

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1218
Tuesday, December 11, 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 Back, Vice Chair Ross, Secretary Bond Radney		Miller Ulmer Sparger E. Smith	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on December 6, 2018, at 3:47 p.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. Ulmer read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

Ms. Radney asked to have the minutes corrected, on the matter of BOA-22538, page 22. The comment, "Ms. Radney stated that neither option is an outcome" and it should be corrected to "either option is a hardship".

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the **Minutes** of the November 13, 2018 Board of Adjustment meeting (No. 1217) with the correction.

NEW APPLICATIONS

22546—Miguel Sotelo

Action Requested:

Special Exception to allow a carport in a street setback in an RS-3 District (Section 90.090-C1). **LOCATION:** 1524 East 49th Street South **(CD 9)**

Presentation:

Staff requests a continuance to January 8, 2019 to allow time to receive more information from the applicant.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a Special Exception to allow a carport in a street setback in an RS-3 District (Section 90.090-C1) to the January 8, 2019 Board of Adjustment meeting; for the following property:

LT 5 BLK 8, BELLAIRE ACRES ADDN EXT, City of Tulsa, Tulsa County, State of Oklahoma

22547—Chase & Erica Healy

Action Requested:

Variance of the required rear setback in an RS-2 District (Section 5.030-A).
LOCATION: 105 East 26th Place South **(CD 4)**

Ms. Ulmer stated the City Utility Department is requesting a continuance to allow time to evaluate a sewer line near the rear lot of the subject property.

Mr. Van De Wiele stated the request came in just before the meeting today; the City Utility Department wants to look into the sewer or water line located near or at the property.

Presentation:

Chase Healy, 105 East 26th Place, Tulsa, OK; stated the request before the Board is to allow a covered structure attached to the house. There is already a building permit in place for the structure as if it were not attached, so there is already an approval. The

request would not have anything related to any sewer line because that portion has already been approved on a previous building permit that was obtained. The only Variance requested is that the structure can be tied into the roof line; it is not whether the structure can be built or not. The structure was approved to be built so now it is whether it can be attached to the house.

Mr. Van De Wiele asked Ms. Miller if she knew who the request came from and if the two things are related. Ms. Blank stated that it was Chris Kovac, Utilities Coordination Manager. The applicant is requesting a Variance to allow the structure to be within 8.6 feet of the rear property line, so Utilities Coordination wanted to be sure that there would not be a conflict with their ability to service the sewer line.

Mr. Healy stated that would have been a conflict with the original approved plan, which there was no objections to that plan.

Mr. Van De Wiele stated he does not want to have this Board to approve the Variance to allow something to be built on top of a sewer line, then the applicant get into conflict with the City utility.

Mr. Healy stated that would have happened when there was digging being done for the swimming pool, which is in already. Today's request is related to the covered structure that is accompanying that. This would be wood being attached to the house and not concrete being dug into the ground.

Mr. Van De Wiele stated the Board could proceed at the applicant's risk if he builds on top of a sewer line on top of a sewer easement. This Board is not moving easements, just moving setbacks.

Mr. Healy stated he would not need the Variance if he were not attaching the structure to the house, he could build the structure as it is and leave it an inch off the house. The plans show where the digging was to be done and where things were placed.

Mr. Van De Wiele stated that he does not have an issue with either continuing the request or moving forward knowing that if the applicant is on an easement. Being in an easement is a totally different matter than being within a setback.

Mr. Healy stated the problem is already there if that is the case since the City approved the previous plan. Mr. Van De Wiele stated that his point is that if the structure is being built on top of an easement the problem will become bigger. Mr. Healy stated if that is the case then the problem is already a problem. The concrete is already poured, the dirt work has already been done so it could not get any worse if the City comes back and makes him do something about it.

Ms. Ross asked Mr. Healy if there was a problem with him waiting until the next meeting to allow the City time to check things. Mr. Healy stated that he wants to complete the project that has been going on for about six months, so it sucks to wait.

Drew Baker, 8419 North 191st East Avenue, Owasso, OK; stated the permit was issued to build the structure but not attached to the house which is basically done. The slab and everything is already in place. All this request is for is to connect the structure onto the house. There is no easement.

Ms. Ross asked Mr. Baker how he knew this. Ms. Ross asked if the home owner had title work done or pulled the land records. Mr. Healy stated that on the original builders site plan it shows all the setbacks.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Bond stated that the structure is already built.

Ms. Back stated the mortgage inspection report does not show the easements, so the applicant is not supplying anything for her to be more confident that it is not there. This should have been caught at the building permitting phase.

Ms. Ross feels if City Utilities wants the Board to continue a case, they should be in attendance to explain why.

Mr. Van De Wiele stated he is of the same opinion to the extent that if there is an approval it is going to be with a clear note of the risk of building in an easement. If someone comes down from the Permit Office before the case come up on the agenda again it would be great, and if not, the Board will hear it in the ordinary course.

Board Action:

No Board action required at this time.

22551—Eller & Detrich – Andrew Shank

Action Requested:

Variance to permit a free-standing sign to exceed the maximum permitted height of 50 feet (abutting a freeway) to be installed 75 feet above grade with a 15-foot setback from the freeway right-of-way (Sections 60.080-D & 60.040-B).

LOCATION: SE/c of South Sheridan Road East & East Broken Arrow Frontage Road South (CD 5)

Presentation:

The applicant requests a continuance to January 8, 2019.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Variance** to permit a free-standing sign to exceed the maximum permitted height of 50 feet (abutting a freeway) to be installed 75 feet above grade with a 15-foot setback from the freeway right-of-way (Sections 60.080-D & 60.040-B) to the January 8, 2019 Board of Adjustment meeting; for the following property:

BEG 1218N & 75E SWC NW TH E117.67 S207.14 W117.67 N207.14 POB SEC 23 19 13 .560AC, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele announced that the agenda is a large agenda; there are 17 items on the agenda and this room is only reserved until a certain time. The Board will impose time limitations on every application as follows: applicants will have ten minutes to speak as to their application and five minutes for rebuttal at the end. The interested parties whether they be for or against an agenda item will have three minutes. If an when the Board is asking questions the time will be paused, and the Board does have the leeway to extend the times if the situation requires it. If someone has said something it does not need to be repeated; the Board does not need to hear the same thing five times. At this time Mr. Van De Wiele asked Ms. Ulmer to proceed with reading the cases.

UNFINISHED BUSINESS

22528—Christopher Parle

Action Requested:

Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). **LOCATION:** 3318 South Jamestown East (CD 9)

Presentation:

The applicant was not present.

Ms. Ulmer stated that staff spoke with the Permit Department and WIN. This property is a legal non-conforming property, so the Special Exception is not needed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action is required because the property is legal non-conforming and the item has been withdrawn. No further action of this Board is needed; for the following property:

N60 S180 E137.5, LT 23, ALBERT PIKE SUB, City of Tulsa, Tulsa County, State of Oklahoma

22536—Gerardo Campos

Action Requested:

Special Exception to allow a commercial/commercial service/building service use in a CS District (Table 15-2); Variance of the dustless, all-weather surface requirement to permit gravel drive and parking area (Section 55.090-F2).

LOCATION: 13100 East 11th Street South (CD 6)

Presentation:

Gerardo Campos, 13100 East 11th Street, Tulsa, OK; stated he just purchased the subject property about three months ago, and he moved his equipment to the subject property before he received a permit. When he did go to get a permit, he was issued a ticket saying that he had to remove all his equipment from the subject property. Mr. Campos stated that he cannot just move the equipment because he has no where to store it. He wants the property to look orderly and clean.

Mr. Van De Wiele asked Mr. Campos what sort of commercial business is being conducted from the subject property. Mr. Campos stated he is in the concrete business.

