

**BOARD OF ADJUSTMENT**  
**MINUTES** of Meeting No. 1223  
Tuesday, February 26, 2019, 2:00 p.m.  
Tulsa City Council Chambers  
One Technology Center  
175 East 2<sup>nd</sup> Street

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Van De Wiele, Chair Back, Vice Chair Ross, Secretary Bond Radney		Wilkerson Ulmer Sparger R. Jones	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on February 20, 2019, at 10:59 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

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

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

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**MINUTES**

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 **Minutes** of the February 5, 2019 Board of Adjustment Special meeting (No. 1221).

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 **Minutes** of the February 12, 2019 Board of Adjustment meeting (No. 1222).

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**UNFINISHED BUSINESS**

**22589—AAB Engineering, LLC – Don Clifton**

**Action Requested:**

Variance to allow a detached accessory structure to exceed 750 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B).

**LOCATION:** 7415 & 7425 East 98<sup>th</sup> Street South **(CD 8)**

**Presentation:**

The application has been withdrawn by the applicant.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

No Board action required; for the following property:

**PRT NW SE BEG NWC SE TH E370 SE744.6 CRV LF273.37 NW523.23 N571.23 TO POB LESS S30 E131.43 THEREOF SEC 23 18 13 8.537ACS; LT 1 BLK 4, AUDUBON VILLAGE, SPRING VALLEY, City of Tulsa, Tulsa County, State of Oklahoma**

**22579—Vicky Ark**

**Action Requested:**

Special Exception to allow a duplex in the RS-3 District (Table 5-2.5); Variance to reduce the required street setback (Table 5-3); Variance of the required 25-foot setback from an adjacent R District for special exception uses (Table 5-3).

**LOCATION:** 1115 East 55<sup>th</sup> Street South **(CD 9)**

**Presentation:**

The applicant requests a continuance to March 12, 2019.

Mr. Van De Wiele asked Ms. Ulmer to inform the applicant that this 12<sup>th</sup> of March is about as far as he would be willing to continue this case to since it has been already continued twice. Ms. Ulmer stated that she would contact the applicant.

**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) to **CONTINUE** the request for a **Special Exception** to allow a duplex in the RS-3 District (Table 5-2.5); **Variance** to reduce the required street setback (Table 5-3); **Variance** of the required 25-foot setback from an adjacent R District for special exception uses (Table 5-3) to March 12, 2019 Board of Adjustment meeting; for the following property:

**LTS 14 & Lt 15, BLK 2, HOUSTONIA HOME SITES ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

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**NEW APPLICATIONS**

**22583—Lyon Construction**

**Action Requested:**

**Special Exception** to exceed the allowable driveway width within the right-of-way and within the street setback (Section 55.090-F.3). **LOCATION:** 3620 South Birmingham Avenue East **(CD 9)**

**Presentation:**

The home owner stood and stated that Mr. Lyon has not arrived yet but is on his way.

Mr. Van De Wiele stated this application will be moved down in the agenda while waiting for Mr. Lyon's arrival.

**Board Action:**

No Board action required at this time.

**22584—Tara Custom Homes**

**Action Requested:**

**Variance** to reduce the required side street setback (Section 5.030-A). **LOCATION:** 1441 East 37<sup>th</sup> Place South **(CD 4)**

**Presentation:**

**Brandon Jackson**, 1216 North Lansing Avenue, Suite A, Tulsa, OK; stated the subject property is a corner lot and is located in the City of Tulsa's regulatory flood plain, which causes the house to be elevated by three feet. The people that are moving into the house have a disabled nephew and elderly siblings, so they need a ramp constructed to have access to the house on the south side; they do not want a ramp in the front yard.

Mr. Van De Wiele asked Mr. Jackson if the former house has been torn down. Mr. Jackson answered affirmatively.

