

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, March 13, 2018, 1:00 P.M.

Meeting No. 1201

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of February 27, 2018 (Meeting No. 1200).

UNFINISHED BUSINESS

2. **22371—Eller & Detrich – Andrew Shank**
Appeal of a written zoning code interpretation (Section 70.140).

NEW APPLICATIONS

3. **22403—Anita Saiymeh**
Variance to install any drive-through sign within 50 feet of the R District to the north (Section 60.030-B). **LOCATION:** NW/c of East 15th Street South & South Columbia Avenue East **(CD 4)**
4. **22404—Jeff LaRue**
Variance to reduce the required street setback for the detached accessory garage to 11 feet (Section 5.030); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030); Variance to allow the percentage of coverage in the rear setback to exceed 30% (Section 90.090). **LOCATION:** 2521 East 17th Street South **(CD 4)**
5. **22405—Danny Overton**
Special Exception to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E). **LOCATION:** 2651 East 21st Street South **(CD 4)**
6. **22406—Brian Seller**
Variance to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030). **LOCATION:** 1301 North Main Street **(CD 1)**

7. **22407—Tanner Consulting – Erik Enyart**
Variance of the required lot width in the RS-1 District to permit a lot split (Section 5.030). **LOCATION:** NW/c East 67th Street South & South Birmingham East (CD 2)

OTHER BUSINESS

8. **REQUEST FOR REFUND**

22409—Roger McKee

Variance to reduce front yard setback from 30 feet to 25 feet (Section 5.030).

Location: 2225 East 25th Street South (CD 4)

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.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

BOARD OF ADJUSTMENT CASE REPORT

STR: 0433

Case Number: BOA-22371

CZM: 31

CD: N/A

A-P#: N/A

HEARING DATE: 03/13/2018 1:00 PM

APPLICANT: Andrew Shank-Eller and Detrich

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

RELEVANT PREVIOUS ACTIONS:

None.

LOCATION: N/A

STAFF COMMENTS:

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

Section 60.130-C

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

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

Section 70.090 Zoning Code Interpretations

70.090-A Purpose and Applicability

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

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

Zoning Code Interpretations Authority, 70.090-B

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

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

Appeal Procedures - Hearing and Final Decision, 70.140-G

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

Appeal Procedures - Review Criteria, 70.140-H

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



PLANNING & DEVELOPMENT
DEPARTMENT

Exhibit 1

November 6, 2017

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

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

Dear Mr. Shank:

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

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

Section 1.070 Compliance Required

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

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

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

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

CITY HALL AT ONE TECHNOLOGY CENTER
175 East 2nd Street, Suite 560 • Tulsa, OK 74103 • Office 918.576-5447 • Fax 918.699.3623
www.cityoftulsa.org

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

Section 1.080 Conflicting Provisions

1.080-B Conflict with Other City Regulations

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

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

Interpretation:

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

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

70.090-G Appeal of decision

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

Sincerely,



Dawn T. Warrick, AICP
Planning & Development Director

cc: Yuen Ho
Bob Kolibas
Susan Miller
Janine VanValkenburgh

Eller & Detrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
Shanann Pinkham Passley
Daniel C. Cupps
Andrew A. Shank
Mac D. Finlayson
Steven P. Flowers
Heidi L. Shadid
Nathalie M. Cornett
Helen M. Sgarlata

Telephone
(918) 747-8900

Toll Free
(866) 547-8900

Facsimile
(918) 747-2665

Of Counsel

Donald L. Detrich
Katherine Saunders, PLC
Jerry M. Snider
John H. Lieber
Joshua M. Tietsort

November 15, 2017

Writer's Email
ashank@ellerdetrich.com

VIA HAND DELIVERY & E-MAIL:

Ms. Dawn Warrick
Director of Planning & Development
City of Tulsa
175 E. 2nd St., 4th Floor
Tulsa, Oklahoma 74103
dwarrick@cityoftulsa.org

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

Dear Ms. Warrick,

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

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

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



www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

FILED
CITY OF TULSA
STATE OF OKLAHOMA
2017 NOV 15 PM 4 28
JONATHAN P. WARRICK
CITY CLERK

2.5

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

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

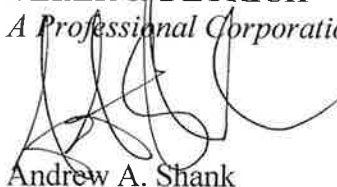
Every permit issued shall become invalid unless the work authorized by such permit is started within 180 days its issuance.... ***The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.*** (emphasis added).

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

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

Sincerely,

ELLER & DETRICH
A Professional Corporation

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

Andrew A. Shank

Eller&Detrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
Shanann Pinkham Passley
Daniel C. Cupps
Andrew A. Shank
Mac D. Finlayson
Steven P. Flowers
Heidi L. Shadid
Nathalie M. Schaefer
Helen M. Sgarlata

Telephone
(918) 747-8900

Toll Free
(866) 547-8900

Facsimile
(918) 747-2665

Of Counsel
Donald L. Detrich
Katherine Saunders, PLC
Jerry M. Snider
John H. Lieber
Joshua M. Tietsort

September 27, 2017

Writer's Email
ashank@ellerdetrich.com

VIA HAND DELIVERY & E-MAIL:

Ms. Dawn Warrick
Director of Planning & Development
City of Tulsa
175 E. 2nd St., 4th Floor
Tulsa, Oklahoma 74103
dwarrick@cityoftulsa.org

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

Dear Ms. Warrick,

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

Section 60.130-C.2. states:

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

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



www.EllerDetrich.com

2727 East 21st Street, Suite 200, Tulsa Oklahoma 74114-3533

2.7

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


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

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

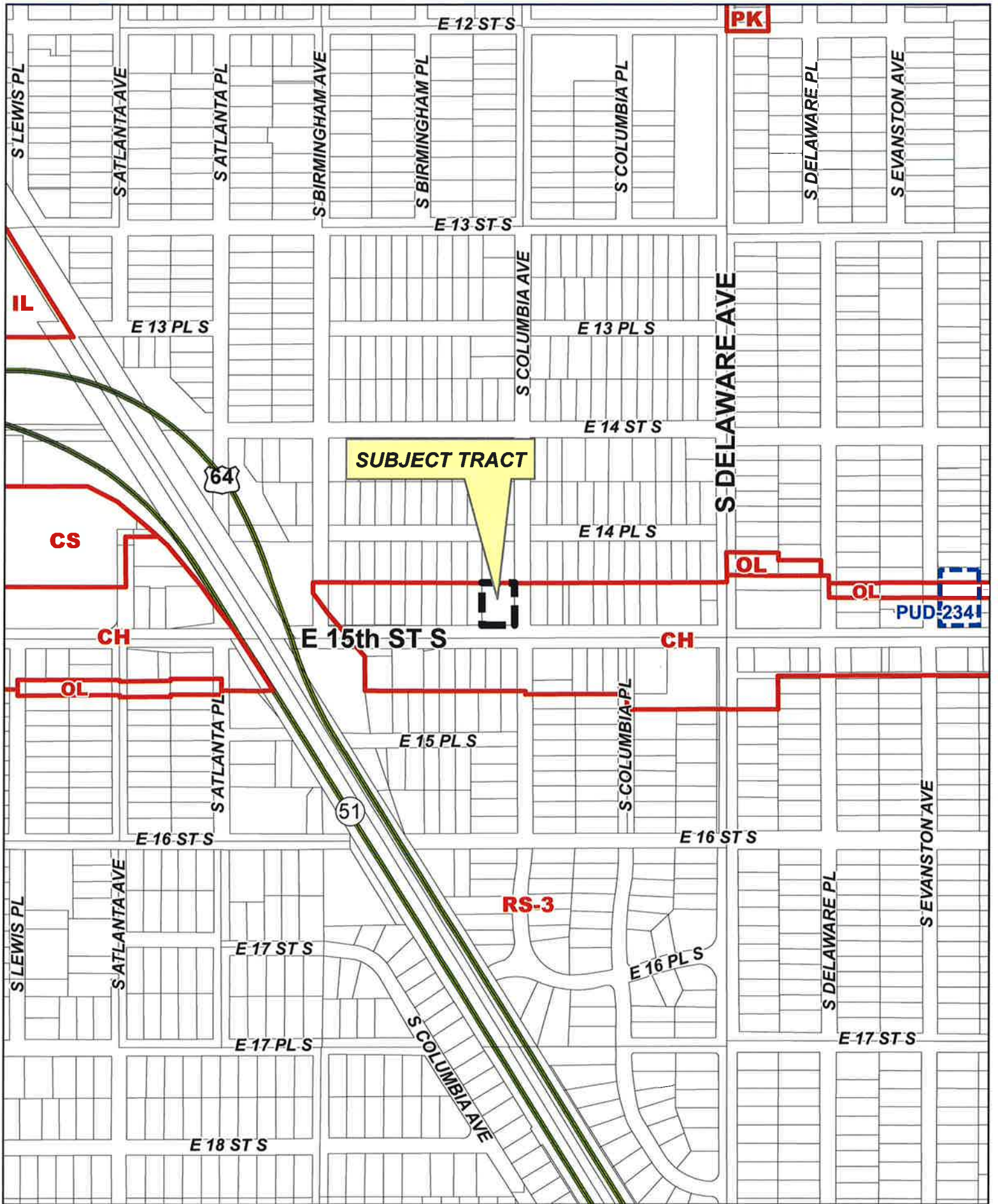
Therefore, we respectfully request an interpretation of the Code to resolve the inconsistent application of the spacing requirements and avert any future confusion to an Applicant. Should you have any questions or need any additional information, please do not hesitate to call. Thank you for your time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

Sincerely,

ELLER & DETRICH
A Professional Corporation



Andrew A. Shank



BOA-22403

3.1



19-13 08



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22403**

CZM: 37

CD: 4

A-P#: 9505

HEARING DATE: 03/13/2018 1:00 PM

APPLICANT: Anita Saiymeh

ACTION REQUESTED: Variance to install a drive-through sign within 50 ft. of an R district.
(Sec.60.030-B)

LOCATION: NW/c of E. 15th St. S. & S. Columbia Ave. **ZONED:** CH

PRESENT USE: Vacant/Proposed Restaurant

TRACT SIZE: 14191.91 SQ FT

LEGAL DESCRIPTION: LTS 23 & 24 BLK 7, CITY VIEW HILL ADDN, FAIR ACRES 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 a "Main Street" and a "Area of Growth".

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

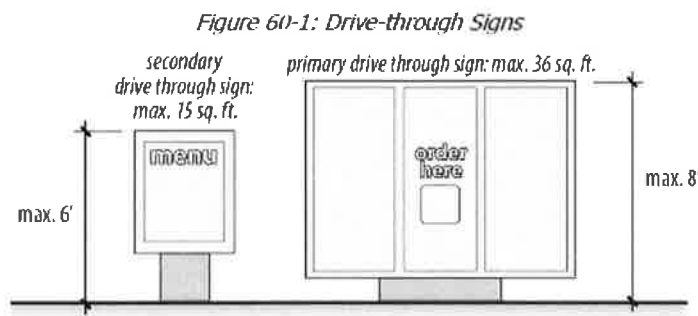
The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development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

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

STAFF COMMENTS:

The applicant has stated that the drive-through/menu sign will be located on the **north face of the proposed restaurant**. The site is abutted by RS-3 zoned residences on the north; according the site plan the restaurant is setback 20 ft. from the residential district on the north. **Section 60.030-B** states that drive-through signs are permitted in accordance with the following regulations:

- Drive-through signs must be located within 10 feet of a drive-through lane.
- One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.
- **Drive-through signs must be set back at least 50 feet from residential zoning districts.**
- Drive-through signs must be oriented to be visible by motorists in allowed drive through lanes.



It appears that the proposed drive-through/menu sign will be 20 ft. from the abutting residential district on the north. To permit the drive-through sign on the north face of the building the applicant has **Variance** to install a drive-through sign within 50 ft. of an R district.

Sample Motion:

Move to _____ (approve/deny) a Variance to install a drive-through sign within 50 ft. of an R district. (Sec.60.030-B)

- 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.”