Mr. Van De Wiele asked Ms. Ulmer to place page 3.49 on the overhead projector. Mr. Van De Wiele stated that in this picture there are a lot of personal vehicles that do not look like equipment or trucks that are used in the concrete business. Mr. Van De Wiele asked Ms. Ulmer to place page 3.50 on the overhead projector and stated that one of the complaints is about all the mud that is being tracked off the property into the street. Mr. Campos stated he has not been allowed to work until he receives a decision from the Board of Adjustment, but he wants to concrete the subject property. Mr. Van De Wiele had Ms. Ulmer place pages 3.51 and 3.52 on the overhead projector, and asked Mr. Campos about the stacks of concrete chunks. Mr. Campos stated that when he is allowed onto the property to work, he will take it to a dump site.

Mr. Van De Wiele asked Mr. Campos if when he removes concrete from a site, he brings it to the subject property and at some point, he then loads it in a dump truck to take to a landfill. Mr. Campos stated that he only brings little loads to his property and when it is a large load, he calls another trucking company to haul the concrete away.

Mr. Van De Wiele asked Ms. Ulmer to place page 3.53 on the overhead projector, and asked Mr. Campos what is his ultimate plan for the property; what will be built on the property to contain the construction materials, what will be paved, what part of the yard will be graveled? Mr. Campos stated that he plans to park his equipment on the west side of the yard, and it will be either paved or gravel as he is directed by the Board.

Ms. Radney asked Mr. Campos how long the debris he places on the property stays before it is moved. Mr. Campos stated he cleans the yard every Sunday. Ms. Radney asked Mr. Campos if the debris would be on the site at the most five business days. Mr. Campos answered affirmatively.

Interested Parties:

Christy Boggs, 1127 South 157th East Avenue, Tulsa, OK; stated she lives 1-1/2 miles from the subject property. About a month ago she attended the meeting along with two Board members of the neighborhood association, Tower Heights Neighborhood. At that meeting there were about 20 e-mails presented to the Board that are totally against this request. The subject property is right on Route 66 at the corner of 129th and 11th Street; it is a main intersection and it is visible to the public. There is a fence that was just thrown up and the property is an eyesore. The owner does not remove the debris on a weekly basis. Tulsa is supposed to be making Route 66 something special for people to drive on. The Tower Heights area is opposed to this Special Exception.

Mr. Van De Wiele asked Ms. Boggs if she is opposed to a commercial office use or the type of business that is there currently or opposed to the way the subject property is being maintained. Ms. Boggs answered both. There needs to be something that is more conducive to the neighborhood. A dump site with gravel, broken up materials and with concrete trucks driving in and out is not conducive to the area. Ms. Boggs stated that 11th Street is supposed to be repaved, and there is already a concrete batch plant in the area, and they tear up the street. There is a new housing addition that is going to be built near her property; about 165 houses and 11th Street cannot be utilized for dump trucks and the hauling of materials. Something pretty needs to be along Route 66 especially at main intersections.

Rebuttal:

Gerardo Campos came forward and stated the property looks like what is in the pictures because he just moved, then the City stopped him from working. He understands there is a lot of gravel in the street, but the property will look nice and it will be clean and will be paved.

Mr. Van De Wiele asked Ms. Miller if there was anything in the request that would allow outdoor storage of construction materials. Ms. Miller stated the property is CS zoning

so storing things outside is prohibited within 300 feet of an R District, and there is no relief on the agenda for that. Mr. Van De Wiele stated that to the extent that the Board is inclined to grant this, the storage of gravel or concrete, sand, any of that would have to be stored inside even it is temporary situation.

Comments and Questions:

Ms. Back stated that in the long term the applicant needs to put down concrete, and she is absolutely against storing anything outside. It does not sound like the applicant has a lot of equipment.

Mr. Bond thinks the real question is whether this is a light industrial business. Mr. Van De Wiele stated that a building service use is allowed in the CS District by Special Exception and Ms. Miller confirmed that statement.

Ms. Miller read from the Code, "building service are uses that provide maintenance and repair services for all structural and mechanical elements of structures as well as the exterior spaces of premises. Typical uses include janitorial, landscape maintenance, carpet cleaning, chimney sweeps, extermination, plumbing, electrical, HVAC, roofing, window cleaning and similar services."

Ms. Ross agrees that there needs to be concrete instead of the dirt that is existing. She does not think that not granting the Special Exception today is going to help with the appearance of the property. She would say to the applicant that if the Board approves the Special Exception today, he really needs to clean up the property as soon as possible; it is an eyesore.

Ms. Radney stated that she thinks the question of screening is important.

Mr. Van De Wiele stated that if the property were maintained in a neat and orderly fashion, so that all there was an office and trucks and equipment parked in a neat and orderly fashion on a portion of the subject property that was paved and connected by driveway to the street, a screen may not be needed.

Mr. Van De Wiele stated that he can support this request from a use standpoint; his business. He cannot support what is seen in the pictures, and he would not support a request about more storage of materials for sale or debris from construction activities. He would not support a Variance to allow a gravel or dirt driveway.

Mr. Bond stated there is applicant before the Board today who is willing to do whatever he needs to. He would hope that someone would have helped to get a more germane relief. He thinks this is a waste of the applicant's time and he would have thought that someone along the process would have talked physical uses, would have talked about what would be required to get those.

Ms. Ross stated that she sees a lot of times it is just a buyer and seller transaction, and there is no realtor or nobody helping.

Ms. Miller stated the applicant did receive a Letter of Deficiency from the permitting office that outlined all of things the applicant should consider as he develops the property, which includes outdoor storage.

Mr. Van De Wiele stated that any materials whether they are new or post construction, would need to be stored inside.

Ms. Ross agreed and would like to have the Board explain to Ms. Boggs why the Board grants the relief because she thinks that some of the neighbor's major complaints are not before the Board to decide.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow a commercial/commercial service/building service use in a CS District (Table 15-2); and **DENY** the **Variance** of the dustless, all-weather surface requirement to permit gravel drive and parking area (Section 55.090-F2). There is to be no outdoor storage of materials or items shall be stored for sale. Anything that would fit that category needs to be stored inside an enclosed building. No fencing or solid screening shall be any closer to 11th Street, known as Route 66, than 50 feet off the property line. 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:

N250 E/2 NW NW NW LESS N24.75 FOR ST SEC 9 19 14 1.71ACS, City of Tulsa, Tulsa County, State of Oklahoma

22538—AAB Engineering, LLC – CBC Builds, LLC

Action Requested:

Variance to reduce the rear setback requirement in an RS-2 District to permit an existing structure (Table 5-3). **LOCATION:** 2824 East 25th Street South (CD 4)

Discussion and possible vote to continue to January 8, 2019 and possible vote to reconsider Case BOA-22538.

Mr. Van De Wiele stated that at the meeting last month there was a discussion on the merits of the use and there were questions on the procedural history. Ultimately, there was a vote to approve the Variance that met with a 2-2-1 against, with Mr. Van De Wiele abstained. There was a follow up motion to deny that likewise failed on 2-3-0 vote. Then there was a motion to continue the matter until this meeting. There has been some suggestion that the failed original motion to approve the Variance had the

impact of denying the requested approval in total. The motion failed for a lack of a majority of 3, but he disagrees that it had the impact of denying the entire requested relief. That theory has been put forth and he is one of the opponents to this request, and there is enough of an issue there to warrant this discussion. There has been a suggestion of reconsidering those two votes; both the vote to approve that failed and the vote to deny that failed. That motion to reconsider would be heard today, and the actual reconsideration, if it were approved, would be held on January 8, 2019. If the Board were to approve the reconsideration the thought would be that we can continue the entire matter until January 8, 2019 so everything can be lumped together whether it be a continued discussion on the merits or a new hearing on the merits by reconsideration.

Presentation:

Alan Betchan, 200 North McKinley, Sand Springs, OK; stated he will support the continuance/reconsideration.

