

**BOA-22236**

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**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9236  
**CZM:** 46  
**CD:** 9  
**A-P#:** N/A

Case Number: **BOA-22236**

**HEARING DATE:** 04/25/2017 1:00 PM

**APPLICANT:** Andrew Bailey

**ACTION REQUESTED:** Variance to reduce the required parking to 572 spaces for the Savanna Landing Apartments (Section 55.020).

**LOCATION:** NW/c of S Owasso Ave and E 60 St S

**ZONED:** RM-2

**PRESENT USE:** Multi-Family Residential

**TRACT SIZE:** 13.3 Acres

**LEGAL DESCRIPTION:** PRT LT 1 & PRT VAC ST BEG MOST SELY COR TH W225 N630.70 E237.96 S TO PT TH ON CRV RT TO PT TH S550.70 TH ON CRV RT 39.21 POB BLK 1; PRT LT 1 & PRT VAC ST BEG MOST SWLY COR TH ON CRV RT 39.33 N550.70 TH ON CRV RT 39.21 W TO PT N30 E700 S630.70 W650 POB BLK 1, BROADVIEW HGTS 2ND ADDN RESUB B2-4 BROADVIEW HGTS ADDN, BROADVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

**Subject Lot:**

**BOA 18662;** on 2.22.00 the Board approved the special exception to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence surrounding an apartment project on property zoned RM-2.

**BOA 16984;** on 3.28.95 the Board approved a special exception to permit a head start program in an RM-2 zoned district subject to days and hours being Monday through Friday 8 a.m. to 4 p.m.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of an 'Existing Neighborhood' and an 'Area of Stability'.

An **Existing Neighborhood** is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality

of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RM-1 zoned residential on the north and south; RS-3 zoned single family residences abuts the site on the north. RS-3 zoned parks and open space abuts the site on the west and CS zoned commercial abuts the site on the east.

**STAFF COMMENTS:**

The applicant is before the Board requesting a Variance to reduce the required parking from 609 spaces to 572. The applicant provided the following statement with their application: *Savanna Landing Apartments, formerly Fairmont Terrace Apartments, has been a federally subsidized low income housing apartment project since 1976. In an effort to improve the physical conditions of the property, the safety of the residents and operational management of the apartments Millennium Housing Development worked with the City of Tulsa and the Department of Housing and Urban Development to rehabilitate the Savanna Landing Apartments. The rehabilitation of the apartments incorporates safety and security measures throughout the property while also addressing decades of physical neglect and deferred maintenance.*

*The construction of 37 unnecessary, additional parking spaces, would require a redesign of the security plan, increased lighting and security cameras. Further, the addition of 37 parking spaces are not needed by the existing apartment community. In fact, given the limited income of the property's residents and ample access to public transportation, the property already has too many unused parking spaces.*

*Since the Savanna Landing Apartments rehab project is not adding any additional residential units of new uses to the property; and because the property does not need additional parking spaces; and because adhering to the current Code would create an unnecessary hardship to the project we request a formal variance of the parking requirement to allow the existing 572 parking spaces. Please note the property is not required to increase the number of parking spaces by the City of Tulsa. This action will satisfy the Owner's investor/lender requirements. The age, condition and use of the property is better served with the current number of spaces.*

Table 55-1 in our current City of Tulsa Zoning Code provides the ratio for the number of required parking spaces for apartment buildings in an RM-2 zoning district. Each 0-1 bedroom dwelling unit requires 1.25 parking spaces. Each dwelling unit that has two or more bedrooms requires 2 parking spaces. The existing complex contains 84 dwelling units with 0-to-1-bedrooms; and 252 dwelling units with 2 or more bedrooms, the minimum onsite parking requirement is as follows:

- $84 \times 1.25 = 105$  parking spaces for the efficiency and one bedroom apartments
- $252 \times 2.0 = 504$  parking spaces for the dwelling units with 2 or more dwelling units.

The existing apartment complex is required by the Code to provide 609 on-site parking spaces; the site plan indicates that the lot currently contains 572 parking spaces. With regard to the parking requirement, the Code attempts to ensure that all uses provide adequate on site-parking to make certain that peak vehicle parking demand is accommodated.

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required parking to 572 spaces for the Savanna Landing Apartments (Section 55.020).

- Finding the hardship(s) to be \_\_\_\_\_.

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

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."*



**Case No. 18662**

**Action Requested:**

Special Exception to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards, located at 1111 E. 60<sup>th</sup> St.

**Presentation:**

**Ted Gibson**, 5569 S. Lewis, stated he represents the owner of Fairmont Terrace Apartment complex. The complex is located at 1111 E. 50<sup>th</sup> St.

**Interested Parties/Protestants:**

None.

**Board Action:**

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** the **Special Exception** to modify the allowable fence height in a front yard from 4' to 8' to allow a wrought iron decorative fence, finding it would 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, on the property described as follows:

Lot 1, Block 1, Broadview Heights 2<sup>nd</sup> Addition, City of Tulsa, Tulsa County, Oklahoma

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**Case No. 18663**

**Action Requested:**

Special Exception to allow church and accessory uses in an AG district. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT; SECTION 1205. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES; and SECTION 1608, located N of E. 101<sup>st</sup> St. & E of Yale.

Mr. White announced that **Mr. Dunham** abstains in this case.

**Presentation:**

Steve Schuller, 100 W. 5<sup>th</sup> St, stated that he is representing Redeemer Covenant Church. He pointed out that there are about 15 acres wrapping around the existing church property on the west and north sides. The property came available, and the church opted to buy it if a Special Exception is available for the property, subject expressly to a detailed site plan that would be presented for approval at a later date. The applicant had a positive meeting with representatives of the two neighborhoods on the north and west side, including some property owners at Leisure Estates.

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**Case No. 16984**

**Action Requested:**

Special Exception to permit a head start program in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 5824 South Owasso Avenue.

**Presentation:**

The applicant, **Tulsa Community Action**, 531 East 36th Street North, was represented by **Sylvia Wilson**, who requested that a head start program be permitted at the above stated location. She advised that one of the apartments in the complex will be used for the teaching program.

**Comments and Questions:**

Mr. Doverspike inquired as to the hours of operation, and Ms. Wilson stated that the head start program will be conducted Monday through Friday, 8 a.m. to 4 p.m..

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Special Exception** to permit a head start program in an RM-2 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit; subject to days and hours of operation being Monday through Friday, 8 a.m. to 4 p.m.; finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

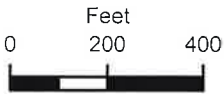
Lot 1, Block 1, Broadview 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16985**

**Action Requested:**

Special Exception to permit a public park in an RM-1 zoned district - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT** - Use Unit 2, located northeast corner of West 7th Street and 49th West Avenue.





Subject Tract

**BOA-22236**

Note: Graphic overlays may not precisely align with physical features on the ground.

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Aerial Photo Date: February 2016

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