

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1296
Tuesday, June 14, 2022, 1:00 P.M.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bond, Chair Radney, Vice Chair Wallace Barrientos Brown	None.	D. Wilkerson S. Tauber K. Davis A. Chapman	A. Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on June 8th, at 11:06 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Brown, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE THE APPROVAL** of the **Minutes** of the April 12, 2022, Board of Adjustment meeting No. 1292 the June 28th, 2022 Board of Adjustment meeting.

On **MOTION** of **BROWN**, the Board voted 5-0-0 (Barrientos, Brown, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE THE APPROVAL** of the **Minutes** of the April 26, 2022, Board of Adjustment meeting No. 1293 to the June 28th, 2022 Board of Adjustment meeting.

On **MOTION** of **BROWN**, the Board voted 4-0-0 the Board voted 5-0 0 (Barrientos, Brown, Bond, Radney, Wallace "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE THE APPROVAL** of the **Minutes** of the May 10, 2022, Board of Adjustment meeting No. 1294 to the June 28th, 2022 Board of Adjustment meeting.

UNFINISHED BUSINESS

23319- Jason Evans

Action requested:

Variance to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2) Variance of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2) Variance to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C)

Presentation:

Applicant not present.

Interested Parties:

None.

Comments and Questions:

None

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0, (Bond, Brown, Radney, Wallace, Barrientos "aye"; no "nays"; no "abstentions") to **CONTINUE** the request for a **VARIANCE** to allow the floor area of a detached accessory building to exceed 500 square feet and 40% of the floor area of the principal residential structure (Sec. 45.030-A.2); **VARIANCE** of the 35-foot setback from an arterial street. (Sec. 5.020, Table 5-2); **VARIANCE** to permit a Detached Accessory Building exceeding 10-feet in height to the top of the top plate in the rear setback (Sec. 90.090-C) to the June 28, 2022, Board of Adjustment meeting for additional information; for the following property:

LT 10 BLK 4, ELECTA HGTS ADDN, TULSA COUNTY, STATE OF OKLAHOMA.

23332- Cheryl Harlin Jones

Action Requested:

Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 2730 S HARVARD AV E (CD 4)

Presentation:

Greg Weis, 8039 S. 268th East Ave., Tulsa, OK, stated that the survey company did not call back, but Google Maps shows from edge of the building to edge of the other dispensary, it is 1,003-feet. The last survey was done from the end of the covered area which was 971-feet. Per your request, it was 1,003-feet.

Interested Parties:

No interested parties were present.

Comments and Questions:

Interested Parties:

None.

Comments and Questions:

Cheryl Harlin Jones, 1426 North Waco Ave., Tulsa, OK, stated that the survey that she submitted yesterday, and it is the official survey, it is clearly off. It's not building to building. The picture that I submitted shows the 30-foot difference.

Dana Box City of Tulsa stated that the zoning was checked, we had a signed and sealed survey from Andy Fritz which showed it to be 967-feet which is within the 1,000-foot range of another dispensary that is currently permitted.

Mr. Weis stated that the survey shows it to be measured at the end of the breezeway and it is 30-feet.

Mr. Wallace stated that if there were still letters of deficiency, they have not received a permit, so the city did not grant permission to grant the property. I tend not to support.

Ms. Radney stated that she was inclined to support it as this tool has been used regularly and it was within the margin of error.

Mr. Barrientos stated that he was also inclined to support it based on the marginal error.

Mr. Chapman stated that the measurement isn't door to door but building to building.

Mr. Bond stated that it is not our opinion or interpretation of a code that matters. He didn't feel that there was not enough for a hardship.

Ms. Blank stated that the testimony of Ms. Box had reviewed a signed and sealed survey which is not in our packet. If later they come back with a signed and sealed survey showing it is 1,000-feet, that will be reviewed.

Ms. Box showed the survey that was shown to Mr. Skates.

Board Action:

On **MOTION** of **Barrientos**, the Board voted 3-2-0, (Bond, Barrientos, Wallace "aye"; Brown, Radney, "nays"; no "abstentions") to **DENY** a **Variance** to allow 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D) due to lack of hardship; for the following property:

N 10 LT 11 ALL LT 12 BLK 1, BANDERA, CITY OF TULSA. TULSA COUNTY, STATE OF OKLAHOMA.

23335 – Jack Taber

Action Requested:

Special Exception to permit a Self-service Storage Facility in a CS District (Sec. 15.020, Table 15-2) **Location:** 7626 E. 51st. St. S. **(CD7)**

Presentation:

Nathan Cross, 2 W. 2nd St., Suite 700, Tulsa, OK, stated that they are requesting a Self-service Storage use on a CS lot. There is large retail in the front and this area to the back is zoned CS. This will be secured and monitored. It will also be quite compared to other CS uses. Traffic will be relatively minimal. All lighting will be on building, buffered from the neighborhood as the backs of the buildings will be against the area that abuts the neighborhood. The gaps will have fencing as per code.

Interested Parties:

None.

Comments and Questions:

Mr. Bond asked what kind of fencing. Mr. Cross stated that the code required masonry 8' fencing and the buildings will be 8' 6" tall.

Ms. Radney asked if there would be any residential component to the buildings. Mr. Cross stated there would not be any. The only electrical will be the lighting on the building and inside the storage unit.

Mr. Chapman stated that the code does have an allowance for a live-in manager on these facilities. Mr. Cross stated that there would be none here. It will be patrolled by security and people will be available during regular business hours.

Mr. Cross stated that they are not doing anything with the existing building that is on-site.

Mr. Bond stated that they had received an email from a Ms. Louis McGinnis who is opposed to this. She is concerned for loitering homeless individuals as well a concern that it would depreciate the property values.

Mr. Cross stated that this individual lives behind the Office Depot which has no barrier, but this facility will only be entered with a code and will be monitored.

Ms. Cross asked if the masonry wall would run north and south. Mr. Cross responded that the wall would be where there are not buildings. The backs of the buildings will be masonry which will act as a wall.

