaling to where the new garage would be. At least from what he understood it.

Ms. Childs asked if she could address that issue. The reason that she did that was because she had discussions not with Mr. Chapman but with City of Tulsa Staff about that. My question was if she needed to get a survey? It is a platted in subdivision. The code is a little bit confusing. One of the things that they talk about a sidewalk. There is not a sidewalk here. It is a little bit difficult to tell exactly where the property line is going to be based on the 50-foot driveway that was platted. She utilized the centerline of 25th Street, and went 25-feet out, which would be the edge of the property line. So that is why she used that in lieu of an actual survey.

Mr. Chapman stated that his point was that the numbers are not scale. This is thirty-six feet, and it is equal distance to this number that says twenty-one feet. He just had concerns that the permits are not getting better site plans.

Ms. Childs stated that she would be happy to submit that.

Mr. Chapman stated that if your lot is 120 feet by 165 feet, this should be your property line. But you are saying that is it those numbers just do not make sense on their scale out here. And so that is why he is saying that he believed the permit center would need better drawings to really be able to issue a permit on this.

Ms. Radney asked if we could discern how much actual relief the applicant needs.

Mr. Chapman stated that his understanding per this if that is twenty-nine feet, four inches, that it is supposed to be fifty feet. All right, he apologized, so forty feet for the garage door from the center. It is twenty-nine foot four inches. Is that correct? Ms. Childs stated that it is forty-five feet.

Mr. Chapman stated that at 45 feet was what, so it is twenty-five feet is to the center to the property line. And then twenty feet is where the garage door is supposed to be.

Ms. Childs stated that for ease of the Board and for ease of Staff it could the motion could be to approve the setback to line up with the existing this structure the portion of the structure this nearest Street and then she would make it line up like that

Ms. Blank stated that she would just like to follow up on Austin Chapman's comment. The drawings that we have, she has a tough time seeing also how much extra drive width is shown as well. That is why you might consider that with what are your number on it.

Ms. Radney stated that was the direction of her thinking as well. Thank you very much, Audrey. She was convinced of the hardship. She understood the need and support the need for the Special Exception. But we must have drawings. We must have something. Because at this point, she concurred that we should be specifying exactly how much relief was granted. She could not discern it from this. Given that though she was in favor of the relief, she retracted her support for moving forward with approval. If there was somebody else on the Board who wants to approve, in good faith, she would give somebody else an opportunity to do that. Otherwise, she was going to make a Motion to continue it.

Mr. Brown asked if they could have a Continuance until an accurate drawing can be produced.

Ms. Radney stated that it was a question of consistency. It would be typical for this Board to make those to grant the relief based on the drawings that are that we can attach to that approval that can be disseminated to the Permitting Office that they will be able to see what the intent of the Board is. She concurred with Staff that this would potentially be confusing at that point.

Mr. Bond stated that the reason he would just like okay with it if it were clear that it is flush with the size of the existing house and as the space does not need it there for the walkway. We have all manners of applications here. Some are drawn on the back of a cocktail napkin, and people have spent tens of 1000's of dollars on. He is okay with this one, just for his vote.

Ms. Radney stated that she was willing to support it, Mr. Chair, but she wanted to see something that looks closer to what is going to go in front of them or permitting.

Mr. Bond stated that he would suggest we just condition this approval to have the specifications as described, delineated in an appropriate site plan and survey, measuring from the centerline or for the property boundary. Twenty-nine feet back, so long as that rest with the house, but that is just my thoughts.

Mr. Barrientos stated that he was also okay with the hardship. He still believed that we need to have a better plot plan that we need to tie into this Motion. He though they should have a Continuance.

Ms. Radney stated that before we continue it, let us be explicit for the applicant, what we are explicitly stating, is that we need to see a site plan to scale that has dimensioned on it. The relief that needs to be granted that we anticipate would be granted by this board, both as it relates to the width of the proposed driveway, as well as the setback for the accommodation for the reduced setback for the garage. Is that also what Staff is pointing out?

Mr. Chapman stated that if she wanted to get with him or Dwayne, he thought they could help get her there if she wants to draw it herself.

Ms. Radney stated that she thought this was really close to the same drawing we previously had.

Mr. Chapman stated that he agreed with that.

Ms. Radney state that the Chair has stepped out, so she was going to need somebody else to make the Motion.

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 3-0-2 (Barrientos, Brown, Radney all “ayes”, no “nays”, Bond and Wallace “abstained” to **CONTINUE** a Variance to reduce the required 15-foot side street building setback and 20-foot setback for a street facing garage door (5.080-B Table note [3]) and a Special Exception to increase the permitted driveway width (Section 55.090-F.3) to the November 8, 2022 Board of Adjustment Hearing, for the following property.

**LT 1 BLK 10, BRYN-MAWR , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23443 - Max McGuirk**

**Action Requested:**

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 209 S. Urbana **(CD – 4)**

**Presentation:**

The applicant requested that this case be **CONTINUED** to November 8, 2022.

**Interested Parties:**

No interested parties spoke up that they were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-0-1 (Barrientos, Bond, Brown, Radney all “ayes”, Bond, and Wallace “abstentions”, no “absent”) to **CONTINUE** a Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5) to the November 8, 2022 Board of Adjustment Hearing, for the following property:

**LT 432 BK 2,RODGERS HGTS SUB , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

There were a couple of people in the audience who were here to speak on to the BOA Case 23443. That was the Special Exception to permit a duplex on Urbana. That matter has been continued by the Board to the next meeting of November 8. They were not aware of the fact that they had been continued.

Ms. Radney asked Ms. Blank what she would suggest that the Board do.

Ms. Blank stated that she needed to think about this since it had already been Continued. She thought they could vote to reopen it, reconsider it or something, but then the applicant was not there and then that is not fair to them.

Ms. Radney stated to Mr. Chair that there were a couple of people in the audience who were here to speak on BOA Case 23443. That was the Special Exception to permit a duplex on Urbana. That matter has been continued by the Board to the next meeting of November 8. They were not aware of the fact that they had been continued.

Mr. Bond asked how many interested parties are there. Can you come back to the additional meeting? Are you prohibited from work obligations? Okay, let us hear from them briefly. And then we can continue this about it as we have done in the past. And just try to do our best to account

Ms. Radney stated that they did hear from the applicant previously at the last meeting.

Mr. Bond stated that he was not comfortable voting on this unless the applicant was present.

Ms. Radney asked Ms. Blank if they had to, they needed make a Motion to reconsider the continuance

Mr. Bond stated that since it was already Continued, he did not want to reopen something that was already closed.

Ms. Blank stated that it would be cleaner if we just if you have already acted on this for today.

Mr. Bond stated that the Board reads emails and letters that are sent in and if you can submit those to Mr. Chapman, we will read your comments. We frequently discuss them on the record. We would appreciate it.

DRAFT

**23444 - Kiana Smith**

**Action Requested:**

Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3) **Location:** 12 W. Queen St. **(CD-1)**

**Presentation:**

**Kiana Smith**, 920 North Main Street, Tulsa, Oklahoma, 74106, stated that this was a Continuance from the October 11, 2022. The property that is in question is an irregular formed property. The recommendation was to show the property line and so she submitted new drawings today that showed the property line as it pertains to the property itself. What you have back here on the board is a visual of the home and the shaded area is what is being requested. She is asking for an extension. Finding out from the last meeting, the house itself has been grandfathered in and it is just an irregular property. According to the county records, west is the front door. However, when she purchased the property and prior to purchasing the property, the north facing side of the building has been used as the front of the house. The south facing side of the property has been used as the rear. What she is proposing is the West to be used as my backyard as you can say, or my side yard or relief yard, and using the side towards the east to expand on the home to make it a three bedroom, and one bath property.

Ms. Radney asked what relief that you are asking for today is.

Mr. Chapman stated that where it says five feet here, per code, it is supposed to be twenty feet, and that was a relief requested.

Ms. Radney stated that she apologized. Her pages were out of order. Her packet gets scrambled. The relief that you are asking today is related to what the City has said is your rear yard, which the City says is the east side of your property? What you are asking for us to do is acknowledged that this is a preexisting nonconformity. It is a legal non-conforming home. You are asking for us to in consistent with that to consider the side yard what you consider to be your side yard, which the city considers to be your rear yard for us to treat that as a side yard? Yes. Is there any reason you must go to the east and not to the west, in terms of this addition?

Ms. Smith stated that if she did not go to the east, that then leaves that area vacant. Again, this will be my personal residence. It does leave a waste of space, there is nothing else that can be placed there, because there is a cliff. If you see where it says where the extension is, there is like a three-foot drop, which then is the driveway. You will be stepping up and just be an empty plot of land. What she found prior to occupying it, that area has been used as like a dump, people just throw things there even though with the residents like it just does not feel safe, just having that area blank. If she extended to the west, it's taking up the yard and if she wanted to do a deck in the

future, it would not be form fitting, if she expanded less, she would like to have as much of the yard as she possibly could and utilize the land that is blighted right now for that extension.

Ms. Radney stated that she thought what she was asking you was what would prohibit you from constructing this additional bedroom on the west side of the structure.

Ms. Smith stated that a potential extension of the deck going forward. If she did a deck on the left side of the other fourteen by fourteen bedroom, it would not leave a cleaner yard also been it is still a vacant space on the east side that there is just nothing she could do with it. So instead of going west where she would like to potentially one day have a deck have a full yard experience as opposed to like encroaching into the backyard. She would like to encroach in an area that is only able to be built upon as opposed to having nothing there. So that basically that whole 70-foot area she would like for it to be a true yard.

Ms. Radney asked where the exit doors on this property are.

