

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1189
Tuesday, August 8, 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 Back	Flanagan, Secretary 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, August 4, 2017, at 9:07 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 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond, Flanagan absent) to **APPROVE** the **Minutes** of the July 25, 2017 Board of Adjustment meeting (No. 1188).

UNFINISHED BUSINESS

22286—Simon Reyes

Action Requested:

Special Exception to permit Commercial/Commercial Service/Building Service Use in the CS District (Section 15.020). **LOCATION:** 4702 East Apache Street North (CD 1)

Presentation:

The request has been withdrawn by the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

**LTS 1 THRU 7 LESS PRT LT 1 BEG 25E NWC LT 1 TH CRV LF 39.25 N25 E25 POB
BLK 2, SMITHDALE, City of Tulsa, Tulsa County, State of Oklahoma**

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NEW APPLICATIONS

22294—Kurt Barron

Action Requested:

Special Exception to permit reconstruction a non-conforming structure within the required street setback (Section 80.030-E). **LOCATION:** 3860 South Florence Place East (**CD 9**)

Presentation:

Staff requests a continuance to August 22, 2017 to allow re-noticing of the request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond, Flanagan absent) to **CONTINUE** the request for a Special Exception to permit reconstruction a non-conforming structure within the required street setback (Section 80.030-E) to the August 22 2017 Board of Adjustment hearing due to additional relief needed; for the following property:

LT 8 BK 32, RANCH ACRES B19-27, RANCH ACRES B28-35, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele explained to the applicants and interested parties that there were only three board members present at this meeting. 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 all three board members to constitute a majority and if one or 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 one applicant came forward to request a continuance.

Debra Grimm, 1520 South Newport, Tulsa, OK; came forward and requested a **Continuance** for BOA-22274 and BOA-22275.

UNFINISHED BUSINESS

Mr. Van De Wiele announced the Board will not take comments as to the appropriateness or the lack of appropriateness of the application; the Board is just listening to comments regarding the continuance request.

Mr. Van De Wiele announced that Ms. Back must leave at 2:30 today for a business trip that she must take. When Ms. Back leaves that will mean there is no quorum to hear any additional items on the agenda. Whatever is done in this meeting today will need to be done relatively quickly. He apologized to the applicants and the audience.

22274—Mark Grimm & Debra Faye

Action Requested:

Special Exception to permit a Bed and Breakfast in the R District (Section 5.020).

LOCATION: 1228 East 20th Street South **(CD 4)**

Presentation:

Debra Grimm, 1520 South Newport, Tulsa, OK; requests a continuance.

Interested Parties:

Terry Heller-Auxter, 1234 East 20th Street, Tulsa, OK; stated she lives next door to the subject property, and this is the applicant's second postponement. The first time was because the applicant was traveling. All the neighbors have left work, closed businesses, and have prepared and done everything they can to be on schedule as home owners and concerned neighbors. She objects to the request for a continuance

and she does not know how many times the neighbors should be inconvenienced to make their point be heard.

Mr. Van De Wiele stated the first continuance request was certainly at the request of the applicant, but the situation today is not the applicant's fault. Ms. Heller-Auxter stated that she understands that.

Mr. Van De Wiele asked if there was anyone in the audience that wants to raise a different point other than what has just been heard he will listen.

Jeff Reh, 3104 Woodward Boulevard, Tulsa, OK; stated there are three Board members present and the Grimms have submitted a letter stating why they are not running a bed and breakfast. Mr. Reh feels this should instantly disqualify them because the Grimms are saying they do not want to do what they are filing the Special Exception for.

Comments and Questions:

Ms. Back stated that she is not inclined to grant a continuance. The Grimms have had a continuance because they were out of town and the neighbors have been inconvenienced twice. It is unfortunate that there are two missing Board members but there are three in attendance today and that is quorum.

Mr. White stated that continuance frequently impose a hardship on those speaking. Since the Board has already granted a continuance he is not inclined to approve a second continuance request.

