

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2nd Street, 2nd Level, One Technology Center Tuesday,**  
**November 8, 2022, 1:00 P.M.**

**Meeting No. 1306**

<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 R. Jones	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on November 3, 2022, at 10:06 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 1:03 p.m. Mr. Bond noted that they are a 5-person board. Mr. Bond stated that we have an election today. He would like to remind all of you that throughout world history and our good and bad history in this country, there are a lot of people that would not want you to vote. There are a lot of people at home and abroad that would try to abrogate your right to vote, exercise that right. It is the most important thing you will do today. Most importantly, as a citizen, that you can do. Never forget that unless you use that right. History will tell you that we will all it.

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Mr. Banes 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, and Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the **Minutes** of September 27, 2022, Board of Adjustment meeting No. 1302.

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the **Minutes** of October 11, 2022, Board of Adjustment meeting No. 1303.

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**UNFINISHED BUSINESS**

**23325 - Ryan Neuhor, Image Builders**

**Action Requested:**

Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F)  
**Location:** 1127 S. Columbia Ave. (Mayo Demonstration Academy) **(CD-4)**

**Presentation:**

**Walter Moore**, 11410 North 145th East Avenue, Owasso, Oklahoma, 74055, stated that he is the Director of Operations for Image Builders representing Ryan Neuhor, the applicant. We are wishing to have a Special Exemption to install a dynamic display on school property and it will be within 200 feet of the residential area. He would like to bring the board back up to date on this item. When we put this before the Board about six months ago, we had two opposition's to this sign in the current location. One was from a resident individual that lived right across the street from the sign. Another opposition was from another individual who did not live within that 200-foot boundary area. Ms. Radney suggested that we go back to Tulsa Public Schools and asked them to get with the residents there and see if we could find an alternate location. The individual who opposed this that live right across the street from the sign suggested we move the sign out to 11th and Columbia, which is at the very north end of the property. The Tulsa Public Schools met with the president of the homeowners association. She put out emails which included the rendering which he believed you all have before you and the revised overhead drawing showing the sign at the corner of 11th and Columbia. She stated that she talked to the family who opposed it last time, and she would contact me if there was any opposition by that family. That was early last week, and he had not heard from her. He is assuming there was no opposition. That's where we stand right now with the revision to the sign location and then the rendering showing what the sign will look like.

Mr. Bond stated that he appreciated him working with neighborhood to get us a revised plan.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

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

Ms. Radney stated that she appreciated the absence of on any white field, a substantial amount of white on this rendering.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a Dynamic Display sign in a Residential District containing a School Use (Sec. 60.050-B.2.c) and a Special Exception to permit a dynamic display sign within 200-feet of Residentially Zoned Lots (Sec. 60.100-F), per the Conceptual Plans shown on page 3.10 and the rendering presented at today’s meeting.

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:

**NE NE NW SEC 8 19 13, CITY OF TULSA, COUNTY OF TULSA, STATED 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:**

**Nathalie Cornett**, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, 74114, stated that Ms. Childs was not able to be here today she serves as the City Attorney for Owasso and duty called today. Ms. Cornett will be here for her. At the last meeting, the Board requested an engineer drawing as opposed to her the hand drawing to be able to just confirm the location of the proposed detached garage in line with the existing residents on 25th Street. You should have that provided to you in your materials. Mr. Banes if you would not mind putting that up as well. This is what Ms. Childs had prepared by Mill's Engineering LLC and it shows the location of the garage. It will be set back from the centerline of 25th Street approximately 29 feet four inches. It is not shown on this rendering, but from the property line she believed it was approximately seven and a half or eight feet from the property line.

Ms. Radney stated that she did not see that in my in my packet. If we get that in our packets.

Mr. Banes stated that it was submitted after afterwards.

Ms. Radney asked if Mr. Banes could zoom in a little bit more. She would like to see the dimensions towards the front towards the north end. She knew that we have had some discussion about how much relief was needed. It might seem 29 feet four inches from the center line. Is that correct?

Ms. Cornett stated that was correct. This is the setback. She believed the Code would require this 20 feet per garage door. She thought 45 feet is what the code would require.

Mr. Brown asked if this is a three-car garage.

Ms. Cornett believed it was a two-car garage. It may be a three car though. She thought Mr. Brown was correct on the rendering a shows it is a three-car garage.

Ms. Radney stated that it was the setback, and then it had something to do with the driveway, which was inside the street right away.

Ms. Cornett stated that they were requesting a Special Exception to have our driveway be 42 feet wide. Part of that was to prevent cars from parking on the street, which they currently do. She drove through the neighborhood before she came here and they were parked on the street, that would sort of alleviate or mitigate that issue. She also noticed in the neighborhood that this sort of setup is typical. The streets are narrow, and she saw a lot of either attached or detached like this one, but close to the home, where you just pulling right up from the street. She did not think it is a typical setup for the neighborhood. She did not see any injury to the neighborhood.

Mr. Brown asked what the issue with the PSO easement.

Ms. Cornett stated that there is a PSO easement that runs along the East boundary of this property. She believed Staff had originally suggested that she could move it further over to the side and back. But that easement prohibits us from going she thought all the way to go back and to the side to avoid running into the pool in the backyard. That easement limits us there.

Mr. Bond stated that he thought that his point last time was whether it exists or not. It will and it could.

Ms. Cornett stated that there are utilities.

Ms. Radney asked what is that dimension of the proposed structure with it going east to west as 30 x 60-feet.

Ms. Cornett stated that it is 36 by 24-feet.

Ms. Radney stated that could say it is veritably not possible to get a modern sized garage in that space if it went further or into that.

Ms. Cornett stated that if it was attached, the house is already non-conforming at the setback. So, she thought if it was attached, we may not be here on this request because it would be an extension of the nonconformity.

Mr. Wallace asked if it was seven feet from the property line. What was the reason we could not get it within the 15 to 20-feet?

Ms. Cornett stated that if it was pushed back further, we would run into a pool issue. It is hard to see, and her understanding is if it comes back further will interrupt what goes on in the backyard and basically not be able to use that space as it's currently used. She was not aware of where exactly their pool equipment is. She did not know if that was part of the issue.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Bond stated that he did not have an issue. There are issues like this throughout the city and towns.

Ms. Radney stated that the house is non-conforming. Where was that seven-foot dimension that you asked about Mr. Wallace?

Mr. Wallace stated it was between that hatch crosshatch and what he was assuming what is the property line.

Ms. Radney stated that what we are talking about is a reduction of the forty-five feet would be required for Code terms. She knew that they wanted 29.4-foot setback from the centerline.

Ms. Cornett stated that there is a 20-foot setback from the property line to the garage door. Another way to articulate that is there is also a 25-foot distance from the center line up the right of way to the property line. So that measurement that we have the 29-foot four inches to the centerline of the road. So instead of our 45-feet that would be required from the centerline of the road to the building face, we were requesting 29-feet.

Ms. Radney stated that it is 13-feet that they're asking for the from the property line from the property line to the garage. So, we want to reduce the 20-foot setback to 13-feet

Ms. Cornett stated that it was to seven feet.

Ms. Radney stated that they are going to reduce the 15-foot side street setback to five.

Ms. Cornett stated that the 20-foot setback is going to apply to the garage. She guessed the reduction of the 15-foot setback.

Ms. Radney stated that was where she got confused as well. Does anybody else remember the nuances of this? She can get the hardship. She was trying to figure out how much relief they need. She was getting lost on that.

Mr. Wallace stated that it was just reducing it from 15 foot to seven foot. And then what about the driveway with what's that?

Ms. Radney stated that she thought they were proposing 42-feet in the street right away.

Mr. Wallace stated versus 27-feet.

Ms. Radney stated that we are going to allow them to go to 42 from 27. And we're going to allow 29.4-foot setback from the street centerline from 40 from the centerline. We do not have to say anything about the curb cut because she knew what she was talking about the driveway width, but does that matter?

Mr. Wilkerson stated that he thought in Motion that you are looking at there are three things that you are really looking at. One is the driveway, the Code limits it to 27 feet at the curb line. The idea of is to expand their requests from whatever the dimension is, in the code, 27 feet, to 42 feet for the driveway. That is at the lot line and on the lot both

Ms. Radney stated it was at the lot line, not at the street right-of-way where their curb cut is going but at the light line.

Mr. Wilkerson stated that it was not at the not at the curb line, but the lot line is the critical element there. The other thing is that the Code requires a 15-foot building setback, unless there's a garage, and that is 20 feet. So they are also asking for a Variance from the 15 foot requirement to seven and also the garage door requirements also to seven is more clear or less?

Ms. Radney stated that was why we needed these dimensions.

Mr. Wilkerson stated that he thought we have generally what we asked for here, he could not see it clearly on the screen. But he thought that the idea is that if you are inclined to make a Motion that the setback from the building, and the garage door opening is both to seven feet from the lot line. There are really kind of three elements of the Code we are dealing with, but it's really the driveway width to 42 feet, and then seven feet for both the building and the garage door.