Mr. Wilkerson stated that it would be helpful if the applicant would confirm that there are

no doors on the west, south, or east side of the site. The doors only face internally.

Mr. Chapman stated that the code requires 8-feet of screening as a masonry wall or a privacy fence.

Mr. Cross stated that the interior and exterior of the building will be patrolled.

Board Action:

On the **MOTION** of **BARRIENTOS**, the Board voted 5-0-0, (Bond, Brown, Radney, Wallace, Barrientos "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception to permit a Self-Service Storage Facility in a CS District (Sec.15.020, Table 15-2) per the Conceptual Plan shown on page 6.8 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LT 1 BEG NWC LT 1 TH E331 S250 W6 S339.13 W146.19 NW292.90 NE425.34 N130 POB BLK 13,SOUTHERN PLAZA B8-15, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23341 – Jason Coutant

Action Requested:

Special Exception to allow a wall or fence to exceed 8-feet in height (Sec. 45.080-A) **Location:** 1257 East Hazel Blvd. South, Tulsa, OK. **(CD 4)**

Presentation:

Jason Coutant, 1257 East Hazel Blvd. S. Tulsa, OK, stated that they had requested to build a 6-foot wood privacy fence in the side yard between homes on top of a retaining wall.

Interested Parties:

Tom Askew, 1131 N. Renaissance Dr., Sand Springs, OK, 74063, stated that he was representing Elizabeth Paszkiewicz, owner of the property immediately east of the applicant. The wall had to be rebuilt due to its failing, and the plans showed no fence above the retaining wall. The fence on top of the retaining wall will be 14-feet tall. It is not in harmony with the neighborhood, it does not meet the criteria of a Special Exception and she opposes it.

Elizabeth Alpert, 4130 South Jamestown Avenue, Tulsa, OK, stated that several houses in the Maplewood neighborhood that have retaining walls with 6-foot fences above them. She approves of this.

Rebuttal:

Mr. Coutant stated that the proposed fence does not extend towards the street past the house construction and because of the deep driveway the fence will not be visible until you are at the house.

Comments and Questions:

Mr. Bond stated that the intent of the code is to prevent large, tall fences and this driveway is dug out.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Bond, Brown, Radney, Wallace, Barrientos "aye"; no "nays"; no "abstentions") to **APPROVE** a Special Exception to allow a wall or fence to exceed 8-feet in height (Sec.45.080-A), per the conception plans 7.7 & 7.8 of the agenda packet and subject to the following conditions that the newly installed wooden fence will not exceed 6-feet above the existing masonry wall. 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 21 BLK 11,SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23351- Tulsa Precise Investments, LLC

Action Requested:

Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3)

Location: 1015 East Young Street, Tulsa, OK. **(CD 1)**

Presentation:

Arvelester Rentie Jr., 747 East Plain Street, Tulsa, OK 74103, state that they have proposed to build a duplex on the lot that they purchased.

Mr. Bond asked if Mr. Rentie had spoken to his neighbors to the west. Mr. Rentie stated that he had spoken with them.

Mr. Rentie stated that the garage will be facing Young Place, but the address is 1015 East Young Street. The house is supposed to be facing north, so there is a problem with the plans according to the address.

Interested Parties:

Mr. Bond stated that there had been people opposed to this project at past meetings.

Debra Atkinson Moses, 819 St. Louis Ave., Tulsa, OK, stated that she and her daughter 1005 East Young Street, Tulsa, OK, and they plan on building a home there. Her other daughter plans to build on the lot of 1007 East. Young Street, Tulsa, OK. This will make extra traffic in the neighborhood. I asked other neighbors about what they thought of duplex. She has 78 signatures opposed to duplexes and multi-family dwellings.

Rebuttal: Mr. Rentie stated that he only is doing this for the integrity of the neighborhood and that if it is denied he will split the lot and build two small homes on it.

Mr. Bond requested the applicant to tell him the width of the lot and was answered that it is 60-feet.

Mr. Chapman stated that if he attempts splits the lot, he will be back before the board for variances due the size of the lot.

Comments and Questions:

Mr. Bond stated that their duty was to find if it was harmful to the neighborhood or injurious to spirit and intent of the Code. He would not be inclined to vote for it since there have been so many comments against duplexes like these.

Mr. Wallace supported the thought that someone was willing to develop this place that has been undeveloped for so long and it seems to be a nice property.

Mr. Bond stated that he is sympathetic to the needs of housing and one of the things he looks at to find if it is injurious to the neighborhood is if neighbors are opposed and there are several that are opposed to this plan.

Ms. Radney stated that the Board had recently looked at a quadplex on a smaller lot than this, but there concerned with the design with the garage being the front of the house. Her objection is with the aesthetic and combined with the objections from the neighbors. It is possible to build duplexes that look more like single family dwellings.

Mr. Wallace did not disagree with Ms. Radney but likes the development in this area.

Mr. Barrientos stated that they are seeing this same plan repeatedly and the design should be modified so it looks more like a single-family home. He supported development, but a different design.

Mr. Bond stated that we are a specialized board, and we cannot make policy. He stated that this is one area where the City Council could help by giving more criteria. We can only look to if it is injurious to the neighborhood and if it is in keeping with the spirit and intent of the Code.

Mr. Chapman stated that they could vote to approve the duplex and attempt to make part of the conditions the way the house is to be oriented. There sounded like there are significant changes to the plans that need to take place.

Mr. Bond asked the applicant how long it would take to get architectural revisions and Mr. Rentie stated that he could get them done in two weeks.

