

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, January 9, 2018, 1:00 P.M.**

**Meeting No. 1197**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of December 12, 2017 (Meeting No. 1196).

**UNFINISHED BUSINESS**

None.

**NEW APPLICATIONS**

2. **22371—Eller & Detrich – Andrew Shank**  
Appeal of a written zoning code interpretation by the Planning and Development Director (Section 70.140).
3. **22373—Brian Adler**  
Special Exception to permit a freestanding sign to be located in the planned Right-Of-Way with a 30 foot setback from the center of South Boston Avenue East (Section 60.020). **LOCATION:** 1709 South Boston Avenue East (**CD 4**)
4. **22374—A-Max Sign Company**  
Special Exception to allow a freestanding sign with a dynamic display in an RS-3 District (Section 60.050). **LOCATION:** 3600 South Yale Avenue East (**CD 9**)
5. **22376—Layla Jabur**  
Special Exception to allow a Bed and Breakfast (short-term rental) in an R-3 District (Section 5.020). **LOCATION:** 2139 East 17<sup>th</sup> Place South (**CD 4**)

**Application has been withdrawn by the applicant.**

6. **22377—Justin Reed**  
Special Exception to allow a dynamic display sign in an R District (Section 60.050); Variance to exceed the permitted display area of a freestanding sign; Variance to exceed the permitted display area of a dynamic display sign;

Variance to exceed the permitted height of a sign in an R District (Section 60.050). **LOCATION:** 3319 West 41<sup>st</sup> Street South **(CD 2)**

7. **22380—Kenneth Barth**

Special Exception to allow the driveway width to exceed 20 feet (Section 55.090-F3). **LOCATION:** 1860 North Hartford Avenue East **(CD 1)**

8. **22381—Eller & Detrich – Nathalie Cornett**

Variance to exceed the permitted display area of a ground sign in an office district; Variance to exceed the permitted height of a freestanding ground sign (Section 60.060). **LOCATION:** 4200 East Skelly Drive South **(CD 9)**

9. **22382—A-Max Sign Company**

Special Exception to permit a dynamic display sign in an AG District; Variance to exceed the permitted display area of a dynamic display sign (Section 60.050). **LOCATION:** 10300 East 81<sup>st</sup> Street South **(CD 7)**

10. **22383—Tereza Gaspar**

Special Exception to allow a manufactured home on an RS-3 zoned lot; Special Exception to extend the one-year time limit to 30 years (Section 5.020 and Section 40.120). **LOCATION:** 535 North 91<sup>st</sup> Avenue East **(CD 3)**

11. **22385—Leo Coffman**

Special Exception to allow a Public, Civic and Institutional/ Government Use in the CS District (Section 15.020, Table 15-2). **LOCATION:** 1645 South 101<sup>st</sup> Avenue East **(CD 5)**

**OTHER BUSINESS**

12. **22373—Brian Adler**

Special Exception to permit a freestanding sign to be located in the planned Right-Of-Way with a 30 foot setback from the center of South Boston Avenue East (Section 60.020). **LOCATION:** 1709 South Boston Avenue East **(CD 4)**

**REFUND:** No posting of a sign needed for this application.

13. **22374—A-Max Sign Company**

Special Exception to allow a freestanding sign with a dynamic display in an RS-3 District (Section 60.100). **LOCATION:** 3600 South Yale Avenue East **(CD 9)**

**REFUND:** No posting of a sign needed for this application.

**14. 22376—Layla Jabur**

Special Exception to allow a Bed and Breakfast (short-term rental) in an R-3 District (Section 5.020). **LOCATION:** 2139 East 17<sup>th</sup> Place South **(CD 4)**

**REFUND:** The application was withdrawn by the applicant.

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. The ringing/sound on a cell phones and paggers must be turned off during the Board of Adjustment meeting.

**NOTE:** This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526, if you require an official posted agenda.

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**BOA-22371**

**ELLER & DETRICH – ANDREW SHANK**

# BOARD OF ADJUSTMENT CASE REPORT

STR: 0433

Case Number: BOA-22371

CZM: 31

CD: N/A

A-P#: N/A

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Andrew Shank-Eller and Detrich

**ACTION REQUESTED:** Appeal of a written Zoning Code Interpretation by the Planning and Development Director (Sec. 70.140).

**RELEVANT PREVIOUS ACTIONS:**

None.

**LOCATION:** N/A

**STAFF COMMENTS:**

In the attached (see Exhibit 1) *Zoning Code Interpretation*, the Planning and Development Director issued an interpretation of the 1200 ft. spacing requirement for off-premise outdoor signs established in **Section 60.130-C** of the Code, see below. The requested appeal of the *Zoning Code Interpretation* is not associated with a site or lot in the City of Tulsa.

**Section 60.130-C**

*The required separation distance between off-premise outdoor advertising signs must be measured in a straight line from the center of the respective off-premise outdoor advertising sign structures, as located on the ground.*

The applicant is before the Board appealing the *Zoning Code Interpretation* attached to this case report. The applicant has provided the Board with comments and records related to the requested appeal; these records are attached to this case report for the Board's review.

**Section 70.090 Zoning Code Interpretations**

**70.090-A Purpose and Applicability**

1. Day-to-day responsibility for administering and interpreting the provisions of this zoning code, including the zoning map, rests with the development administrator and land use administrator, whose decisions may be appealed to the board of adjustment, in accordance with the procedures of Section 70.140.

2. Occasionally, the zoning code may not sufficiently address an issue that arises in administering or interpreting the zoning code. In those cases, the development administrator and land use administrator may elect to issue, or a citizen may file an application for, a written zoning code interpretation to guide in future decision-making.

**Zoning Code Interpretations Authority, 70.090-B**

2.2

The planning and development director is authorized to issue written interpretations pursuant to this section or to delegate that authority to the land use administrator or the development administrator, based on which office has primary responsibility under this zoning code for administering the provisions in question. The planning and development director is also authorized to refer the matter to the board of adjustment for an interpretation or for guidance in making an interpretation.

Appeals of written interpretations issued pursuant to this section may be taken to the board of adjustment in accordance with the appeal procedures of Section 70.140.

#### **Appeal Procedures - Hearing and Final Decision, 70.140-G**

1. The board of adjustment must hold a public hearing on the appeal.
2. Following the close of the public hearing, the board of adjustment must make its findings and act on the appeal.
3. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or may, upon the concurring vote of at least 3 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

#### **Appeal Procedures - Review Criteria, 70.140-H**

**The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the land use administrator, the development administrator or other administrative official erred.**



PLANNING & DEVELOPMENT  
DEPARTMENT

Exhibit 1

November 6, 2017

Mr. Andrew A. Shank  
Eller & Detrich  
2727 East 21<sup>st</sup> Street, Suite 200  
Tulsa, OK 74114-3533

Re: Zoning Code Interpretation #2017-02  
Spacing requirements for outdoor advertising signs

Dear Mr. Shank:

The question you pose in your September 27, 2017 letter is whether a permitted sign (or sign alteration) should be granted the same consideration as an "existing" sign when verifying spacing requirements for placement (or conversion) of another sign. In your letter you state "*Consideration of signs that may potentially be erected at some uncertain point in the future (whether or not they have been issued a permit) is undoubtedly improper and ignores the plain language of the standard set forth by the Code.*" I agree with much of this statement however it is negated by the parenthetical reference to the issuance of a valid permit. Once a permit has been issued, the City has granted a right to construct or alter a sign and has recognized an applicant's intent to do so. A permit represents a real project that is no longer a hypothetical condition. The timeline associated with a permit is not "some uncertain point in the future." Applicants have 180 days to initiate work; and to then undertake permitted work without significant lapses in activity until that work is completed, inspected and approved. Every applicant seeks and should enjoy fair and equal treatment in this regard.

If a project is permitted but the applicant fails to act, causing the permit to expire, other requests should be considered. However, until that occurs, issuance of approvals for other signs would only put the City in a position of having issued one or more permits in violation of the Zoning Code. Issuing permits for construction that is known to be non-conforming or could become non-conforming due to other properly issued permits, is not appropriate. The City cannot issue a permit for a structure that does not conform to the Zoning Code:

*Section 1.070 Compliance Required*

*1.070-A Land may not be used for any purpose other than one that is allowed by the provisions of this zoning code.*

*1.070-B A building or structure may not be erected, located, moved, reconstructed, extended or structurally altered except as allowed by this zoning code.*

*1.070-C Buildings, structures and land may be used and occupied only in compliance with the provisions of this zoning code.*

*1.070-D All lots created or modified must comply with all applicable provisions of this zoning code.*

The Code advises further that any conflicting regulations are to be resolved or addressed in a very specific manner:

*Section 1.080 Conflicting Provisions*

*1.080-B Conflict with Other City Regulations*

*If the provisions of this zoning code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.*

This means the City cannot operate in a vacuum. When we have knowledge of other actions or permits that affect or would be affected by a requested action (permit, spacing verification, etc.) it would be irresponsible to act in a manner that does not recognize this information.

**Interpretation:**

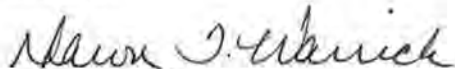
To improve this situation and ensure administration of the regulations matches the stated intent staff will undertake the following:

- Work with the Board of Adjustment staff to address the standard language for motions related to sign spacing verification; and
- Review code language with City legal staff to determine if it is appropriate to recommend amendments that will provide greater clarification related to this matter.

*70.090-G Appeal of decision*

*Appeals of written interpretations issued pursuant to this section may be taken to the board of adjustment in accordance with the appeal procedures of Section 70.140.*

Sincerely,



Dawn T. Warrick, AICP  
Planning & Development Director

cc: Yuen Ho  
Bob Kolibas  
Susan Miller  
Janine VanValkenburgh



Eller Detrich  
A Professional Corporation

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November 15, 2017

Writer's Email  
[ashank@ellerdetrich.com](mailto:ashank@ellerdetrich.com)

**VIA HAND DELIVERY & E-MAIL:**

Ms. Dawn Warrick  
Director of Planning & Development  
City of Tulsa  
175 E. 2<sup>nd</sup> St., 4<sup>th</sup> Floor  
Tulsa, Oklahoma 74103  
[dwarrick@cityoftulsa.org](mailto:dwarrick@cityoftulsa.org)

Re: Appeal of Administrative Decision  
Zoning Code Interpretation #2017-02  
Spacing Requirements for Outdoor Advertising Signs

Dear Ms. Warrick,

By this letter and pursuant to Section 70.140 of the Tulsa Zoning Code (the "Code"), I am filing with you, in your capacity as both the land use administrator and the administrative official who issued the decision, our appeal of the above-referenced zoning code interpretation (the "Interpretation"). The Interpretation found that in determining whether or not to approve the spacing verification of a proposed sign, INCOG staff and the Board of Adjustment (the "Board") may and/or must consider **both** signs that exist at the time of the application and signs that have not been erected but have only been issued a permit by the City. The basis for this appeal is that the Section 60.130-C.2. of the Code specifically and expressly states:

The required separation distance between off-premise outdoor advertising signs must be measured in a straight line from the center of the respective off-premise outdoor advertising sign structures, ***as located on the ground.*** (emphasis added).

The ***plain language*** of the Code clearly does not contemplate verifying spacing as between signs that are not physically located on the ground at the time an application is before the Board.



[www.EllerDetrich.com](http://www.EllerDetrich.com)

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2.6

The justification provided by the Interpretation for considering permitted but not yet erected signs is that a permit "represents a real project that is no longer a hypothetical condition" and "applicants have 180 days to initiate work" after a permit is issued. Further, the Interpretation states that when the City has "knowledge of other actions or permits that affect or would be affected by a requested action, it would be irresponsible to act in a manner that does not recognize this information." ***This reasoning impermissibly ignores the plain language of the measurement provisions of the Code*** that clearly references existing signs located on the ground only.

Furthermore, the City's own permitting policies contradict the Interpretation, which read in pertinent part, as follows:

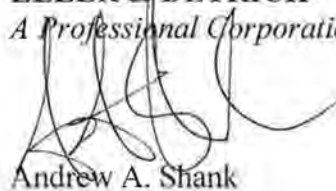
Every permit issued shall become invalid unless the work authorized by such permit is started within 180 days its issuance.... ***The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.*** (emphasis added).

The City's ability to grant potentially endless extensions for permits creates uncertainty and inconsistency for applicants seeking spacing verification. Consideration of signs that may potentially be erected at some uncertain point in the future, even when a permit has been issued, is not consistent with the plain language of the Code or the traditional practice of the Board. The Board considers the verification based on the facts as they ***presently exist***, subject to the Board's action becoming null and void should another sign be ***erected*** prior to the Applicant's sign.

Therefore, I respectfully submit this Appeal of the Interpretation and request transmittal of the record to the Board of Adjustment. Should you have any questions, please do not hesitate to call.

Sincerely,

**ELLER & DETRICH**  
*A Professional Corporation*

A handwritten signature in black ink, appearing to read "A. Shank", is written over the printed name of Andrew A. Shank.

Andrew A. Shank

Eller Detrich  
A Professional Corporation

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Kevin H. Wylie  
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September 27, 2017

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**VIA HAND DELIVERY & E-MAIL:**

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175 E. 2<sup>nd</sup> St., 4<sup>th</sup> Floor  
Tulsa, Oklahoma 74103  
[dwarrick@cityoftulsa.org](mailto:dwarrick@cityoftulsa.org)

Re: Request for Tulsa Zoning Code (the "Code") Interpretation

Dear Ms. Warrick,

By way of this letter, we respectfully request an interpretation of the Code from you in your capacity as the Planning and Development Director, pursuant to Section 70.090-A.1 of the Code. The requested interpretation is for a determination that the 1,200-foot spacing requirement for off-premise outdoor advertising signs, set forth in Section 60.080-F.5.a (traditional/static outdoor advertising signs) and Section 60.100-K (digital signs), is measured as between the proposed sign and *signs that exist* at the time of spacing verification by the Board of Adjustment.

Section 60.130-C.2. states:

The required separation distance between off-premise outdoor advertising signs must be measured in a straight line from the center of the respective off-premise outdoor advertising sign structures, *as located on the ground*. (emphasis added).

This section, by its own plain language, cannot apply to signs that have simply been issued a permit but have not been erected, because they are not "located on the ground." However, recent discussions with INCOG staff have brought to light that in consideration of these spacing requirements, signs that have only been issued a permit are a factor in staff's (and perhaps the Board's) analysis of the spacing verification.



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2.8



The measurement provisions of the Code plainly state that any required separation distance must be measured from the center of the sign structures as located *on the ground*. It is clearly a measurement between an Applicant's proposed sign and any *existing* signs at the time of spacing verification. Consideration of signs that may potentially be erected at some uncertain point in the future (whether or not they have been issued a permit) is undoubtedly improper and ignores the plain language of the standard set forth by the Code.

The Board of Adjustment has traditionally agreed with our requested interpretation of the Code. The language the Board includes in verifying the outdoor advertising spacing requirements of the Code is as follows:

"I move that based upon the facts in this matter as they *presently exist*, we accept the applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being null and void should another outdoor advertising sign *be erected* within the required spacing radius prior to this sign."

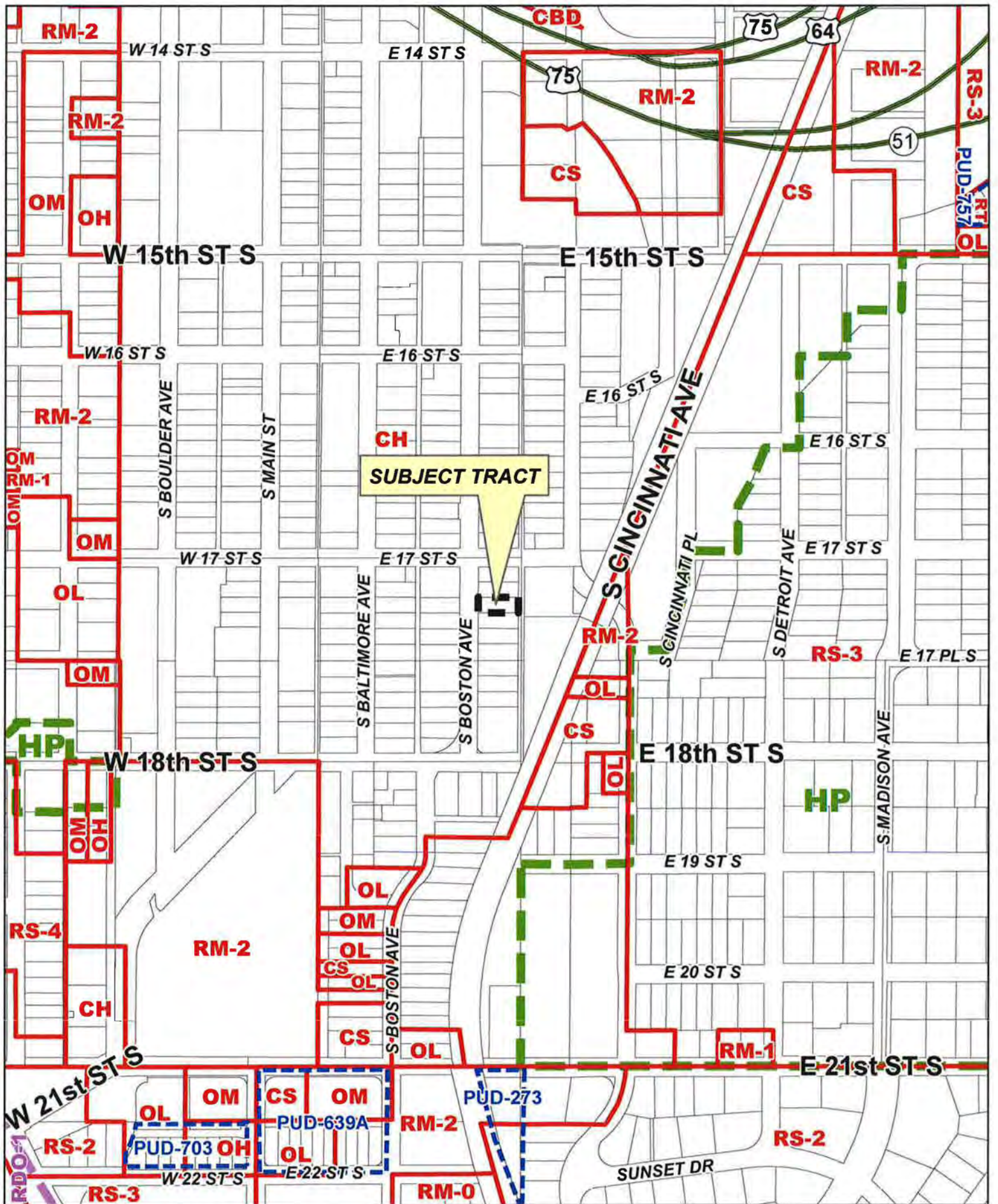
Therefore, we respectfully request an interpretation of the Code to resolve the inconsistent application of the spacing requirements and avert any future confusion to an Applicant. Should you have any questions or need any additional information, please do not hesitate to call. Thank you for your time and attention to this matter.

Sincerely,

**ELLER & DETRICH**  
*A Professional Corporation*



Andrew A. Shank



BOA-22373

19-12 12

3.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9212  
CZM: 36  
CD: 4  
A-P#: 427342

Case Number: **BOA-22373**

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Brian Adler

**ACTION REQUESTED:** Special Exception to permit a freestanding sign to be located in the planned R-O-W with a 30 foot setback from the center of S Boston Avenue. (Sec. 60.020)

**LOCATION:** 1709 S BOSTON AV E

**ZONED:** CH

**PRESENT USE:** Commercial/Retail

**TRACT SIZE:** 6551.45 SQ FT

**LEGAL DESCRIPTION:** LT 3 BLK 3, TOWNLEY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot**

**BOA 21905;** on 06.09.15 the Board approved a special exception to permit off-street parking to be located on a lot other than the lot containing the use.

**BOA 18302;** on 02.9.99 the Board approved a variance of required parking of 9 spaces to 4 spaces for a beauty salon.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Downtown Neighborhood" and an "Area of Growth".

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CH zoned commercial and office space.

**STAFF COMMENTS:**

The Code states that signs located in or that project into the right-of-way or planned right-of-way of a public street are prohibited, unless a special exception has been approved by the board of adjustment and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way.

The total planned right-of-way along S. Boston Ave. is 80 ft.; the minimum setback for the proposed ground sign is 40 ft. from the centerline of S. Boston Avenue. The proposed sign extends 10 ft. into the planned right-of-way (R-O-W). The applicant has requested a **Special Exception** to allow the proposed sign to be located in the planned right-of-way of S. Boston Ave. To date the applicant has not signed a removal agreement with the City of Tulsa.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a freestanding sign to be located in the planned R-O-W with a 30 foot setback from the center of S Boston Avenue. (Sec. 60.020)

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): \_\_\_\_\_.

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.

**Presentation:**

**Victor Algarin**, 1819 South 119<sup>th</sup> East Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. White asked Mr. Algarin if there had been any changes. Mr. Algarin stated there were not. Mr. White asked Mr. Algarin if he had any plans for adding onto the building in the future. Mr. Algarin answered no.

Mr. White asked Mr. Algarin if he owned the property. Mr. Algarin stated that he is only a tenant and does not own the property. Mr. White asked Mr. Algarin how long his lease was for. Mr. Algarin stated his lease is for five years which will end in December 2019.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the requests for a **Special Exception** to permit auto sales and repair (Use Unit 17) in the CS District (Section 701, Table 1), and this approval will be "as built". The previous conditions will apply from the previous approval with the exception of the hours of operation, which will be 9:00 A.M. to 6:00 P.M., Monday through Saturday. The previous conditions that are to be applied are as follows: prohibit promotional business signs as defined by the zoning code; work on all vehicles must be inside the structure; no outside repairs allowed; no outside storage of materials; limit total number of inoperable vehicles queuing for repair on the site to 20; no auto body work on the property; and no junk vehicles stored on the property. This approval will have a time limit of October 1, 2019 which is the length of time the current lease runs. Finding the 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:

**N 250 E 250 NE LESS N 50 & E 50 SEC 24-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21905—Gregory Helms**

**FILE COPY**

**Action Requested:**

**Special Exception** to permit off-street parking to be located on a lot other than the lot containing the use (Section 1301.D). **LOCATION:** 1709 South Boston Avenue (CD 4)



BOA-21905

FILE COPY

**Presentation:**

**Greg Helms**, 424 East Main Street, Jenks, OK; stated this is the third case that has been brought to the Board that are similar, two adjacent lots that have the same condition. The lot that is proposed for the off-street parking is owned by the same property owners that have the Boston property, so he would like to continue what was done at the other two sites. There are 13 parking spaces required and there are seven available on the property owner's lot and an additional six spaces are available on the adjacent lot.

Mr. White asked Mr. Helms to assure the Board that he is not selling the same animal three times and that they are separate parking areas. Mr. Helms pointed out the different areas on a map that had been placed on the overhead projector screen.

Ms. Snyder asked Mr. Helms if the owner was going to build a new building. Mr. Helms answered affirmatively.

Mr. White asked Mr. Helms if the people would actually park on this proposed lot when they are going to their place of business, because people do not like to walk. Mr. Helms stated that he did not know that personally but informed the Board the owner is present if they would like to hear from him.

Ms. Snyder asked Mr. Swiney if a tie agreement were necessary in this action. Mr. Swiney stated that he does not believe a tie agreement would be necessary, but the Board might make the joint ownership a condition of the Special Exception but the code does not require that the lots be contiguous.

**Interested Parties:**

There were interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Special Exception** to permit off-street parking to be located on a lot other than the lot containing the use (Section 1301.D), subject to conceptual plans 8.13 and 8.14. This approval is subject to the condition that the subject lot and the off-site parking lot property are both owned by the same owner. Finding the 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 BLK 3, TOWNLEY ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Case No. 18300 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to allow a manufactured dwelling in an RS-3 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9** and a Special Exception to allow a manufactured home for an indefinite period. **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**, finding that the 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, on the following described property:

Lot 10, Block 2, Emerson 2<sup>nd</sup> Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 18301**

**Action Requested:**

Special Exception to permit a 5' high fence in the required front yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 1219 S. Frisco.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit a 5' high fence in the required front yard. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, finding that the 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, per plan, on the following described property:

Lot 5, Block 12, Linsey 2<sup>nd</sup> Addition and Lot 8, Block 1, Childers Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 18302**

**Action Requested:**

Variance of required parking of 9 spaces to 4 spaces. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 13**, located 1709 S. Boston.



**Presentation:**

The applicant, **Suzanne Heath**, 2424 E. 36<sup>th</sup> Place, submitted a site plan (Exhibit H-1) and photos (Exhibit H-2), stated that she would like to purchase this residence for her business, which is a facial studio. The entire neighborhood has moved towards commercial use. In order to operate her business she only needs four parking spaces. There is one employee, Ms. Heath, the person she is working on and the next customer. She will expand the back area for the parking of two extra cars. They will be taking out the fence, the tree stump and the patio.

**Comments and Questions:**

Mr. White asked if the entire lot width will be used for parking and Ms. Heath answered affirmatively.

Ms. Turnbo asked the applicant if there was any way she could get more than four parking spaces on the property? Ms. Heath replied that her plan shows six but she only needs four.

Mr. Stump stated that many of the spaces shown do not meet the standards and the layout she has proposed would not accommodate six standard spaces.

Mr. Jackere asked if there will only be one facial station and the applicant replied yes. Ms. Heath explained that the other employee is the office manager, she books all the appointments and updates the books. Mr. Jackere suggested limiting the use to only a facial studio.