**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 side street setback from 15 feet to 7 feet (Section 5.030-A), subject to conceptual plans 6.13 and 6.14 of the agenda packet. The Board has found the hardship to be the previous orientation of the now combined lot, the orientation of the lot and the need for an accessible ramp. The Board finds that the following facts, favorable to the property owner, have been established:

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

**S 1/2 LT 6 BLK 3, LEOKI PLACE, City of Tulsa, Tulsa County, State of Oklahoma**

**22585—Jesus Flores**

**Action Requested:**

Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45.080). **LOCATION:** NW/c of North Birmingham Avenue East & East Woodrow Street North **(CD 3)**

**Presentation:**

**Jesus Flores**, 2208 North Birmingham Avenue, Tulsa, OK; Mr. Flores used an interpreter to state his case. The reason he would like to have a fence taller than four feet is because of crime in the neighborhood, and he has had experience with people breaking into the house. The fence would be four feet in the front of the house and over feet on the sides of the property.

Mr. Van De Wiele asked Mr. Flores if the fence would be four feet or six feet tall along Woodrow Street and four feet or six feet along Birmingham Avenue. Mr. Flores stated the fence would be four feet tall on Birmingham Avenue, and six feet tall along Woodrow Street.

Mr. Van De Wiele asked Mr. Flores if the fence would be chain link or wood. Mr. Flores stated the fence would be wood all the way around, and the existing chain link fence would be removed.

Mr. Van De Wiele asked Ms. Ulmer if the street setback issue applied to both Birmingham and Woodrow. Ms. Ulmer answered affirmatively; on Woodrow, because it is a corner lot, the fence would be allowed to go up to eight feet because of the side street setback.

Mr. Van De Wiele asked Ms. Ulmer what the street setback is off Birmingham. Ms. Ulmer stated that it is 25 feet.

**Interested Parties:**

**Randy Smith**, 2125 North Birmingham Avenue, Tulsa, OK; stated he lives across the street and south of the intersection. Mr. Smith stated that his concerns are that this is a T intersection stop sign on Woodrow, and if the fence is six or eight feet at the corner it will reduce the visibility thus causing a serious crash or a death.

Mr. Van De Wiele asked Mr. Smith if the intersection was a three-way stop. Mr. Smith stated that it is not, it is a stop sign for Woodrow only and Birmingham is a straight through street. Mr. Smith stated that he has lived in his house over 20 years and people run the stop sign on Woodrow frequently. Mr. Smith stated that people have actually run that stop sign and hit a gas meter that is located on his property because he owns the property just north of his house as well. Mr. Smith stated that he has concerns over safety. Mr. Smith stated that his only objection to the fence is on the corner for visibility; if the fence could be built with an angle or taper, he would not have an objection.

**Rebuttal:**

**Jesus Flores** came forward.

Mr. Van De Wiele stated that a six-foot fence at the corner of Birmingham and Woodrow would cause a sight issue for traffic. Since the subject property fronts on Birmingham

the first 25 feet measured from the property line going west is the four-foot limit for a fence by Code.

**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 allow a fence to exceed 4 feet in height to six feet in height within the required street setback (Section 45.080), subject to conceptual plan 7.7 of the agenda packet. On the north boundary of the fence line, the fence bisecting Birmingham, that the first eight feet of the fence is not to exceed four feet in height and then taper up to eight feet. On Birmingham running north/south the fence is not to exceed four feet in height. On Woodrow Street the first sixteen feet of the fence the fence is not to exceed four feet in height and then it is to taper up to a height not exceeding eight feet in height. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 81 BK 9; LT 82 BK 9; LT 83 BK 9, TULSA HGTS, City of Tulsa, Tulsa County, State of Oklahoma**

**22583—Lyon Construction**

**Action Requested:**

**Special Exception** to exceed the allowable driveway width within the right-of-way and within the street setback (Section 55.090-F.3). **LOCATION:** 3620 South Birmingham Avenue East **(CD 9)**

**Presentation:**

**Phillip Hawkins**, 3620 South Birmingham Avenue, Tulsa, OK; stated he is the home owner, and he deferred to construction manager, and he presented pictures and e-mails to the Board for review.

