

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, January 23, 2018, 1:00 P.M.

Meeting No. 1198

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of January 9, 2018 (Meeting No. 1197).

UNFINISHED BUSINESS

2. **22361—Shaun Schaefer**
Special Exception to allow a Bed and Breakfast (Airbnb) in an RS-3 District (Section 70.120). **LOCATION:** 1602 South Trenton Avenue East (**CD 2**)

Application has been withdrawn by the applicant.

3. **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 41st Street South (**CD 2**)

NEW APPLICATIONS

4. **22384—Martha Thomas**
Special Exception to allow a manufactured home on an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site permanently (Sections 5.020 and 40.120). **LOCATION:** SW/c of East 29th Street North & North Atlanta Avenue (**CD 1**)
5. **22386—Craig Hoster**
Appeal of the Development Administrators determination (Section 70.140). **LOCATION:** 2251 South Rockford Avenue East (**CD 4**)

6. 22387—The Outsiders Museum Association

Special Exception to allow a Public, Civic and Cultural Exhibit/Museum Use in an RM-1 District (Section 5.020); Variance to reduce the building setback from an R-zoned lot (Section 5.030). LOCATION: 731 North Saint Louis Avenue (**CD 1**)

Staff request a continuance to the February 13, 2018 hearing so that additional relief may be properly noticed.

7. 22388—Peter Grant

Variance to reduce the interior setbacks of a detached accessory building; Variance of the minimum open space requirement on a RS-3 zoned lot; Variance to allow more than 30% coverage in the rear setback area to permit a detached accessory building in the rear yard (Sections 5.030 and 90.090). LOCATION: 1743 South Yorktown Avenue (**CD 4**)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

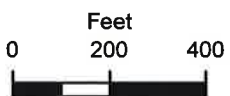
CD = Council District

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.

BOA-22361 – SHAUN SCHAEFER

**THE APPLICATION HAS BEEN
WITHDRAWN BY THE APPLICANT**



BOARD OF ADJUSTMENT CASE REPORT

STR: 9221
CZM: 45
CD: 2
A-P#: 431740

Case Number: **BOA-22377**

HEARING DATE: 01/23/2018 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.

CURRENT STAFF COMMENTS:

The case was heard by the Board on 01.09.18; the applicant requested a continuance to allow additional time to speak with the property owner. Staff has received a letter of opposition that is attached to this case report.

PREVIOUS 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. 41st 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 pemises 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 88% 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



3.8



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



3.9





Street view—W 41 St S

12-14-2017 13:25

City or State	Red Fork Church of God	County	JUSTIN
Address	Tulsa Oklahoma	City	OKLAHOMA
Zip Code	74104	State	OKLAHOMA
Phone	JR	City	OKLAHOMA

Authorized Approval

Date

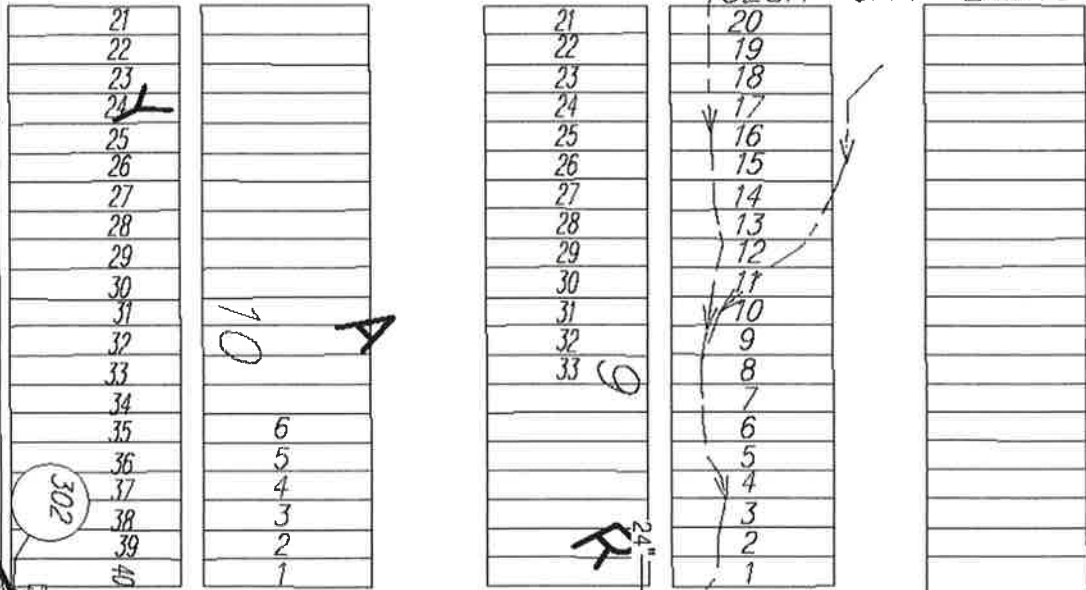


17'00" x 11'00" in

PROJ 681025
FILE X33-1258
DWG 8360

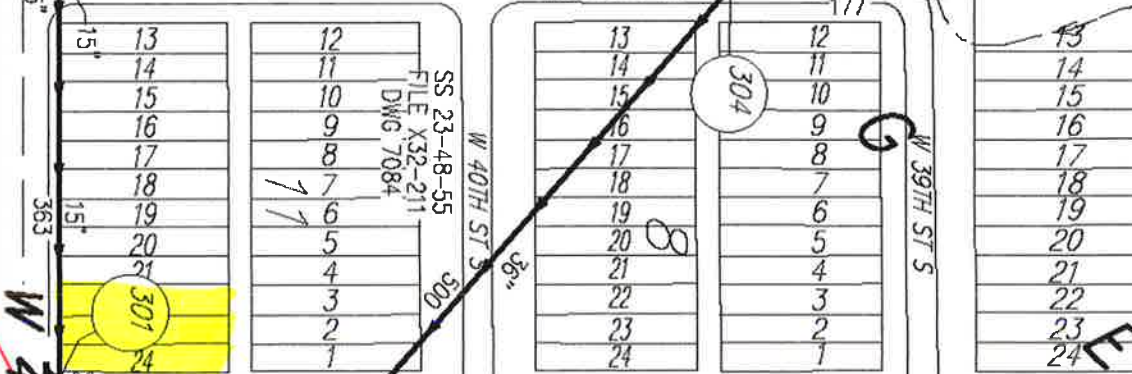
S 37TH W AV

TULSA CITY LIMITS

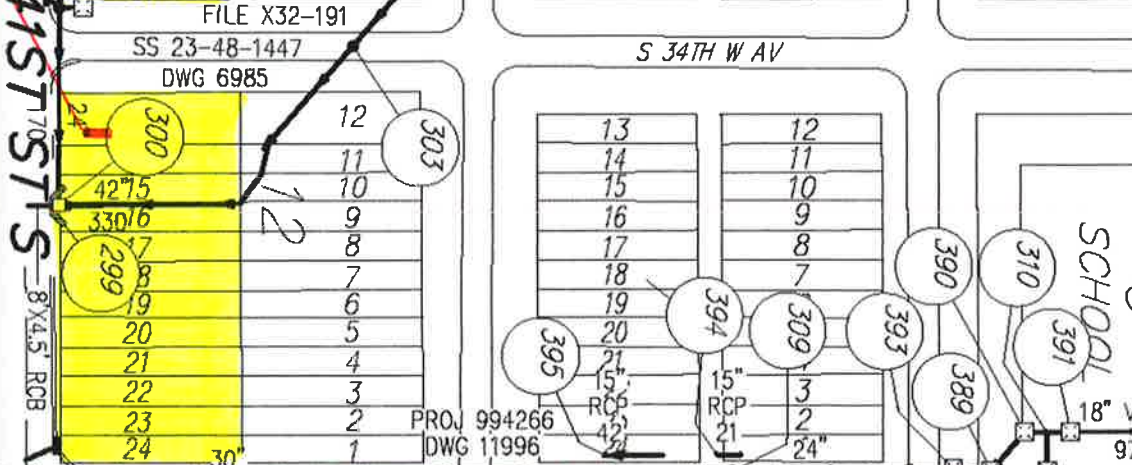


S 35TH W AV

30"



S 34TH W AV



S 33RD W AV

PROJ 994266
DWG 11996

proposed sign
location

Moye, Nikita

From: Madeline Lane <madeline.lane@tulsacc.edu>
Sent: Tuesday, January 09, 2018 1:34 PM
To: esubmit; justin@oilcapitolneon.com; Moye, Nikita
Cc: matiebambambam17@gmail.com
Subject: Case Number: BOA-22377 Objection

Importance: High

Hello, my name is Madeline Lane. I reside in the home next door to the area that case 22377 is for. This action that case 22377 would be causing immense distress for the neighboring homes as the area that it is for is surrounded by residences of working families and children. This is sign as a dynamic display would cause light to spread to the homes in direct area of the sign including my own home residence, and as a college student who needs to sleep at night to be a productive student and one who knows that others in the neighborhood would also feel the same way. I know that the hearing is scheduled for the date (Jan 9) and time that is listed on the notice that was sent to us. The time and date is very inconvenient but I will hope that you take into consideration the residences and more importantly- those who live there and how this sign will affect them. Also, I am aware that as of checking your site that the application has been withdrawn but as there were many people in the parking lot for the area that case 22377, I have reason to believe that it has not. Could you please let me know a decision on this matter? And if the application has been withdrawn?

Thank you for your understanding,
Madeline Lane

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

175 EAST 2nd 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 2nd 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 OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH 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

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. 41st street and the setback from the C/L of E. 41st 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 41st street and a variance to permit the dynamic display sign area be increased from a maximum of 32 square feet to 50 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 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.

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BOA-22384

4.1

20-13 20

BOARD OF ADJUSTMENT CASE REPORT

STR: 0320

Case Number: **BOA-22384**

CZM: 29

CD: 1

A-P#: N/A

HEARING DATE: 01/23/2018 1:00 PM

APPLICANT: Martha Thomas

ACTION REQUESTED: **Special Exception** to allow a manufactured home on an RS-3 zoned lot; **Special Exception** to extend the time limit to allow a manufactured home on the site permanently; Sections 5.020 and 40.120

LOCATION: SW/c E. 29th St. N. & N. ATLANTA Ave

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7139.51 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 4, THE BEN C FRANKLIN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot

BOA 21439; on 6.26.2012 the Board approved a Special Exception to permit a manufactured home on a RS-3 zoned lot; and a Special Exception to extend the time limit from 1 year to allow 5 years; expiring on 6.26.2017.

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

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

STAFF COMMENTS:

The special exception approval in BOA 21439 that permitted the existing manufactured home on the site expired in June 2016. A new 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.

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 permanently.

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 an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site permanently; Sections 5.020 and 40.120

- 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.

granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 8 BLK 5, FELLOWSHIP CONGREGATIONAL CHURCH, LAKEWOOD ADDN
AMD, MEADOW LANE ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF
OKLAHOMA**

FILE COPY

21439—Martha Thomas

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); Special Exception to extend the time limitation from 1 year to permanent (Section 404.E.1). LOCATION: SW/c East 29th Street North and North Atlanta Avenue (CD 1)

Presentation:

Martha Thomas, 4258 Sunglo Parkway, Sand Springs, OK; stated her intentions are to set a three-bedroom, two-bath manufactured home on the property for herself and her son. She has just recently acquired the property next door to the subject property.

Ms. Stead stated that she wished she could vote to approve this request, however, on 30th Street she counted twelve new homes. That indicates the neighborhood is trying to rejuvenate and improve. She personally never likes to place a manufactured home among stick-built homes. She realizes that some of the homes in the neighborhood should be abandoned and destroyed, but when she sees a dozen new homes she cannot vote for a manufactured home to be placed in the neighborhood.

Mr. White asked Ms. Thomas if the manufactured home was a new or used model. Ms. Thomas stated the home was a 1997 model, and has lived in it for the past seven years. Routine maintenance has been performed on the home through the years.

Ms. Thomas told the Board that she is requesting approval of the special exceptions because she and her son are both disabled. There is no public transportation in the area of Sand Springs they are living in, and that creates a hardship for both of them.

Interested Parties:

Charles Langster, 2505 East 29th Street North, Tulsa, OK; stated he lives diagonally across from the subject property and his home is approximately 50 years old. He has spoke with his mother and several neighborhood residents, and nobody objects to the manufactured home being placed on the subject property. The only objection by the majority was the request for the term to be permanent instead of one year. The majority would be agreeable to a five year term with the special exception being revisited at the end of that time, because the neighborhood is changing. The house on the corner of East 28th Street North and North Atlanta is a modular home, which was placed on the property in the early 1960s.

BOA-21439

FILE COPY

Mr. Henke stated the Board had received a letter from Jane Malone, President of the Chamberlain Neighborhood Association.

Rebuttal:

Ms. Thomas stated that the manufactured home has been twice in seven years and has been well kept.

Ms. Stead asked Ms. Thomas if she owned the lot where the manufactured home is proposed to be placed. Ms. Thomas stated that she just recently acquired the property immediately next to it. Her Godmother owns the subject property so in the future it will be hers. Ms. Thomas believes the manufactured would become an asset to the neighborhood because the houses closest to the subject property appear to be abandoned, are in very poor condition and an eyesore. If her request is approved it will create a hardship for her, but this is something she has worked for. If she is allowed to place the manufactured home on the subject property she and her son will have access public transportation relieving one of her worries.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-1-0 (Henke, Tidwell, Van De Wiele, White "aye"; Stead "nay"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); **Special Exception** to extend the time limitation from 1 year to 5 years from today's date (Section 404.E.1), 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. This approval is subject to the site plan on page 7.6 with a time limit of 5 years from today's date of June 26, 2012; for the following property:

LT 1 BLK 4, THE BEN C FRANKLIN ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21440—Shaw Homes, Inc.

