

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1200
Tuesday, February 27, 2018, 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 Flanagan, Vice Chair Back, Secretary Ross	Bond	Wilkerson Moye Sparger Ulmer	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on February 23, 2018, at 8:41 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

MINUTES

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the **Minutes** of the February 13, 2018 Board of Adjustment meeting (No. 1199).

UNFINISHED BUSINESS

None.

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today. Mr. Bond is out today. Any motion will require an affirmative vote of three of the remaining four members. When there is less than a full

Board the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. 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. The audience nodded their understanding and no one came forward to request a continuance.

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NEW APPLICATIONS

22394—Carolyn Ingram

Action Requested:

Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); Verification of spacing for a transitional living center use (Section 40.130). LOCATION: 272 East 54th Street North (CD 1)

Presentation:

Carolyn Ingram, 546 East Pine Place, Tulsa, OK; stated she would like to open a group home which will house six girls short term. This is a therapeutic program aimed at supporting the youth assessment to transition back into their family, either parental or a kinship setting whenever possible or into a foster adoptive placement. She will accept youth who have the capacity to adjust to benefit from a group living environment supported by experience, caring and motivated individuals that have the vision to assist in promoting productive citizens in society. Ms. Ingram stated she is currently an elementary councilor and a fully licensed professional councilor. As a Councilor she sees what children are going through. Some children just need a temporary transitional place to go until the parents can pull themselves together and adjust and accommodate their children. Her purpose would be to have the girls come into the center, give them the therapeutic techniques they need. Group sessions provide a warm loving caring environment for them where they can transition back into the family. She would ask the Board to approve her request.

Mr. Van De Wiele asked Ms. Ingram who is the typical candidate that would participate in this facility. Ms. Ingram stated the children can come from various backgrounds.

Mr. Van De Wiele asked Ms. Ingram who was referring the children to her, is it a state agency? Ms. Ingram stated that once she receives approval and cleared by the City of Tulsa she will apply with the Department of Human Services, and she will receive referrals from them. Mr. Van De Wiele asked Ms. Ingram if DHS screened the candidates for eligibility into the program and on the way out? Ms. Ingram stated that she will work with DHS on that point, but DHS will probably make that decision. If the child just needs a short-term period, then DHS would probably highly recommend her facility.

Mr. Van De Wiele asked Ms. Ingram how long the children will live at the facility. Ms. Ingram stated that it would be from 30 days to 120 days.

Mr. Van De Wiele asked Ms. Ingram if the facility would be her principal residence. Ms. Ingram stated that it will be a place where she works and where the young women would live. Mr. Van De Wiele asked Mr. Ingram who would be staying with the children overnight. Ms. Ingram stated there will be staff on site 24 hours. Mr. Van De Wiele asked Ms. Ingram how many staff she will have. Ms. Ingram stated that currently there are four staff members. Mr. Van De Wiele asked Ms. Ingram if the staff was full time. Ms. Ingram stated there are full and part time employees, and she will be a full-time staff member.

Mr. Van De Wiele asked Ms. Ingram what the ages of the children staying at the house would be and if they would be all female. Ms. Ingram stated the children will all be female and range from 10 years to 18 years old.

Mr. Van De Wiele asked Ms. Ingram if there were criminal backgrounds or drug offenses in the girl's backgrounds? Ms. Ingram stated that she is not sure what DHS will send to the facility, but she will prefer to have the girls that have not gone through criminal system. She wants just the children that just need to have a transition, for instance, the death of a parent, parents that have divorced or a parent that has gone to prison. These are the children she sees in school on a daily basis. Ms. Ingram stated those children are not a discipline problem at this time, but they will be if someone doesn't help them to transition back.

Mr. Van De Wiele asked Ms. Ingram if her entire staff would be licensed through the state as well. Ms. Ingram stated one employee is an elementary teacher and they all have bachelor's degrees.