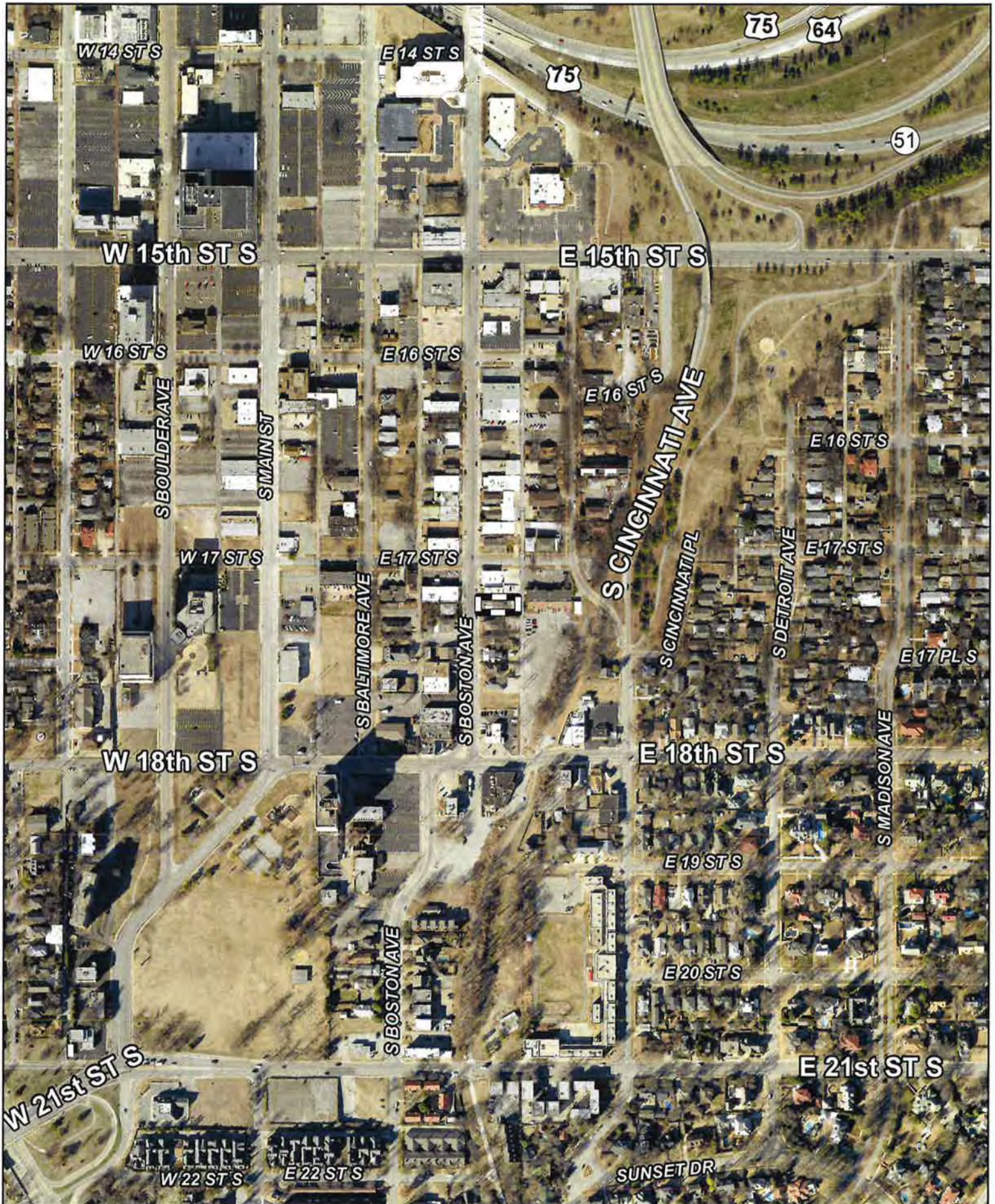
**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of required parking of 9 spaces to 4 spaces. **SECTION 1213.D. USE UNIT 13. CONVENIENCE GOODS AND SERVICES, Off-Street Parking and Loading Requirements – Use Unit 13**, finding that it meets the requirements of Section 1607.C., subject to there being only one employee and no more than two customers at a time and the use be limited to a facial studio, on the following described property:

Lot 3, Block 3 of Townley Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*





0 200 400  
Feet



Subject  
Tract

**BOA-22373**

19-12 12

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

Aerial Photo Date: February 2016

3.8







0 50 100  
Feet



Subject  
Tract

**BOA-22373**

19-12 12

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

Aerial Photo Date: February 2016

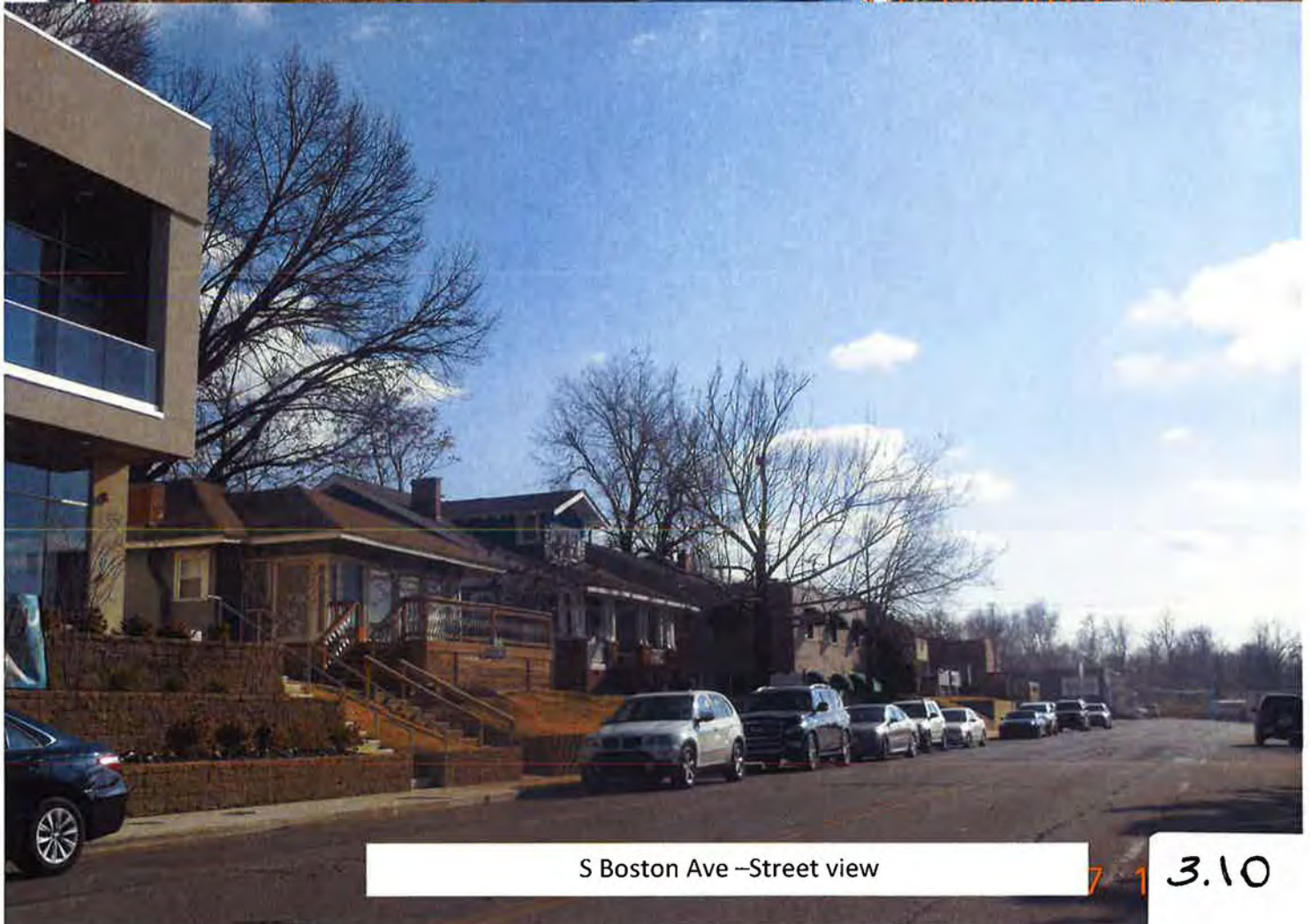
3.9





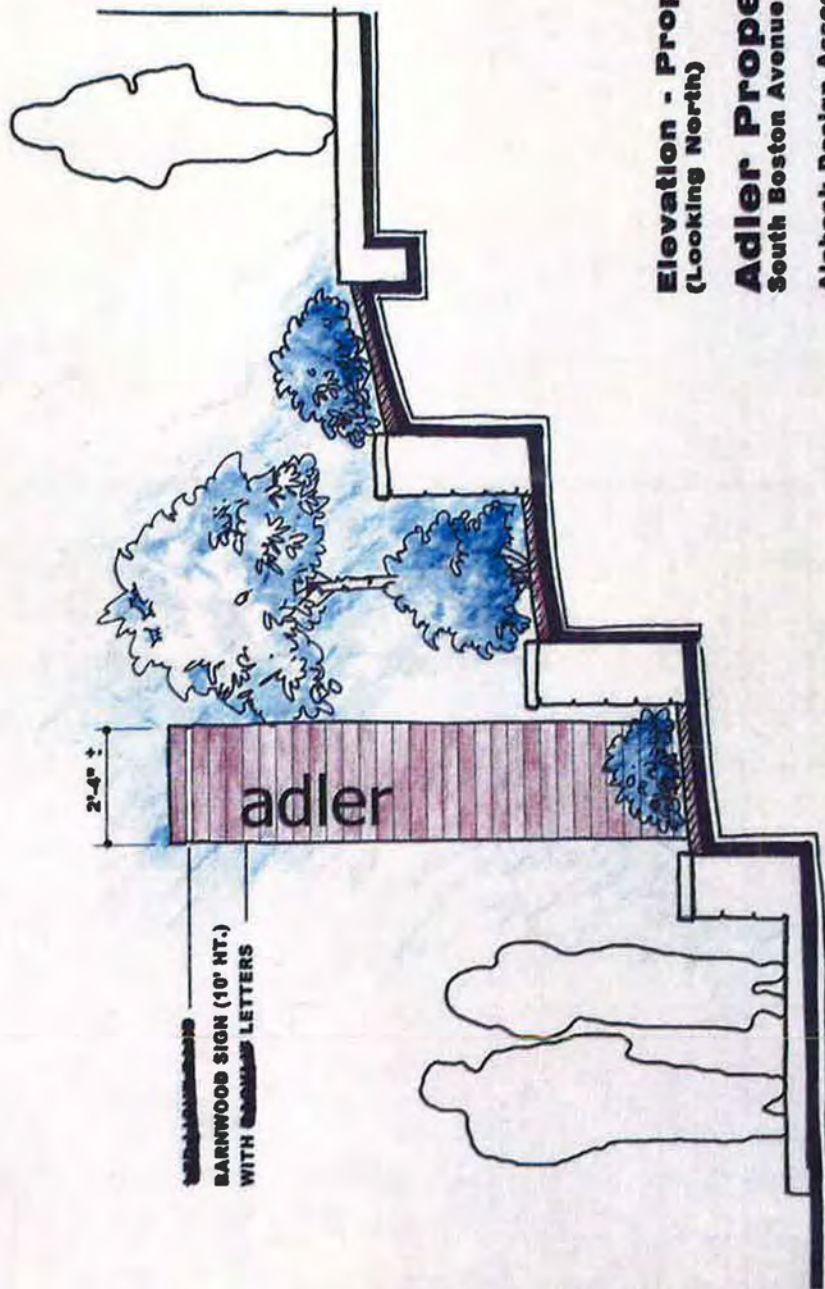


Subject Lot - Looking East



S Boston Ave -Street view





BARNWOOD SIGN (10' HT.)  
WITH BARNWOOD LETTERS

**Elevation - Proposed Signage**  
(Looking North)

**Adler Properties**  
South Boston Avenue

Alaback Design Associates  
November 15, 2016  
scale: 1/2" = 1'-0"



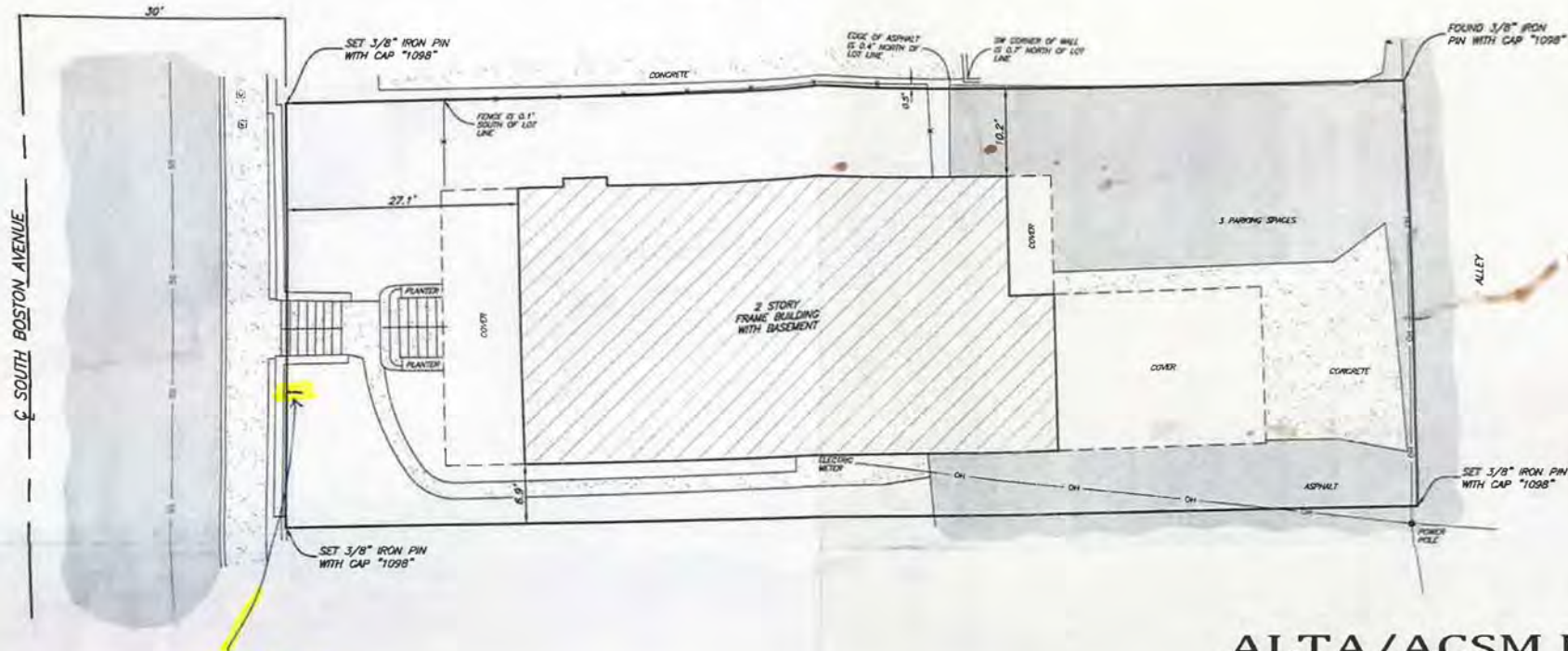
# LEGEND

- SEWER MANHOLE
- POWER POLE
- WATER METER

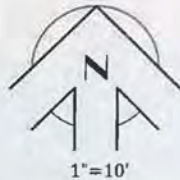
- CONCRETE
- ASPHALT
- FENCE LINE
- OH- OVERHEAD UTILITIES
- SS- SANITARY SEWER LINE



BEFORE YOU DIG,  
CALL ONE FOR  
LOCATION OF  
UNDERGROUND UTILITIES  
1-800-522-5543



APPROX. LOCATION  
OF SIGN. WILL  
BE ON EAST  
SIDE OF PROPERTY  
LINE.



1"=10'



## GENERAL NOTES

INVOICE NO. STK 14-73979

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM.

THE PROPERTY DESCRIBED HEREON CONTAINS 0.151 ACRES, MORE OR LESS.

THE PROPERTY DESCRIBED HEREON CONTAINS 3 MARKED PARKING SPACES.

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 405381 0240L, AS LAST REVISED OCTOBER 16, 2012.

THE PROPERTY DESCRIBED HEREON IS NOT LOCATED WITHIN THE REGULATORY FLOOD ZONE, AS PER THE CITY OF TULSA REGULATORY FLOOD PLAIN MAP ATLAS DATED MARCH 21, 2013.

NO EASEMENTS OR BUILDING SETBACK LINES ARE SHOWN ON THE PLAT OF TOWNLEY ADDITION, PLAT NO. 160.

ABOVE GROUND FEATURES OF PUBLIC UTILITIES SUCH AS, BUT NOT LIMITED TO: METERS, VALVES, MANHOLES, POLES AND PEDESTALS ARE LOCATED AND SHOWN HEREON. NO UNDERGROUND UTILITY LINES WERE FLAGGED BY THEIR RESPECTIVE OWNERS AND THEREFORE ARE NOT SHOWN.

## INSTRUMENT NOTES

(X) REMOTES INSTRUMENT SHOWN ON SURVEY

ALL EASEMENTS AND RIGHTS-OF-WAY CONTAINED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, CASE NO. 244367, EFFECTIVE DATE AUGUST 11, 2014 AT 7:00 A.M., ARE SHOWN HEREON.

3. RIGHT-OF-WAY DEED TO MIDLAND VALLEY RAILROAD COMPANY, DATED MAY 4, 1904, FILED MAY 12, 1904, RECORDED IN BOOK G, PAGE 309. DOES NOT AFFECT THE PROPERTY DESCRIBED HEREON.
4. THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE RESTRICTIONS CONTAINED IN ORDINANCE NO. 4, DATED NOVEMBER 20, 1970, FILED DECEMBER 1, 1970, RECORDED IN BOOK 3947, PAGE 1757.
5. THE PROPERTY DESCRIBED HEREON IS SUBJECT TO THE RESTRICTIONS CONTAINED IN ORDINANCE NO. 5, DATED NOVEMBER 20, 1970, FILED DECEMBER 1, 1970, RECORDED IN BOOK 3947, PAGE 1782.

## ALTA/ACSM LAND TITLE SURVEY

OF:

LOT THREE (3), BLOCK THREE (3), TOWNLEY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

## CERTIFICATE

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO:

EVAN L. ADLER

GUARANTY ABSTRACT COMPANY

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11A, 16 AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 11, 2014.

WHITE SURVEYING COMPANY

CERTIFICATE OF  
AUTHORIZATION NO. CA1095  
(RENEWAL 8/30/2015)



DATE 9/29/14  
REGISTERED PROFESSIONAL LAND  
SURVEYOR OKLAHOMA NO. 1052



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax

BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

July 31, 2017

LOD Number: 1022768-1

Sign contractor:

Phone: (918)855-4867

BRAIN ADLER  
1701 SOUTH BOSTON, LLC  
1709 S BOSTON AV E  
TULSA, OK 74119

APPLICATION NO: **427342** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1709 S BOSTON AV E STE 100**  
Description: **alder ground sign**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 427342

1709 S BOSTON AV E STE 100

July 31, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### Section 60.020 Prohibited Signs and Sign Characteristics

**60.020-E** Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

**Review Comments:** The proposed alder ground sign appears to be located in the City of Tulsa planned ROW. The planned ROW width along S. Boston Avenue is 80 feet total. The minimum setback for the proposed ground sign is 40 feet from the C/L of S. Boston Avenue. This sign projects into the planned Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W removal agreement and a Special Exception from the City of Tulsa Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a freestanding sign to be located in the planned ROW with a 30 foot setback from the center of S. Boston Avenue.

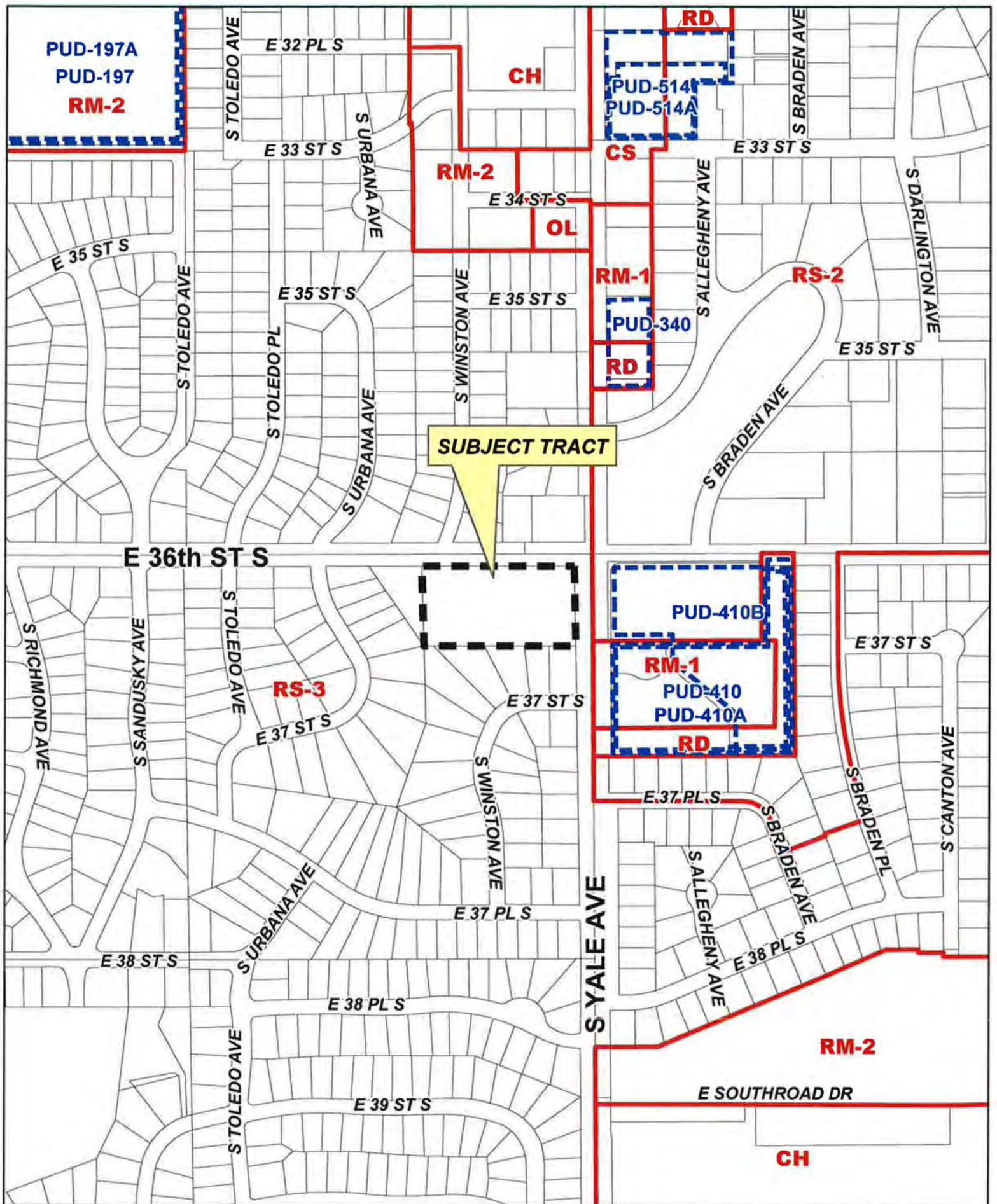
JAY HOYT

**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

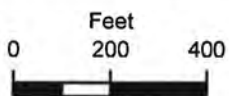
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



SUBJECT TRACT

BOA-22374

4.1



19-13 21





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9321  
CZM: 47  
CD: 9  
A-P#: 432021

Case Number: **BOA-22374**

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** A-max Sign Company, Inc.

**ACTION REQUESTED:** Special Exception to allow a freestanding sign with a dynamic display in an RS-3 District. (Section 60.050)

**LOCATION:** 3600 S YALE AV E

**ZONED:** RS-3

**PRESENT USE:** Church

**TRACT SIZE:** 2.9 Acres

**LEGAL DESCRIPTION:** RESERVE A MAX CAMPBELL 4TH, MAX CAMPBELL FOURTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

BOA 2749; on 10.19.55 the Board approved a church use on the site.

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

The Existing Residential Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The Areas of Stability includes 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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 zoned residential on the south and west; S. Yale Ave. and RS-2/RM-1 zoned school use abuts the site on the east. E 36 St. S and RS-2 zoning abuts the site on the north.

**STAFF COMMENTS:**

According to the submitted drawing the top cabinet of the proposed sign will be 24 SF; the top cabinet will be lit by an internal light source. The middle cabinet of the sign will contain a 24 SF dynamic display; the bottom portion of the sign will remain unchanged.

Dynamic displays are prohibited in R districts except that on a lot occupied by an allowed public, civic or institutional use, **the board of adjustment is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display.** The permitted dynamic display in an R district is subject to the following regulations:

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) Special Exception to permit a dynamic display in the RS-3 District (Section 60.050).

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

The Board finds that the 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.

MINUTES OF A REGULAR MEETING OF THE BOARD OF  
ADJUSTMENT, WEDNESDAY, OCTOBER 19, 1955.

PRESENT: Britton, Chairman; Lashley; Daniel; Grubb;  
Davisson.

Case No. 2744-A ✓  
Mary E. Bates.  
E. 50' of N 1/2 of  
Lot 2, & the E. 50' of  
Lot 1, Hanover  
Terrace Addition

This being the date set down for public hearing on the application of Mary E. Bates for permission to operate a pre-school children's nursery in the mornings three days a week on the East 50 feet of the North Half of Lot 2, and the East 50 feet of Lot 1, Hanover Terrace Addition. There appeared Mrs. Bates and her Attorney Robert Huff, also a Mr. Wayne Martin.

Mr. Martin stated he was not protesting Mrs. Bates nursery but was concerned about the future of the neighborhood and wished to go on record that the neighborhood did not want any business permitted in the future.

After considerable discussion it was,

MOVED by Davisson (Lashley) that permission be granted to Mrs. Bates to continue operating as before.  
All members voting yea. Carried.

Case No. 2749-A ✓  
Yale Ave. Christian  
Church - Reserve A,  
Max Campbell 4th

This being the date set down for public hearing on the application of the Yale Avenue Christian Church for permission to use Reserve "A", Max Campbell Fourth Addition for church purposes. There being no protest it was,

MOVED by Grubb (Daniel) that permission be granted.  
All members voting yea. Carried.