Action Requested:

Variance to increase maximum surface area of all-weather material from 34% to 36% in the RS-3 district (Section 1303.D). **LOCATION:** 4102 South 181st East Avenue (CD 6)

Presentation:

Glen Shaw, 1420 West Kenosha Street, Broken Arrow, OK; stated this is a large cul-de-sac lot with a narrow front, and the covenant require two parking spaces on the



0 200 400
Feet



Subject
Tract

BOA-22384

20-13 20

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

Aerial Photo Date: February 2016





0 50 100
Feet



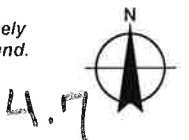
Subject
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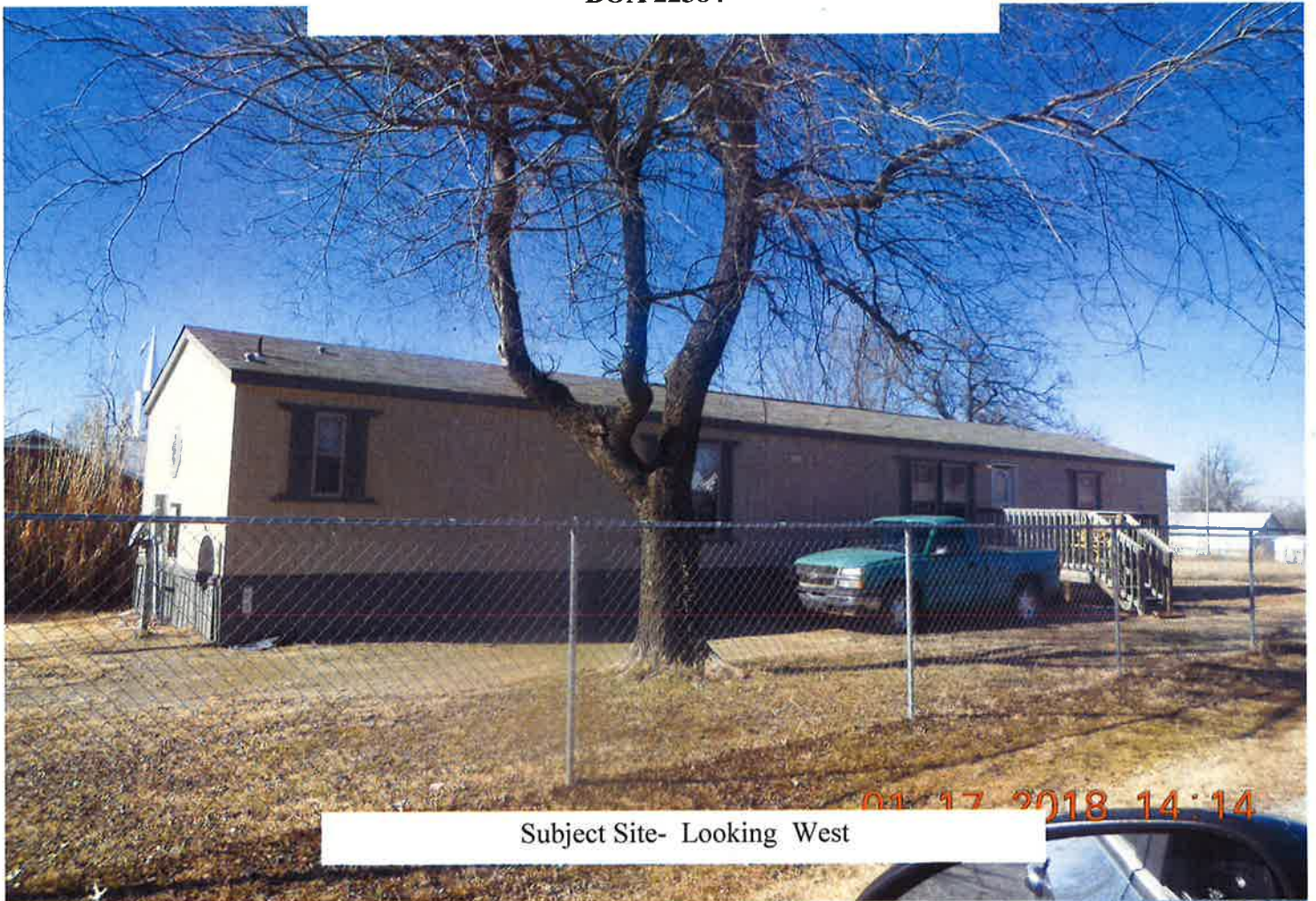
BOA-22384

20-13 20

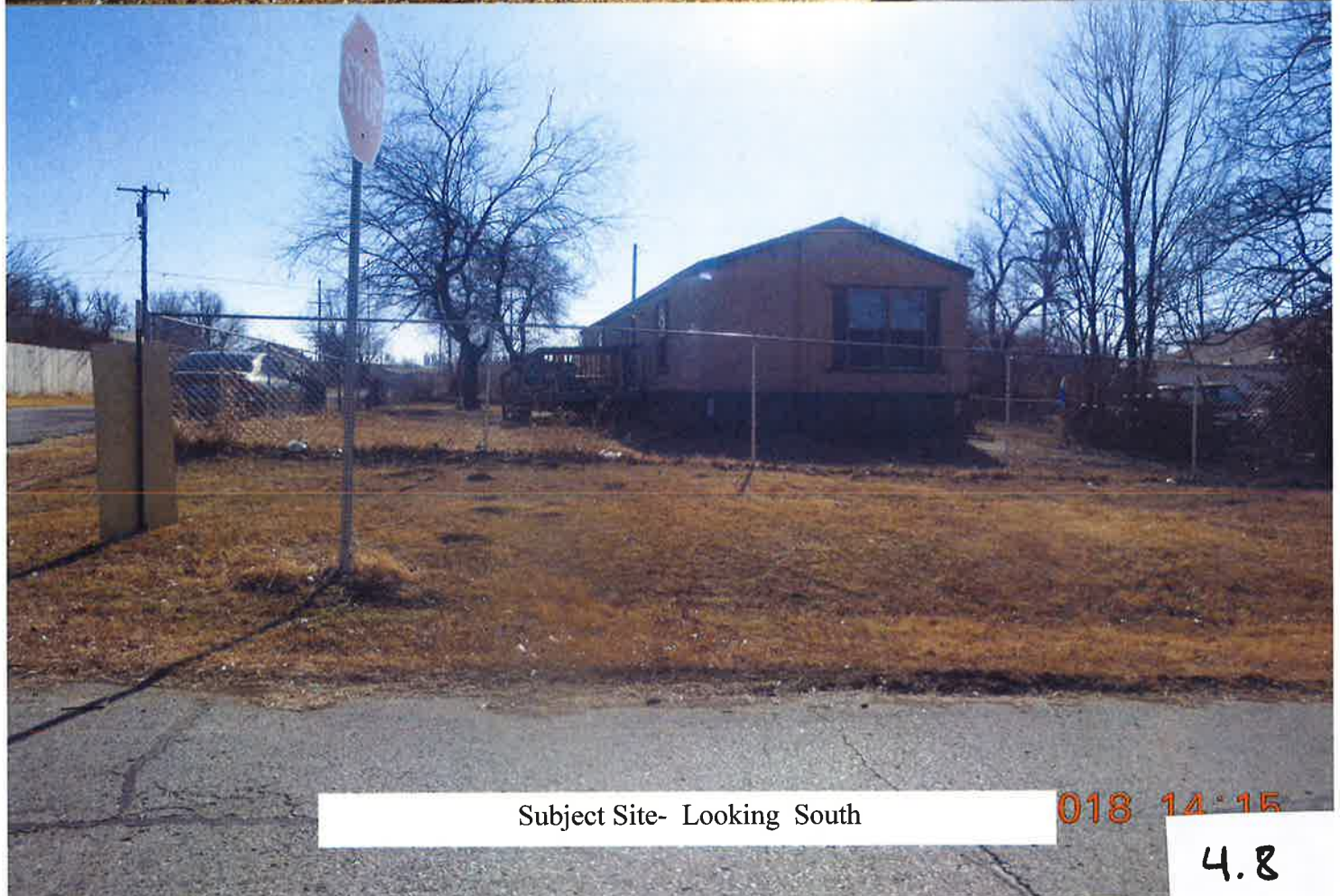
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016

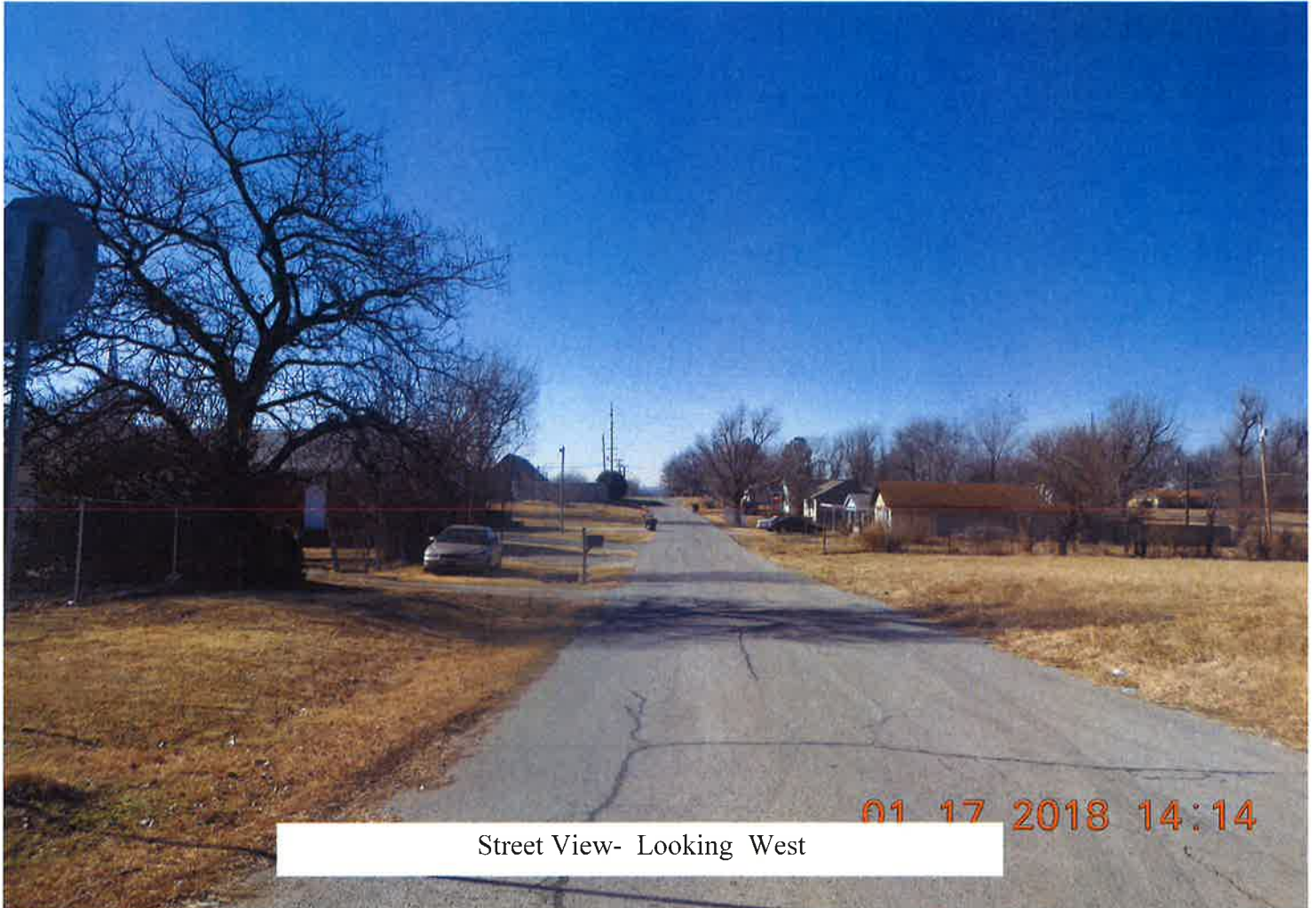




Subject Site- Looking West



Subject Site- Looking South



Street View- Looking West



Neighborhood Investigations
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: December 11, 2017

Scott Beatrice
441 6th Street
Richmond, CA 948801

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **LT 1 BLK 4, The Ben C Franklin Addition**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **2820 N ATLANTA AVE**

Consisting of: (Official Ordinance Cited Information (if any) is on reverse.)

Title 42, Chap. 70, Sect. 080, A,
Title 42, Chap. 85, Sect. 020,
Title 42, Chap. 85, Sect. 030,
Title 42, Chap. 85, Sect. 040,
Title 42, Chap. 85, Sect. 040, A,

This Violation requires:

On June 26, 2012 the Board of Adjustment approved a 5 year Special Exception to permit a manufactured home in a RS-3 zoned district. As of today you have not removed the mobile home or obtained additional relief by first applying for a new Zoning Clearance Permit with the City of Tulsa and or obtained a new Special Exception from the Board of Adjustment. Failure to comply with this notice within 10 days by either removing the mobile home to a lawful location or obtaining the proper permits and exception to keep the mobile home at this location will lead to citations being issued.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED \$1,000.00 PER DAY. You may appeal the administrative official's decision within 10 DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

Complaint No: 120160

TIM MILLS
Neighborhood Inspector
(918)576-5694 Office phone
918-576-5468 Fax

Meetings with Inspectors require a scheduled appointment.