**Ms. Radney left the meeting at 1:40 P.M.**

**Charles Lyon**, 8403 South Sandusky Avenue, Tulsa, OK; stated the deficiency was discovered when he was applying for a building permit. The driveway has exceeded the allowed width by about nine feet at the widest part of the driveway.

Mr. Van De Wiele asked Ms. Ulmer if it was only the parking area and not the width of the driveway or the apron of the driveway that is being discussed. Ms. Ulmer answered

affirmatively and stated that the original submittal included the right-of-way. The right-of-way width did exceed the 27 feet but the “as built” plan shows that within the right-of-way it is only the parking area. Mr. Van De Wiele asked Ms. Ulmer if this now just pertained to the street setback. Ms. Ulmer answered affirmatively.

**Ms. Radney re-entered the meeting at 1:43 P.M.**

**Interested Parties:**

**Joey Arnold**, 8617 South 66<sup>th</sup> East Avenue, Tulsa, OK; stated he is the concrete contractor.

**Phillip Hawkins** came forward and stated the reason he had the parking area poured is because the street is very narrow and there are no curbs, so when he has visitors when it is raining it keeps them out of the mud and out of other people’s yards.

Mr. Van De Wiele stated that he drove through the neighborhood and he asked Mr. Hawkins if he had cars parked fully on the driving surface, could there be cars parked on both sides of the street and still be able to drive down the middle of the street. Mr. Hawkins stated that on Birmingham it is very tight. When he had several work trucks at the site, he had to move a couple of the vehicles to allow other vehicles to get down the street.

**Comments and Questions:**

None.

**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 **Special Exception** to exceed the allowable driveway width within the right-of-way and within the street setback from 30'-0" to 39'-4" (Section 55.090-F.3), subject to the “as built” plan on page 5.10 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 3 LESS BEG 38.82S NWC TH S51.18 E1.45 N51.18 W1.73 POB BLK 2, OAKVIEW ESTATES AMD B7 & L9 B1, City of Tulsa, Tulsa County, State of Oklahoma**

## **22587—Tom Beverage**

### **Action Requested:**

Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B).

**LOCATION:** 7615 South 26<sup>th</sup> Avenue West **(CD 2)**

### **Presentation:**

**Terry Tarwater**, 2205 West 112<sup>th</sup> Court, Jenks, OK; he made no presentation but was available for any questions from the Board.

**Tom Beverage**, 8605 East 116<sup>th</sup> Street North, Owasso, OK; stated that Mr. Tarwater and his mother are combining two households, and he would like to build an oversized building to accommodate the two households and still have storage. The property is a steep property so the building is being tiered, and the second tier where the house will be placed makes it hard to have an oversized garage for storage for any trailers or equipment. The third tier will have the shop and be at the bottom of the hill.

Mr. Van De Wiele asked Mr. Beverage if the proposed shop was going to be located on the southeast corner of the subject property. Mr. Beverage answered affirmatively. Mr. Van De Wiele asked Mr. Beverage how the elevation of the property in that corner went. Mr. Beverage stated that from the northwest corner to the southeast corner is approximately a 50-foot drop; the southeast corner is in the bottom.

Mr. Van De Wiele asked Mr. Tarwater if the proposed building is for the use of his family and won't be rented to any non-family member. Mr. Tarwater answered affirmatively.

### **Interested Parties:**

**Sam Saunders**, 7636 South 24<sup>th</sup> West Avenue, Tulsa, OK; stated he owns property directly east of the subject property. His concern is the footprint of the proposed accessory building being so large, and that it is in the low corner of the property. Water drains from northwest to the southeast and he is concerned about the building size and the additional driveway in the corner will act as a dam. He is concerned about the water runoff coming farther north than it currently does. Mr. Saunders stated that he has lived in his house for about 18 years, and there is a lot of runoff that comes straight down the hill angling somewhat to the southeast. With the removal of all the vegetation and the addition of the concrete and asphalt he is concerned there will be a runoff problem for his house.

Mr. Van De Wiele asked Mr. Wilkerson how the drainage is reviewed and dealt with in the Building Permit Office. Mr. Wilkerson stated there is usually a grading plan required for a building permit; it does not need to be super detailed, but it does have to address how the water will be managed.