0 200 400
Feet



Subject
Tract

BOA-22403

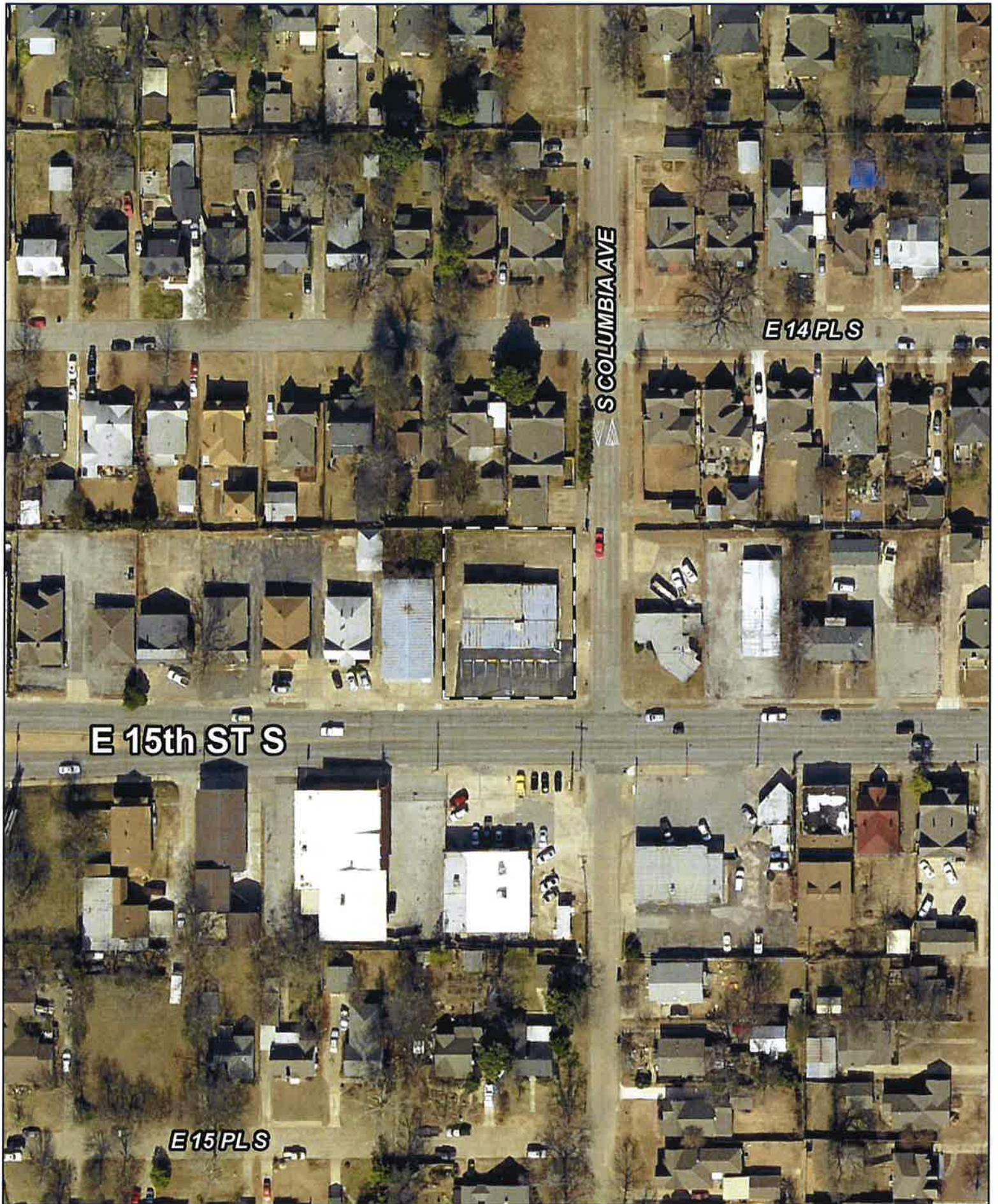
19-13 08

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

Aerial Photo Date: February 2016

3.5





0 50 100
Feet



Subject
Tract

BOA-22403

19-13 08

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

Aerial Photo Date: February 2016

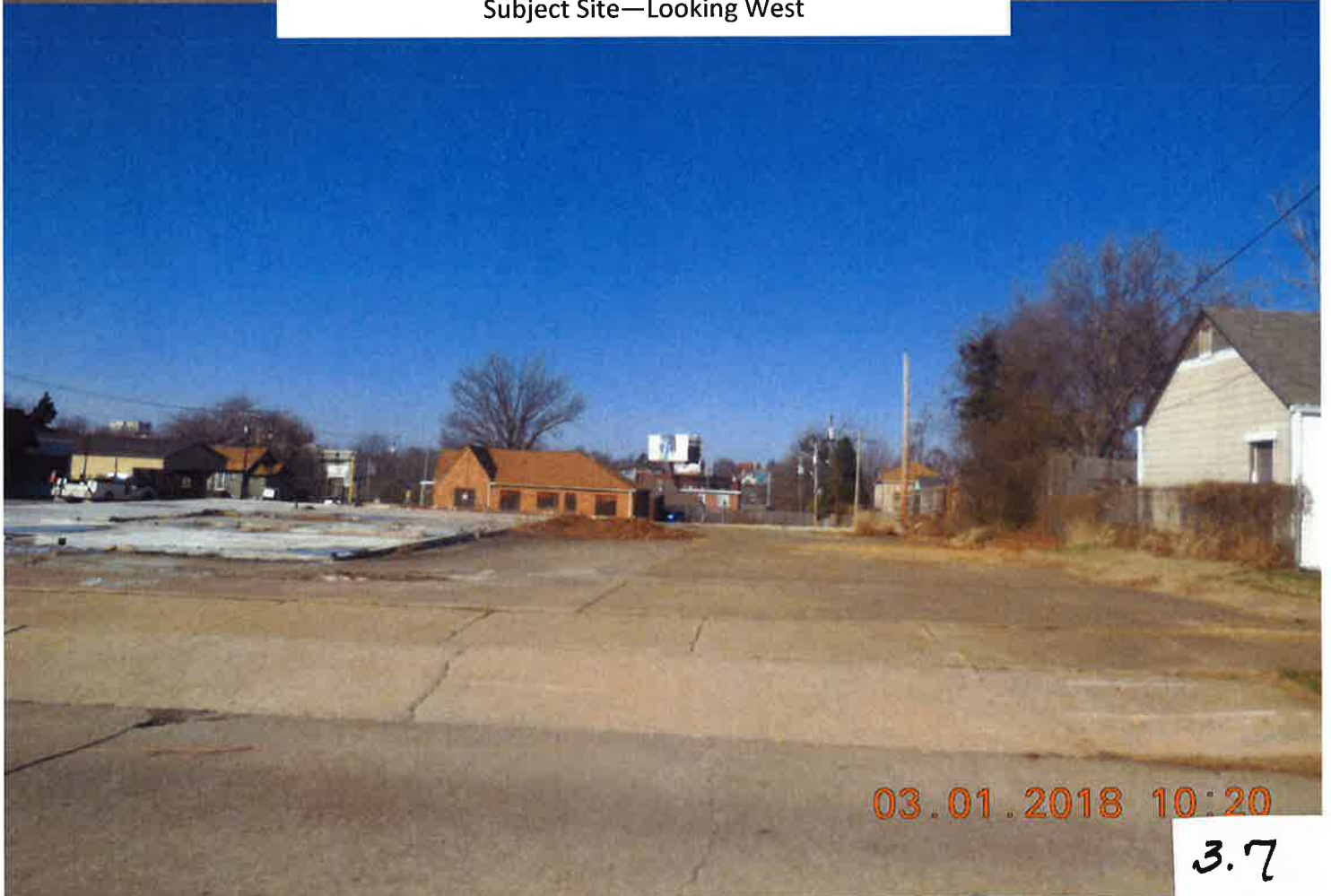


BOA 22403



03.01.2018 10:20

Subject Site—Looking West



03.01.2018 10:20

3.7

BOA 22403

Subject Site—Looking West

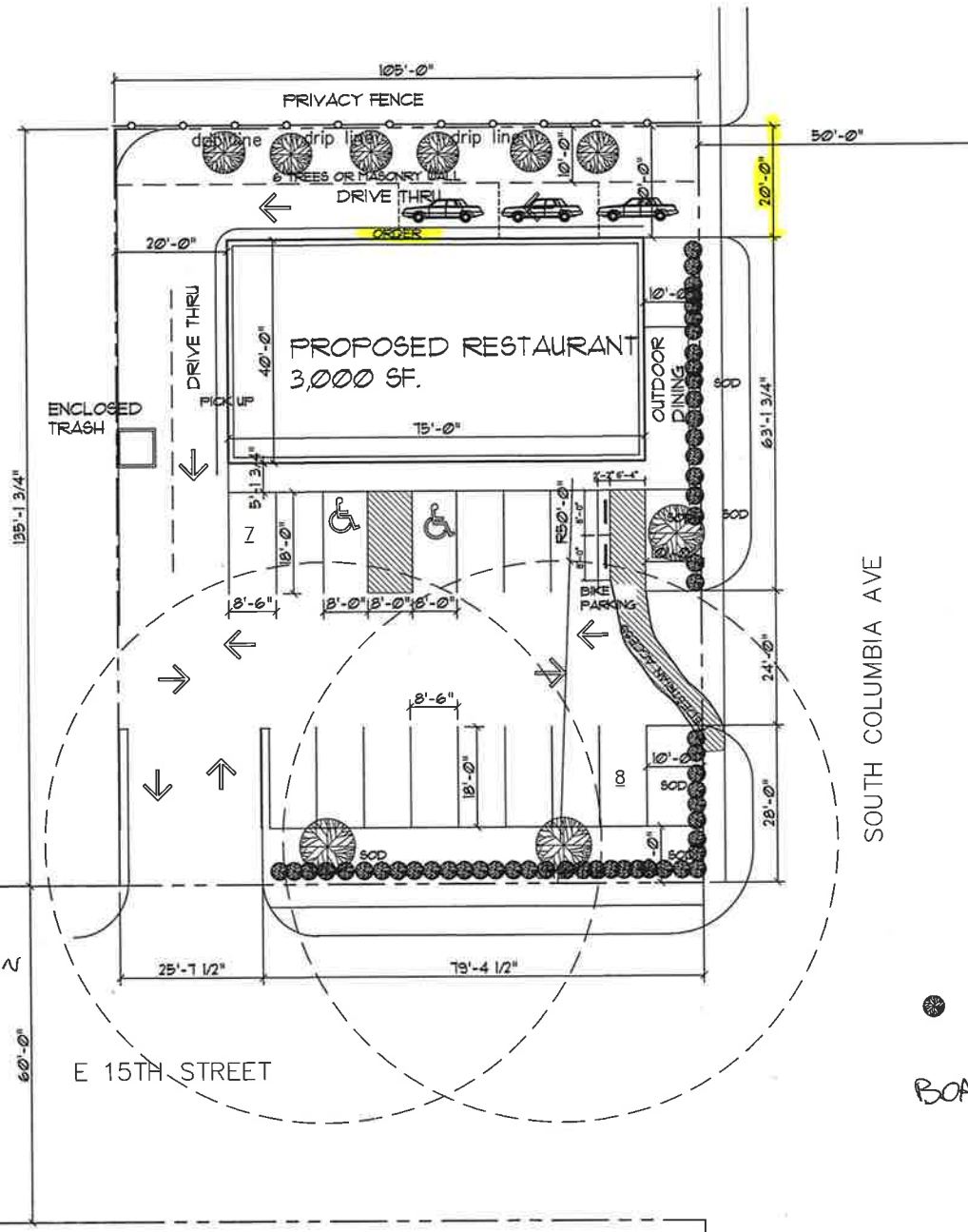
2018 10:20

SITE PLAN

LEGAL DESCRIPTION:
~~FRY BLK 1601241001/2100~~
~~350 E 15TH ST~~
 LOTS 23 & 24 BLK 7
 CITY VIEW HILL ADDN



NORTH



BOA-22403

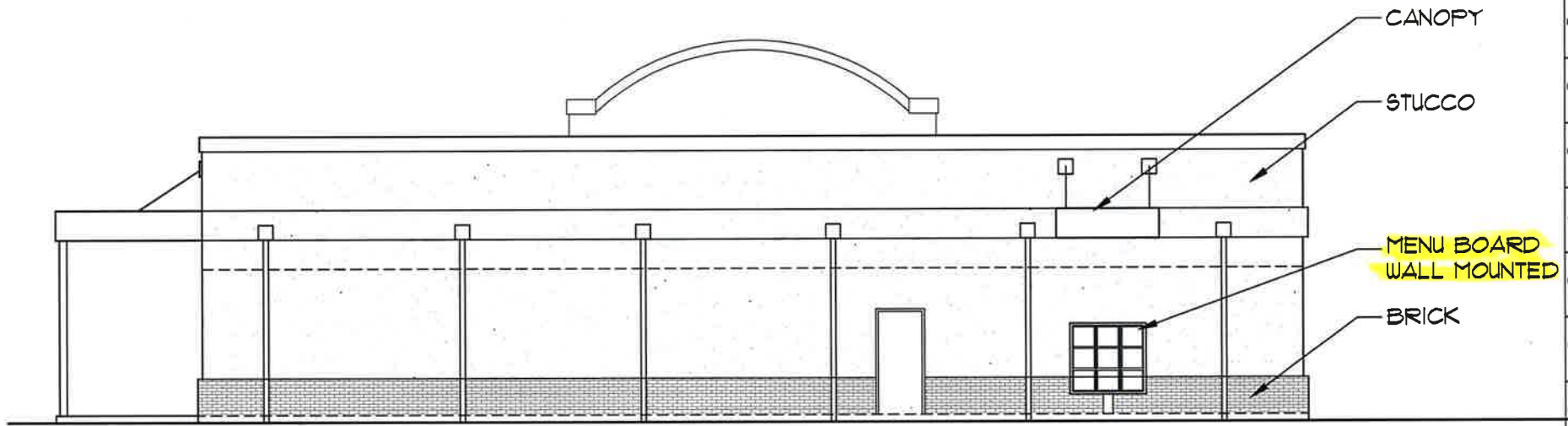
RESTAURANT
 2647 E 15TH STREET
 Tulsa, Oklahoma
 74136

FEMI FASESIN, ARCHITECT
 ARCHITECTURE & PLANNING
 421 SOUTH OLYMPIA AVE., TULSA, OKLAHOMA 74127
 PHONE 918-246-9700

31 JAN 2011
10 JAN 2011
31 DEC 2017
REVISIONS
28 NOVEMBER 2017
DATE
SCALE
SHEET NAME
SHEET NUMBER

SITE PLAN

1/16" = 1'-0"



BACK ELEVATION

N.T.S.

RESTAURANT
2647 E 15TH STREET
Tulsa, Oklahoma 74136

FEMI FASESIN, ARCHITECT
ARCHITECTURE & PLANNING
421 SOUTH CLINTON AVE., TULSA, OKLAHOMA 74127
PHONE: 918-346-9700

REVISIONS
ISSUED
28 NOVEMBER 2017
DATE: N.T.S.
SCALE

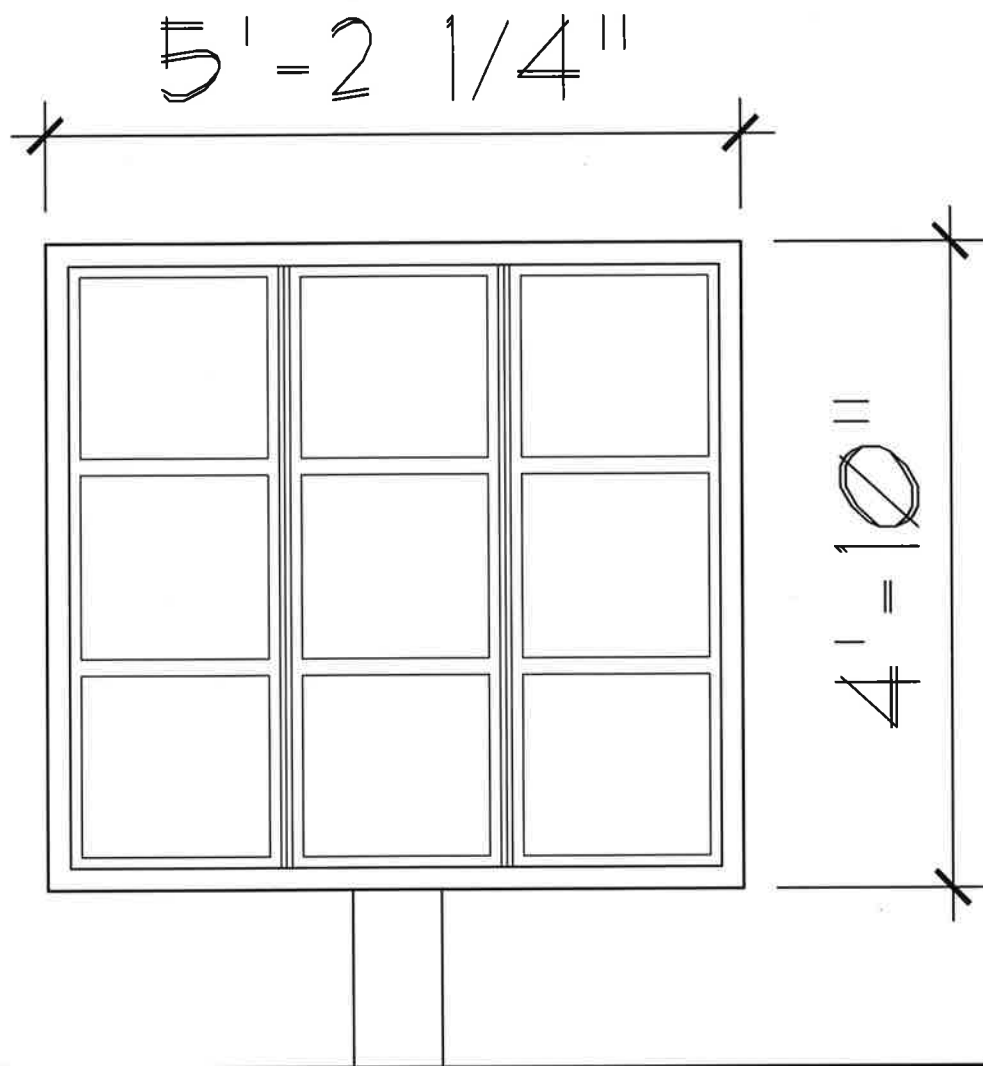
ELEVATIONS

SHEET NAME

SHEET NUMBER

A2

3.10



WALL MOUNTED
MENU BOARD

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number:

1049509-1

January 25, 2018

FEMI FASESIN
FEMI FASESIN ARCHITECTS
421 S OLYMPIA AV
TULSA, OK 74127

Phone: (918)346-9700
Fax: (918)585-2289

APPLICATION NO: 9505 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2647 E 015 ST S
Description: RESTUARANT

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.)