CITY HALL AT ONE TECHNOLOGY CENTER
175 E. 2nd Street, Suite 590 • Tulsa, OK 74103
www.cityoftulsa.org

A copy of this notice has also been sent to (if applicable):

Jonathan Dixon or Current Occupant
2820 N. Atlanta Ave
Tulsa, OK 74110

**Title 42, Chap. 85, Sect. 030,
Section 85.030 Continuing Violations**

Each day that a violation continues constitutes a separate violation of this zoning code.

**Title 42, Chap. 70, Sect. 080, A.
Section 70.080 Zoning Clearance and Platting Requirements
70.080-A Applicability**

Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot.

**Title 42, Chap. 85, Sect. 020,
Section 85.020 Violations**

Unless otherwise expressly allowed by this zoning code or state law, any violation of a provision of this zoning code—including any of the following—are subject to the remedies and penalties provided for in this zoning code.

85.020-A To use land, buildings or other structures in any way that is not consistent with the requirements of this zoning code;

85.020-B To erect a building or other structure in any way not consistent with the requirements of this zoning code;

85.020-C To install or use a sign in any way not consistent with the requirements of this zoning code;

85.020-D To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning code without obtaining such required permits or approvals;

85.020-E To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under this zoning code or under previous zoning codes of the city in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;

85.020-F To violate the terms of any permit or approval granted under this zoning code or under previous zoning codes of the city or any condition imposed on the permit or approval;

85.020-G To obscure, obstruct or destroy any notice required to be posted under this zoning code;

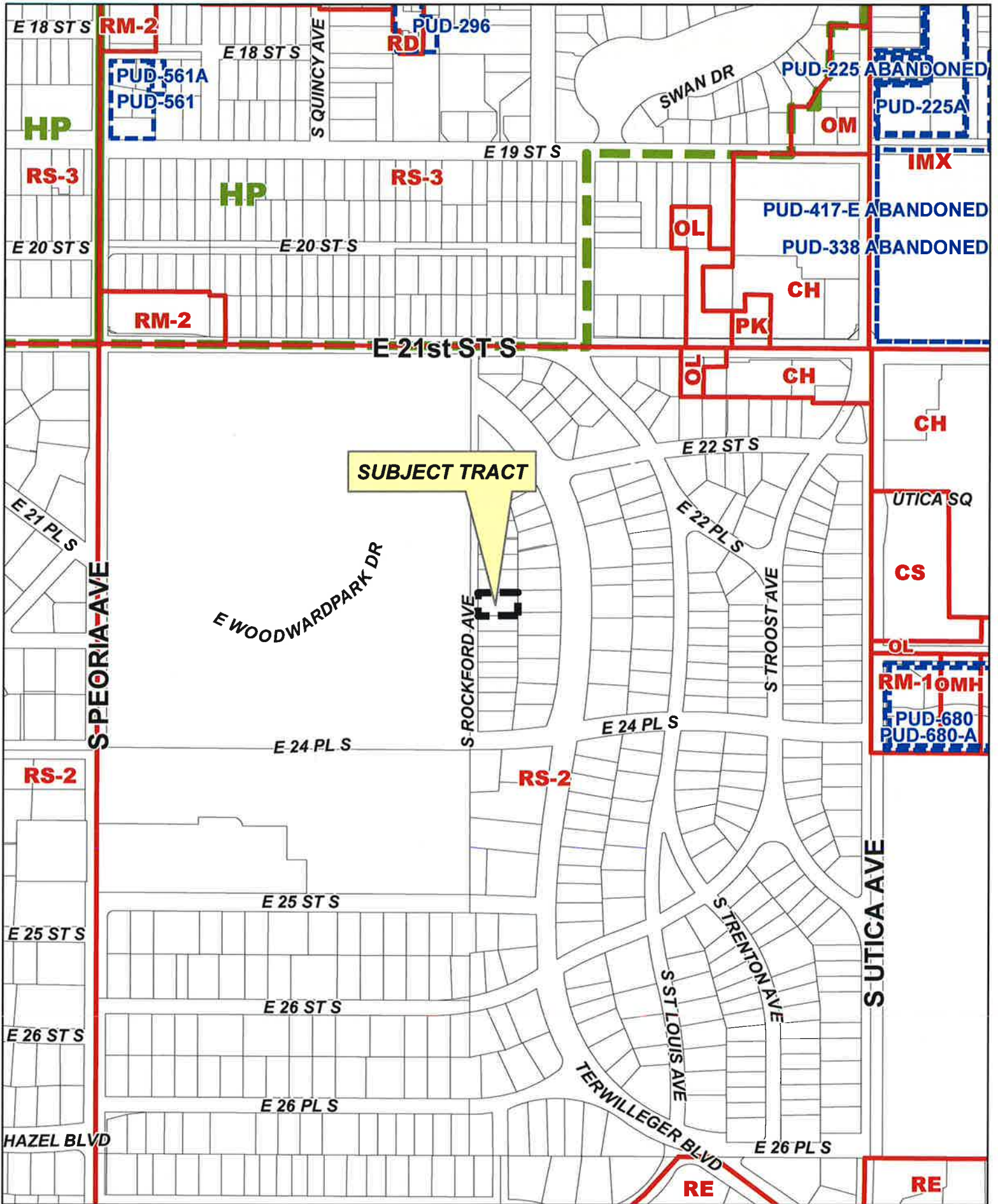
85.020-H To violate any lawful order issued by any authorized public official; or

85.020-I To continue any violation after receipt of notice of a violation.

**Title 42, Chap. 85, Sect. 040,
85.040-A Fines**

Any person violating any provisions of this zoning code or failing to comply with any of its requirements may be deemed guilty of a misdemeanor punishable by a fine of not more than \$1,200.00 or by imprisonment not exceeding 6 months, or by both fine and imprisonment.

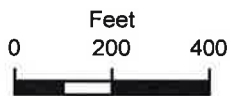
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SUBJECT TRACT

BOA-22386

5.1



19-13 18



BOARD OF ADJUSTMENT CASE REPORT

STR: 9318

Case Number: **BOA-22386**

CZM: 37

CD: 4

A-P#: NA

HEARING DATE: 01/23/2018 1:00 PM

APPLICANT: Craig Hoster

ACTION REQUESTED: Appeal of the Development Administrators determination (Section 70.140).

LOCATION: 2251 S ROCKFORD AV E

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 6499.18 SQ FT

LEGAL DESCRIPTION: S1/2 LT 8 ALL LT 9 BK 3, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Subject Lot:

BOA 22150 Administrative Adjustment; on 10.26.16 the Land Use Administrator **approved** a administrative adjustment to reduce the required front setback from 30' to 25' to permit an enclosed entryway (Section 5.030 and 70.140)

BOA 22150; on 10.27.16 the Board **approved** a variance to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north (Section 55.080).

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-2 zoned residences on the east, north and south. S Rockford Ave and Woodward parks abuts the site on the west.

STAFF COMMENTS:

In October 2016, applications BOA 22150 and BOA 22150-Administrative Adjustment were approved per conceptual plan, see the attached minutes. When construction began in 2017 the approved conceptual plan had been revised, to move the bump-out (bay-window) to the southeast corner of the proposed house (**see Figure 1**). After reviewing the revised plan, the Development Administrator determined that the construction plans/permits, and actual construction are consistent with the conceptual plan submitted in BOA 22150.

The applicant is appealing the Development Administrators determination. The applicant has provided the Board with comments and documentation (**see Exhibit A**).

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.

FILE COPY

22150—Eller & Detrich – Lou Reynolds

Action Requested:

Variance to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north (Section 55.080-A); Variance of the required front setback from 30 feet to 25 feet to permit an enclosed entryway in the RS-2 District (Section 5.030-A). **LOCATION:** 2251 South Rockford Avenue East (CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Max and Laura Mantooth who recently purchased the subject property. Mr. Reynolds stated that the second Variance request regarding the front setback can be met with administrative relief under the new Code so he is withdrawing the second Variance request at this time. On the east side of Rockford almost all of the lots have 50 feet of frontage and RS-2 has a 75 foot frontage. Interestingly the subject property and the lot to the north they are both 75 feet because they are a lot and a half because the two home owners purchased the lot between the two houses and split that lot. The subject property shares a driveway with the house to the south and they have an agreement to purchase an easement for 12'-6". The existing house is approximately 18 feet from the north edge of the easement. The home owners are also in the process of negotiating the right of first refusal to purchase the neighboring house. All the lots were platted in 1923 and on the west side of Terwilleger all the lots are 75 and 100 foot lots which makes for an interesting mix. Mr. Reynolds presented sketches on the overhead projector of the proposed house. Mr. Reynolds stated the hardship is the age of the neighborhood which dates back to 1923, the size of the lots and the additional 25 feet from the existing house to the north and the subject house. The plans are to raze the existing house and build a new one with a detached garage in the rear with a shared driveway for access. This is an unusual situation with the 75 foot lots and they have been in existence for a long time.

Mr. Van De Wiele asked Mr. Reynolds if he understood correctly that the driveway would be a shared driveway. Mr. Reynolds answered affirmatively.

Mr. Swiney asked Mr. Reynolds how close his clients were to finalizing the driveway easement. Mr. Reynolds stated that it is being negotiated and what the Board has before them is a draft of it. Mr. Swiney asked Mr. Reynolds if he thought it would go through. Mr. Reynolds answered affirmatively. Mr. Swiney asked Mr. Reynolds if the easement agreement would be recorded once it is finalized. Mr. Reynolds answered affirmatively pending this Board's approval.

Interested Parties:

There were no interested parties present.

FILE COPY

Comments and Questions:

BOA-22150

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north (Section 55.080-A), subject to the conceptual plan submitted today. The approval is also subject to the recordation of the driveway easement. The Board determines that the following facts, favorable to the property owner, have been established:

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

S1/2 LT 8 ALL LT 9 BK 3, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

18V

OWNER	
DATE	
PROJECT	
LOT	
SECTION	
TOWNSHIP	
RANGE	
WARRANTY	

AREA	
LOT AREA	
RESIDENCE	
COVERED PORCH	
GARAGE	
OFFICE AREA	

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 2-2150
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10-25-16
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

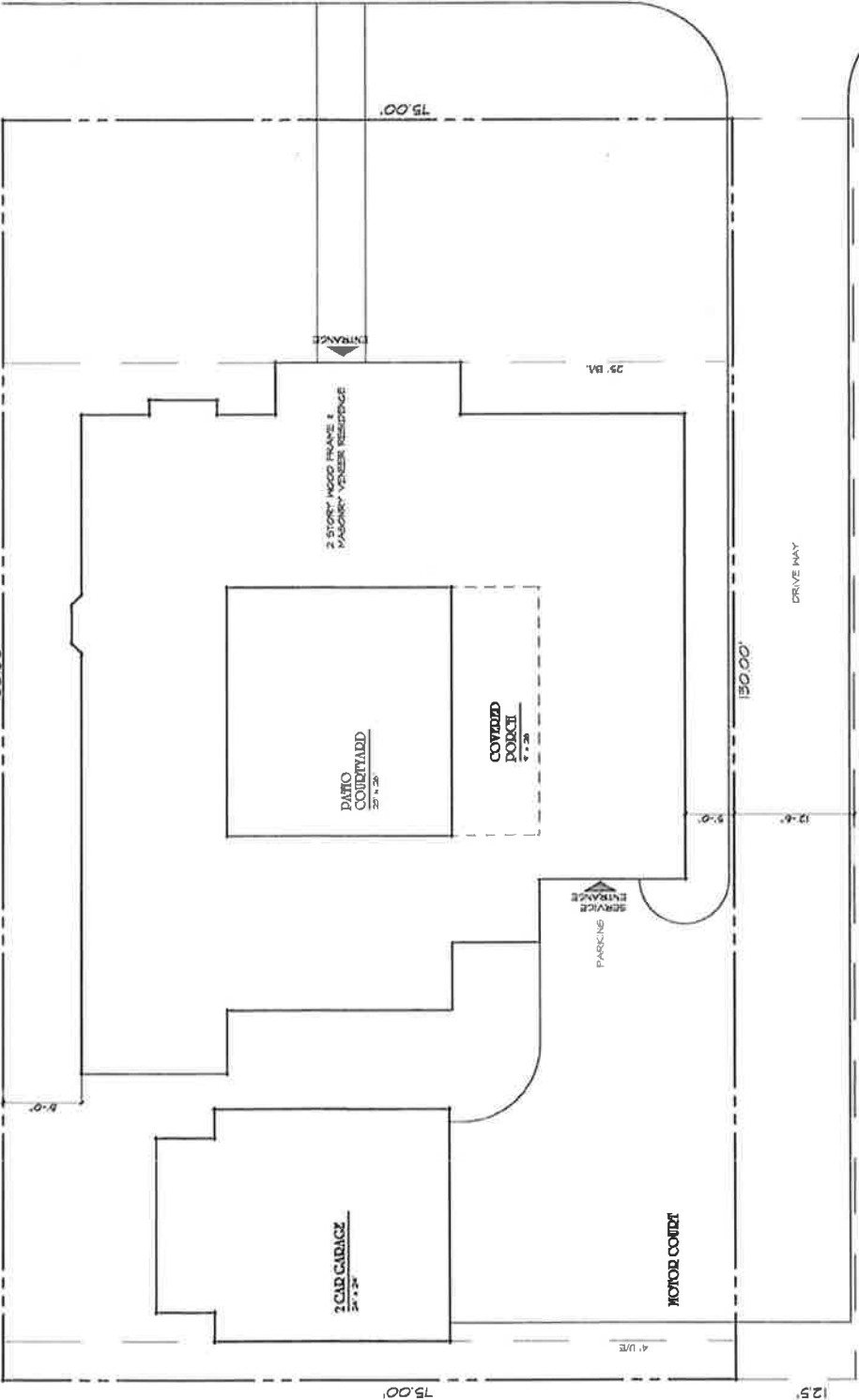
AREA TABULATIONS

LOT AREA	9750 SF
RESIDENCE	2940
COVERED PORCH	291
GARAGE	521
OFFICE AREA	6090 SF



SITE PLAN

BOA-22150



Borlan Properties
Contractor Management
Michael R. Borlan
Design/Builder
2251 S. Maple Ave.
Tulsa, Oklahoma 74107
(918) 586-2820

