

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1168
Tuesday, August 23, 2016, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair White, Vice Chair Flanagan, Secretary Back Bond		Miller Moye Sparger Foster	Swiney, Legal Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, August 18, 2016, at 10:15 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; Bond "abstaining"; none absent) to **APPROVE** the **Minutes** of the August 9, 2016 Board of Adjustment meeting (No. 1167).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

22122—Khoury Engineering, Inc. – Malek Khoury

Action Requested:

Variance to permit parking of vehicles on a surface other than one consisting of a dustless all-weather surface (Section 55.090.F). **LOCATION:** 2720 South 129th Avenue East **(CD 6)**

Presentation:

Ms. Moye informed the Board that the applicant has withdrawn this case.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

**BEG 290S & 50W NEC NE SE TH S304 W49.94 TH ON SWLY CRV LF341.27
SW189.54 SWLY CRV RT 251.32 W93.86 N671.61 E802.91 POB SEC 17 19 14
9.03ACS, City of Tulsa, Tulsa County, State of Oklahoma**

22113—Carl Minor

Action Requested:

Special Exception to permit a manufactured home in the RS-4 District (Section 5.020); Special Exception to extend the one-year time limit on manufactured homes to allow the home permanently (Section 40.210-B). **LOCATION:** 517 East Ute Street North **(CD 1)**

Presentation:

Carl Minor, 517 East Ute Street, Tulsa, OK; stated he would like to have a manufactured home to replace his existing house, because it will cost more to remodel the existing house than it will be to purchase a manufactured house. Mr. Minor presented pictures of the existing house and the proposed manufactured house and they were displayed on the overhead projector.

Mr. Van De Wiele asked Mr. Minor if the proposed house was considered a mobile home. Mr. Minor stated that it is a manufactured house. Mr. Minor stated that the difference between a manufactured house and a standard house is that a manufactured is built in a controlled climate building compared to the outside construction of a standard house. Both type houses still meet and are built to the code requirements.

Mr. Van De Wiele asked Mr. Minor if the manufactured house would be permanently attached to a foundation. Mr. Minor answered affirmatively.

Mr. White asked Mr. Minor if the manufactured house would be a new structure. Mr. Minor answered affirmatively.

Mr. Minor stated that his existing house will be razed and a slab with the plumbing stubs and the electrical will be readied. After that the manufactured house will be brought in two sections and permanently attached to the foundation.

Mr. Van De Wiele stated the Board has received a letter from the President of the Chamberlain Area Neighborhood Association, and he asked Mr. Minor if he had seen the letter. Mr. Minor answered affirmatively. Mr. Minor stated that the Chamberlain Area is from 56th Street North which almost Turley, and his property is located near Martin Luther King Boulevard and Virgin which is close to Booker T. Washington, John Burrows and John 3:16 Mission.

Ms. Back asked Mr. Minor if the manufactured house was going to be positioned on the property with the end of house facing the street. Mr. Minor answered affirmatively. Mr. Minor stated that he owns the property from North Frankfort and Ute Place, basically street to street. Ms. Back asked Mr. Minor what was going to be facing the street front. Mr. Minor stated that it will be the side of the house. Ms. Back asked if there are windows or a door to make the manufactured house look like the front of the house. Mr. Minor stated that there are not.

Mr. Van De Wiele asked Mr. Minor to explain where the house manufactured house will sit on the property relating it to the existing house. Mr. Minor stated that it will sit about ten feet back and that the manufactured house is longer than the existing house. Mr. Minor stated that the existing house faces south and the manufactured house will face east.

Interested Parties:

Albert Davis, 2021 North Frankfort Place, Tulsa, OK; stated that he lives right around the corner from the subject property and he owns the property located at 505 East Ute and property on Hartford. Mr. Davis stated that the neighborhood as it exists needs help and the house the Minors are living in is in poor condition as are most of the houses on that street. Mr. Davis believes the Board should give the Minors a chance to place the manufactured house on the subject property and maybe people will follow their example.

Rynesha Minor, 517 East Ute Street, Tulsa, OK; presented pictures of the houses and the properties located on East Ute and they were displayed on the overhead projector. Ms. Minor stated that the houses are in very poor condition and there is one that the back half is gone and should be knocked down. There are other properties that have high grass and are not being taken care of; most of the time the lots do not get cut until

November. There are many vacant houses or not habitable houses in the neighborhood.

Mr. White stated that by looking at the aerial photographs of the neighborhood it appears that the only new stick construction is on Tecumseh and on Virgin, and both Ute Street and Ute Place missed out on that construction. Mr. White asked Ms. Minor if there was any stick construction going in on Ute Street or Ute Place. Ms. Minor stated that most of the houses in the neighborhood are Section 8 houses and people move in then move out almost immediately.

Bessie Thomas, 515 East Ute Street, Tulsa, OK; stated that the property across the street from her house has grass that is as high as the house. Ms. Thomas stated that she has called into the City several times, starting in June, and the grasses do not get cut until about November. So the neighborhood has to deal with the rats, mosquitoes and the other vermin.