Interested Parties:

Andrew Shank, Eller & Detrich, 2727 East 21st Street, Suite 200, Tulsa, OK; stated he believes the case must be revised and his clients have no objection to a hearing on January 8th.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 3-2-0 (Bond, Radney, Van De Wiele "aye"; Back, Ross "nays"; no "abstentions"; none absent) to **RECONSIDER** the action taken by the Board in case BOA-22538 and to **CONTINUE** case BOA-22538 to the January 8, 2019 Board of Adjustment meeting; for the following property:

LT 1 & N25 LT 2 LESS BEG NEC LT 1 TH W TO NWC S12.2 E TO PT ON EL LT 1 N3.9 POB BLK 8,BRYN-MAWR, City of Tulsa, Tulsa County, State of Oklahoma

22531—Gant Hinkle

Action Requested:

Variance of the minimum lot width to allow for a lot split (Section 5.030-A).

LOCATION: 4687 South Columbia Avenue East (CD 9)

Reconsideration from 11/13/2018

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

Presentation:

Nathan Cross, 2 West 2nd Street, Suite 700, Tulsa, OK; stated he is in attendance today on behalf of the applicant. The request for reconsideration is based on doing a lot split from front to back. Subsequently, in going through the Zoning Code, due to the large size of the lot, the lot split can be done without needing to come before the Board of Adjustment. There is an administrative process for approval for the flag lot that potentially would go to the Planning Commission. The issue with this configuration, besides being unfavorable, is that the lot denoted as Tract A is significantly down grade from Tract B which means there would be a significant amount of dirt work that would need to be done to develop it. Mr. Cross thinks there is a hardship present because of the topography of the land that makes this particular configuration difficult, and his client would prefer, and believe it is merited, to do the lot split from front to back. The lots being requested are only non-conforming under this configuration with respect to the street frontage; they conform under other aspects.

Interested Parties:

Larry Dunham, 4688 South Columbia Avenue, Tulsa, OK; stated he lives directly across from the subject property. He and the neighbors are opposed to the flag lot configuration for a lot split, because it would destroy the trees and all the dirt work that would be involved. Mr. Dunham stated he is neutral in the splitting of the lot from front to back. After the split the lots would be 77 feet in width and that is still a wide lot, though they will be smaller than the other lots in the area.

Rebuttal:

Mr. Cross had no rebuttal.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 3-1-1 (Bond, Radney, Van De Wiele "aye"; Back "nays"; Ross "abstentions"; none absent) to **APPROVE** the request for a Variance of the minimum lot width to allow for a lot split (Section 5.030-A), subject to conceptual plan 5.10. The Board has found the hardship to be the topographical layout and drainage of the subject property. After the lot split the driveways for ingress and egress shall not abut each other on Tracts A and B. 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:

BEG 658.4 E & 1144 N SW COR SE SW TH W 299.2 N 155 E 299.2 S 155 TO BEG SEC 29-19-13, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Ross re-entered the meeting at 2:12 P.M.

NEW APPLICATIONS

22542—Agustin Guzam

Action Requested:

Special Exception to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F); Special Exception to allow a dynamic display sign to be located in an AG District (Section 60.050-C). **LOCATION:** 2720 South 129th Avenue East **(CD 6)**

Presentation:

Agustin Guzam, 12310 East 420 Road, Claremore, OK; stated there are more than 3,500 families registered at the church, and over 5,000 people attendance mass on Sunday, and there are masses said on Saturday evenings. There are 900 students registered for religious education classes. There is a tremendous amount of information that needs to be displayed announcing activities and there is no sign currently.

Mr. Bond asked Mr. Guzam if the sign would be placed on 129th. Mr. Guzam answered affirmatively.

Mr. Van De Wiele asked if the sign would be lighted. Mr. Guzam answered affirmatively.

Interested Parties:

There were interested parties present, but none spoke.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F); Special Exception to allow a dynamic display sign to be located in an AG District (Section 60.050-C), subject to conceptual plans 6.16 and 6.17 of the agenda packet. The Board finds that the requested Special Exceptions 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 290S & 50W NEC NE SE TH S304 W49.94 TH ON SWLY CRV LF341.27 SW189.54 SWLY CRV RT 251.32 W93.86 N671.61 E802.91 POB SEC 17 19 14 9.03ACS, WHISPERING MEADOWS, SHANNON PARK, City of Tulsa, Tulsa County, State of Oklahoma

22543—Mark Bahlinger

Action Requested:

Special Exception to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G); Verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments, and the public entrance doors 50 feet from an R-zoned lot (Section 40.050); Variance of the screening requirements (Section 4.050-C & Section 65.060-C.2). **LOCATION:** 8101 South Harvard Avenue East (**CD 8**)

Presentation:

Mark Bahlinger, 5747 South 70th East Avenue, Tulsa, OK; stated the overall shopping center is within 150 feet of a residential area, but the actual site of the bar is not. The bar occupies the northwest corner of the entire shopping center. The only place that does not have privacy fencing is the south side of the shopping center which is 700 feet from the location.

Mr. Van De Wiele asked Mr. Bahlinger how the front door of the establishment will open up. Mr. Bahlinger stated the front door will open up into the shopping center to the south.

Mr. Van De Wiele stated there is another item on the agenda today, item 9, that is requesting a bar and he asked if that potential facility was outside of the 300-foot radius. Mr. Bahlinger stated that it is.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar and to **APPROVE** the request for a **Special Exception** to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G) and **APPROVE** a **Variance** of the screening requirements (Section 4.050-C & Section 65.060-C.2), subject to conceptual plan 7.7 of the agenda packet. The Board has found the hardship to be that the existing structures provide the screening that would normally be required. 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. 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 LT 1 BEG SWC TH N550.10 E5 N215 E5 N145 NE28.34 E40 N10 E224.31 S170 W35.81 S165.56 E241.5 S606.86 NW CRV LF 35.41 W464.65 POB BLK 1, FOREST CREEK CENTER, City of Tulsa, Tulsa County, State of Oklahoma

22544—Phillip Doyle

Action Requested:

Variance to reduce the required rear setback from 25 feet to 20 feet (Section 5.030-A). **LOCATION:** 4320 South Victor Avenue East **(CD 9)**

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated the house was built behind the platted 100-foot setback. The applicant tried to obtain the requested Variance administratively and one of the neighbors commented about the request. If the Board were to approve this request, he would ask that it be approved per the landscape plan. The neighbor has seen the plan and has approved it. The neighbor also had plans about the additional stormwater, and the plan is to take the stormwater to the south and then to the west across another neighbor's lot. The stormwater will be caught off the roof and piped underground and then pipe it across another neighbor's property, which has been agreed to.

Interested Parties:

Rob Miller, 4321 South Utica Avenue, Tulsa, OK; stated he is the neighbor to which the attorney spoke, and he does have an agreement for the drainage of the stormwater.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the required rear setback from 25 feet to 20 feet (Section 5.030-A), subject to conceptual plan 8.23 and the landscaping plan submitted today and dated October 26, 2018. The Board has found the hardship to be the presently existing layout of the subject property. The stormwater is to be piped to Utica and per the conditions outlined in an e-mail dated December 7, 2018 from Mr. Miller. 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 LT 2 BEG SECR TH W160.28 N204.39 NL ELY198.34 NEC SLY CRV RT 154.67 SLY45.33 POB BLK 8, BOLEWOOD ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22545—Jenifer Korte

Action Requested:

Special Exception to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G); Verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments, and the public entrance doors 50 feet from an R-zoned lot (Section 40.050). **LOCATION:** 8281 South Harvard Avenue East **(CD 8)**

Presentation:

Jenifer Korte, 3061 Rice Creek Road, Bartlesville, OK; stated the request is for a wine and beer lounge in a 35,000 square foot retail space. The lounge area would only be about 340 square feet with limited hours.