Ms. Radney stated that we only need the hardship for the setback for the Variances. If my fellow board members want me to take a stab at this, we are going to reference the diagram that we have here on the screen for the dimensions. Is there anything else we want in the attachments? There was at least one rendering.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Barrientos, Bond, Brown, Radney, all "ayes", Wallace "nay", no "abstentions") to **APPROVE** 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) per the site plan from Mills Engineering and presented at this meeting, subject to the following conditions that applicant must receive right-of-way permit for the City of Tulsa prior to construction, and a set back of 29.4-feet from the center line and no ADU. Finding the hardship to be that the existing siting of the house is non-conforming with the existing Code and given the limitations of the PSO easement as well as other built features in the environment that this look the location that is has been proposed is that which is most amenable to the construction of a modern garage as per the conceptual plans that are shown that were again presented today by Mills engineering, at today's meeting subject to the following condition that the 40 foot setback from the street be no greater than 29.4 feet, and that we just decided that we would that we reduce the seven foot side street building setback to seven feet, and the 20 foot setback for street facing garage door to seven feet as well.

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, and 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 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:**

**Max McGuirk**, 5309 East 30th Street, Tulsa, Oklahoma, 74114, stated that he was proposing a Special Exception for a duplex in a RS-3 district.

Mr. Bond asked if the duplex already exist. Mr. McGuirk stated that it does. It has been approved by the City.

Mr. McGuirk stated that he believed that the last thing we were discussing was a driveway. This house currently does not have a driveway. When he purchased the home at 207 South Urbana plus 209 South Urbana were boarded up and he is trying to gentrify the area so that 209 South Urbana did not have a driveway. It is permitted. BLTR 111562 was approved by Danny Whiteman back in July of 2022, for a 17-foot by 18-foot driveway. As of last week, he paid for a surety bond, and he just dropped off the paperwork today to get the approval for the for the draft.

Mr. Brown stated that he remembered they were looking at a layout for that.

Mr. McGuirk stated that he created a right here. He said he is not an architect, but I did create this right here. There are other addresses that are very similar to this is a house that has been zoned duplex, but it is being sold as a duplex at 4303 East 4th Place.

Mr. Bond stated that we got an email here from Mr. Gregor. Have you spoken with anyone else, or any other neighbors?

Mr. McGuirk stated that he spoke to him shortly after I purchased the property back a year ago.

**Interested Parties:**

**Mary Beth Schloop-Mendez**, 4618 East 2nd Street, Tulsa, Oklahoma, 74112, stated that she was against this. She had lived in this neighborhood all my life and it is single family homes. We would like to preserve the peace and the sanctity of this neighborhood. This gentleman has come in has been dishonest. He built this duplex without a permit. When he got caught, he went and got a permit. He brought up conversation that was not our conversation. He told you that I offered to sell him my property for \$100,000 and that never happened. He continues to do things that are not on the books. The other day as we were walking around the corner, a Hispanic couple told us that they were buying that property as a duplex that he had already sold it to

them. She told them that it is not permitted for a duplex, and it says right out the window on the license, but it is not permitted. It is a single-family home. So, we are asking that you please do not approve this. The area has a flood issue and if he puts a driveway and it is going to throw water on my neighbor's, not on myself per se but all my neighbors who have been there all my life. That could be twice as much because it has nowhere to go. There's no drainage, there is no parking. That little area and we do have a picture of this of this property to see how close this is the house. In this area, there are nothing but single-family homes. There are no other duplexes

Mr. Bond asked if he could ask the City for some clarification. We had some there was it was approved by the City. Obviously, there was just building permits. Was there anything else we're missing here? Not aware that this one through the planning commission or anything else like that for change?

Mr. Wilkerson stated that Mr. Whiteman from the Building Permit offices is here, he may have some insight on how this was permitted. Is that, is that fair to ask you that?

Danny Whiteman stated that he did receive approval for an addition. He did receive approval for an addition to a single-family residence. So that's the approval was for in addition to remain as a single-family residence. We can research that certainly not going off memory, but he was pretty sure that was the case.

Ms. Radney asked given that it does not have a driveway, that as the driveway has been proposed that the issue really is not, it is just a question of whether we agreed to grant a Special Exemption for use as a duplex that was really in front of us.

Mr. Whiteman stated that was his understanding. The requirement would be that two additional parking spaces for a duplex use.

Ms. Radney stated that her reading from what the applicant has submitted is that he would accomplish that by making it longer. There is nothing inherent in the Code that requires them side by side, they just have to be able to accommodate correct for you four vehicles.

Mr. Whitehead stated because the size of the parking spaces is defined, and so he has the appropriate area for the four spaces.

Ms. Radney stated that was what she thought. She wanted to make sure, but she thought that was what we were really talking about is the use.

Mr. Bond thanked Mr. Whiteman and for the rest of the Staff for being here. We know it is a large time commitment for you guys to be here. But we do appreciate it. You guys are invaluable with these questions.

**Katheryn Dyson**, 4624 East 2<sup>nd</sup> St., Tulsa, Oklahoma 74112, stated that with that house, the paperwork says in the window it is for single family, and has already been built as a duplex, the exterior wall was never removed. Is there a law that allows the door that nobody can vote to change that into a duplex? Everything about the house has been built to be a duplex, laid out as a duplex. It is intended as a duplex. And you are blessing it after the fact that he is counting on you blessing. The people that are buying it said they're buying it apparently that our white truck was in the picture. They're going to add a third which makes it a triplex. She wanted to remind you that street looks like clear that street is not clear early mornings and afternoons everybody before they go to work after they come home from work.

**Rebuttal:**

Mr. McGuirk stated that when it comes to driveway, there will be the driveway. He is approved for right off the Third Street. If the neighbors want it to be right for the home. It's up to the city. Also, Danny Whiteman, thank you very much. It is approved as a single-family house where the discussion back in July. And he said he did not want to go for the Special Exception. So that's all this is it is built and approved as a single-family home. There is no second kitchen in there. There's two units four bed, two bath, so there is no second kitchen or anything like that in there. It's just one big living room. When it comes to driveway, he was happy to do whatever he is told.

Ms. Radney asked if Mr. Banes could you put up exhibit 5.8 from our packet? The floorplan that we have has that that you've drawn has two kitchens.

Mr. McGuirk stated that it is 100% finished except I do not have the kitchen cabinets or anything it is a wide-open living area. It is a four bedroom with 2 baths. He has an interested buyer. And they understand that he is going through the process, whether it is approved or not it is the zoning that it's going to be so they're not going to add multiple parking spaces and that kind of stuff because it is only as allowed.

**Comments and Questions:**

Mr. Bond stated that he is not persuaded one way or another. We should not get into speculation over what may or may not be because we carried spirit intent of the code of interest or otherwise, I think there was a lot of information presented here is just not attributing to our inquiry.

Mr. Wallace stated that he as an investor would have looked at trying to do something like this with some of the existing places he has, and you get on the path, and you find out you know the neighborhoods doesn't want it and you just move on. He totally understands where both sides are coming from now, but at the present he thought this is a single nice single-family house and continue to be in the marketable.

Mr. Bond stated he thought we struggle with duplexes in residential neighborhoods, and he thought rightfully so, because it appears we have a lot of latitude. But I generally skeptical of these when we have members of the neighborhood that are not having it. So that's kind of what he stood. He did not think that we should be swayed. How the thing is built or not built, how it can be sold or not sold. Our narrow inquiry here is, is it going to be detrimental to the neighborhood or injurious to the Code? Because he felt like this is zoned in a particular way. In the ones where he has voted for the past, to allow duplex use has been in areas where they are overlapping areas, there's a traditional duplex use there to the neighborhood. And it just doesn't sound like that. That is the case here. But he would be happy to listen to your thoughts.

Mr. Barrientos stated that this case has been continued for like two or three times and the speakers have coming every time to see the passion for not to have the duplex in the area. He was more persuaded not to approve.

Ms. Radney stated that she had a questions for Mr. Wilkerson. In terms of this lot the size of this lot there were there were no obstacles to being able to legally have a duplex in this space, it's eligible for Special Exception, is that correct?

Mr. Wilkerson stated that he did not believe we have received any kind of letter of deficiency from the City. So, we do not really know the answer to that for sure. Just briefly, he would say that it probably is the appropriate lot size. But the other part of that is none of the information we have is drawn accurately. It would be impossible for us to ever analyze it from that perspective. It is the same thing we have routinely, or we don't have good information. There is no way to predict what the analysis might look like.