Mr. Van De Wiele stated that addresses it enough. The no votes on a continuance are at least two so there will not be a majority for a continuance, so the Board will move forward with the agenda.

Board Action:

No Board action required at this time.

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Mr. Van De Wiele announced that he knows the first two items on the agenda are going to take the majority of the meeting so he will take the rest of the agenda out of order in hopes that they can be heard very quickly, and then the Board will come back to Items #2 and #3.

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NEW APPLICATIONS

22289—Jeremy Diamond

Action Requested:

Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies and 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 114 West Archer Street North (**CD 4**)

Presentation:

Jeremy Diamond, 2261 South Delaware Court, Tulsa, OK; no formal presentation was made by the applicant but he was present for any questions.

Mr. Van De Wiele stated the Board is in receipt of the applicant's spacing verification as shown on page 5.8 in the agenda packet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond, Flanagan 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 bar subject to the action of the Board being void should another conflicting use be established prior to this bar; for the following property:

N5 LT 6 ALL LT 7 BLK 61, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22290—Randy Shelley

Action Requested:

Variance to increase the permitted size of a detached accessory building to 832 square feet (Section 45.030). **LOCATION:** 2416 North Denver Place West (**CD 1**)

Presentation:

Randy Shelley, 7123 South 92nd East Avenue, Suite E, Tulsa, OK; stated this request is to add a secondary building to the back of the property. There is no way to add a sunroom onto the existing house because the level is so far up out of the ground and there is an access to a basement. There are also tight property lines on both sides of the property, but the property does back up to the reservoir. There is a secondary garage on the property and he would like to build a 400 square foot sunroom onto the

back of that existing garage. The sunroom will be attached to the existing garage with the same roofline and go straight back.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; "abstaining"; Bond, Flanagan absent) to **APPROVE** the request for a Variance to increase the permitted size of a detached accessory building to 832 square feet (Section 45.030). The Board has found the hardship to be the odd shaped narrow lot and the topography of the lot. The approval is per conceptual plans on pages 6.8 and 6.18 in the agenda packet. The Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LOT-16-BLK-11, RESERVOIR HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22292—Bill Andrew

Action Requested:

Special Exception to permit reconstruction of a portion of an existing non-conforming house (Section 80.030-E). **LOCATION:** 1701 South Quincy East **(CD 4)**

Presentation:

Bill Andrew, 2662 East 22nd Street, Tulsa, OK; stated this request is for his future residence.

Mr. Van De Wiele asked Mr. Andrew if he was tearing down and rebuilding or just remodeling. Mr. Andrew stated the main body of the house is being renovated but the portion under discussion will be torn down and rebuilt to look like the rest of the house.

Mr. Van De Wiele stated the Board has a letter from the Historic Preservation Committee and he appreciates that and appreciates that the applicant has reached out to his neighbors.

Interested Parties:

Tom Brown, 1702 South Rockford, Tulsa, OK; stated he has the property directly behind the subject property. Mr. Brown stated that currently the applicant has a driveway that was built to accommodate a Model T and he is totally in favor of the proposed project.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond, Flanagan "absent") to **APPROVE** the request for a Special Exception to permit reconstruction of a portion of an existing non-conforming house (Section 80.030-E), subject to conceptual plan 7.15, 7.18, 7.19, 7.20 and 7.21 in the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 16 BLK 22 & 10' VAC ALLEY, ORCUTT ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22293—Richard Winn

Action Requested:

Special Exception to allow the driveway width to exceed 30 feet in width on the lot in the RS-1 District (Section 55.090-F.3). **LOCATION:** 2525 East 30th Street South (**CD 4**)

Presentation:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated he represents Ms. Debbie Zinke. The project is comprised of two lots in the RS-1 District with a total

land area of approximately 1.5 acres. There are other houses in the neighborhood that have wide parking areas and that is what this discussion is about.

Mr. Van De Wiele asked Mr. Reynolds if the existing concrete was going to be taken out. Mr. Reynolds answered affirmatively.