Ms. Back asked Ms. Ingram if she had spoken to DHS and started the process, or is she waiting to see if this request is approved by the Board. Ms. Ingram stated that she is waiting to see if her request is approved. Ms. Ingram stated that when she did contact DHS her first step was to receive approval. Ms. Ingram stated that when she contacted DHS her first step was to receive approval, and DHS told her it would be a similar process as running child care.

Ms. Back asked Ms. Ingram if she would be able to tell DHS that she would prefer to not take anyone that is in the system. Ms. Ingram stated that she has the say as to which girls she will take.

Ms. Back asked Ms. Ingram if all the staff had bachelor's degrees and one is an elementary teacher. Ms. Ingram stated that both have bachelor's degrees. One is in banking and one is an elementary school teacher.

Ms. Back asked Ms. Ingram what the work schedule would be like for the staff. Ms. Ingram stated that the schedule can vary but a person will definitely be there at night,

and a person will definitely need to be there in the morning to get the girls ready and off to school. There will be a person to pick the girls up after school also.

Ms. Ross asked Ms. Ingram if she had the ability to remove a girl that was not doing well within the program. Ms. Ingram stated that she is sure she does have that ability, but she has not discussed that with DHS. Ms. Ingram stated that all girls will be assigned a therapeutic therapist, and her (Ms. Ingram) first contact will be the therapist.

Interested Parties:

Jane Malone, President of Chamberlain Area Neighbors, 4735 North Detroit Avenue, Tulsa, OK; stated she lives about six blocks south of the proposed facility. Ms. Malone stated they do not support the application because it will have a negative impact on the community, destroying years and years of trying to uplift the community. They want the neighborhood to be known as being competitive, beautiful, and a wealthy place to live for moderate to upper income individuals. If the Special Exception is allowed it will lessen the opportunities for development to occur in an area that is making renowned come back. Families are moving back into the neighborhood. Children and community members greatly benefit from having a place in their community to go to play, participate in activities at Chamberlain Recreational Center, and participate in sports. The location of a transitional facility in the neighborhood does not support building pride and improving the quality of life for families in North Tulsa. Apparently, there is no definite plan. There is no background of the staff and it is proposed to be close to an elementary school. The proposed facility will increase the fear factor that some people have about the North Tulsa community. The proposed facility will bring about negative influences ranging from increased drugs, alcohol, and mental instability. A transitional living center will disrupt the future of the neighborhood and the idea should be rejected.

Joyce Brown, 2511 North Quaker, Tulsa, OK; stated this is a very well-established neighborhood with well-established residents. It is not clear whether the temporary newcomers will be without harm to themselves or to the community. It is not clear whether the parents of the newcomers may be potential harm to the neighborhood. The parents being the instigators of these situations bring a negative situation into the community where the transitional home is located. It is not clear what type of safety measures will be taken with the transitional home, which will maintain the safety of the well-established community and the residents in the community.

Renee Peterson, 4940 North Frankfort Avenue, Tulsa, OK; stated she is with the City of Tulsa in a community center that is located at 49th and Frankfort. She has been the drug and DUI court coordinator for another county, and she did establish a sober living home. She wants to make sure that the children and families are safe in the neighborhood.

Rebuttal:

Carolyn Ingram came forward and stated that as a school councilor this is something that she sees every day. Kids need this transition. Ms. Ingram stated she lives in the community as well, and the community has already taken on a change. It is not what it

was years ago. The transitional facility that is being discussed is to bring the families back and help the children in the future. The come back starts with the children because if we don't start with them who are you going to start with. There will be 24-hour monitoring. Adults will be with the children at all times. The park would be an advantage for the girls because it is so close. The elementary school being close is another advantage. Ms. Ingram stated that as a councilor she talks with DHS workers on a daily basis, and sometimes she hears that they have no where to go. All kids are not drug addicts or delinquents. Some kids are with parents that are just trying to get their life together. Most of the time parents will be in agreement and they will be a part of the process and a part of the child being at the facility because they know it is only temporary. If something were to occur that is what the police are for. To build the community back up it starts with the children. If six girls are going to make a negative difference in a community then she thinks Chamberlain should open up a group home as well to assist her in this process.