Mr. Van De Wiele asked Ms. Korte how the door would open. Ms. Korte stated that the door would open to the interior of the shopping center.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar and to **APPROVE** the request for an Special Exception to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G), subject to the conceptual plan 9.7 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 SWC TH N550.10 E5 N215 E5 N145 NE28.34 E40 N10 E224.31 S170 W35.81 S165.56 E241.5 S606.86 NW CRV LF 35.41 W464.65 POB BLK 1, FOREST CREEK CENTER, City of Tulsa, Tulsa County, State of Oklahoma

22547—Chase & Erica Healy

Action Requested:

Variance of the required rear setback in an RS-2 District (Section 5.030-A).

LOCATION: 105 East 26th Place South (CD 4)

Presentation:

Drew Baker, 8419 North 191st East Avenue, Owasso, OK; stated on the back side of the property there is a pool that was permitted, built and is done. There will be a cabana to the west of the pool, the permit has been issued and the structure has been built, now the home owner wants to attach it to the house. From what he understands the issue is attaching the cabana to the house.

Mr. Van De Wiele asked Mr. Baker how much of the cabana is constructed at this point. Mr. Baker stated that about 85% is built, and until today he knew nothing about issues with easements.

Ms. Ross asked if the reason for not requesting the Variance previously was due to the fact that the cabana was not going to be attached to the house. Mr. Baker stated that he and the home owner had talked about connecting the cabana to the house at a later date, but it makes more sense to do it now.

Mr. Bond asked Mr. Baker when the house was built. Mr. Baker stated the house is only two years old.

Interested Parties:

Chase Healy, 105 East 26th Place, Tulsa, OK; stated he is the home owner. There are accessory structures for two other houses that are on the other side of the property line that are very close to the setback, if not in the setback. If they were not required to be outside an easement, then he doesn't think he would be either.

Ms. Ross stated the neighbor's structures could have been built without permits years ago, because it happens all the time.

Mr. Van De Wiele asked Mr. Healy if he had a permit when he built the pool. Mr. Healy answered affirmatively and stated that being in the setback would have been addressed at the time the pool permit was issued because of where the pool sits.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** of the required rear setback in an RS-2 District (Section 5.030-A), subject to the conceptual plan 11.21 of the agenda packet. The Board has found the hardship to be difference between an outdoor structure allowed in use by right versus an attached structure that is already existing. 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 8 BLK 14, RIVERSIDE DRIVE ADDN THIRD AMD, City of Tulsa, Tulsa County, State of Oklahoma

22548—Kurt Barron

Action Requested:

Variance of the street (front) setback requirement in an RS-2 District to permit the expansion of a house (Section 5.030-A). **LOCATION:** 1261 East 25th Street South **(CD 4)**

Ms. Miller left the meeting at 2:57 P.M.

Presentation:

Kurt Barron, 1424 South Harvard, Tulsa, OK; stated he represents the home owners, the Walkers. The home owners would like to add an underground safe room onto the

southeast corner of the house. There is a pool on the north side of the house, a tennis court on the east side of the house, and parking on the west side of the house with utilities on the north side past the pool. Mrs. Walker is from Columbia and terrified of the weather in Oklahoma.

Mr. Van De Wiele asked if the proposed room would be connected to the house. Mr. Barron stated that it will be connected and will be accessed through the existing house.

Mr. Bond asked if the safe room would be visible from the street. Mr. Barron stated there is about a six-foot wall that will cover part of it.

Ms. Miller re-entered the meeting at 3:00 P.M.

Mr. Van De Wiele asked Mr. Barron how tall the structure will be above finished grade when it is totally finished. Mr. Barron stated that it will be three feet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Back stated the site plan states the lot area is 31,000 feet and the open area is 24,000 feet, so the whole lot is covered with impervious surface. Ms. Back stated the applicant could put the safe room in the garage, and she thinks this is a self-imposed hardship for the Variance.

Mr. Bond stated the practical hardship is that there is no more room to place the structure anywhere else.

Mr. Van De Wiele stated he too is struggling with the hardship. Mr. Van De Wiele asked Mr. Barron to come back to the podium and state a hardship that is not self-imposed.

Mr. Barron stated there are elevation issues. At the back of the house there is a pool, on the north side of the house there are utilities, and the garage has the mechanical system inside. Mr. Barron stated he has no idea where he could place the safe room without needing to go through a lot of utility changes.

Mr. Van De Wiele asked Mr. Barron why the safe room could not be placed in the rear yard to the north of the principal mass of the building. Mr. Barron stated the elevation height is substantially higher at that point, and the gas line and sewer line is located in that area.

Mr. Van De Wiele asked Mr. Barron how tall the privacy fence around the lot is. Mr. Barron stated it is five to six feet tall.

Board Action:

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** of the street (front) setback requirement from 30'-0" to 21'-10" in an RS-2 District to permit the expansion of a house (Section 5.030-A), subject to conceptual plans 12.14 of the agenda packet, and the drawings submitted by the applicant labeled A.1.1, A.1.0, A.2.0 and A.2.1. The Board has found the hardship to be the topography of the property which limits the building of an addition on any other portion of the property. The finished height of the addition labeled Area 2 not exceed four feet in height. The exterior finishes of the addition be similar to or complimentary of the principal structure. The property owner is to maintain a privacy wall of not less than four feet along the south line of the property directly south of the area in question. 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 3 BLK 1, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Bond left the meeting at 3:19 P.M.

22549—Jason Gibson

Action Requested:

Special Exception to permit an office use in a RM-2 District (Table 5-2); **Variance** of the screening requirements (Sections 40.260-D & 65.060-C.2); **Variance** of the required 25-foot setback from an adjacent R District for special exception uses (Table 5-3). **LOCATION:** 114 South Trenton East **(CD 4)**

Mr. Bond re-entered the meeting at 3:21 P.M.

Presentation:

Jason Gibson, 3914 East 54th Street, Tulsa, OK; stated the proposal is for multiple buildings on a single lot; three small office spaces at the front of the lot facing 2nd Street and a larger building in the back along the north property line that would be separated into individual spaces within the building. The owners of the property to the west and the property to the north are here today and they approve the proposal.

Mr. Van De Wiele asked Mr. Gibson if the site plan shown on page 13.20 is conceptually what he would like to do. Mr. Gibson answered affirmatively.

Ms. Ross asked Mr. Gibson if he was requesting housing units also for the property. Mr. Gibson stated that was on old submittal and that is no longer applicable.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele stated this is a property that is surrounded on two sides by industrial, and practically a non-multi-family use on the west. With the natural break on Trenton this proposal is a good infill use and he is in favor of the request.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit an office use in a RM-2 District (Table 5-2); Variance of the screening requirements (Sections 40.260-D & 65.060-C.2); Variance of the required 25-foot setback from an adjacent R District for special exception uses (Table 5-3), subject to conceptual plans shown on A101, A103, A201, A202, A203, A204, A205, 13.20 for the conceptual layout, 13.22 and 13.25 for the architectural. The Board has found the hardship for the Variances to be industrial zoning is abutting the property on the north and south boundaries; non-residential use is to the west; and the future land use map for the City of Tulsa does not show it as a residential use in the future; and the current infill that is going on in the area is the trend. 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. 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 9 & LT 10 BLK 1, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22550—Tulsa Habitat for Humanity

Action Requested:

Variance to reduce the required minimum lot width (Section 5.030-A); Variance of the street setback requirement in an RM-1 District (Section 5.030-A). **LOCATION:** 1231 North Rockford Avenue East (CD 1)

Presentation:

Jessica Shelton, Tulsa Habitat for Humanity, 6235 East 13th Street, Tulsa, OK; stated the subject property is located in the Crutchfield neighborhood and has been donated to the organization. The property was platted at 45 feet wide and it is a corner lot.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to reduce the required minimum lot width (Section 5.030-A) from 50 feet to 45 feet; Variance of the street setback requirement from 15 feet to 10 feet in an RM-1 District (Section 5.030-A), subject to conceptual plan 14.9 in the agenda packet. The Board finds the hardship to be a plat that predates the Comprehensive Zoning Code. 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-14-BLK-1, WILDMAN'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22552—U. S. Sign & Screen Printing