The Mantooth Residence
2251 S. Rodford Ave
Tulsa, Oklahoma



Regional Partners — Regional Solutions

2 West Second Street Suite 800 | Tulsa, OK 74103 | 918.584.7526 | www.INCOG.org

10/26/2016

Lou Reynolds
2727 E. 21st St.
Tulsa, OK 74114

RE: BOA 22150 (Administrative Adjustment)
Address: 2251 S Rockford Ave

Mr. Reynolds:

Upon examination the land use administrator has **APPROVED** your request to reduce the required street (front) setback from 30' to 25' in the RS-2 district (**Section 70.100-B and Section 5.030-A**). The approval is per the attached conceptual plan; for the following property:

S1/2 LT 8 ALL LT 9 BK 3, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, and State of Oklahoma

The land use administrator has made the following findings:

The proposed 25' street (front) setback will permit construction of a new house that is keeping with the general purpose and intent of zoning code regulations and with the general purpose and intent of the comprehensive plan. In addition, the requested administrative adjustment will not have a substantial adverse effect upon adjacent properties, the character of the neighborhood, public health or the safety and general welfare.

You will need to print this letter and insert it into your permit package for submittal to the City. If you have previously submitted plans to the permit office then you will need to submit two sets at a legible size for a revision to your permit package.

This letter shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the proposed construction and proposed use of the subject lot.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikita Moyer", is written over the printed name.

Nikita D. Moyer
City of Tulsa Board of Adjustment Administrator

Boulton Properties
Construction Management
Michael R. Boulton
Design/Builder
2879 S. Nevada Ave.
Tulsa, Oklahoma 74127
(918) 284-2299

9809 S. Woodlawn Ave.
Tulsa, Oklahoma 74127
(918) 266-1279

CLERK'S SIGNATURE _____

**The
Mantooth
Residence**

1999

DRAWING BY:
Professional Services
2000 E 80TH STREET
TULSA, OK
4400000004

Appendix A

100

© 2004 Blackwell Publishing Ltd

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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FILE NAME

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Feet



Subject
Tract

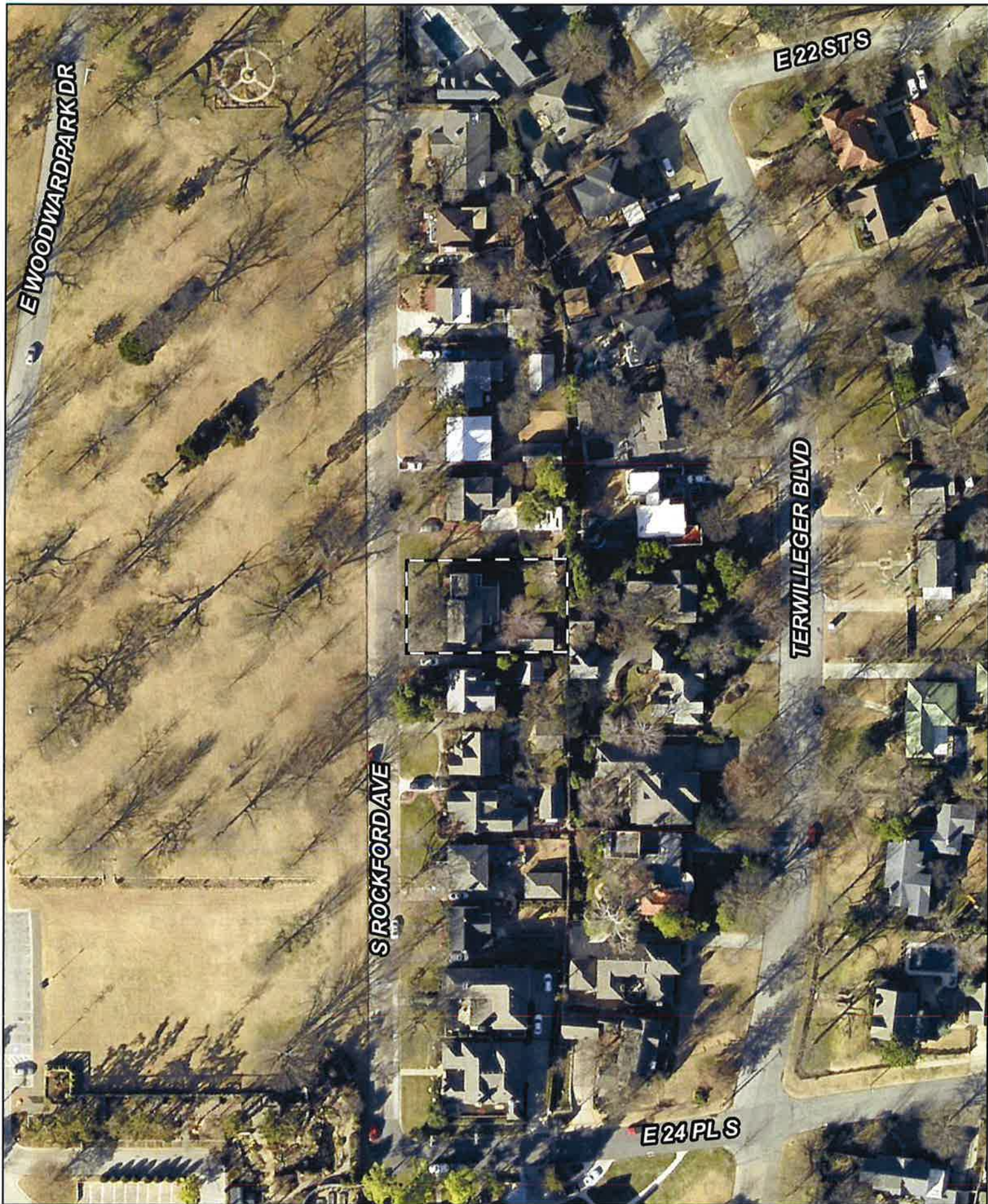
BOA-22386

19-13 18

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

Aerial Photo Date: February 2016





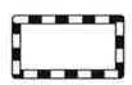
EWOODWARDPARKDR

E22STS

TERWILLIGERBLVD

SROCKFORDAVE

E24PLS



Subject
Tract

BOA-22386

19-13 18

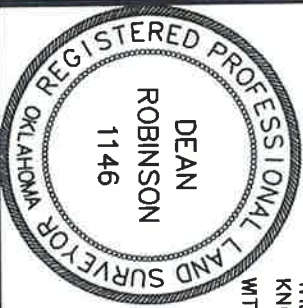
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

5.10



FILE: 1913.1800 WO#: 17833.02 DATE: 11/2017



Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE DIMENSIONS SHOWN HEREON ARE BASED ON MEASUREMENTS TAKEN IN THE FIELD AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

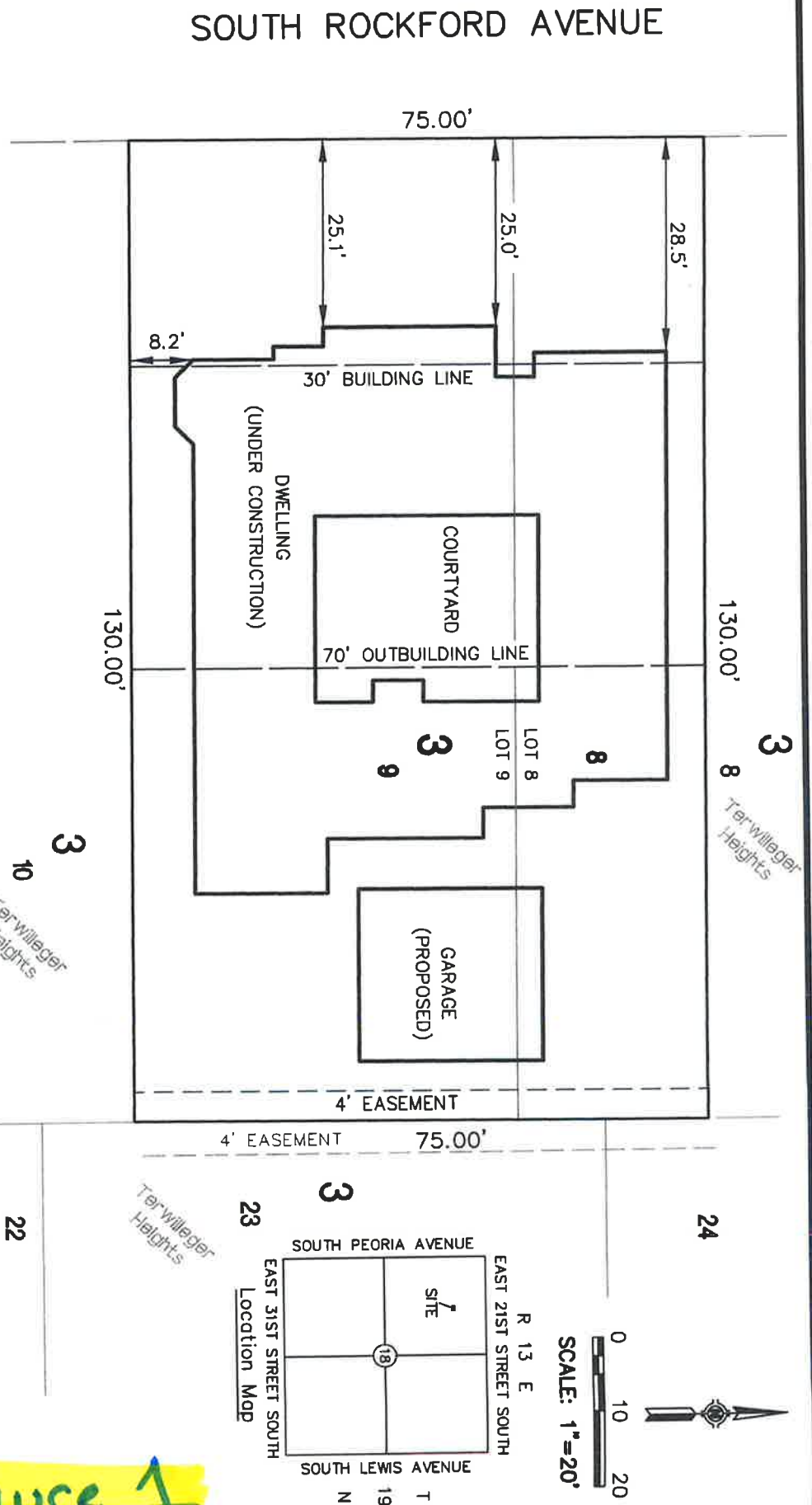
WITNESS MY HAND AND SEAL THIS 28TH DAY OF NOVEMBER, 2017.

SISEMORE WEISZ & ASSOCIATES, INC.
BY: *[Signature]*
DEAN ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1146



Sisemore Weisz & Associates, Inc.
611 EAST 32ND PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421
PHONE: (918) 805-3600
FAX: (918) 805-8686
EXP. DATE 10/30/18

Exhibit



Moye, Nikita

Subject: FW: Mantooth Residence 2251 S. Rockford Tulsa< Ok

From: Ho, Yuen [<mailto:Yuenho@cityoftulsa.org>]

Sent: Tuesday, December 05, 2017 8:12 AM

To: craig.hoster@crowedunlevy.com

Cc: VanValkenburgh, Janine <jvanvalkenburgh@cityoftulsa.org>; Edmiston, Bob <REdmiston@cityoftulsa.org>; Warrick, Dawn <DWarrick@cityoftulsa.org>; Malugani, Steve <SMalugani@cityoftulsa.org>; Bradley, Phil <PBRADLEY@cityoftulsa.org>; Taylor, Jeff <JSTaylor@cityoftulsa.org>; Moye, Nikita <nmoye@incog.org>; Miller, Susan <SMiller@incog.org>; Kolibas, Robert <RKolibas@cityoftulsa.org>

Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Mr Hoster:

In response to the questions you posed in your letter of December 1, 2017, according to the field measurements provided by the owner's surveyor, the approved construction plans/permits and the actual construction are consistent with the conceptual plan submitted to the Board of Adjustment.
Section 170.040 of the Tulsa Zoning Code provides for appeals of administrative decisions.