(continued)

3.12

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT
WWW.CITYOFTULSA-BOA.ORG

Application No. 9505

2647 E 015 ST S

January 25, 2018

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

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

1. Sec.40.330-A3: When a restaurant is located on a lot abutting an R-zoned lot, noise emanating from any onsite equipment or activity, including outdoor customer seating/dining areas may not exceed 65 db(A), as measured along the common lot line at the top of the required screening wall or fence.

Review comment: The proposed restaurant is located on a lot abutting an R district. Noise emanating from any onsite equipment or activity, including outdoor customer seating/dining areas may not exceed 65 db(A), as measured along the common lot line at the top of the required screening wall or fence.

2. Sec.40.330-B Whenever a restaurant is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Sec.65.060-C2.

Review comment: The proposed restaurant is located on a lot abutting an R district. Resubmit your site plan providing F1 screening along the common lot line abutting the R district to the north.

3. Sec.55.060-B Table 55-3: Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 55-3.

Review comment: Two (2) bicycle parking spaces are required for this use. Resubmit your site plan providing 2 short term bicycle spaces compliant with Sec.55-060-D1.a&b listed below:

- a. Short-term bicycle parking spaces must be located in highly visible areas that do not interfere with pedestrian movements. At least 50% of required short-term bicycle parking spaces must be located within 100 feet of a customer entrance, with the remainder located no more than 300 feet from any entrance. Short-term bicycle parking must be located on the subject lot, unless a license agreement has been approved by the city to allow private bicycle parking facilities to be located in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.
- b. Required short-term bicycle parking spaces must:
 - (1) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
 - (2) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
 - (3) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
 - (4) Be designed so as not to cause damage to the bicycle;
 - (5) Facilitate easy locking without interference from or to adjacent bicycles; and

(6) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

4. Sec.55.130-A,B&C: An on-site circulation system for pedestrian and non-motorized travel is required in order to provide safe, direct and convenient pedestrian access connecting main entrance of the building, other such entrances and with available access points including parking, streets, sidewalks and transit stops. It must be designed and constructed in accordance with the following requirements:

1. Pedestrian access must consist of an accessible, easily-discernible walkway or multiuse path with a minimum width of 5 feet.
2. The pedestrian access surface located on private property must be constructed of concrete, asphalt or other fixed, firm and nonslip material, approved by the development administrator.
3. Pedestrian access routes that cross parking lots, drive aisles or other vehicular use areas must be clearly differentiated from the vehicle surface through the use of physical separation or by durable, low-maintenance materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to define places of pedestrian movement.

Review comment: Resubmit your site plan providing pedestrian circulation accordance with the requirements of this section.

5. Sec.55.100-C2: All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of *Sec.65.060-C2*.

Review comment: Resubmit your site plan providing a drive-through lane back at least 10 feet from abutting R-zoned lot to the north, and a screening wall or fence along the common lot line in accordance with the F1 screening fence or wall standards of *Sec.65.060-C2*.

6. Sec.60.030-B3: Drive-through signs must be set back at least 50 feet from residential zoning districts.

Review Comment: A variance will be required to install any Drive-through sign within 50' or the R district to the north.

7. Sec.65.040-B1a: Off-street parking areas located within 25 feet of a street right-of-way, residential zoning district or residential development area must be separated from the abutting rights-of-way, residential districts and abutting residential development areas by a landscaped area that is at least 10 feet in width and that contains an S1 screen (*see Sec.65.060-C1*) containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of *Sec.65.030-B1* if it is located within the street yard.

Review comment: Your proposed off-street parking area is located within 25' of the E 15th ST and S Columbia Ave rights-of-way. Submit a landscape plan providing a landscaped area that is at least 10 feet in width and that contains an S1 screen (*see Sec.65.060-C1*) containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of *Sec.65.030-B1* if it is located within the street yard. The landscape plan shall comply with the requirements in *Sec.65.080*.

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.

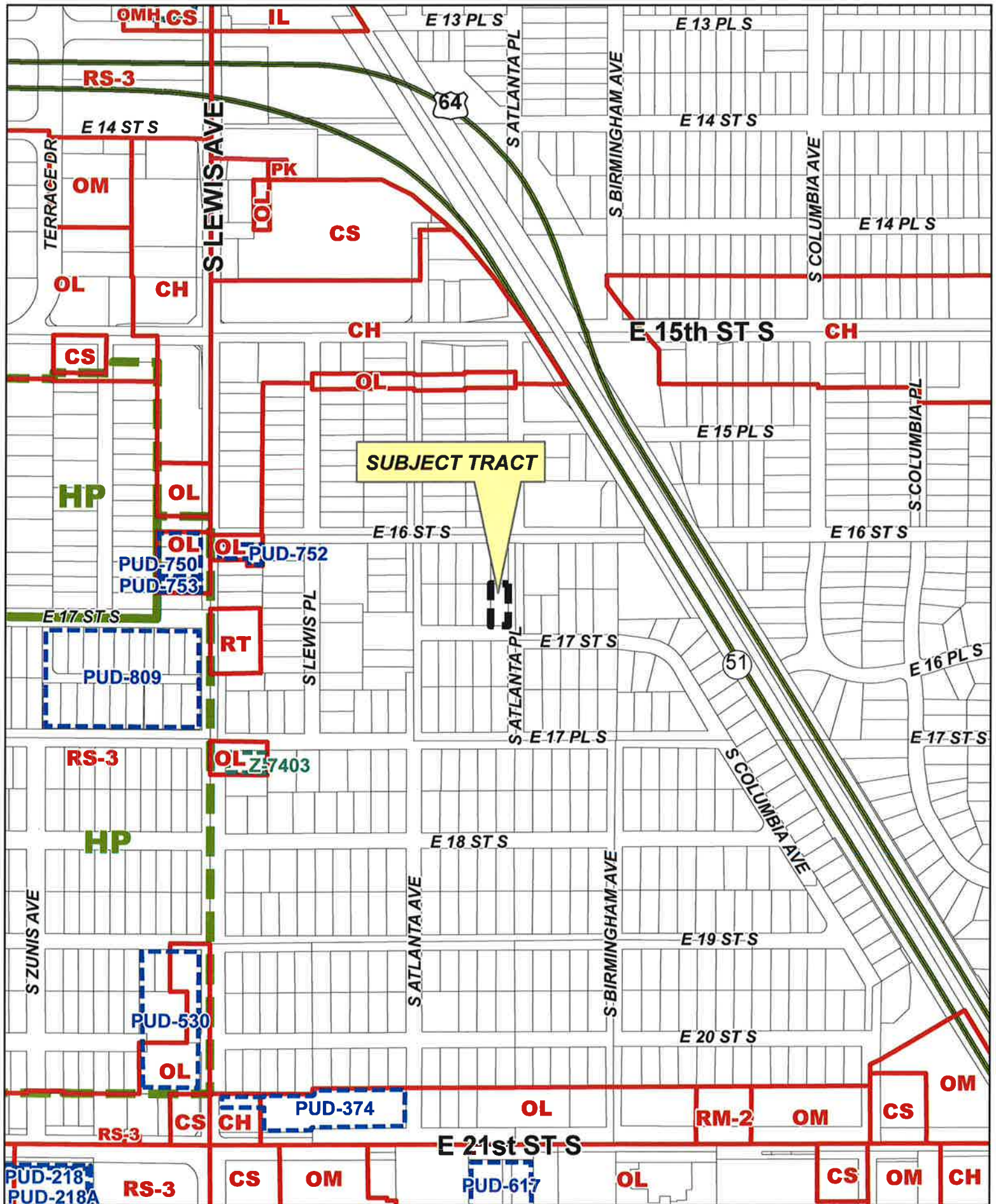
A hard copy of this letter is available upon request by the applicant.

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.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22404

19-13 08

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22404**

CZM: 37

CD: 4

A-P#: 434209

HEARING DATE: 03/13/2018 1:00 PM

APPLICANT: Jeff La Rue

ACTION REQUESTED: **Variance** to reduce the required street setback for the detached accessory garage from 20 ft. to 11 ft. (Section 5.030) **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential to be increased from 610 sq. ft. to 960 sq. ft. in an RS-3 zoned district. (Section 45.030) **Variance** to allow the percentage of coverage in the rear setback be increased from 30% to 53% in an RS-3 zoned district. (Section 90.090)

LOCATION: 2521 E 17 ST S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7409.59 SQ FT

LEGAL DESCRIPTION: E. 6" LT 9 ALL LT 10 BLK 1, LEWISTON GARDENS SECOND ADDN RESUB L10 GLEN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 18729; on 05.09.00 the Board **denied** a request for variance of the required livability space from 4,000 square feet to 3,100 square feet and a variance of rear yard coverage from required 20% to 53%. Located at 2507 East 17th Place

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

4.2

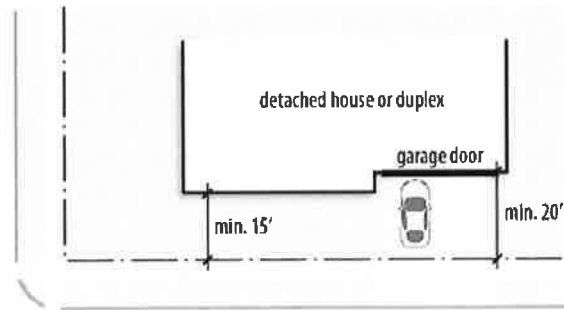
of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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

STAFF COMMENTS:

The applicant is proposing to construct a new 24 ft. x 40 ft. or 960 sq. ft. detached garage rear (north) of the existing house on the site. The Code requires that street-facing garage doors maintain a street setback of 20 ft.

Figure 5-1: Street Side Setback on Corner Lots



The applicant has requested a **Variance** of the required street setback the garage from 20 ft. to 11 ft. along S. Atlanta Place as shown on the attached plan. The applicant has stated, *"We are requesting variances to allow us to add a detached garage to park two modern vehicles side by side in the driveway so the vehicles do not have to be parked in the road; and to be able to securely park those same vehicles in the garage with the garage doors down. Additional storage in the garage will allow the homeowner to have an art room"*

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, **whichever is greater**. The existing residence on the lot is 1524 sq. ft.; therefore, the maximum allowed floor area for detached accessory buildings on the lot is 610 sq. ft. (40% of the principal residence). The applicant has requested a **Variance** to increase the maximum permitted floor area of a detached accessory building on the lot from 610 sq. ft. to 960 sq. ft.

The Code states that detached accessory buildings can only cover up to 30% of the required 20 ft. rear yard in an RS-3 district. The proposed 960 sq. ft. detached garage covers 53% 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 lot is unique because it is a legal non-conforming lot with an existing lot width of 56.5 ft. The required lot width in the RS-3 district is 60 ft. and the required lot area and lot area per unit is 6,900 sq. ft.

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the required street setback for the detached accessory garage from 20 ft. to 11 ft. (Section 5.030) **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential to be increased from 610 sq. ft. to 960 sq. ft. in an RS-3 zoned district. (Section 45.030) **Variance** to allow the percentage of coverage in the rear setback be increased from 30% to 53% in an RS-3 zoned district. (Section 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."

Case No. 18728 (continued)

N 317.5' of Lots 24 & 25, Block 2, East Eleventh Park Subdivision and Lot 1 less E 162.0', Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18729

Action Requested:

Variance of required livability space from 4,000 square feet to 3,100 square feet. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of rear yard coverage from required 20% to 53%. SECTION 210.B. YARDS, Permitted Obstructions in Required Yards, located 2507 E. 17th Pl.

Presentation:

Donald L. Barkman, 5210 S. 74th St. E. Ave., stated he is an agent for the owner of the property, Tom Drummond. He submitted a letter from Mr. Drummond (Exhibit C-7).

Comments and Questions:

Mr. Cooper asked Mr. Barkman if he saw the staff comments. Mr. Barkman replied that he had not seen them. Mr. Cooper informed him that there were a number of questions regarding the dimensions the applicant provided to the staff. Mr. Beach explained that the zoning map based on the county assessor's record shows the property to be 150' deep north and south, but the applicant's site plan only shows it to be 130.2' deep. Mr. Beach asked what happened to the extra 20' and where would it be on the plan, and it raises the possibility that no relief is needed. Mr. Barkman stated that the extra footage would be out front, because the garage is definitely five feet from the rear property line. Mr. White read the letter submitted by the applicant, which stated that the purpose would be to eliminate parking one car on the street and one on the driveway. Ms. Perkins questioned why the garage would be 18' x 40'. Mr. Barkman explained that because the shape of the yard and a tree, the only way to build was to make it long enough to park two cars end to end instead of side by side. Mr. White asked how he would access the garage. Mr. Barkman replied that he purchased an easement from the neighbor to the west to come in from Atlanta Street to the garage. Mr. White asked if he is aware of the 24' storm sewer easement with the 54' storm sewer in place across the back of the property. Mr. White stated that the proposed garage plans would place it about halfway into it. Mr. Barkman stated that this was not addressed by the City at any time during the application process.

05:09:00:795(7)

Interested Parties:

Carol Lambert, 2508 E. 17th St., stated that her property is directly north of the property in this case and her fence is the one that would be five feet from the garage. She submitted photos (Exhibit C-8) of homes in the Lewiston Gardens neighborhood; most of them with one car attached or detached garages, built in the 1930's. She stated that a structure using 53% of the rear yard is excessive, when the code only allows 20%. She also mentioned concern for water drainage during heavy rains, since some neighbors already have some trouble with storm water drainage. She submitted a petition signed by about 26 neighbors, and letters of protest from other neighbors and the neighborhood association president (Exhibits C-1, 2, 3, 4, 5, and 6).

Marilyn Spencer stated that she owns the property to the east of the subject property. She stated that the applicant has already built around the deck and added a bedroom at the back. She made it known that she is opposed to this application.

Kirby McAlester, 2514 E. 17th St., stated he lives immediately adjacent to the subject property to the northeast. He described the neighborhood as quaint, with small homes built in the late 1930's on narrow, deep lots. He believes that this application would be a detriment to the neighborhood.

Applicant's Rebuttal:

Mr. Barkman stated that the applicant just wants a garage in the back and the measurements on the site plan are accurate.

Comments and Questions:

Ms. Perkins continued to question Mr. Barkman about the size of the proposed structure. She asked him if Mr. Drummond plans to use the garage for anything other than park his cars. Mr. Barkman stated the he would store a mower and other yard equipment in there.