Comments and Questions:

Ms. Ross stated that she has no issues with the request. She actually thinks it would be a benefit to the area. Anything that is going to help young children and give them a structured environment such as group counseling, 24-hour monitoring and staff is a positive.

Mr. Flanagan stated that he thinks what Ms. Ingram is trying to do is incredible but there are too many unknowns for him. If he were living next door he would have a lot of reservations about the facility, so he would not support the request.

Ms. Back stated that she too thinks what Ms. Ingram is trying to do is amazing. The Board has had many cases come before them that are complicated, and she would like to see that DHS help Ms. Ingram further. Ms. Back stated that she has two homes in her neighborhood and no one would know they are there. There are a lot of things that Ms. Ingram needs to do and to set this up to make the Board more comfortable with the request. Ms. Back is undecided.

Mr. Van De Wiele agreed with the general gist of what is going on. There is no doubt that this type of facilities is needed. There are good kids that are falling through the cracks and frankly need this type of service. That is the part that makes this difficult. There is a potential impact on the neighborhood, the properties immediately adjacent to the facility. What this will do to a neighborhood is anybody's guess, but the Board has to determine that it will not be injurious to the neighborhood. Mr. Van De Wiele stated he is having a difficult time with his decision because of the quantity of unknowns. Mr. Van De Wiele stated that at this point he cannot support the request.

Ms. Back asked if the Board would be open to a continuance to allow Ms. Ingram to get more information from DHS so there would be a better understanding of how the children were chosen and who stayed at the home. What is the process for the child that does not blend into the transitional setting, where do they go?

Mr. Van De Wiele stated that he would like to see a business plan and the neighbors would probably be more comfortable with the request if there were a business plan. Mr. Van De Wiele encourages Ms. Ingram to speak with the people that spoke out today, and the neighbors on either side of the subject property to give them the opportunity to support the proposal.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); Verification of spacing for a transitional living center use (Section 40.130) to the April 10, 2018 Board of Adjustment meeting; for the following property:

LT 5 BLK 42, VALLEY VIEW ACRES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22395—David Fugate

Action Requested:

Variance to allow more than 30% coverage in the rear setback area; Variance to reduce the minimum side yard setback for a garage from a public street to 3 feet (Sections 5.030 and 90.090). **LOCATION:** 332 North Rosedale Avenue West (CD 4)

Presentation:

David Fugate, 4612 South Birmingham Avenue, Tulsa, OK; stated his clients are seeking a Variance for a new garage. They would like to demolish the old existing garage and rebuild another garage in almost the same location. The new garage will be slightly larger and slightly wider to accommodate today's automobile. The new garage will closely match the appearance of the existing house. There will also be living quarters for the resident's mother. The new garage will be in keeping with the historical nature of the house. The hardship is that the lot is small and dense, and it is located in the historical Owen Park neighborhood. The subject property is bordered on three sides by two streets and an alley.

Mr. Van De Wiele asked Mr. Fugate to confirm that he is building within his property line. Mr. Fugate stated the garage is three feet back from all property lines and behind the property lines.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to allow more than 30% coverage in the rear setback area; **Variance** to reduce the minimum side yard setback for a garage from a public street from 20 feet to 3 feet (Sections 5.030 and 90.090), subject to conceptual plan 3.9 in the agenda packet. The Board finds the hardship to be the size of the lot and the need to reconstruct an older structure to accommodate modern vehicles. The exterior construction and building materials be substantially similar to the principle residence. The living quarters in the new garage will be limited to immediate family members. 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:

S 15 LT 1 ALL LT 2 N 5 LT 3 BLK 10, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

22396—Jeremy Bates

Action Requested:

Special Exception to allow the driveway width to exceed 20 feet on the lot and in the Right-Of-Way in an RS-4 District (Section 55.090). **LOCATION:** 18509 East 43rd Street South (**CD 6**)

Presentation:

Jeremy Bates, 20964 East 38th Street, Broken Arrow, OK; stated he would like to build a house on one of the last lots in the area. There will be a three-car garage and the standard driveway width is 27 feet, and he would like to have that also.