Ms. Smith stated that the front door is labeled "X" and then the side door right there. She knew it was hard to read so please excuse my penmanship. You see where it says driveway. It says side door/exit door. If she does not do this extension, it was right behind where it says twelve by twelve that is where the exit door is located.

Ms. Radney stated that you are proposing to add the space, it says fourteen by fourteen and 1twelve by twelve.

Ms. Smith stated that the house is a little different. Only the shaded part is what she is asking to extend. Part of the twelve by twelve is an extension is because right now, if you see the house right there, this is without the addition. If she takes off the addition, which is a fourteen by fourteen, she has also been trying to add additional five feet to the house just to make it even all the way across the board, just to add a little bit more square footage for each bedroom and bathroom. The houses just irregularly formed just from whoever did the construction, it dips in. And so, you lose square footage. She was just trying to even out the structure. So right here, this is the original one. This was the front of the home right here. If you go around the perimeter, this is all existing structure. It then goes in by five feet, and then it comes here and then it goes straight down. This is the driveway. This is the rear. This is the exit door right here. What she was asking to do on the new existing one is to keep the existing square footage and then just even this out, instead of going five feet in, just continue to add the five feet and does already clearance there. And then just go ahead and do the extension so that she could have the three bedrooms and one bath without encroaching on the yard space here. Because if she does not do this it will just be a blank space, and there is really nothing else to do with that land. She was just trying to maximize the potential of the plot that she has.

Ms. Radney asked if she would keep the exterior door that opens to the east.

Ms. Smith stated that there is currently not a door that opens to the east; it opens to the south. What she would be doing is just adding the door right here. This is the driveway so just having stairs come up can lead into this area here.

Mr. Barrientos stated that just the way it presented that he did not see the hardship and the way it is, but what he was confused about where the front was. If it was from the side setback, she could build it but that is the front side of the house.

Ms. Smith stated that there is nowhere to build on the front, so this was the yard. This was the front this was Queen Street is right here. These are the steps that go here. There is a fence line that outlines the property line. Right here between this and there is a steep hill so if she decided to build anywhere else, she will have to level the house. She would have to bring in almost four to five feet of dirt to level this out before she decided to build in the front side of the home. She considers this the front as the mailboxes right here as well as the front door is here. If you look on the Assessor's site that is where they have the house facing and that is the front view.

Mr. Wallace asked Mr. Barrientos if he was talking about the west side as the front .

Ms. Smith stated that the confusion is the only way that she knew that was different is because of the meeting here last time because what the city has currently in the Assessor's office is that this is the north side is the front.

Mr. Wallace asked why she could not you build to the west. Sorry, you may have clarified that.

Ms. Smith stated if she builds towards the west, she will lose yard space. This is what she is considering like my backyard here.

Ms. Radney stated that it is your only yard.

Ms. Smith stated that if she builds to the west, she is taking up yard space. She is trying to conserve as much yard space, since she has a kid on the way. She wants her kid to play out there, she is going to have potentially a playground, and a deck. She would like to have a traditional backyard, so she can grill and just have residential living at its finest. That is why she does not want to encroach on that side space. She is trying to maximize the land because it is already an irregular formed property that was inherited, to just go ahead and take advantage of the land that cannot be used for a yard or cannot be used for anything else, aside from building upon there. Because of how far it is up off the ground, it is a safety hazard issue. There is nothing there. She supposed if

she put a fence there, that will stop someone from just walking right off. Again, it is a concrete barrier, and then it goes to a driveway. There are four steps that lead up to that the driveway. She is trying to take advantage and maximize the land that is there. That is why she is asking for the hardship. If the land that was inherited was already irregular.

Ms. Radney asked if Ms. Smith knew when the house was built.

Ms. Smith stated that she thought it was between 1925 and 1931.

Ms. Radney ask if the two bedrooms have a connecting door or were they always separate spaces. How do you enter the room that is twelve by ten?

Ms. Smith stated that you entered through the front room.

Ms. Radney asked if it has a door on the kitchen side.

Ms. Smith confirmed that was correct. There is a slight hallway that is a three-foot hallway door here. This home had different additions to it, like illegal additions to it at first, it was used as a house to do elicited activity. It was beyond damaged on the inside. This is also needs to be cleared out. She is imagining what space uses will be because it was extremely damaged. It had also a fire and water damage. More than regular human wear and tear. The walls were up where you could see it could be a bedroom because it had a closet, but not every area was defined.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Radney stated that she could perceive a hardship. It is a little bit difficult to define, she thought, but what she did believe was that this is a house that was built as though it was intended to have a Queen Street address. It has always had to Queen Street address. It is an old house. From my perspective, it is a preexisting non-conforming property. She thought it could be possible to extend the house to the west, but she agreed with the applicant that the most efficient way to add on to what is otherwise like a structurally obsolete property would be to go to the east. She thought that a reasonable person would go east and not west. She can get there just on the fact that it is non-conforming, and it is just a continuation of a non-conforming structure. It is not because of non-conforming on the south side as well as the east. In setback from this on the north side is also not sufficient as well, if she is remembering that correctly

Mr. Wallace stated that it is non-conforming because the mailbox is up front.

Ms. Radney stated that it is non-conforming, on the Queen side of the street as well, is it not Mr. Chapman.

Mr. Chapman stated that is where it is non-conforming is on the Queen side. It is supposed to be fifteen feet there. On the south side, it is five feet, if that is the side, which is fine. The east is the rear property line. It is twelve feet now, so that would bring it down to five feet. So, twelve feet would be non-conforming. It is still non-conforming that the Variance would be increasing that nonconformity.

Mr. Bond stated that he would not want to increase an existing non-conformity, and he did not think that there is anything to remedy that. The setback here versus all those setbacks here, it just looks like it is from a different era or worse from different planning. He did think this is right for hardship.

Ms. Radney stated that the old preexisting corner lots are difficult to rehabilitate under the current code. It is a question of interpretation, really, in terms of where these lots sit. But the house has always lived like it faces Queen Street and she thought that the interior of the house flows like it has always faced Queen Street. Without redesigning the applicants floor plan, she thought that the request to treat the east side as though it were in fact a true side yard is the minimum relief that we could grant.

Ms. Radney asked if the Board would be agreeing that we would give the applicant the relief to be able to build within five feet of that east property line. Do we agreed to give her the up to five feet from the east property line. She is looking at 5.11, 5.13, and the exhibits presented today.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Brown, Radney, all “ayes”, Wallace “nays”, no “abstentions”) to **APPROVE** a Variance to reduce the required 20-foot rear setback in the RS-3 District (5.030-A, Table 5-3), the hardship to be the preexisting non-conforming that the property is a preexisting nonconformity and the predates the current code, per Conceptual Plans shown on pages 5.11 and 5.13 of the Agenda packet, and the exhibits presented today.

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 24 BLK 2, ENGLEWOOD ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

DRAFT

**23445 - Nathalie Cornett**

**Action Requested:**

Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3) **Location:** 3218 S. 79th Ave (**CD – 5**)

**Presentation:**

**Nathalie Cornett**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma, 74114, stated that this property is located on the southeast side of I-44. Just north of the Broken Arrow expressway interchange and Memorial Drive exit. There are currently two freestanding signs on the property. There is an on-premises sign, which is approximately 132 square feet based off the last available permitting data from the City of Tulsa Permit Center. Currently only thirty-seven square feet of that site are being utilized. These are the existing signs on the property. The on-premises sign used to be a Warren Clinic facility. Warren Clinic is no longer there. They still own the property and currently All Saints is the only tenant in Building. There are thirty-seven square feet of sign area that is being used as signage. There is an existing outdoor advertising sign, and the sign is a ten by thirty sign which is smaller than what we consider the typical or standard size of 672 square feet. That is what we are requesting to increase that size to that size in this application. The existing outdoor advertising sign is currently ten feet by thirty feet, we are requesting a fourteen by forty-eight. But to increase it to what you would consider a typical size billboard that you would see along the highway. Mr. Chapman if you can go to the next photo, this will give you a better idea. In red is what exists today and in green is the requested increase in surface area

The request is to overcome some visibility issues from both sides of I-44. Based on just how this particular property is oriented to the highway and as the sign traffic has grown up around the sign, which is one of the older billboards in the area. We will go to the next page please. This photo is going eastbound on I-44 and this photo is as you are entering the interchange to the Broken Arrow Expressway, and then the Memorial Street exit. The next photo will show you a closer picture of the same approach, but the sign is virtually completely obstructed by the interchange and overpass as you go through here. The next photo is westbound on I-44 and with the improvements done to I-44, there is a hill or a grade change. This is not the sign, this little black spot behind it which is obstructed by the changing grade that is an existing sign today. The sign in front of it is a 672 square foot sign so you can see that enjoys a little bit bigger sign face because it is a bigger sign face, but it can overcome the grade challenges. Next photo please.

Ms. Radney asked Ms. Cornett if you go back to the slide before, what is the approximate age of those billboards there.

Ms. Cornett stated that their sign was permitted she thought in 2007. She did not know when the sign in front of it was permitted. She believed that was a different sign

company. She knew the T-Town Chevrolet sign which is an on-premises sign not an off-premises. That is new it postdates my clients existence. Okay. In the next photo is just as you are cresting the hill of I-44 westbound. You can see the 672 square foot sign and still ours is completely obstructed now. Next photo. She was giving you the full expert driving experience on this bridge. As you are coming to the downslope of the hill, ours appears over the median. The property currently has 530 feet of frontage. If this were the only sign, we would be able to do 672 by right with additional square footage available. But the existing on-premises sign is what makes us plus the aggregate permanent area. We are also just for your orientation; this sign is about 275 or 300 feet from the furthest westbound lane of I-44. Based on our location in this highway interchange as well as the grade of the I-44 expressway, the code imposes a hardship, and we were requesting this relief to overcome those visibility issues

Ms. Radney stated that she thought Ms. Cornett said something that she did not know before. You said something about the sign budget. Could you explain that again?