Board Action:

On **MOTION** of Radney the Board voted 5-0-0 (Bond, Brown, Radney, Wallace, Barrientos "aye"; no "nays"; no "abstentions") to **CONTINUE** the requests for the Special Exception to permit a duplex in the RS-4 District (Table 5.020, Table 5-2, Table 5-2.5); and a Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) until the June 28th, 2022 Board of Adjustment Hearing; for the following property:

W 1/2 OF LT 9 BLK 3, SUNNY SLOPE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23352- Jeremy Wilkinson

Action Requested:

Special Exception to permit a duplex in the RS-3 district (Table 5.020, Table 5-2, Table 5-2.5). **Location:** 4013 S. Louisville Ave. **(CD 9)**

Presentation:

Jeremy Wilkinson, 4234 S. Oswego Ave., Tulsa, OK, stated that the continuance was for clarification on driveway widths. The drives were designed for 10-foot each. The Code states that when you have 75-foot of street frontage you are allowed 27-foot of driveway. I was curious to know about aesthetics with the two front doors as a problem. My actual plan mimics houses that were put up on 6th St.

Interested Parties:

Ms. Radney stated that her concern was with the two driveways adding to the congestion with the busy street and the neighbors are objecting to the two-story duplexes that they don't feel fits into the neighborhood.

Mr. Bond stated that the City Council needs to tell them what they can and cannot decide. What we are here to do is to decide what is injurious to the neighborhoods on what is before us. The City Council and the Mayor's office has told us by changes in the code that we need to focus on density and that it needs to be allowed.

Elizabeth Alpert, 4130 S. Jamestown Ave., Tulsa, OK, stated that when you recuse yourself, you don't comment an opinion. I was the previous owner and there was an existing 20' driveway there. The current owner is preparing to demo that that one. She heard earlier the comment "being deferential to the future", "preventing gentrification", "the Mayoral influence", "density", her question was what the saturation point is.

Ms. Radney disagreed with Ms. Alpert stating that what we are trying to get at when we are talking about the direction of the plan of leaning towards more density is exactly the opposite of what you are saying. The idea is that by allowing one offs with Special Exceptions and Variances the idea would be that lots of different ways of creating that density and not necessarily be superimposed in a cookie cutter homes.

Ms. Albert stated that she was not suggesting that she was addressing the concept of density going away from single-family homes and moving into multi-family dwellings within currently existing neighborhoods as an end goal for this board.

Ms. Radney stated that her interpretation of the master plan is that we encourage density, but not necessarily to the displacement of existing areas of stability.

Mr. Chapman stated that the mayor does have a housing strategy document. There is not a hard rule from the City Council directing you, but to Mr. Bond's point in our code we did write in ADU's which are not allowed by right they are still special exception in

single-family neighborhoods. As far as a Special Exception, it does not entirely align with the Code by design and so in those instances it is a discretionary board to make that determination. Typically, in a neighborhood that has several vacant lots and you approved duplexes on all of them, that would take away from the idea that it is a Special Exception. It really is a case-by-case item to review if it is injurious to the neighborhood at its heart. Generally, I would encourage the board to accept comments and then we can go from there.

Ms. Alpert is opposed.

Ms. Sommer, 3633 E. 40th Place, Tulsa OK, stated that she is opposed to the building of this duplex.

Jean Anderson 4012 S. Marion Ave., Tulsa OK stated that she is opposed to the building of this duplex due to drainage and privacy.

Rebuttal:

Mr. Wilkinson stated that there are duplexes in the neighborhood and showed the board the neighborhood plan and where they are situated.

Comments and Questions:

Mr. Wallace asked the Ms. Blank of legal if he had permission to speak and not vote. Ms. Blank replied that he needed to leave the room if he was going to recuse himself.

Mr. Bond stated that the audience was not to speak out of turn.

Mr. Bond stated that these are tough issues and that his concern was the driveway and the neighbor that shares the backyard because of the distance looking into said backyard. As far as it being detrimental to the neighborhood, he understands the concerns of the neighbors.

Ms. Radney stated that her biggest concern was intensity of traffic on South Lewis. She would generally be inclined to support it.

Mr. Barrientos stated that he is not inclined to support it due to it not fitting into the neighborhood.

Mr. Brown stated that what he is hearing is that it does not fit, which he agrees with, however, this single development is not the leading edge for a trend of multi-family housing in the area. I am inclined to support this and that it is a good use of a vacant property.

Mr. Bond stated that he would support this.

Board Action:

On **MOTION** of **BROWN**, the Board voted 3-1-1 (Brown, Radney, Bond “ayes”, Barrientos “nay” and Wallace recused) to **APPROVE** the Special Exception to permit a duplex in the RS-3 District (Table 5.020, Table 5-2, Table 5-2.5) per the Conceptual Plan shown on page 9.10 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT-4-BLK-11, MARION GARDENS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23359 – John Shafer

Action Requested:

Variance of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); Variance of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3) **Location:** Southeast corner of South Yorktown and East 1st Street South **(CD 1)**

Presentation:

John Shafer 427 South Boston, Suite 7, Tulsa, OK, stated that he was there representing his client, Ken Ackley, the property owner. Mr. Ackley is a craftsman employs a crew of workers and he looks for properties are under par in neighborhoods and fixes them up to make them an asset. We are seeking variances of front and street set back so that we can get a lot split approval. There are two separate single-family dwellings on this one lot of record and have existed there since 1935. We are seeking a lot split so that Mr. Ackley can market the properties separately. At the present time, they are being used for rental properties. We are not seeking anything concerning the use. We are not changing anything, no change of use, no change of improvements, we are just dealing with the existing improvements. These houses are pre-existing and non-conforming. It does create a hardship for Mr. Ackley and the neighborhood. If Mr. Ackley cannot market these houses separately it has some economic impact, but there is no reason he should be stuck with only selling to a rental investor. Selling them separately will not change anything as far as the neighborhood is concerned. It will increase small affordable housing units that should find a place within the Kendall-Whittier Square area. This will enable these properties to have homeowner instead of renters.

Interested Parties:

No interested parties present.