Comments and Questions:

Mr. White stated that the Board rarely approves manufactured houses for a neighborhood but this might be beneficial to the City. Mr. White stated that he believes the Minors have very compelling reasons to install a manufactured house.

Mr. Van De Wiele stated that as long as there is a condition to have the manufactured house permanently attached to a foundation he can support the request.

Ms. Back stated that she has a challenge with a blank wall facing the street front. That is not a neighborhood feel but a closed cold feel. She commends the Minors for wanting to place a manufactured house on the property and believes it will be a great addition but has a challenge with the way it is going to look from the street and perceived by others.

Mr. Van De Wiele asked Mr. Minor if it was possible to have a window and/or a door installed into the end of the manufactured house that will be facing the street. Mr. Minor stated that the company will build the manufactured house anyway he would like, and the master bedroom will be the portion that will be facing Ute Street.

Mr. White asked Mr. Minor if the driveway was going to go all the way through, street to street. Mr. Minor answered affirmatively and stated there will be a privacy fence erected with a gate.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a manufactured home in the RS-4 District (Section 5.020); Special Exception to extend the one-year time limit on manufactured homes to allow the home permanently (Section 40.210-B). There is to be at least one residential sized window installed on the south side of the manufactured house, large enough to portray

a residential appearance from Ute Street. The manufactured house is to be set on a permanent foundation. The manufactured house is to be located no farther south than the south face of the existing house so that it will be in front of the houses on either side. Finding that the 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:

LOT-19-BLK-1, MEADOWBROOK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22114—A-MAX Sign Company

Action Requested:

Special Exception to permit a dynamic display sign in the RM-1 District for a church (Section 60.050-B.2.c). **LOCATION:** 3143 South Jamestown Avenue East (CD 9)

Presentation:

Dan Doak, Ranch Acres Baptist Church, 3143 South Jamestown, Tulsa, OK; stated this request is to update and enhance an existing sign. The lower portion of the existing sign would become the dynamic display. The church is bordered by Walmart on the west side, a business use area to the north, an office building to the southwest which is currently being renovated, and a retirement complex to the south which is also being renovated. He believes the request to upgrade the existing sign is in harmony and intent of the growth of the area.

Mr. Van De Wiele asked Mr. Doak if the stone work on the existing sign was going to remain. Mr. Doak answered affirmatively. Mr. Van De Wiele asked if the display area is smaller than the changeable copy area currently. Mr. Doak answered affirmatively and stated that actually the size of the sign has been decreased about a foot and not quite as tall.

Interested Parties:

Jennifer Harmon, Sonoma-Midtown Neighborhood Association, 3523 South Louisville Avenue, Tulsa, OK; stated that she has had an opportunity to speak with the owner of the retirement community and the neighbors that live in the immediate vicinity of the sign. The consensus was that to allow the church to update their sign to be consistent with everything else that has been updated. Ms. Harmon stated there was no one that had any opposition to the request.

Mr. Van De Wiele stated that Board is in receipt of a letter from Ms. Lynn Tucker and it appears that she lives across Harvard from the church.

Comments and Questions:

Ms. Back stated that she supports churches that want to have dynamic displays, but she is having a difficult time with this request because the church is not on an arterial street. She understands that there is commercial business and offices around them but the church is not on an arterial street where most of the signs are being upgraded to dynamic displays.

Mr. Van De Wiele stated that if the church were located in the middle of the neighborhood with houses all around it he share that concern more. Except for the multi-family located to the south, which he is surprised there is no representation from them here, the sign is no closer than 150 feet to those units. The Board should consider the operating hours of the sign.

Mr. Bond stated that he also has the same concerns as his colleague about the church not being on an arterial street.

Mr. Flanagan stated that he does not have an issue with the request.

Mr. White stated that the fact the church is a “pocket church” it is surrounded by commercial applications and that takes the pressure off of a true residential setting. He can support the request.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-2-0 (Flanagan, Van De Wiele, White “aye”; Back, Bond “nays”; no “abstentions”; none absent) to **APPROVE** the request for a **Special Exception** to permit a dynamic display sign in the RM-1 District for a church (Section 60.050-B.2.c), subject to the operating hours being 7:00 A.M. to 7:00 P.M. Finding that the 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:

ALL LT 7, BLK 1, ALBERT PIKE 2ND SUB, City of Tulsa, Tulsa County, State of Oklahoma

22115—KKT Architects – Nicole Watts

Action Requested:

Special Exception to permit a transitional living center in the RS-3 and RS-4 Districts (Section 5.020); **Variance** of the 120 day limitation on transitional living centers (Section 35.030-B). **LOCATION:** 1607 North Hartford Avenue East (**CD 1**)

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica Place, Suite 200, Tulsa, OK; stated that Lindsey House is an existing non-profit organization located in downtown Tulsa.