Mr. Saunders stated that his concern is that there be some way for the water to get under or past the building and the driveway, because a driveway and building act as a

dam. There will be a funnel effect with the driveway on one side and the building on the two sides. The natural drainage is almost directly from northeast to southwest in almost a straight diagonal line.

**Rebuttal:**

**Tom Beverage** came forward and stated that he has been upstairs with the building permit and water sewage people and things have been adjusted. Mr. Beverage stated he is proposing a drainage system on the property in the final construction stage. When he files for a permit, the system will tailor all the water from Mr. Tarwater's property to the southeast corner putting it at the south end of Mr. Saunders property. There is a dry creek that runs through the property that will be utilized because the property already has that natural flow.

Mr. Van De Wiele asked Mr. Beverage if the stormwater would just sheet flow to the creek or will the stormwater be piped to the creek? Mr. Beverage stated that will be decided after more conversations upstairs because it will have to be tailored. There is a proposed French drainage system for the building structure to bring the water to the focal point. All the way down the east property line it has been proposed to install a V channel to collect the water farther north of the proposed building, and channel the water to the southeast corner as well.

**Comments and Questions:**

Ms. Back stated that stormwater cannot leave the property any faster than it did before development, so that is something for the Board members to know, that it will be addressed in the building permit phase.

Ms. Ross stated she does not have any issues with the size of the building.

Ms. Radney stated that she too does not have any issues with the size of the building, she has an issue with the opaqueness of how the home owner is actually going to handle the water. It sounds like a novel and useful engineering idea to have the water exiting the property as a point source. But it seems like that is creating a potential problem for the neighbor, and in the absence of a drawing or contour map on how the homeowner expects this will work. The Board is guessing about the way the water currently flows on the property.

Mr. Van De Wiele stated that the Board does not have the jurisdiction to even consider water drainage which has been odd to him. There are projects all over town throughout the years he has been on the Board, and that is the one issue that is a problem. It is difficult to hear and difficult to tell people that this Board does not have the authority or jurisdiction to get into drainage issues.

Mr. Wilkerson stated that the only permit the homeowner will receive is a building permit, and as part of this the homeowner will have to deal with sediment control and stormwater. This is not nearly as involved as a commercial site or a subdivision

development. It is unlikely that there will be any stormwater detention requirements, the issue is where will the water go and how will it be dealt with.

Ms. Radney stated that her hesitancy is that the Board is actually considering an exception for the amount of built space, and there is a neighbor here expressing a concern she does not feel she has enough information to be able to make the decision that is within the jurisdiction of this Board.

Mr. Bond asked what the hardship is in this case. Mr. Van De Wiele thinks it is the size of the lot; it is 2.1 acres. There is at least one other property certainly has more than a little shed in the backyard. The Board sees these a lot in the larger lot size historical agricultural rural areas of the City.

Ms. Back stated that she has concerns, but they are not with the buildings. Ms. Back stated there is a lot of asphalt covering the 2.15 acres and she has a problem with that. She understands the turn radius for taking equipment in and out of the building, but in front of the house there is a monstrous piece of asphalt. The homeowner did not provide a number for how much of the lot is covered with impervious surface, she has a problem with that.

Ms. Radney concurred with Ms. Back's statement completely.

Mr. Wilkerson stated that once the proposed site leaves the setback area there is no driveway limitations on the amount of pavement that can be put down. There is an open space requirement, but this site will not conflict with that open space requirement even with all the paving. The property is zoned RS-3 so the minimum open space requirement is 4,000 square feet per unit. There is more than 4,000 square feet left over on this lot, and that is without architectural drawings or specific details but there is a lot of open space left.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-1-0 (Back, Bond, Ross, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow a 50'-0" x 80'-0" detached accessory single story structure located in the southeast corner of the subject property, shown on page 8.22, to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B), to be increased from 2,400 square feet to 4,000 square feet, subject to conceptual plan 8.22 of the agenda packet. The Board has found the hardship to be the large lot of the immediate application as well as the other large lots of the neighborhood, and the vertical gain or loss of the subject property. 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 305.66W & 355.09S CENTER SEC 10 TH E305.41 S306.60 W305.50 N305.69 TO POB SEC 10 18 12 2.15ACS, City of Tulsa, Tulsa County, State of Oklahoma**