Case No. 2746-A ✓  
Westside Assembly of  
God Church - Pt. of  
Lot 1, Section 5-19-12

This being the date set down for public hearing on the application of the Westside Assembly of God Church for permission to use the following described land for church purposes:

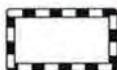
A tract of land lying and situated in Lot 1, Section 5, Township 19 North, Range 12 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States Government Survey thereof, and more particularly described by metes and bounds as follows:

Beginning at a point 542.7 feet South and 330.95 feet West of the Northwest corner of Lot 1, said Section 5; thence West and parallel with the North line of Lot 1 in Section 5, a distance of





0 200 400  
Feet



Subject  
Tract

**BOA-22374**

19-13 21

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

Aerial Photo Date: February 2016



4.5





0 50 100  
Feet



Subject  
Tract

**BOA-22374**

19-13 21

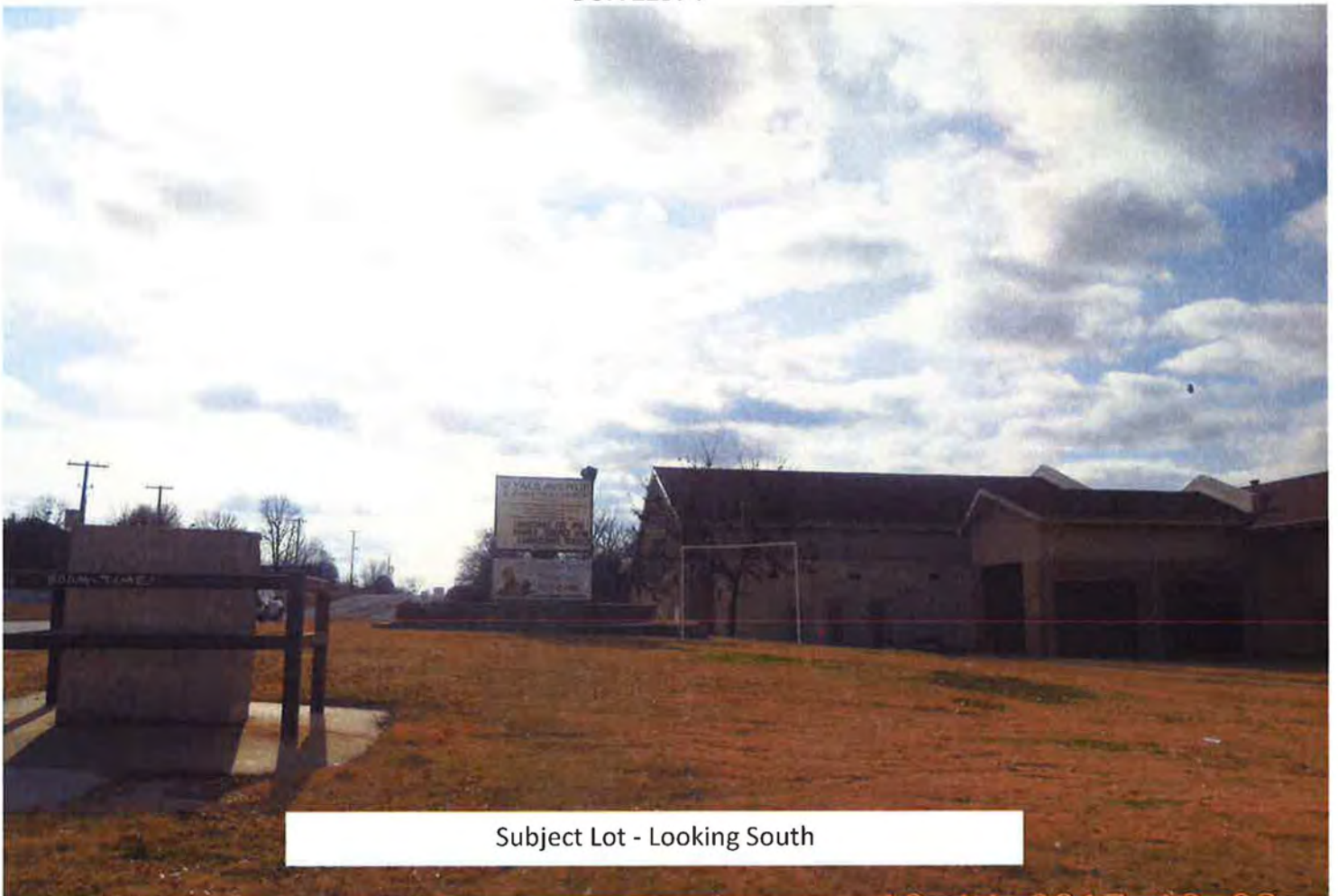
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

4.6







Subject Lot - Looking South



Subject Lot - Looking North





### REFACE MAIN ID

SCALE 3/4" = 1':

1.1

- A Existing Cabinet/Retainers.
- B New Face, White Acrylic w/ 3M Translucent Vinyl
- C New Divider Bar Painted To Match Cabinet
- D New RGB LED Programmable Message Center. Fits Inside Existing Cabinet

\* Dimensions subject to minor changes due to detailed design considerations.

\* A-Max Sign Company will endeavor to closely match colors, including PMS colors where specified. We cannot guarantee exact matches due to varying compatibility of surface materials, vinyl and paints used.



4.8



EXISTING  
SCALE: 1/4" = 1'



PROPOSED  
SCALE: 1/4" = 1'

**a**  
**a·max**  
SIGN COMPANY, INC.  
www.amaxsign.com  
9504 E. 55th Place  
Tulsa, Oklahoma 74145  
ph. (918)622-0651 ... fax. (918)622-0659

QUALITY VALUE ASSURANCE

SCALE: 3/4" = 1' with panels 11' x 11'

DATE: 04-28-16

FILE: New Main ID

SALES REP: Bruce Anderson

DRAWN BY: BB

PROJECT: Yale Ave. Christian Church

LOCATION: Tulsa, OK

ADDRESS: 3616 S. Yale

CLIENT APPROVAL SIGNATURE & DATE:

**UL** LISTED Signs will be built to meet UL specifications as required.

**nec** All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1. new logo 9-29-17-BB
- 2.
- 3.
- 4.
- 5.

These drawings are the property of A-Max Sign Company, and should not be copied, reproduced, or displayed in any form without prior written permission of the author. A-Max Sign Company, 2016

© A-Max Sign Company, 2016

SHEET NUMBER  
1 of 1

DWG  
042816-22









## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

October 25, 2017

LOD Number: 1036757-2

Sign contractor:

LORI WORTHINGTON  
A-MAX SIGN CO  
9520 E 55 PL  
TULSA, OK 74145

Phone: (918)622-0651

Fax: (918)622-0659

**APPLICATION NO:** 432021 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location:** 3600 S YALE AV E I-PL  
**Description:** Yale Avenue Christian Church W/dynamic display

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
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3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 432021

3600 S YALE AV E I-PL

October 25, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### 1.)Section 60.050 Signs in R and AG Zoning Districts

#### 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

##### c. Dynamic Displays

Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

**Review Comments:** The proposed Yale Avenue Christian Church freestanding sign with a dynamic display is located in a RS-3 zoning district and requires a special exception from the BOA to be located in an RS-3 zoning district. Additional requirements are listed above.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.

**BOA-22376 – LAYLA JABUR**

**THIS APPLICATION WAS WITHDRAWN BY  
THE APPLICANT.**



6.1.



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9221

Case Number: **BOA-22377**

CZM: 45

CD: 2

A-P#: 431740

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Justin Reed

**ACTION REQUESTED:** **Special Exception** to allow a dynamic display sign in a R zoned District;  
**Variance** to increase the permitted display area of a dynamic display sign from 32 ft. to 50 ft.;  
**Variance** to increase the permitted display area of a freestanding sign from 32 sq. ft. to 80 sq. ft.;  
**Variance** to increase the permitted height of a sign in an R district from 20 ft. to 25 ft. (Section 60.050).

**LOCATION:** 3319 W 41 ST S

**ZONED:** RS-3

**PRESENT USE:** Church

**TRACT SIZE:** 18600.2 SQ FT

**LEGAL DESCRIPTION:** LTS 13 THRU 16 & PRT VAC STREET & ALLEY BEG SWC LT 13 TH W20 N155 E120 S10 W100 S145 POB BLK 12, YARGEE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 6910;** on 02.18.71 the Board approved an exception to allow expansion of the existing church.

**BOA 4535;** on 01.13.65 the Board approved a request to allow expansion of the Red Fork Church and a modification of the rear yard requirement.

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

The Existing Residential Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The Areas of Stability includes 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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-3 zoned residences.

**STAFF COMMENTS:**

The applicant proposes to replace the existing ground sign on the site with the new sign as shown on the attached exhibit. The top cabinet of the sign will be 30 sq. ft.; the top cabinet will be lit by an internal light source. The bottom cabinet of the sign will contain a 50 sq. ft. dynamic display. The proposed sign has an overall height of 25 ft. and a total square footage of 80 sq. ft.

Dynamic displays are prohibited in R districts except that on a lot occupied by an allowed public, civic or institutional use, **the board of adjustment is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display.** The permitted dynamic display in an R district is subject to the following regulations:

- (1) **The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.**
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

To permit the dynamic display sign as proposed the applicant has requested a **Special Exception** to allow a dynamic display sign in an R district; and the applicant has requested a **Variance** to increase the permitted display area of a dynamic display sign from 32 sq. ft. to 50 sq. ft.

Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. A freestanding sign may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, **whichever is greater**, but in no case, may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented. Maximum height of a sign may not exceed 20 feet.

The existing site has 120 ft. of frontage along W. 41 St. S.; therefore, the size of a freestanding sign along W. 41<sup>st</sup> St. S. is not allowed to exceed 32 sq. ft. To permit the sign as proposed the applicant has requested **Variance** to increase the permitted display area of a freestanding sign from 32 sq. ft. to 80 sq. ft. To permit the sign as proposed the applicant has requested a **Variance** to increase the permitted height of a sign in an R district from 20 ft. to 25 ft.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) **Special Exception** to allow a dynamic display sign in a R zoned District; **Variance** to increase the permitted display area of a dynamic display sign from 32 ft. to 50 ft.; **Variance** to increase the permitted display area of a freestanding sign from 32 sq. ft. to 80 sq. ft.; **Variance** to increase the permitted height of a sign in an R district from 20 ft. to 25 ft. (Section 60.050).

- 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 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."*

6904 (continued)Remarks:

The Chair stated that this business which has employment outside of the family that reside on the premises is not within the scope of home occupations as defined in the Ordinance.

Board Action:

On MOTION of REEDS, the Board of Adjustment (3-0) upheld the decision of the Building Inspector and denied application no. 6904, on the following described tract:

Lot 6, Block 6, University Park Addition  
to the City of Tulsa, Oklahoma.

6910Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit extending an existing church on to Lots 15, 16, 17, 18, 19, and 20, Block 12; and to permit establishing church parking on Lots 22, 23, 24, Block 11, an RS-3 district, on a tract located at 3319 West 41st Street.

Presentation:

Mr. Don Moss, representing the Red Fork Church of God, presented a plot plan to the Board (Exhibit "A-1"), and stated that they plan to build a sanctuary which will be attached to the present building by an enclosed breezeway. We plan to seat approximately 500 persons.

(Johnsen in 1:40 p.m.)

We have hard surface parking for over 40 cars and we will have additional parking on the tract we will be building on for 21 cars.

Remarks:

The Chair pointed out that 100 parking spaces would be required.

The applicant stated that at the present time they have only 250 membership and he advised that they are in the process of negotiating for the entire half block that is adjacent to this tract for additional parking.

Protests:

None.

2.18.71:77(2)

6910 (continued)Board Action:

On MOTION of REEDS, the Board of Adjustment (3-0) granted an Exception (Section 410 - Principal Uses Permitted in residential Districts) to permit extending an existing church on to Lots 15, 16, 17, 18, 19, and 20, Block 12; and to permit establishing church parking on Lots 22, 23, 24, Block 11, Yargee Addition to the City of Tulsa, Oklahoma.

6911Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit erecting a post office in a CS district, on a tract located at the NE corner of 41st West Avenue and Edison Avenue.

Presentation:

Mr. Heiligman, representing the Post Office Department, presented a plot plan of the proposal to the Board (Exhibit "B-1").

Protests:

None.

Board Action:

On MOTION of REEDS, the Board of Adjustment (3-0) granted an Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit erecting a post office in a CS district, on the following described tract:

The West 203' of Block 1, West Edison Plaza Addition to the City of Tulsa, Oklahoma.

6912Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit erecting a post office in a CS district, on a tract located SW of 51st Street and Sheridan Road.

Presentation:

Mr. Heiligman, representing the Post Office Department, presented a plot plan of the proposal to the Board (Exhibit "C-1").

Board Action:

On MOTION of REEDS, the Board of Adjustment (3-0) granted an exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit erecting a post office in a CS district; however,

Remarks:

property owners of adjoining residential property asked what provisions are being made as far as the water problems are concerned. They stated that they have no objection to a post office at this location.

2.18.71:77(3)



MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT, WEDNESDAY, JANUARY 13, 1965.

PRESENT: Cohen, Chairman; Ingle; Avery; Sublett.

Case No. 4412-A  
First Church of the  
Nazarene - Lots 20,  
21, Block 2, Hi  
Point Addition

This being the date set down for public hearing on the application of the First Church of the Nazarene for permission to use Lots 20 & 21, Block 2, Hi Point Addition for church and parking purposes. There appeared Mr. L. A. Ogden on behalf of the applicant. No protest was offered.

MOVED by Ingle (Avery) that this application be approved.

All members voting yea.

Carried.

Case No. 4533-A  
Mrs. W. J. Smith  
Lot 26, Block 7,  
Rosewood Addition

This being the date set down for public hearing on the application of Mrs. W. J. Smith, after having filed an 38% plus petition of an affected area created by the Board, for permission to operate a home beauty shop on Lot 26, Block 7, Rosewood Addition. No one appeared in behalf of the applicant. No protest was offered.

MOVED by Avery (Sublett) that this application be approved.

All members voting yea.

Carried.

Case No. 4534-A  
Oral Roberts  
University - Lots  
13,14,15,16, Block  
4, Lavelle Heights

This being the date set down for public hearing on the application of Oral Roberts University for permission to establish off-street parking on Lots 13, 14, 15, 16, Block 4, Lavelle Heights Addition for the University. There appeared Mr. H. B. Sisemore on behalf of the applicant. No protest was offered.

MOVED by Avery;(Sublett) that this application be approved.

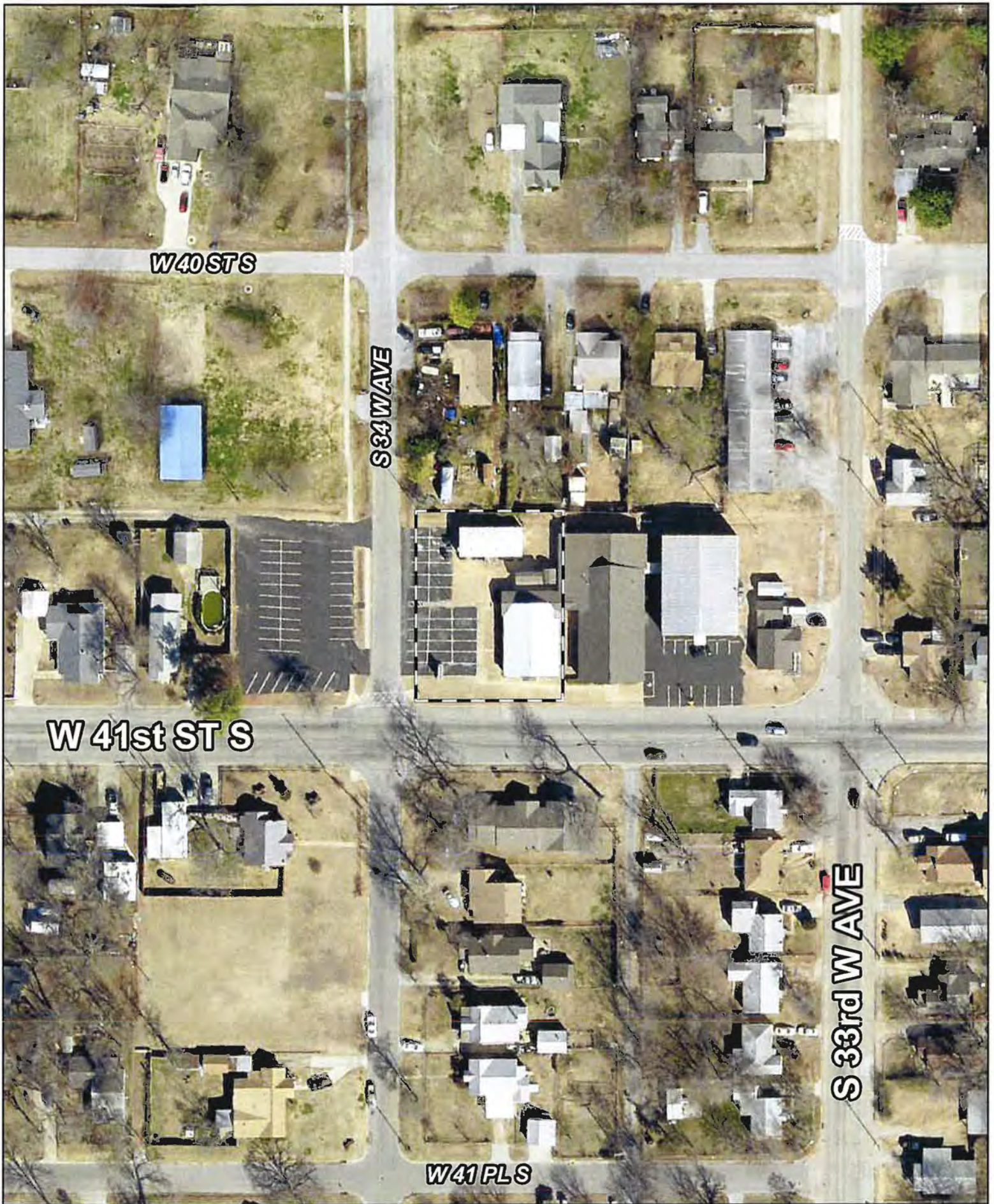
All members voting yea.

Carried.

Case No. 4535-A  
Red Ford Church of  
God - Lots 13,14,15,  
16, Block 12, Yargee  
Addition

This being the date set down for public hearing on the application of the Red Fork Church of God for permission to expand church and request for a modification of rear yard requirements on Lots 13, 14, 15, 16, Block 12, Yargee Addition. There appeared Mr. W. H. Wolaver on behalf of the applicant. No protest was offered.





0 50 100  
Feet



Subject  
Tract

**BOA-22377**

19-12 21

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

Aerial Photo Date: February 2016

6.8







0 200 400  
Feet



Subject  
Tract

**BOA-22377**

19-12 21

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

Aerial Photo Date: February 2016







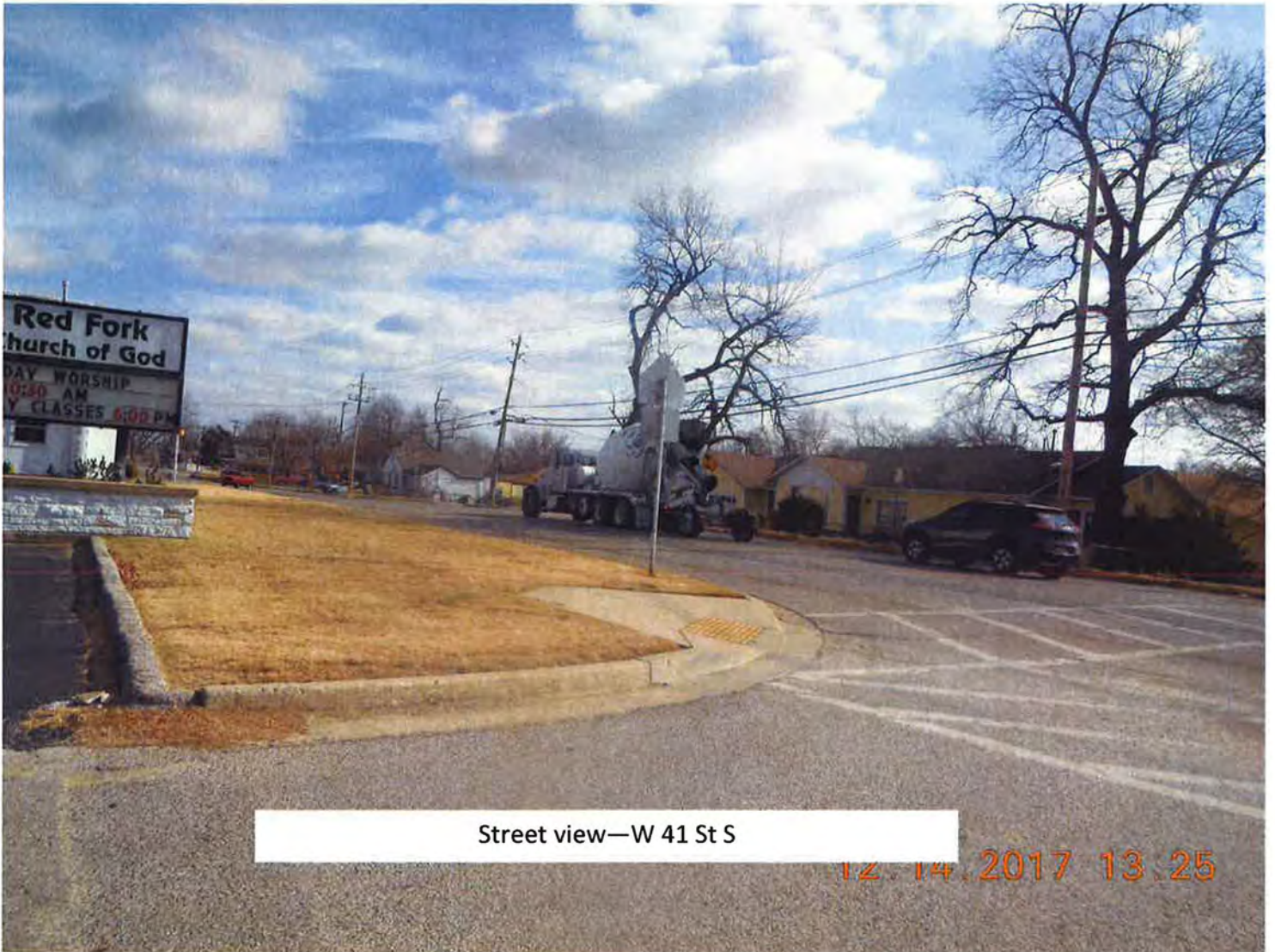
Subject Lot - Looking East



12.14.2017 13:24

6.10





Street view—W 41 St S

12.14.2017 13.25



Red Fork Church of God	Justin
Tolson (M) Johnson	Justin
17, 10/18	8-14-17
JK	

Authorized Approval

Date

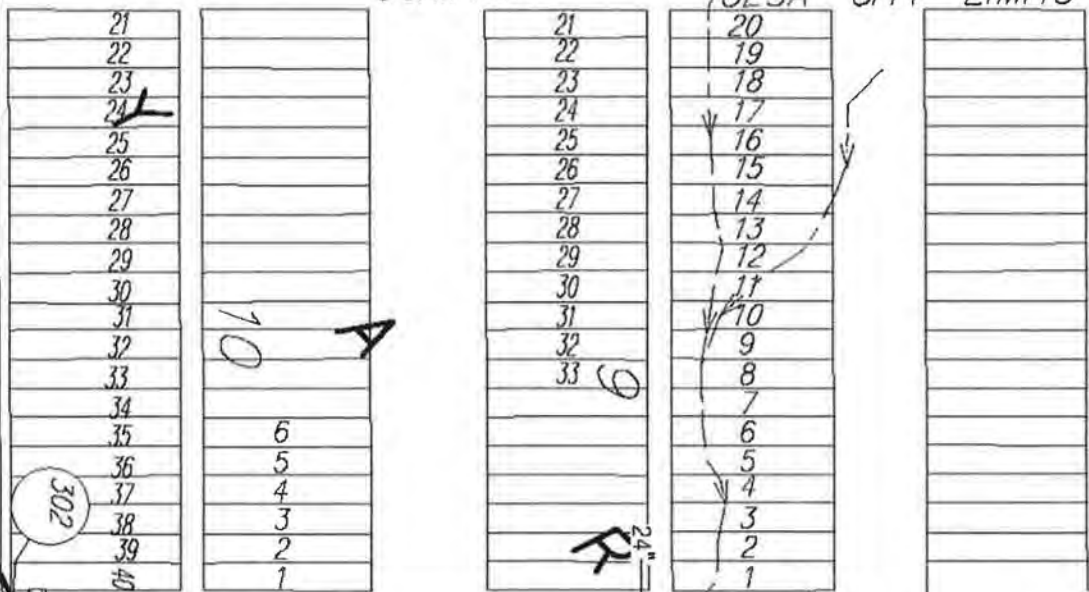


17'00" x 11'00" IN

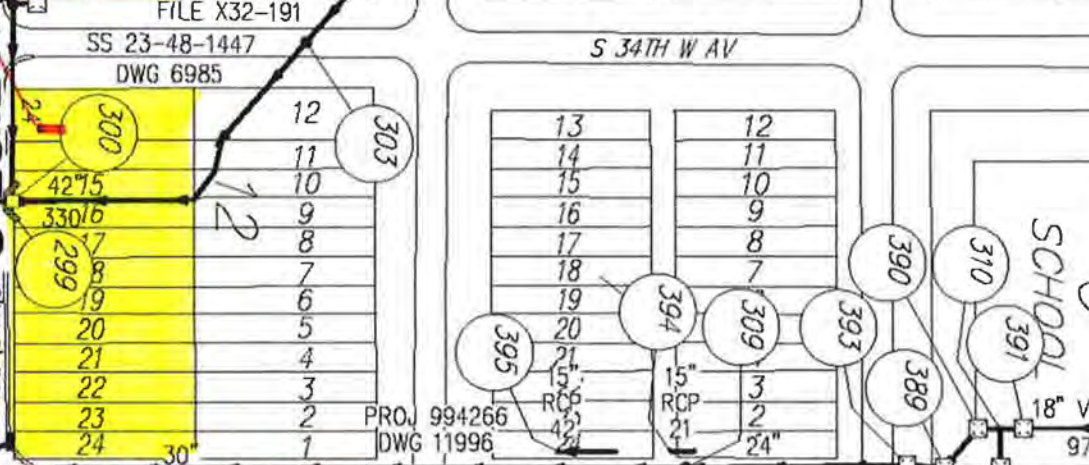
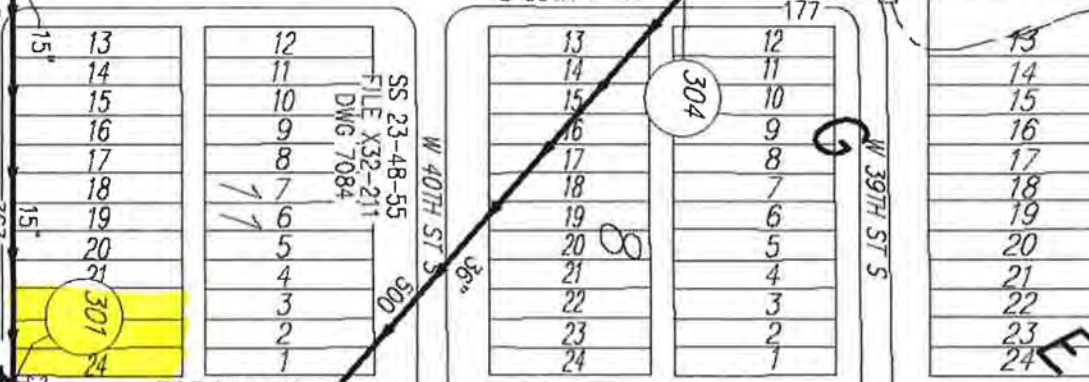
PROJ 681025  
FILE X33-1258  
DWG 8360

S 37TH W AV

TULSA CITY LIMITS



S 35TH W AV



S 33RD W AV



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

LOD Number: 1034983-1

October 04, 2017

Sign contractor:

Phone: (918)582-9031

BRANDON MOYDELL  
OIL CAPITOL NEON INC  
4419 W 55TH PL  
TULSA, OK 74107

APPLICATION NO: **431740** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **3319 W 041 ST S**  
Description: **Red Fork Church of God**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 431740

3319 W 041 ST S

October 04, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

**1.) Title 51 ¶ 106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

**Review comment:** Provide a site plan with the property lines, length of street frontage (120 feet) of the lot along E. 41<sup>st</sup> street and the setback from the C/L of E. 41<sup>st</sup> Street to the leading edge of the proposed ground sign. Revise and submit. **Note:** A google earth view does not have property lines.