The Zarrow Foundation recently donated the DVIS shelter to Lindsey House. The Lindsey House program is a 16 to 18 month transition time period for women with children to live there to learn life skills so they can live on their own, handle money and to become a part of society again. When the subject property became a shelter in the 1980s the Board of Adjustment at that time provided a Special Exception for a shelter. It has been decided that Lindsey House isn't a shelter but more of a transitional living facility even though the residents live there about 18 months. The residents have their own apartment, it is not dorm style. Ms. Watts stated that she and the Executive Director met with Councilor Henderson this morning and a few other Councilors. They were very excited and supportive of the proposal. Now that DVIS is gone and the facility is empty this will be a great repurposing of the facility.

Tiffany Egdorf, Lindsey House Executive Director, 601 South Elgin Avenue, Tulsa, OK; stated that Lindsey House is not an emergency situation or a shelter in the general sense of the description. Most of the women that come to Lindsey House have already been through a program, like Women in Recovery. They have graduated drug court or they may have been through DVIS. Lindsey House does not usually get women into their program until they have gone through other programs or graduated or have had at least nine months sobriety. The women have been through their acute therapy if they are coming from domestic violence. So what Lindsey House does is the next step. Instead of the women going through recovery and going back into society without having the resources or knowing how to manage their resources or having employment, Lindsey House steps in and helps the women with job skills, educational components, intensive life skills training with an emphasis on financial literacy because Lindsey House knows if a person cannot manage their resources they cannot sustain self sufficiency long term. No one comes to Lindsey House in an emergency situation; they come to Lindsey House in a very selective process. Lindsey House does one on one case management with everyone so everyone's program is individualized. Last year Lindsey House graduates paid off over \$25,000 in debt and saved an additional \$30,000 among six women. The Lindsey House program works. Lindsey House tries to get the women back to self sufficiency after they have come through their trauma phase so they can be a sustainable supporting member in society.

Mr. Van De Wiele asked Ms. Egdorf if the ladies were currently at the subject facility. Ms. Egdorf stated they were not. The subject facility is empty currently. The current Lindsey House facility is located at 601 South Elgin with 12 units in the building and it is full.

Mr. Van De Wiele asked Ms. Egdorf how many mothers and children will the subject facility hold. Ms. Egdorf stated the plan is to fit 24 apartment units in the building and they will be self contained. There will be efficiency, one bedroom and two bedroom models so different family sizes can be served. The Lindsey House offices will also be located at the subject facility in addition to a community space so that classes in financial, literacy and life skills can be opened up to the community as well.

Mr. Van De Wiele asked Ms. Egdorf who the typical client is. Ms. Egdorf stated that the Lindsey House average is 2.2 children and that will vary. The woman must have at least one child in their custody with a current limitation of three children due to the size of the facility.

Mr. White asked Ms. Egdorf about security concerns. Ms. Egdorf stated the one thing different about Lindsey House and the DVIS shelter is that Lindsey House is not taking anyone out of a crisis situation. In her six years at the Lindsey House there has never been anyone that has come to the house trying to find someone or try to get into the house, because Lindsey House does not work with people coming out of an emergency situation. Safety has not been a concern. However, Lindsey House does put things in place. The current facility, as well as the subject facility, will have cameras around the entire building. There will be a FOB system so no one gets in or out without having that access. Lindsey House does not allow visitors in the program because it is not a priority and that limits exposure to any kind of situation. In addition, Lindsey House also does personal safety training with all the women every four to six months, because the first line in good safety is to know what is around you.

Mr. White asked Ms. Egdorf if there was any security on staff. Ms. Egdorf stated there is not. Ms. Egdorf stated that it has not been needed because the women have a level of autonomy when they enter the program, and what Lindsey House is trying to do is encourage their independence. Ms. Egdorf stated that she is a former Tulsa Police Officer so brings a little security to the place but that is something that has not been needed since the facility is locked down. A person cannot come and go as they please if they do not live in the facility.

Ms. Van De Wiele asked Ms. Egdorf if the FOB system is to get into the parking lot or if it is to get into the facility. Ms. Egdorf stated the setup is similar to a hotel because the parking is interior and the apartments have exterior doors.

Mr. Bond asked Ms. Egdorf if all the women there are women in recovery or drug court, or are there women there as an early release from Department of Corrections (DOC) or any other similar facility. Ms. Egdorf stated there have not been any women from DOC but Lindsey House does not have restrictions on where the referrals come from though all women must go through the process and meet the same requirements. By in large, most of the women have come through Women in Recovery or Residence or a drug court situation.

Mr. Flanagan asked Ms. Egdorf if there has ever been a disgruntled ex-spouse or boyfriend causing domestic issues. Ms. Egdorf stated in her time at Lindsey House there have been two. One was known about in the very beginning because in the interview process each lady let staff know. Lindsey House staff gets pictures from the internet, Oklahoma State Courts Network (OSCN) or DOC and the pictures are posted so staff will know who the person is. In six years Ms. Egdorf stated that she has only issued one protective order on behalf of the agency and there is no hesitation to place a call when the people show up on Lindsey House property. Lindsey House trains the

ladies to know what to do but since they are not coming from an emergency situation Lindsey House just does not have those types of issues because the women have not just escaped a situation where someone is hunting them.