**22588—Brittany Jackson**

**Action Requested:**

Variance to allow for a screening fence to be less than the required 8 feet in height; Variance of the requirement that a screening fence run along the lot line that abuts the R District (Section 40.360-A). **LOCATION:** North of NW/c of East 3<sup>rd</sup> Street South & South 193<sup>rd</sup> Avenue East **(CD 6)**

**Presentation:**

**John Green**, 913 West Grainger Street, Broken Arrow, OK; stated this issue was originally brought to his attention by a resident which he has had a couple of discussions with. From that he spoke with the zoning board to discuss what he was supposed to do. When he purchased the property the fence was existing, and after speaking with the zoning board a portion of the Code stated that there is a potential that the building wall could be used as a screening wall in lieu of the fence. He was not aware that he was supposed to seek a Variance to have it approved, so this past summer he received a Code Violation. The violation was initially submitted in August, but he did not receive it until November. From that he realized that he did need to erect a fence. So, the Variance request is to let him know where exactly he is supposed to erect the fence, and if the height of the fence can be reduced to seven feet.

Mr. Van De Wiele asked Mr. Green if he was speaking about the screening fence to the south of the section that runs east to west along the south side of the storage facility. Mr. Green answered affirmatively. Mr. Van De Wiele asked Mr. Green if there was a fence there now. Mr. Green answered affirmatively and stated that it is dilapidated and has been for a long time. Mr. Van De Wiele asked Mr. Green if it was on his side of the property line. Mr. Green stated that there was a boundary survey done and the fence is

on his side of the property line, but it is also connected to all the other surrounding houses. Mr. Van De Wiele asked if the existing fence is currently seven feet tall. Mr. Green that it is not, it is a six-foot fence. Mr. Van De Wiele asked Mr. Green if he is proposing a seven-foot tall fence. Mr. Green stated that particular side of the property is about a quarter brick and mainly an all metal wall that is the side of the building; there is no equipment or dumpster back there and is only a ten-foot mow strip. Mr. Van De Wiele asked Mr. Green how the existing fence is. Mr. Green stated that it is approximately six feet.

Ms. Ross asked Mr. Green why he is requesting seven feet instead of eight feet for the fence. Mr. Green stated that he was told if the fence is under eight feet, he did not need a building permit, so a seven-foot fence would be faster to erect.

Mr. Van De Wiele asked Mr. Green how long the storage facility has been in existence. Mr. Green stated that it was built in 1998.

Mr. Green stated that his biggest issue with the fence line is that he does not want the neighbor's fencing attached to his fence because he is worried about civil issues and does not want to be liable. Mr. Van De Wiele stated if there are fence line disputes with the neighbors as to somebody attaching to your fence, fences are usually best resolved in cordial neighborly settings, but that is an issue that would have to be resolved in a different forum.

Ms. Ross asked Mr. Green if he would be leaving the existing fence standing. Mr. Green stated that he would not; his plans are to demolish the old fence and erect a new fence.

Mr. Van De Wiele asked Mr. Green if he is wanting to erect the new fence a few feet farther north than the existing fence is located now. Mr. Green stated that he would like to have the new fence close to where the existing is now located.

Ms. Ross asked Mr. Green why he did not want to erect the new fence on his property line. Mr. Green stated there is a telephone pole that could be in the way of the fence, and there is a new fence that, according to the survey, that is on the line and there are a couple of other fences that cross that line.

Ms. Radney asked Mr. Green if the concern was that he did not want to abandon that strip that would potentially be between two fences if the other fence was left in place. Mr. Green stated that he does not want to leave the fence in place because it is dilapidated, and it needs to be taken down and put back. The concern is the residential properties connecting to fence.