Mr. Reynolds stated that he really should not be before the Board but he is because of a Letter of Deficiency. The LOD has a misinterpretation of the Zoning Code and he is here because of Section 55.090-F.3. That section states that in the RS-3 and the RS Districts the driveways serving residential dwelling units are not to exceed 30 feet in width outside of the right-of-way. The Zoning Code never defines a driveway however the Zoning Code does define parking areas. Parking area is an area that includes the parking spaces, the maneuvering areas necessary to enter or exit a space and the drives providing access to the parking spaces and maneuvering areas. A driveway is a component part of the parking area. The entire parking area is not a driveway. The subject driveway is 30 feet in width and when it gets to the parking area, defined as a motor court on the site plan, it is 42 feet in width. Mr. Reynolds stated that he spoke to the officer that issued the LOD and he agreed with the logic but stated that is how the City interprets it. Mr. Reynolds stated that further in the Code the definition of open space is defined as the outdoor area that is not occupied by buildings, driveways or parking area. A driveway is just a component of the parking area not the whole thing. The Code does not impose a width requirement on a parking area. This is a 1 ½ acre lot with a site plan that shows the 30 foot wide driveway that opens to 40 feet wide for the parking area; the architect tagged it as a motor court. The proposal is very consistent with what is in the neighborhood.

Interested Parties:

Joan Pringle, 2504 South Birmingham Place, Tulsa, OK; stated her mother lives just across the street from the subject property and she is the most interested in this proposal because she will be the one most affected. Ms. Pringle asked if Mr. Reynolds was saying that the portion of the driveway that is on the street is only 30 feet wide. Mr. Van De Wiele stated that the curb cut is not 42 feet.

Ms. Pringle asked what is meant by curb cut. Mr. Van De Wiele stated that a curb cut is where you pull off the street where the curb is located.

Rebuttal:

Lou Reynolds stated the driveway is 20 feet wide and expands out of the driveway line to 30 feet and when it reaches the parking area it is 42 feet.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; Back "nay"; no "abstentions"; Bond, Flanagan absent) to **APPROVE** the request for a Special

Exception to allow the driveway width to exceed 30 feet in width on the lot in the RS-1 District (Section 55.090-F.3), subject to conceptual plan 8.6 in the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LTS 4 & 5 BEG 25NW NEC LT 5 TH SW249.18 CRV RT 155.30 NE251.43 SE115.15 POB BLK 2; PRT LT 2 BLK 3 WOODY-CREST SUB & PRT LT 5 BEG NEC LT 5 TH E76.60 SE52.04 SW188.89 CRV RT 106.22 CRV RT 22.38 NE249.18 SE25 POB BLK 2, SOUTH LEWIS PARK, WOODY-CREST SUB, City of Tulsa, Tulsa County, State of Oklahoma

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UNFINISHED BUSINESS

22274—Mark Grimm & Debra Faye

Action Requested:

Special Exception to permit a Bed and Breakfast in the R District (Section 5.020).

LOCATION: 1228 East 20th Street South **(CD 4)**

Mr. Van De Wiele stated that before the Board starts listening to Item #2 or Item #3, in an interest of everybody's time, he certainly wants everyone to have their opportunity to speak and be heard and to make whatever comments they want to make, he will say that in an interest in conserving everyone's time if an interested party has heard someone make their comment there is no need to make it again. The Board does not need to hear the same comments multiple times. Likewise, if an interested party has submitted an e-mail or letter the Board has all of those in front of them and they have been reviewed and they are a part of the record so there is no need to stand up and re-read your e-mail or letter. These cases will be heard separately and the 20th Street case will be heard first.