Interested Parties:

Jacie Green, 1670 North Midland Avenue, Tulsa, OK; stated she lives in the house that is closest to the subject property. The website for Lindsey House states that it is not a domestic violence, substance abuse or mental health program but she just heard comments about many of the women who come to Lindsey House come from Women in Recovery or a drug court. Ms. Green would like to have clarification on that. She thinks this could be a great program but she wants to understand what it is really going to be and what the neighborhood is getting.

Mr. Van De Wiele asked Ms. Green if the subject facility had been operating as it previous use while she was in the neighborhood. Ms. Green stated the facility was DVIS at the time she was building her house.

Jacquelyn Borens, 1605 North Greenwood Place, Tulsa, OK; stated she has lived in her house for 16 years and she has concerns also. When DVIS was in the subject facility the women would come out into the neighborhood. The Lindsey House sounds like a great program but she lives there and she and the neighbors are going to be the ones to deal with situations that may arise. Her concerns are about substance abuse and the women that will be there.

James Brisco, 1622 North Greenwood Place, Tulsa, OK; stated he lives two doors down from the Borens sisters. He has concerns over this and his biggest concern is the home value. The area is a very nice area and people do come into the area inquiring about the houses or properties. The idea of a home purchase is not as glamorous when there is a shelter of some sort in the area. He understands that there is interest in building multi-family properties in the area. If that is the idea the City has and the property values increase how is the subject facility going to fit into the ultimate goal? Mr. Brisco would hope that the ultimate goal would be some sort of beautification as a spotlight. There is also an ultimate concern for safety in the community. It has been mentioned that there is in-house security but what about the community just outside the Lindsey House gates? The neighbors want to have the same type of security as well.

Larita Borens, 1605 North Greenwood Place, Tulsa, OK; stated that when DVIS occupied the subject facility the Police were always at the shelter. Or the Fire Department was there. There was always some type of interruption in the middle of the night. Then when DVIS was there the ladies would come to her house needing some type of assistance, and she wants to know if she will have that same type of traffic. Ms. Borens stated that this sounds like an excellent program but the problem is that there was too much traffic coming from the subject facility when it was DVIS and she wants to if there will be that same amount of traffic in the neighborhood.

Rebuttal:

Tiffany Egdorf came forward and reiterated that Lindsey House is not a domestic violence shelter which means that the clientele is completely different than before. None of the women are coming out of domestic violence, substance abuse or mental health situations. Very few people that come through social services have not have one of those in their history. Ms. Egdorf stated she will not accept an application from a woman that has not had a minimum of nine months sobriety.

Mr. Van De Wiele asked Ms. Egdorf how she documents that. Ms. Egdorf stated that the woman has to come from a program that can show the woman in that program for a minimum of nine months and that they have graduated.

Mr. Van De Wiele asked Ms. Egdorf to explain the difference between a substance abuse program and a person coming from drug court. Ms. Egdorf stated that a substance use program is a facility that takes someone in with a current addiction and they work the person through the program. DVIS takes someone in a current domestic violence situation and they work that person through their acute situation; the same with mental health. Lindsey House does not do that. Lindsey House takes them after they have been through the program. Ms. Egdorf stated that in the 102 people that have been served there have been three with documented domestic violence and all of them were five years prior. The average age of a woman at Lindsey House is 35 years. Lindsey House is not domestic violence intervention services. If someone calls with that issue they are referred to Domestic Violence Intervention Services (DVIS). Lindsey House does not have those problems. Ms. Egdorf stated that she has been with Lindsey House for five years and there has never been the Police or Fire at Lindsey House. In five years the only time the Fire Department came was an ambulance was called because there was a child that stopped breathing due to an asthmatic attack. Lindsey House is just a different program and it is a different class of women in a different situation. In the current facility very few people know what Lindsey House does. Lindsey House has added value to property and has never contributed to anyone's decline. The ladies are self contained and do not need to go door to door to ask for services because the Lindsey House ladies are well taken care of because they are not in a crisis situation. The women do not feel desperate. The women are not running from anything. All the ladies are employed. Two of the last five graduates were working full time with full benefits, one was making \$17.00 per hour and two of the five graduates purchased new houses. Lindsey House is a program that helps people gain their self sufficiency and maintain it.

Mr. Flanagan asked Ms. Egdorf if there were any violent offenders or sex offenders in the program. Ms. Egdorf stated that Lindsey House performs thorough criminal full blown back ground checks on everyone that comes through the program.

Mr. Van De Wiele asked Ms. Egdorf what happens if a person has the nine months sobriety but three months in something happens is the person disqualified. Ms. Egdorf stated that it depends on what happens, because part of recovery is potential relapse. Lindsey House does not tolerate any violence, any criminal behavior, or any breaking of

the law that is an automatic out, but if someone relapses Lindsey House may work with them but it is all contained. If there is any major violation, or if laws are broken, the person will be terminated from the Lindsey House program.