**Interested Parties:**

**Darla Howell Pierce**, 19235 East 3<sup>rd</sup> Street, Tulsa, OK; stated her house is located north of the storage facility. Ms. Pierce stated that the former owner originally built the storage and erected the fence. When that owner erected his fence, she already had an

existing fence in place, and there were only inches between the two fences. Trees and grass grew up in between the fences over a period of time, so it was agreed she would take her fence down leaving the storage facility fence in place because it was newer than hers. When the new parties purchased the storage facility the fence was constantly falling down, and she would call the new owners. When the City installed a new sewer, they took down her entire fence on the east side and put it back when they were finished. After several months of calling the new storage facility owners she asked them if they were able to find a company to fix the fence and they told her no because it was her fence. Ms. Pierce stated that she informed them that it was not her fence and that is when she called the City and lodged a complaint. The fence has become a safety issue because it lays down and has been down for a long time. Ms. Pierce stated that it would be nice if the storage facility owners would install the new back in the place where the existing fence is now, because she has taken down her fence. It is for safety measures, from where she has extended to her property line on the east side and she would be happy.

Mr. Van De Wiele asked Ms. Pierce about her thoughts on the fence height, because it is currently a six-foot fence. Ms. Pierce stated she thinks the owners should do what is required.

Ms. Ross stated that she understands the applicant's not wanting neighbor's fencing connecting to the new fence, and she asked Ms. Pierce if there was a possibility that she would agree to a seven-foot fence if the neighbors can attach into the new fence. Ms. Pierce stated that as long as the fence goes all the way down to where no one can come into her back yard she is totally fine with that.

Mr. Van De Wiele asked Ms. Pierce how long she has lived in her house. Ms. Pierce stated that she has lived in the house for 50 years. Mr. Van De Wiele asked Ms. Pierce if her parents had formerly owned her house. Ms. Pierce answered affirmatively.

**Rebuttal:**

**John Green** came forward.

Mr. Van De Wiele asked Mr. Green to state his hardship for a seven-foot fence. Mr. Green stated that he knows the Code stipulates eight feet in height, and he would be fine with that, but the seven feet was asked for after discussions with Chuck Lange because he said if the fence was seven feet there would be no building permit required and the fence could be installed faster.

Mr. Van De Wiele stated that the applicant's obligation, according to the Zoning Code, is to have an eight-foot fence between the storage facility and the adjoining residential neighbors. There is not a requirement in the Zoning Code that says the screening fence has to be on the property line, and that the applicant has to allow his neighbors to tie into it. With that being the case, Mr. Van De Wiele thinks the fence could be placed anywhere between the subject property and the building. Mr. Wilkerson stated the requirement for the fence is that it be along the lot lines.

**Comments and Questions:**

Mr. Bond stated that he does not see a hardship in this case, he thinks it is a self-imposed hardship.

Mr. Van De Wiele stated the only hardship he can come up with is the existing screening fence that was built for this storage facility was a six-foot fence and that could serve as a hardship.

Ms. Back stated if the applicant builds a fence seven feet or less it requires a zoning clearance permit and those take weeks, and the building permit application can sometimes move quicker. What Mr. Lange told the applicant was true but either way the applicant will still have to file a submittal and it can take some time.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 3-2-0 (Back, Bond, Ross, "aye"; Radney, Van De Wiele "nay"; no "abstentions"; none absent) to **DENY** the request for a Variance to allow for a screening fence to be less than the required 8 feet in height; Variance of the requirement that a screening fence run along the lot line that abuts the R District (Section 40.360-A); for the following property:

**PRT LT 2 BEG SECR TH W281.15 N153 E281.15 S153 POB BLK 1, ROLLING HILLS CTR ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma**

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**OTHER BUSINESS**

None.

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**NEW BUSINESS**

None.

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**BOARD MEMBER COMMENTS**

None.

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There being no further business, the meeting adjourned at 2:45 p.m.

Date approved: \_\_\_\_\_

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Chair