Board Action:

On **MOTION** of Turnbo, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the request for a Variance of required livability space from 4,000 square feet to 3,100 square feet, and a Variance of rear yard coverage from required 20% to 53%, finding it would be detrimental to the neighborhood, on the following described property:

Lot 7, Block 2, Lewiston Gardens 2nd Addition, City of Tulsa, Tulsa County, State of Oklahoma



0 Feet 200 400



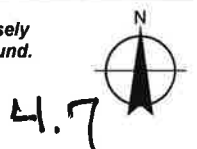
Subject
Tract

BOA-22404

19-13 08

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

Aerial Photo Date: February 2016





0 Feet 50 100



Subject
Tract

BOA-22404

19-13 08

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

Aerial Photo Date: February 2016



BOA 22404



Subject Lot - Looking North

2018 10:16



Subject Site—Looking West

03 01 2018 10:17

4.9

BOA 22404



Subject Site—Looking North

2018 10 16

EAST 6" OF LOT 9, ALL OF LOT 10, BLOCK 1,
LEWISTON GARDENS, SECOND ADDITION RESUB.
L10, GLEN ACRES, TULSA, OKLAHOMA, ALSO
KNOWN AS: 2521 EAST 17TH STREET.

KMKIRBY
Residential Design

918.902.0651

20

ALLOW WATER -
SITE DRAINAGE
TO DRAIN THROUGH
WALL TYPICAL

PRICES RESIDENCE
CONVERT SITE

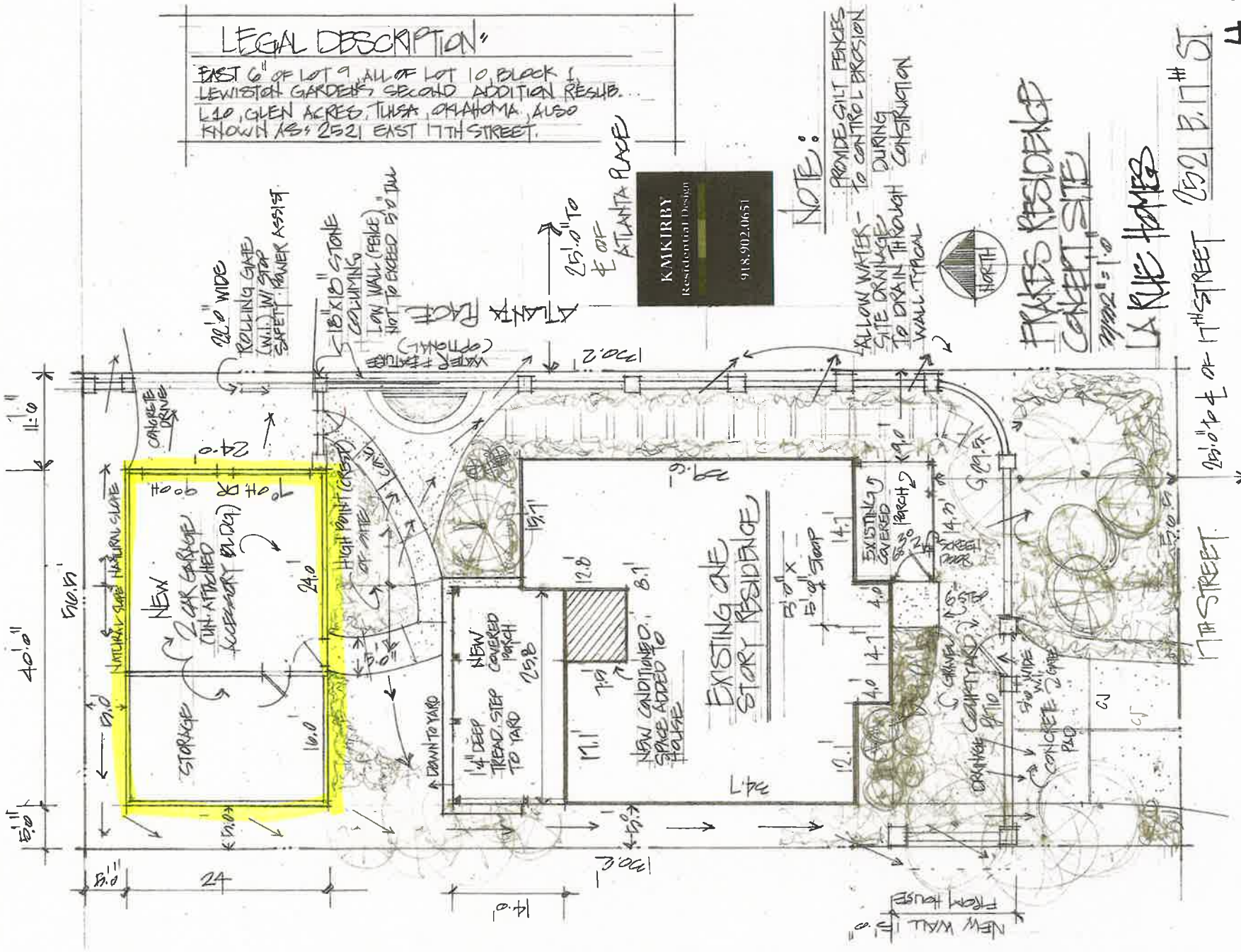
2015-10-15

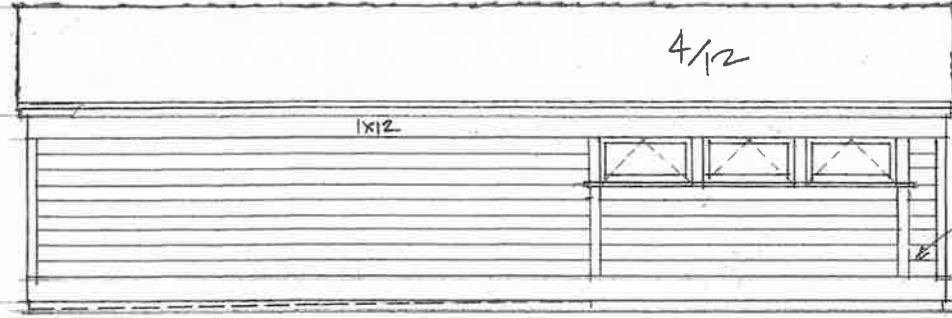
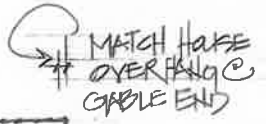
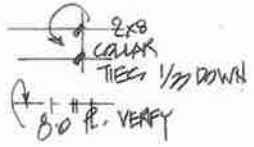
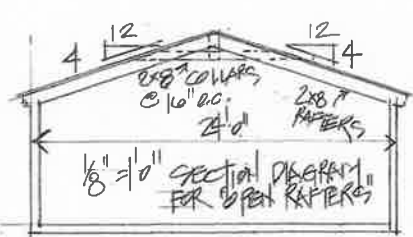
Case # 17-5

17th Street.

1210' of 17th STREET

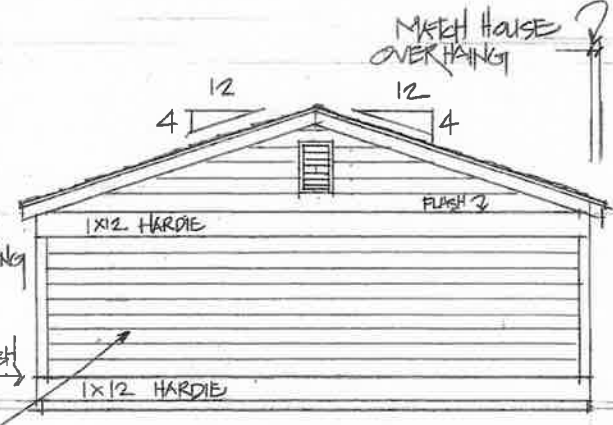
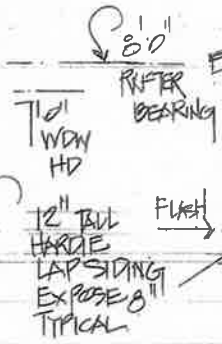
11.4





NORTH 3/16" = 1'0"

(2) 4'0" AWNINGS
7'0" WINDOW HEAD

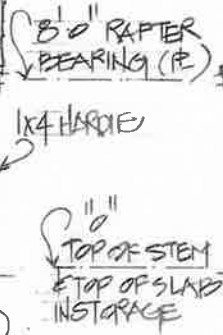


WEST 3/16" = 1'0"

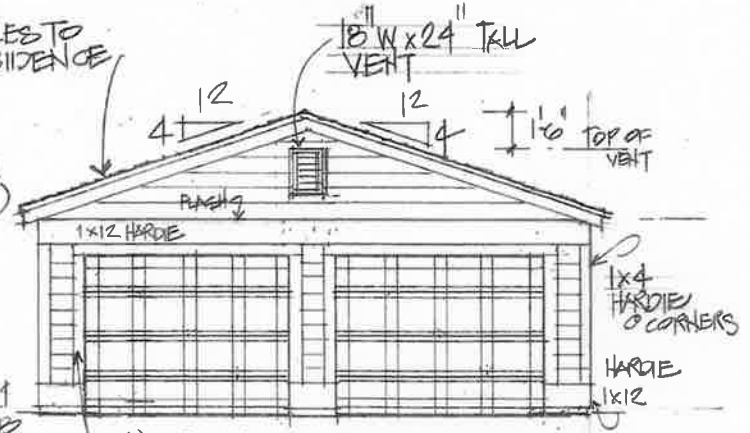


SOUTH 3/16" = 1'0"

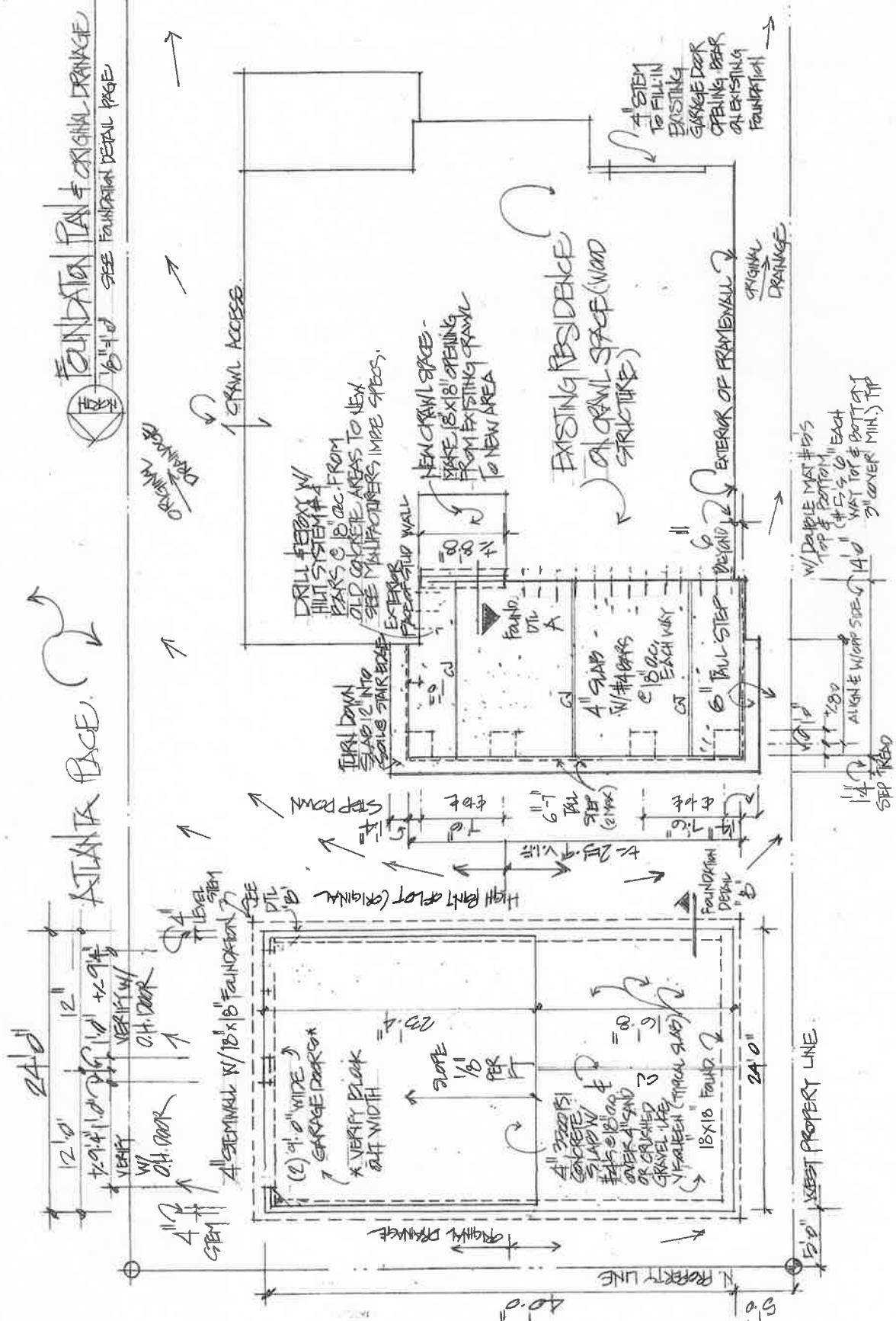
COMPOSITION SHINGLES TO MATCH EXISTING RESIDENCE



SLOPE GARAGE FLOOR INSIDE STEM 1/8" PER FT. (1/2" IN TOTAL)



EAST 3/16" = 1'0"

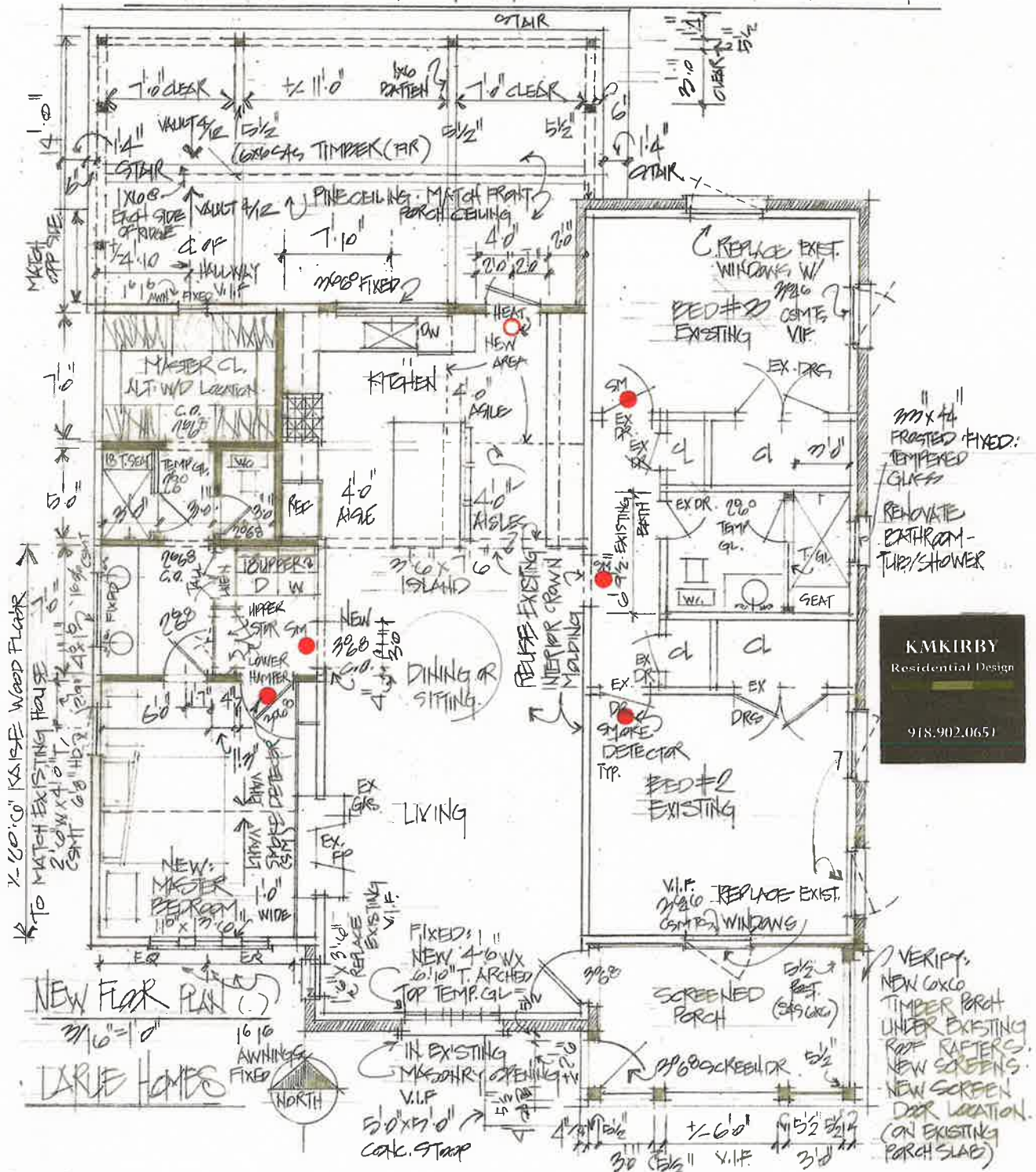




4.14

NEW SQUARE FOOTAGES:

- * HEATED/COOLED (HOUSE) KITCHEN: 66 #
BEDROOM AREA FROM GARAGE: 234 # TOTAL LIVING ADDED: 299 SQ. FT.
(NO LONGER UNHEATED)
- * HOUSE COVERED PORCH (14'0" x 21'0") 318 SQ. FT.
- * NEW UNHEATED GARAGE 24'0" x 40'0" 960 SQ. FT.