Yuen Ho
Building Official

From: Craig W. Hoster [<mailto:craig.hoster@crowedunlevy.com>]

Sent: Friday, December 01, 2017 5:09 PM

To: Ho, Yuen

Cc: VanValkenburgh, Janine; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; Nikita D. Moye, AICP (nmoye@incog.org); Miller, Susan (SMiller@incog.org)

Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Mr. Ho,

The response to your below email is attached. Thanks.

-Craig Hoster



Craig W. Hoster
Attorney at Law

500 Kennedy Building
321 South Boston Avenue
Tulsa, OK 74103

direct line: 918.592.9870
direct fax: 918.599.6355
craig.hoster@crowedunlevy.com
v-card · bio · website

This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

From: Ho, Yuen [<mailto:Yuenho@cityoftulsa.org>]

Sent: Tuesday, November 28, 2017 3:57 PM

To: Craig W. Hoster

Cc: VanValkenburgh, Janine; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; Nikita D. Moye, AICP (nmoye@incog.org); Miller, Susan (SMiller@incog.org)

Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Mr Hoster:

We received a survey from the builder today, and this is what I found.

First, what we approved per the plans submitted for permit:

The site plan submitted by the builder showed a setback of 25 feet from the front lot line to the proposed house. This is over at the west side of the lot, fronting S Rockford Ave.

The site plan also showed the south-east corner of the proposed house at 8 feet 2 inches perpendicular distance from the south lot line. The edge of the bay window wall at the south-west corner is proposed to be 5 feet 10 inches from the south lot line, as shown, in perpendicular distance.

Thus, the approved site plan established the three proposed physical dimensions.

The Tulsa Zoning Code sets the requirement for a minimum building setback of 30 feet for lots fronting a street that is not a freeway or an arterial, and 5 feet for an interior side lot line in a RS-2 District, per Table 5-3. See also Figure 90-3 for Street Setback Measurement.

You had previously referred to a Board of Adjustment approval of a conceptual plan of October 25 2016, Case #22150 filed by Eller & Detrich for 2251 S Rockford Ave (the subject property). Two variance requests were filed: the first being to seek a variance to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north; the second being to permit the required front setback from 30 feet to 25 feet to permit an enclosed entryway. The Board action on Oct 25 2016 was to approve the first variance with a requirement for the applicant to record a driveway easement agreement. The second variance was withdrawn by the applicant.

On Oct 26 2016, the front setback was administratively approved to reduce from 30 feet to 25 feet.

The survey that we received today depicts the distances from the front west lot line to the enclosed vestibule foundation to be 25 feet at the north corner and 25.1 feet at the south corner. The survey also depicts distance of 8.2 feet from the south-west corner of the proposed building to the south lot line. The approved drawing depicts the bay window projecting 2 feet 4 inches beyond the south-west corner of the proposed building; in effect, according to the survey, the edge of the bay window purports to be $8.2 - 2.3 \text{ feet} = 5.9 \text{ feet}$ from the side lot line.

Based on the information at hand, the required street building setback is 25 feet by administrative approval, and the required side setback is 5 feet per table 5-3.

The survey shows the structure street setback at 25 feet, and the side setback potentially at 5.9 feet.

It is my conclusion that currently available data indicate that plans were appropriately approved per code setbacks, and that construction is compliant with the approved plans and Tulsa Zoning Code setbacks.

Yuen Ho
Building Official

From: Craig W. Hoster [<mailto:craig.hoster@crowedunlevy.com>]

Sent: Wednesday, November 22, 2017 9:58 AM

To: Ho, Yuen

Cc: VanValkenburgh, Janine

Subject: Re: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Thank you and have a good Thanksgiving.

I can tell you the bump-out (not a bay window) at the SW corner of the structure is closer than 8 feet to my driveway, which is inconsistent with what was told the neighbors and the Board of Adjustment (see conceptual site plan submitted to the BOA).

Sent from my iPhone

On Nov 22, 2017, at 8:54 AM, Ho, Yuen <Yuenho@cityoftulsa.org> wrote:

Mr Hoster:

We are still waiting for official survey from project site to verify location of built structure. Will keep you informed.

From: Bradley, Phil
Sent: Wednesday, November 22, 2017 8:20 AM
To: Ho, Yuen
Subject: FW: Mantooth Residence 2251 S. Rockford Tulsa< Ok

A response from survey company. They informed Curtis this will be done next week.

From: Blevins, Curtis
Sent: Wednesday, November 22, 2017 8:16 AM
To: Bradley, Phil
Subject: Fwd: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Sent from my iPhone

Begin forwarded message:

From: David Deatherage <ddeatherage@sw-assoc.com>
Date: November 22, 2017 at 8:13:54 AM CST
To: "cblevins@cityoftulsa.org" <cblevins@cityoftulsa.org>
Cc: Shawn Collins <scollins@sw-assoc.com>
Subject: Mantooth Residence 2251 S. Rockford Tulsa< Ok

We have done the field work and reviewed. It is in Drafting to draw an Exhibit. Thanks

David L. Deatherage
Director of Construction Surveying
<image001.png>
SIEMORE WEISZ & ASSOCIATES, INC.
ENGINEERING • LAND SURVEYING
LAND PLANNING • 3D SCANNING
6111 EAST 32nd PL. TULSA, OK 74135
(918) 665-3600 Ext.12 Office
(918) 665-8668 Fax
ddeatherage@sw-assoc.com
www.sw-assoc.com

EXHIBIT A

EXHIBIT A

This is an appeal of an administrative decision pursuant to Section 70.140 of the Zoning Code. I believe there has been an error in the decision and determination by Mr. Yuen C. Ho and his department in the interpretation and enforcement of this Board's decision in BOA-22150 and the Zoning Code.

Mr. and Mrs. Max Mantooth purchased the residence at 2251 S. Rockford Ave. Our home is the closest residence to the south. The owners had the house completely torn down and then sought two variances from the Board of Adjustment ("BOA") for the construction of a new residence.

As part of the process of obtaining the two variances, the owners discussed in specific detail what they intended to build under the direction of their Designer/Builder. My wife and I had several conversations with the owner. The owner said they would build a house that would "fit in" with the neighborhood. The owner told my wife the house would be approximately 3000 square feet; he told me it would be approximately 3200 square feet. We believed that size house would fit in with the existing residences on Rockford Ave.

I told the owner that I was opposed to any structure that was closer to my home than the former residence, which was about ten feet from my property line. The owner assured both my wife and me that his house would not be closer to our house than the former structure was.

On October 3, 2016, the owner e-mailed my wife and me the floor plan the Designer/Builder had prepared for the construction of the new house. The e-mail represented that there would be approximately ten feet from the south side of the new house to our driveway (which is the property line). It is also important to note that the building plan dated September 26, 2016 attached to the October 3, 2016 e-mail does not indicate any bump-out (or bay window) at or near the southwest corner of the house.¹

Based upon the representations and promises made by the owners and the Designer/Builder in the fall of 2016, my wife and I sent a letter to the BOA stating that we had no objection to the variances requested by the owners.² This approval letter set forth several of the representation and promises made to us by the owner and the Designer/Builder and further states our understanding of what the owner and Designer/Builder told us they intended to do. We relied on the promises and representations made to us when we wrote and delivered the approval letter. Further, if we had not received these assurances, we would have objected to the building of the new structure at 2251 S. Rockford.

I do not know what was represented to the BOA by the owners' attorney but it is abundantly clear from an examination of the file in BOA-22150 that an important document was the site plan (often referred to as the conceptual plan). This plan was submitted to the BOA by the owners and the Designer/Builder to obtain the variances. Indeed, there are multiple copies of

¹ See Exhibit B to "Exhibit 4" attached hereto.

² See "Exhibit 3" attached hereto.

the conceptual site plan in the BOA file and the BOA Administrator (who approved one variance) and the BOA (who approved the other variance) stated that the approvals were per the conceptual plan and subject to the conceptual plan submitted.

Construction of the new structure started months later in 2017 after building permits were requested and received from the City. The problem with the issuance of the permits and the construction is that the site plan submitted to the BOA and the neighbors is different from the site plan submitted by the Designer/Builder to the City to obtain the building/construction permits. The building permits and the construction, which is ongoing, are not consistent with the site plan advanced by the owners and Designer/Builder in the fall of 2016 to obtain the approval of the neighbors and the BOA of the variances requested and received.³

Soon after my wife and I noticed that the construction of the residence next door was materially different than what had been represented/promised to us, we raised this issue with the owner and the Designer/Builder.⁴ They, however, were unwilling to correct the problem. The Designer/Builder stated that the 2016 plans were "preliminary." Even though he acknowledged that the 2016 site plan was different from the 2017 site plan, the Designer/Builder did not request an amendment of the application for the variances pursuant to Section 70.130-K of the Zoning Code.

After it became apparent that the owner was not going to conform the construction to the site plan he used to obtain the variances, I contacted Mr. Ho in the City's permitting department to protest the ongoing construction north of my home. Mr. Ho and his department promptly investigated my concern but ultimately offered no relief.

The principal issue and question I asked Mr. Ho to answer was: "Are the 'approved' construction plans/permits and the actual construction consistent with the conceptual plan submitted to the Board of Adjustment?"⁵ On December 5, 2017, Mr. Ho responded via e-mail that the construction permits issued and approved by the City are consistent with the conceptual site plan relied on by the BOA to grant the variances.⁶ Consequently, Mr. Ho was unwilling to take any action to remedy the situation. It is from Mr. Ho's determination that I appeal.

Attached as "Exhibit 1" to this Exhibit A is a true and correct copy of the conceptual site plan submitted to the neighbors and the BOA. Attached as "Exhibit 2" is a picture of a portion of the site plan submitted by the Designer/Builder to the City to obtain the building permits to construct the new house at 2251 S. Rockford. (The complete site plan for the first floor is contained in the permit file maintained by Mr. Ho's department.) It is readily apparent that the site plan submitted to obtain the building permits shows a large bump-out (or bay window) at the

³ See "Exhibit 1" and "Exhibit 2" attached hereto. Exhibit 2 is a photograph of a portion of the Site Plan submitted to the City for permitting; the complete rendering of this Site Plan is in the City's permitting file.

⁴ See "Exhibit 4" attached hereto.

⁵ See "Exhibit 6" attached hereto.

⁶ See "Exhibit 7" attached hereto.

southwest corner of the house whereas the site plan submitted to the BOA has no such protrusion into the area that was originally represented by the owner to be an eight-foot "green area."

We were told that ~~the owners~~ were going to ~~build a new~~ house that would be in the neighborhood of 3,000 to 3,200 square feet and that it would fit in with the neighborhood. Instead, according to the application for building permits, the house will be in excess of 5,000 square feet and it will not fit in with the neighboring homes. It will be considerably closer to the street than the house to the south (mine) or the house to the north. It will dominate the entire street.

My objection today, however, is directed toward the bump-out which is being constructed at the southwest corner of the house. We were told on several occasions that (i) the new structure would not be closer to our house than the previous house was, and (ii) that the new structure would not be closer to the property line than 10 feet and that there would be an 8 to 10 foot "green" area between the new structure and our property line. Nevertheless, the current construction places a portion of the structure within a few feet of our property.

Moreover, the conceptual site plan furnished to the neighbors and the BOA does not show a protrusion from the southwest corner of the house. The e-mail and attached building plan promised a 10-foot setback from my property line and did not make any indication that a bump-out (or bay window) would be located at the southwest corner of the house.⁷

The bump-out being constructed will make the new house appear even more dominant from the street, will reduce the promised separation from my house, will reduce the valuation and the use and enjoyment of my home that I treasure, and will partially block the view from my house and property of Woodward Park. Not only am I upset that the owners and the Designer/Builder refuse to honor the representations and promises they made to me and my wife (and the BOA) to obtain the variances, but I am also harmed by the fact that the new structure reduces the value of my home as well as the use and enjoyment my wife and I have derived from our home and our neighborhood for the past 40 years.

My protest of and objection to the current construction which is inconsistent with the site plan submitted in BOA-22150 is based in large part upon the doctrine of promissory estoppel which is explained in my e-mail of November 13, 2017 and December 4, 2017. A copy of this e-mail is attached hereto as "Exhibit 5."

The following documents support the above statements and are attached hereto and made a part hereof:

Exhibit 1 – Site Plan submitted to the BOA to obtain the variances;

Exhibit 2 – Portion of Site Plan submitted to obtain the construction and building permits;

⁷ See Exhibit B to "Exhibit 4" attached hereto.

Exhibit 3 – Letter dated October 6, 2016 from Craig Hoster and Bev Hoster to the BOA;

Exhibit 4 – Memo to Mr. and Mrs. Mantooth dated November 8, 2017 (with exhibits);

Exhibit 5 – E-mail from Craig Hoster to Mr. Ho and others citing the legal doctrine of promissory estoppel;

Exhibit 6 – Letters dated December 1, 2017 from Craig Hoster to Mr. Ho (with exhibits); and

Exhibit 7 – E-mail between Craig Hoster and Mr. Ho dated December 7, 2017.

I respectfully request that the Board take or cause whatever action is necessary to amend the building/construction permits to conform with the site plan submitted to the BOA to obtain the variances, and to require the owners and the Designer/Builder to remove from their design and not build any portion of the new structure that is closer than eight feet from my property line and, in particular, to remove any construction of a bump-out or bay window from the southwest corner of the new house.