Presentation:

Debra Grimm, 1520 South Newport, Tulsa, OK; stated she is surprised that she received a notice on the front door because this is a guest home not a bed and breakfast. The house has represented people that come in for the cancer treatment center, for women that have adopted babies, judges, Miss Oklahoma, the Arabian Horse Show people, people that need a place to stay because their house has burnt down, and for ministers that have come to Tulsa from different parts of the world. She and her husband also do missions and they first opened the house to help missions that come to Tulsa. The house is five star and they have been spent a lot of money getting the house ready. She and her husband have run the house for over ten years as a

guest house. Ms. Grimm stated that she called the City years ago asking permission and asked if she needed any permits before she started investing in furniture and antiques to make the house as beautiful as possible for the guests. The people that stay are very dignified people and very wealthy people, because at \$500 a night other people would not be able to afford it. To her knowledge there has never been any trouble and there have never been any wild parties. Ms. Grimm stated there has been an issue with parking which the neighbors have parked in front of the house. She and her husband have never gone after them on this issue because they have always tried to keep peace. She feels that they have not done anything for ten years to offend people and she was shocked and hurt by the neighbors that have come after her and her husband. Her guest house is to help Tulsa and help the visitors to Tulsa. Ms. Grimm stated that she feels that she has done nothing to harm anybody.

Mark Grimm, 1520 South Newport, Tulsa, OK; stated he and his wife have owned the house for 18 years and it has been rented out for approximately ten years. He is not asking to become a bed and breakfast. He does not want anything to change from the way it is right now. When he read the letters he noticed there are a lot of instances where the people do not even know it is a guest house but think it is going to become a bed and breakfast and that things are going to change. He is not asking for any change. He is asking the Board to grandfather this in as a guest house as it has been. Ten years ago he and his wife called the City, the County, the state government and they all approved that there was no problem with this and that it would be looked upon as any other rental. The only limitation they all had was not to have more than three or five different parties occupying the same address. In ten years he has invested quite a bit and this is most of his life savings that has been invested. Mr. Grimm stated that he does not feel any ill will against the neighbors. He has had trouble with certain neighbors, and they are here. Mr. Grimm stated there parking on the property for six cars and the guests that come to the house do not want to park on the street because they ask if there is parking off the street. Mr. Grimm stated that many times the neighbors have parties or guests and the whole street will be filled with cars.

Mr. Van De Wiele asked Mr. Grimm how often there is someone staying at the house and what is the typical size of the party and how long is the average stay. Mr. Grimm stated that it could be anywhere from two people to eight people, same family but it is always one booking. Mr. Grimm stated there is never more than one guest group booked into the house. He does not allow receptions or parties because the house is for people who want a quiet place to come. Mr. Grimm stated the Maple Leaf was rented for 51 nights in all of 2016.

Ms. Grimm stated that it has been rented twice a month. There have people come in for Oral Roberts. Ms. Grimm stated that Julia Roberts and her cast have stayed there.

Mr. Van De Wiele asked for a clarification, is it 51 bookings or 51 nights. Mr. Grimm stated that it is 51 nights and the year before the house was rented for 59 nights.

Ms. Grimm stated that there have been people in crisis that rented the house for 30 days or longer. Ms. Grimm stated that all her guests have commented about how well the house is kept. Ms. Grimm stated that a neighbor chopped down six trees next to the driveway and they could have turned that into the City. Ms. Grimm thinks a lot of this is malice and has nothing to do with the house.

Mr. Van De Wiele stated that if there are guests that are staying 30 nights or longer consecutively there is no need for Board approval for that. Mr. Van De Wiele asked if there is any regularity of someone staying two, three or four weeks in a row. Mr. Grimm stated there are people staying for two nights, a week or two weeks. Mr. Van De Wiele asked if the house was staying vacant more often than not. Mr. Grimm stated that he and his wife were away in Colorado until 2012 and the house was their home until late last year, and now he is working on another house. Mr. Van De Wiele asked Mr. Grimm how he rented out the house in 2015 and 2016 if he lived there. Mr. Grimm stated that he would rent out the house and go stay at another house that was vacant.

Mr. Van De Wiele asked what kind of occupancy at 30 days a month is expected now that the house is a full time rental. Ms. Grimm stated that it will vary. Ms. Grimm stated there is a lady at the house currently for 30 days or 60 days until she sells her house.

