

Re: Board of Adjustment
Case Number: BOA-22947
1232 S. Braden Ave E

I own property adjacent to the applicant's tract and strongly oppose the approval of a variance for the following reasons:

- A. The physical shape of the property did not create a hardship. The hardship was created when the structure was built in an inappropriate location without a building permit or variance request.
- B. Zoning code provisions are created to ensure the continuing nature of the "Existing Neighborhood" and to create an "Area of Stability". Building a multi-tenant apartment with increased traffic, trash, and noise in a zoned RS-3 neighborhood does not protect the existing neighborhood or ensure an area of stability.
- C. If approved, this requested variance could potentially apply to every property in the subject area and completely change the single family nature of the neighborhood.
- D. The alleged hardship was entirely created by the current property owner who built the structure without a permit or a variance. The alleged hardship has been compounded by the pouring of an additional concrete parking area, without a permit, to accommodate the future apartment residents.
- E. The only relief for neighborhood residents is ordering the full removal of the structure.
- F. The variance would absolutely alter the essential character of the neighborhood by allowing a multi-tenant apartment with increased noise, traffic, trash, and personal interactions out of character with a single family neighborhood. It will directly impair the peaceful use of adjacent property. A 2048 sq ft detached accessory building is over 1500 sq ft in excess of an allowable property and is completely out of character in the existing neighborhood. Once again, it must be mentioned that the structure has already been built.
- G. Approval of this variance request would definitely cause substantial financial loss to neighborhood homeowners as a result of decreased housing values, increased noise, traffic, and trash. It is completely out of character with the existing neighborhood and is in complete conflict with the purpose, spirit, and intent of the zoning code and the comprehensive plan.

Several other issues are present in the application.

1. According to Tulsa County Clerk records, the property is owned by Jose Robledo and Clara Robledo. The application was submitted by Jermaine Miller. It is unclear whether the applicant has standing to apply for the variance and/or is acting on behalf of the property owners. According to the City of Tulsa "Zoning Clearance Plan Review" dated April 10,

2020, a "Record Search" was not submitted by the applicant. It is unclear if this document has been provided.

2. Every variance requested is grossly over the minimum acceptable allowances as set out in Section 45.030-b, 90.90 C. and 90.090 C.2. This is not a case of a variance request over several feet encroachment. This is a blatant attempt to circumvent City of Tulsa zoning ordinances and will substantially impact the property values, and the peaceful home use of my home and existing neighborhood residents.

Although I personally no longer reside in the adjacent property, I have tenants occupying my property that have submitted numerous complaints to me regarding the proximity and size of the new structure, and the noise and trash level of the applicant and have threatened to vacate my property. If my tenants move out, and leave my property unoccupied, then I myself will be in a situation of extreme hardship as someone who is recently unemployed.

In conclusion, their variance request should be denied, and the applicant should be ordered to immediately remove the existing building.

Respectfully submitted,
Rhonda Kemp
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