Action Requested:

Variance to increase the permitted display surface area of a wall sign to exceed 32 square feet in an AG District (Section 60.050). **LOCATION:** 4001 East 101st Street South (CD 8)

Presentation:

Jonathan Cowan, U. S. Sign & Screen Printing, 6042 East 104th Street, Tulsa, OK; stated this sign will be for St. Bernard Catholic Church. They have not had a sign for over a year; they did some renovations on the church. Historically for 20 to 30 years there were St. Bernard letters on the hill, and they are no longer there. The church preference is a free-standing monument sign, but it is not feasible to have a monument sign because of the rolling land and a power line. The proposed sign will be a wall sign, which will be an architectural aluminum backer with a cross with stud mounted aluminum letters mounted to the backer. Where the wall sign will be located is 103 feet from the centerline, so a larger sign is needed for proper identification of the church. The footprint of the sign is 144 inches wide by 84 inches tall, which is 66.5 square feet. The backer with the cross is an architectural element; the square footage typically counts as the sign would be the copy which is under 32 square feet. Before going through this process there was a meeting with Plan Review and was told he had to go through the normal channels for approval.

Interested Parties:

Greg Lukeman, 5725 East 109th Place, Tulsa, OK; stated he is a member of the sign committee, one of three members. One of the key things the committee has been

looking at over the last year is how does the church have something that looks architecturally nice and blends in. The concrete block, the architecture of the brick as well as the trim are the three colors the committee was looking at. The aluminum backing is the color that blends in with the concrete trim, and the lettering of the sign is bronze that also blends in with the trim of the architecture of the church. This sign is to be something that blends in and not stands out, but yet was visible.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to increase the permitted display surface area of a wall sign from 32 square feet to 66.5 square feet in an AG District (Section 60.050), subject to conceptual plans 16.22 and 16.23. The Board finds the hardship to be the topography; it does not allow for a monument sign to be located on the site for good visibility and the utility lines and transmission lines block and clutter the view. 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 SE SW BEG SECR SW TH N815 W412.11 S15 W76.28 S800 E486.28 POB LESS S50 THEREOF FOR RD & LESS BEG NWC THEREOF TH E76.28 N15 E6.75 S104.43 NW APPR 82.01 N APPR 73.53 POB SEC 21 18 13 8.361AC; PRT SE SW BEG 486.28W SECR SW TH W238.72 N800 E238.74 S800 POB LESS S50 FOR RD & LESS BEG SWC LT 6 BLK 4 SILVER CHASE AMD TH E APROX 200.98 S APROX 73.53 NW APROX 65.65 NW80.71 NW70.16 POB SEC 21 18 13 3.933ACS, City of Tulsa, Tulsa County, State of Oklahoma

22553—Wallace Engineering – Mike Thedford

Action Requested:

Special Exception to permit a school use to allow for an outdoor lighted stadium/locker room/ pressbox (Section 40.350-A); Modification of a previously approved site plan (BOA-21111-A) to permit the addition of the Fine Arts Center; Variance of the required number of parking spaces (Table 55-1). LOCATION: 6636 South Mingo Road East (CD 7)

Presentation:

Mike Thedford, Wallace Engineering, 200 East Mathew Brady Street, Tulsa, OK; stated this is a continued use but a modification of the site plan with substantial improvements to the stadium structure as well as modifications to the locker room. On the north end there is a 20,000 square foot fine arts building that will be adjacent to the stadium. There will actually be more green space to work with in this modification, but there will be some parking spaces taken away and reconfiguration of some drives.

Mr. Van De Wiele asked Mr. Thedford what the current parking count is and what will the parking count go down to. Mr. Thedford stated that at the time of the application there are 1,712 parking spaces and the count will go down to 1,527 parking spaces. The list of uses that will be on site are all non-simultaneous uses.

Mr. Van De Wiele asked Mr. Thedford if he knew the current student count. Mr. Thedford deferred to Mr. Bushyhead.

Interested Parties:

Charlie Bushyhead, 11203 South Florence, Jenks, OK; stated that currently there is approximately 3,400 students at the high school which is a 10th through 12th grade school. When the stadium is in use there are no large events occurring on the campus. There is also a great relationship with Asbury Church and there is a protected walk provided from there when there are large events. The parking count is actually going down even though the population is going up due to changes in the socio-economics; there are fewer students driving.

Mr. Van De Wiele asked Mr. Bushyhead if the 1,527 parking spaces provide sufficient parking for Monday through Friday. Mr. Bushyhead answered affirmatively.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a school use to allow for an outdoor lighted stadium/locker room/pressbox (Section 40.350-A); Modification of a previously approved site plan

(BOA-21111-A) to permit the addition of the Fine Arts Center to the existing school; Variance of the required number of parking spaces (Table 55-1), subject to conceptual plans 17.27, 17.28 and 17.29 of the agenda packet. The Board has found the hardship to be the parking spaces are not used at the same time for events and school attendance. 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. 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 1 BLK 1, UNION HIGH SCHOOL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22554—Tom Neal

Action Requested:

Special Exception to allow a manufactured housing unit on an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 & 40.210-A); Variance to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3); Special Exception to permit a carport in the street setback and street yard (Section 90.090-C.1). **LOCATION:** 406 South 55th Avenue West (**CD 1**)

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated his client is Ms. Stephenson and she currently owns a mobile home which is located on a rental lot. Ms. Stephenson has purchased the subject property which is near family members and hopes to move her mobile home to that property. Mr. Neal stated that the site plan has been revised since

going to the Permit Office for the zoning clearance letter, and now Ms. Stephenson does not intend to place a carport in the required front yard so he would like to withdraw that request. The subject property is a trapezoidal lot that is 18 feet wide at the back and is under standard size. The mobile home is 16 feet wide and 60 feet long, and the intent is to place it along the edge of the allowable area with a five-foot side yard; 20 feet in the back and 25 feet in the front so it is basically getting tucked in.

Mr. Van De Wiele asked Mr. Neal if he knew the age of the manufactured home. Mr. Neal stated that he believes it is about ten years old.

Mr. Van De Wiele asked Mr. Neal if he was aware of any other manufactured homes in the neighborhood. Mr. Neal stated that Ms. Stephenson has told him that there were six in the immediate vicinity.

Interested Parties:

Paul Thresher, 1207 North Maple Avenue, Sand Springs, OK; stated he owns the adjacent property immediately to the south. There was a house on the property that was very sub-standard, and in working with the City the property was finally cleared. His house is definitely not sub-standard, and he is not aware of other manufactured houses in the area. He objects because of the recent history and hopes to have a regular single-family house built on the subject property because this area is getting ready to have a turn around due to Code Enforcement.

Mr. Van De Wiele asked Mr. Thresher if the fourth house across the street down from West 4th Street is a stick-built house or a manufactured home. Mr. Thresher stated that he does not know. Mr. Thresher stated that he drove around the neighborhood and did not see any manufactured houses.

Rebuttal:

Tom Neal came forward and stated that he is sympathetic to the people of the neighborhood wanting to maintain and improve the neighborhood. He can simply speak to the character of his client who is a friend as well as a client; he has known her for over ten years. Ms. Stephenson's sister lives across the street and intends to make this her retirement home.

Mr. Van De Wiele asked Mr. Neal how long past the one-year term is he asking for the manufactured home. Mr. Neal stated that five or ten years would be best with ten years being preferred.

Comments and Questions:

Ms. Ross stated she is in favor of the use because she does not think a single-family house could be built on the subject property.

Ms. Radney stated that after looking at Google Maps of the area, placing a single wide is not necessarily out of character for this particular neighborhood.