Ms. Radney stated that she appreciated that, because she was actually agnostic on that duplexes in historically single family, residential neighborhoods. She was not agnostic, though, on whether this is this was constructed with an eye towards being you used as some sort of a commercial or money banking property. That was only because in that instance, she was particularly concerned about attention to procedure and permitting to make sure that it was constructed to the letter of the requirements to be a good safe and viable duplex. She did not think that this meets that test for a whole lot of reasons that we have had in front of us up to this point. Plus, she also did not disagree with some of what the neighbors are saying in terms of the context, although she can honestly attest to the fact that there are many, many, many duplexes that exist in the near vicinity, particularly in some of the neighborhoods that were built in like the 20s and 30s, where, where sometimes what you had was a lot split, where you had a larger foursquare and then maybe a carriage house that was on the back and they were split. And they made these face different directions that looks like what this might have once been. The density itself doesn't disturb me, but she was not terribly happy about the way this guy is front of us. There is a lot of public outcry about it. For those reasons, and those that are also cited by Mr. Wilkerson, I would be a no.

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **DENY** a **Special Exception** to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5), for the following property:

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

Draft

**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:**

**Angela Manly and Brent Brownlee**, 2536 East 57th Street in Tulsa, Oklahoma, 74105, stated their issues are on our privacy and security fence that we have built. We have a statement that we would like to read justifying the reason the fence was built. First, she currently has a protective order against Madeline Brady that was granted to me on May the 26th of 2020 for the length of five years. She says the neighbor at 2540 East 57th Street. This was granted due to her trying to run over me with her vehicle on the street of our home while she was walking their dog.

Mr. Bond stated that he was going owner rudely interrupt here for a second. He wanted to say this to every applicant for every case here. The only reasons for us to exists is to narrow legal exceptions. Those exceptions are something that we need to be able to apply equally broadly to cases. We are not trying to discount anything that is going on with anyone individually. However, it would help us if, everyone would limit their comments to things that affect the property. This is something which regards the whether the requests are released in harmony, spirit and of the code will not be injurious to the neighborhood or otherwise detrimental to public welfare.

Ms. Manly stated that the fence was built and has since it has been built providing peace and security to us in our home. That is all we were going for. Nothing else had worked up until that time. She did not believe that for any reason that it is harmful to anyone. She would tell you that we do have neighbors here with us who support the fence because it has brought a very consistent peace to us. We no longer have the influx of police officers trying to take care of drug activity or whatever may be going on there. What has been going on there in the past, the threats, the harassment, all of that has stopped with this fence being built having been built. She thought it was necessary.

Mr. Bond asked Mr. Banes to go to page 6.14 of the packet. There is a pointer, a laser pointer. What is this 25-foot setback? The height of this fence, does it go into the front setback? He could not tell from the diagram.

Mr. Brownlee stated that the fence does taper. We had a professional fence builder that built it to Code. Okay. He said he would have to do that.

Mr. Bond asked to be corrected if he was wrong, but it is four feet from the setback. For the code, it is four feet and then outside of the setback it goes to eight feet, correct? He just wanted to get an idea of where we are in relation.

Mr. Brownlee stated that the Board did have photos in your pack.

Mr. Bond asked if he knew how tall the fences is at the highest.

Mr. Brown asked if that ran the entire length.

Mr. Brownlee stated yes, and they tied it in to our back fence. That we also are going increase in height.

Mr. Barrientos stated that on page 6.6 shows the fence and the way it was built.

Mr. Brownlee stated that is a good picture of it.

Mr. Bond asked is it four feet in the entire setback? And that is when it when it begins to rise.

Mr. Brownlee stated that it is four feet in the setback, and then it rises to eight foot. Yes, the builder said he would have to do that to be to code.

Ms. Radney stated that she was looking at this picture that is in front of us on the screen, but she was looking at 6.4, which is the satellite view of your house. Can you show me where the fence is built?

Mr. Brownlee stated that it was on the east side of the property lines. He pointed to the offset. The fence is built in this area. Then it ties into our fence. We have a fence that goes across it goes into our backyard, that new portion that is tied in.

Ms. Radney asked if the fence runs all the way down to the eastern corner of your lot, as far north as it can.

Mr. Brownlee stated no, this was just a portion of the fence that we had built out front that we tied it into our existing fence that went into the backyard.

Mr. Bond stated that what I am trying to figure out is where the deficiency is if it is four feet within a setback, and then once the setback ends, it goes on to a finish try to figure out what the issue is, from the City's perspective. Looking at the Letter of Deficiency on 6.7., it just says the setback would exceed four feet height. It looks to me on the map that it is four feet high within setback, he was confused.

Ms. Radney stated that was what it looked like to her, too. Then she thought well, the fence is following that that property line and getting within that 25-foot radius coming around the cul-de-sac.

Mr. Bond asked if we are talking a few feet or inches. If that is the case it appears to me, you do not need relief to keep this granted by this board to keep your fence. So could someone speak to that. If you do not have any idea why we are dealing with what we are dealing with here. He understood it is a cul-de-sac.

Ms. Radney asked if this what the fencing company used to build the fence.

Mr. Brownlee stated that the company assured us that it was built to Code, and he explained that he would have to taper it down.

**Interested Parties:**

**Tracy Hearon**, 2528 East 57<sup>th</sup> Street, Tulsa, Oklahoma, 74105, stated that she is neighbor that has been there for 25 years. And I have liked the fence. It has created a barrier so that we have peace from the neighbor who is very loud, very obnoxious, and very unreasonable. Again, a lot of odd activity, and strange people come in and out.

Ms. Radney stated that she had to underscore their remarks of the Chair. The only thing we can really think about are things that we might be able to point at the comprehensive plan and say we agreed to do something different from what is legally in the code in a way that is not deleterious to the neighborhood. It sounds like you are saying this is not deleterious to the neighborhood.

Ms. Hearon stated that the fence was not deleterious to the neighborhood.

**Melissa Hoffman-Noble**, 2527 East 57<sup>th</sup> Street, Tulsa, Oklahoma, 74105, stated that she had no objection to fence as it has provided protection against harassment from their neighbors.

**Madeline Brady**, 2540 East 57<sup>th</sup> Street, Tulsa, Oklahoma stated that this fence is built directly across my front yard is a violation of the code. Mike Rider is her code enforcement officer who has stated that is a code violation. They had to apply for this special hearing, they did not get a permit to build this fence suspense is about nine feet, they have it attached by a two by four to my fence she bought between our houses in the back. There is a mutual protective orders between us. There are multiple police reporters.

Mr. Bond stated that he did not think we need to repeat the comments for the Vice Chair or myself.



Ms. Brady stated trying to show you all like what the house looked like before and after. She has owned her house for 10 years. She purchased her home from an architect, Scott Bruman, and it has significantly decreased her property value. She would not purchase the house if she came to look at it. She submitted a bunch of photos like a before and after. This is my front yard. This is her standing on her front porch. It is a safety issue. She cannot even see out of my front door, and she cannot see the street. Her groceries, food deliveries etc. have been delivered to their address wrongly multiple times. One night when the code enforcer, Mike Rider, was there, he talked to a driver who was stated that he was not sure where 2540 was. It has been an issue ongoing that people do not know the house is back there or that it exists. That is the before picture of my property, and that is the after on the left. The fence is about nine feet tall. You can see the back fence is six feet and how much more comes up. The way it was built by two individuals who did not have a permit, who were laughing the whole time they were building a saying you know, sorry, like it was very much intended to be harassment, it is very poorly built. There is a huge gap underneath the bottom of it. The posts are on my property side, which is also not the way it is supposed to be built. There are a lot of issues with it and the way it was built. It should not exceed four feet across the front of her property, because my property has on an angle.

Mr. Bond stated that in looking at 6.4 would you put that on the screen please. Which is a good segue into his question. When was this cul-de-sac built? It looks more like a roundabout as opposed to a cul-de-sac.

Ms. Brady stated that it is a cul-de-sac, and her house is directly at the end. If you are looking straight on 57th You would see just my house at the very end. My house is like the one that faces directly out at the very end of the cul-de-sac.

Mr. Bond stated that your house as you said cockeyed based on the based on the orientation the cul-de-sac.

Ms. Brady stated that the front faces the front of the board is that their property is cockeyed. What they are saying is their side yard is my front yard if that makes sense. She knew that they are asking for relief, but in the back, there is only a six-foot fence which that said that does not make any sense really for that relief.

Ms. Radney stated that she apologized down here at the end. Can you show me where your house in this with the pointer? Traffic coming into the neighborhood eastbound on 57<sup>th</sup> Street?

Ms. Brady, yes you would come down here and this is her driveway. This is their house, but this is the fence. This is her front yard. This is her house. Here is the fence. And it runs till about a couple of feet up into to where my driveway is. When she is backing out, she has no visibility whatsoever. It is also a safety issue because when she pulls,

she has no idea who is behind that fence. If my house were to get broken into, nobody would see it either. It is also a code violation at the end of the day.

Ms. Radney stated as we are looking at this, is that is that a privately maintained driveway there, or is that 57th Street that continues.

Ms. Brady stated that is her driveway.

Ms. Radney asked does that connect to a private road.

Ms. Brady stated that no, which is not a private road.

Ms. Radney asked if it was maintained by the city. Is that 57th Street?