Mr. Van De Wiele asked Mr. Bates if the other driveways in the neighborhood are 27-foot wide. Mr. Bates answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow the driveway width to exceed 20 feet to allow 30 feet in an RS-4 District (Section 55.090), subject to conceptual plan 4.12 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 27 BLK 7, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma

22398—Jason Mills

Action Requested:

Variance of the minimum open space requirement on a RS-3 zoned lot (Section 5.030). LOCATION: 1535 East 34th Street South (CD 9)

Presentation:

Chance DeLancey, 5932 East 76th Place, Tulsa, OK; stated the Variance is for Debra Hoss's residence. The hardship for this case is medical; Ms. Hoss has undergone two knee surgeries and scheduled for a third. Her residence has no bedrooms on the first floor, so the firm designed a master bedroom for her, so she can stay in her home. The new bedroom will be on the back of the house and come out about 30 feet, and there will be a covered porch as an addition as well.

Mr. Van De Wiele asked Mr. DeLancey if the addition would be on the east side or the west side of the house. Mr. DeLancey stated the addition would be on the east side.

Mr. Van De Wiele asked Mr. DeLancey if he was going from 4,000 square feet to 3,600 square feet. Mr. DeLancey asked if he could go down to 3,500 square feet to allow for any construction variances.

Mr. DeLancey stated the addition is well within the setbacks. The addition will maintain the architecture of the house and should like it was built when the house was originally built.

Mr. Van De Wiele asked Mr. DeLancey if he or his client had heard from any of the neighbors. Mr. DeLancey stated that he has not and as far as he knows there have been no issues with the request.

Ms. Moyer stated that there was one letter of support received and placed it on the overhead projector.

Mr. Van De Wiele asked Ms. Moyer what the minimum lot size for RS-3 zoning is. Ms. Moyer stated that it is 6,900 square feet.

Ms. Back asked Ms. Moyer if the covered porch was being counted in the square footage, and if so is it because it is covered. Ms. Moyer answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** of the minimum open space requirement on a RS-3 zoned lot from 4,000 square feet to 3,500 square feet (Section 5.030), subject to conceptual plans 5.5, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11 in the agenda packet. The Board finds the hardship to be a substantial portion of the square foot addition is actually a covered patio. 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:

W. 40 OF LT-16- E. 20 OF LT-17-BLK-1, PARRAMORE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22399—KKT Architects – Nicole Watts

Action Requested:

Variance to reduce the minimum frontage requirement to 0 feet to allow private streets in a residential subdivision (Section 5.030). LOCATION: East of the NE/c of East 31st Street South and South 161st Avenue East (CD 6)

Ms. Back recused and left the meeting at 1:56 P.M.

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica Place, Suite 200, Tulsa, OK; stated this is a proposed single-family subdivision. The proposal is to have a private street gated subdivision. With the Zoning Code being changed, with PUDs being taken away and the subdivision regs not being finalized yet this proposal is in a grey area where there is no place to allow to have private streets thus the Variance request.

Mr. Van De Wiele asked Mr. Wilkerson if there was some fix in the works. Mr. Wilkerson answered affirmatively. Mr. Wilkerson stated the subdivision regulations are being worked on to satisfy this, and he expects them to be affective by the end of May.

Mr. Van De Wiele asked Mr. Wilkerson if ultimately the goal in the subdivision regs is to allow private streets. Mr. Wilkerson answered affirmatively. Mr. Wilkerson stated that way it is currently, a gated private street subdivision could be allowed through an optional development plan process. That is where it would be established as to who would maintain the streets and how it will all work. Mr. Van De Wiele asked Mr. Wilkerson if he had concerns from that standpoint if the Board approves this Variance for zero street frontage, and how do they get there for street maintenance. Mr. Wilkerson stated the street will have to be a common ownership, and there is nothing the Board can do for that. Ms. Watts stated that there will be a HOA established in the covenants of the Plat with maintenance.