Board Action:

On **MOTION** of **RADNEY**, the Board voted 4-1-0 (Back, Bond, Radney, Ross, "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to allow a manufactured housing unit on an RS-3 zoned lot; **Special Exception** to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020 & 40.210-A); **Variance** to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3), subject to conceptual plan 18.7. The Board finds the hardship to be the unusual shape and proportions of the existing site. The manufacturing housing unit will be required to be resubmitted for approval after five years, expiring December 2023. The manufactured home is to be tied down and skirted. The Special Exception to permit the carport in the street setback and street yard has been withdrawn by the applicant. 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. 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 1 BLK 5, GLEN ACRES SUB-WEKIWA, City of Tulsa, Tulsa County, State of Oklahoma

22557—Josh Miller

Action Requested:

Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area. **LOCATION:** South of the SE/c of East 31st Street South & Riverside Drive **(CD 9)**

Mr. Bond announced that he is on the Maple Ridge Neighborhood Association Board and does leave the room and recuse himself when necessary, but he is also at the park twice a week with his children.

Presentation:

Jeff Stava, George Kaiser Foundation, 7030 South Yale Avenue, Suite 600, Tulsa, OK; stated he came to the Board in October 2017 about utilizing the Phase II and Phase III site for temporary parking for the Gathering Place. The Gathering Place opened September 8, 2018 and has had phenomenal amount of attendance and parking has been that has been incredibly important. In October it was intended to have a rock aggregate parking area, but when he met with the neighbors in the hallway they were concerned about dust and how it would look and work. The neighbors were more interested in a grass parking lot. With the amount of use the park has had the grass has deteriorated to dirt so if it rains or there is inclement weather anytime during the week or weekend those lots are basically closed, and it forces people to drive to the satellite lots and use the shuttle buses or they dodge into the neighborhood and look for a place to park. The park has partnered with the Home Owners Association, Tulsa Police Department, the Mayor's Office, and parking enforcement is being worked on really hard. The City has a long-term view of maybe parking permits for the neighborhoods, so there is a lot of short term, mid-term and long-term solutions. To lessen the impact of parking quicker for the neighborhood would be to make the parking area all-weather use. What is proposed is to use a Geotech fabric laid down with 4" gravel and compressing it. There is a product from Ramco, called Risonater, which is an application which is sprayed on top of the gravel to reduce the dust by 95%. These products were referred to the park by someone who lives in Maple Ridge who works for Williams, Williams uses it on all their haul roads in neighborhoods and in agricultural areas where dust affects crops and neighbors. It will really substantially reduce the amount of dust. This will allow the park to get the maximum 1,400 cars parked in the area. The 30-foot setback and fence line will stay. GKF sent letters out to all the adjacent neighbors explaining this and referencing the INCOG letter that was sent. Mr. Stava stated he has talked to about six neighbors and there has been about three e-mails, and through that engagement he has learned things about the lights so the lights will be removed from the fence line. This will go a long way to reduce the amount of impact the park is having on the neighborhood.

Ms. Radney asked if there were implications for the spray being used on the gravel for the watershed of the river. Mr. Stava stated the product is environmentally friendly. Ms. Radney asked how long of a time period does it take for the product to break down. Mr. Stava stated that it is recommended to have a single application and after six months another application which should last three to five years. The park would be mindful that if dust were seen there would be watering trucks used or another application of the product would be applied. Based on the amount of volume of eighteen wheelers on the haul roads the manufacturer thinks a parking lot would be fine.

Mr. Van De Wiele asked if the Geotech fabric is a landscaping fabric. Mr. Stava answered affirmatively but it is harder than the typical landscaping fabric. It prevents the rock from pushing down into the dirt so there is a barrier between the aggregate gravel and the soil. Mr. Stava stated it will be necessary to excavate about four inches of soil off the top of the site to keep the grade right. Water will be conveyed over to Crow Creek so there will be swales built.

Mr. Van De Wiele asked Mr. Stava to explain where this would be done and the amount of time it would be used. Mr. Stava stated that it will be done in the area on the north side of Crow Creek excluding the ADA parking area, and the south side of Crow Creek 30 feet off the fence line and all the way around. There are two curb cuts on 31st Street and one curb cut on Riverside Drive which will remain.

Mr. Van De Wiele asked Mr. Stava how long of a time frame he would like to extend the request. Mr. Stava stated that he would like to extend to the end of 2021, December 2021. Mr. Stava stated he anticipates attendance to subside and then when Spring arrives attendance is anticipated to be heavy for the first full season. The park experts on the team think things will start to subside in the second and third year for a new normal. The parking lot is to keep people parked near the site rather than inside the neighborhoods. The neighborhood parking has been problematic, the streets are narrow and there has been a lot of illegal parking on both sides of the street. Mr. Stava stated if the parking lots could be made more weatherproof, he thinks a lot of parking would be stemmed from the neighborhoods.

Mr. Bond asked Mr. Stava if the parking lots would be used for different purposes after 2021. Mr. Stava stated the Phase II and Phase III projects are still being worked on and have been paused to see how successful the parking opening would be; see what features are being used and what features are not being used. Those ideas will be folded into the Phase II and Phase III development. Mr. Stava stated he knows that any choice he has there have to be additional parking options. Parking options are also being looked at up and down the river corridor by working with the Tulsa Parking Authority. The west bank is also being looked at for a possibility for parking and a new pedestrian bridge to bring people into the park.

Interested Parties:

Nick Doctor, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated he would like to let the Board know about what the City of Tulsa is doing for the larger parking solutions, specifically the residential permit parking program and the role this will play as part of that equation. One the bigger challenges and concerns the City has heard from the residents is happening in the neighborhood right now, the surface lot being just a grass lot right now causes concern in terms of its availability and access for the public due to weather concerns or its over use. By having this lot be permanently available regardless of weather conditions increases the use of this lot. The City is hoping it will prevent residents from choosing the neighborhood as their first option. That allows the City to know this lot is available going forward as the City looks at traffic patterns to

determine whether or not residential permit parking program is appropriate and applicable here.

Dena Rankins, P. O. Box 33384, Tulsa, OK; stated her physical address is 3148 South Cincinnati Avenue. Ms. Rankins would like to request a continuance; she did not receive a formal notice, but she did receive one from the Gathering Place. Several of the neighbors were in attendance at the last meeting when the Gathering Place asked to turn the subject property into a temporary lot, and concerns were voiced. At that time the neighbors were very opposed to it being a sod lot, and we were assured it would be fine and it is not fine. The Gathering Place is a wonderful one of a kind gift to the City, and everybody is grateful to George Kaiser and the Foundation. It's lack of planning on the parking cannot be overstated. The park is an A+ and the parking is a fail. Ms. Rankins stated she cannot get out of her driveway, so it has ruined her livelihood. Ms. Rankins stated that she asked people if they were aware there were shuttles available or if they had tried the parking lot and was always told no. These are people that do not have the patience and do not want to fight the traffic and they are just finding a place to park anywhere they can. It is a serious problem. She does not think the neighbors have had an opportunity to come together as a neighborhood and talk about this before the Board of Adjustment rules, so she would like a continuance giving the residents the opportunity to get together.

Mr. Bond asked Ms. Rankins if she thought it would help the parking situation if the lot were made an all-weather surface. Ms. Rankins a mother with a stroller and a two-year-old is not going to use a gravel parking lot because she will want to stroll on pavement. There are things that have not been thought out and the neighbors have not had the opportunity to collaborate. The Gathering Place means well but they have damaged the neighborhood, damaged the entire neighborhood. This should not be an afterthought for a development like this.

Ms. Radney asked Ms. Rankins if her request for a continuance is because she would like to see some additional amenities or improvements. Ms. Rankins stated she would like to have the opportunity to speak with her neighbors. She did not receive a notice and she does not know that everyone did. And she does not know if the residents have had a chance to collaborate on this and discuss this. This is something that has literally been the worst situation for all the residents.