Ms. Brady stated that she not sure what this road is called. But nobody owns that lot and that is not a private drive. That is public. There are two houses back there.

**Rebuttal:**

None

**Comments and Questions:**

Mr. Bond stated that he did not see anything that shows me that this fence is out of code. He would support a Motion to the extent that it would allow the fence to exist as it is. If it is four feet within the setback, then it is four feet within the setback. And if it rises to a level to a higher level, he did not see an issue with that. Like he said, to the extent that it is not in violation, he thought that would be in keeping with the intent of the Code. We are here today for a Special Exception. If this were a Variance, which is a higher level of scrutiny here, he thought that they would have it because of the certain uniqueness of this property, the orientation of their house, the neighbor's house, as well as he lacks the vocabulary to properly classified whatever this street or shared driveway is that exists to the east? That was the Motion he would support.

Mr. Wallace stated that he thought this lacks evidence that this is a violation. He would like for Working in Neighborhoods or neighborhood investigations to provide some additional information for our review, which is where he thought it was a question for the City.

Mr. Bond stated that he thought that his feelings would go more to an administrative appeal, which this is not. It has not been advertised as it. He was not certain how much we can get into the thrust of everything he said about what this evaluation. The cleanest thing to do would be to grant relief.

Ms. Radney asked if or 6.6 produced by Staff or where did that come from.

Mr. Wilkerson stated Preparing prepare the Staff report it was our understanding that all that area of that we shaded, that we understood at that time, that the 25-foot setback violation was what was shaded with the information that is shown. On the plat it contradicts. He did not know if that plat information came after the fact, or he did not know about the timeline. We do not have any more information. That exhibit is one that when we are preparing the Staff report several weeks ago that was not available.

Mr. Bond asked if we would have reason to think this plat is incorrect. Mr. Wilkerson stated no we do not. We just do not know where the end of the fence is constructed.

Ms. Radney stated that she would be inclined to support it. Based on believing that the defense is built where it is labeled here at 6.14. But considering that this is hot, she would be inclined to want to continue this until we can get something that in front of us that affirms that the new fence is where it says it is.

Mr. Wilkerson stated that he thought from Staff level, we always have a lot of confidence in the Workings in Neighborhoods guys that we work with. It would not surprise me to learn that the north end of that fence is the last corner. That was our perception when we looked at the beginning of this. If that is the lot the lot corner, then there would not be a reason for a Variance request. So again, we do not have accurate information, or at least conflicting information.

Ms. Radney stated that she thought somebody needed to put a tape measure on it. She did not know whether that was Working in Neighborhoods or Staff, but somebody does.

Mr. Wilkerson stated that it is the applicants responsibility to give us accurate information.

Ms. Radney stated that someone needs to put a tape measurer on it and affirm where the fence is because what we are about to vote on is in direct contradiction to What working in Neighborhood said.

Mr. Bond stated that if they got this plat after the issues, whatever deficiency in the plat seems clear. He was ready to vote today, we can certainly continue also. If you do you are going hear strong words of admonishment at future presentations on this

Ms. Radney stated that she was ready to approve this, but she was convinced enough to buy the photo by the neighbor, that if we do not have an actual accurate understanding of where that fence is. If it is further forward on that lot line, she would not support it where it is built, because it does according to the image that we saw, it really does obscure the view of the houses. If it is in a legal position then she if for it, it is not as drawn on 6.14 in front of us, then I am not for it.

Mr. Brown stated that he thought they needed more information on it.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **CONTINUE** the Special Exception to allow a fence or wall to exceed 4-feet in height in the street setback (Sec. 45.080-A) until the December 13, 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**

Draft

## **23450-OSAGE - Demahco Ousley**

### **Action Requested:**

Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 5 duplexes. **Location:** 1503 W. Newton St. **(CD-1)**

Ms. Radney stated that she wanted to disclose a couple of facts as the applicant approached. She was familiar with the architect for this project, Ms. Kayla Lee of Lee Simon Design. She thought she saw her fellow commissioner of the Tulsa African American Affairs Commission, Brian Humphreys there in the gallery. She had no prior knowledge of this application or any involvement whatsoever in it, but she did want to acknowledge that she has had previous dealings with both.

Mr. Bond stated that if she could look at this objectively, that is how he interprets our Code of Ethics. We appreciated the candor and disclosure and the acknowledgement that this is Tulsa. We do not know each other. We are not related somehow. We are and just do not realize it.

### **Presentation:**

**Kayla Lee**, 3536 East Admiral, Tulsa, Oklahoma, 74115 stated that she is an architect here in Tulsa. Currently, she and Demahco Ousley, who is a builder if there are any questions related to the construction field. Currently, we are looking at putting duplexes and RS-3 zoned neighborhood. There are duplexes constructed just to the west. They would share a backyard of this property. We went gone ahead and did a lot split. So, these five tracts of land that you see have been split into five, which we would then create these, this duplex scenario. She did not know if you have the plan that shows that lots separation. This site plan shows the property lines and current setbacks. You can see tracks one through four would kind of echo was similar footprint, whereas track five based on the 25-foot setback off Newton Street would have a bit of a different arrangement. However, it would still be split and have a similar square footage as the other units. So that is the property.

Mr. Brown asked if there are houses that back up to this property.

Ms. Lee stated that to the west, there are houses two of which are under construct. She pointed to a lot that is currently split and there is one duplex that is being constructed now here and another one being constructed as well. So, our lot would propose five on this edge. The rest of these properties are she thought were single family and this is a multifamily structure. So, along the Newton Street, the kind of frontage here would have several multifamily in that case.

Mr. Brown stated that on page 7.7 and 7.8 the site map differs.

Ms. Lee stated that originally 7.7 was first issued before the survey and lot split from that garnered information we were able to then construct what you see on 7.8

Mr. Brown stated as you heard, we discussed parking. Do these properties have garage or where will they park?

Ms. Lee stated that since these would be in keeping with the project that is just to the west, Mr. Ousley could speak to how that situation is being handled.

**Demahco Ousley**, 1142 North Union Place, Tulsa, Oklahoma 74127 stated that yes, each has a single garage and then there was enough driveway for a second car can be behind it as each duplex each unit have the same thing have a one car garage, and then they can pull it so that makes sense. Each one will have a driveway in the front so each unit will have its own driveway, one on each side that is attached. Sides A and B, each one will have a driveway on each side driveway and a garage.

Ms. Lee stated that on track five we would have to reconfigure the plan to have the same sort of setup. It might be the case that the driveway would be offer of Newton for them just in terms of there may be a driveway here and then access from the next one along this space here. Newton is a busy street and there are other properties that have driveway access this way. The intention would be to have all the driveways off Santa Fe and configuring the architectural plans in keeping with the same language so that all these kind of read the same. We will see where we land with that, but the intention is to have them.

Mr. Brown asked if the duplexes would also be two story.

Ms. Lee stated that yes sir, it would be like a townhouse. The facade is garage door, front door, you walk in, you have your kind of living room area, and then there would be stairs going directly up to lead you to the sleeping spaces on the second floor.

Mr. Barrientos ask what the approximate square footage is.

Ms. Lee stated that she thought they were around 2,100 square feet.

Mr. Ousley stated that they are approximately 1500 square feet on each side.

Mr. Bond asked if they had any conversations or feedback with any of the neighbors about this positive or negative.

Ms. Lee stated that it is a cottage Gable style.

Mr. Bond asked if Mr. Ousley would email the photos to Austin Chapman's. Have there been any issues with the neighborhood?

Mr. Ousley stated that the neighbors love it.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Radney asked if was on septic or will this all be city water and sewer. Mr. Ousley stated that it would be City.

Mr. Bond stated that he had a previous issue with the proposed duplex. We have heard about this specific block. It being both traditionally multi-family, so he did not have the same issues that he had with the previous application on this. Having seen it he thought it was important we get those in the record. Having seen a rendering of what it looks like is something which is in keeping with the intent of the comprehensive plan based on this issue.

Ms. Radney stated that the board is appreciative professionally drawn and to scale site plans and even examples of rendering. That gives us an idea of what the proposed construction would look like.

Mr. Wallace stated that based on these previous duplexes on RS-3, again, this is presented just at a higher level. There are other developments going on and there is a lot of back information that he thought gives us one lot more support and comfort with granting relief to this board. So, thank you for sharing that information.

Ms. Radney stated that all joking aside, the decisions of this board are binding, and we want to be able to convey to the public, the basis around which we made these decisions because these are in the permanent record, of this property. It really does make sense to be able to do add and attach drawings that a future public would be able to read and understand.

Mr. Wilkerson stated to Mr. Chair, one thing that would like a little bit of clarity on from the applicant, there was mention about a lot split that is in process. He wanted to hear more about that, because we are not allowed to split a property more than four times without doing a subdivision plan. So, he just needed to know if you have made the application or if you have somehow navigated that the lot split process. He did not know if it has any bearing on whether this is a good application. It is just the process might be different. And he would be reluctant to refer to a specific site plan. So, if Mr. Ousley could help him out.