Mr. Van De Wiele asked Mr. Wilkerson if there should be concern about the lot sizes because this seems to be at a very conceptual phase. Mr. Wilkerson stated there are several things that are a part of the Planning Commission's authority that will be dealt with.

Ms. Watts stated the streets will be built per the City of Tulsa standards and will be reviewed and approved by the City of Tulsa, so the streets will be per public standards.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 3-0-1 (Flanagan, Ross, Van De Wiele "aye"; no "nays"; Back "abstaining"; Bond absent) to **APPROVE** the request for a **Variance** to reduce the minimum frontage requirement from 30 feet to 0 feet to allow private streets in a residential subdivision (Section 5.030). The Board finds the hardship to be that the subdivision regulations are not completed as of this date. The creating and maintaining of streets will be addressed at the Plat process at a later date. 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:

SW SW & W895 SE SW LESS A TRACT BEG 550N & 70E SWC SW SW TH E100 N100 W100 S100 POB SEC 14 19 14 66.891ACS, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Back re-entered the meeting at 2:08 P.M.

22400—W Design – Shane Hood

Action Requested:

Variance to permit a retaining wall and other structures to be located within City of Tulsa Planned Street Right-of-Way (Section 90.090). LOCATION: 222 South Kenosha Avenue East (CD 4)

Presentation:

Shane Hood, W Design, 815 East 3rd Street, Tulsa, OK; stated the property in question is a renovation of an existing building located on the northwest corner of 3rd and Kenosha. The building is currently zoned as CBD. Kenosha was the farthest east street of the original City of Tulsa. The 9,000 square foot building both Kenosha and 3rd Street, which is identified as a commercial industrial street. It is actually the only commercial industrial street in all of downtown, which means it has a right-of-way of 80 feet. The building is actually the only building along the 3rd Street corridor from Peoria Avenue to downtown that is not fully built into the planned right-of-way. The surrounding properties are built right to the property line with a sidewalk, and the subject property is built about 9'-8" back from the property line. The building was built in the 1920s and was a tractor dealership, was J. C. Hamilton, a parts dealership, and was a Willys dealership. The south wall is currently built 4 to 6 inches into the planned right-of-way and the southeast corner is 2 ½" over the property line. The right-of-way was applied over an existing situation. It is proposed to make this building a mixed-use structure with potential office, restaurant, and retail use. There will be outdoor spaces created for the building.

Mr. Van De Wiele asked Mr. Hood if the old building was being torn down. Mr. Hood stated that the old building is not being torn down.

Mr. Van De Wiele asked Mr. Hood about the outdoor patio area. Mr. Hood stated there are stairs to access a corner of the building and a stair to access along the back, and will made ADA compliant.

Mr. Van De Wiele asked Mr. Hood if he had started the removal agreement process with the City. Mr. Hood stated that he understands that since the building is not in the actual right-of-way it does not require a license agreement with the City of Tulsa. Mr. Wilkerson stated that in a situation like this, where the City is not asking for additional right-of-way and anticipating construction in the right-of-way, that has been a policy that they have used.

Mr. Van De Wiele stated that when a carport case comes before the Board, the Board always has the applicant get a removal agreement from the City. Mr. Wilkerson state that in this case is not in the street right-of-way; it is not in the dedicated right-of-way nor are the improvements. Mr. Hood stated that all improvements are on the subject property but planned to be up to that dedicated right-of-way.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to permit a retaining wall and other structures to be located within City of Tulsa Planned Street Right-of-Way (Section 90.090), subject to conceptual plans 7.11, 7.12, 7.13 and 7.14 in the agenda packet. The Board finds the hardship to be this property was part of the original township when platted and the subject property is in the CBD District, and most of the properties were built to the property line when constructed and the shape of the lot is oddly positioned. 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:

LTS 1 & 2 & S10 VAC ALLEY ADJ ON N LESS PRT ALLEY BEG 4.56N NEC LT 1 TH N5.44 SW109.1 SE5 NE106.86 POB BLK 112, TULSA-ORIGINAL TOWN, THIRD & GREENWOOD ADDN RESUB BLK 111 VAC ALLEY & LTS 3-5 BLK 112 & PRT VAC ALLEY & VAC S HARTFORD AV TULSA-OT, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22401—Nelson Allen