18V

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22150
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 10-25-16
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

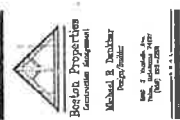
ADJUSTMENT	ADJUSTED
LOT AREA	4,750 SF
RESIDENCE	2,140
COVERED PORCH	281
GARAGE	571
OPEN AREA	6040 SF



BOA-22150

OWNER	THE MANTOOTH RESIDENCE
ADDRESS	2251 E. Decided Ave Tulsa, Oklahoma
APPLICANT	Michael E. Mantooth
DATE	10-25-16
TIME	10:00 AM
LOCATION	Room 101
REMARKS	
APPROVED	
DATE	
TIME	
LOCATION	
REMARKS	

The Mantoouth Residence
2251 E Decided Ave
Tulsa, Oklahoma



Beverly and Craig Hoster
2255 S. Rockford Ave.
Tulsa, OK 74114

October 6, 2016

City of Tulsa Board of Adjustment
c/o INCOG
Attn: Nikita Moye, Board Secretary
2 West 2nd St., Suite 800
Tulsa, Oklahoma 74103

Re: BOA-22150
Mr. and Mrs. Max Mantooth Property
2251 South Rockford Avenue

Members of the Board:

We have lived next door to the south of the Mantooth property since 1976. While we were not excited about losing the house to our north, we have been greatly impressed by the manner in which Mr. and Mrs. Mantooth have communicated their plans and intentions to the neighbors as well as by the plans Max Mantooth has gone over with us for his new home on the subject property.

Based upon our conversations with Mr. Mantooth, we understand that he plans to acquire a 12.5' easement on the north side of their property to install a driveway. Currently, the driveway is on the south side of the property. We favor the new driveway easement for several reasons. First, the house and driveway to be built on the property will move these improvements to a more central location between the houses to the north and the south. Secondly, putting the driveway immediately north of the current lot will allow keeping a 50+ year-old hackberry tree in the front yard as the new driveway will be to the north of this beautiful tree. Finally, it will allow a 10' foot "green" area between our lot and the subject property as the new structure will be approximately in the same location from our property line as was the former house.

The front of most houses on Rockford are approximately the same distance back from the street. It is our understanding that the front porch of the Mantooths' new home will be no closer than the existing houses to the street. Indeed, we believe the block will look better if the front of the porch is on the imaginary line that is formed by the fronts of the homes on Rockford.

Mr. Mantooth has been candid with the neighbors concerning his plans for their new home. He has assured us that the new structure will "fit in" with the existing houses on the street.

EXHIBIT 3

5.22

October 6, 2016

Page 2

As a result of our multiple conversations with Mr. Mantooth, our review of his plans for the property, and our experience in the neighborhood, we believe the location of the new residence, including the driveway and front porch, will benefit the neighborhood as well as our house and the Vandebogarts' house on the north side of the subject property. We have no objection to the captioned application and respectfully request that the Board approve same.

Very truly yours,

A handwritten signature in cursive script that reads "Beverly D. Hoster".

Beverly D. Hoster

A handwritten signature in cursive script that reads "Craig W. Hoster".

Craig W. Hoster

MEMORANDUM

DATE: November 8, 2017
TO: Laura and Max Mantooth
FROM: Craig Hoster *CWA*
RE: BOA-22150
2221 S. Rockford Ave.

Thanks for your prompt response to my e-mail of November 3, 2017. You suggested that if the 2017 construction is not consistent with the Board of Adjustment ("BOA") proceeding, you will make appropriate adjustments. I have reviewed the BOA file in the captioned proceeding. This memo reports my findings.

The Application was filed with the BOA on September 22, 2016 requesting two variances. A site plan was apparently submitted with the Application as this is required by the BOA. Thereafter, a "change order" site plan was prepared by the Designer/Builder and submitted to the BOA. A copy of that site plan, which is often referred to as the conceptual plan by the BOA, is attached hereto as Exhibit A. This conceptual site plan was a significant document in the BOA's evaluation of the Application.

The conceptual plan (Exhibit A) was an important relevant document in the BOA's determinations. Indeed, the Land Use Administrator's approval of one of the requested variances was "per the attached conceptual plan." In the Administrator's letter to Lou Reynolds dated October 26, 2016, she specifically stated that the "approval is per the attached conceptual plan." The document attached to her letter is the same document that is attached hereto as "Exhibit A."

Moreover, when the BOA approved the request for a variance at their meeting of October 25, 2016, the approval was "subject to the conceptual plan submitted today." Again, the referred conceptual plan is the same document that is attached hereto as "Exhibit A."

I assume the conceptual plan submitted to the BOA for approval is the same plan that was presented to the neighbors. I know that I reviewed a similar plan before I drafted my letter urging approval of the plan by the BOA.

Max, you e-mailed me on October 3, 2016, and you included a detailed floor plan which is consistent with the conceptual plan submitted to the BOA. A copy of your e-mail is attached as "Exhibit B." This e-mail, the detailed floor plan and your statement and the designer/builder's statement were that your new home would not be closer to my home than was Henry's home (the former structure). This information was a most important factor that I relied upon when I prepared my letter of October 6 to the BOA.

Next, let me direct your attention to how the current construction does not conform to the conceptual plan that I and the BOA relied on in approving the new structure. First, let me state

that my statements are based upon my observations of the early construction of your home and may be incorrect in certain aspects. I, nevertheless, wanted to bring these matters to your attention in this early stage of the construction so that the expense of any remedial action you choose is reduced. My comments are based upon my observation of the construction of the foundation and may not be 100% accurate and I apologize in advance for any misstatements I make below.

According to the conceptual plan, there was to be a bay window on the south side of the house (the side facing my house) about 21 feet from the front of your home. This bay window would be less than six feet wide and would protrude from the house less than 1.5 feet. The current foundation, however, indicates that there is a bump-out (not a "bay window") on the south side of the house that is over 11 feet long and protrudes approximately three feet from the rest of the house. According to my calculations, the volume of this bump-out is over three times as large as the bay window that was approved by the BOA. And, the location of this bump-out is different than shown on the conceptual plan. Both the substantially increased size of the bump-out as well as the location of the bump-out, significantly and substantially impairs my property both in terms of use and value.

As compared with the former structure, my view of Woodward Park from my dining room windows is reduced. The view of the park is also reduced from my upstairs bedroom in the northwest corner of my house. Further, the view from my dining room is impacted by having the new structure feet closer to my home (which is contrary to the statements I received from you and the Designer/Builder). There are also other reasons for my concern. For example, the location of the bump-out is worse for the value of my house than a bay window further back from the front of the house because your house will appear from the street to be much closer to my house. This becomes even more important when you consider that your house is bigger and closer to the street than the houses on either side of you and it therefore dominates the immediate area. The large bump-out at the southwest corner exacerbates this dominance resulting in a reduced valuation for my home.

In summary, your e-mail seems to suggest that the plan revisions of which I now complain are all structures which will be located within the 5-foot restriction and thus nothing will be closer than 5 feet from my property line. This would make sense except that you and the Designer/Builder sought variances from the BOA and in order to obtain those variances you submitted a required conceptual site plan. This conceptual plan prepared by your Designer/Builder was relied on by the BOA Administrator, the members of the BOA board, and your future neighbors. Indeed, the Administrator and the board of the BOA both specifically stated that their approvals were per the conceptual plan. You have accepted the variances granted by the BOA and are now governed by the BOA's decision. The Designer/Builder cannot a year later pick and choose the portions of the BOA's action he wants to take advantage of while disregarding the basis upon which the variances were sought and received!

Max, let me close with this. You have been open and cordial with us from the first day we met you. We look forward to you and Laura being our neighbors for a long, long time. Furthermore, I believe you did not intend to misrepresent. In fact, I am confident that the information and plans you furnished me were representations you received directly from the

Memorandum
November 8, 2017
Page 3

Designer/Builder and that you believed his statements. I am confident that you did not believe in 2016 he would change the site plans. I hope this memo adequately explains why I am concerned, however, I have not observed in the Designer/Builder the same concern that you have for the neighborhood and the neighbors.

Please consider my comments and concerns and take whatever adjustments you deem appropriate and fair. Regardless of the extent of corrective action taken, Bev and I welcome you to the neighborhood as all of us enjoy life across from Woodward Park.



5.27

Craig W. Hoster

From: Bev Hoster <bevhoster@sbcglobal.net>
Sent: Monday, November 06, 2017 10:09 PM
To: Craig W. Hoster
Subject: Fwd: Basic Floor plan
Attachments: DOC100316.pdf; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: Max Mantooth <max@broncomfg.com>
Date: October 3, 2016 at 3:52:24 PM CDT
To: "craig.hoster@crowedunlevy.com" <craig.hoster@crowedunlevy.com>, "bevhoster@sbcglobal.net" <bevhoster@sbcglobal.net>
Subject: Basic Floor plan

Craig & Beverly

Attached is the basis floor plan of what I'm planning on building.

I am not going to put the guest parking shown on this drawing. I also will probably change up a bit where the motor court gate is, but basically this is what we intend on doing.

There is approx. 10 feet from the south side of the house and your driveway. I am open minded as to how to landscape this area. You can also see that we have an area called "Rear Yard" that would butt up to your driveway and garage

Max Mantooth
Bronco Mfg. LLC.
4953 S.. 48th W. Ave.
Tulsa, OK 74107
Tel: 918-551-8750
Fax: 918-551-8751

-----Original Message-----

From: Max scanned [<mailto:max@broncomfg.com>]
Sent: Monday, October 03, 2016 3:34 PM
To: Max Mantooth <max@broncomfg.com>
Subject: Send data from MFP-07394433 [Max Scan2_E-MAIL] 10/03/2016 15:34

Scanned from MFP-07394433.

Max Scan2_E-MAIL

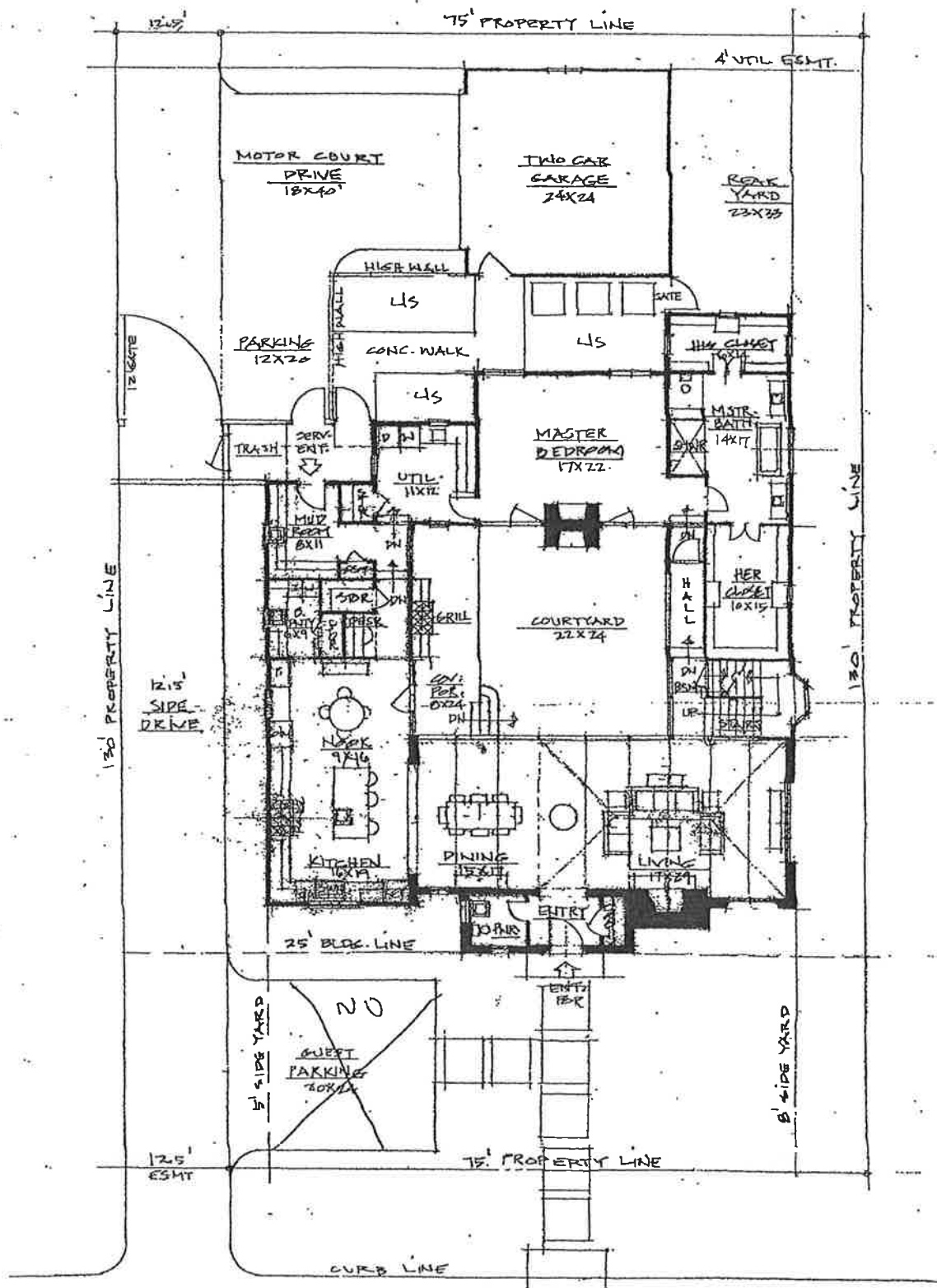
Date: 10/03/2016 15:34

Pages:1

Resolution:200x200 DPI

Exhibit 4-2

EXHIBIT B



ROCKFORD AVE.