Mr. Van De Wiele asked the Grimms how many nights, on the average, now that they are not living in the house, is someone renting or paying to live in the house. Mr. Grimm stated that it would approximately two weeks. Mr. Van De Wiele asked Mr. Grimm if he meant about a half month. Mr. Grimm answered affirmatively.

Mr. Grimm stated there is an alarm system on the house. He has a yardman come maintain the yard. He has Air Assurance to work on the heating and the air conditioning. He has carpenters that come in to take care of maintenance.

Mr. White asked Mr. Grimm if he had himself lived in the house. Mr. Grimm answered affirmatively and stated that they lived there from 1999 until 2001 when he followed his job out of state, then came back in 2012.

Interested Parties:

Terry Heller Auxter, 1234 East 20th Street, Tulsa, OK; stated she lived next door to the subject property. Ms. Auxter stated that it she and her husband that is being complained about and there is misinformation.

Mr. Van De Wiele stated that this Board does not get involved in property line disputes because it is irrelevant to this Board.

Ms. Auxter stated that her point is that it is misrepresentation of what is going on in the neighborhood and the immediate properties, not just hers but the surrounding properties.

Mr. Van De Wiele asked Ms. Auxter to state what those issues are. Ms. Auxter stated the time the Grimms have stated they have stayed in the house and the time they have stated that they have it rented. It is a falsehood. The house is empty far more than it is rented. Ms. Auxter stated that she and her husband strongly oppose the Special Exception request. They found out shortly after moving into their house that the subject property was rented short term and had they known that they would not have bought. Not all renters are a problem but many renters are a problem. It is not exactly as the Grimms are portraying it to be. The renters quickly come in, create a disturbance, and quickly move out again causing unnecessary distress and concern for the neighbors. Complaining or filing police reports is not something the neighbors should have to contend with. Ms. Auxter stated that in seven years she has not had a number or a contact point in which to reach the Grimms so they are left to deal with it. Ms. Auxter stated that she and her husband chose to live in the neighborhood because they want to live in a serene neighborhood. There is no room or a need for a business in the neighborhood that is historically protected and is residential. Ms. Auxter stated that Mr. Grimm has stated that he does not want the house to be a bed and breakfast but that is how the house grouped. The Grimms do not live in the house and it is run more like a hotel. It is not a bed and breakfast because there is no one on site. A hotel at least has an on-site full time manager. In the past she and her husband have had renters knock on their door asking for a key to the subject house; they have had their driveway blocked by renters; many times there have been large parties with many cars parked up and down both sides of the street and in the driveway; a food truck has parked in the subject house's driveway serving food to a large party while party goers stood in the yard drinking and talking. This is not conducive to the neighborhood. There have been delivery trucks bringing in food, cakes, and party supplies. There was a motorcycle group that came in for three nights with loud motorcycles leaving all day and night until 3:00 A.M. No one wants to live next to that. Ms. Auxter stated that the subject driveway is exactly 8'-3" from her dining room, kitchen, breakfast room and upstairs bedrooms. That measurement is not to the property line that is the measurement from the side of the subject property driveway to her house. Having renters come and go is disconcerting at best. There is no way to know that the short term renters are law abiding and peaceful and conscientious people that will treat the neighborhood as their own. Allowing these renters into the neighborhood provides more opportunity for mischief. The neighborhood already has a number of break-ins, day and night, and this is just an opportunity to provide more of the same. Ms. Auxter stated that a neighbor from her previous neighborhood used to rent his house out as a VRBO. The last time he rented it out to a single woman and she stayed only a week and upon his return his neighbors told him about odd activity, and he discovered that the lady had used his VRBO as a sexual business. Ms. Auxter believes this lends credit to her complaints because she has no way of knowing who is in the property or what they are doing. Ms. Auxter stated that she does not trust the Grimms to come up with renters that she would find suitable next door. Ms. Auxter stated the subject property is advertised on VRBO and Home Away stating the house sleeps up to 13 people. Thirteen people would be bad enough but when the renters invite friends and family over the extra traffic and noise becomes a real problem. No one should have to deal with that kind of chaos. The neighborhood should not be expected to accommodate a home owner who does