252 EAST 7TH STREET

4.15

SHIM ON H.I.C. CALL RUPTR
TO TOP PLATE CONNECTIONS

COMPRESSION STRIPS
TO MATCH EXISTING OVER
(2) LAYERS #12 F.B.T.T.P.

1/2" PLYWOOD DECKING OVER
2x8 ROOF RAPTORS @ 16" O.C.
(PRICE AS NECESSARY)

RAPTOR PRO-SEE ELEVATIONS
18" V.I.F.

R-20 EXT INSULATION (OR EQ)
CALL CEILING ASSEMBLIES

2x8 @ 10" O.C. CEILING
PRICE AS NECESSARY

CONTINUOUS EDGE FLASHING
OVER 1x2 FASCIA OVER 1x4
SUB-FASCIA MATCH EXISTING
EAVE DETAILS.
HARDIE 1x12
W/ BACK
FLASHING
TO ALLOW LAP SIDING
TO "TUCK" UNDER E TOP COURSE

EAVE TO MATCH EXISTING
3/4" = 1'-0"

HARDIE 1x12 BACKFLASH
AGAINST 1/4" OR 1/2" SHEATHING
W/ 2x4 STUDS @ 16" O.C. USE
TYPICAL TREATED 2x4 MUDDSILL
W/ OWENS CORNING SILL SEALER
W/ HILTI HVA HAS 1/2" BOLTS

2x4 @ 16" O.C. @ ALL
EXTERIOR WALLS. USE
2x4 @ 16" O.C. @ ALL
INTERIOR PARTITIONS
UNLESS OTHERWISE NOTED

MIN 1st CONC.
SLAB W/ #4 @
18" O.C. TYP

STEM WALL VARIES
IN HEIGHT W/
GARAGE FLOOR
1/8" PER FT. SLOPE

4" SAND

VISQUEEN &
TREAT FOR PESTS

TOP FOOTING 18" X 18"
SEE DETAILS IN
DETAIL "A" BELOW

GARAGE FOOTING
3/4" = 1'-0"

1/8" 1x6 PLYWOOD GLUE
AND SCREW TO FLOOR
JOISTS. USE MINIMUM
12 SCREWS PER SHEET

R-20 INSULATION OR EQ

R-20 EXT INSULATION @
ALL EXTERIOR WALLS

12" HARDIE LAP SIDING
8" EXPOSURES OVER
TYVECK HOUSEWRAP

1/2" PLYWOOD SHEATHING
OVER 2x4'S W/ TYVECK
HOUSEWRAP

HILTI HVA HAS 1/2"
STANDARD ADHESIVE
ANCHORS @ 48" O.C. 6 3/8"
MINIMUM IMBED W/ 1/2"
MINIMUM EDGE DISTANCE
3500 PSI CONCRETE W/ #4
BARS @ 18" O.C. EA. WAY

1x12
HARDIE W/
TOP FLASH

1/2" (FLASHING TO COVER STEP DOWN ELEVATION)

TOP OF PLYWOOD

#4 BARS @ 6" O.C.

TREAT FOR INSECTS

#4 BARS UP FROM FOOTING INTO
6" STEM WALL @ 12" O.C.

18" MIN. CRACK

18" WIDE x 18" DEEP 3000 PSI
CONCRETE FOOTING W/ (2) #5'S
TOP AND BOTTOM AS SHOWN. USE
#3 STIRRUPS @ 48" O.C. USE
CORNER BARS, LAP SPICES 20"
MINIMUM - USE PERMANENT STEM WALL
CONNECTION W/ WATERSTOP

4" SAND BASE

SLOPE SLAB 1/8" PER FT

2x4 TREATED MUDDSILL W/
OWENS CORNING SILL SEALER
FLASH @ CONC. TO WOOD

1250
4" = 1'-0"

6" PERFORATED
PIPE IN SILT SOCK
IN GRAVEL BED

BOTTOM OF FOOTING
IN UNDISTURBED
SOIL

TYPICAL WALL SECTION
SCALE: 3/4" = 1'-0"

BOB KOLIBAS
ZONING OFFICIAL
PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1040793-1

November 13, 2017

JEFF LARUE
LARUE HOMES INC
12806 S MEMORIAL
BIXBY, OK 74008

Phone: (918)369-4663
Fax: (877)369-2878

APPLICATION NO: **434209** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2521 E 017 ST S**
Description: **ADDITION**

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.).

(continued)

4.17

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. 434209

2521 E 017 ST S

November 13, 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 – Setback(s) footnote [3]: In the RS-3 zoned district, the minimum front yard setback requirement shall be 25 feet from the front property line, the minimum rear yard requirement shall be 20 feet from the rear property line, the minimum side yard requirement not abutting a public street shall be 5 feet, and the minimum side yard setback requirement abutting a public street shall be 15 feet from the property line abutting the street (20' for the garage accessing the street).

Review Comments: Revise plans to indicate a 20 foot street setback for the detached accessory garage from the property line abutting S. Atlanta Place. If you are unable to meet the street setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required street setback for the detached accessory garage from 20 feet to 11 ft. 6 in.

2.) 45.030-B RS-2, RS-3, RS-4 and RS-5 Districts

In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 960 sq. ft. of detached accessory structure floor area. The proposed detached structure exceeds 500 sq. ft. and 40% of the principle structure. Based on the size of your house/garage (1524) you are allowed 610 sq. ft. of detached accessory structures (floor area) on your lot. Reduce the size of your proposed detached accessory structure to be less than 610 sq. ft. of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential to be increased from 610 sq. ft. to 960 sq. ft. in an RS-3 zoning district.

3.) 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 RS-3. The rear setback is defined as the minimum distance 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% of this area can be covered by the accessory building; (56.5' X 20' X 30%)

allows 339 sq. ft. of coverage in rear setback. You are proposing 600 sq. ft. of coverage in the rear setback. Revise your plans to show compliance with the 30% or apply to BOA for a variance to allow the percentage of coverage in the rear setback be increased from 30% to 53% in an RS-3 zoning district.

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.

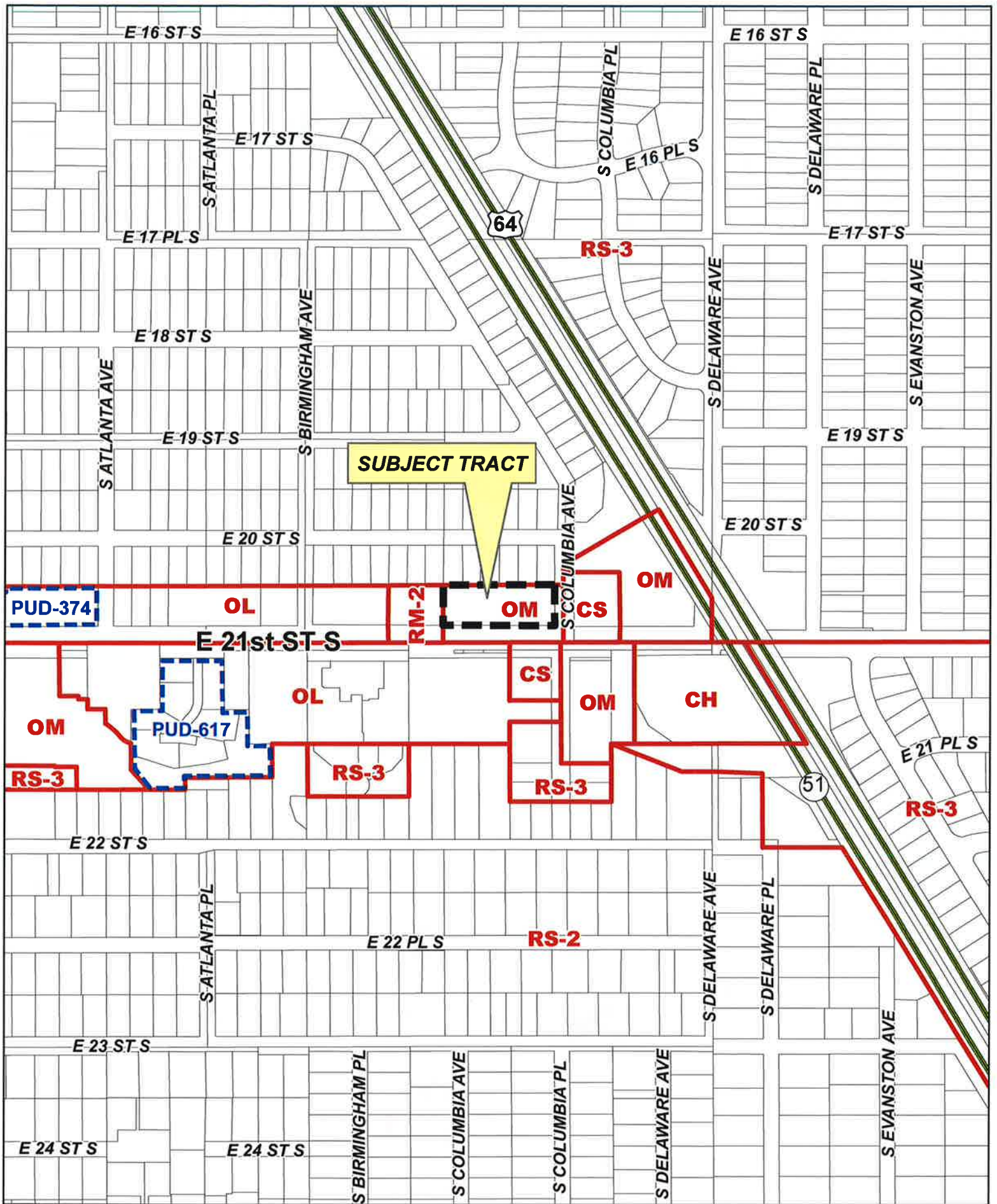
A hard copy of this letter is available upon request by the applicant.

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.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**



BOA-22405

5.1



19-13 08



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22405**

CZM: 37

CD: 4

A-P#: 438514

HEARING DATE: 03/13/2018 1:00 PM

APPLICANT: Danny Overton

ACTION REQUESTED: Special Exception to permit a freestanding sign within the City of Tulsa Street Right of Way (Section 60.020-E)

LOCATION: 2651 E 21 ST S

ZONED: OM

PRESENT USE: Office Building

TRACT SIZE: 47,223.59 SQ FT

LEGAL DESCRIPTION: RESERVE GREENHOUSE SECOND, GREENHOUSE SECOND, BOOKER'S 2ND 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 a "Mixed-Use Corridor" and an "Area of Growth".

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate single family neighborhoods.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by RS-3 zoned residential on the north; OM and CS zoning abuts the site on the east; RM-2 zoning abuts the site on the west. OL and CS zoning abuts the site on the south.

STAFF COMMENTS:

Section 60.020-E states signs located in or that project into the right-of-way or planned right-of-way of a public street are prohibited, **unless a special exception has been approved by the board of adjustment** and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way.

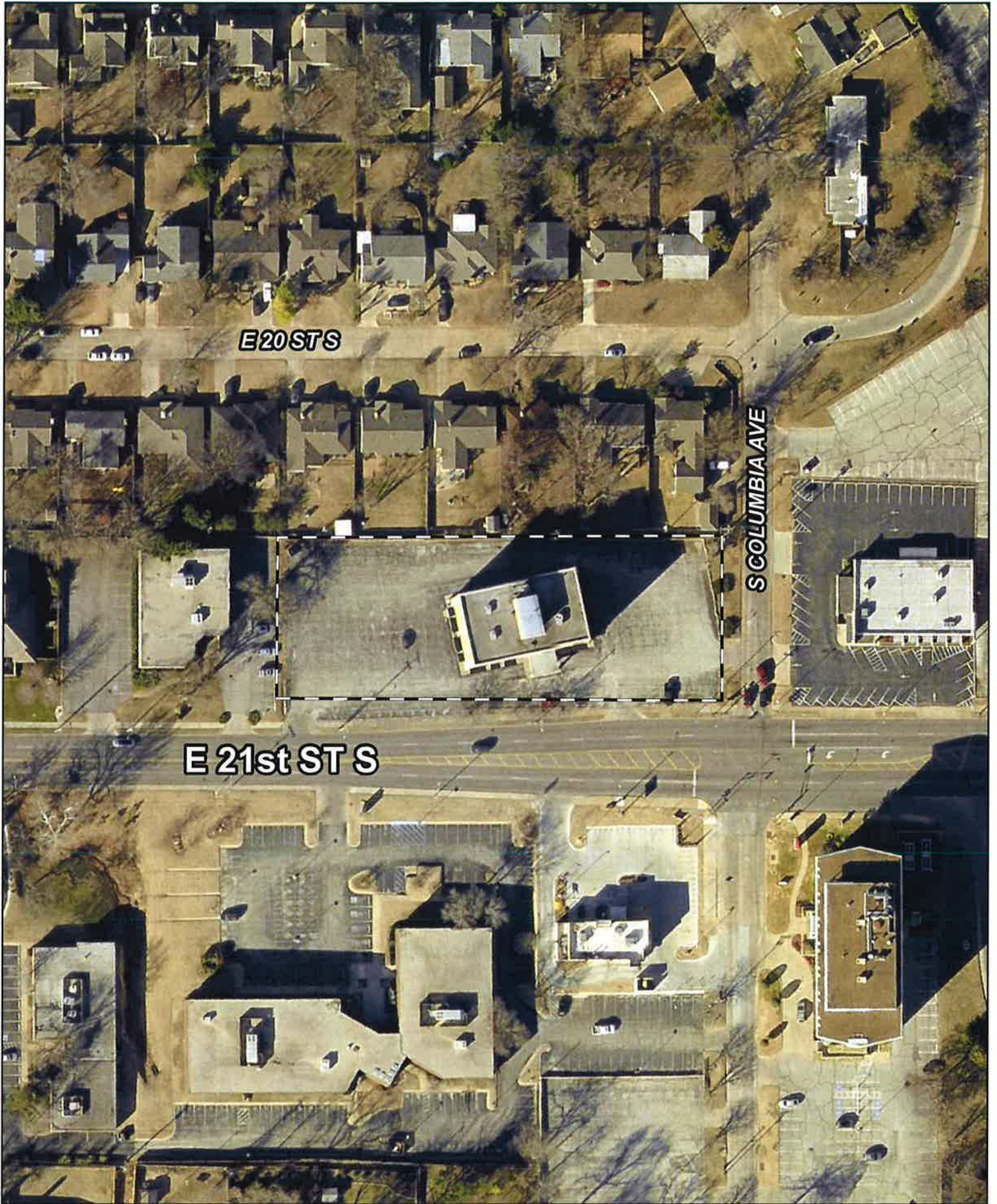
The minimum right-of-way along E. 21 St S. is 100 ft.; the required setback for the proposed ground sign is 50 ft. from the centerline of E. 21 St. S. The submitted site plan indicates that the proposed sign will extend off the lot into the street right-of-way. The applicant has requested a **Special Exception** to allow the proposed sign to be located in the right-of-way of E. 21 St S.; to date the applicant has not signed a removal agreement with the City of Tulsa.