Mr. Ousley stated that they are doing an application for the subdivision.

Mr. Wilkerson asked if he was working on the plat itself?

Mr. Ousley stated yes, they were.

Mr. Wilkerson stated that was the appropriate way that was perfect. He did not want them going down a lot split process if we knew we could not get there. Thank you. Do not take that as any negative comment at all, it was just the process.

Ms. Radney asked would you or would you not then refer to 7.8 with the proposed lot split boundaries.

Mr. Wilkerson stated that he thought you could prefer to 7.8 if you mentioned they showed a subdivision concept and not a lot split.

Mr. Bond asked if Mr. Wilkerson if he would say we are not addressing relief regarding a lot split.

Mr. Wilkerson stated that was subdivision regulations. We do not want to delve into that here. They could do four lots here without doing the subdivision. But that is not the conversation. This just is if duplexes are appropriately here, and they may be, they just need to go through the plat process.

Ms. Radney stated that so in this case, we are approving the one acre or a little bit more than one acre parcel for duplex use. And that would convey even after a lot split once this Board has approved the use.

Mr. Wilkerson stated that whether it is a lot split or subdivision, he thought you could.

Ms. Radney stated that regardless of how finely split depending on the which institution must go in front of. We are just saying the use for this one acre has been approved.

Mr. Wilkerson stated that was correct.

Mr. Wallace stated that each slot or tracks, we are not granting relief if the dimension of the lot is not correct.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit duplexes in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). Request is to allow up to 5 duplexes, per the conceptual plan shown on page 7.8 of the Agenda



packet, making it noticed that the Board is not reviewing or approving anything regarding lot splits or platting.

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.

**E/2 LT 2, BLK 6 LOMBARD, CITY OF TULSA, COUNTY OF OSAGE, STATE OF OKLAHOMA.**

Draft

## **23452-Tom Neal**

### **Action Requested:**

Special Exception to permit a duplex in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5) **Location:** 514 S. Wheeling Ave. E. **(CD-1)**

### **Presentation:**

**Tom Neal**, 2507 E. 11<sup>th</sup> Place, Tulsa, Oklahoma 74104 stated that his client, Mr. Domingo is here. We have an almost 100-year-old house that, over the years was divided into more than one dwelling unit. It has double gas meters, double electrical service, he thought they provided documentation with the application noticing. And it indeed has two water meters in the sidewalk, which he observed. One of the neighbors very kindly gave us some the history. My general understanding here is that a lot of these early trolley car neighborhoods around World War II got subdivided because there was just a lot of soldiers coming home from the war and the need for housing. He did not know specifically, if that is the case here, but he did know from the neighbor to the south, the property owner, not the resident, that at least for 10 years, this was used as a duplex. And then under the last ownership was used as a single-family house. It was divided horizontally with the ground floor, and exterior second story stair. And, and my client intends to restore that to a house in which he will live in a smaller secondary unit. Just to give you a little context, this is typical of these early 20th century neighborhoods. There are ADU's all over the place, some of which are half as half as big as the house themselves. There is a duplex around Yorktown. On this block, two houses have large ADU's. So, we already have kind of a multifamily use. What we are looking to do is to legally reestablish, a duplex use. The house is in rough shape, it is our intention to restore the exterior, lose the screened in porch, and just had the porch and then on the inside do serious remodel renovation. His client did talk with two neighbors behind him on the alleyway, tenant to the south, neighbors to the north, and to neighbors opposite, so that would be six different immediate neighbors and all statements of support from those people.

Mr. Brown asked if there were other duplexes on the street.

Mr. Neal stated not that he was aware of, certainly not on the street. But this is Wheeling a couple of blocks over Yorktown. He thought that there are more than just that one. They are chock a block with large ADU's. Now, how many of those were built legally, he did not know how many of those you saw none of them.

Mr. Barrientos asked what the parking was like for those two units.

Mr. Neal stated that there is a single car driveway that goes to the back. There is also an alleyway access and right now there is a large piece of concrete remaining from a garage that is no longer there. There will be added for parking for tenants. He could not

imagine that there would be any problem having as many as three cars parked legally there. They may have to add concrete to meet hard surface requirements for the City.

Mr. Bond asked as far as what the front elevation is going to do, can you walk us through that.

Mr. Neal stated there will be no change to the exterior whatsoever. With the secondary unit, the intention is to create access on the rear. So, those tenants will either come in the alleyway, park, and then walk to the rear of the building or go down the driveway and go around to the side. There is currently a side entrance. That will be part of the main house.

**Interested Parties:**

**Marie Bender**, 7311 South Gary Place, Tulsa, Oklahoma, 74136 state that she was the owner of the property immediately south of property in question. She wanted to ask a few questions about the statement that was made. She did not know what an ADU was.

Mr. Bond stated that it is an Accessory Dwelling Unit. There may be some questions you ask, and we just cannot answer, but we will do our best to.

Ms. Bender stated that she was curious about this kind of his statement that he had six statements of support. She would like to see those statements of support. She did not know of any neighbors that are supporting this proposal. She would be interested in seeing who those people are. She did submit a letter of my concerns. She did not know if you were able read it. But she would just reiterate some of the things that she mentioned there. Rezoning this house to a duplex will harm property values, and it will be of injurious to the neighborhood. She has been a homeowner there for five years. and there have been investors coming in, who have been improving properties. There have been excellent improvements for the neighborhood from investors. But quite a few of those homes have been flips. It is starting to be reestablished as a nice neighborhood for first time homebuyers and single-family residences. There are not that many desirable areas and Tulsa for young people or people starting out that are priced in a range that they can afford, but their addition meets that need, assigning this property as a duplex will take that house out of the running as a single-family home. And one less desirable home for new homebuyers in Tulsa. She wanted to go over other a few other things. There, some of these exhibits that are presented here are confusing. On 8.3, you can see if you look. This is just an overview. It is not clear, but my house is the one practically sitting in the driveway of what he is proposing as a duplex. This house was the original farmhouse of the addition, and the oldest home with a deed in the neighborhood. It was the first deed was dated 1916 which makes it 106 years old, but more than likely that deed was created when it changed hands. So, we can assume that maybe but built closer to 1900. So, the house is in the state of repair that you would expect the house was built in 1900. It is not ideal as a single-family home or duplex right

now. She has been inside of it. It is in need. It is a danger. It is absolutely an unsafe property at this point. She is a property investor herself and she has done rehabs on thirty-two homes in Tulsa. And she knows what the investment involved in turning that around and be. Well, it leaves in the negatives.

Mr. Bond asked if she had a chance to speak with Mr. Neal.

Ms. Bender stated that she had. Initially only when he showed the house, but not since he has proposed to get us rezoning. In fact, she did not even get my letter about this until last week. She stated that she did not know if it is reasonable to rehab it. But you know, we can dream big if it can be rehabbed. That might be something to consider.

Mr. Bond asked if she was aware of other duplexes.

Ms. Bender stated that she would like to do research on that. She did not have time to do that. But she did know there was a duplex across the street and three doors to the south or maybe four doors to the south of my house. It has recently been returned to a single-family home and it is beautiful. She was not aware of other duplexes in the neighborhood. They are not like the kind of duplexes where you drive by go, oh, that is a duplex, which is a duplex. That is not the way these would be. Exhibit 8.6 you can also see that how the proximity my house is to that one, if they were to do as they propose and leave it as it is, if you can see a color photo of this, it looks like the roof is caving in. You can see from one of the photos, you can see the side beams are detached from the roof there. It is going to be difficult to attract desirable neighbors to this property without a lot of rehab. The other exhibit she wanted to talk to you about is this 8.10, this was drawn up by Tom Neal, who spoke earlier. This was not a duplex, this was a single-family home, this was a farmhouse. And at one point between 1979 and 1989, one of the owners right prior to the Van Patten's, turned it into a duplex, but she spent the better part of a day trying to track down any records on that having been a valid duplex and from what she had gleaned, it was against code. It was a zoning code violation when it was used as a duplex because she called everybody in the City of Tulsa, and County Assessor, and she was combing through records, reading the deed records from 1906 on. And there is no record of this ever having been formally turned into a duplex. She does know the neighbor who lived there prior and have had several conversations with him. He said that he was not aware of ever having two water meters. But he did say when he moved in, there was a tenant there from the previous owner, who finished out his lease and then moved out and when that happened, it was just a matter of removing a block from the stairs because the stairs were blocked the downstairs a block from the upstairs and then the Van Patten's lived there for 22 years, and it was not a duplex during any of that time. There was a stairway that they are suggesting that they would replace upstairs in the back to the second story. But that fell off. If that if that stairwell were to be returned, there would be the only house in the neighborhood with an exterior stairwell to the second level. And that stairwell would be

just in my kitchen. So that would change my house from the feeling of having a being single family home and have more of an apartment feel going up and down stairs.