not live on the property, does not patrol the property and rents the house for short term and profit only. Had the neighbors wanted to live in a business district all the neighbors would have purchased a house located in one. North Maple Ridge is a historically protected neighborhood and the neighbors know they are fortunate to live there because it is rich in Tulsa history. The Comprehensive Plan is intended to preserve and enhance an area of stability. Development activities in areas of stability should be limited to the rehabilitation, improvement, or replacement of existing houses. None of this needed but what is wrong is that the applicant runs the house as a hotel in a residential historically neighborhood. That is her issue. Ms. Auxter stated that she knows the Grimms say the house is not a bed and breakfast but they offer a full kitchen that is unsupervised. It is an opportunity for mishap and that is a concern to her. The Grimms have been absent more than they have ever been present. They have run a business for over nine years doing exactly as they please and not one time did they reach out to a single neighbor explaining their purpose or intent. It has been obvious to the neighbors for a lot of years now that Mr. and Mrs. Grimm care absolutely nothing for the quality of the neighbor's lives in their homes in their cherished neighborhood. The Grimms merely want to earn a fast buck renting their house as a hotel.

Mr. Van De Wiele stated the Board is going to lose quorum in 20 minutes and he suggests that Ms. Auxter allow others in the audience to speak. Mr. Van De Wiele stated that agenda Item #3 will not heard today but if everyone moves quickly the Board can render a decision.

Dr. Tom Auxter, 1234 East 20th Street, Tulsa, OK; stated he is the tree chopper and those trees are actually crepe myrtles. The crepe myrtles are between the two houses and he thought they were his. The Grimms were in Colorado at the time and he had a horticulturist show him how to trim the crepe myrtles to make them look nice.

Mr. Van De Wiele stated the Board does not care who cut the trees down. Dr. Auxter stated that Mr. Grimm called him a liar. Mr. Van De Wiele stated this is a property line dispute.

Kari Hill, 1220 East 20th Street, Tulsa, OK; stated she lives in the house directly to the west of the subject property. Ms. Hill stated that a lot of her concerns have been already voiced and she will submit her written statement for the case file. The main point she does want to make is that she purchased her house in the fall after 20 years of her husband serving in the Air Force and this is the first time that they had a choice of where they wanted to live and raise her children. They were thrilled to be able to purchase their house in historic midtown. They had no idea that there were no permanent residents residing next to them, and that the subject house was being used as an Airbnb. Her concern that she wants to have taken into consideration is that she has three children under the age of nine, and she does not know anything about what is happening in the house next to her.

Dan Safranek, 3240 South Owasso Avenue, Tulsa, OK; stated the one thing that he wants the Board to be aware of, there is no vetting of the guests that are in the house

that he is aware of. So people do not know who is in the house. Four blocks down the street is Lee Elementary School so if a pedophile or sex offender wanted to stalk their prey it would be very easy to do so. Mr. Safranek asks that the Board take this into consideration. He is also concerned about this activity suppressing property values. He asks that the Board deny this application.

Lee Anne Kirkpatrick, 1029 East 19th Street, Tulsa, OK; stated that if the Board looks at other cities and what they are doing, short term rentals are not allowed. This type of business is going to hurt hotels that this city is bringing in. The City of Tulsa needs to figure out some ordinances.

Jo Armstrong, 1366 East 25th Street, Tulsa, OK; stated she lives between both properties being discussed. She moved into her house to be a resident. She loves midtown but she has concerns, i.e., parking. There are no sidewalks and she has two boys. If a person rents their house they do a background check to know what they are dealing with. The applicant does not do that. They do not even meet the renters. Ms. Armstrong stated that she loves VRBO. She loves a beach house, but this is not a beach house. This is our neighborhood. These are our children. This is not a business district. Ms. Armstrong does not want this to pass because she does not want this. Ms. Armstrong stated that if she wanted to live in a business district she would have chosen that. We need to protect the integrity of the neighborhoods that we have.