Mr. Bond stated that he spends a lot of time with Tulsa Veterans Court which is under a similar statutory frame work. Mr. Bond asked Ms. Egdorf if the Women in Recovery and drug court was an 18 month program. Ms. Egdorf stated that is a good average but it depends on the progress. Mr. Bond asked Ms. Egdorf if a woman is admitted it means they are almost exclusively non-violent offenders. Ms. Egdorf answered affirmatively. Mr. Bond asked Ms. Egdorf if the women had to be admitted to the program by the District Attorney's office. Ms. Egdorf answered affirmatively. Mr. Bond asked Ms. Egdorf how often the women in the program take drug tests. Ms. Egdorf stated that the Lindsey House women are tested two to three times a week. Mr. Bond stated that these are programs that Tulsa should be proud of. They keep people out of prison. Mr. Bond stated that he does echo some of the concerns of the neighbors because this is a great part of the city. People have invested heavily in the area and it is a proud community. Mr. Bond stated that the one concern that sticks out is a person coming from federal or state DOC and living at the facility as a halfway house. Ms. Egdorf stated that Lindsey House does not do that. No one comes to Lindsey House out of DOC, everybody comes from a referral from another program if there is a substance abuse in the person's past. Many of the women do not have that at all but do have another major life event.

Ms. Egdorf stated that Lindsey House is incredibly excited about this opportunity because it is a great neighborhood and she thinks the facility will add value. Lindsey House will have a community garden, community classes and Lindsey House wants to be a part of the neighborhood and be neighbors. The ladies are working incredibly hard to become members of society and sustain that.

Mr. White asked Ms. Egdorf, or Ms. Watts, if she wanted to extend the 120 day program to a certain time frame. Ms. Watts stated that the Code states that "up to 120 days" is what transitional living requires. The normal program is up to 18 months and sometimes women have been allowed to stay a little longer than 18 months if they were saving for a house so she does not know if the Board would want to place a cap on how a long woman can stay or keep it open. Usually within two years a woman is gone from the facility.

Ms. Back asked Ms. Watts to explain the "future growth" area stipulated on the site plan. Ms. Watts stated there is nothing anticipated currently. Right now it is proposed to gut the whole facility. The existing building is going to be razed but the existing foundation will be kept. There will be a completely new building added with an addition on either side. Ms. Watts doubts if anything will ever be built in the future growth area but what they are looking for is a playground area for the kids and a picnic area for the families. Ms. Back asked if the area would be fenced in. Ms. Watts answered affirmatively. Ms. Back asked if it would be open to the public to use the playground area or is it fenced in

for the Lindsey House people. Ms. Watts stated that it is fenced in currently and there have been no discussions to making any changes to that.

Mr. White asked Ms. Egdorf if any of the children in the facility with their mothers were majority age. Ms. Egdorf stated that they are not.

Comments and Questions:

Ms. Back stated that she loves the proposal. She understands the neighbors concerns but she thinks it will be a great asset to the community and will add value to the neighborhood.

Mr. Bond stated that he cannot think another program where he would entertain the thought of voting for. This is an amazing program and the people that graduate these programs go through a lot. It is an intensive and rigorous program. He is also mindful that this a great neighborhood and the Board has received assurances there will not be any housing for federal or state DOB release and that makes him comfortable. Lindsey House will be a great community partner.

Mr. White agrees with everything that has been said. Everything that has been said about Lindsey House is good.

Mr. Van De Wiele agrees with everything that has been said. He may typically be the one that is more leery on the Board or have been in the past of these types of application. His concern is how the Board fashions the motion. The application is for a transitional living center and to increase the 120 day limitation to a 24 months limitation.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Special Exception to permit a transitional living center in the RS-3 and RS-4 Districts (Section 5.020); Variance of the 120 day program limitation and not to exceed a 24 month program limitation for transitional living centers (Section 35.030-B) per page 4.15 of the record. The approval is subject to conceptual plans 4.16, 4.17, 4.18 and 4.19. Find that the 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. Section 70.130-H of the Code states that no Variance may be approved unless the Board determines 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 BLK 5, ROOSEVELT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22116—Jack Arnold

Action Requested:

Variance of the required street setback from East 34th Street from 35 feet to 25 feet in the RE District (Section 5.030). **LOCATION:** 2521 East 34th Street South (CD 9)

Presentation:

Jack Arnold, 7310 South Yale, Tulsa, OK; stated that his client would like to raze the existing house and build a new house on the subject property. The property is zoned RE but it the lot is not the size of an RE zoned lot. The corner lot is odd shaped and on the existing house there is a bay window that abuts the 25 foot building line. Following that radius is where part of the new house would be constructed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Variance of the required street setback from East 34th Street from 35 feet to 25 feet in the RE District (Section 5.030), subject to conceptual plan 5.16. The Board has found that this particular lot is zoned RE but it is not actually RE by its size and the proposed house would not fit following the RE specifications. The Board determines 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:

LOT-3-BLK-2, TIMBERLAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22117—Matt Bayne

Action Requested:

Special Exception to allow a non-conforming two-story detached garage to be reconstructed (Section 80.030); Variance to allow a accessory building to exceed 40% of the floor area of the principal structure (Section 45.030); Variance to increase the footprint of a non-conforming structure (Section 80.030); Variance to allow a detached accessory building to exceed 10 feet at the top of the top plate (Section 90.090). **LOCATION:** 216 East 27th Street South **(CD 4)**

Mr. White recused at 2:33 P.M.