Ms. Radney asked is your house is to south. So, one of the things that you might be concerned about with the windows and that sort of thing and in an updated or at least improved structure there that we look down on your lot.

Ms. Bender stated that was correct. She did not perceive windows being replaced, because she was sure they are all painted in, and they are all single pane windows. She did not know that our investor has that kind of money. So that is not really my concern, but it certainly would not be if there were going to be tenants gazing down over me. It is just a very narrow single drive between that house and mine. She has a fence that is five feet outside of my home. That reaches the neighbor's drive, and she is an investor, and she has owned this home as a rental for five years. She does not want to pooh, pooh any investors, she thought they have done wonders for our neighborhood. but if they if there is any way that this was going to be allowed, she would certainly want proposals on how they intend to restore it to a livable space. As she understands it, now there is no central heat. It is all open flame heat in that house is a matchbox. So, she thought there was a lot of work to be done and she preferred that should not be allowed.

Ms. Radney asked is that an active ally behind both those properties.

Ms. Benders stated that she does not have access to it, and she was not aware of people using it back there, but her understanding is that it is.

**Rebuttal:**

Mr. Neal stated that there is a lot to unpack there. Let me just point out that we are not necessarily turning this into duplexes, it has been a duplex. Obviously, some of that before the ladies five-year tenure as absentee landlord. The statements were oral to my client, the six statements that were not written. He was sure we could get written statements if we needed to. He would simply point out that he did not think that this is going to do any harm to anybody potentially coming in as a new or young homebuyer. In fact, having an additional bit of income from a rental unit might help pay the mortgage for a young family.

Mr. Bond stated that he had driven through this property. Can you tell us a little about the character as far as existing duplexes and the intensity level that is already within this neighborhood?

Mr. Neal stated that for Tulsa, this is a very dense neighborhood. Ms. Bender is in 520. If you go to 524, and 528, you can see that there are two large ADU's, which are just visible. He pointed to Mr. Dominguez, and here is Ms. Bender's. See that is a habitable unit there. This is a larger habitable unit, which he would argue those begin to approach

at least half of the square footage of the houses behind which they sit. And you can do a Google Maps search and find quite a few of these throughout the rest of the neighborhood. He did not think we are doing anything that is historically inconsistent, currently inconsistent with the character of the neighborhood and because this will continue to look like a single-family house. It is not going to change that aspect of it. He has worked with the Board to deal with some oversight issues from windows and so forth. But if it is a single-family house, those same windows are still going to be able to gain to the tenant has been there's tenants yard as they would be whether it is, you know, multifamily, , duplex, or single-family.

Ms. Radney stated that what prompted her question about the alley. This is one of my favorite neighborhoods in Tulsa, if Tulsa were Minnesota, this would be the cutest little dollhouse, mid, early 1900's, twenty's thirty's neighborhoods ever. And Mr. Neal, she thought he knew this about her that she a huge fan of historic renovation and preserving the bungalow character. And this is one of the few bungalow neighborhoods in the city, still mostly intact. And it is primarily because it was a working-class neighborhood where people did not take the time or tear up their houses in the 60s and 70s and or 80's and turn them into things that they were not built to be. So many times, you can walk inside and find a time capsule, which is one of the reasons she likes this. So, all of that having been said, to the extent that you have been brought on to look at this, she was curious to know whether your renovation plans are to like honor that bungalow styling, that is there, one, but then her my second question to Mr. Wilkerson would be if we approve this as a duplex, does that mean if they wanted to build another structure that say was right up and open to the alley that there could actually be two buildings here and not just the one?

Mr. Bond asked if we could condition relief to the existing structure, or is that something would the relief cease if the structure cease to exist?

Mr. Wilkerson stated that he thought that with a Special Exception you could do that. In context with your other question about a second building in the back, there is just looking at the wonderful tool of Google Streetview looks like the alley is active. And it is, it is like many alleys, it is not pretty, but it is functioning as an alley. He thought there was a possibility for a second point of access from that alley. So, but he thought the general idea of approving a duplex inside the existing structure is an appropriate action for the board.

Ms. Radney stated that if we did not add that would that open the opportunity for someone in the future to have two separate structures that are not attached on this lot. Mr. Wilkerson stated that duplexes typically are attached, physically attached. So, if there is a second building, it is an accessory building. And then as they start getting into the question of, he did not think he could really do three dwelling units on a lot. Then it turns into multifamily. He did not think you could ever get a third dwelling unit, if the

existing building or two dwelling units, he did not think you could ever get a third one. You could have an accessory building. You could have a garage or a storage building or whatever that look like. There are provisions in the Code that would allow that, He just did not think that would be allowed in RS district. If it is just a building, then it could be an accessory building that can be a garage or workshop or something that does not have another dwelling in it. They were just what we typically take on was just an accessory building, depending on the craftiness of the designer it could be designed without any Variances.

Ms. Radney stated that she was asking me all these questions, because this is one of my favorite neighborhoods. And it is rife with triplex's, we will just call triplex three doors on these lots. Given the existing character and the built environment here, if we approve this as a duplex, without limiting that approval to the existing structure. But what Mr. Wilkerson is saying is that you would veritably have to either destroy this structure or build a new one that had two doors attached.

Mr. Wilkerson stated that they could have two dwelling units attached but then you start looking at multi-unit dwellings and those. He did not think a duplex has to have two separate doors.

Mr. Neal asked if he could interject, because he had been specifically with your rare time when he is adding something to your face of knowledge, you absolutely under any RS zoning cannot have the three dwelling units. If this gets approved as a duplex, any ADU is off the table 100%. You can certainly specify that, but you do not need to because it is clear in the Zoning Code. INCOG and the City have been clear in enforcing that. The only way they can come back and do an ADU in the rear as an independent building would be to get a complete zoning change from RS to RM. The neighborhood would have opportunities to raise objections particularly in that it would be in the middle of the block and so forth. He hoped that clarifies your question.

Mr. Wilkerson stated that he was obviously not clear with that. But that is true that you cannot have under today's Zoning Code, three dwelling units on a lot this is zoned like this. However, you can have a building. You can have an accessory building that is not considered a dwelling unit so that your action today would not affect the ability to have a storage building out back or a detached garage. But they could not have a dwelling space in that building.

Ms. Radney stated that she thought we approved one that in the Pearl on something like 2nd Street. She did not think Mr. Neal was involved with it. That we were either allowing the duplex to be built or there was a duplex, and we allowed a front house to be built but he knows that it involves three doors. It was a tricky, it was a sticky wicket. She questioned it closely then.

Mr. Bond stated that it was to the north of the VFW.

Mr. Neal stated that it was his project, but that is RM residents. We were able to do that there.

Ms. Radney stated that was still a Variance and this is a Special Exception.

Mr. Neal stated that we had a Variance because of the height and the size of the structure. But from the aspect of having three units, that was allowable there because that is residential multifamily.

Ms. Radney stated that she tends to blather on. But she thought, especially given that we have one member of the public who is here who has taken considerable interest in in the neighborhood, this stuff comes up, especially in these older neighborhoods that have been allowed to be used with a very lenient eye towards how people are living. We pay attention to this stuff in terms of its context, but we also keep an eye on it, at least she does on the architectural character, and flavor in the neighborhood. She just wanted as someone who also helps people buy and sell these things, it is important to understand because people do without realizing it start proposing and dreaming about putting five duplexes on an acre lot and do not realize the implications of that. She just wanted to understand it in this context.

Mr. Neal stated that as former member of the Preservation Commission, he is a preservationist, and it is certainly his goal to guide his clients as much as possible to keep the original character of the house, including even restoring vintage windows, which you can do, especially if you have a good storm.

**Comments and Questions:**

Mr. Bond stated that everyone has seen two of these one, one was a no, and one was a yes. He still wants to be consistent with all the issues is in keeping with the character of the neighborhood. He really believes that, based on my knowledge of this neighborhood, and as well, as a joint neighborhood, he lives in a neighborhood, which is built about the same time in Maple Ridge. He has two duplexes within, not today, but within a normal day within a three-iron shot of his house and it is just something that this level of density is something which is part of the character of the neighborhood. He felt like in this case, which does not mean it is a blanket approval for him, at least for his vote. It is not a blanket approval for any kind of duplex. But do you think in this case, it would be in keeping with the character of the neighborhood. He would support this case.

Ms. Radney stated that she was in favor. She thought that the previous applicant would recall her statement that she is in favor of a diversity of housing options in a neighborhood. She thought that was the way to keep it accessible to people with



various levels of property ownership. She also lives in a diverse neighborhood that has houses that go from 1910 to 1920. My house was built in the 40s or 50s. It presents as such, and then brand-new construction. So, in that regard, she thought the diversity was there, and she thought it is something that we need to preserve. She did have a strong question about what the future implications would be should something happen to this house? Because she was not a huge fan of a suburban style on the outskirts of a modern subdivision duplex structure where you are driving down the street of cookie cutter duplexes. She thought that was stigmatizing. She thought that being able to get some higher density into this neighborhood in a way like this is on par.