### **2.) Section 60.050 Signs in R and AG Zoning Districts**

#### **2. Nonresidential Uses**

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

##### **c. Dynamic Displays**

Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

**Review Comments:** The proposed freestanding sign with a (5.0x10.0) 50 sq. ft. dynamic display is located in a RS-3 zoning district and requires a special exception from the BOA.

### **Section 60.050 Signs in R and AG Zoning Districts**

#### **3. Nonresidential Uses**

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

##### **b. Freestanding Signs**

Nonresidential uses in R districts and AG districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but



in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**Review Comments:** The proposed Red Fork Church of God freestanding sign with dynamic display exceeds the maximum permitted height and display surface area. You may reduce the overall size of the sign to 32 sq. ft. or you may pursue a variance from the BOA to permit a freestanding sign height to be increased from 20 feet to 25 feet; to permit the overall sign area to be increased from 32 sq. ft. to 80 sq. ft. on a lot with 120 feet of street frontage along W 41<sup>st</sup> street and a variance to permit the dynamic display sign area be increased from a maximum of 32 square feet to 50 sq. ft.

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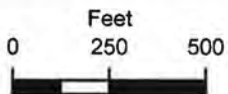
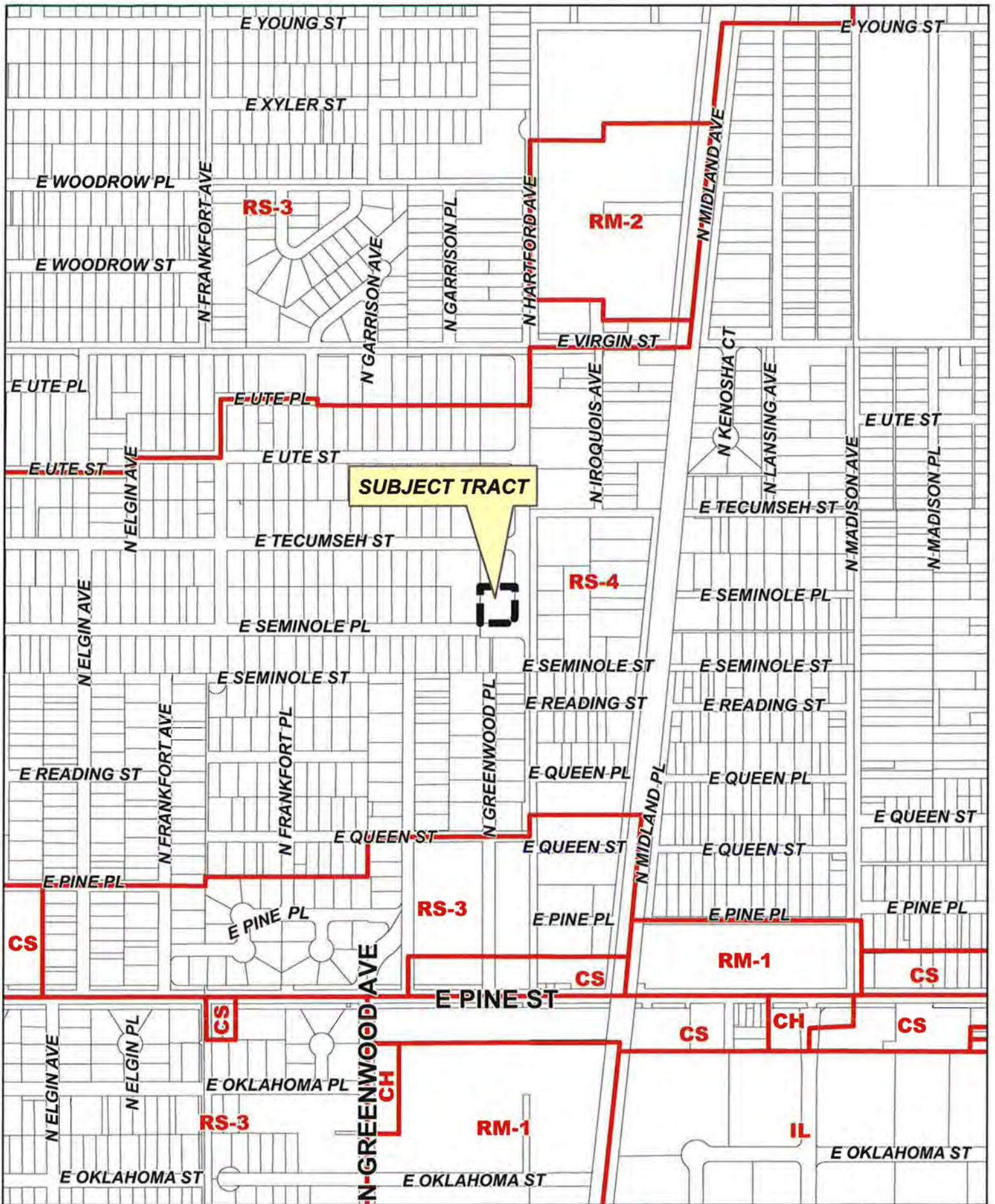
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

<b>END – ZONING CLEARANCE AND SIGN CODE REVIEW</b>
--

<p><b>NOTE:</b> THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.</p>
--

<p>KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.</p>
--





**BOA-22380**

20-12 25

7.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 0225

Case Number: BOA-22380

CZM: 28

CD: 1

A-P#: 431783

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Kenneth Barth

**ACTION REQUESTED:** Special Exception to allow the driveway width to exceed 20 ft. (Section 55.090-F3)

**LOCATION:** 1860 N HARTFORD AV E

**ZONED:** RS-4

**PRESENT USE:** Residential

**TRACT SIZE:** 21,932.55 SQ FT

**LEGAL DESCRIPTION:** LOT 2 BLOCK 3, DIRTY BUTTER-HERITAGE HILLS EXT RESUB PRT BLK 1 & PRT BLK 7 & PRT BLK 8 & PRT BLK 12 MEADOWBROOK, City of Tulsa, Tulsa County, State of Oklahoma

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "New Neighborhood" and an "Area of Growth".

The New Neighborhood Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-4 zoning.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Special Exception** to permit construction of a driveway greater than 20' in width on the lot (outside the right-of-way). A recent Code interpretation provided that the limitation on the maximum driveway width on the lot (outside the right-of-way) **shall only be applied to the portion of the driveway located with the street setback area**. Beyond the street setback, any applicable open space requirements will guide maximum lot coverage based on the size and location of buildings, driveways and parking areas on the lot.

As shown on the attached plan the proposed driveway width within the right-of-way/to the curb is 34 ft. The required street setback for an RS-4 zoned lot is 20 ft.; the driveway width within the 20-ft. street setback area appears to be 40 ft. The driveway widths within the right-of-way and setback area exceeds the 20-ft. allowed driveway width in the RS-4 zoning district.

In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120:

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right-of-Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

### Sample Motion

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow the driveway width to exceed 20 ft. (Section 55.090-F3)

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): \_\_\_\_\_

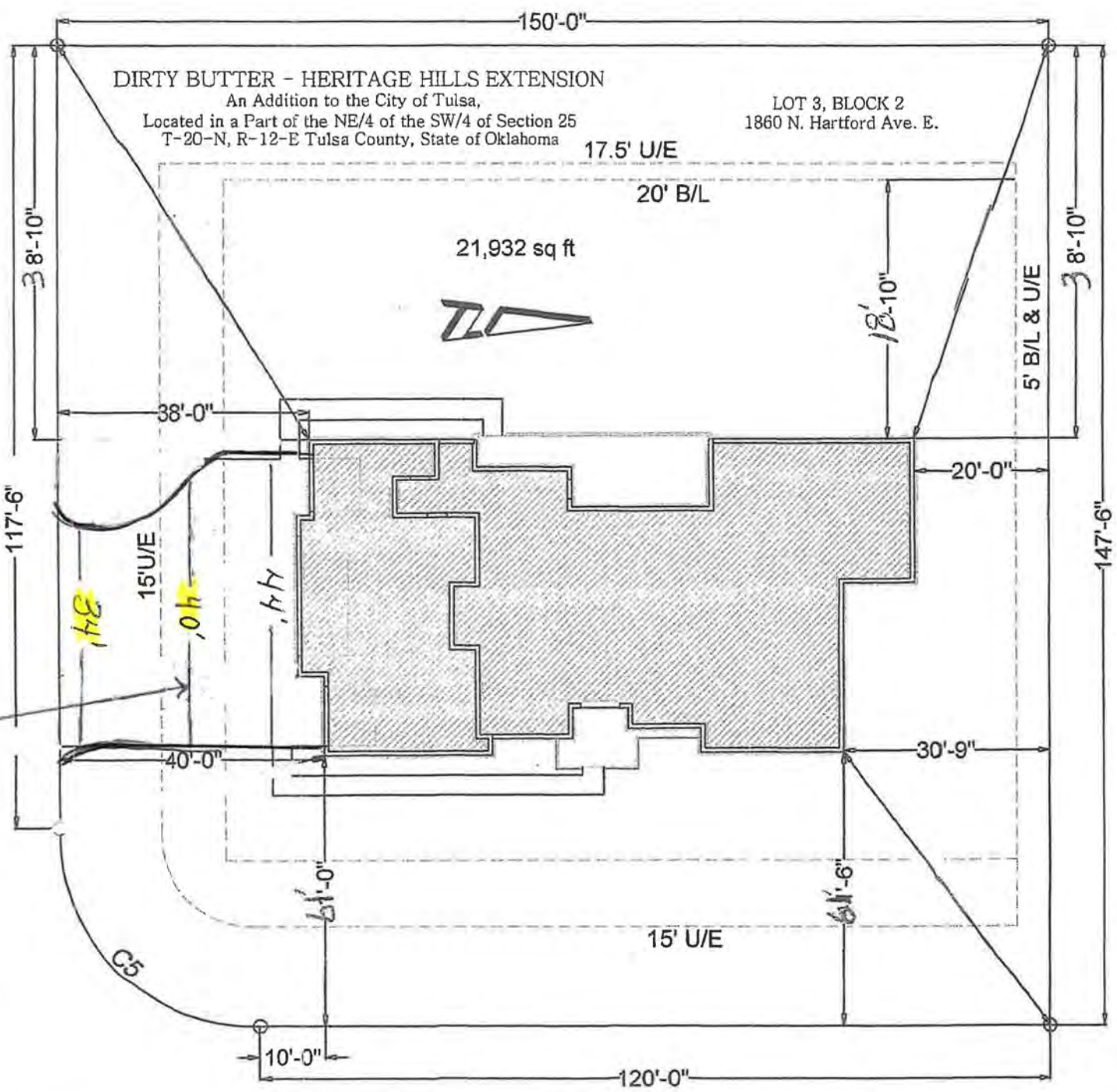
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Requesting  
Special  
Exception

20 ft. street setback

h'l



TITLE  
PLAN 3395  
2 STORY 4 BEDROOM  
SITE PLAN

DATE	BY	REVISION
08-21-17	NEW	1
08-21-17	NEW	2

SCALE  
1/8" = 1'-0"

DESIGNED BY  
NewImageTease.dwg

DRAWING NUMBER  
9

REVISION  
A

CHECKED BY  
S. S. S. S. S.

PROJECT FOR  
THE  
LARRY & PAULA TEASE  
HOME

New Image Custom Homes, LLC

1020 N. FRANKFORT TULSA, OK 74106 (918) 593-0858 CELL (918) 554-0858





0 250 500  
Feet



Subject  
Tract

**BOA-22380**

20-12 25

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

Aerial Photo Date: February 2016







0 Feet 50 100



Subject  
Tract

**BOA-22380**

20-12 25

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

Aerial Photo Date: February 2016

7.6







Subject Lot - Looking North



Street view- N Hartford Ave, Looking South

12.14.2017 13:00

7.7



JEFF S. TAYLOR  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1035232-1

October 03, 2017

KENNETH BARTH  
K B ENTERPRISE HOMES  
18328 E 50 PL  
TULSA, OK 74134

Phone: (918)637-6956  
Fax: (918)494-7760

APPLICATION NO: **431783** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **1860 N HARTFORD AV E**  
Description: **NEW**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 431783

1860 N HARTFORD AV E

October 03, 2017

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

**Review Comments:** Provide an all-weather parking surface from the public street to the garage or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

2. **55.090-F3 Surfacing.** In RS-4 zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 20' outside of ROW.

**Review Comments:** This lot is zoned RS-4. The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width on the lot. Revise plans to indicate the driveway shall not exceed 20' in width on the lot or apply to the BOA for a special exception to allow the driveway width to exceed 20' in width on the lot.

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120.

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right of Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

3. **55.090-F3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width in the Right Of Way (ROW) is 20' and 20' outside of ROW.



**Review Comments:** This lot is zoned RS-4. The submitted site plan proposes a driveway width that exceeds the maximum allowable driveway width within the ROW. Revise plans to indicate the driveway shall not exceed 20' width in the ROW or apply to the BOA for a special exception to allow a driveway within the ROW to exceed 20' in width.

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 20.220:

Maximum Driveway Width	RE	RS-1	RS-2	RS-3	RS-4	RS-5
Within Right of Way (feet)	20	20	20	20	20	12
On the Lot (Outside ROW) (feet)	30	30	30	30	20	12

**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

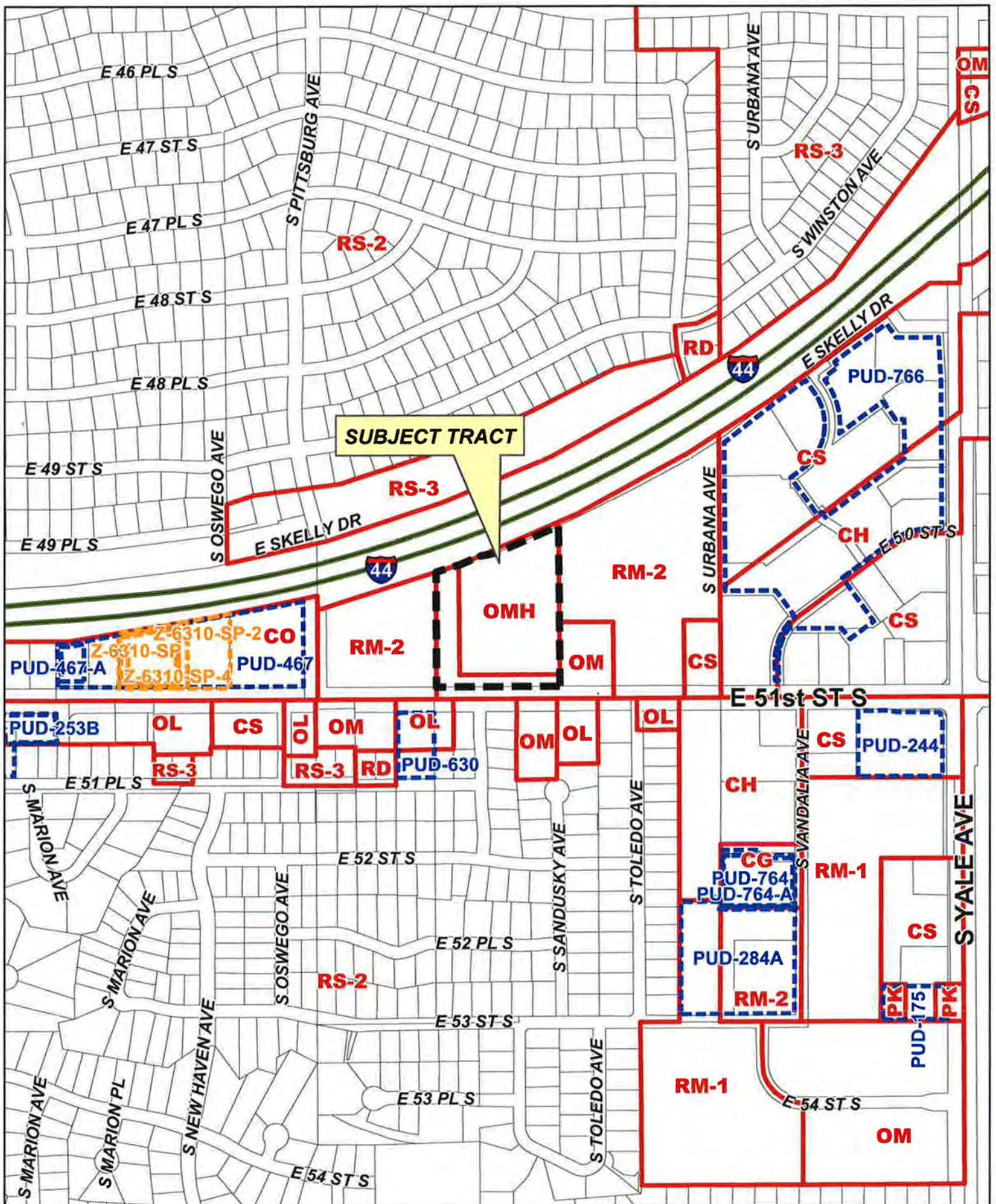
**A hard copy of this letter is available upon request by the applicant.**

### END – ZONING CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

**KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.**





SUBJECT TRACT

BOA-22381

8.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9328  
CZM: 47  
CD: 9  
A-P#: 420935

Case Number: **BOA-22381**

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Nathalie Cornett

**ACTION REQUESTED:** **Variance** to increase the permitted display area of a ground from 150 sq. ft. to 192.5 sq. ft.; **Variance** to increase the permitted height of a freestanding ground sign from 20 ft. to 22 ft. – 8 in. (Section 60.060)

**LOCATION:** 4200 E SKELLY DR S

**ZONED:** OMH, OM

**PRESENT USE:** Office

**TRACT SIZE:** 6.3 Acres

**LEGAL DESCRIPTION:** PRT LT 2 BEG SECR TH W498.89 N470.12 NELY107.32 NE428.04 S670.65 POB LESS BEG NEC LT 2 TH SW347.99 NE68.23 NE275.08 N16.29 POB FOR RD, LINCOLN EST THIRD RESUB PRT L1&3 MORLAND SECOND ADDN, MORLAND SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 13576;** on 05.16.85 the Board approved a variance to allow on 40 sq. ft. and a 70-sq. ft. sign in the OMH district.

### **Surrounding Properties:**

**BOA 16164;** the Board denied a variance of the maximum permitted 44 square feet of signage in an OM zoned district to 105 square feet; located immediately east of the subject site.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth".

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop

these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by OM zoning on the east and RM-2 zoning on the west; I-44 on the north. E 51st St, RS-2 and OL zoning abut the site on the south.

**STAFF COMMENTS:**

Signs allowed in OM and OMH districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case, may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

The subject property has frontage on E. Skelly Dr. that totals 535.36 lineal feet; the sign display area of a ground sign along E. Skelly Dr. cannot exceed 150 sq. ft. The applicant has requested a **Variance** to increase the permitted display surface area from 150 sq. ft. to 192.5 sq. ft. along S. Skelly Dr. to allow the ground sign proposed in the attached drawing.

Freestanding signs in an OM/OMH district may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less. The applicant has requested a **Variance** to exceed the permitted height of a freestanding ground sign to allow a sign that is 22 ft. – 8 in.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) **Variance** to increase the permitted display area of a ground from 150 sq. ft. to 192.5 sq. ft.; **Variance** to increase the permitted height of a freestanding ground sign from 20 ft. to 22 ft.- 8 in. (Section 60.060)

- 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."*

FILE COPY

Interested Parties: There were interested parties present.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Variance of the required 10' setback from a freeway right-of-way to permit a sign - **SECTION 1221.C.1 - GENERAL USE CONDITIONS FOR BUSINESS SIGNS** - Use Unit 17; per the plan submitted; finding the shape of the lot and topography as the hardship on the following described property:

A tract of land in the South Half of the Southeast Quarter of the Southeast Quarter (S/2, SE/4, SE/4) of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the South line of said Section 30, said point being 660' Westerly of the Southeast corner thereof; thence Northerly and parallel to the East line of said Section 30, a distance of 240' to a point on the Southerly right-of-way line of the 51st Street By-Pass; thence Westerly along the Southerly right-of-way line of the 51st Street By-Pass; a distance of 130.33' to a point; thence Southwesterly along the Southeasterly right-of-way line of the 51st Street By-Pass a distance of 56.41' to a point; thence Southerly and parallel to the East line of said Section 30, a distance of 227.22' to a point on the south line thereof; thence Easterly along the South line of said Section 30, a distance of 185' to the Point of Beginning, less and except the South 35' for street purposes.

Case No. 16164

Action Requested:

Variance to exceed the permitted 44 SF of display surface area for a sign to 105' SF to permit a sign - **SECTION 602.B.4.a. Signs** - Use Unit 11, located 4325 E. 51st St.

Presentation:

The applicant, Eva Thaper, 6810 East 50th Place, submitted some pictures (Exhibit L-1) and informed she is taking an existing sign and pulling it all the way down to the ground and making it 2 feet narrower. They will be using the existing pole. The new sign will list all the tenants in her building.



Comments and Questions:

Mr. Doverspike asked what the hardship is, and Ms. Thaper informed she is concerned about losing her tenants if they do not have their name appearing on the sign.

Mr. Doverspike suggested that the applicant just put the name of the building on the sign, and put the names of all the tenants on an inside directory. Ms. Thaper informed she already has an inside directory.

Ms. Wilson asked if the old sign was up when the majority of the tenants moved in, and Ms. Thaper informed it has only been up about five or six years, and some of the tenants have been in there longer than that. Some of the tenants were promised their names on a sign when they moved into the building.

Mr. Doverspike informed he agrees with the Staff comments in that he does not believe that the intent of the Zoning Code is to identify individual tenants in an office complex, but to identify the office complex itself. He does not see anything that is unique to the property which would warrant the establishment of a hardship associated with the property which would warrant this kind of relief.

Ms. White agreed with Mr. Doverspike, and informed she feels it would definitely violate the intent of the Code where office complexes are concerned.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Variance** to exceed the permitted 44 SF of display surface area to 105' SF to permit a sign - **SECTION 602.B.4.a. Signs** - Use Unit 11; finding no hardship on the following described property:

The West 220' of Lot 3, Moreland Second Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 16165

Action Requested:

Appeal from the decision of the code enforcement officer that a business is being conducted from a single-family dwelling - **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL** - Use Unit 6, located 8004 East 87th St.

Case No. 13576

Action Requested:

Variance - Section 620.2 (d) - Accessory Use Conditions - Use Unit 1211 - Request a variance to permit on-premise signs that are larger than the code permits in a OMH zoned district.

Presentation:

The applicant, Rachel Huggins, P.O. Box 2300, Tulsa, Oklahoma, is an employee of the Bank of Oklahoma. She pointed out that one of the banks is moving to 4200 East Skelly Drive and the zoning requirements at the new location restrict the size of a sign to 32 sq. ft.; however the two signs that are proposed for the building are 40 sq. ft. and 70 sq. ft. Ms. Huggins presented a plot plan (Exhibit Q-1) and explained that the complex is very large and has no identification. The applicant submitted a letter of support from the neighbors in the area (Exhibit Q-2). Photographs (Exhibit Q-3) of the ground signs which will be placed on either side of the building were submitted.