Comments and Questions:

Mr. Brown stated that he thought this was a good and reasonable reuse of an existing lot that has been a problem for years. This is a solution, and he approves of this project.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Bond, Brown, Wallace, Barrientos, Radney “ayes”, no “nay”, no abstentions) to **APPROVE** a Variance of the minimum 5,500 square foot lot area and lot area per unit in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3); and a Variance of the minimum 10-foot street setback, and 10-foot rear setback in the RM-2 District to permit a lot split (Sec. 5.030-A, Table 5-3). Finding the hardship to be the pre-existing and non-conforming construction that predates the current code, per the Conceptual Plan shown on page 10.7 of the agenda packet and subject to the following conditions each lot is limited to 1 dwelling unit as currently built. In granting the **Variance** the Board finds that the following facts, favorable to the property

owner, have been established:

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

LOT-6-BLK-3,WAKEFIELD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

23360- Tom Neal

Action Requested:

Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3) Location: 3127 S. Rockford Dr. **(CD 9)**

Presentation:

Tom Neal, 2507 E. 11th Place, Tulsa, OK 74104, stated that he represents the owners of this address and the house has been there since 1949 and the garage is of this era. They would like to add a contemporary sized 24-foot x 24-foot garage on the front. It would be allowed by right, however, the city has a potential right of way of 50-foot it is not in the future by right. The site plan illuminates the current and future when the right of way gets expanded. The current right of way is 15-foot, the new garage would be within the building line, but the future right of way does not allow this. The future right of way is that the city is going to a standardized 50-foot that is typical in mid-town. There have been no objections from the neighbors.

Interested Parties:

No interested parties present.

Comments and Questions:

Mr. Bond stated that it is a unique lot in a unique neighborhood. The angle on it itself lends it to a variance as it is a precarious place for a building. I do not have an issue with this.

Mr. Brown stated that it was a clever solution to a hard problem and there is no other place to place this garage on the property. He was inclined to support the variance.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Bond, Barrientos, Brown, Wallace, Radney "ayes", no "nays", no abstentions) to **APPROVE** a Variance to reduce the required 25-foot street setback in the RS-3 District (Sec. 5.030-A, Table 5-3). Finding the hardship to be the shape of the lot and existing struction construction in 1949 pre-dates the existing Code. Per the Conceptual Plan(s) shown on page(s) 11.8 through 11.12 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique

to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”; for the following property:

PRT LTS 1 & 2 & 11 BEG 350.55S NEC LT 1 TH S148.98 NWLY 279 NWLY CRV LF 97.5 SELY 216.5 POB LESS W5 LT 2 FOR RD,PEORIA ACRES ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKIAHOMA

23361- Robert Garand

Action Requested:

Special Exception to permit an Accessory Dwelling Unit the RE District (Sec. 45.031-D) Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A) **Location:** 2103 E. 47th St., Tulsa, OK **(CD 9)**

Presentation:

Brian Jordan, 2103 East. 47th Street, Tulsa, OK, stated that he was there to represent the Robert Garand and homeowners for 2301 East 47th Street South. They would like to do an accessory structure on a second lot that they have purchased as part of their first lot. It would be a guest house or mother-in-law's suite and they would a driveway gate to match the existing one on the first lot.

Interested Parties: No interested parties were present.

Comments and Questions:

Mr. Bond asked if they had a chance to speak with any of the neighbors. Mr. Jordan stated that there are two neighbors that are fine with it.

Mr. Brown asked if the ADU was an outbuilding and Mr. Jordon stated that it is a guest house.

Mr. Bond asked if the ADU was going to be used for commercial gain and Mr. Jordan replied that it is not. Mr. Bond stated in regards with the ADU, he doesn't have any problem regarding the recent code revisions and the lack of any complaints from the neighbors. Then the wrought iron fence is in line as well.

Mr. Wallace asked the height of the proposed fence. Mr. Jordan stated that the existing fence is about 6-foot, the gate is going to be about 7-feet and 4-inches at that location only. 7-foot 4-inches for the masonry wall and 6-foot for the wrought iron fence.

On **MOTION** of **RADNEY**, the Board **APPROVED** by 5-0-0 (Radney, Wallace, Bond, Barrientos, Brown "ayes", no "nays" and no "abstentions") Special Exception to permit an Accessory Dwelling Unit in the RE District (Sec.45.031-D) and a Special Exception to permit a fence or wall to exceed 4-feet in height inside the required front street setback (Sec. 45.080-A). Per the Conceptual Plans shown on pages 12.12 thru 12.14 of the agenda packet. Subject to the following conditions the proposed fenceshould match and extend the existing fence limited to masonry wall 7-feet 4-inches in height at gate and wrought iron not to exceed 6-feet.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: **SE NE NW SE SEC 30 19 13; S 1/2 W 1/2 OF W 1/3 N 1/2 NE SE SEC 30-19-13,CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23362-Sharde Dorsey

Action Requested:

Special Exception to permit a Daycare use in the IL zoning district (Sec.15.020, Table 15-2) **Location:** 1601 East Marshal St. **(CD 1)**

Presentation:

Sharde Dorsey, 1601 East Marshal Street, Tulsa, OK, 74106, stated that she was requesting to make her home a commercial Daycare use.

Interested parties:

No interested parties were present.

Comments and questions:

Mr. Bond asked how many children she planned on caring for daily. Ms. Dorsey estimated up to 20, with 3 to 4 staff members. DHS must come out to do all the measurements. There will be some remodeling done to accommodate their needs. Mr. Bond stated that he doesn't have a problem with this. It is currently zoned IL.

Mr. Radney asked what NIO stand for. Mr. Chapman stated that it is Neighborhood Infill Overlay.

Mr. Brown stated that he felt it was a good use of a small existing property and wished her the best.

Board Action:

On **MOTION** of **BARRIENTOS**, the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, and Barrientos voted "ayes", no "nays", no "abstentions") to **APPROVE** a Special Exception to permit a Daycare use in the IL zoning district (Sec. 15.020, Table 15-2) Per the Conceptual Planshown on page 13.5 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

S90 OF LTS 1 2 BLK 1, ELM RIDGE SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23364 – Susan Jones

Action Requested:

Variance to reduce the 3-foot setback for a detached accessory building from the rear lot line (Sec. 90.090-C.2.b) **Location:** 5922 E. 54th Street. **(CD 9)**

Presentation:

Susan Jones, 5922 East 54th Street, Tulsa, OK 74135, stated that she was requesting to reduce of the 3-foot setback on a covered patio that is existing. We went through the city and did everything that we were supposed to do according to them. About a year or more ago, the city came back out due to a complaint from a neighbor behind us who we had touch based with often during the building process. When the city came back out the guy was confused because he was the one that had given us the permit and he had been out 5 or 6 times. They then told us we had the wrong permit although it was what he told her to do. Over the last several months, we have gotten an easement agreement, we've gotten everything covered aside from this variance which the post is 19-inches from a cinderblock fence that was existing since 1963. The fence is 8-inches wide. I am asking for a 9-inch variance on the location of the post.