Mr. Brown stated that he supported this project.

Mr. Barrientos stated that when he thought it was more like a duplex style. as well. We can keep everything the same structure. Also seeing new real estate buyers are buying duplex to live in one side and rent out the other.

Ms. Radney stated that she assured those who are listening in the audience and beyond that is absolutely a trend amongst young buyers. People love the idea of being able to have an income property on their home, which is how they this neighborhood got to be this way in the first place. She would be inclined to support it.

**Board Action:**

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a duplex in the RS-4 district (Table 5.020, Table 5-2, Table 5-2.5) per the Conceptual Plans that were shown on page 8.10 of the Agenda packet, subject to the following conditions that this relief is granted only to the existing building as built and does not extend outside of the existing footprint of the structure and will persist as long as the existing structure is in place on this site.

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:

**LTS 7 & 8 BLK 8, ABDO'S ADDN , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23453 - Tulsa Minded, LLC**

**Action Requested:**

Special Exception to permit a Salon (Personal Improvement Service Use) in the OL District (Sec.15.020, Table 15-2) **Location:** 4436 S. Harvard Ave. **(CD-9)**

**Presentation:**

**John Sanford**, 9726 East 42nd Street, Suite 153, Tulsa, Oklahoma, 74146 stated that they are wanting to put a salon at 4436 South Harvard and the existing building is around 5800 square feet. Previously it was a dialysis clinic, and we are just making interior improvements to open this hair salon.

Mr. Bond asked if he was here because it was an OL district. This is my this is a case of a self-improvement salon before.

Mr. Sanford stated that he was looking for a better place get a haircut.

Mr. Bond asked if they had a chance to speak with the neighbors or had any feedback on this.

Mr. Sanford stated that they have not had any negative feedback. The commercial side has a high fence at the back, and we have not had any comments from any of the neighbors. That has commercial businesses on one side. He thought the neighbor to the North is an attorney and the one of the South as a dentist.

Mr. Bond asked that since it is South Harvard, you are not here to ask for a sign today.

Mr. Sanford stated that it has a nice existing sign on it, and he is hoping they could reuse it.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Ms. Radney stated that she was inclined to support this, but especially as this is a new one for you. She would love for Mr. Wilkerson to help me understand what it is about a personal improvement service, which requires special attention in general as a use.

Mr. Wilkerson stated that his very cloudy crystal ball, looking into the past, tells me that the very general idea of a hair salon has just historically began been considered more of a commercial use. He thought the character of salons in general has changed dramatically over the years, but it still has a fair amount of commercial type traffic that could be, but it is more about the impact on the surrounding neighbors and that there should at least, there was some belief at some time, that a special exception is a low

hurdle. And especially along the commercial corridor like this. It is more about the intensity of what is typically allowed in an OL district.

Mr. Bond stated that he looked at this as a head scratcher too. But this is it has ample parking. This is something at least throughout my entire lifetime has been used for a high parking high, traffic location, everything up and down here. He thought this is something that all the neighbors that have been in this area know that, so he did not have any issues with this.

Mr. Barrientos stated that he was inclined to support it.

**Board Action:**

On **MOTION** of **BARRIENTOS**, the Board voted 4-0-1 (Barrientos, Brown, Radney, and Wallace all “ayes”, no “nays”, Bond “abstentions”) to **APPROVE** a Special Exception to permit a Salon (Personal Improvement Service Use) in the OL District (Sec.15.020, Table 15-2) per the Conceptual Plans on page 9.7 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:

**N.90 OF S. 180 OF LT 3 BLK 2,VILLA GROVE PARK , CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**23456 - Nathalie Cornett**

**Action Requested:**

Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1) **Location:** 2131 E. 29th St. **(CD-4)**

**Presentation:**

**Natalie Cornet**, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, 74114, stated that they are requesting a Variance to permit a pool to be partially located in the 15-foot side setback and an RE district. This property is located on 29th Street about one block west of Lewis and this is one of my favorite neighborhoods to drive through during Christmas because we have these big, beautiful houses. The property has challenges based off varied factors. The first one is there is a 50-foot platted building line in this subdivision, and the house itself is set back sixty-six feet from the property line and you can see all these houses are set back from the streets. That is part of how it was platted to push them away from the street. We have a limited rear yard just by virtue of where the house is located on the lot. She sent in a new site plan yesterday. This is the property, and you can see the proposed pool is located at that northeast corner, and it will be proposed to partially encroach into the 15-foot side setback. The property has several features that really pictures do more justice than the site plan. And the first one is the number of mature trees on the property, some of which she would say date back to when the house was built in the thirties. We have spoken with our neighbors and have not received any opposition from any of them. The neighbor to the west sending us a letter of support in your packet. We have been working with the neighbor to the north because some of our drainage work will tie into their drainage system on the rear property line. The neighbor to the east as well. She does not live in Tulsa permanently, but her attorneys been in contact with the property owners, and they do not have any objections. The property owners also improved her drainage situation with installation of our retaining wall. They are in good standing with all our neighbors. It is important for the Board to see what the mature trees look like. In the rear yard, we have two large magnolia trees that are one which is quite mature. Their placements really prohibit anything in the backyard, especially a pool without not digging without totally killing the tree. And we also have further to the east. So, in this portion of the yard she knew that in the Staff report Staff had indicated potential alternate location. This right here is one large magnolia tree. And then here is an existing fountain feature that was installed by a previous owner. Then this on the rear line is the very mature magnolia tree. The aerial photo does not really quite do it justice to its size. Additionally, right here, this is a former pergola and while the pergola itself was rotten, the foundation is in excellent shape, and they intend to reuse that existing foundation as a cabana. So, the pool would be at this location. This structure, and then these series of trees back here really would prevent the placement of the pool. She thought Mr. Chapman had placed it over that concrete pad or where this magnolia tree is, and we really do not have the space to do that.

Mr. Brown asked where the pool going to be located.

Ms. Cornett stated that it is this right here is a swimming pool as she pointed to the site plan. This is the existing foundation that is in place right now. And this is where the pool would be running, you can see this line right here is the setback line. So, we partially within that.

Mr. Bond asked if the neighbors to the north have any objections.

Ms. Cornett stated that they had no objections. This is our pool equipment area. She believed the sewer lines run along the back property lines. We are having to coordinate with them on that process. In any event.

Mr. Bond asked if this was this originally plotted as north and south.

Ms. Cornett stated that his is one and a half lots. She believed this is a lot, and then this was a lot that has now split between, them and the lady to the east.

Mr. Wilkerson stated from the Staff perspective, he had a couple of questions that he like to know the answer to. But can you tell us a little bit Ms. Cornett, on the east side, we were hoping to see some idea of what the elevation changes are between the pool and the existing ground. We thought that might be important for the Board to know, if there is going to be a 30-foot retaining wall, we need to know that.

Ms. Cornett stated that there is not going to be a 30-foot-tall retaining wall. And in fact, the retaining walls already been permitted and installed. She had one set of paper copies; she should have been more prepared and brought you all set. The retaining wall has been built. She did not know the difference of grade here. She thought it was in the packet that we have the section levels of the pool. The grade has been evened out on our side of the property. But the retaining wall itself is not imposing and she would be happy to just pass around a picture. We will do this the old-fashioned way.

Ms. Radney asked if that wall was built, structurally, in anticipation of the placement of a pool.

Ms. Cornett stated that was her understanding, although she also understood that it may have been needed, regardless of whether a pool is there. She thought that the drainage runs downhill this way. And so

Mr. Wilkerson asked if Ms. Cornett could tell him if the neighbor's lawn higher.

Ms. Cornett stated that it is lower.

Mr. Wilkerson stated that the top of that wall may close to the existing grounds.

Ms. Cornett stated that what is coming around now is a picture from the neighbor to the east, looking at our East property line.

Ms. Radney stated that she was assuming that retaining wall then was designed to direct waters and to drain off what towards 29th Street.

Ms. Cornett stated that she did not have their drainage information. She believed on the site plan, the original one was submitted shows how the drainage goes on. The drainage will be directed towards 29th Street. She thought they were having some pooling and in that back corner. This will be the new direction.

Ms. Cornett asked Mr. Wilkerson if those photos answer staffs questions. She did provide the cross sections of the pool that showed the grade and what the pool was. But she did not know if you have those point in front of them.

Mr. Wilkerson stated that just from Staffs perspective, it is always helpful for us. When you are asking for a reduction in a setback, he thought it was important to have an idea of what is really happening in there. And just a dimension may not be any big deal. But if you are changing the grade by several feet, it can have an unintended impact on the neighbors because we really do not regulate that in the Zoning Code. It is just from what he requested when he was talking to Mr. Chapman, he did not see anything in those pictures that looks concerning to me.