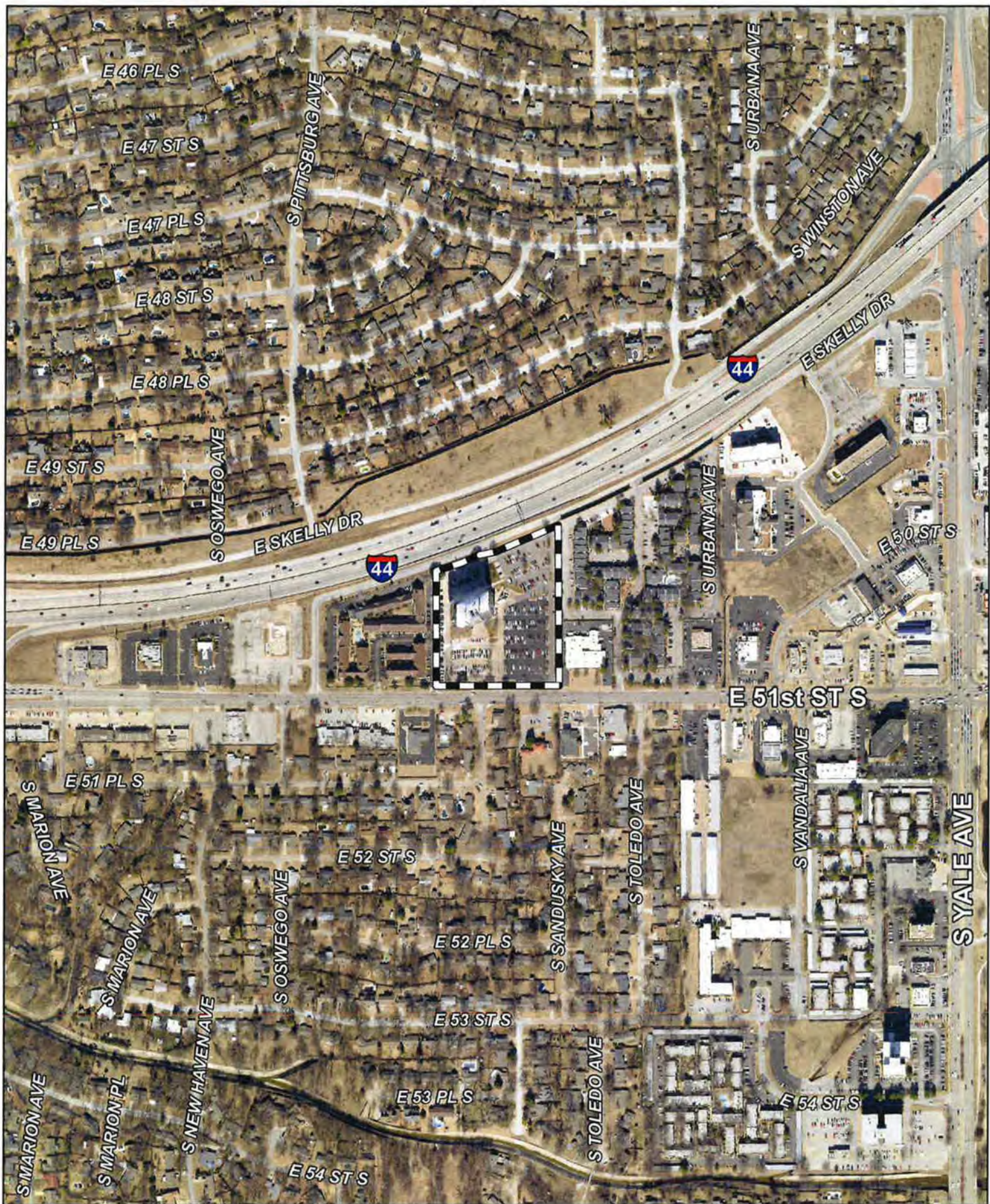
Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a Variance (Section 620.2 (d) - Accessory Use Conditions - Use Unit 1211) to permit two on-premise signs, one 40 sq. ft. and the other 70 sq. ft., in an OMH zoned district; per plot plan; finding that the size of the complex imposes a hardship on the applicant; on the following described property:

BEGINNING AT A POINT on the North right-of-way line of East 51st Street South, said point being the Southeast corner of Lot 2, MORELAND SECOND, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, thence 89°59'32" West along said North right-of-way line a distance of 498.89'; thence North 0°07'40" East a distance of 470.12' to a point on the South right-of-way line of East Skelly Drive; thence North 72°23'34" East along said right-of-way line a distance of 107.32'; thence North 66°53'24" East a distance of 428.04' to the Northeast corner of Lot 2; thence South 0°09'32" East along the East line of said Lot 2 a distance of 670.65' to the point of beginning and containing 281,569 square feet, or 6.46 acres, more or less.

05.16.85:439(27)





0 250 500  
Feet



Subject  
Tract

**BOA-22381**

19-13 28

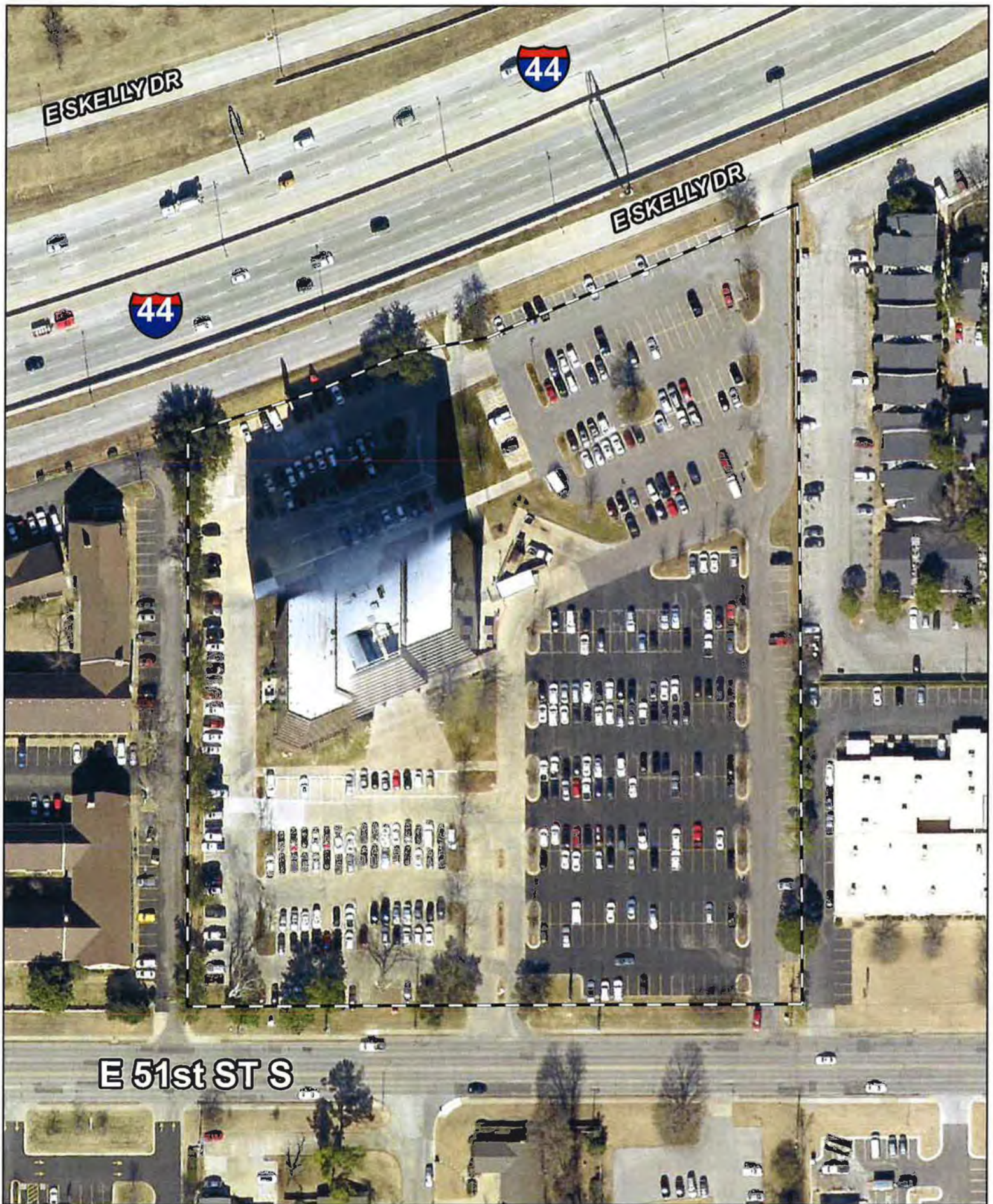
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

8.8







0 Feet 50 100



Subject Tract

**BOA-22381**

19-13 28

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

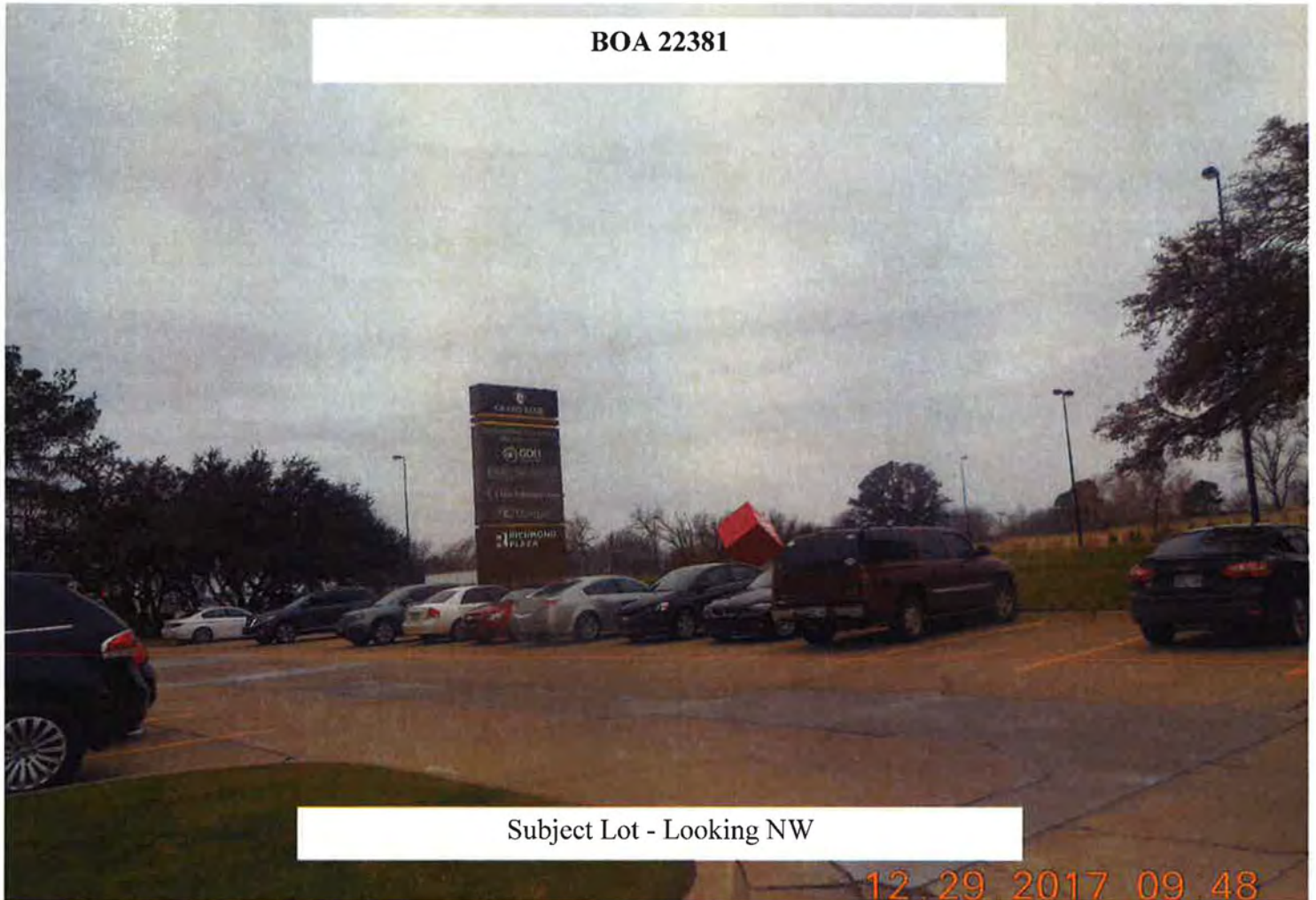
Aerial Photo Date: February 2016

8.9



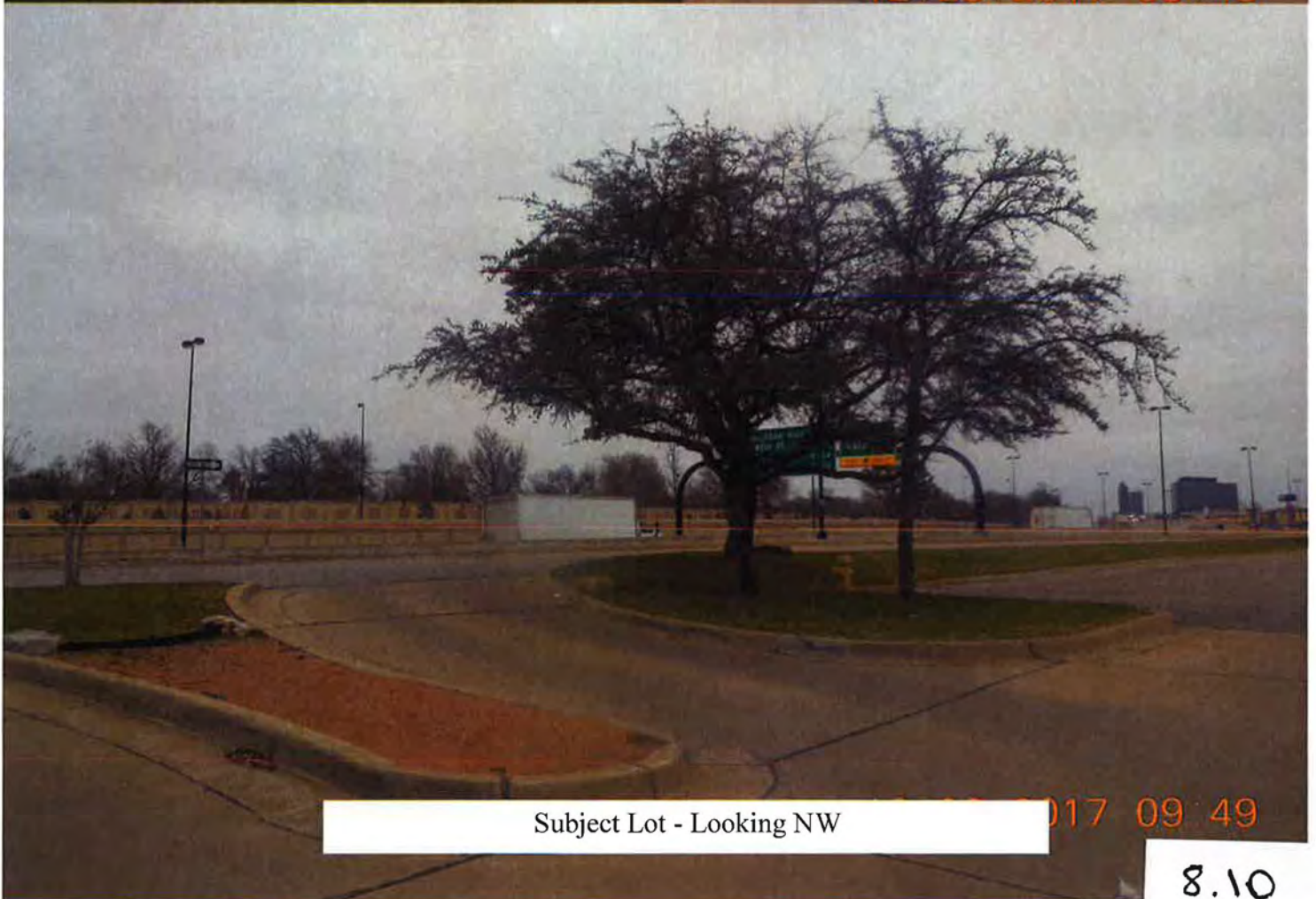


BOA 22381



Subject Lot - Looking NW

12 29 2017 09 48

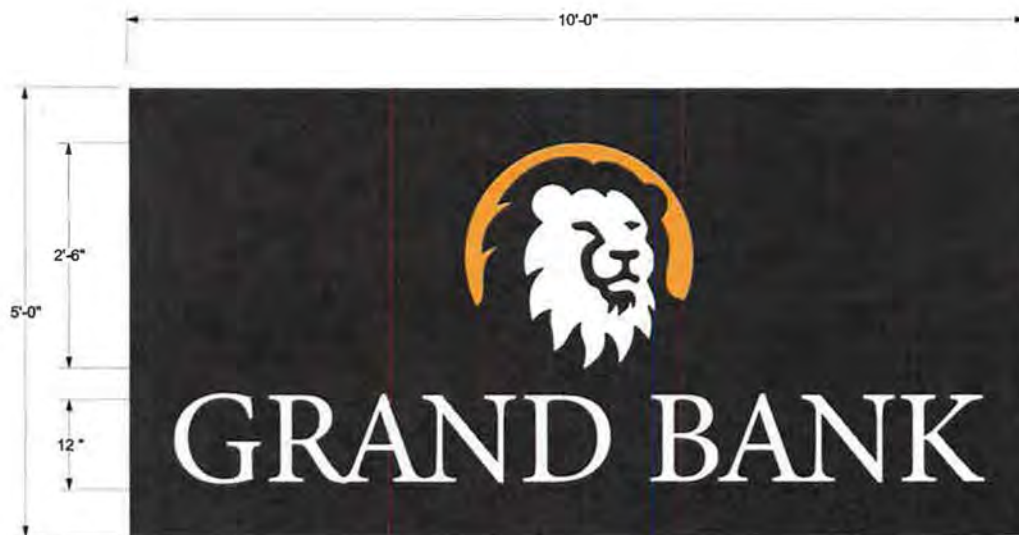


Subject Lot - Looking NW

12 29 2017 09 49

8.10





# **NEW CABINET FOR EXISTING DOUBLE SIDED TENANT SIGN** SCALE: 3/4" = 1'

Fabricated Metal Sign Cabinet, 1/8" Routed Aluminum Face, Duronodic Painted Finish, 1/2" Routed Acrylic "Push-Thru" Letters w/3M 3630-141 Gold Nugget/69 Duronodic Applied Vinyl, White LED Illumination.

Extend Pole As Needed to Accommodate Taller Cabinet

- Dimensions subject to minor changes due to detailed design considerations.
- A-Max Sign Company will endeavor to closely match colors, including PMS colors where specified. We cannot guarantee exact matches due to varying compatibility of surface materials, vinyl and paints used.



**EXISTING**  
SCALE: 1/4" = 1'



**PROPOSED**  
SCALE: 1/4" = 1'

**a**  
**a·max**  
SIGN COMPANY, INC.  
www.amaxsign.com  
9520 E. 55th Place  
Tulsa, Oklahoma 74145  
ph. (918)622-0651 ... fax, (918)622-0659

QUALITY VALUE ASSURANCE

SCALE: 3/4" = 1'

DATE: 03-23-17

FILE: New 5x10 Tnt Faces

SALES REP: Bruce Anderson

DRAWN BY: BB

PROJECT: Grand Bank

LOCATION: Tulsa, OK

ADDRESS: 4200 E. Skelly Drive

CLIENT APPROVAL SIGNATURE & DATE:

**UL LISTED** Signs will be built to meet UL specifications as required.  
**nec** All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

- 1
- 2
- 3
- 4
- 5

These drawings are the property of A-Max Sign Company, and should not be copied, reproduced or displayed in any location other than the building location for the project. Revisions will be indicated by a number and date. A-Max Sign Company, Inc.

Project Manager:

SHEET NUMBER  
1 of 1  
DWG  
032317-23



8.11



### **Exhibit "B"**

Applicant requests a variance from Sections 60.060-C and 60.060-D of the Tulsa Zoning Code (the "Code") to permit a ground sign that is 22'8" tall with a display surface area of 192.5 SF located at 4200 E. Skelly Drive (the "Property"). Currently, the Code permits 150 SF of display surface area and 20 feet in height. The Property is a 6-acre tract zoned OM/OMH and is the site of the Richmond Plaza, a 179,148 SF, 11-story office building. The office building is located between East 51<sup>st</sup> Street to the South and E. Skelly Drive and I-44 to the North.

The size of the Property and office building, coupled with its proximity to the recently widened I-44 is unique and results in unnecessary hardship. This minor variance is the minimum that will afford relief by allowing the sign to be visible to the public and to the customers of the Plaza from both Skelly Drive and the freeway. The variance does not cause substantial detriment to the public nor impair the purposes, spirit, and intent of the Code or the comprehensive plan.

BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

LOD Number:  
1004619-2R

December 6, 2017

Sign contractor:

A-Max Sign Company  
9520 E 55 Place  
Tulsa OK 74145

APPLICATION NO: **420935** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **4200 E SKELLY DR S**  
Description: **Grand Bank/Richmond Plaza Tenant Sign**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 420935

4200 E SKELLY DR S

June 14, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### Section 60.060 Signs in Office Zoning Districts

#### 60.060-C Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**Review Comments:** The proposed Ground sign for Grand Bank/Richmond plaza tenant panel freestanding sign appears to have 535.36 feet of street frontage along E. Skelly Drive. Based on the street frontage of 535.36 feet times .3 the frontage will enable a 150 square freestanding sign. The proposed 192.5 square foot sign (19.25x10.0) exceeds the permitted display surface area by 42.5 square feet. As an option you may reduce the display surface area of the freestanding sign to be 150 square feet or you may pursue a variance from the BOA to permit a freestanding sign along E. Skelly Drive to exceed the permitted display surface area by 42.5 square feet from 150 square feet to 192.5 square feet in an OM zoning district.

#### 60.060-D Maximum Height

Freestanding signs in the OH district may not exceed 30 feet in height. Freestanding signs in other O districts may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

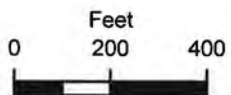
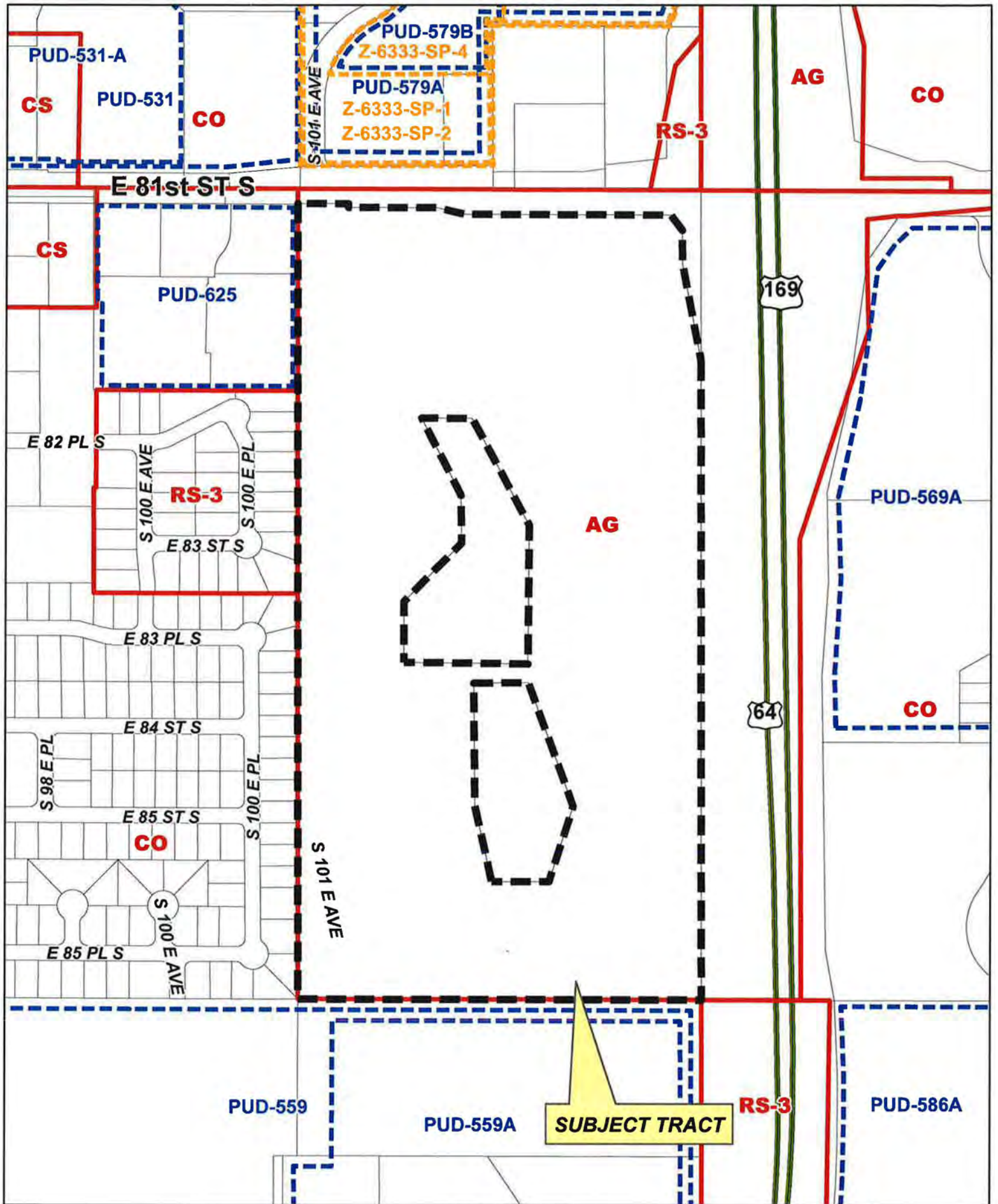
**Review Comments:** The proposed freestanding sign for Grand Bank/Richmond plaza tenant panel freestanding sign exceeds the maximum permitted overall height of 20 feet. You may reduce the overall height to 20 feet or pursue a variance to exceed the maximum permitted height in an OM zoning district from 20 feet to 22ft. 8 in. in height.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



**BOA-22382**

18-14 18

9.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 8418

Case Number: **BOA-22382**

CZM: 54

CD: 7

A-P#: 433592

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** A-max Sign Company, Inc.