Mr. Van De Wiele stated the next meeting is January 8th. Mr. Bond stated the Neighborhood Association President Colin Koger was here for about ten minutes. Mr. Van De Wiele asked Ms. Rankins if she thought the interested residents would be willing to continue to the January 8th meeting? Would give enough time to gather the information needed. Ms. Rankins answered affirmatively.

Jane Haden, 3026 South Cincinnati, Tulsa, OK; stated that she would like to know why an endeavor this size and the amount of money that has been spent not attend to parking? Why now are the residents looking at Phase I, Phase II, and Phase III? Why

was there not a parking plan to begin with? Why can't the people be held accountable to get the parking plan now, not in stages but permanent?

John Huffines, 256 East 46th Street, Tulsa, OK; stated he is in attendance on behalf of the Brookside Neighborhood Association where the Gathering Place is located.

Mr. Bond asked Mr. Huffines if he was the President or just a spokesperson for Neighborhood Association. Mr. Huffines stated he is called the Tulsa liaison. He is here for the Brookside Neighborhood Association, the new President Cindy Woodward, asked him to attend the meeting today.

Mr. Huffines stated the Neighborhood Association is asking for a continuance on this item until the second February meeting so the association can communicate thoroughly with the Brookside residents. This will allow time to schedule the Brookside Neighborhood Association meeting and have a representative attend to explain this particular exception to the zoning code.

Ms. Radney asked Mr. Huffines if he would have any concerns about such a short period between the February decision that might be made by the Board and the actual roll out of the spring season in March? There have been representatives from the park and the neighborhood speaking about how the anticipation of the spring season when attendance is expected to ramp up. Mr. Huffines stated he is simply here as a representative and is communicating what the President has shared with him.

Mr. Van De Wiele stated that Mr. Koger, President of the Maple Ridge Neighborhood Association, has provided a hand-written letter to the Board. Mr. Van De Wiele read the letter to the audience and had it placed in the exhibits for the record. The letter stated that Maple Ridge Neighborhood Association is in support of the revised surfacing requirements to an all-weather material with a proper dust suppression agent applied.

Jim LeClair, 1123 East 36th Street, Tulsa, OK; stated he represents the LeClair Family Trust. The trust owns property at 3210 South Cincinnati which borders the parking lot off Riverside. He is happy to hear that the generators will be turned off because they run all night. The other concern he has is the section of the parking lot where Crow Creek comes in because there has been a lot of material removed for drainage which was established in the 1930s. His concern is that just upstream from this point the City has two large water stations that collect water and empties into the creek, and those have eroded the banks of his property because it injects so much water during high water. There is no protection and the water will just fill up the creek and go across the lot so that is a concern. It is very dangerous to walk down Cincinnati on a weekend because there are so many cars, and people backing out of their driveways cannot see.

Rebuttal:

Jeff Stava came forward and stated he totally sympathizes and understands the concerns. By putting this all-weather material in will help alleviate the parking concerns and congestion that there is in the neighborhood. We came to the Board of Adjustment

a little over a year ago with the idea of putting in a gravel parking lot, and as part of the negotiations with the neighborhood, they were concerned about the dust and the impact it would have, so the lot was switched to grass. In hindsight that was a mistake. It will take the contractor six to ten weeks to do the entire project which includes excavating. That needs to be done in January and February. If the project is not started in the next few weeks after the holidays are over, then the parking lot will not be installed before March 1st. Mr. Stava stated all the notices were sent. The Gathering Place sent a separate notice to all the same people that INCOG sent their notices to explaining in a more concrete and granular way what was being requested, so we feel this is something we need to do and need to get it done as quickly as possible.

Ms. Radney asked Mr. Stava if he will actually compact the surface before or after the fabric is laid. Mr. Stava stated that the lot will be compacted before the fabric is laid, then the gravel is laid down and then the gravel will be steam rolled to compact it. Ms. Radney asked if that process was done to prevent rutting. Mr. Stava answered affirmatively. Mr. Stava stated at the very last there is a spray application.

Nick Doctor came forward and stated the step that will help alleviate the larger parking concerns in the neighborhood is the residential parking permit program. As the City has looked at other models across the country, the City is doing everything it can to get that program in place prior to the spring rush that was mentioned. A delay of another month or two in this process would hinder the City to have the lot in place.

Ms. Radney asked Mr. Doctor if the City had already performed parking surveys of the neighborhood. Mr. Doctor stated the City has not. This is a brand new program for the City and it is something the City of Tulsa has never done before, but the urgency and the larger parking challenges that have been seen is causing the City to look at some more innovative solutions looking at cities like Houston and Austin, but the City is still in the development phase of the program. Ms. Radney asked Mr. Doctor if the lot were fully utilized how much load would be taken off the neighborhood, especially if there is not a capacity here. Mr. Stava stood and stated there are going to be 1,400 parking spaces.

Mr. Van De Wiele asked Mr. Stava how many cars will be seen when the lots are operable. Mr. Stava stated there will be 1,400 cars on the grass lot if all the area is open and there is nothing saturated. There has been so much rain at odd times, and even a quarter of an inch of rain causes large areas to hold water thus closing areas of the lot, so generally there would be an 800 or 900 car range for the lot, so it significantly limits the amount of utilized area for parking. The lot should be able to hold between 1,200 and 1,400 cars with no issue. There are parking attendants that guide people in and parking the people car by car to maximize the amount of space used.

Ms. Back asked Mr. Stava when he received the statistics about the parking lot product, how smooth will parking lot surface be? Mr. Stava stated it is not an ADA compliant lot; there is an asphalt ADA compliant lot for those customers. The lot will not be like loose gravel because there is a binder, so when it is compacted and rolled it becomes a pretty

flat solid surface. All the parks built in the last 25 years, most parks have parking less than two parking spaces per acre and this lot will have a little over eight parking spaces per acre. Some of the main parking lot has been closed for food trucks allowing people to use the area on the far back side of the main site, and the food trucks have been taken and those parking spaces are open thus utilizing all the parking spaces on the site now.

Mr. Van De Wiele asked Mr. Stava to what end is the public educated as to the shuttle service, the hours, where to pick up the shuttle service, etc. Mr. Stava stated the park does a lot of social media and advertising in the Tulsa World, and it has been included in the coverage articles. It is not a news worthy item, so it has to be a paid placement. Other things that are being worked on for next year is there will be a bus service provided direct to the site so people that do not have the ability to get to the site or don't want to have the hassle of finding parking there will be a way to get to the site. Also, coming out will be the BRT System which come up and down Peoria which starts next summer or fall. There will be a downtown circulator which will connect to the site. Then there is Bike Share and the scooters, so there is a lot of things that are being worked on in all modes of transportation.

Dean Rankins came forward and stated that if a hospital were being built would the hospital be required to have a hard surface lot for tens of thousands visitors? Why is the standard set so low because there are literally up to a 100,000 people in a weekend and it is not going to slow down. This is not a park, it is a free amusement park. This is not a place where someone comes to swing on a swing, it's a place where people are coming from all over to visit and they are not going to stop. Ms. Rankins stated that she does not feel that it is fair to have one person who knows about the meeting, and all the neighbors aren't here today because there were several in attendance before. She again would request a continuance.

John Huffines came forward and stated that the Neighborhood Association would be okay with a one-month continuance.

Comments and Questions:

Mr. Bond stated that he does not see where a continuance is going to help, if there is a problem and the neighbors are asking for a solution for parking. It seems like if there were a continuance in this matter it would be exacerbating the problem. Mr. Bond stated he is opposed to the continuance.

Ms. Rankins stood and asked Mr. Bond to recuse himself from this case. Mr. Bond acknowledged the request and stated that he does not think he is incapable of rendering an objective decision on this request. Mr. Bond stated that Ms. Rankins is in opposition with her neighborhood association right now.