Presentation:

Matt Bayne, 216 East 27th Street, Tulsa, OK; stated there is an existing detached garage on the subject property that is at least 60 years old. The existing structure is deep but not wide and will not allow for two modern automobiles. The survey indicated that the southeast corner was approximately 6" into the utility easement. So he proposes to tear down the existing structure and build a new structure moving it out of the utility easement and far enough toward the front property line to get out of the 30% square foot usage in the rear setback zoning requirement. To be able to mimic the architectural design of the house there is a need for a Variance for the top plate requirement. In the neighborhood there is a preponderance of this type of structure so the proposal is in character for the neighborhood.

Mr. Van De Wiele asked Mr. Bayne if the existing structure was damaged or needed to be repaired or replaced. Mr. Bayne stated that to his knowledge there is no footing with a slab construction with a brick stem wall which is deteriorated. The roof is sagging significantly and the structure itself is leaning to the east. Mr. Bayne stated that he has had a structural engineer look at the building and it was determined that currently it is safe but it will not last. Where the building sits on the lot it is low so when it rains water gets into the structure, so his plan is to raise the elevation of the proposed structure and channel the rain around the structure.

Mr. Bond asked Mr. Bayne if the new proposed garage would be more in keeping with the neighborhood as opposed to the existing garage. Mr. Bayne answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Flanagan, Van De Wiele, “aye”; no “nays”; White “abstaining”; none absent) to **APPROVE** the request for a Special Exception to allow a non-conforming two-story detached garage to be reconstructed (Section 80.030); Variance to allow a accessory building to exceed 40% of the floor area of the principal structure (Section 45.030); Variance to increase the footprint of a non-conforming structure (Section 80.030); Variance to allow a detached accessory building to exceed 10 feet at the top of the top plate (Section 90.090). The Board has found that per Section 80.030-E.2 the Code states that if any nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, the Board by Special Exception may approve it to be restored or re-established as a nonconforming structure and the Board has found that to be a fact. In order to approve a special exception for re-establishment of a the nonconforming two-story detached structure, the Board of Adjustment must find that restoration as a conforming structure cannot reasonably be made in relation to the nature and extent of the non-conformity and the nature and extent of the damages. In granting a Special Exception, the Board must find that the 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. The Board determines 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 11 BLK 17, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

Mr. White re-entered the meeting at 2:42 P.M.

22118—Steinman Magic Carpets, LLC – Alan Marsh

Action Requested:

Special Exception to permit a 4,000 square foot temporary tent as a primary use for a period of 45 days annually for 10 years (Section 50.020-D). **LOCATION:** 7021 South Memorial Drive East **(CD 7)**

Presentation:

Alan Marsh, 612 South Lincoln Avenue, Clearwater, Florida; stated he would like to continue to hold rug tent sales in the parking lot of Woodland Hills Mall. He has held these sales four previous times. Mr. Marsh stated the Development Services at City Hall told him that if he wishes to continue to hold these sales, since the tent sales did not fit the requirement of being an accessory to a business at the mall, he would need a Variance.

Mr. Van De Wiele asked Mr. Marsh if the requested 45 days is a consecutive period. Mr. Marsh answered affirmatively.

Mr. Van De Wiele asked Mr. Marsh if the tent sales have always been held in the same location as depicted on the map in the Board's agenda packet. Mr. Marsh stated that it is not. The first year the tent was supposed to be at the location designated on the map but he was bumped to another area.

Mr. White asked Mr. Marsh about the security for the tent. Mr. Marsh stated that there are people on site 24/7 but the sales will be during the mall hours.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated that she has a challenge to the 10 year request and wondered if that was a standard time period for the Board to grant. Mr. White stated that the Board has granted approval to fruit/vegetable stands, flowers, Christmas tree lots for a 10 year or multiple year time period.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Special Exception to permit a 4,000 square foot temporary tent as a primary use for a period of 45 days annually for 10 years (Section 50.020-D). The tent is to be located in the position shown on page 7.6. The tent will be for a 24/7 operation for the 45 days maximum but the sales hours will be the same as the mall hours. In granting a Special Exception, the Board must find that the 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:

BLK 1 LESS SEE BOOK 4145 PAGE 2005 & 4171 2064 & 4189 636 & 4147 1502 & 4962 1761 & 4962 1764 & 4981 1114 & 599 41298 WOODLAND HILLS MALL & L1 LESS SEE BOOK 4566 PAGE 1891 & 4962 P1767 & LESS BEG 369N SWC SE TH N950.88 E577.55 S30 TH ON CRV LF167.64, WOODLAND HILLS MALL, City of Tulsa, Tulsa County, State of Oklahoma

22119—Molly A. Jones

Action Requested:

