

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1181
Tuesday, April 11, 2017, 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 Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk’s office, City Hall, on Thursday, April 6, 2017, at 10:12 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 **FLANAGAN**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the March 28, 2017 Board of Adjustment meeting (No. 1180).

UNFINISHED BUSINESS

22213—A-MAX Sign Company

Action Requested:

Variance to increase the permitted display surface area from 70.5 square feet to 88.7 square feet; Variance to allow a freestanding sign with a dynamic display in

the OL District (Section 60.060). **LOCATION:** 4520 South Harvard Avenue East (CD 9)

Presentation:

The applicant has requested a continuance to the May 9, 2017 Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

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 **CONTINUE** the request for a Variance to increase the permitted display surface area from 70.5 square feet to 88.7 square feet; and a Variance to allow a freestanding sign with a dynamic display in the OL District (Section 60.060) to the May 9, 2017 Board of Adjustment meeting; for the following property:

N. 1/2 OF LT 2 BLK 3; S117.6 LT 1 BLK 3, VILLA GROVE PARK, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22222—A-MAX Sign Company

Action Requested:

Special Exception to permit a dynamic display sign in an the R district; Variance of the allowable display surface area for signs in the R district to permit a 86.17 SF ground sign (Section 60.050). **LOCATION:** 5590 South Lewis Avenue East (CD 9)

Presentation:

The applicant has requested a continuance to the June 27, 2017 Board of Adjustment meeting.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, 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 Special Exception to permit a dynamic display sign in an the R district; and a Variance of the allowable display surface area for signs in the R district to permit a 86.17 SF ground sign (Section 60.050) to the June 27, 2017 Board of Adjustment meeting; for the following property:

PRT NE SE BEG NEC SE TH W408 S50 W100 N50 W100 S358 E608 N358 POB LESS E50 THEREOF FOR ST SEC 31 19 13 4.47ACS, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

22202—Michael Jones

Action Requested:

Variance to permit the expansion of a non-conforming use (neon signage company) to allow a 1,092 square foot storage building on the site (Section 80.040). **LOCATION:** 915 North 33rd Avenue West **(CD 1)**

Presentation:

Michael Jones, 1508 East 52nd Place, Tulsa, OK; stated this application is for an expansion for the property as it currently exists. The property is currently zoned residential. He represents Mr. Harold Hawkins and the Osage Neon Company which has been producing neon signs and doing business from the subject location for the last 45 years. Mr. Hawkins father started the business and when the father passed Mr. Hawkins took over the business and has been operating it since the early 1960s. Mr. Hawkins also resides on the subject property. Because of the expansion of a large number of other neon companies that have greater facilities than Osage Neon has available to him the other companies have been out pacing Mr. Hawkins. In order to keep up with the demand and to be able to compete with the other companies Mr. Hawkins needs to increase the amount of his storage and production space. Currently the storage shed is being used for storage but it is primarily being used for production. The existing building is open to the elements but does have spaces that can be closed, but being open to the elements creates problems with dust and other things getting into the product, plus the working in the extreme cold and the extreme hot weather. The storage shed is actually a pre-manufactured house that was bought and moved onto the premises about four years ago. At this point Mr. Jones had several pictures placed on the overhead projector showing the subject property from different points of view. Mr. Jones stated that the picture on page 2.17 of the agenda packet shows a cluttered yard

but that has since been cleaned up because his client is in the process of cleaning up the front yard and removing all the items.

Mr. Van De Wiele asked Mr. Jones if the manufactured house that has been moved onto the property was completely gutted with no bedrooms, no bathrooms, and no kitchen. Mr. Jones answered affirmatively.