Interested parties:

Lisa Lawrence 6019 East 57th Street, Tulsa OK, stated that her son owns the house that is behind Ms. Jones and that address is 5416 S. Lakewood Place. We purchased that home in 2007 and then in 2019 our son purchased from that home from us. His name is Justin Swearingen, so I am pursuing this matter on his behalf. We are here today because of a failure to submit a site plan for what Ms. Jones is calling a covered patio instead it is a large structure with a masonry fireplace with plumbing and electrical. This structure redirected rain fall onto our property and has caused damage.

Rebuttal:

Susan Jones stated that April of 2020 we called the city and they stated that there was no need for a permit. June of 2020 the city came out and stated that we do need a permit. We immediately we got on-line, and I chose the accessory structure building permit. The city called and I told him there had been a structure here, gas and electric have been run, so he stated that they should do a repair permit. City came out 6 times throughout the process of building and never said anything about the easement, a setback, only regarding post and such and we got the permit. The gutters on both sides of it are operational. The flashing is on and the only water that can be going into their yard is from the top of the fence. The gutters come down in my yard and run to Little Joe Creek.

Comments and questions:

Mr. Bond asked Mr. Chapman if there is any information from the city about when they were there or what they saw. Mr. Chapman stated that he did not.

Ms. Blank stated there were some representatives from Development Services at the

meeting and they might be familiar with this case.

Danny Wideman stated that he does the zoning plan review for the City of Tulsa. At the time of the application, I didn't know that there had been previous discussions about a repair permit or at least not that I remember. Originally, the distance on the site plan from the property line wasn't shown so I asked for that and what they turned in showed 19" from fence to pole on the east side. I do not have any other information with me.

On a repair permit, no site plan is required. They fill out a work sheet stating the work that they are going to do. No plans or drawings are required.

Comments and questions:

Mr. Wallace stated that as far as the easement situation and what we are being asked to approve or deny, I don't have any issues with it. The other situation is troubling to hear, but another entity to review.

Mr. Bond stated that it was all confusing to him and that he understands the volume of permitting the city must deal with and inspectors out is tough. I could see how there is confusion on this matter.

Ms. Bond stated that it goes to the hardship has been the governmental confusion. The interactions between the applicant and the city were caused by confusion and caused mistakes to be made.

Dwayne Wilkerson wanted to add that many times the building permit office just like us gets inadequate information to respond to. Judgement calls are made every minute of every day based on the information that is in front of us. I'm concerned that we have been having any conversation about confusion on our side because many times trying to do what's best for an applicant but in the end, we are just making it worse.

Bob Kolibas with Inspection Services. To clarify, the repair permit was the 1st permit was sought, but were told that they didn't need that. Then the 2nd permit for the accessory structure is what we are looking at now.

Board Action:

On **MOTION by RADNEY**, the board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos "aye", no "nays", and no "abstentions") to **APPROVE** a Variance to reduce the 3-foot setback for a detached accessory building from the rear lot line (Sec. 90.090-C.2.b) Finding the hardship to be non-self imposed and is the result of conflicting information given from a regulatory body. Per the Conceptual Plans shown on pages 14.7- through 14.17 of the agenda packet. Subject to the conditions that the granting of this variance does not remove responsibility as relates to storm water run off requirements or other run off that might be created by this structure. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties

for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”; for the following property:

LT 14 BLK 3,CARTER PLAZA EXT ADDN AMD

23366 – Stuart Van DeWiele

Action Requested:

Special Exception to permit the following use categories: Commercial vehicle repair/maintenance, Commercial vehicle sales and rentals, Personal vehicle sales and rentals, and Vehicle body and paint finishing shop in the CS Zoning District (Sec. 15.020, Table 15-2); Variance to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots and the requirement that vehicle display areas meet the parking area design standards of Sec. 55.090 (Sec. 40.400-A,-B) Variance to allow outdoor merchandise display within 300-feet of an abutting R- or AG-R district (Section 15.040-A) Special Exception to permit alternative compliance parking ratios in the CS District to reduce the required number of parking spaces for Vehicle Sales and Service Uses in the CS District (Section 55.050-K; Section 55.020 Table 55-1) Location 4920 South Memorial Dr. (CD 5)

Presentation:

Stuart Van DeWiele, 320 S. Boston, Suite 200, Tulsa, OK 74103, representing the owners of the northeast quadrant of the Fontana Shopping Center that consists of a couple of buildings. The smaller building will be removed and then a smaller used car sales building will be constructed out toward the corner of 49th and Memorial. All of this for a reconstruction, redevelopment, and relocation of the Jim Norton Chevrolet dealership. There are a variety of special exceptions that then trigger a couple of variances and a parking variance as well. The special exceptions are typically what you see with a car dealership, commercial vehicle repair and maintenance, commercial and personal vehicles sales and rentals, and then vehicle body and paint finishing shop. This triggers a variance for a screening requirement for a dealership for the multi-family complex would be a wall that would not be in keeping with the rest of the center. Also, a variance to display the outdoor display of vehicles for sale or rent. Those will mainly be to the east fronting out to Memorial. The variance is triggered by this multi-family that didn't show up on our letter of deficiency and it's not entirely clear to me if that measurement is from property line to property line or from the area of the multi-family to the area of display of merchandise. If it is the latter, we are well outside that 300' and we wouldn't need it. When we go for permitting, we don't want that to be an issue, we are well outside that 300' from where apartments would be versus where inventory are for sale and lease. Finally, from a parking standpoint, we are removing one of the buildings will be removed and parking will go back in its place. We will have an abundant amount of parking on the site. There are standards that GM/Chevrolet will put on us. This will all be new parking to the south. There will be 300 parking spaces on this property. The hardship is that this is an overly large amount of land, and we are reducing the footprint on the property and an abundance of vacant retail space.