Ms. Cornett stated that the sign budget gives you certain amount of square feet as well as based on the number of signs that you have on your property, based on the zoning district you are in. In a CS District, which this is zoned, if you are permitted, if you have one sign on your property, two square feet of signage, per foot of frontage. So, in this case, we have 530 feet of frontage, we would be permitted from a mathematical standpoint with one thousand feet of signage. Now the code caps the size of a billboard to 672. We can have 1000-foot billboard. Mr. Brown would never let that happen. If you have two or more signs on the property, you are allowed one square foot of signage per foot of frontage. We currently have 490 square feet of signage out of the 530 that were permitted. We are permitted with two signs 530 square feet of signage.

Mr. Wallace asked with the new sign being 672, and then the All-Saints sign is at eight hundred square feet

Ms. Cornett stated that was correct.

Mr. Wallace stated that it might be a little less.

Ms. Cornett stated that was just for the billboard. She did not think our landlord would be happy with us if we do not want to take away Warren's existing signage. So that is why we are requesting the increase, though they are not currently utilizing all their square footage.

Ms. Radney asked if the new larger sign will be one sided.

Ms. Cornett stated that it is a two-sided V shaped sign. It is considered one sided, because it is not at a 90-degree angle. You just count one side of the sign for your

display surface area. If we were at a 90-degree angle, then you would count both sides are how the sign code treats measuring sign faces.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that he did not have any issues with this because he had done this a couple times. Similar applications, one was by the Hard Rock Casino and another one was also I-44.

Ms. Radney stated that she did not. What we are proposing is that a billboard sign remain in the location of a billboard sign but be increased to something that is closer to the maximum size that such a sign could be. The overages primarily because of the additional sign at ground level, a freestanding sign.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions” ) to **APPROVE** a Variance to increase the maximum aggregate sign area in the CS District (Sec.60.080-C, Table 60-3), finding the hardship to be limited visibility, per the conceptual plans shown on pages 6.8 through 6.19 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:*

**All that part of Lot Three (3), INTERCHANGE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, as recorded by Plat No. 2336 filed October 28, 1960, with the County Clerk of Tulsa County Oklahoma and the above lying in the NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows, to-wit:**

**Commencing at the Northeast corner of said Section 23; thence due west a distance of 1463.24 feet and due South a distance of 915.74 feet to a point in the Northwesterly boundary of said Lot 3, Interchange Center (Southeasterly right of way of I-44 - Skelly Drive), the POINT OF BEGINNING; thence S 41°04'30” E a distance of 261.90 feet to a point in the Northwesterly right of way of South 79th East Avenue; thence s 48°55'3” W along the Northwesterly right of way of South 79th East Avenue a distance of 308.88 feet to a point in the South boundary of said Lot 3 (North boundary of Interchange Place, an Addition to the City of Tulsa) 1474.59 feet from the Southeast corner thereof; thence N 89°58'30” W along the common boundary of said Lot 3 and Interchange Place a distance of 118.26 feet to a point 248.48 feet from the s-SW corner. Of said Lot 3; thence N 41°04'30” W a distance of 204.16 feet to a point in the Northwesterly boundary of said Lot 3 (Southeasterly right of way line of I-44 - Skelly Drive) 151.73 feet from the N-SW corner thereof; thence Northeasterly along the common boundary of said Lot 3 and I-44 - Skelly Drive as follows, N 48°55'30” E a distance of 244.00 feet; N 60°14'05” E a distance of 101.8 feet and N 48°55'30” E a distance of 54.00 feet to the POINT OF BEGINNING.**

**AND**

**All that part of Lot Three (3), Block One (1), INTERCHANGE PLACE, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, as recorded by Plat No. 3974, filed November 14, 1979, with the County Clerk of Tulsa, Oklahoma, more particularly described as follows, to-wit:**

**Beginning at a point in the North boundary of said Lot 3, Block 1, 307.23 feet from the Northwest corner thereof; thence s 89°58'08” E along the North boundary of said Lot 3 a distance of 118.26 feet to the Northeast corner thereof; thence S 48°55'52” W along the Southeasterly boundary of said Lot 3, a distance of 2.35 feet to a point of tangency with a curve; thence continuing along the Southeasterly boundary of said Lot 3 on a curve to the left having a radius of**

380.00 feet a distance of 87.54 feet; thence N 41°04'30" W a distance of 87.77 feet to the Point of Beginning.

**AND**

A part of Lot Three (3) INTERCHANGE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and the above lying in the NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Section 23; thence due, West a distance of 1364.39 feet; thence due South a distance of 831.72 feet to the Point of Beginning, a point in the Northwesterly boundary of Lot 3, Interchange Center (Southeasterly right of way Interstate Highway 44, Skelly Drive); thence S 41°04'30" E a distance of 261.90 feet to a point in the Northwesterly right of way of South 79th East Avenue; thence S 48°55'30" W along the right of way of South 79th East Avenue a distance of 130.00 feet; thence N 41°04'30" W a distance of 261.90 feet; thence N 48°55'30" E along the Interstate Highway right of way a distance of 130.00 feet to the Point of Beginning. E CTR, INTERCHANGE PLACE, City of Tulsa, Tulsa County, State of Oklahoma

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## **NEW APPLICATIONS**

### **23446 - Elite Agricultural Properties, LLC**

#### **Action Requested:**

Special Exception to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1) **Location:** 8533 E. 58th St. S. (CD – 7)

#### **Presentation:**

**Vishal Aggarwal**, 3336 East 32<sup>nd</sup> Street, Tulsa, Oklahoma, 74135, stated that they made an application for a monastery, which is allowed by exception in agriculturally zoned properties. This is an oddly placed property in the middle of a residential neighborhood. It is zoned agricultural, and it sits on top of a hill and the hill slopes down steeply on at least three sides of it. It is difficult to do anything meaningful agriculturally on this property. Historically, there was a church on this property about 40 years back, which as he was told, was burned down. Later the church used this as the retreat and eventually it was sold to Mr. Meyers. He purchased this property close to 2011 or 2012. It has been difficult to use this property for anything meaningfully and no one has lived there for ten plus years, just attracting unwanted people on the property. Every time he has been to the property there are syringes and condoms there. We tried to put horses over there in the past but that did not last for too long. Another veterans group wanted to put horses there. They did not do anything. Somebody came and dumped litter on the on the property. Finally, it came down that we must do something about the problem, and now a nonprofit wants to use it for a monastery purpose and that is why we made that application to you.

Mr. Bond asked if he had a chance to have a neighborhood meeting or talk to some of the concerns. Mr. Aggarwal stated that they did have a meeting on October 2, but he guessed we planned that meeting a little bit too much ahead of time. He was not very sure of what exact timelines there were. The neighbors did not really know about this thing when we presented the idea, but he guessed that many missed that.

Mr. Barrientos asked what the purpose is of having a three-story building. Mr. Aggarwal stated that this was a conceptual drawing. He was not sure exactly what the process would be, so he reached out to Mr. Sandford, the architect. He made this drawing and told me that this was just a concept drawing. There was any discussion with him, he just said that you must present a concept drawing to the city. If they approve it, then we will discuss what and how things will look. It is not that we are intending it to be three story or four story. There is no point to even have the architectural drawing because it is quite an expensive endeavor. If the City is not going to permit it, there was no point in putting that money and time and effort in creating a drawing in which is not going to be used for anything.

Mr. Bond stated that before we hear from interested parties, it will help us tremendously if you have representatives in the neighborhood or point folks that we can talk. There are people here that have a lot of feelings about this. We just want to try to get through this in the timeliest efficient way we can.

**Interested Parties:**

**Dale Leander**, 9005 East 60<sup>th</sup> St., Tulsa, Oklahoma 74145, stated that he wanted to thank the Board of Adjustment. Thank you for volunteering your time for our city. He was speaking as the President of the Woodland View Park for Neighborhood Association. He also is the acting President of the Division Three Woodland View Park Neighborhood Association per, Joel Hensley, the neighborhood liaison at the City of Tulsa. If you count the addresses in the four divisions and within the park, he represents most of the residents. The two neighborhood associations he represents are opposed to granting this request for the city to violate or change the existing zoning for this part of our neighborhood. The proposal is asking to run what is a business right in the middle of a single-family home neighborhood. The building the additional traffic the concentration of renter's they are currently proposing fifty-eight rooms could be as 116 people limited parking proposed in the single-family area will not enhance the quality of life and neighborhood would rather detract from it and lower our property values. Such a facility like this would put a huge burden on the neighborhood's utilities, water and sewer usage and electric internet bandwidth, as well as significantly increasing water runoff from the large buildings and parking lot. Zoning laws are designed to prevent this truly kind of thing from happening. And there is no compelling reason to grant an exception to someone just because he says he is struggling. And he quoted from his proposal, current ownership has struggled to use it for purely agricultural purposes. He went online to the County of Tulsa Assessor website and found that Dr. Aggarwal lives in the 7300 square foot house valued at current appraisal over a million dollars. He does not sympathize with the struggle to pay the property taxes on that land.

Mr. Bond stated that he was going to stop Mr. Leander right there. He was going to save people some more time. This is not a place for personal issues. This is for the applicant too. He was going to tell you he will not let the applicant attack you personally and we will not let you attack the applicant personally.