Mr. Jones stated that some of the neighbors are going to speak against Mr. Hawkins and the business today, but at the time the neighbor Mr. Speer took over ownership of his property Osage Neon had been in operation for about 30 years so he knew it existed at the time of his purchase of his property. The neighbors would like for his client to stop operating the business but it has been grandfathered in and this is a way for them to have the Board to perform an action they would like to incur but cannot do themselves. The inspectors came out to the subject property and all of the items they cited for correction have been corrected. Mr. Jones stated that if his client does not continue to grow his business he will start losing jobs, be out of a job and eventually need to go on to welfare. Mr. Jones stated the crucial thing to understand in regards to this case is Osage Signs needs to have the building in order to remain competitive in the market. The building that exists, the building that the Variance is being requested for does not majorly impact the neighborhood. It does not impact the neighborhood because it is hidden behind the house and everything else. It is barely visible at all. The only reason to stop it is if the Board wants to stop Mr. Hawkins to be able to continue his business and have not be able to work anymore. Mr. Jones does not think that is what was intended when the City annexed the property and the reason the business was grandfathered in was to allow Mr. Hawkins to make a living. The property may bother some people aesthetically but the inspectors have visited the subject property and his client is not being cited for a myriad of other things. What his client was cited for was having an improper building on the property and his client is looking to correct that.

Mr. Van De Wiele stated that he thinks Mr. Jones makes a compelling argument if this were a Special Exception request, as far as impact on the neighborhood. But because this is a Variance request the first hurdle that must be conquered is there a hardship. The Board has to have a hardship and that hardship cannot be self imposed nor a financial hardship. Mr. Van De Wiele stated that he is hearing that the business needs to grow in order to compete. That sounds like a financial hardship to him. The reason the other businesses are so large and industrial looking is because they are in an area zoned for either industrial uses or some sort of heavy commercial business. The reason the applicant is constrained on the site is because it is a home, a residential area. There is a cure, the client could rent a building some place else and grow. Mr. Van De Wiele stated that he is not telling the client no because there will be time given for rebuttal after the interested parties have spoken, but he is having difficulty in finding a non-financial hardship.

Mr. Flanagan stated that the mobile home that is already on the site and has been there for four years is already being used to allow the business to grow. Mr. Jones stated that

the mobile home is not there to allow the business to grow, it is maintaining. If his client does have the ability to be able to work in a specific time frame he decreases the number of jobs he can accept.

Mr. Van De Wiele asked Mr. Jones if the competition issue had been cured by the mobile home. Mr. Jones stated that it has made it easier but it is not cured because there is always competition. The mobile home has enabled his client to stay in business but it has not enabled him to surpass the competition. The mobile home also enables his client to work in a controlled environment where he does not have to be subjected to the elements.

Mr. Van De Wiele stated that he is not sure if Mr. Jones has read the Code for the standards as far as the standards that the Board needs to find for a hardship. It is typically the physical surroundings, the shape, or the topographical conditions that would result in an unnecessary hardship as opposed to an inconvenience. Mr. Jones stated that part of the problem currently is that his client needs to increase storage. The property behind the subject lot has recently been sold and he used to have storage on that property. He has had to clean up the area and bring it back onto the subject property. By doing so he now needs the additional storage that is supplied by having the building and utilizing the outside of it to help with the storage as well as the work. That creates a hardship for his client to be able to store and work on the subject property.

Mr. Van De Wiele suggested to Mr. Jones to focus on the hardship and one that is not a financial aspect. Mr. Van De Wiele called the first interested party forward.

Interested Parties:

Mark Parks, 3103 West Jasper, Tulsa, OK; stated he has lived in his house for 30 years. When he moved in 30 years ago, what could be seen on the subject property was nothing but a block concrete building that was used to store a truck. The property was extremely well maintained. Over the course of the years, since the father has died, the subject property has become nothing but a sign junk yard. All around the property, no matter where you look, there are old signs. This week the applicant made a collective effort to clean up the signs. The pictures that have been shown today are not a representation of what the neighbors have been putting up with. Those pictures are a representation of what the applicant has created in a couple of days. The existing main building was never as large as it is today. He challenges the Board to look at the original permit for this building. The building has been doubled in size and it is easily seen where the concrete block stops and the addition starts because it is old junk barn metal. The alleged truck building is a building that was built with no permit and the City shut him down. This structure is sitting unfinished and has been for several years. Now he hangs his junk signs from it and they are totally visible. The pictures the Board has been shown not do justice to what is happening in the neighborhood. The area the applicant is calling a storage area on the neighbors property is literally just junk. There are rats that live there that are the size of cats. Mr. Parks questions if there is a license needed to have a junk yard in the City of Tulsa, because that is what it is. It is a

graveyard for signs and they are all over the property. Mr. Parks stated that the applicant is creating the hardship and devaluing the surrounding properties. Mr. Parks stated the applicant erects fences that are made from junk garage doors, junk signs and junk anything then calls it a fence. Mr. Parks stated the applicant cuts steel, grinds, and works all night so there is no sleeping. Mr. Parks stated the City Inspector told him to call the police but they would be there every evening. Mr. Parks stated the applicant has been expanding, the City has not done anything to stop it and he does not appreciate it. It is wrong.