Owners Copy
 Date: SEP 26 2016

5.29

Craig W. Hoster

From: Craig W. Hoster
Sent: Monday, December 04, 2017 4:33 PM
To: 'Ho, Yuen'; VanValkenburgh, Janine; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; Nikita D. Moye, AICP (nmoye@incog.org); Miller, Susan (SMiller@incog.org)
Cc: 'Chapman, Austin'; Robison, Bruce
Subject: BOA-22150; Mantooth property; 2251 S Rockford
Attachments: Ltr + Encls to Yuen Ho, City of Tulsa.pdf

Mr. Ho,

My email below of Nov 13 (as well as other earlier email) confirms that the issue – at least as I see it – is whether the actual construction at 2251 S. Rockford is consistent with the conceptual site plan that was submitted to the BOA and the neighbors to obtain two variances. The email also asserts the doctrine of promissory estoppel which is particularly relevant to the issue/question that the neighbors have raised and why I think you should obtain the advice of the City's attorneys before resolving the issue. Please consider this a supplement to my letter of December 1, 2017, a copy of which is attached.

Again, thank you for your and your department's attention to this matter.

-Craig Hoster

craig.hoster@crowedunlevy.com v-cardbioweb site

From: Craig W. Hoster
Sent: Monday, November 13, 2017 5:18 PM
To: 'Ho, Yuen'
Cc: 'barobison@cityoftulsa.org'; 'Bev Hoster'; 'Chapman, Austin'
Subject: BOA-22150

The legal concept which is particularly relevant in connection with the construction at 2251 South Rockford Ave is **promissory estoppel**. This concept has been followed and enforced by the Oklahoma courts for decades. Promissory estoppel is a promise which the promisor should reasonably expect to induce action or forbearance on the part of the promisee or a third person and which does induce such action or forbearance is binding if injustice can be avoided only by enforcement of the promise. See, *Russell v. Board of County Commissioners*, 1997 OK 80, par. 27, 952 P.2d 492, 503. The elements to establish promissory estoppel are: (a) a clear and unambiguous promise, (b) foreseeability by the promisor that the promisee would rely upon it, (c) reasonable reliance upon the promise to the promisee's detriment, and (d) hardship or unfairness can be avoided only by the promise's enforcement. *Id.*

The owner and the Designer/Builder made a representation or a promise to the Board of Adjustment when it made statements and submitted a site plan/conceptual plan to the BOA and the neighbors. The owner and Designer/Builder knew that the BOA and the neighbors would rely upon the promise/representations evidenced by the conceptual plan for the residence. The BOA reasonably relied on the conceptual plan when they granted the variances "per the conceptual plan". The neighbors also reasonably relied on the plan and did not oppose the application for the variances by the Designer/Builder. And finally, this unfairness can be avoided only by enforcing the promise and eliminating the bump-out from the southwest corner of the house being constructed.

Surely, a developer cannot make any statements/promises it thinks are necessary to secure a variance and then after the variance is granted, disregard and dishonor the promises/statements it made. How can the Designer/Builder in

good faith submit building plans which are inconsistent with the plans and statements it made to the BOA and the neighbors? Shouldn't the Designer/Builder have gone back to the BOA if it wanted to make changes in the plan it submitted to the BOA? The only fair remedy here is to require the construction to be consistent with the plans and promises made to the BOA and the neighbors. Otherwise a dangerous precedent is established.

Thus, the question becomes: Is the construction consistent with the conceptual plan relied upon by BOA when it granted the variances requested by the owner and Designer/Builder? I think not!



Craig W. Hoster
Attorney at Law

500 Kennedy Building
321 South Boston Avenue
Tulsa, OK 74103

direct line: 918.592.9870
direct fax: 918.599.6355
craig_hoster@crowedunlevy.com
[v-card](#) · [bio](#) · [website](#)

This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

From: Ho, Yuen [<mailto:Yuenho@cityoftulsa.org>]
Sent: Monday, November 13, 2017 8:10 AM
To: Craig W. Hoster
Cc: Bradley, Phil; VanValkenburgh, Janine
Subject: FW: 2221 S Rockford Ave - BOA-22150

Mr Hoster:

Before we meet, please allow us to conduct some investigations. Thank you.



Craig W. Hoster
Direct Tel: (918) 592-9870
Direct Fax: (918) 599-6355

craig.hoster@crowedunlevy.com

December 1, 2017

Yuen C. Ho
Manager, Building Plans Review
City of Tulsa
175 E. 2nd St., 4th Floor
Tulsa, OK 74103

VIA E-MAIL AND U.S. MAIL

Re: Mantooth Residence
2251 S. Rockford

Dear Mr. Ho:

Thank you for your prompt attention to this matter. They are in active construction next door at 2251 S. Rockford and a speedy resolution of the issues involved will benefit everyone.

You reviewed the site plan submitted to your department, which was apparently approved by your department, and concluded that "construction is compliant with the approved plans and Tulsa Zoning Code setbacks. I have not reviewed the site plan submitted by the Designer/Builder but assume that you are correct in your conclusion that the construction is "compliant" with the plan submitted to and approved by the City. However, as you know, that does not answer my question and does not resolve the issue.

You obviously reviewed portions of the file of the Board of Adjustment's approval of the two variances sought and received but you ignored or disregarded important points. The owner and Designer/Builder submitted a site plan with their application to the Board of Adjustment for variances. A copy of that plan is attached as "Exhibit A." Indeed, the Board of Adjustment requires a site plan (which is referred to in the Board's file as the "conceptual plan"). You ignored or overlooked the following facts:

- a) The Board of Adjustment Administrator approved one of the variances and specifically stated that the "approval is per the attached conceptual plan." (See Exhibit "B" attached hereto.)

A PROFESSIONAL CORPORATION

OKLAHOMA CITY • Braniff Building • 324 N. Robinson Ave., Ste. 100 • Oklahoma City, OK 73102 • T: 405.235.7700 • F: 405.239.6651
TULSA • 500 Kennedy Building • 321 S. Boston Ave. • Tulsa, OK 74103 • T: 918.592.9800 • F: 918.592.9801
DALLAS • Spaces McKinney Avenue • 1919 McKinney Ave., Ste. 100 • Dallas, TX 75201 • T: 214.603.5922 • F: 214.692.2801
crowedunlevy.com

5.32
EXHIBIT 6

- b) The Board of Adjustment approved one of the variances "subject to the conceptual plan submitted today." (See Exhibit "C" attached hereto.)¹

There are two issues remaining both of which were side-stepped by your November 8 e-mail. They are:

1. **Are the "approved" construction plans/permits and the actual construction consistent with the conceptual plan submitted to the Board of Adjustment?**
2. **If the construction is not consistent with the conceptual plan submitted to the neighbors and the Board of Adjustment to obtain the variances, what action, if any, should the City take?**

With regard to question no. 1 above, when the inconsistencies were pointed out recently to the Designer/Builder, he said that the site plan submitted to the Board of Adjustment were "preliminary plans." If the conceptual plan was "preliminary," the Designer/Builder should have submitted the final plans to the Board of Adjustment and the neighbors to ascertain if they would also approve the final plan. Moreover, it is now apparent that the conceptual plan submitted to and relied upon by the Board of Adjustment is different than the "final" plan submitted to your department to obtain various building permits. The Designer/Builder should not have submitted plans to you that are different from the conceptual plan approved by the Board of Adjustment.²

With regard to question no. 2 above, builders and developers – even powerful ones – should not be allowed to submit a site plan to the Board of Adjustment for the Board (and the neighbors) to rely upon in granting a variance and then months later submit a different site plan to your department to obtain appropriate construction/building permits.

¹ The Board also stated in its minutes that the variance will not alter the essential character of the neighborhood or substantially or permanently impair use or development of adjacent property. This was probably concluded by the Board because the neighbors on both sides of the subject property wrote letters urging approval; however, these letters were based upon the plans submitted to them. It is noteworthy that the Designer/Builder advised the resident to the immediate south of the subject property (my wife) that after the construction at the subject property, the value of our residence will be the same whether our house is there or our property is a vacant lot. His statement was a painful reminder that he believes our home has little or no value and that he has little concern about the new house to our north being injurious to the neighborhood.

² It should be noted that a bump-out is being constructed at the southwest corner instead of a bay window approximately 21 feet from the front of the house. A bump-out increases the square footage of the structure; a bay window does not. The bump-out at the southwest corner is not a bay window; it is a bump-out.

December 1, 2017
Page 3

You state in your November 28 e-mail that it is your conclusion that "plans were appropriately approved per code setbacks." However, that is not the issue. Instead, the issue is whether the plans submitted and ultimately "approved" by your department are consistent with the site plan submitted to the Board of Adjustment and the neighbors.

I assume that neither your department nor the Board of Adjustment have rules or regulations that address the issues I have raised. If there are, however, such rules/regulations, would you please direct me to them? If there are not specific rules/regulations addressing the relevant issues, I would respectfully request that you seek the advice of your excellent City attorneys because Oklahoma law – particularly the doctrine of promissory estoppel – bears on these issues.

Again, thank you for your prompt attention to this matter. I would certainly appreciate your responses to the two questions/issues stated above. I would also like to know the procedure available within the City to appeal your department's final decision.

Very truly yours,


Craig W. Hoster

Encls.

cc: (via e-mail)
Jamie VanValkenburgh
Dawn Warrick
Steve Malugani
Phil Bradley
Jeff Taylor
Nikita D. Moye
Susan Miller



Regional Partners — Regional Solutions

2 West Second Street Suite 800 | Tulsa, OK 74103 | 918.584.7526 | www.INCOG.org

10/26/2016

Lou Reynolds
2727 E. 21st St.
Tulsa, OK 74114

RE: BOA 22150 (Administrative Adjustment)
Address: 2251 S Rockford Rd

Mr. Reynolds:

Upon examination the land use administrator has **APPROVED** your request to reduce the required street (front) setback from 30' to 25' in the RS-2 district (**Section 70.100-B and Section 5.030-A**). The approval is per the attached conceptual plan; for the following property:

S1/2 LT 8 ALL LT 9 BK 3, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, and State of Oklahoma

The land use administrator has made the following findings:

The proposed 25' street (front) setback will permit construction of a new house that is keeping with the general purpose and intent of zoning code regulations and with the general purpose and intent of the comprehensive plan. In addition, the requested administrative adjustment will not have a substantial adverse effect upon adjacent properties, the character of the neighborhood, public health or the safety and general welfare.

You will need to print this letter and insert it into your permit package for submittal to the City. If you have previously submitted plans to the permit office then you will need to submit two sets at a legible size for a revision to your permit package.

This letter shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the proposed construction and proposed use of the subject lot.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikita D. Moyer".

Nikita D. Moyer
City of Tulsa Board of Adjustment Administrator

Exhibit 6-2

EXHIBIT B

FILE COPY

Comments and Questions:

BOA-22150

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north (Section 55.080-A), subject to the conceptual plan submitted today. The approval is also subject to the recordation of the driveway easement. The Board determines that the following facts, favorable to the property owner, have been established:

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

S1/2 LT 8 ALL LT 9 BK 3, TERWILLEGGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Exhibit 6-3



10/25/2016-1172 (26)

Craig W. Hoster

From: Ho, Yuen <Yuenho@cityoftulsa.org>
Sent: Thursday, December 07, 2017 1:54 PM
To: Craig W. Hoster
Cc: VanValkenburgh, Janine; Edmiston, Bob; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; 'Nikita D. Moye, AICP (nmoye@incog.org)'; 'Miller, Susan (SMiller@incog.org)'; Kolibas, Robert; Perry, Shannon
Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Mr Hoster:

Shannon Perry can assist you with your request.

Just a clarification to your Dec 07, 2017 email: please see below, underscoring for easy identification.

Further, the required minimum side setback is 5 feet, not 8 feet. Consequently, the bump-out presents no encroachment into the required minimum side setback.

I am happy to meet and acquaint. If you desire a discussion beyond a simple meet and greet, please let me know. Thank you.

Yuen
Building Official

From: Craig W. Hoster [mailto:craig.hoster@crowedunlevy.com]
Sent: Thursday, December 07, 2017 11:35 AM
To: Ho, Yuen
Cc: VanValkenburgh, Janine; Edmiston, Bob; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; 'Nikita D. Moye, AICP (nmoye@incog.org)'; 'Miller, Susan (SMiller@incog.org)'; Kolibas, Robert
Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Mr. Ho,

Thank you for your email response to the questions/issues I raised in my letter of December 1. I appreciate your prompt response as it is in everyone's best interest to get the "bump-out issue" resolved as quickly as possible.

It is my understanding that you have concluded that the building permit and the actual construction occurring at 2251 S. Rockford are the same as consistent with the conceptual site plan submitted to the Board of Adjustment (the "BOA") and the neighborhood. Thus, if that statement is accurate, that ends the inquiry and resolves the issue(s) I have raised. However, accordingly to my review of the actual construction and conceptual plan submitted to the BOA and the neighbors to obtain their consent to the variances requested and relied upon by the neighbors and the BOA in granting the variances, the actual construction is not consistent with the conceptual plan. Indeed, even the Designer/Builder concedes this point by his statement that the site plan submitted to the neighborhood and the BOA was merely the "preliminary" plan. As you know, the inconsistency of which I complain is the bump-out at the southwest corner of the structure which protrudes 2' 4" (according to your November 28 email) from the structure into the 8' setback.