Mr. Leander stated he does not suggest that we should ever discriminate against any religion. But when he had his open house in early October, when our neighbors asked him, What is this religion that is going to be this suppose monastery. And he made up the name from the acronym TULSA is where Transcendental Union with Love and Spiritual Advancement came from. It is a made-up religion for whatever that might be worth. Thank you for your time. He had to get back to work.

Mr. Bond stated that any more issues that go into religion, personal issues, things like that, while he is Chair of this body, they will not be heard. We are here to hear on this application, and that is it. (Interruption from the audience.) Sir, you can stop talking or go in the hallway. Thank you.

**Karen Gaddis**, 5828 south 81<sup>st</sup> East Place, Tulsa, Oklahoma, 74145, stated that she was a former State Representative from this area. She has lived in this area for 49 years. She has never known anything at the top of the hill ever being a church. She was told that the area at the top of the hill when she moved there in 1973, was the homeowners areas community center. There was a pool up there. She did not imagine a church would have had a pool. There was a burned-out building up there which gets right to my point, she was asking the Board to vote against this because she see it as a fire hazard. And the reason is they have already had one fire there according to the owner. He said the church burned down but there was a burned building there. My husband who passed away about a year ago, was the attorney for the homeowners association for a long time. At one point, this parcel of land was projected to be an apartment complex. It was declined by the City because for fire protection reasons. There is only one driveway up to this area, only one way in and one way out. And if that driveway should become blocked in any way, then it would be difficult for fire engines to get up there. She thought that this property would be a fire hazard. If it should ever catch fire, being at the top of the hill, it is higher than any other point in the general vicinity, it is subject to lightning strikes. There is currently a tree down by the driveway into this area that just this past Sunday with the high winds that we had a huge limb broken off this tree stripped off part of the side of the tree and it fell luckily on the opposite side of the driveway. But if it did fall it into the driveway instead, it would have blocked that driveway so that is a possibility. It is not this monastery that she was against, she would be against any large group living area. At the top of this, if this were to catch fire being at the top of the hill, the winds would carry the sparks and the flames and everything all over the entire square mile area, the entire neighborhood dropping things. She lived in her house which backed up to one Eaton Square Apartments when it went up in flames. She has seen that happen. The fire trucks were in her cul de sac, spraying down the roof of her house to keep the embers from falling on her house and setting it on fire. She has seen this kind of thing happen. She was asking you to vote against this project for fire safety reasons. Thank you.

Mr. Chapman asked if he had someone keeping time, or if he wanted him to do that. Mr. Bond stated that they had someone to keep time but thanked him.

**Alan Jandebour**, 5653 South 83<sup>rd</sup> East Avenue, Tulsa, Oklahoma, 74145, wanted to thank you all for doing your job. He was sure it was hard to confront people face to face. We live in the View District in unit 1, next Memorial. He has been in Tulsa since 1959. He has seen good things happen in this town and he has seen dreadful things happen in this town. It is just the way it is. But his expertise is being in commercial buildings for

50 years. Renting and leasing them. The City of Tulsa required him at a property on North Sheridan to put in \$100,000 flood pond to manage the airport's runoff onto his property. The problem he has with this one is up on that hill. Now his property on North Sheridan was not that on a hill, but they still made me put that in. What are they going to do to keep the runoff from all these houses around that property, and we have had big floods. He lived through the 1981 flood. He lives on the side of the hill, and he had two feet of water into my garage on the side of the hill during that flood. This hill is so high you can see it from the main roads. We now have a vacant apartments there at 61st and Memorial with a huge facility there it is all vacant and now it looks terrible in our neighborhood everywhere. Could they not go in there and divide that up into houses. Could they not build houses in that land? It is a neighborhood. Why not come in there and develop. In the last three four years houses have been selling unbelievably fantastic prices. It is just an idea. They have a closed down living facility on Memorial that had people that needed help to live. Why do not they buy that property and turn it into that, but he is totally against this. The entrance, like the lady said before has a narrow driveway it is not a street it is not the regular street size. So yes, she is right about that. He also knows there were parties that wanted to turn this into a marijuana growing farm inside Tulsa and he figured there is no way that can be because he is sure there are rules about that but that's my concern is if they get this get their foot started on this facility and then they start talking about growing this drug which we do not need for human race but it's going on. Anyway, that is his concern and he thanked them for listening.

**Mandy Benish**, 8551 E. 58<sup>th</sup> Street, Tulsa, Oklahoma, 74145, stated that the emergency exit plan was brought up. She wonders what they would do about that. If there was a contingency plan for that. It seems like the only option would be to buy a property in terms of house. They will need another exit. She would like to know if there has been any assessment done and what government agencies have been conducted to determine what if any effects will occur to the protective wildlife in the area, flora, and fauna? She knows that we have bats. She did not know if they are endangered bats or not. Then the same would go for any assessment done conducted for American burial grounds. That is all she had to say.

Mr. Bond stated that we are a very intentionally myopically focused body. Those points you brought up are well taken.

**Craig Stutzman**, 5643 South 85<sup>th</sup> East Avenue, Tulsa, Oklahoma, 74145, stated that he lives, right in this area. He backs up to the property in question. As you can see, on the other side, you have long yards, on the east side. The west side has short yards, and he has twenty-five feet to the fence line. The proposed building, as the concept drawing shows, it shows a three-story building, which would be biased to the to this side a little bit. All those houses are 20 to 25 feet below grade that they would be building on. If we are talking a three-story building there, and depending on how far the setback is,

we will be looking at nothing but a big building and windows. It will encroach on that. There is a water issue in my backyard and others as well. But it will increase the runoff system drains that would have to be addressed on that measure. He has lived there for almost 30 years; it is a nuisance. All kinds of things have happened up there. He attempted to get it maintained a little bit before the current owner, and it was not done. Then there have been grass fires up there. Positioning of the property and the uniqueness of the location make it kind of a hard sell.

**Rhonda Gallagher**, 8450 East 58<sup>th</sup> Street, Tulsa, Oklahoma, 74145, stated that she lives where the bus stop happens. We see the children at our house every morning, multiple shifts and children waiting for the bus. You can see that they are within easy sight of this access to this facility, she had yet to hear anything that indicates to me that the people going into this facility will be vetted in any way we have no idea who's going to be living there, and how much danger they may present to the children who live in that facility or in that area. She realized that good intentions may prevail, but without any at the risk of (please forgive me, she was going to try extremely hard not to encroach upon an area she is not supposed to) having no structured organization that oversees this monastery, we have no way of knowing who is going to wind up in there. We are also concerned about what this is going to do with the property values. We have the construction going on there, we are going to have construction vehicles and equipment running up and down that street like mad, endangering their children. The increased traffic and the increased population in the area is going to reduce our property values. This is at least what a real estate agent has told me. We are concerned about how that is going to affect our resale values, what we get from them, the desirability of the property and whether we even will be able to sell our homes when the time comes. She understands that there is an effort to eliminate on-street parking, but she would like to say that if we have a minimum of fifty-eight self-sufficient residents, she could not imagine we are not going to have that 28-parking filled by those people with their automobiles and there is going to be on-street parking. She will simply say, she concerned about having this brought into our neighborhood. Thank you.

**Chris Morphis**, 3413 East Ute Street, Tulsa, Oklahoma, 74115, stated that he is currently leasing this property. He keeps goats up there and two cows. He wanted to say that he has been a part of the cleanup whenever damages have been done to the property, as well as running people off the property that should not be. He is for this. If you have any questions, please feel free.

Ms. Radney stated that we do not have a topographic map that was submitted least not one that she had been able to find. Can you talk a little bit about the change in elevation across this property?

Mr. Morphis stated that it is quite drastic, up to twenty-five feet like the gentleman before said, but it is positioned on top of the hill. It drops off on the east side quite drastically,

and then continues downhill as well. In the proposed drawing, we have two areas that are for community gardens for the residents there. And even those will take groundwork to make ready for that even with elevated beds or any kind of vegetable growth we want to do.

Ms. Radney asked if the land grade a little bit more gently going to the west, where she thinks the folks who come to speak today are on the west side of the property.

Mr. Morphis stated that you could see about the line where the property line is and the easement there, it drops off drastically into the backyards but not on our property. There is sloping there, but not as much as it would be. He would say about right here drops off twenty foot on the east side, and then another fifteen to the backyards here, where is it from the point of the very top of the hill to about right there. Then it drops ten feet, and then once you pass the, the yards there, it is anywhere from fifteen foot at the most northern point all the way down to about eight foot.

Mr. Radney stated that what she understood him saying was that the adjoining yards that are on sale at 85th Street are at least ten feet lower, and this is a butte that is at the edge of the property.

Mr. Morphis stated, without having a surveyor come out to do a survey he did not know for sure.

Ms. Radney asked if it is wooded.

Mr. Morphis stated that it does have vegetative growth. There are not a lot of old trees on the property, but there are trees that are growing up in the fence.

Ms. Radney asked if there were springs or standing water.

Mr. Morphis stated that there is a well on site, but not springs or standing water.

**Jessica Eslam**, 5808 S. 87<sup>th</sup> East Avenue, Tulsa, Oklahoma, 74145, stated that as someone stated, it is a bus stop for the small kids. There are kids running up and down the street and the hill. She does have friends that backup to this hill. The building is an issue. They have also proposed a walking path following the line. She does not feel comfortable with children and other people living there and having a walking path right behind everybody's fence being able to see into the homes who we do not know anything about. It is a fire hazard. She can hear everything that happens up there. There have been fires. There has been someone turn around the fence, she can hear it all. She is worried about a large group of people being up there in a larger building and the safety of everybody else. Thank you.