Ms. Ross stated that she is in favor of a continuance to the first part of January for the reason that she finds it odd that there are not more neighbors in attendance. She has heard so many complaints about the parking and she finds it odd that there are not

more people in attendance today. She thinks it is only fair to give the residents time to congregate and she would encourage a meeting with the George Kaiser Foundation and the City of Tulsa to answer questions.

Mr. Bond stated there are two issues, one is what is going to be done today to fix this parking problem and the quickest answer is to utilize the parking that is not being utilized. He does not want to slow down what can be done in the fastest way, which is the short-term approval of this.

Ms. Back stated she believes the point is being missed that this is a temporary parking lot, and the park is asking for it to be approved through December 31, 2021. This is 2018 so it is a temporary fix to help the neighbors with the dust and to get a lot of parking off the street. She is hoping the George Kaiser Foundation would be doing a permanent solution in the future. This is a temporary fix to address a problem of dust and a problem of people parking on the street.

Ms. Radney stated she is not inclined toward a continuance, although she does agree that more neighborhood input would probably be very helpful. She does not necessarily know from an engineering standpoint what additional information the neighbors would be bringing to the dialogue. This seems to be mostly an engineering fix and for that reason she is not as inclined to have a continuation. Ms. Radney stated that she did not catch that this was a request for a temporary surface that would effectively be in use through 2021, and she thinks that is entirely too long. She might be persuaded if she had more engineering specs about the product being discussed, and the durability of that product; this is a discussion about a parking lot being used in all types of weather and from an engineering point that is a challenging use of the product.

Ms. Back stated that she too is not inclined to continue this case. Ms. Back stated that she went on line and looked up Ramco's Risonater, and it says that the product is applied once and applied again in six months. Mr. Stava did say that if staff noticed dust the product would be applied again, so that would be a condition that could be included in a motion to approve. That is why she would be more inclined to go with the date that was requested but she would be open to an earlier date.

Mr. Van De Wiele stated that he would have liked for there have been tons of neighborhood involvement and meetings on this case, the 300-foot notices were sent and there were more sent than there are people in attendance today. Likewise, to the extent that this be continued into spring, which is generally the wettest time of year, the Board would not be doing the situation any better. From a continuation standpoint, Mr. Van De Wiele stated he is not inclined to support a continuation. This original approval from a timing standpoint was granted through October 31, 2019 so there are ten months left on the existing temporary nature of the parking lot without gravel. Mr. Van De Wiele stated he would be inclined to approve the request to put down the grading, compaction, the fabric, the gravel, etc. but a December 31, 2021 is three years. To Ms. Rankins point, Mr. Van De Wiele stated he does not want this to be a permanent gravel lot, so he does think there is a time period that a permanent parking solution for the

main park proper and whatever is going to happen in Phase II and Phase III there is plenty of time for that to happen or to come back to request a continuation. He would certainly have no issue with the current October 31, 2019 and could be convinced to extend it to December 31, 2020 to give it two seasons.

Ms. Radney stated that she would not agree on two seasons. She thinks this is an emergency and agrees with the exception for the period of time that was originally allowed for a temporary use, but she thinks that a better neighborhood sensitive permanent plan needs to be before this Board within the next year. It may require an extension of this exception to be granted in order to implement that, but an open-ended opportunity to continue the parking situation is unacceptable.

Jeff Stava came forward and stated the Phase II and Phase III timing is really 2021/2022, so the park wants to use the site for temporary parking to alleviate the impact on the neighborhood. There is a substantial cost to putting gravel in; it is not a cheap deal, it is an expensive deal. Only allowing the park to use the site for one year, the park may not do that for one year. The park really needs at least two years and would like three years of use on it to get the long-term solutions conceived and built. He does not think a year is enough time to be able to use the site.

Mr. Van De Wiele stated that a year ago the request was gravel through October 31, 2019. He personally may be inclined to go a little farther than 2019 but three years is too long.

Ms. Radney stated that for her a product that needs to be applied at least at six-month intervals, and maybe possibly more frequently, that isn't persuasive enough that the solution is going to resolve that problem on this particular lot. Ms. Radney suspects that the neighbors are suggesting they would rather have a more permanent surface in place. Speaking as person who occasionally does walk with a cane, she acknowledges that there are many times that she will elect to choose someplace that might not necessarily be the designated parking spot, but if she thinks she will be walking on uneven surfaces the lot will not be fully utilized. She thinks that between now and the end of 2019 it may very well be that this solution works perfectly, and the Board could see you again and agree to extend the request, but she is not prepared to say it is an acceptable resolution barring a better understanding of how the product is going to perform.

Mr. Stava stated there is no other alternative and his mind this is the alternative. So, if it is not this it is grass and dirt, and there will continue to be the parking problems in the neighborhood. This is the only thing that can be had that is affordable, reasonable for a temporary use. Ms. Radney stated that in a year from now, if the product is performing in the way it is expected to be the Board would probably agree to an extension.

Ms. Ross stated that the thing that is concerning her is that she is not hearing that there are plans to develop a permanent plan. This is a temporary fix, and she wants to know within a year what is going to be the permanent parking situation even if it is not built

yet. Mr. Stava stated that it is going to take longer than a year to come up with what those concepts will be. Not even all the concepts for Phase II are complete. There is a lot of more work, and the Foundation put a hold on that because they wanted to see how successful or not successful components of the park are. The park has only been open 100 days; it is the most intense time. When a new venue is opened the most intense time is the first four to six months. He does anticipate spring and summer being busy, but he feels that he does not want to over react. He does not believe that a 1,400-space parking lot on the corner is the right thing for the park or for the City or for the neighborhood. That is why he is trying to come up with an economical yet solid solution in the inbetween time when a better and bigger plan can be developed. Ms. Radney stated that she concurs with all of that, but the park is not the only property owner in this neighborhood, and the injury to the equity that some of the adjoining property owners have suffered is real. The uncertainty in the real estate market, just from the standpoint of having an idea of what the 2019 season is going to look like from a parking standpoint, is real. Again, indifference to the concerns of the neighborhood which Ms. Radney thinks are somewhat mitigated by agreeing not to continue this resolution so there can at least be something that would be better than the existing lot is a little like splitting the baby. Ms. Radney stated that she thinks people should under value the fact that the impact on the neighborhood is more than just inconvenience, it is actually material.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-1-0 (Back, Bond, Radney, Van De Wiele "aye"; Ross "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Modification** of the conditions of a previously approved Special Exception, BOA-2233, to extend the allowable time limit from October 31, 2019 to December 31, 2020. The conditions of a previously approved Variance, BOA-22336, to revise the surfacing requirements to allow for additional rock and gravel for a temporary, non-all-weather surface parking area, subject to conceptual plan 19.22 of the agenda packet and is to be in the same general location as restricted on Exhibit 19.8. The applicant has proposed to use a Geotech fabric with four inches of gravel layer compressed and sprayed with Ramco's Risonater Stabilization Dust Suppression Product, which is said to be a safe non-toxic product for aquatic life and water usage; it is supposed to reduce the dust up to 90%. This would be approved up to and through December 31, 2020; for the following property:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG 570S NEC E/2 NW NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 SECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

None.

NEW BUSINESS

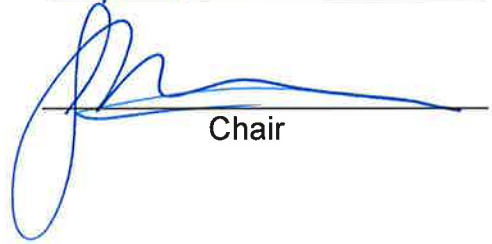
None.

BOARD MEMBER COMMENTS

None.

There being no further business, the meeting adjourned at 5:22 p.m.

Date approved: 1/22/19



Chair