Michael Speer, 819 North 33rd West Avenue, Tulsa, OK; stated he lives directly south of the subject property. Mr. Speer purchased the property from his grandparents and he has taken a series of pictures of the subject property over the years to document what has been going on, which Mr. Speers presented and had shown on the overhead projector. Mr. Speer stated that originally there was a case on the property that went before Judge Sellers and the subject property was grandfathered in but not allowed to expand. The mobile home is a sample of what the applicant has done without permits, and then he brings it before the Board to receive permission for it. The applicant has received six citations from the City at \$600.00 each, and the trailer is one of the citations. The applicant has been fighting the City in the court system since 2004 so the City Inspectors cannot do anything. Mr. Speer stated he had asked the applicant to erect a fence between the two properties and the applicant refused so he contacted the City. Mr. Speer stated that he did erect a privacy fence but he still has a Taco Bell sign 14 feet from his back porch and it was not there when he purchased the property. Everyone in the neighborhood complies with the City regulations and keeps things clean, but the applicant is simply being insubordinate.

Mr. Flanagan asked Mr. Speer if he would agree with everything Mr. Parks stated about the subject property being a junk yard. Mr. Speer answered affirmatively. Mr. Speer stated that he erected a fence and did everything he was supposed to do and he can still all the junk.

Ms. Back asked Mr. Speer if he could remember approximately when the metal frame building went up that is next to his property line. Mr. Speer stated that it would probably be about 2007 or 2008. The trailer is a junky trailer and it was a code violation when it was placed on the property, and it is nothing more than an attempt to belittle the City of Tulsa as the applicant has done since 2004.

Randall Barnett, 11826 North Yale Avenue, Sperry, OK; stated he is a sign contractor and has been in business for 24 years. He has worked with the applicant for approximately eight years. The storage and production facility is really essential for business. Mr. Barnett stated that he has been aware of the after-hours operation for the past eight years. The key person that used to push for the after-hours operation was Mr. Ray Torabi who had a billboard business with Lamar. Mr. Torabi would come to the subject property and stay until three in the morning creating and inventing new ways for billboards. Mr. Torabi and the applicant have parted ways and he can sympathize with the neighbors regarding the noise but it is not like that now. The building is necessary

for storing materials in a secure area. Mr. Barnett stated that he has never seen any varmints or rats on the subject property as stated previously. There is a ditch in the rear and it has a lot of debris in the ditch and that is where the wildlife is. Mr. Barnett stated that in the last six months the applicant has cleaned out a lot of materials that did not need to be on the property. The property is in a lot better shape and he believes it will be maintained that way as well because it is essential for operating.

Mr. Van De Wiele asked Mr. Barnett how often and how late he is at the subject business. Mr. Barnett stated that he is there as often as three or four days a week, and inside until approximately nine o'clock at night. Mr. Barnett stated that he believes the financial hardship is the key thing and he knows it is not to be the issue but in this case finances are understood to be investment for producing capital value but he does not see that happening. What he sees is that the City annexed the property which posed a hardship on the applicant because it brought more rules and regulations upon him. The applicant is simply trying to maintain a lifestyle of working on his own property and own his own business. A hardship has been placed on the applicant to maintain his lifestyle and his business.

Mr. Van De Wiele wanted everyone to understand that it is not him that does not consider financial hardships to be good enough to grant a Variance, but the Board is legally prohibited from granting a Variance based on a financial hardship.

Mr. Barnett stated that the applicant is providing a service to his community by virtue of being located where he is and where he has been since he inherited the business. The annexation has certainly placed a hardship on him by restricting his lifestyle and pursuit of happiness. Mr. Barnett stated that in order to continue serving his customers he needs the services provided by the applicant.