**Frank Gallagher**, 8458, East 58th Street, Tulsa, Oklahoma, 74145 stated that the nonprofit that is the applicant has said, would administer this building. It is not a religious nonprofit; it is registered with the government as a health care provider. There is no religious association. My only issue here is that the call in the monastery does not seem accurate, is there is no religious and he has talked to Dr. Aggarwal, and he has asked him about a church association. He said that there was not one. My only quarrel that he is bringing up here in the meeting is that it is not transparent to call it a monastery, because there is no religious organization associated with the property.

Ms. Radney stated that she would speak to that briefly. One of the things that she could say as a realtor is that there is a tendency in churches use, or there is a lot. She thought that one of the things that we just want to remind you all is that what we are here to consider is the use of the land, not particularly the ownership or the land or who is going to occupy the building. In an environment where real estate valuations are steadily increasing, there are religious institutions that are not necessarily able to acquire land and then construct a home site for that. But that does not necessarily mean that those institutions are not good citizens in the landscape just because they might be renting a facility.

**Lori Decter Wright**, 175 South 2<sup>nd</sup> Street, 4<sup>th</sup> Floor, Tulsa, Oklahoma, 74102 stated that she is the City Councilor for District Seven, and this neighborhood is in the district. As you can see, there are residents with concerns, and some that are supportive. She does not normally come before the Board because you all are the final deciders. When this application came up, it led to conversations with the Planning Office to better understand why it is not going through a TMAPC Council process because it is in the middle of an existing neighborhood. This was supposed to be in another phase in the development that just did not build out, and that is why it is has been preserved AG to this day. She shares the concerns that she has been hearing here. The biggest concern she has was a community meeting that was held at the beginning of October. She was not invited to it. She knows it is not a requirement, but it would certainly have helped the engagement process. Most of the folks you have heard from today are against this variance request. She would ask that if you are not clear on how you are going to go to least consider continuing so we can engage the community more with planning to better understand what that land can be used for by right and what the Special Exceptions would be. She did hear a question around a medical cannabis grow facility. By right in the City of Tulsa, on AG land it does not have to go through a review. There are things by right that can be done here on this land and that is one of them. If we could engage and understand all the things that are on the table without going through a process versus the things that would be on the table coming through this process might help neighbors better understand that the land could be used for things. Then we can have a conversation around the whole neighborhood, including any new people coming into the neighborhood, what would be the best and highest use. She has heard concerns about backyard privacy. Those are neighborhood concerns that if we are going through a

rezoning, we certainly produce concessions and things and through a conversation, we can have that concession discussion. She did not expect to see this number of residents in the middle of a Tuesday come to speak to the board. She is glad that they did. That is why she came here to just to amplify the voices that can be here. She knew you all received emails as well. If you are not ready to decide, she knows that you are the deciding body and she was just at this point advocating for residents and my position as a city councilor, just a resident of District Seven. But if you are not clear on a decision as a Board, a continuance would be the best way forward so that we can have me Before engagement before it comes back, thank you.

**Rebuttal:**

**Vishal Aggarwal** stated that there was an orange-colored flyer that was being distributed around. There were concerns and questions listed on that which he had emailed last night. There are certain new things that came up here, which he will address. Again, it is up to you how you all want it. Going by that orange flyer, there were questions about the age range of fifty-two people, let me just say that first, Transcendental Union with Love, and Spiritual Advancement is not a healthcare organization as such. We wanted to do a not-for-profit lab, because as my experience, as a physician, people struggle getting blood work done, they are free clinics, but there is no free lab. So, we tried to bring up a free lab for people. It is an organization that was created in 2007 to eliminate differences between various religions and factions. So that is the purpose of the organization. It is not a religion, as the other gentleman said. We never claim that we are a religion by itself.

Ms. Radney asked that when you are speaking of the services, the medical services, is that limited to the people who would be resident or guests there or are you talking about a commercial enterprise that is open to the public.

Dr. Aggarwal stated that the organization is different. Our primary care lab was an entirely different project that we were working before COVID happened, it has nothing to do with this. However, people in the audience here have equated that to and say that this is a healthcare organization, no, we are not a healthcare.

Ms. Radney stated that no medical at this in terms of what you put before us, as there are no medical services.

Dr. Aggarwal stated that how we propose to work that is that our organization will partner with churches in the city, who are small and do not have the resources to help their retired clergy members to provide them with support and the services they need. We will provide them services here where those people can stay and practice their individual religion. One might be Lutheran, others might be Methodist, or Catholic, rather than fighting with each other, they can all just live together and, and practice their religion, which is a concept. We do not own a church. And he did not think we want to

own a church, at least at this point of time. But again, that is for board of the organization to decide. He is not the final authority on it. That is what he had communicated earlier. As far as age of the residents that could be again decided by the churches who are going to sponsor their clergy to stay here. There were concerns about what is common in the fifty-two people who despite the concept drawing can live in that kind of a facility. They will be all retired clergy members, which is the only common thing that they have at this time. As far as turnover rate, we do not expect that there will be a high turnover of residents that every week 5 to 10 of them are leaving the facility then a new 5 to 10 are coming in. There will be a visiting parking area as they come. He thought one or two visitors coming to visit a person in a week's time just brings one hundred people a week. One hundred people in a week are only, like 15 to 20 people coming in into a large neighborhood like that. It is not hard. The issue that keeps coming up are the parking and somebody said on-street parking. This is a seven-acre property. There is a place to park one thousand cars on this property if the need came to be. This is just a conceptual drawing which the architect drew. Twenty-six or whatever number of parking spots they drew is subject to change, depending on the needs. We will work with the City Engineers to meet all the points. The water flow that will again go back to the City on to what City Engineers will make it. This is just the first step as taking an exception so that we can start to work in that direction.

There are concerns about cost to each person who is living there, he did not think that is this Boards real agenda, however, the participants churches will be sponsoring their residents. They will be paying for the upkeep of the residence. How many employees we think to maintain a seven-acre property and fifty-two residents, will be determined, and will add to how traffic. We expect that they will be leaving once a week to go somewhere and come back. That again is about fifty cars coming in and going out in a in a week's time. Even if you double it, one hundred cars going in in a week's time, which is just probably adding ten cars coming in and going daily. He did not think that really adds that much of the problem. The walking trail is not emendation. This is what the architect proposed. Its location can be just in the center, it can be modified any of the residents feel that it is too close to them. This will go back to the building code whether a trail can be in a particular area or not. That is not a hindrance in granting the Special Exception. Now, the aesthetics of the building, people call it a commercial looking. He drew it that way, but eventually when the building must be done, it will be done the way in the City allows or for whatever they are in need for them. He did not think anybody else gets asked that question. Everybody who owns the property that lives in their home and is gaining something. Why is that question coming to me that what will he gain? However, he had not earned anything from this property in the last 10 years. He did not really care if it does not bring him anything more for another 10 years. It is just to avoid all the nuisance that goes on over there. This is something meaningful he is trying to do. When he went there, three or four months back and he saw that piles of dirt have been dumped over there that was a shock. Now there is a certain concern where the water runoff. The entrance of this building of this property is fifty feet wide. He

was told fifty feet wide, and trends can easily give an entry into and exit out. It is wide enough to have a two-lane street in. It is not a very narrow entrance that you can only go in and cannot come out, or it will be easily blocked. It is a fifty feet entrance. He did not think it is a real fire hazard as it was portrayed to be for any building that is high up. Regarding lightning strikes, there are poles, which will go to the City. Whatever the City will permit or will mandate you not to minimize those risks they will be undertaken. That cannot be done until this Board gives the Special Exception. Those kinds of fears which are being brought forward, they are not really the meaningful objections at this time, because this Board gives the permission, then we go to the City, give them the plan, work those plans out with them.

The location of the building on the seven acres can be moved. This is where we would like for the building to be on top of the hill. But even if it was on the on the bottom somewhere, it still requires the same Special Exception from the Board. Where the building stands on the property is subject to the Board that the City will subject it.

Mr. Brown asked if he anticipate meals being served, or will the individuals cook their own.

Mr. Aggarwal stated that he was not sure what the exact way of the facility will be involved. He is not going to be the active person running this facility will be run by the nonprofit and it is board. It is not something that we will mandate that everybody cooks for themselves or the monastery, he was not sure. If there is a concern about that, he would assure you that we will work that out to minimize the disruption to the neighborhood. If it is viewed that group meal with one kitchen, cooking for everybody and serving the meal he did not think the Board would be opposed to that versus everybody going and buying their own groceries and then cooking for themselves.

Mr. Barrientos asked that with such a large facility like this, would they be required to have multiple entrances and exits, or is just one sufficient.

Mr. Chapman stated what he would say, and Mr. Wilkerson might want to add to this is this approval would trigger them to either submit a subdivision plat on the property, or we have another process to accomplish the same thing. But that is the point where it is going to get reviewed you would want to have more entrances to the subdivision. When that is not possible, the fire marshal must approve the design. There is a later process where that will be reviewed, along with stormwater runoff and onsite detention, which is tying into City infrastructure. That process would all happen before they would be able to get building permits. The short answer is, there is a way that they could get that approved through by the Fire Marshal, but it is going to have (there are a couple architects who can speak to this) but it is going to involve the design of the building. So theoretically, if this were a single-family subdivision, they might approve that, but each

house might have to be sprinkled or something like that. Those are the types of things that would happen later down the road as far those decisions go.