Ms. Radney asked that Mr. Van DeWiele speak more about your request to not have the screening on the western side.

Mr. Van DeWiele stated that it would be a single wall that encloses nothing. The apartments face east and west and it will be employee parking and has been parking in

the past.

It is a 6-to-7-acre size lot and from a standpoint and it is challenging what can go in there. The two variances are the screening requirements. Is that it has been parking for decades and we are well outside that 300' required.

Interested parties:

No parties were present.

Comments and questions:

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

Ms. Radney asked about the hardship. Mr. Bond stated for removing the screening requirement for vehicle would be ineffectual given the shape and current use of this lot as intended by the zoning Code per the conceptual plan.

On **MOTION of Radney**, the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos “ayes”, no “nays”, and no “abstentions”) to **APPROVE** a Special Exception to permit the following use categories: Commercial vehicle repair/maintenance, Commercial vehicle sales and rentals, Personal vehicle sales and rentals, and Vehicle body and paint finishing shop in the CS Zoning District (Sec. 15.020, Table 15-2) per the Conceptual Plans shown on pages 15.13 of the agenda packet and additional exhibits presented at the meeting. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, on **MOTION of Radney**, the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos “ayes”, no “nays”, and no “abstentions”) to **APPROVE** a Special Exception to permit alternative compliance parking ratios in the CS District to reduce the required number of parking spaces for Vehicle Sales and Service Uses in the CS District (Section 55.050-K; Section 55.020 Table 55-1) per the conceptual plan as shown on 15.13 and as additional exhibits presented at the meeting. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Further, on **MOTION of Radney**, the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos “ayes”, no “nays”, and no “abstentions”) to **APPROVE** a Variance to remove the screening requirement for Vehicle Sales and Service Uses from R- or AG-R zoned lots and the requirement that vehicle display areas meet the parking area design standards of Sec. 55.090 (Sec. 40.400-A,-B) and a Variance to allow outdoor merchandise display within 300-feet of an abutting R- or AG-R district (Section 15.040-A) finding the hardship to be that the intent and purpose of the screening requirement is

ineffective given the size, shape, and proposed use this site per the conceptual plans shown on pages 15.13 of the agenda packet and specifically as proposed on the additional exhibits presented of the site plan at the meeting today that delineate the proposed parking and display areas. In granting the Variances 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:

A TRACT OF LAND THAT IS PART OF LOT ONE (1), BLOCK ONE (1), FONTANA, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID LOT 1, AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH MEMORIAL DRIVE FOR 15.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 00°00'00" EAST ALONG THE EAST LINE OF SAID LOT 1, AND ALONG THE WEST RIGHT OF WAY LINE OF SOUTH MEMORIAL DRIVE FOR 185.00 FEET; THENCE NORTH 90°00'00" WEST CONTINUING ALONG SAID WEST RIGHT OF WAY LINE FOR 8.00 FEET; THENCE SOUTH 00°00'00" EAST CONTINUING ALONG SAID RIGHT OF WAY LINE, PARALLEL WITH AND 8.00 FEET WESTERLY OF THE EAST LINE OF SAID LOT 1, FOR 274.93 FEET; THENCE SOUTH 89°58'33" WEST FOR 547.72; THENCE NORTH 44°43'34" WEST FOR

45.81 FEET; THENCE NORTH 00°00'00" WEST FOR 442.37 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, BLOCK 1, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF EAST 49TH STREET SOUTH; THENCE NORTH 89°58'33" EAST ALONG SAID NORTH LINE OF LOT 1, AND ALONG SAID SOUTH RIGHT OF WAY LINE FOR 572.96 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF SOUTH MEMORIAL DRIVE THENCE SOUTH 45°00'43" EAST ALONG SAID RIGHT OF WAY LINE FOR 21.21 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINING 6.345 ACRES OR 276,407 SQ. FT., MORE OR LESS

23368 – Blake Boswell

Action Requested:

Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2). **Location:** 4920 S. 177th E. Ave. **(CD 6)**

Presentation:

Blake Boswell 10217 S. Granite Ave., Tulsa OK 74137 here to represent the property owner Mr. Thomas Kelly of the subject property. I am the architect of the proposed projects in progress. The property is about 4 acres and is an agriculturally zoned lot. A metal shop building is being built towards the west of the property. There is an existing single-family home to the east. There is an existing asphalt driveway, and we are proposing to extend the driveway to get access to the accessory structure. The Special Exception is to permit a gravel driveway. My client has been in contact with all of his neighbors and there have been no objections to the proposal.

Interested Parties:

No interested parties were present.

Comments and questions:

Mr. Bond stated that this is an AG District and not for commercial use didn't have any issues with the project.

On **MOTION** of **Wallace**, the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos "ayes", no "nays", and no "abstentions") to **APPROVE** a Special Exception to permit the storage of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface outside of the required building setbacks to permit a gravel driveway (Sec. 55.090-F-2). Per the Conceptual Plan shown on page 16.6 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG 416S NEC SE SE TH S171 W1040 N171 E1040 POB SEC 26 19 14, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23369 – Jim Beach

Action Requested:

Special Exception to modify a previously approved site plan for a university in a residential district (Sec. 5.020, Table 5-2, Sec. 70.120) **Variance** to increase the maximum permitted height of 35-feet in an RS-3 District (Sec. 5.030-A, Table 5-3) Location: 7777 S. Lewis Ave. **(CD 2)**

Presentation:

Jim Beach Wallace Design Collective 123 N. MLK Jr. Blvd., Tulsa, OK Over the last several months there have been applications that have come before you on this project. This is another building that is going in on the ORU campus. It's a media arts center which is an education facility for education and performance space for music and film. This will have all the parking that is required which is 128 spaces. To address the Variance, the building height will be approximately 50-feet. The hardship is the fact that this is zoned RS-3, and the height limit is 35-feet. The buildings on this campus are all above 35-feet. The Variance has been granted for several other buildings on the campus. The current zoning creates a hardship on the facility.