Mr. Van De Wiele asked Mr. Barnett how the applicant serviced his company from the beginning of the business relationship up until he moved in the mobile home. Mr. Barnett stated the applicant used a boom truck that would be parked inside a building when the father had a smaller sign company. Mr. Van De Wiele asked Mr. Barnett what has changed in his business that would necessitate the mobile home be moved in three or four years ago. Mr. Barnett stated the billboard use is a new customer that he developed over the past three years, and they have purchased up to a 100 foot banner for installation. So the production space that is clean is needed.

Carl Martin, 2901 West Independence, Tulsa, OK; stated he lives east of the subject property. He purchased his property from his great grandmother and grew up in the area. The pictures presented by the applicant's attorney show neighborhood houses that are well maintained and look nice. The applicant's collection started years ago and the rear of the property was used for storage, and he does not know if the neighbors in the rear knew he was encroaching onto their property because there was a large building to the south was used for storage 20 years ago. In the winter months when there is no foliage on the trees he can see the applicant's property and it is not pretty to

look at. The applicant's fence is made from old signs that are upside down and no one wants to see that.

Mr. Flanagan left the meeting at 2:08 P.M.

Mr. Martin stated that the applicant has no respect for the Council or Inspectors because that fence is still standing. There is no trust with this neighbor. Mr. Martin stated that he owns a business and when you are in business you plan ahead and this is a lack of planning and disregard for everyone around the subject property. The building the applicant put in is just another old run down mobile home that will look like the collected signs pretty soon.

Mr. Flanagan re-entered the meeting at 2:11 P.M.

Rebuttal:

Michael Jones came forward and stated the reason a Variance was filed for is because the applicant was specifically told to file for a Variance. Now it sounds like the filing should have been for a Special Exception.

Mr. Van De Wiele stated it is not what the applicant should have filed but the justification that is being given sounded something more akin to the standard of a Special Exception which is a little lighter and has a lower threshold. In order to expand a non-conforming use a Variance is what is needed.

Mr. Jones stated that the pictures that have presented by the neighbors are very old pictures in regards to what was there. There have been a few mis-statements in regards to what was stated. As indicated, there may have been work that was done very late but none of that has been done in the recent past. The applicant is cleaning up his yard and trying to make it presentable to the neighbors and to make it fit more into the area. He does not understand why the neighbors do not think this is a good thing.

Mr. Flanagan asked Mr. Jones what hardship is there that is not self imposed and not financial. Mr. Jones stated obviously it is environmental. The hardship in regards to that is the working environment and the way the property is structured and where it is currently and the grandfather clause enabled his client to continue working. The problem is, having been in that business for an extended period of time the applicant cannot lateral into another business in regards to that. The applicant does not have the money or the finances to go someplace else. The hardship is based on the property, the way that it is structured and the way that it is conformed which limits and constricts his client's ability to fully utilize the property for the purposes in which he needs to use it. If his client cannot work he cannot make a living.

Mr. Flanagan asked Mr. Jones if his client was able to work, pay his bills and make a living prior to the four years before the mobile home was moved onto the property without a permit. Mr. Jones answered affirmatively but not as well.

Mr. Bond asked what is the hardship and is that hardship justifiable under the City Code. At the time the applicant was grandfathered in for non-conforming use does that maintain the status quo or was he grandfathered in for any potential commercial use on the subject property. This discussion is about expansion of the business. Mr. Bond stated that Mr. Barnett stated the reason the new building is needed is because of the new contract for new billboards. Is it status quo for the hardship or is it for any potential use going into the future? Mr. Jones answered no and agreed that it is not for any potential use in regards to that, it is just trying to maintain the status quo. His client is just trying to maintain his standard. The market has become more competitive and the problem is the property is limiting his client's ability to do what he needs to do in regards to that. He is not trying to expand the business but make it so he is able to function year round and maintain the status quo. His client is not trying to cease a larger portion of the market and is not trying to head-to-head with some of the larger companies, but he is trying to make a living. The exposure to the elements and his client's age are not things that are self imposed, it is just the merit of being older. The way the property is structured makes it hard to continue the process without enabling storage or anything else. Obviously there is a partially built building on the property but once again the problem becomes, to a degree, when annexation happens the people who live in the country or the county areas have a completely different mindset than those in the city. The city residents get permits and in the county things are a little more lax. In the pictures presented you will see that in all the backyards they all have buildings that are permanent that he is pretty sure do not have permits.