Sample Motion

Move to _____ (approve/deny) a Special Exception to permit a freestanding sign within the City of Tulsa Street Right of Way.(Section 60.020-E)

- 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.



E 20th St S

S COLUMBIA AVE

E 21st St S

0 50 100
Feet



Subject
Tract

BOA-22405

19-13 08

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

Aerial Photo Date: February 2016

5.4





0 200 400
Feet



Subject
Tract

BOA-22405

19-13 08

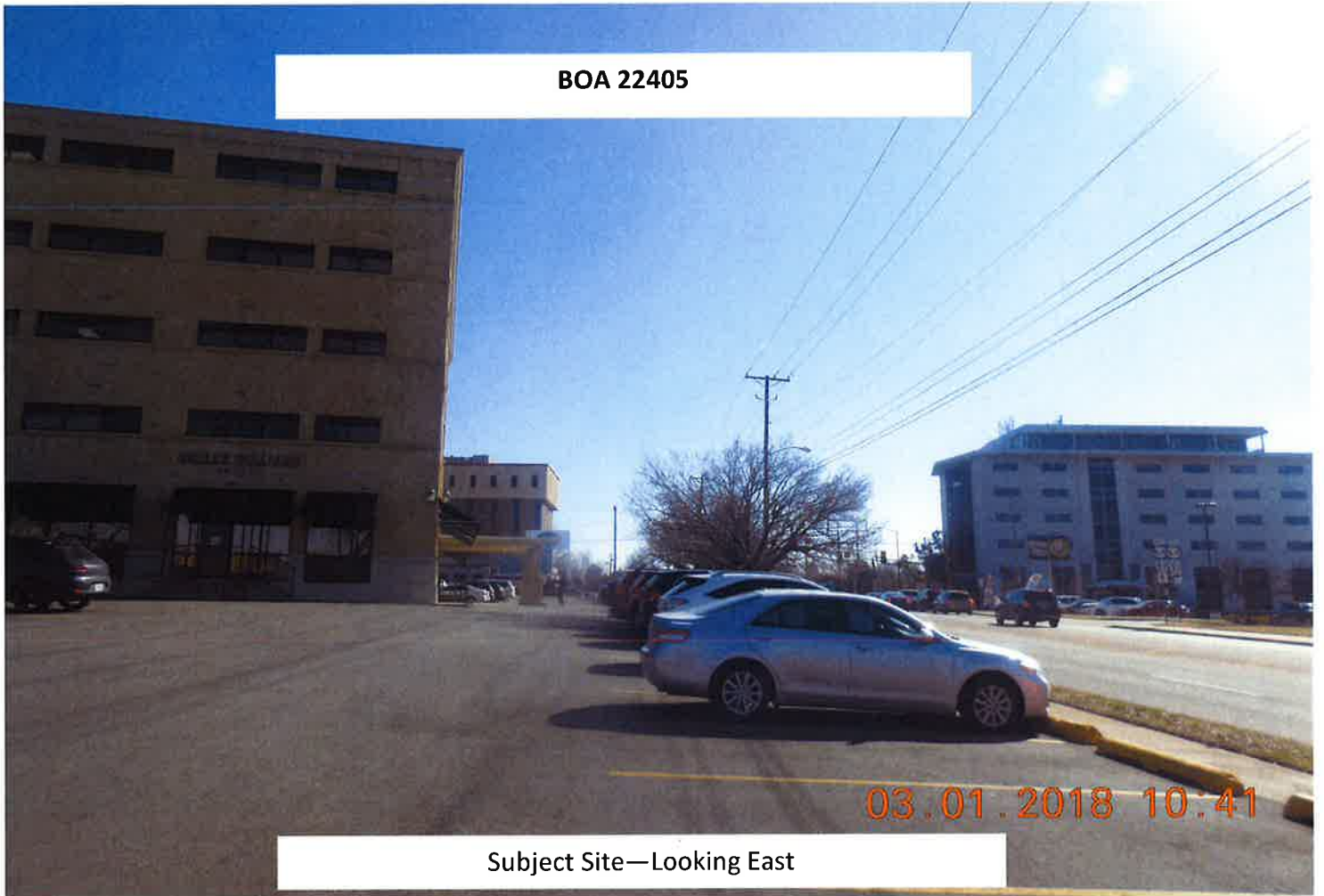
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2016

S. 5



BOA 22405



Subject Site—Looking East



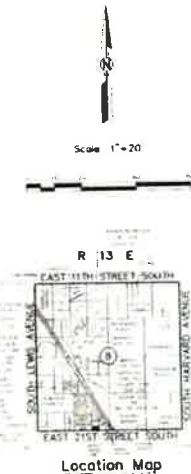
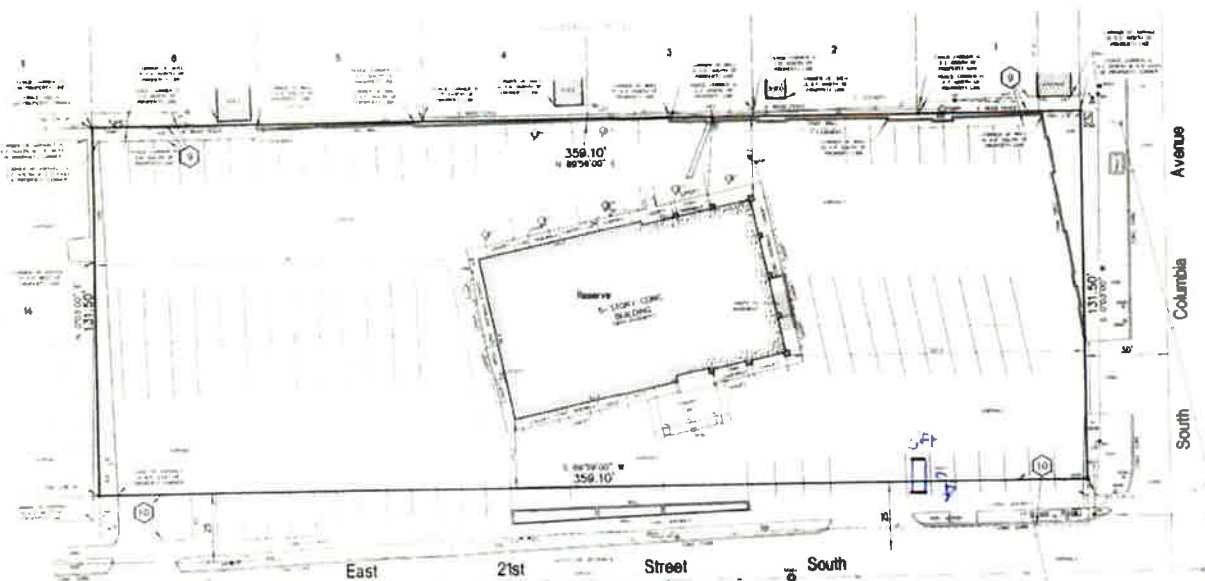
Street View—Looking East

BOA 22405

Street view—Looking West

03.01.2018 10:40

Site Plan



ALTA/ACSM Land Title Survey of Reserve Greenhouse Second Addition City of Tulsa, Tulsa County, Oklahoma

Surveyor's Certification
I, **WILLIAM W. WALTZ**, a duly licensed and qualified surveyor in the State of Oklahoma, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records and is a true and correct copy of the original survey as the same appears in my records and is a true and correct copy of the original survey as the same appears in my records.

Legal Description

ALL OF RESERVE GREENHOUSE SECOND ADDITION, TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

Miscellaneous Notes

- ALL UNDEVELOPED LOTS MAY BE SHOWN, BUT NOT BEING SHOWN, IN THE SURVEY.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL AREA OF 47,222.34 AC.
- THE SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING THE LAND INTO LOTS.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.

Legend

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

Schedule B-II Exceptions

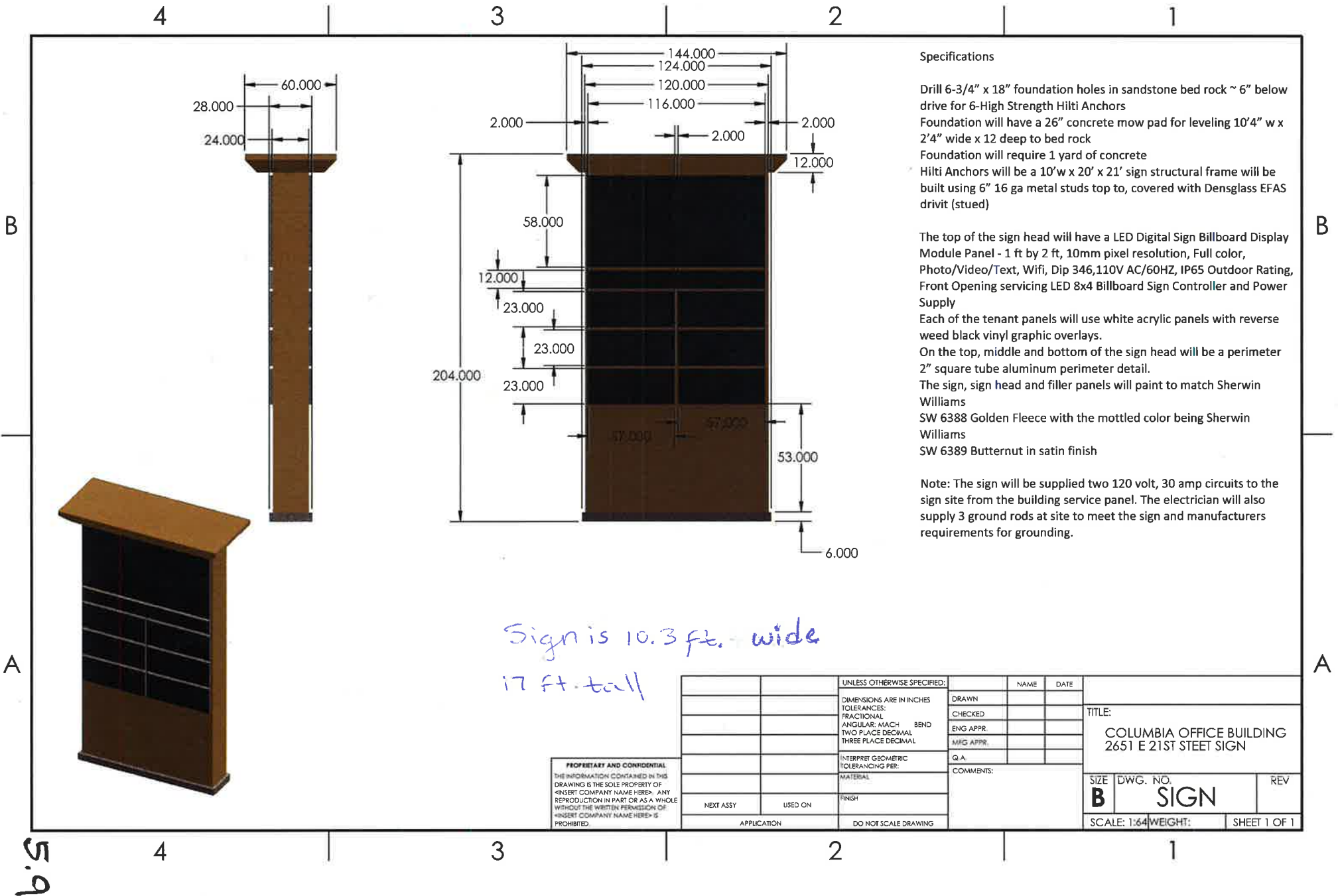
- ALL UNDEVELOPED LOTS MAY BE SHOWN, BUT NOT BEING SHOWN, IN THE SURVEY.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL AREA OF 47,222.34 AC.
- THE SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING THE LAND INTO LOTS.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.
- THE PROPERTY DESCRIBED HEREIN CONTAINS A TOTAL OF 10,000 AC.