**ACTION REQUESTED:** **Special exception** to permit a dynamic display sign in a AG district;  
**Variance** to increase the permitted display area of a dynamic display sign from 32 sq. ft. to 360 sq. ft.  
(Sec 60.050)

**LOCATION:** 10300 E 81 ST S

**ZONED:** AG

**PRESENT USE:** Tulsa Community College

**TRACT SIZE:** 68 Acres

**LEGAL DESCRIPTION:** N50 E/2 NW & LT 1 BLK 1 TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS LESS BEG  
NEC NW TH S541.87 NW305 N110.02 NW67.14 W700 NW101.98 W300 N10 W119.65 N50 E1320 POB, TULSA  
JUNIOR COLLEGE SOUTHEAST CAMPUS, DAVIS VILLAGE, SOUTH TOWNE SQUARE, COLLEGE CENTER AT  
MEADOWBROOK, SOUTH TOWNE SQUARE EXT, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Lot:**

**BOA 22016;** on 01.12.16 the Board approved a Variance to permit the construction of two wall signs and one canopy sign with a total display surface area of 47 square feet on the west building wall elevation

**BOA 18263;** on 12.08.98 the Board approved a variance to allow a sign to exceed the 20 ft. in height to 50 ft.; a variance of the allowed display surface area from 150 SF to 672 SF; and a variance to allow illumination to be other than by constant light to permit a computerized changeable copy sign along US Highway 169.

**BOA 12030;** on 09.16.82 the Board approved a conceptual site plan for Tulsa Community College on the subject lot.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center" and an "Area of Growth."

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter

auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by a mixture of land uses including commercial/retail on the north; St. John's Hospital on the south; and single family residential and commercial on the west. The site is abutted by CO and RS-3 zoning on the west; CO zoning on the south; E 81st St S and CO zoning on the north; and the Mingo Valley Expressway on the east.

**STAFF COMMENTS:**

In BOA 18263 the Board approved a variance to allow a ground sign that is the 50 ft.; a variance to increase the allowed display surface area of a ground sign to 672 sq. ft.; and a variance from the requirement that a sign only be lit by constant light to permit an electronic message center. The applicant proposes to replace the existing ground sign, approved in BOA 18263, with a new TCC sign as shown on the attached exhibits. The proposed TCC sign will contain a 360 sq. ft. dynamic display. Based on the attached drawing the total display area of the new TCC sign will be 540 sq. ft.

Dynamic displays are prohibited in AG districts except that on a lot occupied by an allowed public, civic or institutional use, **the board of adjustment is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display.** The permitted dynamic display in an R district is subject to the following regulations:

- (1) **The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.**
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

The approval in BOA 18263 permits a total sign display area of 672 sq. ft. and a total height of 50 ft. for the proposed TCC sign. To permit the dynamic display sign as proposed the applicant has requested a **Special Exception** to allow a dynamic display sign in an AG district; and a **Variance** to increase the permitted display area of a dynamic display sign from 32 sq. ft. to 360 sq. ft.

**Sample Motion:**

Move to \_\_\_\_\_ (approve/deny) **Special exception** to permit a dynamic display sign in a AG district; **Variance** to increase the permitted display area of a dynamic display sign from 32 sq. ft. to 360 sq. ft. (Sec 60.050)

- 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 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."*

**22016—Jessica McLane**

FILE COPY

**Action Requested:**

**Variance** to permit two wall signs and one canopy sign with a total display surface area of 47 square feet to be installed on the west building wall elevation (Section 302.B.2). **LOCATION:** 10300 East 81<sup>st</sup> Street South (CD 7)

**Presentation:**

**Jessica McLane**, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated the proposed signs are to help the students identify the uses of the building. The hardship is that the property is zoned AG and does not allow signage on the building and TCC requests the signs to direct the students. The three signs will be for the campus store, the library and the TCC logo.

Mr. White asked Ms. McLane if any of the signs would be visible to the residential area that is to the west. Ms. McLane answered affirmatively because the signs will be back lit.

**Bob Dail**, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated the signs are reverse channel letters that are lit but they are very low key.

**Interested Parties:**

**Joshua Ray**, 1425 East 29<sup>th</sup> Street, Tulsa, OK; stated the signs will be over 300 feet from the building face to the property line.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Variance** to permit two wall signs and one canopy sign with a total display surface area of 47 square feet to be installed on the west building wall elevation (Section 302.B.2), subject to conceptual site plans 18.15 showing the location of the three signs and 18.14 and 18.16 showing the campus store, the library and TCC logo signs. It is understood that these are to be channel letters that are backlit as shown on the reference conceptual plans. Finding that these signs are necessary to direct students and visitors on campus to the various uses of this very large campus, and the signage is well over 300 feet from the adjacent RS-3 property to the west. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the



FILE COPY

BOA-22016

public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**N50 E/2 NW & LT 1 BLK 1 TULSA JUNIOR COLLEGE SOUTHEAST CAMPUS LESS  
BEG NEC NW TH S541.87 NW305 N110.02 NW67.14 W700 NW101.98 W300 N10  
W119.65 N50 E1320 POB, COLLEGE CENTER AT MEADOWBROOK, SOUTH  
TOWNE SQUARE EXT, DAVIS VILLAGE, SOUTH TOWNE SQUARE, TULSA  
JUNIOR COLLEGE SOUTHEAST CAMPUS, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

**22017—CBC Builds, LLC**

**Action Requested:**

Variance of the lot width from 60 feet to 52.5 feet to allow a lot-split (Section 403.A). **LOCATION:** 1423 East 38<sup>th</sup> Street South (CD 9)

**Mr. Henke recused and left the meeting at 5:04 P.M.**

**Presentation:**

**Alan Betchan**, 17 East 2<sup>nd</sup> Street, Sand Springs, OK; stated this request is to keep in pace with what has redeveloped in the neighborhood. The neighborhood has gone through a revitalization for the past few years. This is an older plat that has been divided several times. Looking at the larger overall area this is in keeping with type of lot size, the 52'6" lot size. This same Variance has been granted on the lot directly to the north.

**Interested Parties:**

**Jeff Bigby**, 1415 East 38<sup>th</sup> Street, Tulsa, OK; stated he lives next door to the subject property. His lot is a 105'-0" wide single residential lot. The lots on the north side on the next street over have had this type Variance granted and some lot splits, which resulted in four houses being squeezed into two spots. Mr. Bigby stated he is opposed to the Variance for the issue of placing infill and density at the expense of the surrounding and existing neighbors. Mr. Bigby asked what would designate a hardship for this because there is a house on the lot that functions and has been lived in until the last couple of months.

**Peggy Caudle**, 1416 East 38<sup>th</sup> Street, Tulsa, OK; stated she lives across the street from the subject lot. She lives in the condominiums and it is heavy traffic. The lot is a deep lot so she can see two long narrow houses being put on the lot. There is a lot parking traffic from the Brookside restaurants and bars plus the people who live in the condos. The condos do have assigned off-street parking spots but if the resident of two houses has more than two cars they will be parking on the street. All the houses in the block have a single car driveway and most people have two cars so already the street is

**Case No. 18262****Action Requested:**

Special Exception to allow Use Unit 17, Auto Sales, in a CS zoned district.

**SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS –**

**Use Unit 17**, located SW/c S. Yale and Skelly Drive.

**Presentation:**

The applicant, **Robert J. Nichols**, 111 West 5<sup>th</sup> Street, Tulsa, submitted a site plan (Exhibit J-1) and stated that he is representing QuikMart Corporation, who owns the subject tract. Mr. Nichols mentioned that the subject has been targeted as a potential tract to be condemned within the next five or six years by the Department of Transportation which has complicated the marketing because there are not many potential buyers who would want at tract of land for a few years. There has now been some interest by a used car dealer to locate on this tract as a interim use until the condemnation occurs. The Burger King tract across the street has been condemned within the last six weeks.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to allow Use Unit 17, Auto Sales, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17** finding that the 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 on the following described property:

Lot 1, Block 1, Interstate Central Addition, City of Tulsa, Tulsa County,  
State of Oklahoma.

\*\*\*\*\*  
\*\*\*\*\*

**Case No. 18263****Action Requested:**

Variance to permit a sign to exceed the 20' allowed height to 50'; Variance of allowed display surface area from 150 SF to 672 SF; Variance to allow illumination to be other than by constant light to permit erecting a computerized changeable copy sign to announce events for the Performing Arts Center at Tulsa Community College to be located along US Highway 169. **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT**, located SW/c of E. 81<sup>st</sup> St. & Highway 169.



**Presentation:**

The applicant **Charles G. Grooms**, 3800 First National Tower, submitted a sign plan (Exhibit K-1); a site plan (Exhibit K-2) and stated that he represents Tulsa Community College. The southeast campus is comprised of 3,000 linear feet along the expressway. The application is for the purpose of permitting Tulsa Community College to erect a sign that will be computerized and will tell passers by what coming attractions are at the Performance Arts Center. The sign is designed to be similar to the one at Oral Roberts University. The sign is shown being located 625' from the centerline of East 81<sup>st</sup> Street and 10' off of the right-of-way line of Highway 169. Mr. Grooms mentioned that Tulsa Community College has had many requests for information on the Performing Arts Center. The sign is designed to be visible from both traffic directions and will be 36' in length and 18' in depth. It will be computerized across the bottom stating what the coming attractions are. Mr. Grooms believes that the sign will be a good public service.

**Comments and Questions:**

Mr. Cooper asked Mr. Grooms how frequently the wording on the sign will change. Mr. Grooms responded that the copy will change about every three weeks. Mr. Cooper stated that he misstated his last question, he would like to know how often the wording on the sign will change. Mr. Grooms stated that it will not really move or scroll, it will not be flashing.

Mr. Beach asked Mr. Grooms if the sign will ever scroll and Mr. Grooms responded that it will not move. Mr. Grooms stated that if the sign ends up having some movement he will come back before the Board and seek additional relief.

Mr. Cooper asked Staff how much frontage would Tulsa Community College have to have to permit a sign that has 672 SF. Mr. Stump stated that they would need about 3,360 linear feet of frontage and they have very close to that.

Mr. Cooper stated that the sign that has been put up on I-44 and Yale Ave. is not good for anyone. The sign does everything, flashing, scrolling, etc. Mr. Cooper is worried about approving such a thing close to an expressway.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-1 (Cooper, Dunham, Perkins, "aye"; no "nays", Turnbo "abstentions"; White "absent") to **APPROVE** Variance to permit a sign to exceed the 20' allowed height to 50'; Variance of allowed display surface area from 150 SF to 672 SF; Variance to allow illumination to be other than by constant light to permit erecting a computerized changeable copy sign to announce events for the Performing Arts Center at Tulsa Community College to be located along US Highway

Case No. 18263 (continued)

169. **SECTION 302.B.2.b. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT** provided that the sign does not flash, blink or scroll; finding that it meets the requirements of Section 1607.C., on the following described properties:

Tulsa Jr. College Southeast Campus, Lot 1, Block 1, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*  
\*\*\*\*\*

**Case No. 18264**

**Action Requested:**

Special Exception to allow a tower setback 23% from a residential district, rather than 110%. **SECITON 1204.C.4.a. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; Use Conditions;** Special Exception to allow a self-supporting tower in an IL zoned district. **SECTION 1204.C.3.b.2. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES; Use Conditions,** located N. 36<sup>th</sup> St. W. & S. Jackson Ave.

**Presentation:**

The applicant, **Cimarron Land Services**, was represented by Beverly Brown, P.O. Box 2284, Edmond, OK 73083, submitted a site plan (Exhibit L-4). Ms. Brown stated that they needed a tower in the industrial park. They chose to locate in the corner property across from the Sinclair refinery and there is a waste treatment facility across the street and there are also railroad tracks in the area. Their preference was to take about ten acres and build a guyed tower. Ms. Brown stated that this parcel of land is very undesirable because there are so many IL uses surrounding it and because there is no easy access to this property. Ms. Brown stated that they are aware of the adjoining neighborhood but they conducted a poll of the area and there are a number of houses in the area that are boarded up and shut down that they were not able to access. They did approach 23 families and obtained 21 signatures on behalf of the project. Ms. Brown asked for the Board's approval of the application. Ms. Brown submitted an exhibit packet to the Board (Exhibit L-1).

**Interested Parties:**

**Steve Curtis**, stated that he does not live in Tulsa but he grew up in this neighborhood. Mr. Curtis owns seven homes in the area and he submitted photos of the homes (Exhibit L-2). All of his homes would be affected by the tower. Mr. Curtis stated that none of his renters were approached with the petition. He has never heard anyone describe the purpose of the tower. There are three towers of approximately the same height several blocks away. Mr. Curtis stated that the notice address is wrong—it is South 36<sup>th</sup> Street and not North 36<sup>th</sup> Street.



OTHER BUSINESS:

Case No. 12148

Consider the substitution of a plot plan for Board of Adjustment Case No. 12148.

Presentation:

Roy Johnsen, 324 Main Mall, attorney representing the applicant, Midway Development Company, was present and submitted a substitute plot plan (Exhibit "V-1"). Mr. Johnsen stated that the subject property is located on the north side of 41st Street and east of Memorial Drive. The property is zoned IL and the Board previously approved a hotel on the site. Mr. Johnsen stated that the previous site plan did not provide sufficient parking for the hotel. The substitute plot plan includes a change in the number of units from 180 units to 186 units and more parking has been added to the plan. He stated that the Board had no real concern with the proposed parking when the case was previously granted.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the substitute plot plan as presented.

Case No. 12003

Action Requested:

Consider the approval of site plan review for BOA Case #12003.

Presentation:

The applicant was not present.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the October 14, 1982 meeting.

Case No. 12030

Action Requested:

Consider approval of conceptual Site Plan for Board of Adjustment Case No. 12030.

Presentation:

Stuart Nyander, 717 South Houston Avenue, was present and submitted a conceptual site plan (Exhibit "W-1"). Mr. Nyander, who is representing Tulsa Junior College, stated that the southeast campus which is located east of South Mingo Road on East 81st Street is zoned AG. He stated that the use was previously approved, but was required to come back to the Board for plot plan approval. There are two ponds on the subject property which will be maintained. The proposed structures will appear to be two stories on the pond site and will appear as one-story on all other sides with the exception of the gymnasium. The plans need to be approved so that a building permit can be issued. The property has been platted and will go before its final review on September 23, 1982.

Protestants: None.

Case No. 12030 (continued)

Comments:

Alan Jackere, Legal Council, advised that if the site plan is approved it is just a conceptual approval. Even though the drawings are drawn to scale this Board has no authority to approve this site plan with all of the buildings as shown. The buildings might require a variance to meet setback requirements.

Paula Hubbard, Protective Inspections, stated that there will be no screening requirement on the subject property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the conceptual site plan as presented.

There being no further business, the Chair adjourned the meeting at 5:40 p.m.

Date Approved

October 14, 1982

Adrian W. Smith  
Chairman





0 200 400  
Feet



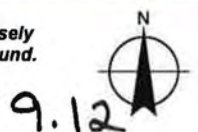
Subject  
Tract

**BOA-22382**

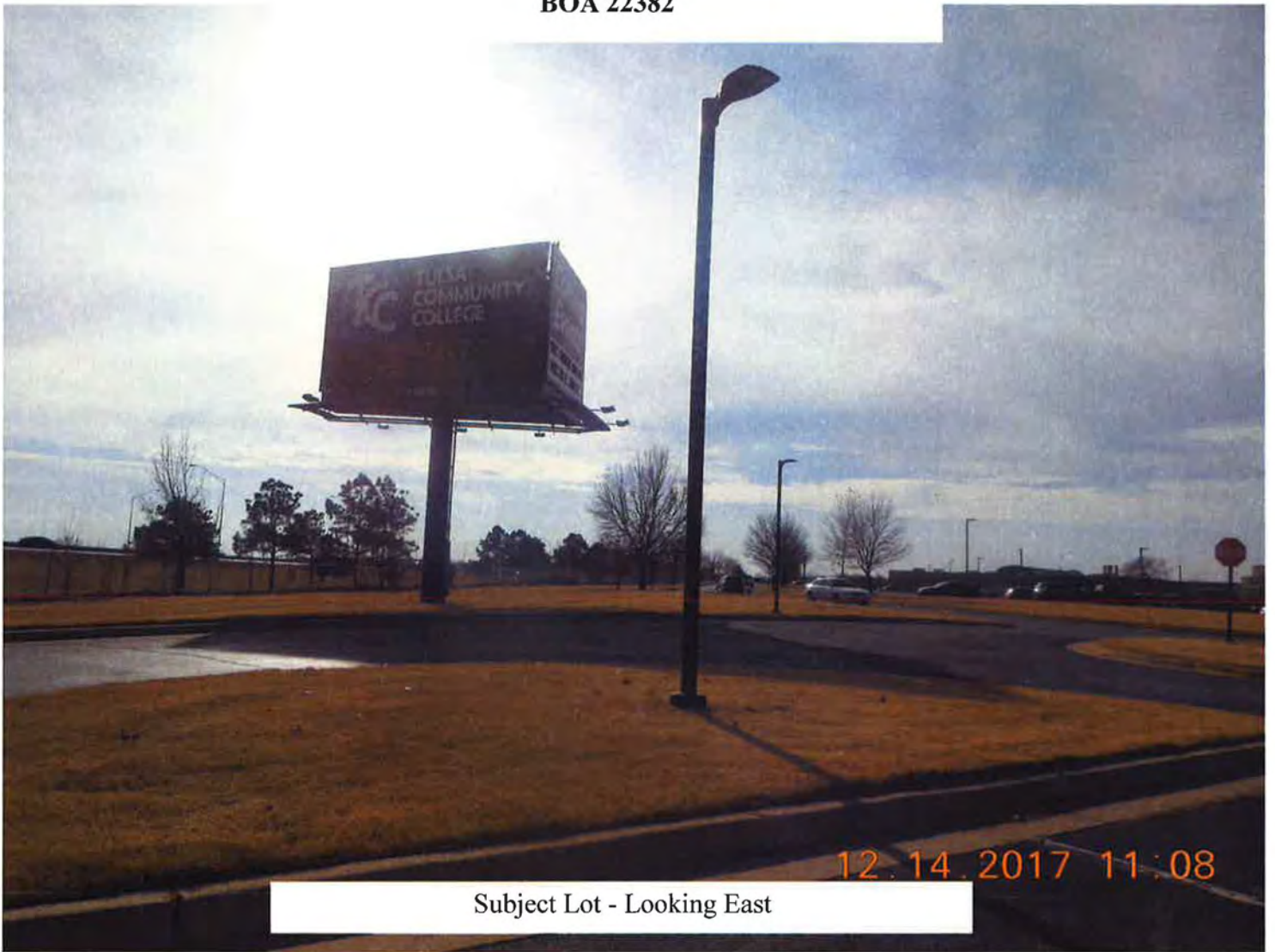
18-14 18

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

Aerial Photo Date: February 2016







Subject Lot - Looking East



SCALE: 1/4"=1'

**EXHIBIT 1.1**

DOI: 10.1002/for

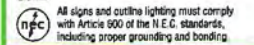
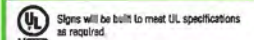
FILE : MsgCntr 2

DRAWN BY: TF

**LOCATION:** Southeast Campus

ADDRESS: 10300 E 81ST

CLIENT APPROVAL SIGNATURE & DATE:



1. 1
2. 2
3. 3
4. 4
5. 5

© A-Max Sign Company, 2016

100% OFFERED BY

SHEET NUMBER  
**1 of 3**

**DWG**  
**072517-51**



- Dimensions subject to minor changes due to detailed design considerations

\* A-Max Sign Company will endeavor to closely match colors, including PMS colors where specified. We cannot guarantee exact matches due to varying compatibility of surface materials, vinyl and paints used.

9.14



**TULSA COMMUNITY COLLEGE**

**10300 E 81 ST S.  
TULSA, OK**

**NORTH** 



Google Earth  
©2017 Google



BOB KOLIBAS  
SIGN PLANS EXAMINER  
918-596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### SIGN PLAN REVIEW

LOD Number:  
1040981-2R

January 2, 2018

Sign contractor:

LORI WORTHINGTON  
A-MAX SIGN CO  
9520 E 55 PL  
TULSA, OK 74145

Phone: (918)622-0651  
Fax: (918)622-0659

APPLICATION NO: **433592** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **10300 E 081 ST S**  
Description: **TCC w/dynamic display**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. 433592

10300 E 081 ST S

November 17, 2017

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### Section 60.050 Signs in R and AG Zoning Districts

#### 2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

#### c. Dynamic Displays

Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100 (See below).

### Section 60.100 Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

**60.100-A** The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.

**60.100-B** The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

**60.100-C** The images and messages displayed must be complete in and of themselves within the required dwell time.

**Review Comments:** A previous variance approved 12/8/1998 BOA case 18263, permitted a 54 sq. ft. (1.5x36.0) changeable copy sign mounted onto a 672 square foot ground sign provided the sign does not blink, flash or scroll. The proposed 10.0x36.0 (360 sq. ft.) dynamic display sign for Tulsa Community College requires a special exception from the BOA to permit a dynamic display sign in an AG zoning district and a variance to increase the display surface area from 54 sq. ft. to 360 sq. ft.

**NOTE:** Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in

9.17

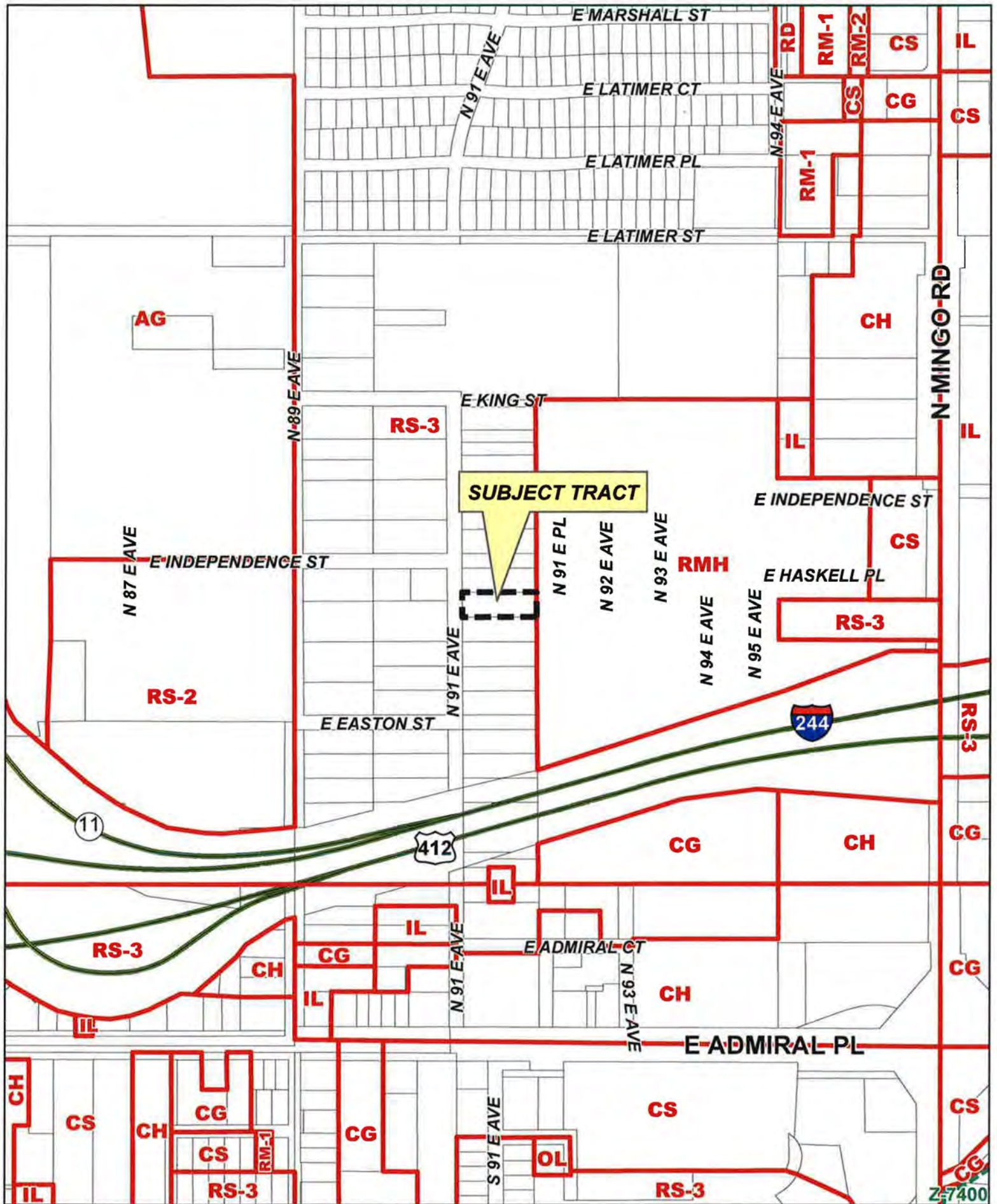


submitting documents to the City of Tulsa on your behalf.

**END – ZONING CLEARANCE AND SIGN CODE REVIEW**

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



BOA-22383

10.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0336  
CZM: 30  
CD: 3  
A-P#: 8866

Case Number: **BOA-22383**

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Tereza Gaspar

**ACTION REQUESTED:** **Special exception** to allow a manufactured home on a RS-3 zoned lot;  
**Special Exception** to extend the one year time limit to allow 30 years. (Sections 5.020 and 40.210)

**LOCATION:** 535 N 91 AV E

**ZONED:** RS-3

**PRESENT USE:** Vacant

**TRACT SIZE:** 29,999.89 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 2, MOSES SUB NO 2, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 12535;** 04.21.83 the Board **approved** a special exception to allow a mobile home in a RS-3 zoned district; and a variance to allow two dwelling units on one lot of record for a one-year period. Property being located south of the southeast corner of East Easton Street.

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

The Existing Residential Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The Areas of Stability includes 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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RS-3 zoning on the north, west and south; RMH zoning abuts the site on the east.

**STAFF COMMENTS:**

A Special Exception is required as a manufactured home is a use which is not permitted by right in the RS-3 district because of potential adverse effect. It appears that many of the homes north and south of the subject site are single-family; however, there is a Residential Manufactured Housing (RMH) district immediately east of the subject site.

The Code requires that a manufactured housing unit in an R district be removed from the lot within one year of the special exception approval. The applicant has requested a special exception to extend the time limit and permit a manufactured housing unit on the site for 30 years.

As the writing of this case report staff has not received any comments from the surrounding neighbors or property owners.