Mr. Van De Wiele stated that he believes the rebuttal is getting off track and going beyond what is needed. Mr. Van De Wiele stated that the focus really needs to be on what is the hardship for this case, and he believes it has been answered.

Comments and Questions:

Ms. Back stated that she understands this is a non-conforming business and that it has been granted its non-conforming status to be there. However, it appears if the applicant wants to expand the non-conforming use the Code states a "portion of the building may be expanded or extended into the remaining portions of the building that the development administrator determines that the areas of the building in which the expansion is proposed were arranged and designed for the use. Therefore, a non-conforming use may not be expanded or extended in other way unless the expansion reduces or eliminates the non-conformity". That is why the applicant and his attorney are here before the Board requesting a Variance. However, as stated many times during this hearing, the Board cannot consider financial as a hardship. The applicant is in a residential area and the businesses that he compared his business to are zoned industrial light. Yes the competition's businesses are bigger and they can store items outside, but being a residential area Ms. Back would think that the applicant would build

racks and store his things in a proper and organized manner. It sounds like that is not the history. The Board cannot rule on a financial hardship. The Board cannot rule on the weather. The Board can rule on the shape of the lot or the topography of the lot so she will need to vote no on this request.

Mr. Flanagan agreed.

Mr. Bond stated that he finds the information presented by the applicant's counsel as well as their own witness this is beyond the status quo at the time the grandfather hardship was given. Mr. Bond also believes that in passing a Variance the Board has to state that the essential character of the neighborhood will not be substantially impaired. Mr. Bond stated that he cannot support the Variance and will have to vote no.

Mr. White stated that he believes this is strictly a financial situation.

Mr. Van De Wiele stated that in order for the Board to grant a Variance they have to find that the Variance will essentially not alter the character of the neighborhood. Some of that goes to maybe how the property has been maintained but it is more of the adding of building after building after building to a residential zoned lot. Mr. Van De Wiele stated that he cannot support the request.

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 **DENY** the request for a Variance to permit the expansion of a non-conforming use (neon signage company) to allow a 1,092 square foot storage building on the site (Section 80.040) for the lack of a hardship; for the following property:

N 132' OF S 528' OF W 330' OF SW SW NE, City of Tulsa, Tulsa County, State of Oklahoma

22209—Hall Estill – Hugh Long

Action Requested:

Special Exception for a temporary use as a storage and staging area for construction equipment and materials (Section 50.020-D). **LOCATION:** North of the NW/c of West 14th Street South and South Denver Avenue West **(CD 4)**

Mr. Van De Wiele recused and left the meeting at 2:24 P.M.

Presentation:

Hugh Long, 320 South Boston Avenue, Tulsa, OK; stated this site is connected to PUD-330 located at 17th and Denver which is the Cosmopolitan Apartments going in at

that site. The apartments are being developed with a zero setback for the entire property. The storage site is meant to serve the construction project and the site is bound to a lease that is tied to the development of the Cosmopolitan project. When the project is completed there will no longer be a need for the subject site. This request was continued from an earlier meeting and the application initially stated that construction on the apartments is anticipated to begin March 1st. The developer is finishing the financing of the Cosmopolitan project and it is expected to close in the next several weeks with construction to start immediately following. The developer requests an extension of time from December 31, 2018 to June 30, 2019. The site is currently surrounded by a security chain link fence. In speaking with the developer he would prefer not to erect a screening fence because he would like to have visibility to the site in order to keep tabs on the equipment and materials that will be on the site, especially at night. This site is temporary so it will not be injurious or detrimental to the neighborhood and there will not be a permanent effect on the neighborhood.

Mr. White asked Mr. Long if he had spoken with any of the neighbors. Mr. Long stated that he did speak with one of the neighbors, Comp Source, but he is not sure if there was any additional out reach.

Ms. Back asked Mr. Long if he had the construction traffic route mapped out. Mr. Long stated that it will be a straight shot down Denver from 14th and Denver with the access being on Denver to 17th. Ms. Back asked where the construction was going to turn around. Mr. Long stated that it is his understanding that the traffic will come up Denver and go back down Denver while turning around the site, but at different stages the construction traffic will be guided.