**Comments and Questions:**

Mr. Bond stated that he would start this one off. He has spent time in foreign nations, and foreign lands on behalf of all of us doing things that most of you cannot imagine, in countries where they tell you what is and is not a religion. If he is alive, that will not happen here. He does not care whether you think this is a valid religion, or does not only care what the government, city, state or federal says. This is still America. He would never be swayed by someone that wanted to tell me what they thought qualified as a religion or does not qualify ever is a religion. Because that is not a government that he is serving. You can find another soldier for that because he will 918-812-1536 stay here and fight that fight here. Having said that, and pay no attention to those arguments whatsoever, other than their own repugnance. He shares the council woman's concerns that this is an AG District, which has been there as neighborhood has grown up around it. He did feel like we often see things because they land here as a default, that there is a better process for this, and that really being the planning commission. They are more equipped to manage the planning of things like these the density of things like these, or the appropriateness. But as far as where it is now, he did want to go by the standard, that as it is zoned now and the density based upon it and the neighborhood that surrounds it, that it would be injurious to the neighborhood. He is not saying it would not be opposed later if it went through a better planning process. But right now, he was a no on this. Oftentimes what we see are whether they are a church, a synagogue, an ashram, whatever they are, where they are there, because it is a high density, high traffic type of use, the neighbors have grown up around them, kind of the opposite of this. When we are asked to do the reverse, he just thinks it needs more planning from the city than where it is now. Right now, he would vote no. He did not know if procedurally, it is more appropriate to continue this or to deny it, and allow the applicant to seek more, more planning from TMAPC on this and this may be something which the zoning needs to be different on this as well. But in that process, he knew that those bodies would have to decide the things that we have in front of us today, like traffic, like density, like ingress and egress, and other issues which are more appropriate for them.

Mr. Brown stated that he did recognize the issues surrounding this and its legitimate concern. He also had faith in the City's review process to do this and do this right. He did not think that water will go straight into the backyards of all residences that backup to this. Creative solutions can happen as demonstrated focus the apartment complex back off 61st and Memorial, he thought it was The Falls or something like that they had similar and there probably were runoff issues, but he thought that can be solved. As an architect or retired architect, he was confident that the ability to solve the problems are there. He felt that even given the concerns that were said today that this project can and should at this point be given a yes to move it forward so that the issues can be solved.

There are so many questions that are still there will come out in the development process. He tends to support changing this.

Mr. Barrientos stated that if he had to vote he would say no. But he would like to see if the City Counselor can meet be with the neighbors, and the applicant. On their own they could reach an agreement. The case may be dropped or come back as it continues.

Mr. Wallace stated that he was not hearing that this was harmonious to the neighborhood today. He did think to Counselors point of continuing might be the best situation because there are other things that could happen. He thought giving the opportunity in that space to communicate that together and really understand what the best option is. He thought that was a good recommendation.

Ms. Radney stated that she was a yes vote for several reasons. It might take me a few minutes to get them all out, but one of the things that she thought about when, when we are looking at large plots of land, which have gone undeveloped for decades, is that and as a realtor, she needed to say two things. She has been fortunate to live in Tulsa for decades, which means that she has met several people in my life. She saw faces in the audience that she knew. She did want to acknowledge that she was familiar with Councilor Decter Wright. She was also an acquaintance of Representative Gaddis, and she has also had dealings with Dr. Aggarwal. She had absolutely no connection to this land. She did not have an opinion of it coming in and she regretted to share with her Board members that she did not look at this be at all today, before arriving. This is all really a case of first impression. But my first impressions are that AG land that is known AG does have uses that can be done by right. There are in fact, there are interest that would love to be able to take a big parcel like this and do something agricultural on it, like cultivating cannabis as an example. But what is also true in the real estate world, is that a large undivided property like this one would you can easily see that a developer of single-family homes would love to grab this parcel. In so doing could get she did not know how homes could be built in this space. But she would dare say that 35 to 50 homes would create more intensity in terms of the use of this parcel, and what is currently being proposed. Intensity does not particularly sway me on this and then she was going to add another couple of things that are personal to my own experience. She has had engagement over the last five years or so with a local co-housing development. And those are citizens of folks who came together on their own, pooled their money together to develop a cohousing community and it hopefully they will be moving into their community in sometimes in early and late winter, in 2023. And we looked at a lot of parcels in the City of Tulsa. We personally, individually as a committee vetted over fifty. She could not even tell you how many that we looked at that did not make it to the vetting point, this would have been one of them. She says that to say that, in that model, it is a fifty-five plus community that has common facilities, the same common facilities that she sees in the plans that are proposed here community gardens, walking trails, closely situated homes. Most of the homes are going to be attached, so technically it is

multifamily. The land that they bought is about five acres. It was all zoned AG prior to that. They have been through that process of getting platting done subdivision done, the change in use. She just wanted to say that their area lot of ways that people are thinking about creating living environments that are a little bit different than what we saw generations ago. The idea of a community that is gathered around the principle of providing good sustainable housing for retiring people, is something that that that is a shift that is happening across the nation, and even globally. So, having a little bit of familiarity with what this model might look like, that's part of the reason that she is a yes. The other part is that this development that she had personally engagement with has had to deal with all the problems that people have talked about here. In fact, the delay and their being able to occupy their homes is around the creation of new infrastructure. They had to deal with fire requirements, stormwater runoff, new sewer facilities, and all of that. She does agree with Mr. Brown that these are these are concerns that the system is designed to address. The City of Tulsa does an excellent job of addressing that. It takes time and it takes money. She does appreciate the applicant's candor in saying that, prior to getting that level of detail in terms of what is in front of us that it does not make sense to spend \$100,000, just for someone to tell you that was a great idea, but no. She thought it is great that there is the possibility, with the council person being here, to be able to kind of engage in that kind of dialogue. She would love to also see the community and the counselor, look about in the landscape and Tulsa to kind of see places where this sort of living style has already been imposed and is working well. Some of those that she would think of would be like Montereau. The landscape there is less difficult than this. Methodist Manor is another one that is well situated within the Midtown. St. Simeon on the north side, is exactly analogous to this type of setting. She knew that it is possible to do it and do it in a way that does not detract from the character of the existing neighborhood. As such, she is a yes here. Acknowledging that there will be a follow on of additional steps before we would ever get to the point where we would just look up and see potentially a three-story building up on this. Zarrow as well.

Mr. Bond stated that the question he had for the City was what we do normally because there is one off Riverside that we approved recently.

Ms. Radney stated that was Parkwood Commons that she recused on that, but yes, it was it was approved.

Mr. Bond stated that when we got it when it was here, it was an extremely detailed, extremely planned, well thought out place. He was not saying this is not, it is just that was much further along in the development process. Is that something in those situations that have already gone through TMAPC by the time they get here?

Mr. Wilkerson stated that he thought there was obviously multiple ways to think about how a process can evolve. Mr. Chair, when you mentioned the possibility of just

rezoning it, there would always be an opportunity for rezoning with a development plan that would have specific design standards. That is something that would never come through the board of adjustment. Multifamily zoning would not allow a monastery and convent, but he would expect there to be a development plan to come along with those kinds of requests. So that is just an example. If the board chose to look at it through the Special Exception process, and there are examples of churches and schools and all kinds of things that have been approved, and in the AG district. He thought that a Special Exception should be detailed, to be able to help integrate it into the neighborhood with the existing infrastructure and terrain modifications, all those. He stated that he was rambling a little bit there, but there is two unusual ways to go. The third way is just to approve or deny the request as it stands, but there are gaps and in the details with how it is presented today. If you want to consider a continuance to go deeper, and, we have examples around town, where a building was permitted years ago but there was never really a site plan. Then there was the building thirty feet in the air to the first floor right behind somebody's house, so there are places where the neighborhood was not exactly engaged when the new building came in. He would just encourage the Board to know that this decision if it happens with a facility like this is going to be there for a century. It is not just this one project. It is how it is going to fit in there forever. And the details are super important. He could not tell them what to do, but he would think that we do not have enough information here today to support that.

Mr. Bond stated that he felt like TMAPC would be better fitted to ferret out those details, than we would. In general, we have seen amazing projects that have come through here, he just felt like they made that stop first.

Ms. Radney stated that she was not a huge fan of giving people a blank check in perpetuity. She would say on the development that she was talking about that, yes, they did a substantial amount of predevelopment work. In so doing, it minimizes the amount of conflict that was in front of this board at the time that those requests were being made. She also recognizes that, example that she cited is a rare duck, in that there is that was done without a developer. When you are a developer, you there are signals that you do need to be able to see before you start all that work. She would agree to something like a special exception around the use, which has an expiration date, because to Mr. Wilkerson's point, if it does not get used, then just like these other exceptions that were approved, she was guessing that none of those are enforced at this time. And then there was a rec center, a church a day, a day nursery, none of those things are in existence, which means that it is my understanding that it is a special exception is not exercise then after what is it three years?

Mr. Chapman stated that it was three years, and he did not want to speak for the neighborhood because he has heard conflicting things. He has heard at least one neighbor that called me said there was a church on that property at one point. You

would need interpretation, but theoretically, they might be able to reestablish that he would have to look at all that case information.

Ms. Radney stated that if we were not, as an example, if we were to give them say 48 months, for this particular use that that, would be sufficient time to have absolutely had an opportunity to go before zoning to exercise the developer to create a development plan. If in fact, there is serious interest in this type of development, it would be a signal to the developer.

Mr. Chapman stated that if you approve this say today, they will have three years to get building permits before they would have to come back here because they are just it is like they did not utilize the Special Exception.

Ms. Radney stated that is why we are saying 48 months, because it does take spin up time.

Mr. Chapman stated that from a Staff perspective, the amount of an investment and he thought that is a big constraint to put on a property as far as are you saying limit the use for two years.

Ms. Radney stated that she was saying grant thee use for 48 months. They might have to come back, or they may have gone through the Zoning Commission by then and may not have to come back.

Mr. Bond stated that might be a hard sell for him.