Special Exception to allow a detached house in the CS District (Section 15.020); Variance to allow less than the required building setback from the abutting RS District (Section 15.030). **LOCATION:** 640 North Denver Avenue West **(CD 1)**

Presentation:

Molly Jones, 1305 East 15th Street, Tulsa, OK; stated that currently both side yards and the front yard setback are met, but because of the height of the building and how it sits in its environment along the street there is a need for a Variance. The building has gone through the historic preservation criteria and has been approved by the Historic Preservation Commission. The current property owner lives in the residence immediately south of the subject property and is very engaged in the community and the neighborhood. The commercial property that exists on the west side was a Tastee Freeze, circa 1950 era, and is a non-conforming structure in the historic district. The proposed structure will conform to the neighborhood and help improve the aesthetics of the neighborhood and face Denver Avenue.

Mr. White asked about the height relief she referred to because it is not listed in the action requested. Ms. Jones stated that the height of the proposed building does not have a height infringement on the Code but because it abuts a RS-4 District there is an additional setback width because of the height of the building.

Mr. Van De Wiele stated that the Board heard a similar case a few weeks ago and asked staff if this case was not going through rezoning for a reason. Ms. Miller stated that this is similar to the previous case but this application is for a new build making it different.

Mr. Van De Wiele asked Ms. Jones if this was going to be a residence. Ms. Jones answered affirmatively. Mr. Van De Wiele asked if the building behind the residence would remain commercial. Ms. Jones answered affirmatively. Mr. Van De Wiele asked Ms. Jones what commercial use was going to be in that building. Ms. Jones stated that what is there currently is a commercial kitchen that is in use by a non-profit that serves food deserts in North Tulsa. Mr. Van De Wiele asked Ms. Jones if that would continue. Ms. Jones stated that is the intent.

Ms. Back asked Ms. Jones if the Historic Preservation Commission had any issues regarding the solar panels. Ms. Jones stated there was discussion about the solar panels but because of how they are placed they were allowed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked staff if there were any issues about multiple uses being on the same lot. Ms. Miller stated that is what the Special Exception does, to allow the residence on the CS lot.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Special Exception to allow a detached house in the CS District (Section 15.020); Variance to allow less than the required building setback from the abutting RS District (Section 15.030), subject to conceptual plan 8.11. In granting a Special Exception, the Board must find that the 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. Section 70.130-H of the Code states that no variance may be approved unless the Board determines 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:

N.96.9-LT-1-N.96-E.40-LT-2-BLK-6, NORTH TULSA, City of Tulsa, Tulsa County, State of Oklahoma

22120-Wagoner – Kayla Kramer

Action Requested:

Special Exception to permit wireless communication facilities in the AG District (Section 25.020); Special Exception to permit a 195 foot free standing tower with a setback less than 214.5 feet from the adjoining AG District (Section 40.420.E).

LOCATION: 3525 South 225th Avenue East **(CD 6)**

Presentation:

Kayla Kramer, 1516 South Boston Avenue, Tulsa, OK; stated this application is to allow a 195 foot free standing tower to support Verizon Wireless along the Creek Turnpike corridor. This is a perfect location for the tower because the parcel will not be used for anything else because it surrounded by Turnpike Authority property that they have deeded over and there is a separate agreement with the Turnpike Authority.

Mr. Van De Wiele asked Ms. Kramer how tall the tower will be. Ms. Kramer stated the tower will be 195 feet.

Mr. Van De Wiele asked Ms. Kramer if there was a residence located within a quarter mile of the proposed tower. Ms. Kramer stated that the closest residence is approximately .75 miles away.

Mr. Van De Wiele asked Ms. Kramer if all the surrounding property was Department of Transportation (DOT) property. Ms. Kramer stated that it is Turnpike Authority and that the property surrounding the site is all wooded. The trees will be left intact except for the trees where the tower will be placed.

Mr. Van De Wiele asked Ms. Kramer why the tower will be a free standing tower versus a monopole. Ms. Kramer stated that because of the height it is cheaper to build a self support tower. Ms. Kramer stated there is another tower located about $\frac{3}{4}$ of a mile southwest of the subject site but it is structurally incapable of taking on the extra load and would cost about \$300,000 to modify the tower.

Mr. Van De Wiele asked Ms. Kramer if the design of the proposed tower capable of future co-location. Ms. Kramer answered affirmatively and that is the intention. The tower was designed to support five carriers.

Mr. Van De Wiele asked Ms. Kramer what the utility building and the accessory structures will look like. Ms. Kramer stated they will be shelters consistent with what is seen all over town covered in small rocks.

Mr. Van De Wiele asked Ms. Kramer about the ingress and egress to the tower site. Ms. Kramer stated the ingress and egress will be off 225th and an E911 address has already been assigned.