I have not reviewed your department's file on this matter and would like to do so (and hopefully met briefly with you) before determining whether the matter should be appealed. I assume your department file contains relevant documents such as the application for building permit(s) and approvals of construction plans and permits. Would it be possible for me to come to your office to review your department's complete file Monday (12/11) or Tuesday (12/12) or

for someone in your office to email the complete file to me (as the BOA did with their file)? If so, what time is best and who should I ask for to review the file?

Let me again state that although I strongly disagree with your conclusion, I greatly appreciate your prompt attention to this important matter.

-Craig Hoster

craig_hoster@crowedunlevy.com v-cardbioweb site

From: Ho, Yuen [<mailto:Yuenho@cityoftulsa.org>]

Sent: Tuesday, December 05, 2017 9:22 AM

To: Craig W. Hoster

Cc: VanValkenburgh, Janine; Edmiston, Bob; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; 'Nikita D. Moye, AICP' (nmoye@incog.org); 'Miller, Susan' (SMiller@incog.org); Kolibas, Robert

Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Re-send with correction. My apologies.

From: Ho, Yuen

Sent: Tuesday, December 05, 2017 8:12 AM

To: craig_hoster@crowedunlevy.com

Cc: VanValkenburgh, Janine; Edmiston, Bob; Warrick, Dawn; Malugani, Steve; Bradley, Phil; Taylor, Jeff; Nikita D. Moye, AICP (nmoye@incog.org); Miller, Susan (SMiller@incog.org); Kolibas, Robert

Subject: RE: Mantooth Residence 2251 S. Rockford Tulsa< Ok

Mr Hoster:

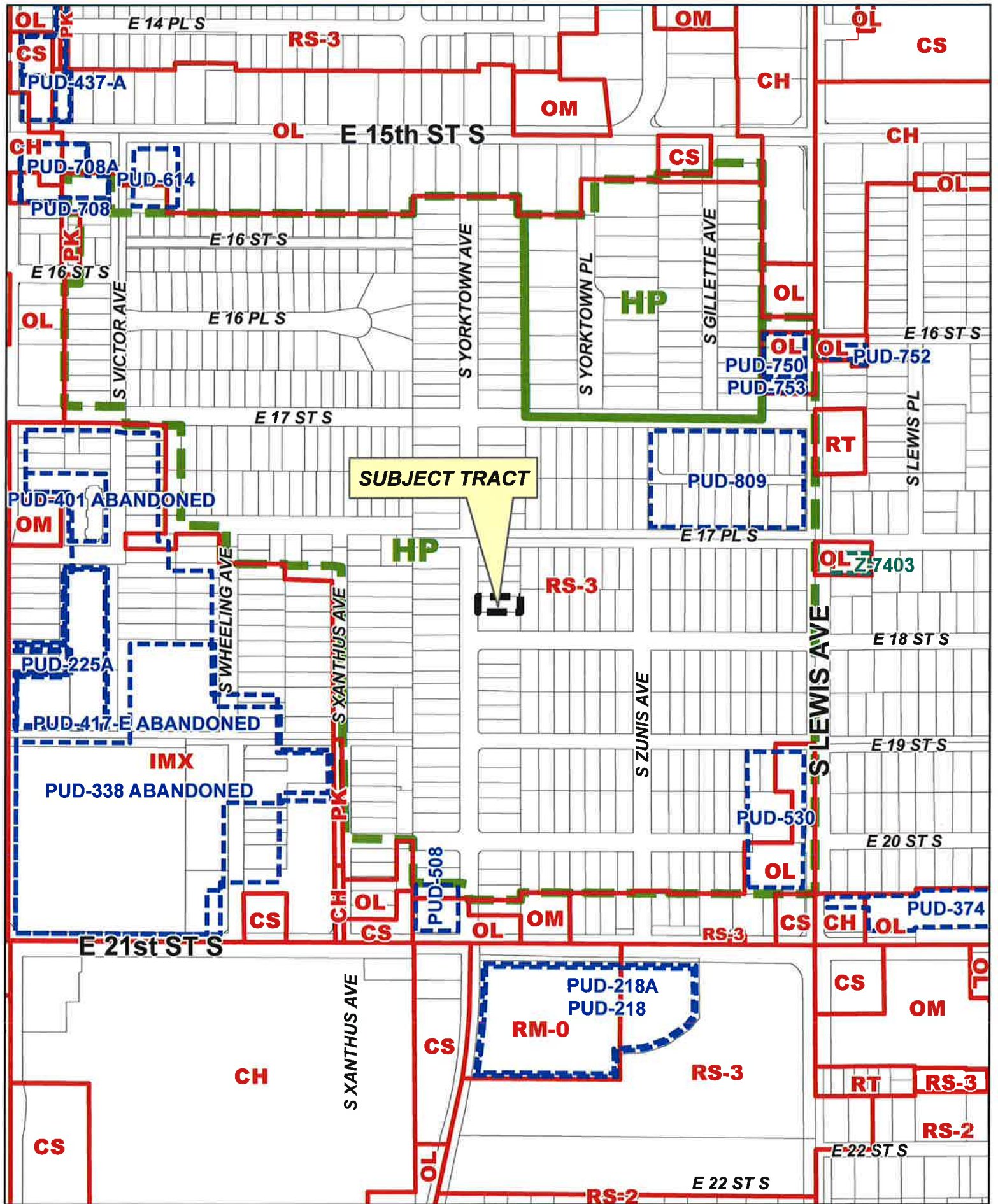
In response to the questions you posed in your letter of December 1, 2017, according to the field measurements provided by the owner's surveyor, the approved construction plans/permits and the actual construction are consistent with the conceptual plan submitted to the Board of Adjustment.

Section 70.140 of the Tulsa Zoning Code provides for appeals of administrative decisions.

Yuen Ho
Building Official

**BOA-22387 –
THE OUTSIDERS MUSEUM
ASSOCIATION**

**STAFF REQUESTS A
CONTINUANCE TO
FEBRUARY 13, 2018
SO ADDITIONAL RELIEF MAY BE
PROPERLY NOTICED**



BOA-22388

7.1



19-13 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22388**

CZM: 37

CD: 4

A-P#: 435620

HEARING DATE: 01/23/2018 1:00 PM

APPLICANT: Peter Grant

ACTION REQUESTED: **Variance** to reduce the interior setbacks of a detached accessory building from 3' to 1'; **Variance** of the minimum open space requirement on a RS-3 zoned lot from 4000 sq. ft. to 3438 sq. ft.; **Variance** to allow more than 30% coverage in the rear setback area to permit a detached accessory building in the rear yard. (Sections 5.030 and 90.090).

LOCATION: 1743 S YORKTOWN AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 11 BLK 2, WOODWARD PARK ADDN, 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 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 located in the York Town Historic (HP) district and is surrounded by RS-3 zoned residences.

7.2

STAFF COMMENTS:

The applicant is proposing to construct a new 19' x 20' or 380 sq. ft. detached garage rear (east) of the existing house on the site. The applicant is requesting a **Variance** of the required rear setback in the RS-3 district from 3' to 2' on the east property line and 1'6" on the south property line to permit construction of the detached garage as proposed on the attached site plan. The applicant has stated, "we are using the same foundation/footings of the original garage built in the 1920's. The existing driveway and small size of the yard does not allow for repositioning."

The Code states that detached accessory buildings can only cover up to 30% of the required 25 ft. rear yard in an RS-3 district. The proposed 380 sq. ft. building covers 34.2% of the rear setback area. The applicant has requested **Variance** to exceed 30% of coverage in the required rear yard to permit construction of the detached garage as proposed in the conceptual plan.

The Code requires a minimum open space of 4000 SF on the subject lot. The following may be counted toward satisfying minimum open space-per unit requirements:

- Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
- Driveways and parking areas located in the rear yard of a detached house or duplex; and

The applicant has requested a **Variance** to reduce total open space on the site to 3438 sq. ft. to permit detached garage building as shown on the conceptual plan.

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the interior setbacks of a detached accessory building from 3' to 1'; **Variance** of the minimum open space requirement on a RS-3 zoned lot from 4000 sq. ft. to 3438 sq. ft.; **Variance** to allow more than 30% coverage in the rear setback area to permit a detached accessory building in the rear yard. (Sections 5.030 and 90.090).

- 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.”



0 Feet 200 400



Subject Tract

BOA-22388

19-13 07

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

Aerial Photo Date: February 2016



7.5



YORKTOWN AVE

E17 PLS

E18 STS

E19 STS

0 50 100
Feet



Subject
Tract

BOA-22388

19-13 07

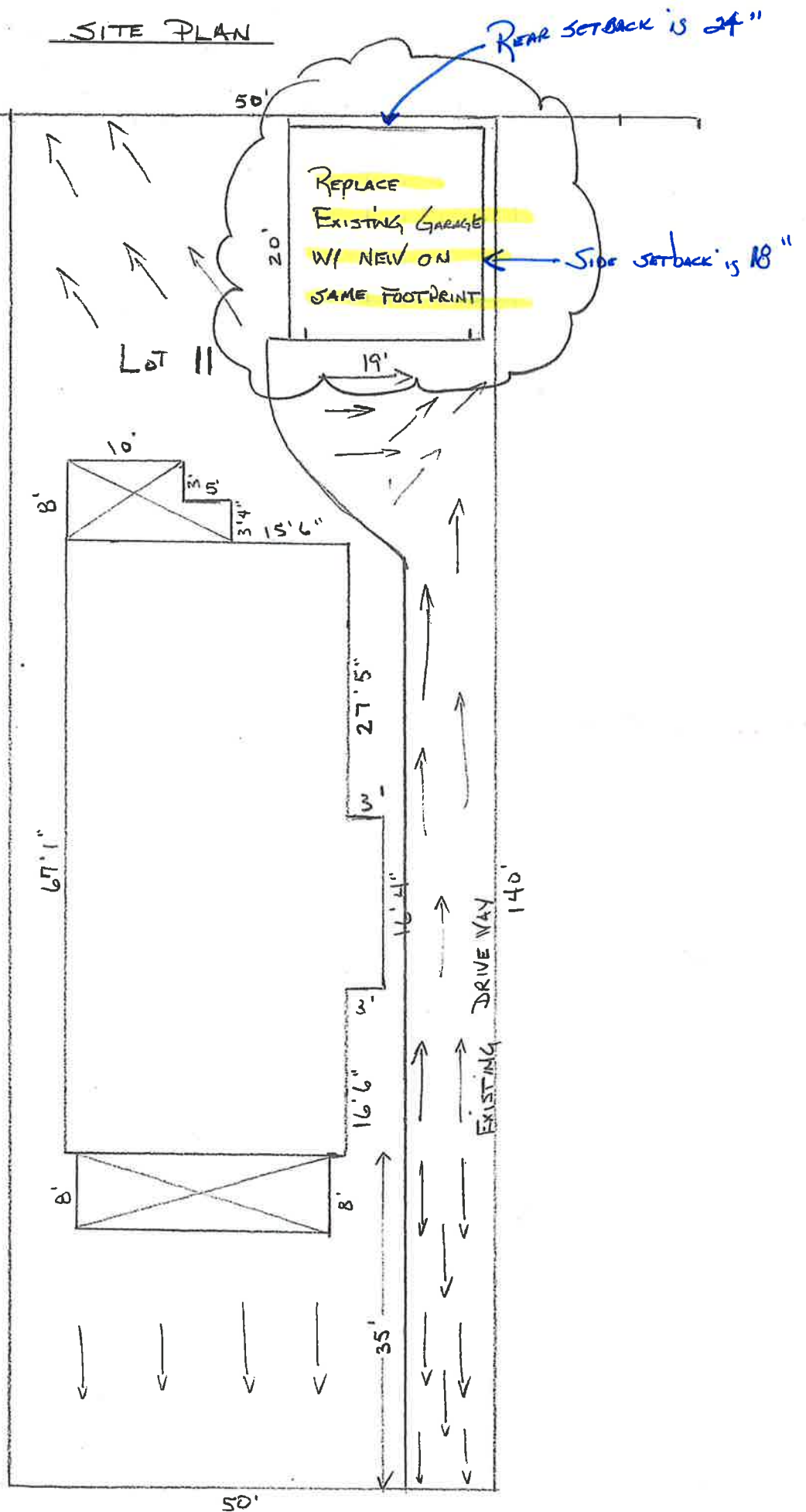
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016



SITE PLAN

Project Address:
 1743 South Yorktown
 LOT 11 BLOCK 2
 WOODWARD PARK ADDN.



Builder:
 GRANT HOMES LLC
 2845 S. FLORENCE AVE.
 TULSA, OK 74114

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1043167-1

November 28, 2017

PETER GRANT
GRANT HOMES LLC
2845 S FLORENCE AV
TULSA, OK 74114

Phone: (918)760-6011
Fax: (918)744-8487

APPLICATION NO: **435620** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 1743 S YORKTOWN 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 2nd 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 OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th 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

Application No. 435620

1743 S YORKTOWN AV E

November 28, 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. 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Review Comments: HPRS-3 zoned non-conforming lots require a minimum open space of 50% of the lot size per section 80.020-B. You are proposing 3438 sq ft which is less than the required amount. Revise plans to show compliance or apply to BOA for a variance to allow less than the required 3500 sq ft of open space on this lot.

2. 90.090-C.2 Detached Accessory Buildings

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review Comments: This lot is zoned HPRS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (50' X 20' X 30%) allows 300 sq ft of coverage. You are proposing 342 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the rear setback.

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.

Overall height, = 13' 6"