Mr. Bond asked Mr. Long about the construction causing a lot of dust. Mr. Long stated that it is his understanding that the subject site will be used for storage of material but it is certainly possible dust will arise. But as far as scraping or moving dirt on the site that is not how the site will be utilized.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-1 (Back, Bond, Flanagan, White “aye”; no “nays”; Van De Wiele “abstaining”; none absent) to **APPROVE** the request for a Special Exception for a temporary use as a storage and staging area for construction equipment and materials (Section 50.020-D), per conceptual plan 3.20. The approval will be valid through June 30, 2019. 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:

LT 6 BLK 3; LT 7 LESS BEG NEC TH SW TO PT APROX 15W SECR E15 N50 POB FOR ST BLK 3; LT 8 LESS BEG NEC TH W APROX 15 SW TO PT 15W SECR E15 EL NE TO PT N25 POB FOR ST BLK 3, CAMPBELL ADDN, T T T ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 2:35 P.M.

22219—Pat White

Action Requested:

Special Exception to allow a carport in the street setback in the R District and allow for the area of a carport to exceed 20 feet in length and 20 feet in width (Section 90.090-C.1). **LOCATION:** 3132 South Owasso Avenue.East **(CD 9)**

Mr. Flanagan left the meeting at 3:27 P.M.

Presentation:

Pat White, 10722 Masters Circle, Jenks, OK; stated the project was approved for a carport coming out 14 feet from the house but the homeowner could not fit the SUV completely underneath that carport and would like to go out another eight feet. The construction will be the same as what was approved by the City and it is literally an eight foot extension.

Mr. Van De Wiele asked Mr. White if he had spoken to the neighbors. Mr. White answered affirmatively and no one had a problem with the proposed carport.

Ms. Back asked Mr. White if the carport will be finished so that it matches the character and the façade of the house. Mr. White answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Flanagan absent) to **APPROVE** the request for a Special Exception to allow a carport in the street setback in the R District and allow for the area of a carport to exceed 20 feet in length and 20 feet in width (Section 90.090-C.1), per the conceptual plan shown on page 5.8. The construction tote box and the dumpster

will be removed from the subject property at the end of the construction. 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 1 & 2 LESS S15 LT 2 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele explained to the applicants and interested parties that there are now only four board members present at this meeting, because Mr. Flanagan needed to leave for a family issue. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. If the applicant wanted to proceed with the hearing today it would be necessary for him to receive an affirmative vote from three board members to constitute a majority and if two board members voted no today the application would be denied. Mr. Van De Wiele asked the applicants and the interested parties if they understood and asked the applicants or interested parties what they would like to do. The audience nodded their understanding and no one requested a continuance.

NEW APPLICATIONS

22224—Stacie Chambers

Action Requested:

Variance to allow a material other than an all-weather surface material for a new driveway and parking area (Section 55.090-F). **LOCATION:** 14636 East 13th Street South **(CD 6)**

Ms. Miller left the meeting at 2:54 P.M.

Presentation:

Stacie Chambers, 1697 East 95th Street, Tulsa, OK; stated the application states the request is for a driveway and parking area, but the request is actually only for the driveway because the parking area is all concrete.

Mr. Van De Wiele asked Ms. Chambers if the circle drive is gravel. Ms. Chambers answered affirmatively.

Ms. Chambers stated that she would like install a gravel driveway instead of concrete because two or more of the neighbors have gravel drives and she would like to keep in character with the neighborhood.

Mr. Van De Wiele stated that for a Variance request there must be a hardship and he asked Ms. Chambers to state her hardship. Ms. Chambers stated the hardship would be in keeping with the spirit of the neighborhood. It is what everybody else has done and she thinks it looks nice and would like to be uniform to everyone else.