Action Requested:

Special Exception to allow a self-storage facility in a CS zoned district (Section 15.020). **LOCATION:** 2817 North Peoria Avenue East (CD 1)

Presentation:

Nelson Allen, 1717 North Peoria Avenue, Tulsa, OK; stated the proposal is to develop a self-storage climate controlled indoor and drive-up storage facility. The storage facility would be a catalyst to develop the project even farther. There is a need in the community for established indoor storage because the area is growing rapidly. The subject property 11.9 acres and the storage facility will use 33,000 square feet. The front of the property along Peoria Avenue and Mohawk Boulevard will be used to establish a green space for a farmer's market for the community to use, and it would be free for anyone that has a sustainable garden in the area. The future plans are to build retail around the storage facility, so it will not be seen. There are quite a few interested parties, such as a grocery store and an urgent care facility.

Mr. Van De Wiele asked Mr. Allen how large the contained climate control facility is to be. Mr. Allen stated that it is currently at 30,000 square feet for indoor storage. Mr. Van De Wiele asked if it was all on one level. Mr. Allen answered affirmatively. Mr. Van De Wiele asked Mr. Allen what the square footage of the drive-up area would be. Mr. Allen stated that it is about 38,000 square feet, but it could be less because of the Fire Department requirements.

Mr. Van De Wiele asked Mr. Wilkerson if the other proposed commercial use is allowed under CS. Mr. Wilkerson answered affirmatively.

Mr. Van De Wiele asked Mr. Allen what the small rectangular lots located on the southeast corner were proposed to be. Mr. Allen stated that it is potential parked lots for RV storage, open air space parking for RVs or boats.

Mr. Wilkerson asked Mr. Wilkerson about the screening requirements. Mr. Wilkerson stated that on a self-storage facility that is abutting R zoned lots, there must be a screening fence or wall at least eight feet in height.

Mr. Flanagan asked Mr. Wilkerson about the screening requirements for the RV storage area. Mr. Wilkerson stated that outdoor storage is not allowed in a CS District. Ms. Moye stated that in Section 15.040-A, for outdoor storage and display, the Code states outdoor storage including storage of recyclable materials and outdoor merchandise display is prohibited within 300 feet of an abutting R District. Ms. Moye also stated that in Section 40.360-C it states that in the CS District no open-air storage of any kind is allowed that is visible at the ground level from an abutting O or R Districts. Ms. Moye stated that instance fencing would be required so nothing would visible from the street level.

Mr. Van De Wiele stated that the fence height limit is eight feet so if something being stored is taller than eight feet it would not be allowed. Mr. Allen stated the property is extremely unique. It is recessed by 15 to 20-foot berm area on the far south side of the subject property, and on the far east side of the property. So, it would be extremely hard to get a visual from 28th Street looking in to the storage facility.

Mr. Allen stated that the RV and boat storage is something that he would be willing to give up, because the aspect of this proposal is the retail. The catalyst is the storage to generate revenue to bring in the retail.

Interested Parties:

Joyce Brown, 2511 North Quaker, Tulsa, OK; stated she has had the opportunity to speak with Mr. Allen. She was born and reared in the subject neighborhood and she has 59 years' experience with the neighborhood. The neighborhood is going through a down cycle. Whenever something comes into North Tulsa her main concerns are to what extent does the endeavor create jobs? How much revenue will the project circulate into the community? Will the investment benefit the local community? Her observation is that self-storage usually employs up to two people earning a few dollars above the minimum wage and contribute little revenue into the community. Ms. Brown stated she objects to the self-storage and in general the whole commercial project. One of the reasons there is a lack of success in the community is the socio-economic demographics. What the community has had in the past are failed businesses or under performing business such as the shop located at Pine and Peoria. The baseball field and OSU Tulsa University contribute nothing to the local area. In order for things to be successful in North Tulsa there has to be a transition in socio-economic demographics. Currently there is a lot of poverty and a lot of crime, so if she were a business person she would not be attracted to the location in general. The community has not changed for the better but is has changed for the worse. What needs to happen is for the community to have a transition where the socio-economic status is raised in order to support projects such as today's proposal. This community is not there. This community needs jobs that will employ people. That is local businesses employing local residents within the community with wages that capture the cost of living, provide disposable income, and the income is sustainable, and the revenue circulate within the local community. Ms. Brown stated that she does not understand whether the homework was done to determine if the business would be prosperous, self-sufficient, self-reliant or sustainable. Ms. Brown stated that she objects to the storage and, in general, the entire project.