Mr. Van De Wiele asked Ms. Kramer if there were coverage issues in the area. Ms. Kramer stated there are coverage and capacity issues in the area. Ms. Kramer presented a map depicting the existing towers and the coverage provided currently.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) to **APPROVE** the request for a Special Exception to permit wireless communication facilities in the AG District (Section 25.020); Special Exception to permit a 195 foot free standing tower with a setback less than 214.5 feet from the adjoining AG District (Section 40.420.E), subject to per plans 9.13 and 9.14. The Board has found that the eleven requirements in the Code have been satisfied by the applicant and they are on the record and included in the written minutes of this meeting. In granting a Special Exception, the Board must find that the 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:

A tract of land lying in and being part of the Northwest Quarter of Section 21, Township 19 North, Range 15 East of the Indian Base and Meridian, N1/2 and the SW 1/4 of Section 21 (QUIT CLAIM DEED RECORDED IN BOOK 1045, PAGE 52, DEED RECORDS OF WAGONER COUNTY, OKLAHOMA), City of Tulsa, Wagoner County, State of Oklahoma

22121—W Design – Shane Hood

Action Requested:

Verification of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies; Verification of the 50 foot spacing from an R-zoned lot (Section 40.050-A). **LOCATION:** South of the SW/c of Brady Street & Boston Avenue **(CD 4)**

Presentation:

Shane Hood, 815 East 3rd Street, Tulsa, OK; stated the subject area is the left over space that is left behind Hey Mambo, which Hey Mambo takes up about 66% of the space. Mr. Shane submitted two different plans; one shows 300 feet from the actual footprint of the new bar and the other shows 300 feet from the actual footprint of the building that the bar will be inside.

Mr. Van De Wiele asked Mr. Hood if he had cleared the 300 foot radius in both measurements. Mr. Hood answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another conflicting use be established prior to this adult entertainment establishment; for the following property:

S50 LT 1 N50 LT 2 & E10 VAC ALLEY ADJ ON W BLK 41, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22123—William E. Lewis

Action Requested:

Variance of the required frontage in the IL District from 50 feet to 0 feet to permit a lot split (Section 15.030); Modification to a previously approved Special Exception to permit a second hotel on the lot. **LOCATION:** 18715 East Admiral Place North **(CD 6)**

Presentation:

Bill Lewis, Lewis Engineering, 6420 South 221st East Avenue, Broken Arrow, OK; stated the owner of the property has built a Motel 6 on the narrow piece of property and would like to build a second four-story motel in front of the Motel 6 on the property. Due to the size of the site the frontage requirements on a dedicated street are not met. The owner will be giving cross access easements to both pieces of property. Currently his client owns both pieces of property but he wants to have the ability to sell one of the motels in the future.

Mr. Van De Wiele asked Ms. Miller if there were any zoning or land use issues that the Board needed to be aware of. Ms. Miller deferred to Ms. Moyer because she performed a site visit prior to today's meeting. Ms. Moyer stated that during site visit she noticed an existing sign for the Motel 6. In terms of the lot split, if TMAPC were to approve the lot split then the sign will need to be removed or at least moved to the Motel 6 site.

Mr. Lewis stated that the sign would be moved or taken down if needed, or he will come back to the Board requesting approval of a Special Exception. Mr. Lewis stated that the sign situation would be addressed to comply with the City Code.

Mr. Van De Wiele asked Mr. Lewis to state the hardship for the request. Mr. Lewis stated that it is the frontage on a public street. Mr. Van De Wiele stated that is the requirement that would be violated by doing the lot split but in order to approve a Variance of the street frontage requirement the Board must have a hardship that is not monetary and is not self imposed. The desire to split the lot to sell two motels rather than one sounds like both of those, self imposed and monetary. Mr. Lewis stated that the property is very narrow compared to most motel sites and that is the reason the owner chose this route.

Mr. White asked Mr. Lewis why his client did not go for something different when they first applied. Mr. Lewis stated that he is not aware of any discussions or intent of how the site was developed.

Mr. Van De Wiele asked Mr. Lewis if the property to the east was another hotel. Mr. Lewis answered affirmatively. Mr. Lewis stated that he understands the property to the west will be redeveloped in the future.

Ms. Back stated that she too is having a hard time coming up with a valid hardship. She understands what Mr. Lewis is saying about the lot being very narrow for an IL use and she understands that, but it does not mean that one long hotel cannot be built. Mr. Lewis stated that he understands that, but if the lot has two hotels and one is sold the sticky wicket is when it comes time to transfer the title.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Miller stated that in the past a PUD would helped to alleviate some of these issues, and now that tool is not in place. The PUD tool has been replaced with a Code with higher standards.

Mr. Lewis asked the Board if it would be possible to allow him time to reconfigure the site for the lot split, possible with a narrower frontage with mutual access easements.

Mr. Van De Wiele stated, in his opinion, that would be less of a problem but it is still a self imposed hardship.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Variance of the required frontage in the IL District from 50 feet to 0 feet to permit a lot split (Section 15.030); Modification to a previously approved Special Exception to permit a second hotel on the lot to the September 13, 2016 Board of Adjustment meeting; for the following property:

LOT 1 BLOCK 1, G4 HOSPITALITY, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:24 p.m.

Date approved: 9/13/16


Chair