**Sample Motion for a Special Exception**

Move to \_\_\_\_\_ (approve/deny) a Special exception to allow a manufactured home on a RS-3 zoned lot; Special Exception to extend the one-year time limit to allow 30 years. (Sections 5.020 and 40.210)

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions (including time limitation, if any): \_\_\_\_\_

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.



Case No. 12534

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a variance of the rear yard setback from 20' to 15' located at 14212 East 37th Place.

Presentation:

Mike Milligan, 6421 South 110th East Avenue, submitted a plot plan (Exhibit "G-1"). Mr. Milligan advised that the west side of the lot does not have adequate footage to maintain a 20' setback for a back yard and requested the variance be granted.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked if the building in question presently exists and Mr. Milligan answered no. Chairman Smith inquired if Mr. Milligan had visited with his neighbors and advised them of his proposal and the applicant stated that he had not talked with them, but has heard no protests. Chairman Smith stated that the applicant's hardship is due to the shape of the lot.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District) of the rear yard setback from 20' to 15', per plot plan submitted, on the following described property:

Lot 14, Block 4, Summerfield South Addition, Tulsa County, Okla.

Case No. 12535

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings on one lot of record and a Special Exception - Section 410 - Principal Uses Permitted in the Residential District - request to allow a mobile home in an RS-3 District located at 825 North 91st East Avenue.

Presentation:

Anna Spears, 825 North 91st East Avenue, was present and requested permission to locate a mobile home on the subject lot and submitted four (4) photographs of the mobile home (Exhibit "H-1"). The trailer will be located on the same lot as Mrs. Spears' residence. The applicant requested that the mobile home be permitted for security reasons and would be used for rental purposes. The mobile home would back up to a mobile home park.

Protestants: None.

Interested Party:

Donald Kamler, 1628 South Cincinnati Avenue, advised that he owns the property located at 805 North 91st East Avenue and spoke in support of the application.

Case No. 12535 (continued)

Comments and Questions:

Chairman Smith asked if the mobile home would be served by the sanitary sewer system or by a septic tank and Mrs. Spears advised that the mobile home would be connected to the sanitary sewer. The applicant was advised that approval could be granted for a one-year period, but additional time could be requested at the end of the one-year limit.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-1-0 (Chappelle, Smith, Wait, "aye"; Purser, "nay"; no "abstentions"; Victor, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile in an RS-3 District, for one year, removal bond required, on the following described property:

Lot 3, Block 1, Moses Addition, Tulsa County, Oklahoma.

Case No. 12536

Action Requested:

Section 1650 - Appeals from the Building Inspector - Request that the Board determine a Variance - Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination - to permit an addition to a nonconforming building; and a Variance - Section 410 - Principal Uses Permitted in Residential Districts - to permit the manufacture of rubber stamps in an RS-3 District; and a Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - to modify or remove the screening requirements and/or to modify the screening where an alternative screening will provide visual separation of uses; and a Variance - Section 250.1 (d) - Screening Wall or Fence for a variance of the time requirement that the screening be erected prior to occupancy of the building located at 2637 East Marshall Avenue.

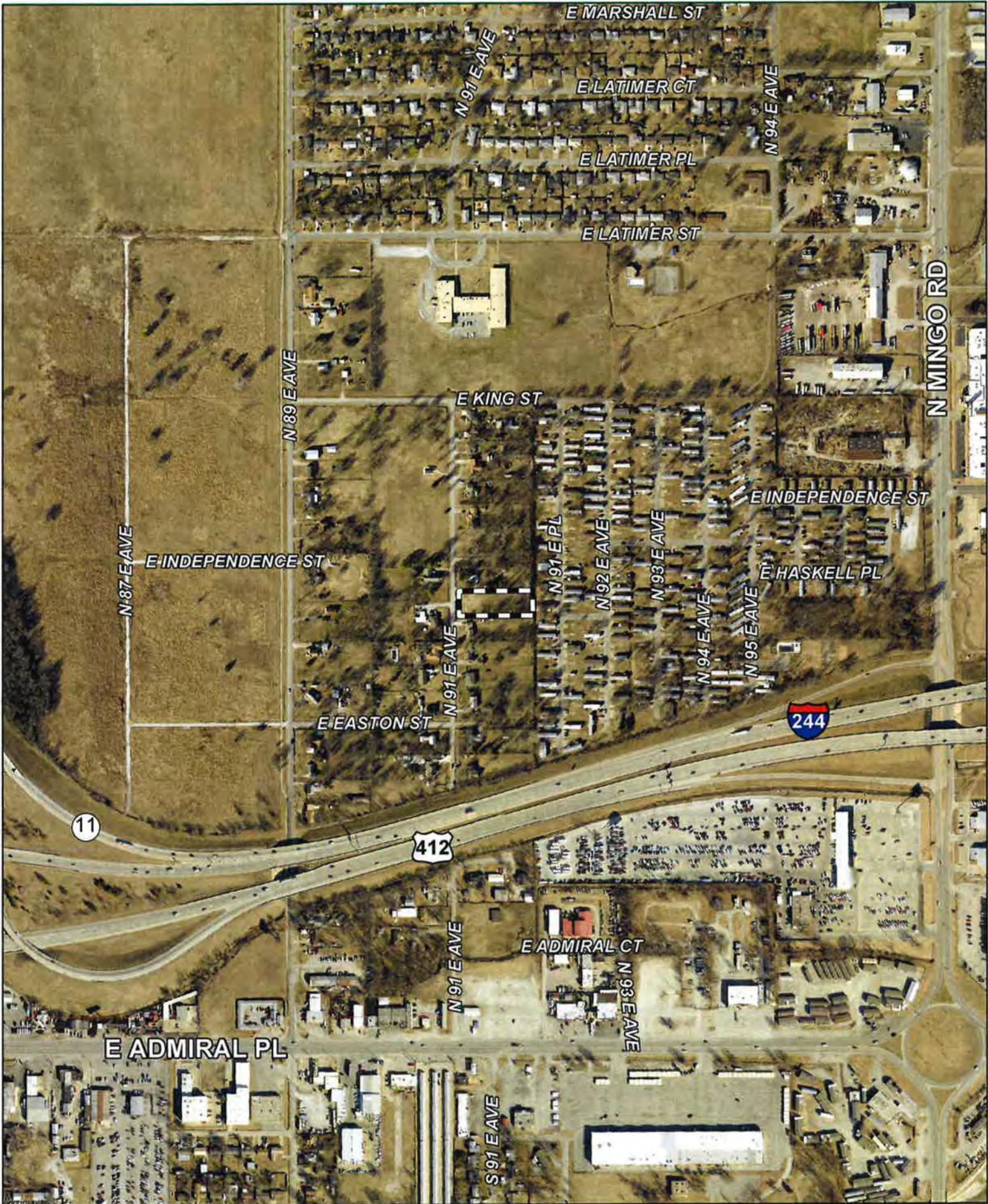
Presentation:

Casper Jones, 1302 South Fulton Avenue, represented Southern Rubber Stamp Company; Mike Forehand, the present owner and Marvin Summey, the previous owner of the property. Mr. Jones submitted a photograph of the subject property (Exhibit "I-1") and an exhibit including the history of the subject property, the issuance of a building permit and a plat of survey (Exhibit "I-2").

Mr. Jones reviewed the history of the property with the Board and requested that the Board make a determination that the tract and the present building is a legal nonconforming industrial use. The subject addition was annexed to the City of Tulsa in 1920, at which time the City did not have a Zoning Code. Under the City's first Zoning Code the property was zoned U-4, Industrial District, which permitted residential, commercial and industrial uses. In 1948 a building permit was issued to the previous owner, Marvin Summey, for the building presently located at 2637 East Marshall Avenue. In 1957 the City rezoned the property from U-4, Industrial to U-1C, Restricted Residential and in 1970 it was zoned to RS-3, Restricted Residential.

The applicant plans to construct a 25' addition to the front of the existing structure which will be used as an office for manufacturing





0 Feet 250 500



Subject Tract

**BOA-22383**

20-13 36

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

Aerial Photo Date: February 2016



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N91E AVE

N91E PL

E HASKELL PL

0 50 100  
Feet



Subject  
Tract

**BOA-22383**

20-13 36

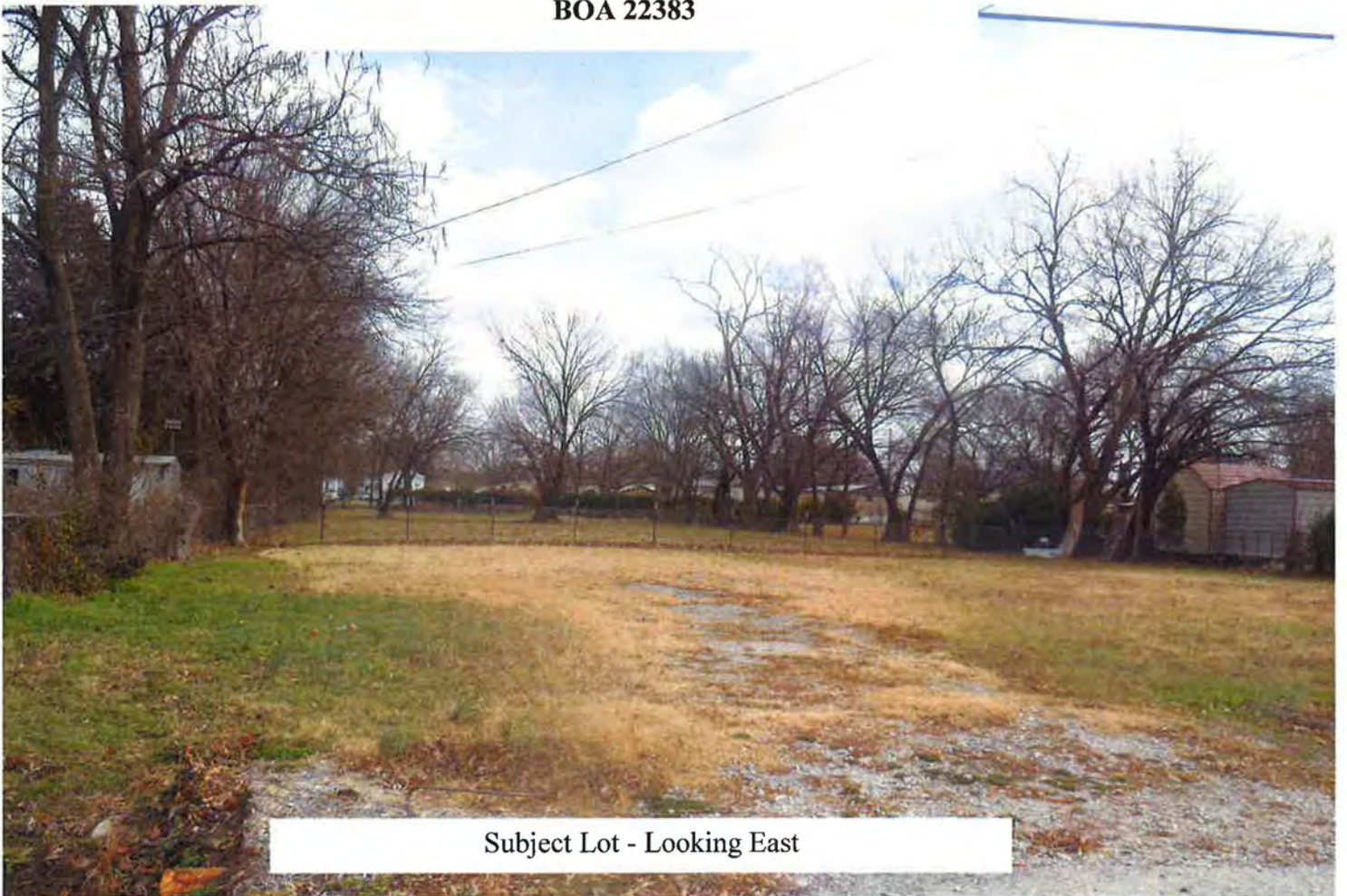
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2016

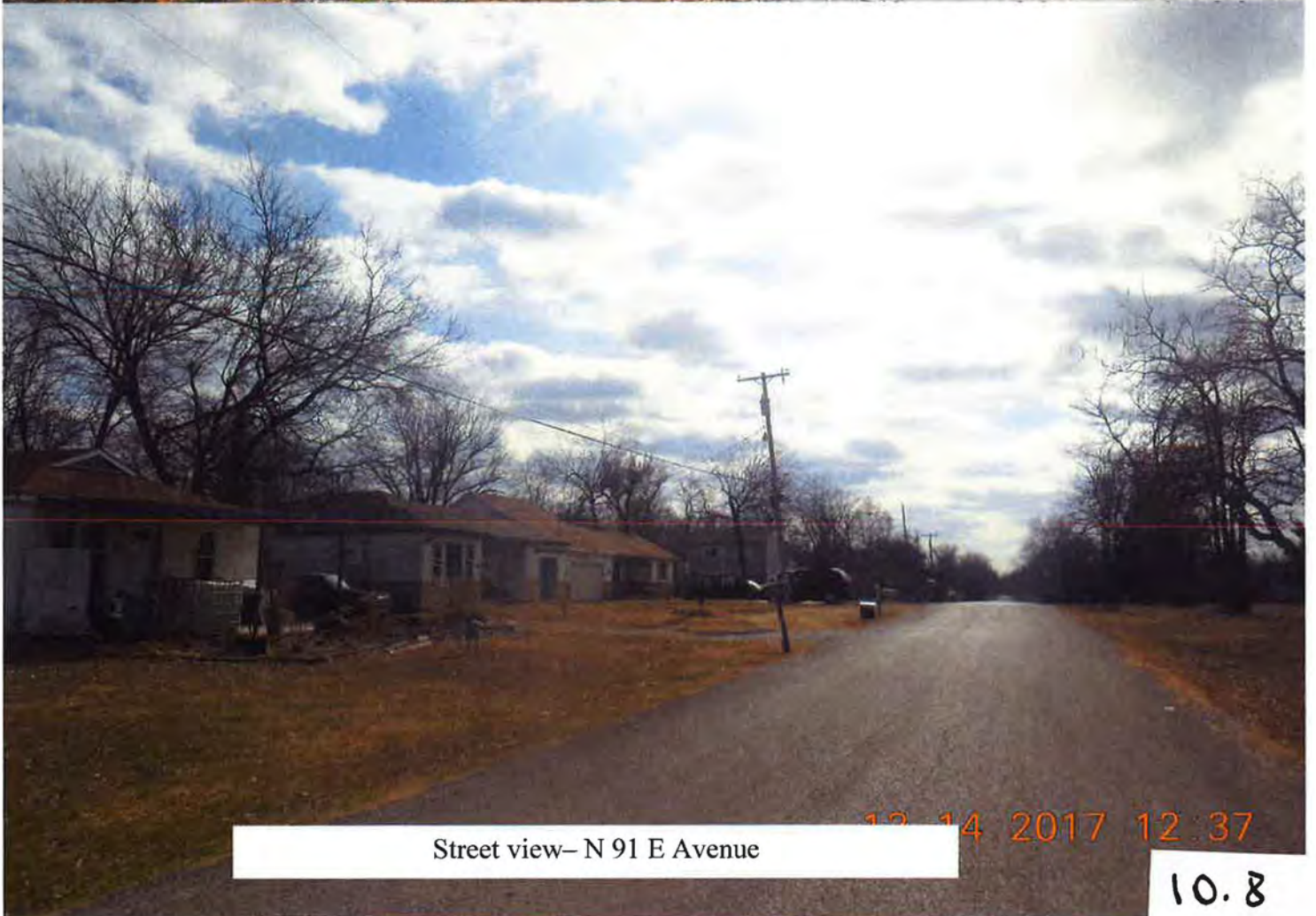


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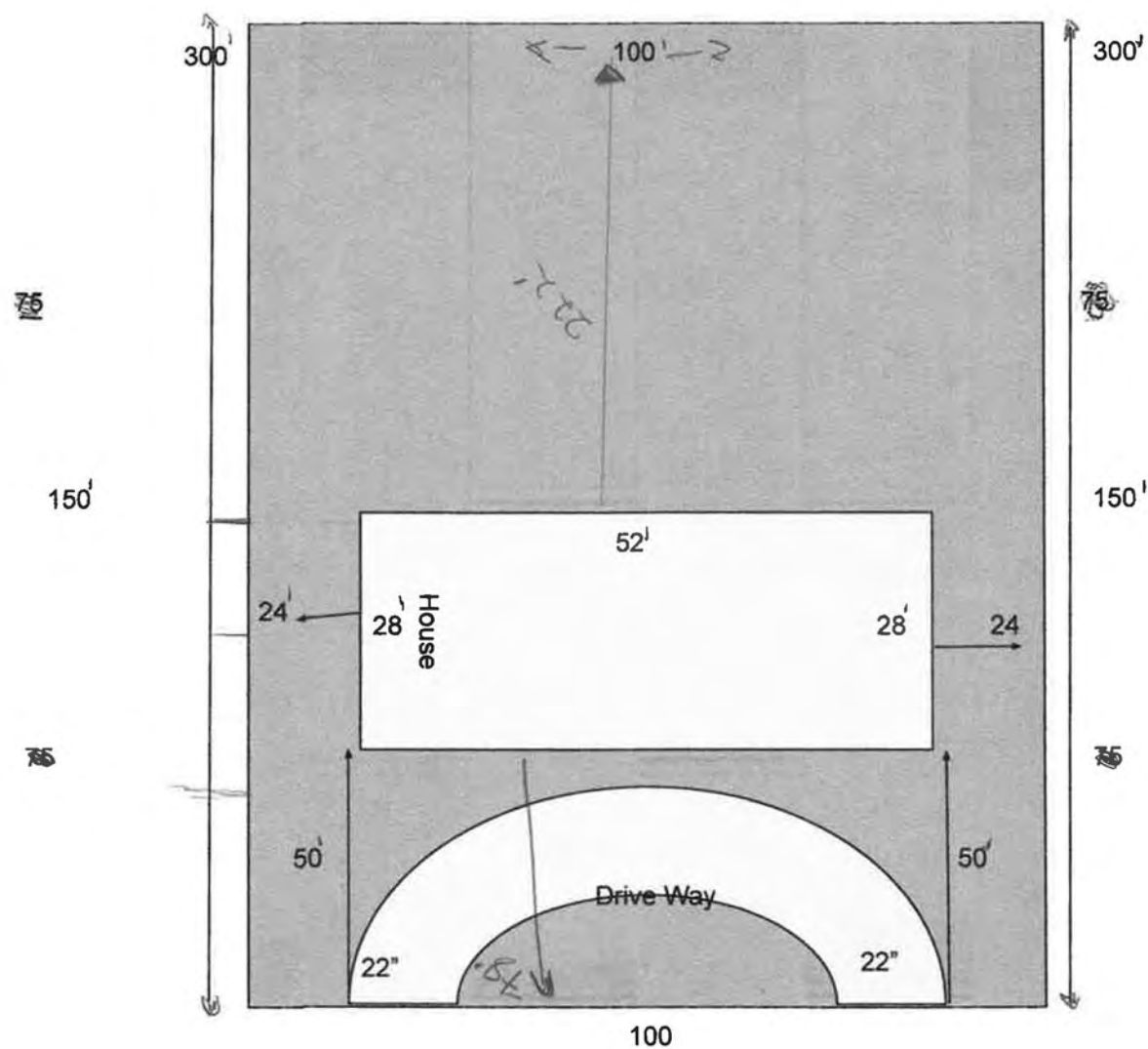
Subject Lot - Looking East



Street view- N 91 E Avenue

12 14 2017 12 37

10.8



91th. ave. 91th st.



535 N. 91st E. Ave.

918-951-  
9571

1. CHRIST MCLEZCANN - 525 N 91ST E AVE
2. BILLY SPARKS - 526 N 91ST E AVE
3. CAROL ROSTER N 91ST E AVE
4. Helen Hurdson 519 N 91ST E AVE
5. CARL SPRINGER JR 215 N 91ST EAST AVE
- 6.
- 7.
- 8.
- 9.
- 10.



10.11



JEFF S. TAYLOR  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-7637  
jstaylor@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 980302-2

January 10, 2017

\*\*\* Applicant Has Not Been Added To Permit \*\*\*

APPLICATION NO: **8866** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Location: **535 N 091 AV E**  
Description: **Mobile Home**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" I ~~IS~~ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

10.12

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 8866

535 N 091 AV E

January 10, 2017

Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.5.020 Table 5-2:** The submitted application indicates construction of a "Manufactured Housing Unit" per documents submitted to our office. The proposed Manufactured Housing Unit is located in an RS-3 Zoning District.

**Review Comments:** Manufactured Housing Units are allowed in this zoning district by special exception. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

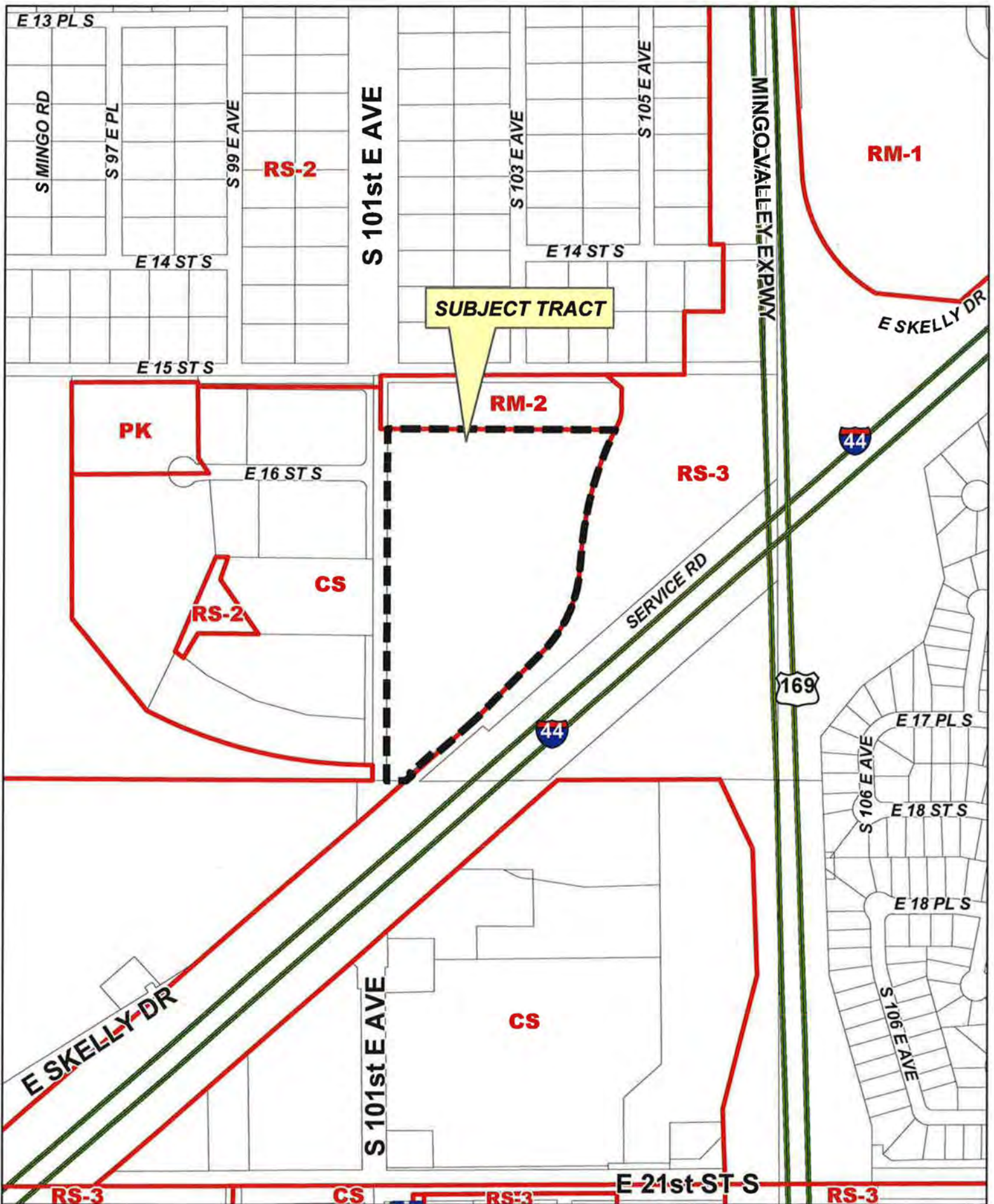
## END – ZONING CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

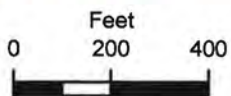


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**BOA-22385**

19-14 07





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9407  
CZM: 39  
CD: 5  
A-P#: 434800

Case Number: **BOA-22385**

**HEARING DATE:** 01/09/2018 1:00 PM

**APPLICANT:** Leo Coffman

**ACTION REQUESTED:** Special Exception to allow a Public, Civic and Institutional/ Government Use in the CS zoned district. (Section 15.020 Table 15-2)

**LOCATION:** S of the SE/c of E 15 St S and S 101 AV E      **ZONED:** CS

**PRESENT USE:** Government Office Buildings      **TRACT SIZE:** 13.7 Acres

**LEGAL DESCRIPTION:** S150 W150 LT 1 & LTS 2 & 3 LESS PRT LT 2 BEG 27.15NELY SECR TH NE100 NW10 SW100 SE10 POB BLK 1, MAGIC CIRCLE CENTER ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Site**

**BOA 19512;** on 02.11.03 the Board **approved** a variance to reduce the building setback from 101<sup>st</sup> E Avenue.

**BOA 15944;** on 03.24.92 the Board **approved** a variance of the screening requirement between an office use and an R zoned lot.

**BOA 11837;** on 03.04.82 the Board **denied** a special exception to allow mobile home sales on a CS zoned lot.

**BOA 11836;** on 03.04.82 the Board **denied** a special exception to a go-cart tract on a CS zoned lot.

**BOA 9658;** on 09.01.77 the Board **approved** a special exception to allow a trucking business on a CS zoned lot.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth".

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abuts I-44 and US-169 on the south and east; vacant RM-2 abuts the site on the north; and CS zoning abuts the site on the west.