William Crum, 1103 East Dover Street, Broken Arrow, OK; stated he represents the William Family Trust which owns property in the adjacent neighborhood. Mr. Crum stated that he would like to have more information regarding the project. He withholds any judgement on the project because he does not know enough about it to make an assessment. Mr. Crum stated that he is in agreement that outdoor storage is something that is generally an eye-sore in most communities, so he would object to that. He would want to know what else the property would be used for once the request is approved. He is concerned about the further deterioration of the neighborhood.

Rebuttal:

Nelson Allen came forward and stated the project is designed to stimulate the neighborhood. The first thing people will see is the green space for the farmer's market. He has been working with several vendors to bring in a nursery and a place where people can collectively come as a community to see their produce. The green space is the start of the property and the catalyst to support it is the storage facilities. The footprint the storage facilities will establish will be minimal. The project will be designed and built so the storage facilities do not have a lot of exposure, but the retail spaces will. Mr. Allen stated he has been working with OU Urban Development at 41st and Yale, and they have helped him establish a plan to make it, so the storage facilities are not a big footprint. This basically will be a multi-use development. It will not have just one function, it is going to have the opportunity for a grocery store, an urgent care center, a dry cleaner, a bakery, a nursery, maybe a small hotel. There will not be a pizza place, there will not be a liquor store, there will not be something there that won't bring infrastructure into the neighborhood. Mr. Allen stated that the day he met and spoke with Ms. Brown he told her the plans, but he did not mention is that there needs to be a catalyst to grow from. The catalyst is a small footprint for climate controlled indoor storage. The outdoor storage was a caveat that was being pursued, but that does not have to be there. This project is about improving the community and bringing the infrastructure in, bringing in the retail spaces and creating jobs. The retail will create jobs. The storage facility will not have an attendant, it will be an automated system.

Mr. Flanagan stated that the mixed-use development is a great idea, but today is only for the Special Exception for the storage facility. So, technically if the other developments were not done it would probably cast well on that basis. There is no elevation of what the storage facility will look like or what could be seen visually from the street, so he thinks that would be helpful to the Board. Mr. Flanagan thinks that more information would be helpful to the Board because it has been determined this is not the final architect plan. The Board does not know what the final outcome will be.

Ms. Back stated that as a Board, we would like to see, and the neighbors would like to see what the Development group at Schusterman are going to come up with as a visual. Mr. Allen stated that he did visit with some of the neighbors, he visited with community churches, and did do some door knocking. He respects and welcomes the comments that have been made.

Mr. Allen stated that he does have some national chains that are interested in coming to the community. This is an opportunity that is waiting to be cultivated and grown. It is not something that is going to destroy the demographics of Peoria and Mohawk, it is going to cultivate it. The first footprint will be the green space and then the storage will happen.

Comments and Questions:

Mr. Flanagan stated he is in favor of a continuance because he would like to have some more information. If he had to vote on this right now he would vote no, but he thinks this has a lot of potential.

Ms. Ross stated that she would like to see more information as well. She is also in favor of doing away with all the outdoor storage and leaving only the indoor storage.

Mr. Van De Wiele stated the current plan has three types of storage. There is the self-contained storage which is a building with storage in it. There is the drive-up storage, which is storage with garage doors that roll up. There is the boat and RV slips along the side of the site.

Ms. Ross stated she is not in favor of the RV and boat storage because she thinks it is an eye-sore. Ms. Ross stated she would like to continue this request to get more detail about the proposal.