WILLIAM W. WALTZ
SURVEYOR
STATE OF OKLAHOMA
No. 12345
Exp. 12/31/2015

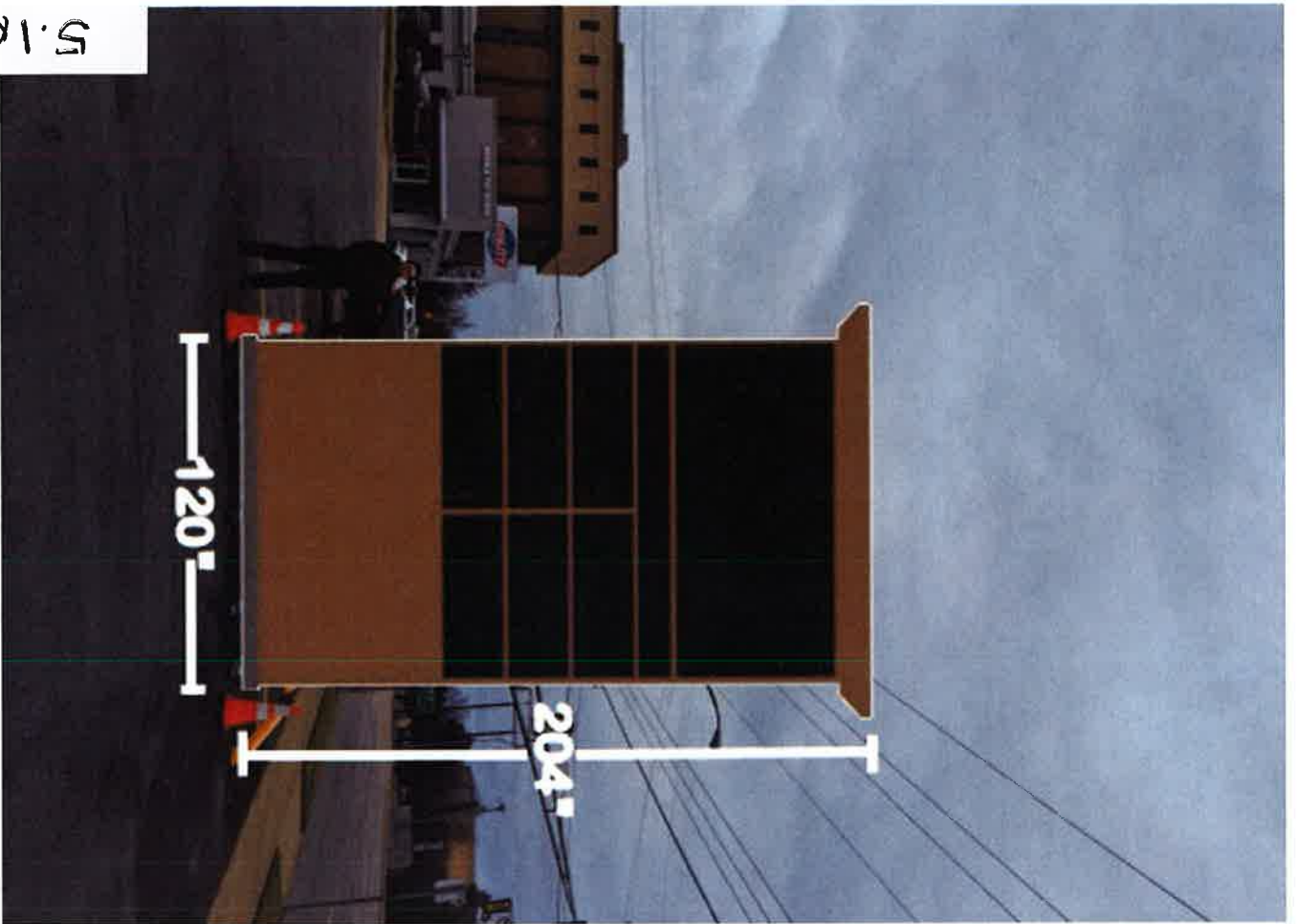
SKA **Seamless Waltz & Associates, Inc.**
1000 North Lincoln Avenue, Suite 100
Tulsa, Oklahoma 74103
(918) 481-1234
www.seamlesswaltz.com

DATE: 10/15/2015
TIME: 10:00 AM
BY: W.W. Waltz
FOR: [Signature]
SCALE: 1"=200'
PROJECT: ALTA/ACSM Land Title Survey of Reserve Greenhouse Second Addition

5.8



Sign is 10.3 ft. wide
17 ft. tall



5.10

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

January 12, 2018

LOD Number:
1048439-1

Sign contractor:

Phone: (918)808-7836

DANNY OVERTON
7311 E 41 ST STE A
TULSA, OK 74145

APPLICATION NO: **438514** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2651 E 021 ST S**
Description: **Tenant Panel Sign**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT
175 EAST 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. 438514

2651 E 021 ST S

January 12, 2018

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.020 Prohibited Signs and Sign Characteristics

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

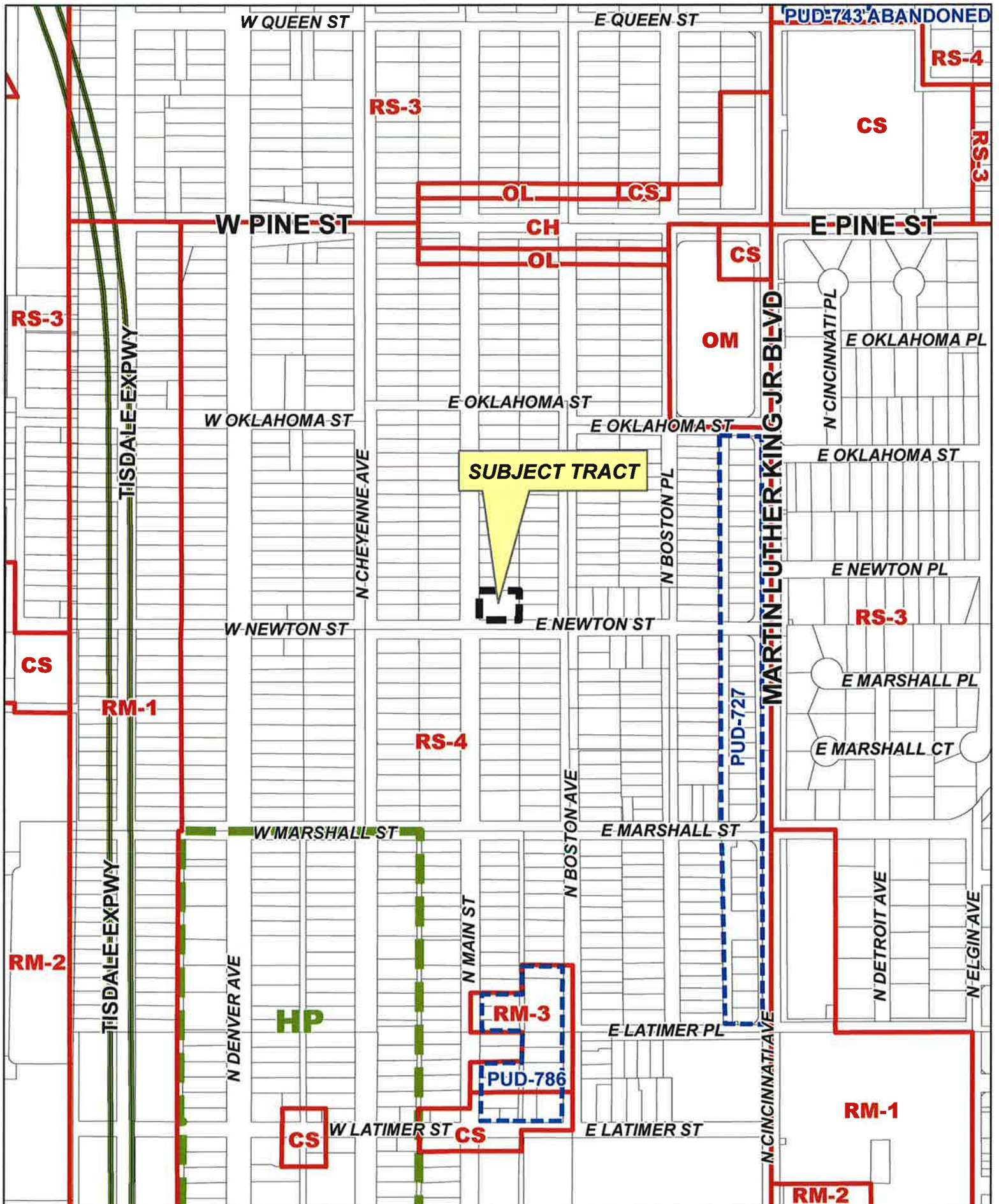
Review Comments: The proposed Tenant panel ground sign appears to be located in the City of Tulsa ROW. The ROW width along E. 21st Street is 100 feet total. The minimum setback for the proposed ground sign is 50 feet from the C/L of E. 21st Street. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a freestanding sign to be located in the ROW along E. 21st Street.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



BOA-22406

6.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: **BOA-22406**

CZM: 28

CD: 1

A-P#: N/A

HEARING DATE: 03/13/2018 1:00 PM

APPLICANT: Brian Seller

ACTION REQUESTED: Variance to reduce the required lot width from 50 ft. to 45 ft. to allow a lot split in the RS-4 district. (Section 5.030)

LOCATION: 1301 N MAIN ST E

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 12580.18 SQ FT

LEGAL DESCRIPTION: LTS 14 & 15 BLK 2, KRAATZ-GERLACH 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 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-4 zoning.

STAFF COMMENTS:

As shown on the attached site plans the applicant is proposing to split off a portion of the subject lot; the proposed Lot 14 will be 5,873 sq. ft. and contain a lot width of 45 ft. The Code requires that a RS-

6.2

4 zoned lot maintain a lot area and lot area per unit of 5,500 sq. ft.; an open space per unit of 2,500 sq. ft.; and a lot width of 50 ft. The applicant intends to build a single-family new home on the Lot 14.

To permit Lot 14 as proposed the applicant has requested a **Variance** to reduce the permitted lot width to 45 ft. The subject property is twice the lot width of most lots in the surrounding area. The density proposed by the applicant with the lot split is compatible with the existing development pattern in the neighborhood.

Sample Motion

Move to _____ (approve/deny) a Variance to reduce the required lot width from 50 ft. to 45 ft. to allow a lot split in the RS-4 district. (Section 5.030)

- 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."