**STAFF COMMENTS:**

The applicant has stated that the existing government office buildings have been operating on the site for several years but there is no record of a previous Board approval to allow Government Services on the site. The applicant has requested a **Special Exception** to permit an interior remodel of the existing government office building to add a weapons storage facility. It appears that there are no current plans to expand the existing buildings. A special exception is required because Government Services is a use which is not permitted by right in the CS district because of potential adverse effect.

For a Governmental Service use the Code (Section 55.020) requires that the vehicle parking requirement be established by the Board as a part of the special exception approval. As the request is not for expansion of the existing facility, if inclined to approve, the Board may approve the vehicle parking as shown on the submitted site plan. The applicant stated that there are 700 parking spaces on the site plan.

As the writing of this case report no comments has been submitted from the surrounding neighbors or property owners.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to permit a Governmental Service use in a CS district (Section 15.020 Table 15-2).

- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ 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.



Lot 7, Block 2, Memorial Acres Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

### **NEW APPLICATIONS**

#### **Case No. 19512**

##### **Action Requested:**

Variance of the required building setback from 101<sup>st</sup> East Avenue. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 11, located 1645 S. 101<sup>st</sup> E. Ave.

##### **Presentation:**

**Byron Salsman**, 2618 W. 45<sup>th</sup> Pl., stated he is the architect for the project. He stated they are performing a major security update of the government buildings at the northwest quadrant of 169 and I-44. The property will be surrounded by a fence and a guardhouse on the southwest corner. The only way to build the guardhouse there is to build between the building line and the property line.

##### **Interested Parties:**

There were no interested parties who wished to speak.

##### **Board Action:**

On MOTION of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a Variance of the required building setback from 101<sup>st</sup> East Avenue, per plan submitted today, finding the need for the security gate, it would not serve any purpose at the required setback, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 2 and Lot 3 and the S 150.00' of the W 150.00' of Lot 1, Block 1, Magic Circle Center Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

#### **Case No. 19513**

##### **Action Requested:**

Variance to permit a fence in the front yard to exceed the maximum 4' to 6'. SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, located 1015 N. Troost Ave.

##### **Presentation:**

**Erica Flores**, 1015 N. Troost, stated they need the gate to the driveway to be six feet to come up to the height of the four foot fence, which is on a higher elevation.

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 606**  
**Tuesday, March 24, 1992, 1:00 p.m.**  
**City Council Room, Plaza Level**  
**Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle, Chairman Chappelle Doverspike Fuller White		Gardner Moore Russell	Jackere, Legal Department Hubbard, Protective, Insp.

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, March 20, 1992, at 1:05 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On MOTION of CHAPPELLE, the Board voted 2-0-2 (Bolzle, Chappelle, "aye"; no "nays"; Doverspike, White, "abstaining"; Fuller, "absent") to APPROVE the Minutes of March 10, 1992.

**UNFINISHED BUSINESS**

**Case No. 15944**

**Action Requested:**

Variance of the screening requirement between office use and property zoned RM-2 - Section 1212.C. - Use Conditions - Use Unit 11, located southeast corner of East 15th Street and South 101st East Avenue.

**Presentation:**

The applicant, Dominion Leasing, was represented by Gordon Beard, PO Box 727, Edmond, Oklahoma, who stated that the application was approved at the previous meeting, subject to the approval of a landscape plan (Exhibit A-1) depicting the type of living screen to be used as a buffer between the property in question and the residential area.

**Comments and Questions:**

Mr. Bolzle asked if the trees are to be planted in lieu of the screening fence, and Mr. Beard answered in the affirmative. He added that the open area to the north will be maintained along with the subject property.

3.24.92:606(1)



**Case No. 15944 (continued)**

Mr. Gardner pointed out that protestants at the previous meeting were concerned with the growth of tall grass and wild trees on the undeveloped property to the north, and the applicant has stated that they will also maintain this area.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance of the screening requirement between office use and property zoned RM-2 - **Section 1212.C. - Use Conditions - Use Unit 11**; per landscape plan submitted; finding that the abutting property owner to the north prefers a living screen; and finding that the granting of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 2 and 3, and the south 150' of the west 150' of Lot 1, Block 1, Magic Circle Center Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15960**

**Action Requested:**

Variance of the required 45' setback from the centerline of South Jamestown Avenue to permit a carport - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6**, located 3504 East Easton.

**Presentation:**

The applicant, Rockney Bates, 3504 East Easton, Tulsa, Oklahoma, stated that his application was continued, and he was not aware that a plot plan should have been delivered to the Building Inspector's office within two days after the previous meeting. He submitted a plot plan (Exhibit B-1) for the proposed carport.

**Comments and Questions:**

Mr. Bolzle advised the applicant that, after review of the plans, Ms. Hubbard may find that additional relief is required.

It was noted by Mr. Gardner that there is a 30' street right-of-way at this location, and a house could be constructed within 5' of the western boundary; however, a garage would be required to set back 20' from the property line. He informed that a new subdivision would be required to maintain a 15' building setback for the house and 20' for a garage.

Case No. 11837

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit Mobile Homes Sales in a CS District located at the southeast corner of 15th Street and 101st East Avenue.

Presentation:

Raymon King, 5533 East 61st Place, was present to address the Board requesting a mobile home sales business at the subject location. Mr. King advised that there would not be any more than 25 mobile homes at the subject location at any one time.

Protestants:

Marjorie Platt, 1424 South 103rd East Avenue, was present to address the Board protesting the request to permit a mobile home sales at this particular location.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-1-0 (Lewis, Purser, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; none "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to permit Mobile Home Sales in a CS District on the following described property:

Lot 2, LESS the South 740' beginning at the southwest corner of Lot 2, Block 1; thence North 740' along the West Boundary; thence Due East to the East Boundary of Lot 2, Block 1; thence Southwest along the Meandering line to the Point of Beginning, ALL in Magic Circle Center Addition, Tulsa County, Oklahoma.

Case No. 11838

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request to maintain an existing office in an RS-3 District; and, a

Variance - Section 420 - Accessory Uses in Residential Districts - Request to permit an existing business sign in an RS-3 District located at 1801 South Peoria Avenue.

Presentation:

Dr. Howard Neeman, 1801 South Peoria Avenue, was present to address the Board stating that a doctor's office and business sign have been located at the subject location for the past 25 years. Dr. Neeman has had his office located at this location since July 1978, and has a lease on the office. He stated that he had painted the exterior of the building and had put a new lighted sign on the property being at the same location as the one previously there.

Protestants:

Steve Clark, president of the Swanlake Homeowner's Association, was present to address the Board requesting that the application be denied. Mr. Clark stated that this Board does not have the authority to grant the variances. He advised that the Doctor's office would not be consistent with the residential nature of the neighborhood.



Case No. 11835 (continued)

Lot 4, Block 1, Trade Winds Resub. to the City and County of Tulsa, Oklahoma.

Case No. 11836

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for permission to operate a go-cart tract in a CS District located at the SE corner of 15th Street and 101st East Avenue.

Presentation:

Raymon King, 5533 East 61st Place, was present to address the Board requesting that the go-cart tract be permitted on the subject property. The property is surrounded by Crescent Heights Subdivision to the north, by vacant property and a golf driving range to the west, with Highways #169 and I-44 to the east and south. The go-cart tract would be approximately 500' from any residential areas, therefore, causing no nuisance to the neighborhood.

Don Williamson, 6620 East 56th Place, was present to address the Board concerning the type of cars used for the tract. Mr. Williamson advised that the Board previously approved a race-car tract that used very similar cars to the proposed ones. Each car cost \$12,000 and are relatively quiet.

Protestants:

Marjorie Platt, 1424 South 103rd East Avenue, was present to address the Board in protest to the application. She advised that several of the neighbors were present for the meeting but had to leave, who also protested the request. Ms. Platt stated that the go-cart tract would not be consistent with the residential nature of the neighborhood.

Board Comments:

Mr. Lewis inquired about the go-cart tract and Mr. King advised that the Grand Prix type cars are not as noisy as other race cars. He also added that there would never be any more than three (3) cars on the tract at any one time.

The Board was concerned with the access to and from the go-cart tract.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-1-0 (Purser, Smith, Victor, Wait, "aye"; Lewis, "nay"; no "abstentions"; none "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to operate a go-cart tract in a CS District, on the following described property:

A portion of Lot 2, Block 1, Magic Circle Center Addition, and all of Lot 3, Block 1, Magic Circle Center Addition; beginning at the southwest corner of Lot 2, Block 1; thence North 740' along the West Boundary; thence Due East to the East Boundary of Lot 2, Block 1; thence southwest along the Meandering line to the Point of Beginning, Tulsa County, Oklahoma.

9657 (continued)

Presentation:

Morris L. Ishmall, 1513 East 91st Street, requested to locate a mobile home on a two-acre tract for an aunt, who is crippled and is in need of care. He advised the Board of a 30' x 40' accessory building on the property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District for a period of one year with removal bond required, on the following described tract:

The South 247.59' of the West 352.02' of the SE/4, SW/4, of Section 18, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

9659

Action Requested:

Exception (Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for Lodge purposes (Odd Fellows Hall) and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setbacks from the centerline of Patton Street and Cedar Street in an RS-3 District, located at 4020 South Cedar Street.

Presentation:

Lowall C. Wilson, 1723 West 37th Place, Trustee for the Lodge, requested to locate a 40' x 80' metal building on the subject property to be used as a lodge hall. He advised that the building will be gray with orange trim. Upon questioning by the Board, the applicant had not applied for a variance and was instructed by the Board that he must apply for a variance and readvertise.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) continued application #9659 until September 15, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9658

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a trucking business in a CS District located at 1645 South 101st East Avenue.

9.1.77:243(6)



Presentation:

Ramon King, 6111 East Skelly Drive, Suite 106, requested to operate a truck parking business, advising that the property is surrounded by a 17-acre tract. He stated that there is a house on the property used as an office and is staffed with two or three people, but the property is used for truck parking only, no depot or shipping. He stated that Younger Transportation Company of Houston, Texas does hauling of oil field equipment and uses the subject property for parking and that there was no maintenance or loading of trucks. Mr. King advised that the operation has been in existence for five or six years and a City Inspector came out and told him he was in violation of the City code of which he was unaware of. He advised that the subject location is for temporary use only and for none other than truck parking.

Mrs. Miller, Building Inspector's Office submitted for the Board's information a complaint report (Exhibit "D-1") issued by the Building Inspector's Office advising that trucks and heavy equipment were parked on the front and side yard at the subject location, zoned CS. In addition, she submitted an official notice (Exhibit "D-2") advising that a trucking business in a CS zoned District was in violation of the City of Tulsa Zoning Code.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved the Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a trucking business as described by the applicant in a CS District for a period of two years, on the following described tract:

Lot 3, Block 1, Magic Circle Center Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 25' to 16' in an RS-3 District located at 3807 South Marion Avenue.

Presentation:

Jim Stranton, representing the property owners, requested an additional 9' to add a garage, bathroom, closet and a utility area advising that the addition was needed for living area. Mr. Stranton submitted a revised plot plan (Exhibit "E-1") of the proposed addition showing a 20' easement and advising that he had discovered previously that a corner of the house went over the easement line.

Jones, of the Staff, submitted a letter (Exhibit "E-2") from Design Properties stating that the property owners had been contacted and had no objections to the proposed addition on the subject property.

9.1.77:243(7)





0 200 400  
Feet



Subject  
Tract

**BOA-22385**

19-14 07

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

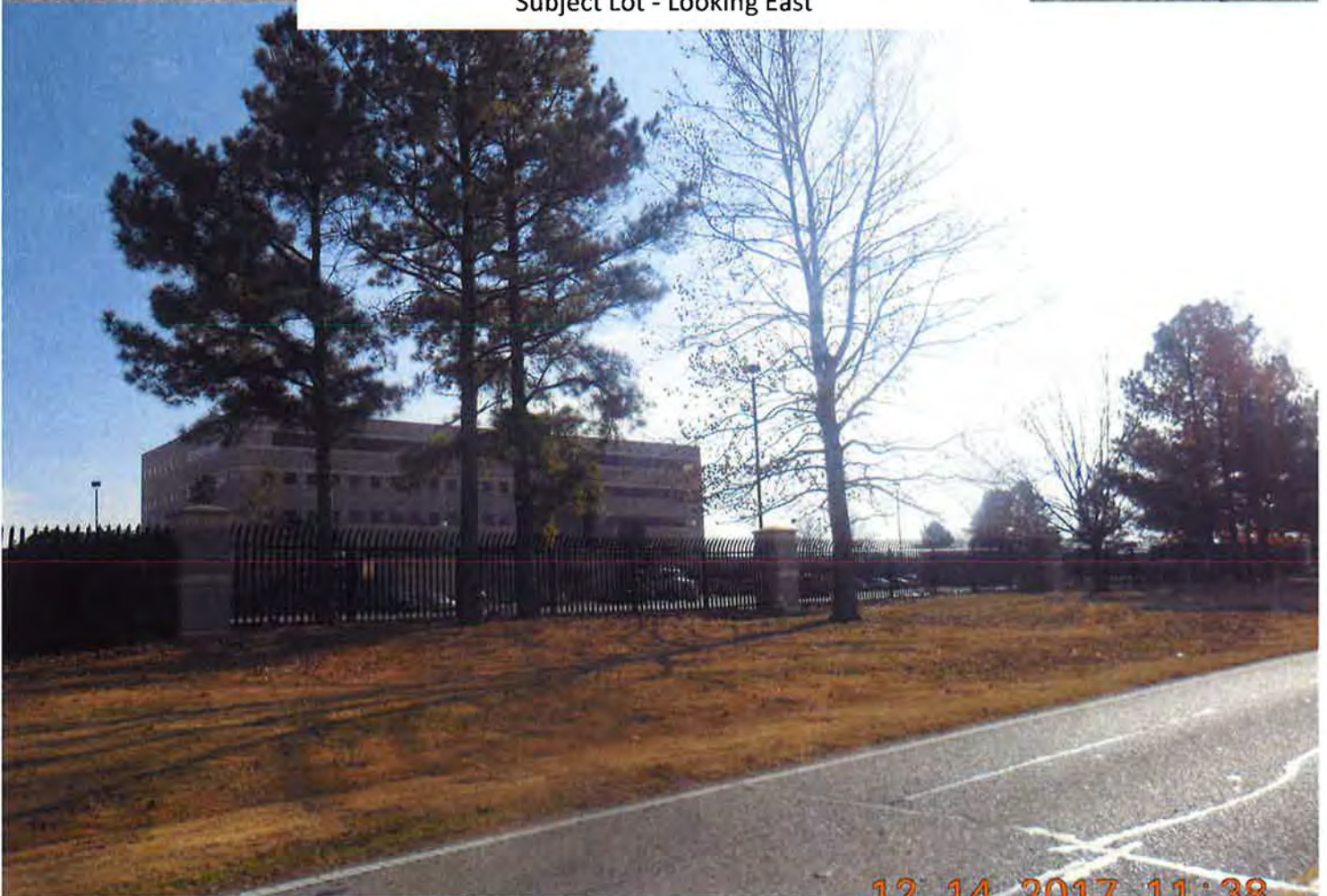
Aerial Photo Date: February 2016







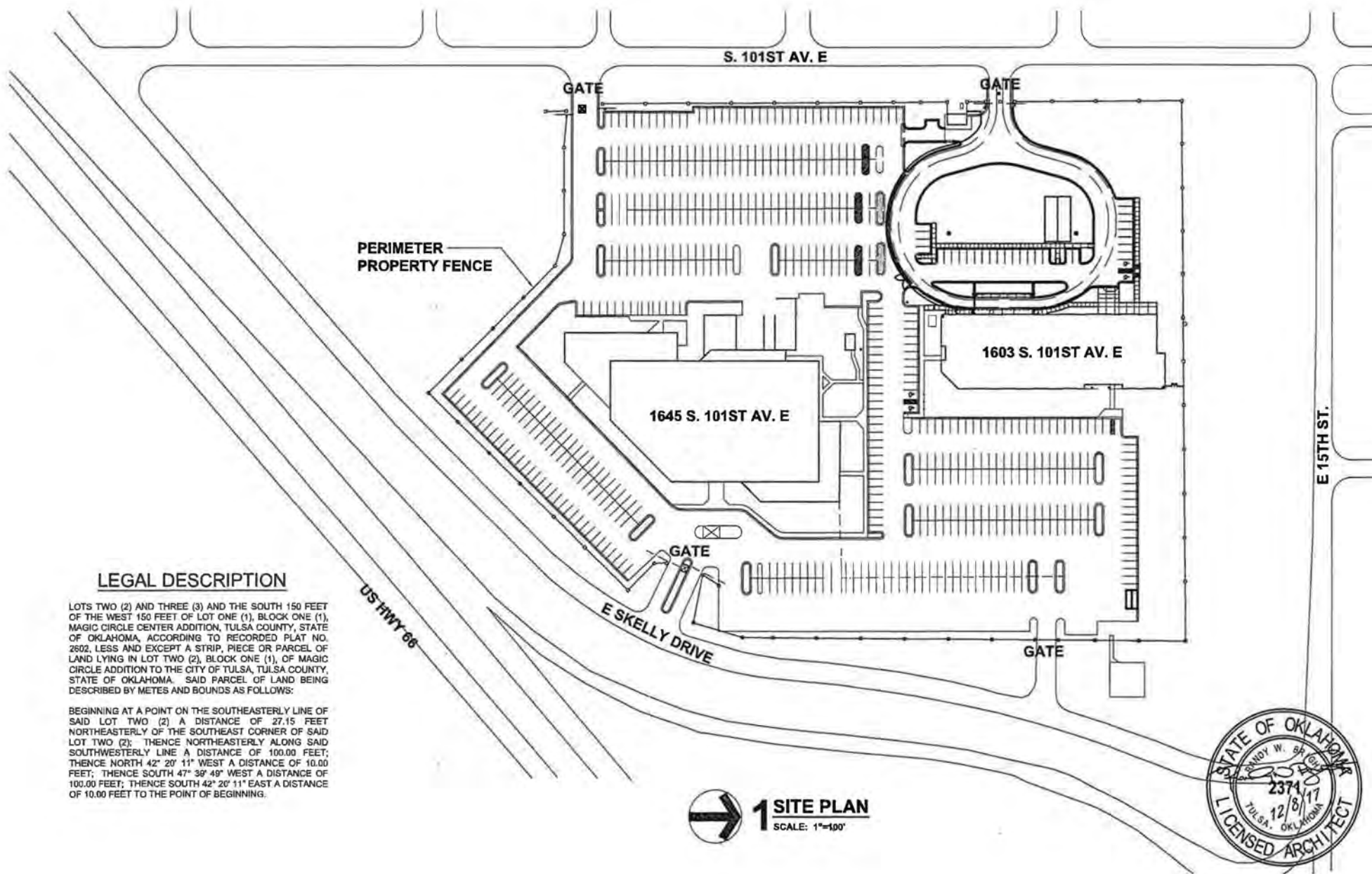
Subject Lot - Looking East



12-14-2017 11:38

11.12





### LEGAL DESCRIPTION

LOTS TWO (2) AND THREE (3) AND THE SOUTH 150 FEET OF THE WEST 150 FEET OF LOT ONE (1), BLOCK ONE (1), MAGIC CIRCLE CENTER ADDITION, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO RECORDED PLAT NO. 2602, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOT TWO (2), BLOCK ONE (1), OF MAGIC CIRCLE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA. SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT TWO (2) A DISTANCE OF 27.15 FEET NORTHEASTERLY OF THE SOUTHEAST CORNER OF SAID LOT TWO (2); THENCE NORTHEASTERLY ALONG SAID SOUTHWESTERLY LINE A DISTANCE OF 100.00 FEET; THENCE NORTH 42° 20' 11" WEST A DISTANCE OF 10.00 FEET; THENCE SOUTH 47° 39' 49" WEST A DISTANCE OF 100.00 FEET; THENCE SOUTH 42° 20' 11" EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.



**1 SITE PLAN**  
SCALE: 1"=100'



E 15TH ST.





RW Bright Architects, Inc.  
1601 S. Main Street, Suite 305  
Tulsa, OK 74119  
918-582-3972  
www.brightarchitects.net

**ICE / ERO**  
**Project # 2016-466**

Friday, December 08, 2017

**To: City of Tulsa**  
**Development Services**  
**Attn: Chuck Lange - Zoning Official / Plans Examiner**  
175 East 2nds Street, Suite 450  
Tulsa, Oklahoma 74103

***LOD Number: 1041776-1***  
***Application NO. 434800***

Excerpt from City of Tulsa - Zoning Code Review / Zoning Clearance Plan Review

**"Sec.15.020 Table 15-2:** *The proposed interior and exterior work at this facility is for a Public, Civic & Institutional/Government Service Use, with accessory weapons storage. This will require a Special Exception approved by the BOA.*

**Review comment:** *Submit a Special Exception, reviewed and approved, by the BOA, per Sec.70.120, to allow a Public, Civic & Institutional/Government Service Use, with accessory weapons storage in the CS zoned district."*

Response to *Review comment:*

*The exterior wall/floor mounted weapons storage cabinet is removed from the exterior and relocated to the interior.*

Respectfully Submitted:

Randy Bright Architects, Inc.  
1601 S. Main St.  
Tulsa, OK 74103

11.14

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918)596-9688  
clange@cityoftulsa.org



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

**LOD Number: 1041776-1**

**November 20, 2017**

**CALVIN BURGESS**  
**DOMINION PROPERTIES**  
**510 AIRPORT RD**  
**GUTHRIE, OK 73044**

**Phone: (405)346-9801**

**APPLICATION NO: 434800** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
**Location: 1603 S 101 AV E**  
**Description: ALTERATION - INTERIOR**

#### INFORMATION ABOUT SUBMITTING REVISIONS

OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

##### REVISIONS NEED TO INCLUDE THE FOLLOWING:

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" **[ X ] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

11.15



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT [WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. 434800

1603 S 101 AV E

November 20, 2017

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

**Sec.15.020 Table 15-2:** The proposed interior and exterior work at this facility is for a Public, Civic & Institutional/Government Service Use, with accessory weapons storage. This will require a Special Exception approved by the BOA.

**Review comment:** Submit a Special Exception, reviewed and approved, by the BOA, per *Sec.70.120*, to allow a Public, Civic & Institutional/Government Service Use, with accessory weapons storage in the CS zoned district.

**NOTE:** The parking requirement shall be established as part of the Special Exception approval (*Table 55-1*).

**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

**A hard copy of this letter is available upon request by the applicant.**

## END – ZONING CODE REVIEW

**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

**ITEM #12:**

**BOA-22373 – BRIAN ADLER**

**NO POSTING OF A SIGN NEEDED FOR THIS  
APPLICATION – REFUND REQUESTED.**



## REQUEST FOR REFUND

### Case No. BOA-22373

The applicant, Brian Adler, 1004 East 17<sup>th</sup> Place, Tulsa, Oklahoma, 74120, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( ) Special Exception ( X )		
Verification ( ) Appeal ( ) Modification ( )		
From the COT BOA ( X ) County BOA ( )		
	Fees Paid	Fees Used
Base Request	\$500.00	500.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	130.00	00.00
300' Property Owners Mailing and Postage	70.00	70.00
<b>Application Subtotal:</b>	760.00	630.00
Notice Subtotal:	760.00	630.00
<b>Total Fees Paid:</b>	760.00	630.00

**Recommended Refund:**

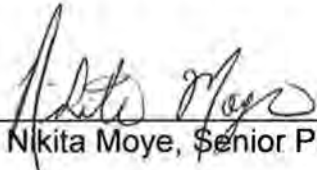
**\$130.00**

The application was withdrawn: yes ( ) no ( X )

**No posting of a sign needed for this application.**

The staff recommends the refund listed above.

Per staff: \_\_\_\_\_

  
Nikita Moye, Senior Planner

**ITEM #13:**

**BOA-22374 – A-MAX SIGN COMPANY**

**NO POSTING OF A SIGN NEEDED FOR THIS  
APPLICATION – REFUND REQUESTED.**



## REQUEST FOR REFUND

### Case No. BOA-22374

The applicant, A-Max Sign Company, Inc., 9520 East 55<sup>th</sup> Place, Tulsa, Oklahoma, 74145, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( ) Special Exception ( X ) Verification ( ) Appeal ( ) Modification ( ) From the COT BOA ( X ) County BOA ( )		
	Fees Paid	Fees Used
Base Request	\$500.00	500.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	60.00
Sign (Special Exception Uses in COT only)	260.00	00.00
300' Property Owners Mailing and Postage	73.00	73.00
<b>Application Subtotal:</b>	893.00	260.00
Notice Subtotal:	893.00	260.00
<b>Total Fees Paid:</b>	893.00	260.00

**Recommended Refund:**

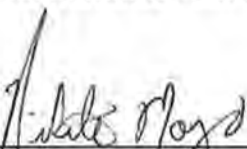
**\$260.00**

The application was withdrawn: yes ( ) no ( X )

**No posting of a sign needed for this application.**

The staff recommends the refund listed above.

Per staff:



Nikita Moye, Senior Planner

**ITEM #14:**

**BOA-22376 – LAYLA JABUR**

**THIS APPLICATION WAS WITHDRAWN BY  
THE APPLICANT – REFUND REQUESTED.**



## REQUEST FOR REFUND

### Case No. BOA-22376

The applicant, Layla Jabur, 1906 East 13<sup>th</sup> Street, Tulsa, Oklahoma, 74104, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance ( ) Special Exception ( X )		
Verification ( ) Appeal ( ) Modification ( )		
From the COT BOA ( X ) County BOA ( )		
	Fees Paid	Fees Used
Base Request	\$250.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	60.00	00.00
Sign (Special Exception Uses in COT only)	130.00	00.00
300' Property Owners Mailing and Postage	85.50	00.00
<b>Application Subtotal:</b>	525.50	00.00
Notice Subtotal:	525.50	00.00
<b>Total Fees Paid:</b>	525.50	00.00

**Recommended Refund:**

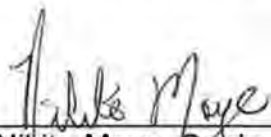
**\$525.50**

The application was withdrawn: yes ( X ) no ( )

**The application was withdrawn by the applicant.**

The staff recommends the refund listed above.

Per staff:

  
Nikita Moye, Senior Planner