Ms. Back before the Board today is the Special Exception to allow the self-storage facility, and she does not have a challenge with the climate-controlled facility even though it is a lot. The outdoor drive-up facility is quite a few as well. However, she does have concerns about the outdoor boat or RV storage. Ms. Back stated that she thinks it is best to continue this request because she needs more detail.

Mr. Van De Wiele stated that he has been involved in a couple of storage unit projects, so he understands what the applicant is going through. The current trend in storage is the climate-controlled units, and it is a better look and a better use. Mr. Van De Wiele stated he wants to see a conceptual site plan, and what he is primarily interested in is how much of the 11 ½ acres is going to be taken up by the one-story storage building and how much of the 11 ½ acres is going to be taken up by the drive-up units in the rear. He also wants to know how they are going to be screened. He would also like to have a conceptual elevation plan for the storage project and would like to have that shared with the interested parties in attendance today. The Board needs a better idea of what is being asked for. Mr. Van De Wiele stated that he heard the comments about impact on the neighborhood and which has to come first, that is a question that is very complicated with a very complicated answer. He is not going to sit on a Board that dictates use of land and say that until 70% of homes within a half mile are owned by the people that are living in them, or everybody has an income of "X" and that no commercial development can be built until then. That may be unenforceable and illegal, and no one is sure which would drive which. At some point someone is going to have to build something and give it a try. There is nothing worse than looking at empty failed commercial projects. The Board does not have the authority to place restrictions on any land owner or developer, and he is not inclined to do it. Mr. Van De Wiele stated that he wants some more degree of exactness of what the plan is, where on the property the facility will be located, what will it look like, etc. He does not have an objection to the use at this location because it is on a major arterial bordered by a highway.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a **Special Exception** to allow a self-storage facility in a CS zoned district (Section 15.020) to the Board of Adjustment meeting on March 27, 2018; for the following property:

PRT GOV LT 3 OR NW SW BEG 1319.73S & 100E NWC GOV LT 3 TH N527.32 E10 E1057.18 S527.27 W1067.73 POB LESS BEG 1228.54S & 100E NWC GOV LT 3 TH N186 E235 S186 W235 POB & LESS S25 E857.12 THEREOF SEC 19 20 13 11.425ACS, WINSTEAD ADDN, APACHE PLACE SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22402—Eller & Detrich – Nathalie Cornett

Action Requested:

Verification of the spacing requirement for an outdoor advertising sign of 1,200 feet from another outdoor advertising sign on the same side of the highway (Section 60.080). **LOCATION:** 8220 East Skelly Drive South (CD 5)

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Suite 200, Tulsa, OK; stated this site has previously been before the Board and it was approved in August. The coordinates changed by a couple of feet, so this is back before the Board for verification.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being null and void should another outdoor advertising sign be erected within the required spacing radius prior to this sign; for the following property:

LT 1 BLK 1, RIVERSIDE NISSAN ADDN RSB PT L7 B1 GROVELAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

None.

BOARD MEMBER COMMENTS

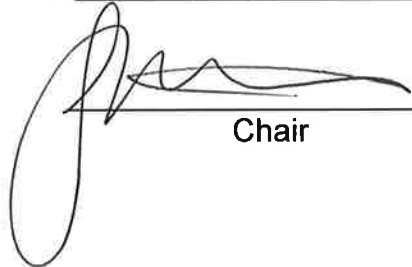
Mr. Van De Wiele announced that Ms. Nikita Moye has decided to move to another job and will be leaving soon as this is her last meeting. The Board appreciates all the hard work Ms. Moye has done for the Board. From an attorney standpoint Ms. Moye and the rest of her colleagues do a great job servicing applicants and attorneys in Tulsa. Ms. Moye will be missed by all and everyone wishes her good luck in her future endeavors.

Mr. Flanagan presented Ms. Moye with a card and a gift in appreciation.

Ms. Moye thanked everyone.

There being no further business, the meeting adjourned at 3:05 p.m.

Date approved: 3/13/18



Chair