Mr. Chapman stated that he would say at that point, you should just put it to the planning commission, and they can come back here to this board, if that fails, with a new application. Limiting it to two years for something like this, it would be different if there was a building they were occupying maybe.

Ms. Radney stated that she was saying four years.

Mr. Chapman stated okay, it has been a long day.

Ms. Radney stated that is her position. She thought that they need to continue it anyway. But that that would be splitting the baby for her. It would be encouraging the developer to begin that development process in such a way that was discernible to the council and the neighborhood about what it is that they are looking for, but not give a blank check, to just wait out the time and then just do anything there.

Mr. Wilkerson stated that one thing that we might be able to do if you choose to go down that path is to require a level of submittal to the building permit office and get a

Letter of Deficiency. That would at least give the building permit office a chance to look at the basic idea. Then after we see a Letter of Deficiency, there may be things that need to be dealt with. He did not know if there are Variances or Special Exceptions or whatever. Whatever other issues might come up, he thought there are a level of information that we can gain from the building permit office.

Mr. Wallace stated that he thought that a Pre development meeting would be good with me regardless of if this is multifamily, a monastery and mixed-use mean, just anything that is different than single family that is appropriate. He thought that would lead to further conversations that the city that is better suited to navigate. When TMAPC are coming back here.

Ms. Radney stated that she guessed that what she was asking the Board to consider is that she suspected that in today's environment, that if patio homes were going to be built here, we would see the same response from the neighborhood. Even though that is technically single family, she did not think it is an issue of it is a question of what of developing it period.

Mr. Bond stated that was why he was still pulling for to get TMAPC review of this just to get more of a comprehensive. So whichever one we whichever entity goes to next, he was a no today. He would like to see it go through a different process and until that time, he would be no, but you are free to make a motion to continue better if you want to, but he did want us to try to move on. We got a steep agenda here.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Brown, Radney, Wallace all "ayes", Chapman "no", no "abstention") to **CONTINUE** the requested **Special Exception** to allow a Group Living/ Monastery Use in the AG District (Sec. 25.020-B, Table 25-1) until the January 10, 2023 Board of Adjustment Hearing, for the following property:

**PRT NE SW BEG 393.86W & 330S NEC SW TH SW484.35 SE297.98 NW364.68 S123.11 WLY50.15 N120 W214.15 NE240 NE166.55 NE193.21 NE136.91 E310.72 POB SEC 36 19 13 7.26ACS , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

**23447 - Brent Brownlee**

**Action Requested:**

Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A) **Location:** 2536 E. 57 St. S. **(CD – 9)**

**Presentation:**

An interested party asked that the case be continued to November 8, 2022.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”) to **CONTINUE** the requested Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A) until the November 8, 2022 Board of Adjustment Hearing, for the following property:

**LT 1 BLK 6,SOUTH LEWIS TERRACE AMD , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Chapman asked the Chair, Mr. Chair, Sir, that he needed to bring it to your attention. He was under the impression the woman who asked for the Continuance in Item Number Eight was representing the applicant. That is not the case, the applicant is here. That was a concern neighbor. He thought it might be up to the board to reconsider that. He was going to defer to Ms. Blank for her legal advice for the second time in one day.

Mr. Bond stated that he had interrupted Ms. Blank last time. Let us hear what she has to say about this.

Ms. Blank stated that here is what our procedure is saying “a motion to reconsider any action of the board can be made by a board member who voted for the prevailing party, and you can take a vote to reconsider during the meeting or at the next regularly scheduled meeting of the board. And then the action to be reconsidered would be placed on a subsequent meeting agenda and notice given to all interested parties in advance.” The vote to come Continue was unanimous. Any one of you if you desire can make a motion to reconsider this item and then it would be heard at a subsequent meeting, we can ask the applicant what works for him.

Mr. Bond stated that it is continued to November 8, 2022. Let us ask the applicant to come forward.

Ms. Blank stated that it is already continued. If it is acceptable to him, then that would be fine. She was being more complicated than she needed.

Mr. Bond stated that as you heard, it has been Continued. Does November the 8th work?

**Mr. Brownlee**, 2536 East 57<sup>th</sup> Street, Tulsa, Oklahoma, 74105, stated that the problem was that he is a school administrators. He and his wife are the one that has filed this application. The lady that was here is the neighbor, the one we have had the issues with. My question is, how can she get an ask for continuance? He had no idea what was going on until the Board was voting on it. He questions that he was not even given an opportunity to be called up. He is the one that filed the application.

Mr. Bond asked if it be too much of an imposition on you to come back on November 8<sup>th</sup>, for this matter. Other interested parties have already left. He understood there was confusion on this. But as you have seen today, we do like to give people a chance to say whatever they want to say. We just cannot do that right now. We normally would not ask someone to do this, but would you mind if we can make this Continuous? Because the issue is, we would have to reconsider this. We will have to still postpone it. November 8th is the quickest we can get you there. It is not your issue; he was on the chair. He should have asked more questions and it is squarely on his shoulder. He apologized for the delay, but we will be happy to hear you on November 8<sup>th</sup>.

## **23448 - Tom Neal**

### **Action Requested:**

Special Exception to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-4 District (Section 90.090-C2)

**Location:** 1123 S. Delaware Pl. (CD – 4)

### **Presentation:**

**Tom Neal**, 2507 East 11<sup>th</sup> Place, Tulsa, Oklahoma, 74104, stated that he wanted to thank the Board for their service. You all really go through a lot here. He is just not trying to suck up, it has been an interesting time. What we have here is a lot that has been empty since the early eighties. It was part of a PUD and Mr. Wilkerson helped us get it rezone. It is behind the FedEx/Kinkos Subway building. It has been sitting empty with seven trees on it. His client is going to build a house for her daughter here. They would like to have both the freestanding garage which is very typical in Renaissance neighborhood with a small ADU on top. This is not my first rodeo here for me with you all on this kind of project. He did make the drawing bigger for you, Mr. Brown because you had said you liked a bigger site print.

Mr. Brown asked how in the heck did this get an address on the 11th street.

Mr. Neal stated that there were four lots cobbled together under a PUD in early 1980s. It was a messy vehicle and so it has now been combined. The commercial is now three lots, and this is a separate residential behind it. Just for the record, if you are parked over there is a 1920s two story garage apartment immediately behind and one over which he failed to get on my map, my apologies on my drawing. They have obviously been there for a long time the neighborhood's full of garage apartments. He did talk with at least two neighbors who telephoned him. One of them was the gentleman who owns the property immediately behind. He owns it for his son, who is in the football program at TU. And his only concern was if he would lose privacy. We have a couple of small windows on the east side that barely overlooked the backyard.

Ms. Radney stated that the biggest issue is that it is RS-4, correct. It is the biggest hurdle is that it is RS-4. It is prescribed to no more than six hundred square feet.

Mr. Neal stated that the reason we need relief at this point is because it is two floors, and ADU's are not allowed to be two floors without relief. A garage apartment, we are higher than the 10-foot plate, a 10-foot center height, and we are covering a little bit

more than required rear yard than would be allowed by right. The hardship is this is a particularly small lot, even for RS-4. Most neighborhoods are RS-3 historically, but because we just got this rezoning to RS-4. These lots are fifty by 140-foot deep. This one is 112.5 which is unusually shallow. That is why we are shooting back into the rear yard more than ideally liked.

Mr. Wallace asked if this is a green block currently, right.

Mr. Neal stated that yes, there are no structures on it. It was part of the PUD process that they negotiated, having a buffer space between the commercial and the rest of the neighborhood.

Ms. Radney asked what the neighborhood association thoughts are about this.

Mr. Neal stated that he was no longer on the Board, but they did support the rezoning and to get rid of the PUD with the understanding that this was going to be developed as a residential lot and in general we as members of the association are favoring appropriate infill. The house itself is going to be a new/old house it is going to look like a 1920s bungalow albeit a brand-new construction.

Mr. Bond asked from what it was rezoned. Was it RS-3 or RS-4? Was done with the understanding this we continue to be adjacent to Kinkos and Subway?

Mr. Neal asked Mr. Bond to asked that again. He was a little tired, so he was not understanding the question.

Mr. Bond stated that he did not understand it himself. When this was rezone from RS-3 to RS-4 four, was that done with the understanding this would continue to be empty lot?

Mr. Neal stated that that no, it was done with the intention that it would be developed. The main reason for changing from RS-3 to RS-4 was that every lot of midtown that is RS-3 is non-conforming, because of the width requirements sixty-foot versus fifty-foot so it was with INCOG's guidance and effort to get a better fit between the realities of the sizes of the lot and what's appropriate zoning.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Chapman stated that he realized that he made a small typographical error that he believed we can continue with it to allow more than 30% coverage in a setback by an

accessory dwelling unit he wrote RS-3, and it was supposed to RS-4 for that. The standard was still the same, it was 30%. Elsewhere in that notice it was identified as RS-4 so he believes that we can make the Motion just make sure RS-4 District and he apologized for that.

Mr. Brown stated that there was a lot of stuff crammed on here and a lot of trees.

Mr. Bond stated that looking at the screen right now, he thought that was just par for the course in this neighborhood in midtown neighborhoods. You have house crammed onto smaller lot, so that does not give me any heartburn.

Mr. Brown asked how many square feet.

Mr. Neal asked if he was asking about the accessory building or for the house. The ground floor is about 1265 square-feet with two bedrooms upstairs, one bath so it is about a 1400 to 1500 square-foot house. It is modest. He had a drawing here if you want to see it. The second floor is tucked under the roof. So, it is going to have the appearance of a one-story house rather than you know something is not going lower Brookside and McMansion here.

Ms. Radney stated that it is going to be something akin to what we see in the neighborhood where people have like an attic expansion.