Rebuttal:

Debra Grimm came forward and stated that her street does have sidewalks. Ms. Grimm stated that she has never had a guest come in and steal anything and the house is furnished with antiques. There are no police reports from the neighbors. A lot of what has been said is hearsay and a lot of it is untrue. The guest has been operating for ten years. The house is up for sale right now because she feels like she is being pushed out of the neighborhood. Ms. Grimm stated that she feels as though she is being attacked and it is very cruel. A lot of this fear that the neighbors have developed is in their minds. Ms. Grimm stated that she and her husband were depending on this house for income because the City did approve it ten years ago. Ms. Grimm stated that she and her husband have almost a million dollars invested in their houses and they would not allow people to come and destroy these houses or have a sex offender as a guest.

Mark Grimm came forward and stated there have never been any telephone calls to them and several of the neighbors do have the telephone number to contact him or his wife. The group of motorcyclists that was mentioned is a group of extremely distinguished black veterans from Atlanta, Georgia who decided to have their own motorcycle group. They took care of the house and there was no junk left behind. Mr. Grimm stated the neighbor that saw prostitution going on should have called the police, and he believes that is a total fabrication. Mr. Grimm stated that when he tries to talk to that person she goes into her house because she does not want to talk to him.

Comments and Questions:

Ms. Back stated that she has worked on the other side of the Code in previous years, and she knows that when a person calls a jurisdiction with questions they should always get it in writing. Ms. Back stated that she does not believe this use would have met Code ten years ago so she does not know if the applicant received correct information. With the current Code the applicant could still do the 30 day or longer rental and meet Code. It would change the business strategy and use but it would not put the applicant out of business for the income. The way the Code reads currently she cannot support the request.

Mr. White stated that he questions whether this is injurious to the neighborhood and he feels that based on the comments from the residents of the neighborhood that this is indeed so he cannot support the request.

Mr. Van De Wiele stated that he does think there is some accuracy in what the applicant says. The Board has seen a lot of these types of applications where the neighbors are concerned about change and things that are different. A lot of this has been going on in the City without getting a lot of people knowing about it, but it is getting a sharper focus from the City at this point. Mr. Van De Wiele stated that he looks at this from the standpoint of whether it is in harmony with the spirit and intent of the Code. A thirty day, a six month or a year rental is still a residential use in his opinion. When it comes to a Bed and Breakfast or a hotel or a short term home rental this request is certainly getting close to crossing the line in his opinion. The hole in the Code is that the bed and breakfast is where this request has been defined. A bed and breakfast is a commercial enterprise but a person lives there that owns it. For those reasons he cannot support the request.

Board Action:

On **MOTION of BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond, Flanagan absent) to **DENY** the request for a Special Exception to permit a Bed and Breakfast in the R District (Section 5.020); for the following property:

W/2 LT 1 BLK 4, MAPLE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22275—Mark Grimm & Debra Faye

Action Requested:

Special Exception to permit a Bed and Breakfast in the R District (Section 5.020).

LOCATION: 3163 Woodward Boulevard (CD 9)

Presentation:

The applicant was present but due to a lack of quorum the case is to be continued by the Board.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 3-0-0 (Back, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond, Flanagan absent) to **CONTINUE** the request for a **Special Exception** to permit a Bed and Breakfast in the R District (Section 5.020) to the August 22, 2017 Board of Adjustment meeting; for the following property:

LT 12 BLK 2, BROOKSIDE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

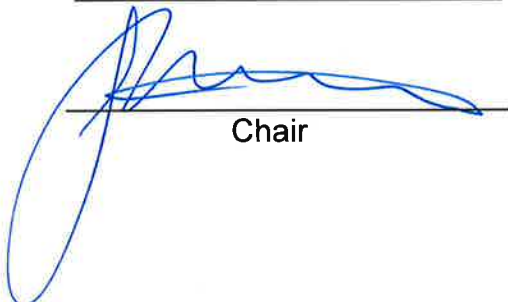
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 2:31 p.m.

Date approved: 8/22/17



Chair