Ms. Radney asked to verify that the building in question is at the bottom of 17.36. Mr. Chapman verified that is correct.

Mr. Wilkerson stated that the topic of rezoning of this property has come up several times over the years, but it hasn't really taken root yet.

Interested parties:

No interested parties were present.

Comments and questions:

No comments or questions.

On **MOTION** of **Radney** the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos all "ayes", no "nays", and no "abstentions") to **APPROVE** a Special Exception to modify a previous approved site plan for a university in a residential district per the conceptual plans shows on pages 17.36 through 17.38 of the agenda packets. 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.

Further, on **MOTION** of **Radney** the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, Barrientos all "ayes", no "nays", and no "abstentions") to **APPROVE** a **Variance** to increase the maximum permitted height of 35-feet in an RS-3 District finding the hardship to be that to deny the request would interrupt the continuation of the existing land use pattern per the Conceptual Plans shown on pages 17.36

through 17.38 of the agenda packets. In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

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

**BLK 1 LESS BEG SWC TH N22 SE31.19 W22 POB, ORAL ROBERTS
UNIVERSITY HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23370 – Bruce Lau

Action Requested:

Special Exception to increase the permitted driveway width in a Residential District (Section 55.090-F.3) **Location:** 8127 S. Pittsburg Ave. **(CD 4)**

Presentation:

Bruce Lau 8127 S. Pittsburg Ave., Tulsa, OK 74137. I am the owner of the said address, and we would like to make this driveway straight because he is limited to 30-feet on the lot and 27-feet on the right of way. We want to widen the curb cut. The hardship is that my wife and daughter must drive over the curb to get into the driveway, and it is hard on our car. There have been no issues with the neighbors.

Interested Parties:

No interested parties were present.

Comments and questions:

Ms. Radney stated that he needs no relief in the driveway itself but needs 3-feet at the curb cut.

On **MOTION** of **Wallace**, Board voted 5-0-0 (Radney, Wallace, Bond, Brown, and Barrientos all “ayes”, no “nays”, no “abstentions”) **APPROVE** a Special Exception to increase the permitted driveway wide in a Residential District (Section 55.090-F.3) per the Conceptual Plans shown on page 18.7 of the agenda packet, subject to the following condition that the curb cut is not to exceed 30-feet. 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 4 BLK 1, FOREST CREEK II AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

23371 - Tom Neal

Action Requested:

Special Exception to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6); **Variance** to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2); ~~**Variance to allow a Detached Accessory Building in the side setback (Sec. 90.090-C, Table 90-1)**~~
Location: 1724 S Delaware Ave. **(CD 4)**

Presentation:

Tom Neal 2507 E. 11th Place, Tulsa, OK is the architect representing the owner of the home stated that the hardship is that have a 1941 ranch home that impinges into the required 5-foot setback. It would be difficult to attach the garage to the house due to backing out of the garage. They have family that visits and want to add a small accessory one bedroom guest house. There are some people in support and some people that are not in support of the accessory building and garage. The neighbors immediately to the north have a pool and an 8-foot fence and felt this would be too close to them even with the 3-foot setback which is allowed. We moved it to 5-foot which is the required normal side yard and we also talked with them about reducing the height of the building. Our hardship is that the only way to get through this because we can't do a driveway around the house, and it is a 1941 house, and it is landlocked otherwise. It is an existing, nonconforming structure.

Interested Parties:

Lacy Stanley 1725 S. Columbia Place, Tulsa, OK was concerned about storm water flow and it concerned about windows on the west side of the structure. She felt that it is a massive structure and is opposed to the building of it.

Joy Garwood 1731 S. Columbia Place, Tulsa, OK stated that her house is directly behind the property and this structure will be right up into the corner of the backyard. She is concerned about the privacy and the storm water drainage. She is vehemently opposed.

Steve Stockley 1712 S. Delaware Ave., Tulsa, OK stated that he is concerned is storm water drainage and this will make it so much worse. He is vehemently opposed.

Rebuttal:

Mr. Neal stated that the actual application for these Variances doesn't not require any floor plan or any elevations, it only requires a site plan. I stated adding the

additional information as a courtesy to this body because it makes your job easier if you understand what we are proposing. The latest revision to this proposal is one 2 x 3 window in a bathroom that faced west and that is the only window on the west side. We can eliminate that. There is a window facing east that is facing my clients house and a window facing south which faces her garden and the neighbor who likes the project.

There is the mandated 5-foot utility easement to the west and the 5-foot required side yard to the north. The apartment will be 350 square feet and the garage itself will be 624 square feet. The overall height is reduced to 23-feet and 3-inches to the ridgeline. The house is about 18-feet. The pitch of the ADU is slightly lower than the house. There is a down hill slope from the house to the ADU.

Comments and questions:

Mr. Bond spoke to the neighbors that he fully understood their concerns. It's always an uphill battle to keep a neighbor as it is. Your neighbor is a gem because you all care so much. I will tell you though is that we balance on this board regularly the need to use a house and a garage with an ADU for modern uses. We regularly grant the ability grant people to build an ADU with a garage in all neighborhoods. We do take your concerns seriously and your privacy concerns seriously. These designs are taking great pains to accommodate the neighbors and they are talking about 350 square feet, and I don't think that this is going to change the character of the neighborhood. What will change it though is neighbors that won't talk to each other, and the lack of a community feel. It is not just pretty houses. I hope when we leave that these personal feelings don't overflow for either party. I don't think this is out of bonds we have been doing. There are some concerns, but we can do that adequately by the remedy.

Mr. Brown stated that he supported this proposal.

Mr. Wallace stated that he supported this as well.

Mr. Barrientos stated that he supported it as well.