Interested Parties:

William Farmer, 14557 East 13th Street, Tulsa, OK; stated his house has a small shop in the back yard. It had an existing driveway when he purchased the house 3 ½ years ago and after being there two months he was issued a ticket for parking on gravel. Mr. Farmer stated he has been cited for parking his boat on the gravel driveway and for parking his car on the gravel driveway. Since that time he has been cited a few times for parking his items in the back yard neatly. So he spent thousands of dollars installing concrete and erecting a wood fence so his neighbors would not need to worry about what was going on at his house. He has also planted bushes in the back yard. There are some houses that have gravel driveways but the problem is the area is zoned agricultural and now they are selling lots all around. If these new houses are allowed gravel driveways he is going to fight it and fight it all the way. Mr. Farmer stated that if he has to abide by the rules the applicant, who lives right across the street from him, should have to abide by the same rules. Mr. Farmer stated that he has gone to great lengths to make this right, what gives the applicant the right to install a gravel driveway? It is not fair to him and it is not fair to the other neighbors. Mr. Farmer stated that he has no illwill to the applicant but he has spent a lot of money on his property and he wants something that is reasonable and nice across the street for 300 feet of driveway. What is good for one is good for all.

Rebuttal:

Stacie Chambers came forward and stated she does not have 300 feet of driveway. Her request is simply to keep in character of the neighborhood. She respects what Mr. Farmer is saying because it is an older well kept neighborhood and that is why she is moving there.

Mr. Van De Wiele asked Ms. Chambers if the 50 x 60 building shown on the plan is going to be a house. Ms. Chambers stated there will be an apartment in the front that she will live in while the permanent house is being built. Her footprint will actually be smaller than her neighbor's footprint. Mr. Van De Wiele asked if ultimately the 50 x 60 building was going to be a shop. Ms. Chambers stated that it will be a building for her husband to keep his hot rods and motorcycles. Ms. Chambers stated that she owns more than the two acres under discussion and if she chooses to sell it will be for a house not anything else.

Mr. White abstained at 2:50 P.M.

Comments and Questions:

Ms. Back stated the gravel driveways that exist have probably been there for 30 years and are now grandfathered in, but since Mr. Farmer purchased his house three years ago the grandfather clause went away so that is why he had to bring the driveway up to Code. Ms. Back stated that she cannot find a hardship and the Code is in place for a reason.

Mr. Van De Wiele stated that he is struggling with the hardship. It is one of those areas where this is an issue. The areas on the edges of the City with new development mixed in with older large acre tracts with existing houses at some point there has to be a transition.

Mr. Bond stated that eventually the other neighbors will have to update their driveways to concrete because there will be houses sold and new people moving into the neighborhood.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-1 (Back, Bond, Van De Wiele “aye”; no “nays”; White “abstaining”; Flanagan absent) to **DENY** the request for a Variance to allow a material other than an all-weather surface material for a new driveway and parking area (Section 55.090-F) for lack of a hardship; for the following property:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 10, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey. Said tract more particularly described as follows: Commencing at the NW/c of the SW/4 of the NW/4; thence S 01°49'55" E along the W line thereof a distance of 249.24 ft. to the SW/c of Carol Acres; Thence N 88°14'51" E along the S right-of-way line of E 13th St a distance of 659.58 to a point on the W line of the E/2 SW/4 NW/4; Thence continuing N 88°12'51" E a distance of 134.35 ft. to a point of curve; Thence Northeasterly along a curve to the left with a radius of 773.27 ft., a chord bearing of N 84°08'08" E, a chord distance of 110.90 ft. and an arc length of 110.99 ft. to the Point of Beginning; Thence continuing along said curve to the NE with a radius of 773.27 ft., a chord bearing of N 75°04'08" E a chord distance of 133.57 ft. and an arc length of 133.73 ft.; Thence N 70°06'53" E a distance of 98.85 ft.; Thence S 01°31'53" E a distance of 423.66 ft.; Thence S 88°14'51" W a distance of 223.73 ft.; Thence N 01°31'53" W distance of 362.45 ft. to the Point of Beginning., City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

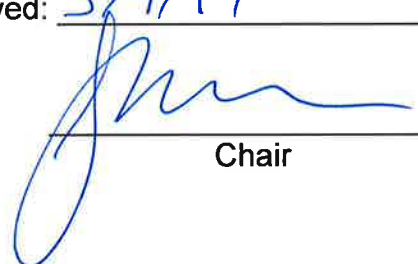
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 3:00 p.m.

Date approved: 5/9/17



Chair