Mr. Neal stated that was correct with windows on the end on the side. It is going to be like Terrace Drive neighborhood.

Ms. Radney thought the Board considered something similar in Terrace Drive neighborhood with the addition of an ADU and garage in her own neighborhood. It was not two story, but it also shared the same zoning limitations if she was remembering correctly. She recused herself on that one, but she did think that was within the last 18 months or so.

Mr. Bond stated that he did not have any issues.

Ms. Radney asked if they had a Statement of Hardship from the applicant or was, she just missing it. It is the unique characteristics in terms of the size and topographic conditions

Ms. Radney asked Mr. Chapman just for her purposes, what is a standard size for an RS-4 lot.

Mr. Chapman stated that the minimum would be 5500 square-feet for a detached house.

Mr. Radney asked if they were really talking about the fact that the neighborhood context for this is it sits in an RS-3 neighborhood, but it is an RS-4 lot.

Mr. Chapman stated that in Renaissance neighborhood, all of it on the interior is RS-3. This one is because they recently rezoned when they abandon the PUD.

Ms. Radney stated that because on size for RS-4, which is not a burden, but if we are really talking about new construction that is in keeping with the style.

Mr. Chapman stated that for an RS-4 the lot is conforming.

Ms. Radney asked that for us that means the fact that this is RS-4 and an RS-3 contexts, is that sufficient. She was asking the Board now.

Mr. Bond stated that he was okay with it. It has a lot of uniqueness. You can start with the address and go from there. It is not the relief here is not going to be applicable to other similarly situated properties.

**Board Action:**

On **MOTION** by **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Brown, Radney, all “ayes, Wallace “nay”, no “abstention”) to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in the RS-4 District (45.031-D); a Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); a Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-4 District (Section 90.090-C2) finding the hardship to be the unique zoning history of this lot and its existence as an RS-4 site within an RS-3 context, per the conceptual plans shown on 9.9 through 9.12 to the agenda packet.

In granting the Special Exceptions 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:*

**N40 OF LT 19 S20 OF LT 20 BLK 2,SIGNAL ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Bond apologized but he was going to hand the reins over to the Vice Chair as he had a personal matter to deal with.

**23449 - Jose Perez**

**Action Requested:**

Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2 ); Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit permanently (Sec.40.210-A) **Location:** 2602 E. 51st St. N. **(CD – 1)**

**Presentation:**

**Cynthia Tovar**, 6412 East King Street, Tulsa, Oklahoma, 74115 stated that she was there to translated from her stepfather. They purchased this property. We have finished paying it off, so he is currently the owner. We have a mobile home that we are wanting to move onto this property. The property does not have anything built on it. It is just the land itself. We are wanting to make use of it and move the mobile home onto the property.

Mr. Brown asked if they would develop this land.

Ms. Tovar stated that they are only putting a mobile home on it. They will be transferring it. The mobile home was currently on a lot right now. We must pay rent and everything. He was wanting to move it to his land so that he does not have to pay rent anymore.

Mr. Barrientos asked how old the home was.

Mr. Tovar stated that it was manufactured in 2000.

Mr. Brown stated that he was a longtime Tulsa resident never knew this existed.

Ms. Radney asked if on 10.9 of our Agenda packet is this the existing home.

Ms. Tovar stated that yes, he just showed me the title on it, it was built in 1989.

Ms. Radney asked Ms. Tovar to tell her a little bit about your interest in being able to locate a mobile home there permanently.

Ms. Tovar stated that he was looking into companies who move it, but we just want to make sure that we have permission to move it to the property first.

Ms. Radney stated that one of the things that our board is often interested in knowing is the age of the units that is going to be moved there and because it is true that a manufactured home does not last if a typical stick built constructed home. She understood you on this one out right, so how would you address my concern that this unit does not have a lot of continued life in it.

Ms. Tovar stated that they are in the process of remodeling the home. He wants to remodel when they do move it. He does plan to keep it updated to where it is long lasting for him because that is where he plans to live. He is going to be maintaining it.

Ms. Radney asked before you would do all those improvements, you want it to be in a permanent location right.

Mr. Barrientos asked if the house has any utilities like water, and sewer.

Ms. Tovar stated that it does. The property had a house on it, but it burned down prior to us purchasing it. It has all the lines and everything for it. We did call out the company so they can locate the lines, and everything seemed to be there.

Ms. Radney asked if Ms. Tovar happened to know what the flood status is at this location.

Ms. Tovar stated that they did mention something to us about it that part. You can go to the slide that shows like property. This right here is where it floods. That is where they told us we cannot do anything to it, which he does not plan on to either way. But the flooding is not too bad. It is like a foot or two when it when it does get flooded. It is just like little hill that it has right there.

Mr. Brown asked why the house should be located there and what is the size.

Ms. Tovar stated that it is eighty foot by sixteen foot.

Ms. Radney stated that she was assuming if we were also to grant you the permission for the property to be there permanently, that that might also give you the opportunity to be able to buy a newer build structure if he is wanted to in the future.

Ms. Tovar stated that as of right now, no, but it could be a potential plan that he might have. But as of right now, no. He just wants to move the mobile home in there for now.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Wallace stated that for one, he thought that this property is a little bit unique since it is agriculture across the street, and to the East it is surrounding this kind of is RS-3, little notch. But he was trying to remember if even if we were agriculture, if this would still be Special Exemption? Looking at the property around it, there are some mobile homes, a

lot of agricultural types of activity and he thought he would be inclined to do a timeframe. And see how that area develops over time and revisited it

Ms. Radney stated that she would be inclined for longer than ten. She could go for twenty. One of the reasons that she would be inclined to have an expiration date is that because of the age of the unit that they are talking about moving there, but she does recognize that until there is a sort of a regional flood mitigation plan, the likelihood that this property would be suitable for your average homeowner to build a property, to build a traditional home, there was going to be somewhat limited. She thought there was a reason why Mr. Brown has been unaware of this, and she thought it became, it is a little bit hostile to typical construction.

Mr. Brown stated that there are other homes up and down 51 St. at the end of Columbia.

She thought that this this land, she did not have a flood map in front of her, but it is in the path. She thought that it was in the floodway if not in the floodplain.

Mr. Chapman stated that he did mention the City of Tulsa Regulatory Floodplain and there is floodplain on this property. If you do approve it, you might give them leeway to move it as needed to accommodate that. They might have had a more detailed map, but when you compare those two, it looks like it is overlaying it.

Mr. Wallace stated that he thought that this information is more for the applicant when locating his home.

Mr. Chapman stated that he might just say to the Board that you might build on your Motion a leeway for them to move it. If they do find themselves there.

Ms. Radney stated that she would concur. She suspected that site has more to do with the plug the access to the existing utilities. We are guessing at this point, but she would be inclined towards a motion that does not actually reference the Conceptual Plan. So that once they get out there, they can be able to cite it, where it really needs to best be located. What we are discussing on this map that is up on the screen that is showing you the location of where the flood, can impact the property. We are considering that we might not hold you to that site that you showed us where you would set it, just so that you would have the most latitude to be able to find a location for the manufactured home, which would be a suitable location permanently to get it above that flood level.

Ms. Tovar stated that when we were trying to get it all situated. That is where they suggested we put it, because normally, we wanted to put it back here. That is where they suggested it and put it right here, we have another form that they gave us that kind of explains it a little bit better than the one that was submitted.

Mr. Barrientos asked who “they” was.

Ms. Tobar stated that he does not remember the name of the building, but it is like on 3<sup>rd</sup> and Denver. Not too sure she did not go into that with him. But they suggested that we put the property here and then do the parking here, since there is like a gateway right here. That is where they suggested we do the parking here and put the property here. But if you all have somewhere else that we can put it, we can move it somewhere else.

Mr. Barrientos stated that what we are trying to do is not to tie you to the sketch. We would leave it up to you all to move it, because there is a flood plain area. Your mobile home might be affected by it.

Ms. Tovar stated that since he has had the land, it floods only like a foot or two. It does not rise or anything like that. There is a ditch kind of because it goes downhill. And the water is just all the way at the bottom and either way does not go up too high. Or if you all have like a map of where you can see the ditch down.

Ms. Radney stated that she thought that they were still going to give you a little more relief than you are asking for because the ability to build things for instance, like let's say you wanted to build a shed, and you wanted to finance that shed, it might be harder for you to get the financing to build the shed if it's in the floodplain. What we are saying to you is that, that we are going to approve the use. But we are not going to look at that site map that you gave us so that you have the most flexibility when you get when you are there to use it.

Mr. Wallace stated or if they were to sell it. You all might have a problem with the financing and things like that, but you are someone that was to purchase a property, they might not be allowed to get that spot. Oh, does that make sense? Because their insurance would say no, it is in a floodplain, do not buy it. Yes, we are trying to give you all.

Ms. Radney thanked Mr. Chapman for that flood map information.

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-0 (Barrientos, Bond, Brown, Radney, Wallace all “ayes”, no “nays”, no “abstentions”, Bond absent) to **APPROVE** a Special Exception to allow a manufactured housing unit in the RS-3 District (Sec. 5.020, Table 5-2 ); and a Special Exception to extend the one-year time limit to allow the Manufactured Housing Unit for 20-years (Sec.40.210-A) per the Conceptual Plans shown on page 10.6 of the Agenda packet.

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:

**W495 N330 NW NE SW & W/2 SW NW NE SW LESS E102 N215 W267 NW NE SW & LESS E15 & N16.5 THEREOF FOR RD SEC 8 20 13 4.24ACS, , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.**

DRAFT

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

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There being no further business, the meeting adjourned at 4:32 p.m.

Date approved: \_\_\_\_\_

\_\_\_\_\_  
Chair

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