Ms. Radney stated that she had never taken the bar exam, but she did used to draw grading plans. So, this is stuff that she used to do for money. She too would have loved to have seen that section across the pool. But the from what she is guessing looking at the concrete pad from the previous arbor or something. Then the pool is going to be on grade with that.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Wallace stated that he personally did not have any issues with this. One question he did have was how come a pool must be follow the same rules setback rules for structures.

Mr. Wilkerson stated that it has a separate set of standards. There are provisions in the Code that says what can and cannot be in a side setback. In this instance the pool was closer than then it could be. There is more detail than that but that is the essence.

Ms. Radney stated that it is triggered by the side yard here as much as anything else is that what you are also saying. Mr. Wilkerson stated that was correct.

Mr. Bond stated that he did not have an issue with it

Ms. Blank stated that it is a Variance, and she had a page with the rest of the language for the Variance.

Mr. Wallace asked what the hardship was.

Mr. Bond stated that the house was built in 1932.

Ms. Radney stated that she thought that what we were discussing was that at the time that this property was sited, that it was deliberately sited further back from the street than it might have been and so it makes the rear yard, despite the size of the lot unusually shallow, so most of their backyard youth has over time gone to the side yard.

Mr. Bond stated that this zoning regulation predates the building of this house.

Ms. Radney stated that we will ignore the fact that there might have been a lot split to get a lot and a half, but that was the pattern in the other life that was split.

Mr. Bond stated we are giving them some allowance for the age of the house.

Ms. Radney stated that she thought that quiet enjoyment of the of this life the way that this house of historic age is cited justifies that expansion of the site's amenities to the east. It is really the only way you can go.

Mr. Barrientos stated that the only issue that he had this thing that more could be scaled down, so he was not 100% there. So that was why he was struggling to be able to hardship.

Ms. Radney asked if the house is in a historic zone. Is there a historic overlay here? The large mature trees are not anything. And maintaining them in the landscape is something that that does contribute to the context of the built environment here.

2:32:33

Mr. Bond stated that he did not think this could be, but he did not think this would be something we would allow today. So based on that, and he did not see that as the fault of the applicant.

Ms. Radney asked Mr. Wilkerson if this house fronted to the west and was otherwise laid out in this exact same way, the placement of this pool would not be the issue if that were the backyard.

Mr. Wilkerson stated that looking at table 90-1 of the Zoning Code and what it says that swimming pools and tennis courts are allowed in a rear yard. The answer to your question is it would be allowed if it were in the rear yard, but he thought most of the times the side yard has come to play as being something much smaller than what this one is. But there are provisions that you have you can certainly ask for a Variance and that side yard setback we see that routinely, but if it were oriented perpendicular to this then that somehow consider the rear yard it would be it allowed use.

**Board Action:**

On **MOTION** of **WALLACE**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Variance to reduce the required 15-foot side setback in the RE District for a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090-C, Table 90-1) pursuant to the Conceptual Plans shown on pages 10.10 of the Agenda packets. Finding the hardship to be the house in lots predate the current Zoning Code and the unique orientation of the lots.

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 of Lot Nine (9) and that part of Lot Ten (10), Block Nine (9), FOREST HILLS, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit: BEGINNING at the Southwest comer of said Lot 10; thence in a Northerly direction along the West line of said Lot to the Northwest comer thereof; thence in an Easterly direction along the Northerly line of said Lot a distance of 77 feet; thence in a Southerly direction on a straight line to a point on the South line of said Lot 10 a distance of 75 feet Easterly from the Southwest comer of said Lot; thence in a Westerly direction along the South line of said Lot a distance of 75 feet to the Southwest comer thereof, to the POINT AND PLACE OF BEGINNING. City of Tulsa, County of Tulsa, State of Oklahoma.**

Draft

**23457 - Zach Burrow**

**Action Requested:**

Special Exception to allow a fence to exceed 4-feet in height inside a required street setback (Sec. 45.080-A) **Location:** 5780 S. Peoria Ave. **(CD-9)**

**Presentation:**

**Spencer Mitchell**, 4624 South Troost Avenue, Tulsa, Oklahoma, 74105 state he was representing South Tulsa Community House. He is currently the Board President there. This is the building owned by our organization. We are currently the only social service organization serving the Riverwalk community at 61st and Peoria. We are namely a food pantry, but also provide health services, as well as legal aid, utility assistance, help with transportation, etc. We are looking for a Special Exception to install a six-foot ornamental fence along the perimeter of our property, namely due to several kind of troubling occurrences related to the kind of security of the building and safety of our employees. There is an existing fence along the east side that is about four foot and height. That same fence that is on the south side of the property as well. It is about four foot in height and then a six-foot fence that is on the west side and north side of the property that separates it from the apartment complexes just immediately adjacent to us.

Mr. Bond asked if these will be wrought iron fencing.

Mr. Mitchell stated that was correct. Then there are two automatic gates, would they entrance and exit to the property.

Mr. Bond asked if he had any feedback from any neighbors.

Mr. Mitchell stated that the most immediately adjacent property owners are out of Utah, and we have not heard from them. But other than that, he could speak to kind of the outreach that has been done.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Wilkerson stated that he was full of questions. But he guessed that part of that is just because Mr. Chapman was not available for some of these, but when we were reviewing the site plan that was submitted, the proposed location for the fence was blocking public sidewalks and he would like to have some clarification

Mr. Bond asked Mr. Mitchell if he could clarify the location of the fence.

Mr. Mitchell stated that he believed that it does block the sidewalk on the southern side of the property. If you scroll down just slightly you can see that sidewalk right there. He would note that the sidewalk currently ends at our property line. That is a close street, just immediately to the west of us. The only thing that he would note, or that can add additionally to this is that our property is currently used as a thoroughfare for the apartments that are immediately west to us. And so currently, that street just to the west of us was capped. The only way that residents are accessing Peoria instead of going on fifty-seven place. They are cutting through our property through the fence that is currently there and broken, and not actually using the sidewalk there. He was going to look at Google Maps quick to see if the current fence that we have covers the sidewalk. Otherwise, there might be a mistake on the sideline.

Mr. Wilkerson stated that he thought the Board does not have authority to grant a fence out in the street right-of-way. He thought if that is a public sidewalk and in the street right-of-way the location might be in questioned. The height of it is a different conversation.

Mr. Bond stated that we just could raise the height and the type of material presented. Is that going to be sufficient on this.

Mr. Wilkerson stated that it would be better to have something accurate to look at.

Mr. Bond asked that with that in mind, do we get to get a continuous.

Mr. Wilkerson asked if he had conversations with Mr. Chapman in our office about that. He knew that kind of came up.

Mr. Mitchell stated that he believed Zach Burrow has. He is the Chair of our property committee. He was out of town this week and that is why he was there, and he could not answer all your questions.

Mr. Wilkerson stated that it was something we asked for after we were really looking at the application and trying to understand what the detail was. He would suggest from the Staff perspective, that a Continuance would be appropriate.

Mr. Mitchell stated that the only thing he would notice that sidewalk that you are referring to only exists between the two drives in question. The East and West Gate, he believed they were labeled on the map. The fence on the southwestern portion of the property extends to where we are is in the same line where we are proposing the fence on the southern side of the property. He did not think that that is a public sidewalk, he might be mistaken.

Mr. Bond asked Mr. Mitchell if he could find out for us. That would help us a lot and Staff is always happy to assist in these situations. We are looking right now on Google Streetview here and he could not tell if that is just your property behind there that extends to the right-of-way there.

Ms. Radney stated that she was not going to support it if it is going to interfere with sidewalk. She was going to be a hard no on that.

Mr. Bond stated that he would too. If it is not obscuring the sidewalk and allows free and unfettered access, there he would be a yes.

Mr. Wilkerson stated that he thought that just looking at it was focused lens, if it is a private access sidewalk, he did not know that it really matters to Staff. If it is a public sidewalk, it is a whole different conversation. It is important to know what we are dealing with here. The information we have now just does not illustrate that.

Mr. Mitchell stated that he understood that you all need more information, but if you go on the county assessor's website, it is clear that the sidewalk is within our property line not within public right-of-way.

**Board Action:**

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, and Wallace all "ayes", no "nays", no "abstentions") to **CONTINUE** the Special Exception request to allow a fence to exceed 4-feet in height inside a required street setback (Sec. 45.080-A) until December 13, 2022 Board of adjustment Hearing, for the following property:

**PRT BLK 2 BEG SECR TH W282.04 N170.29 E282.04 S170.32 POB & E25 VAC ST  
ADJ ON W,RIVERSIDE SOUTH COMPLEX , CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

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**OTHER BUSINESS**

**Review** of the 2023 Meeting Schedule.

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Barrientos, Bond, Brown, Radney, Wallace "aye"; no "nays"; no "abstentions") to **ACCEPT** the 2023 Meeting Schedule calendar as presented except to remove the proposed dates of November 28th and December 26th.

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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 3:56 p.m.

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

\_\_\_\_\_  
Chair