Ms. Radney stated that she would be in favor of opaque windows to the west and north facing windows if there are any.

On **MOTION** by **Radney**, the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, and Barrientos all "ayes", no "nays" and no "abstentions") to **APPROVE** a Special Exception to allow an Accessory Dwelling Unit in the RS-3 District (45.031-D); per the conceptual plans that were submitted to the Board to this meeting today. 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.

Further, on **MOTION** by **Radney**, the Board voted 5-0-0 (Radney, Wallace, Bond,

Brown, and Barrientos all “ayes”, no “nays” and no “abstentions”) to **APPROVE** a Variance to allow the floor area of Detached Accessory Buildings/ Dwelling Units to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-A, 45.031-D.6) and a Variance to allow a Detached Accessory Building/ Dwelling Unit to exceed one story or 18-feet in height and to exceed 10-feet in height to the top of the top plate in the rear setback and to allow more than 30% coverage of the rear setback by an Accessory Building/Dwelling Unit in the RS-3 District (Section 90.090-C2) Finding the hardship to be the existing structure is non-conforming and with it's existing siting on an unusual, shaped lot; per the Conceptual Plans that are in the additional packet today from Tom Neal Design Subject, that the total square footage allowed shall not exceed 1,000 square feet combined for the residential compartment and the garage structure, the height of the proposed building will not exceed 24-feet, that the North or West facing windows will be opaque or clerestory, and that this addition will not be used for short-term rental or purposes outside of the primary owner and resident. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”; for the following property: **LT 5 BLK 1,WILSON VIEW SECOND ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

23372 - Nathalie Cornett

Action Requested:

Variance to allow more than 25% coverage of the rear setback by a Detached Accessory Building (Sec.90.090-C.2) **Variance** to reduce the side street setback from 15-feet to 2-feet for a covered patio (Section 5.030-A, Table 5-3) Location: 2667 S. Trenton Ave. **(CD 4)**

Presentation:

Nathalie Cornett, 2727 E. 21st St. Tulsa, OK 74114 This property is at the northeast corner of 26th Pl. and S. Trenton Ave. in Terwilliger Heights across the street from the Cascia Hall campus. The 1st variance is to construct a new detached garage that will cover 28% of the rear setback. The code currently permits 25% of the rear setback. The owners want their detached garage able to fit two cars instead of one and a half. To do that on this property, they are going to have to push it forward a little bit on the lot to be able to get that extra space. Currently 1 ½ car garage sets in the northeast corner of the property and it will have to come forward out of that corner towards 26th Place to get the added square footage. The proposed garage will be 621 square feet and will not have an ADU, it will have some space for the pool equipment for the proposed swimming pool in the back yard, and some loft storage space. The second request is a variance is to reduce the side yard setback. The property owners would like to include an outdoor living covered patio area. We have spoken to the neighbors to the east, and he has no reservations. We have spoken to the neighbors across Trenton, and they approve of it. The neighbor directly north, and they are concerned about drainage, but we are down hill from them and don't anticipate any problems.

Interested Parties:

No interested parties were present.

Comments and questions:

Mr. Bond stated that Ms. Cornett stated correctly that there is an excessive setback here.

The hardships are going to be multiple and the most obvious is the zoning code which has no allowance for a modern garage and the nature of the lot dictates building of the garage in this area.

On **MOTION** of **Wallace** the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, and Barrientos all "ayes", no "nays", and no "abstentions") to **APPROVE** a Variance to allow more than 25% coverage of the rear setback by a Detached Accessory Building and a Variance to reduce the side street setback from 15-feet to 2-feet for a covered Patio. Finding the hardship to be the existing lot predates modern zoning Code and does not accommodate for modern vehicles. Per the Conceptual Plans shown on page 20.11 of the agenda packet. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

LOT SIXTEEN (16) AND THE NORTH 30 FEET OF VACATED STREET, BLOCK FIFTEEN (15), TERWILLEGER HEIGHTS, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

23373-Anthony Chau

Action Requested:

Special Exception to allow a Low-impact manufacturing and Industry Use in the CH District to permit a Microbrewery (Sec. 15-020, Table 15-2) Location: 2501 E. 15th St. S., Tulsa, OK **(CD 4)**

Presentation:

Anthony Chau 608 E. 3rd Street, Tulsa, OK 74120 We are requesting a Special Exception to allow a Microbrewery. We have spoken to the neighbors and there have been no negative comments to the proposed projects. There have been only positive comments about bringing a consistent tenant to this space.

Mr. Brown asked where people park. Mr. Chau stated that there is street parking on the site. It is only a microbrewery with a small tasting room.

Interested Parties:

No interested parties were present.

Comments and questions:

Mr. Bond stated that he thought it was an excellent location for the space.

On **MOTION** of **Barrientos** the Board voted 5-0-0 (Radney, Wallace, Bond, Brown, and Barrientos all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to allow a Low-impact Manufacturing and Industrial Use in the CH District to permit a Microbrewery per the conceptual plans on page 21.5 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

ELECTION OF OFFICERS:

On **MOTION** of **Brown** the Board voted 5-0-0 (Radney, Wallace, Bond, Barrientos, and Brown all “ayes”, no “nay”, and no “abstention”) to **APPROVE** the existing slate of officers as the next slate of officers for the coming year.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

Ms. Radney thanked Mr. Bond for his comments about attention to preserving neighborhood integrity and continuity. I pay equal attention to neighborhoods that are my favorites as well as those that are not my favorites. I think we really try to do the

best that we can, and I appreciate everyone's patience today with a variety of different concerns.

Mr. Bond stated that he often struggles with putting time limits on people when they are speaking. For me, if you think those are appropriate, remind me early on. What I don't want to do is to impose a time limit on one interested party and not on another. It should be equitable. For a lot of people, this is going to be the closest interaction with city government and democracy that they are going to have. We need respect for the process. I appreciate staff for all that you do especially on days like this and sometimes the occasional eyebrow raise from Audrey or Dwayne.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:34 pm.

Date approved: 7-26-22

Anton P. Buel
Chair