0 200 400
Feet



Subject
Tract

BOA-22406

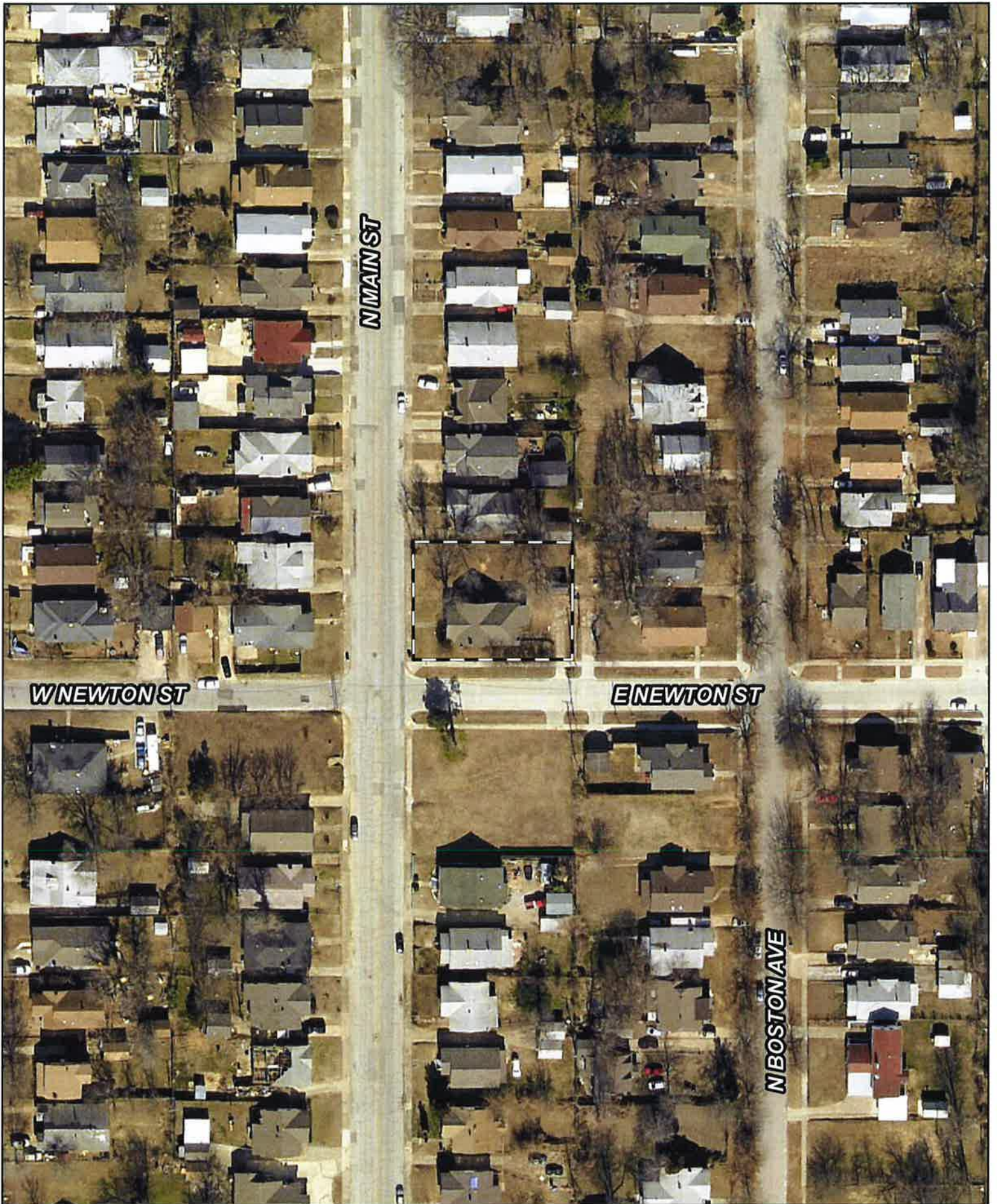
20-12 35

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

Aerial Photo Date: February 2016



6.4



0 Feet 50 100



Subject
Tract

BOA-22406

20-12 35

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

Aerial Photo Date: February 2016

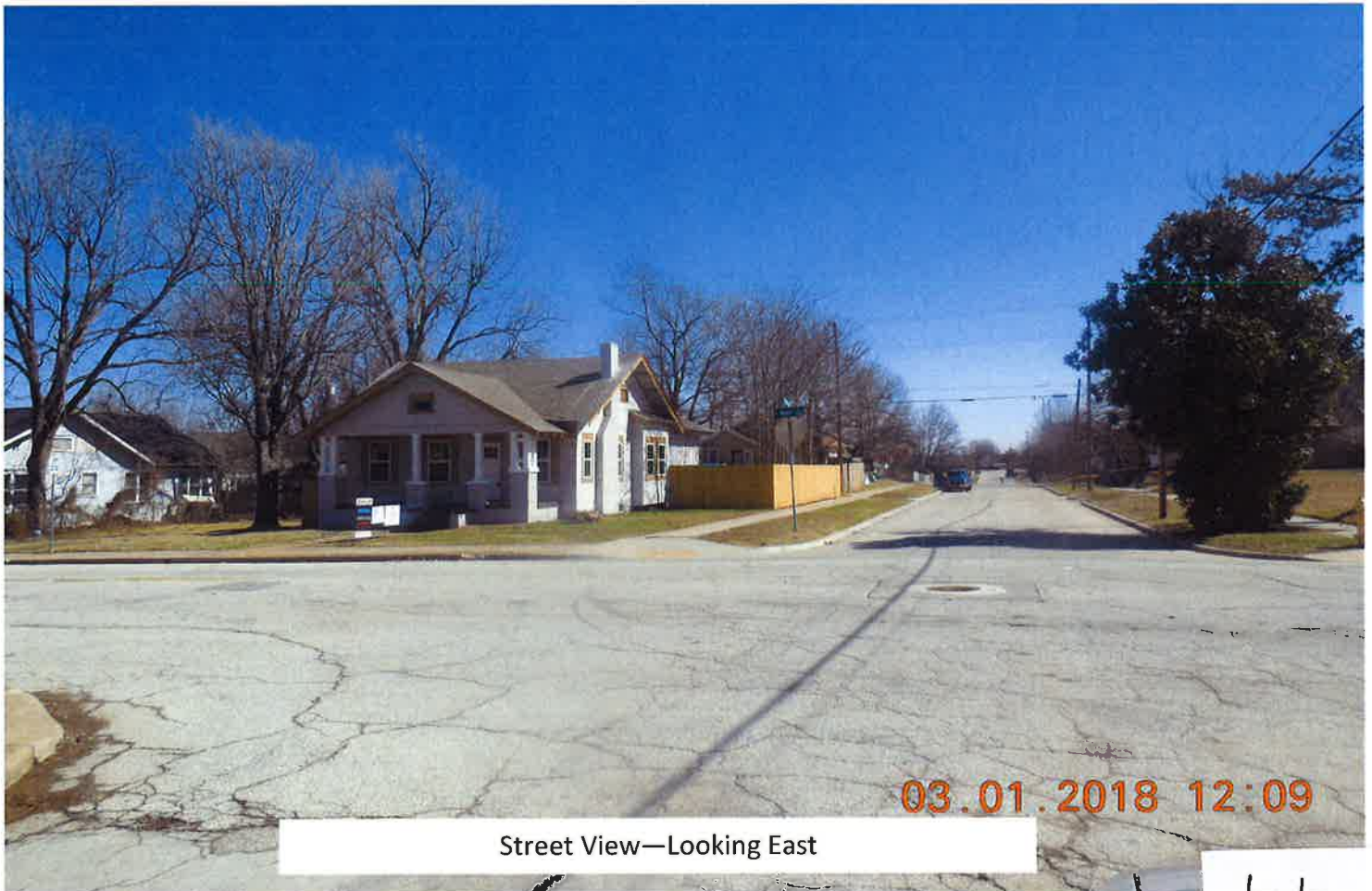
6.5



BOA 22406



Subject Site—Looking East



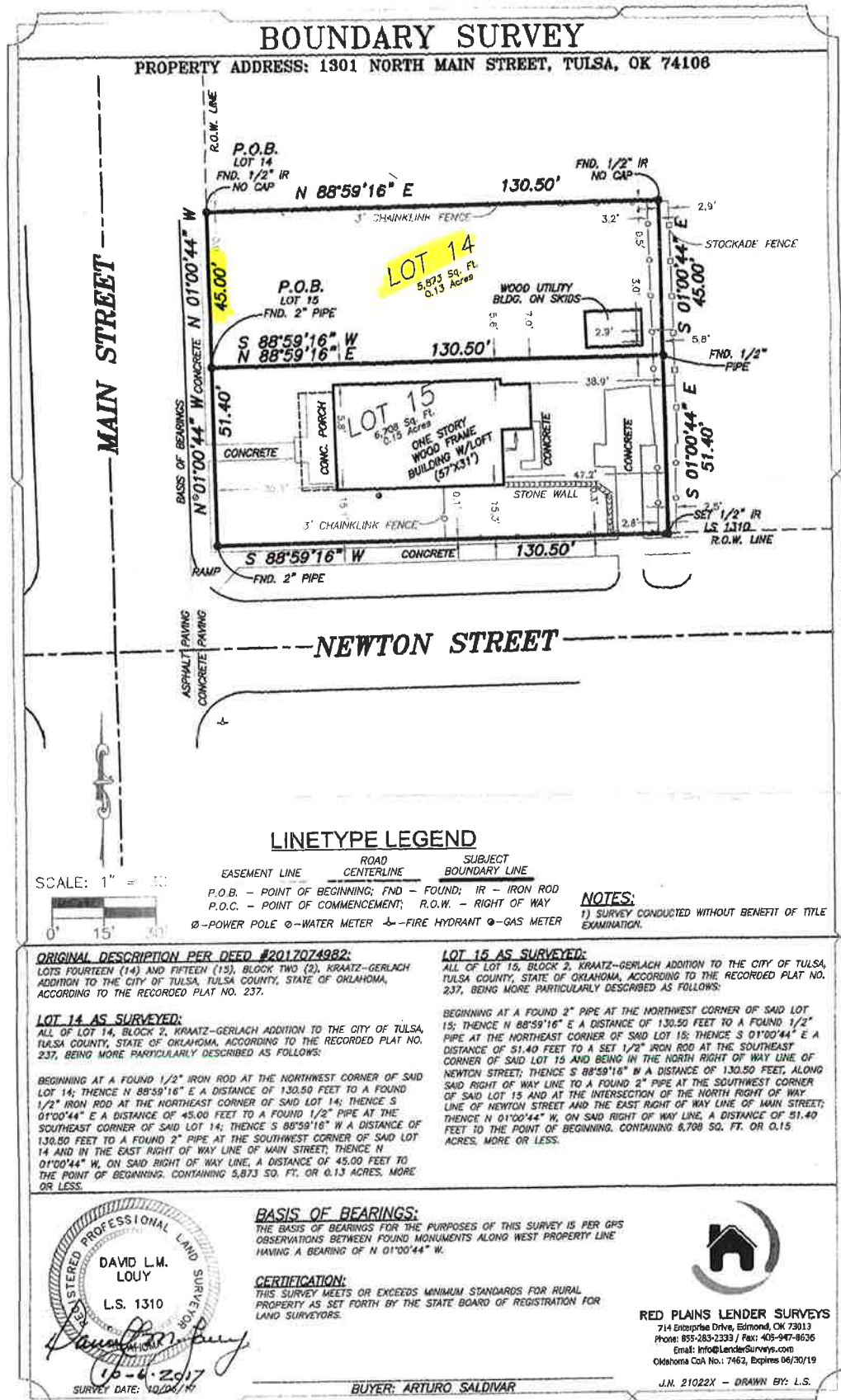
Street View—Looking East

03.01.2018 12:09

6.6

BOUNDARY SURVEY

PROPERTY ADDRESS: 1301 NORTH MAIN STREET, TULSA, OK 74108



2 EXISTING SURVEY
SCALE: NTS

6.7



**NEW
SINGLE-FAMILY
RESIDENCE**

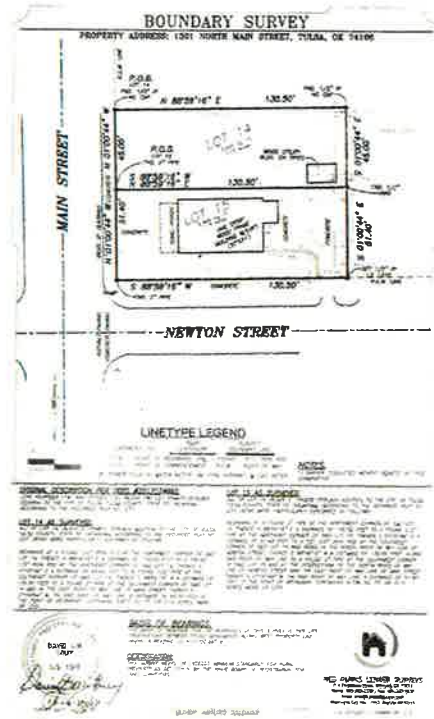
**LOT 14, BLOCK 2
KRAATZ-GERLACH
ADDITION**

**PROJECT #
17004**

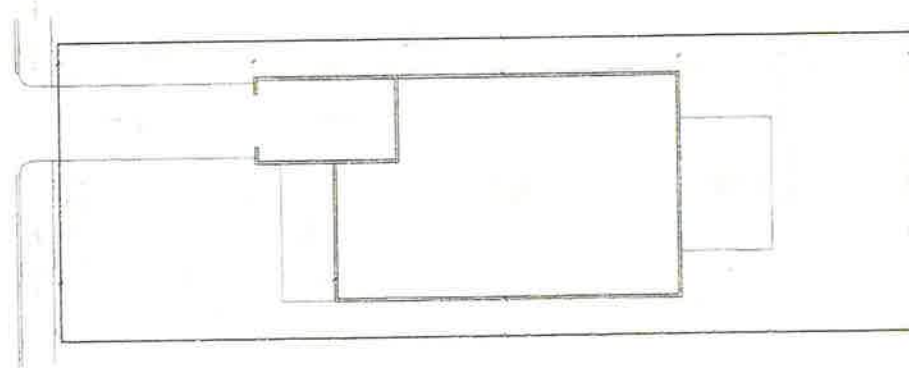
10.25.2017

ARCH
SITE PLAN

A1.0

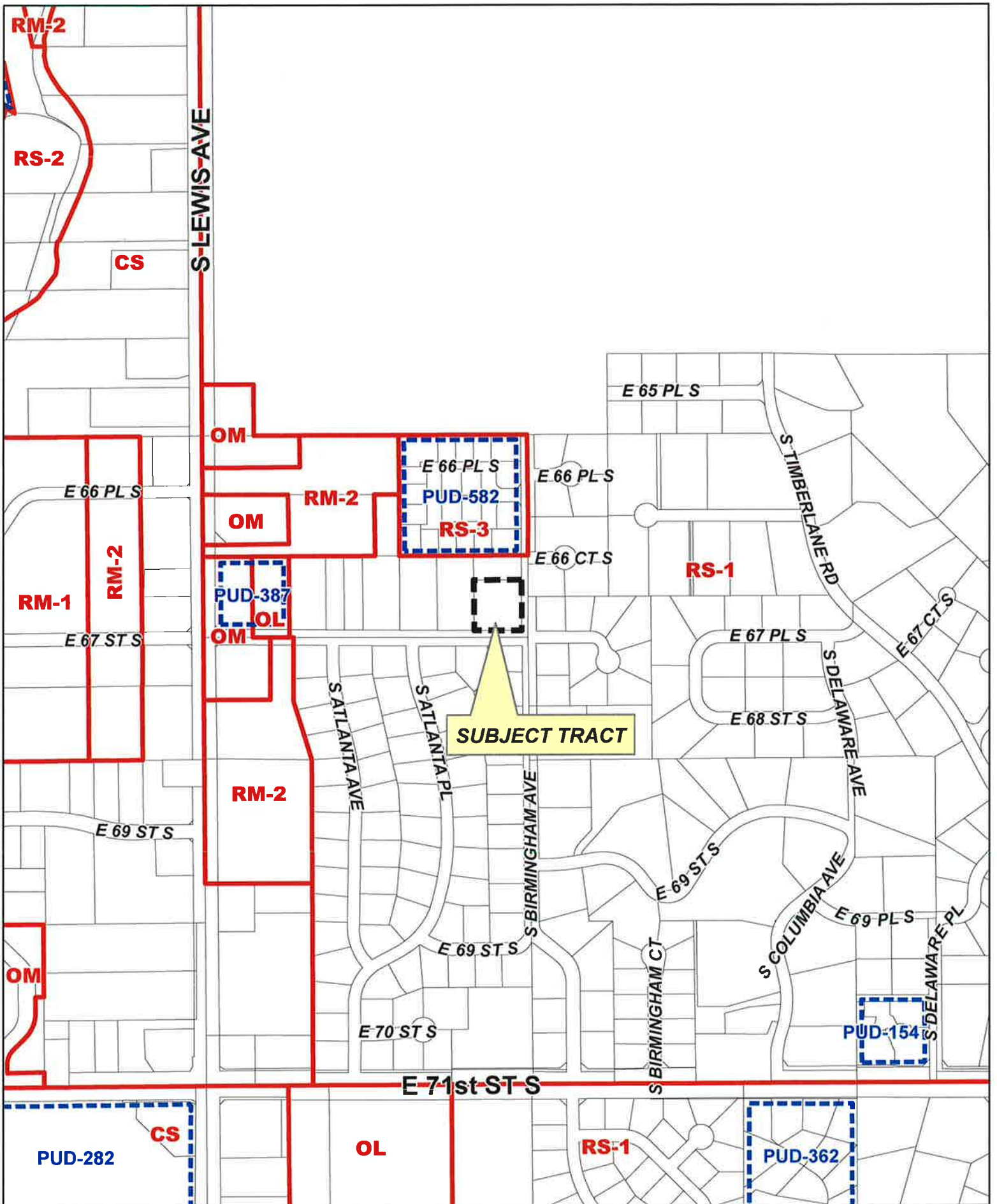


2 EXISTING SURVEY
SCALE NTS



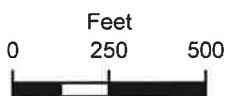
1 SITE PLAN
SCALE 1/8" = 1'-0"

6.8



BOA-22407

18-13 05



BOARD OF ADJUSTMENT CASE REPORT

STR: 8305

Case Number: **BOA-22407**

CZM: 52

CD: 2

A-P#: N/A

HEARING DATE: 03/13/2018 1:00 PM

APPLICANT: Erik Enyart

ACTION REQUESTED: Variance to reduce the required lot width from 100 ft. to 93 ft. to allow a lot split in the RS-1 district. (Section 5.030)

LOCATION: NW/c of E. 67th St. S & S. Birmingham Ave. **ZONED:** RS-1

PRESENT USE: Vacant

TRACT SIZE: 38629.17 SQ FT

LEGAL DESCRIPTION: S200 LT 8, MUZINGO HILL, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 20413; on 01.23.17 Variance of the minimum average lot width permitted in an RS-1 district from 100 ft. to 85 ft. to permit a lot split; located at the northeast corner of S. Birmingham Ave. and E. 66th Ct. S.

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-1 zoning.

7.2

STAFF COMMENTS:

As shown on the attached site plans the applicant is proposing to split off a portion of the subject lot; the proposed Tract 2 will be 18,630 sq. ft. and contain a lot width of 93 ft. The Code requires that a RS-1 zoned lot maintain a lot area and lot area per unit of 13,500 sq. ft.; an open space per unit of 7,000 sq. ft.; and a lot width of 100 ft.

To permit Tract 2 as proposed the applicant has requested a **Variance** to reduce the permitted lot width from 100 ft. to 93 ft. The applicant has submitted comments that are attached to this case report for the Board's review.

Sample Motion

Move to _____ (approve/deny) a Variance to reduce the required lot width from 100 ft. to 93 ft. to allow a lot split in the RS-1 district. (Section 5.030)

- 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."

overflow parking. The applicant provided an amended site plan and other exhibits (Exhibits D-1 and D-2).

Interested Parties:

Dennis Whittaker, 111 South Greenwood, Urban Development, stated they are continuing to implement the Vision 2025 Plan with their resources. He added that they held two public meetings together with the area around the subject property. They sought input from property owners and neighborhood associations since money was allocated to streetscape 11th and Yale. At the first meeting the public indicated a desire for landscaping that would transition from the architecture of the 1950's-70's era to the south side architecture of the 1920's-30's era. The landscape architects provided some ideas at the second meeting, which received support from the property and business owners. Later they determined the area included in the plan was not in the right-of-way so the City backed away from that plan to wait for other alternatives to become available. A revised design for public intersection improvement was then presented.

Board discussion ensued.

Board Action:

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the parking requirements, from 36 to 17 parking spaces, to permit a health club and smoothie bar in the existing building (Section 1219.D), per amended plan submitted today # AS101 and dated 12/28/06, with written agreement from the property to the west for additional parking spaces, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT SE SE BEG 35N & 50W SECR SEC 4 TH W150 N115 E150 S115 POB
SEC 4 19 13 .4AC, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20413

Action Requested:

Variance of the minimum average lot width permitted in an RS-1 district from 100 ft. to 85 ft. to permit a lot split (Section 403), located: 6633 South Birmingham Avenue East.

Presentation:

Dane Butterfield, 446 East 113th Street, stated the only requirement he has not met is the average lot width due to the cul-de-sac causing less than 100 ft lot width. The applicant provided a lot-split exhibit (Exhibit E-1).

Mr. Stephens out at 1:50 p.m.

Mr. Butterfield stated he would demolish the existing house, and build a new driveway with the new house.

Mr. Stephens returned at approximately 1:54 p.m.

Interested Parties:

David Thompson, 2620 East 66th Court, stated he is adjacent to the subject property. The property slopes east to west and he noted they would have to make provision for proper drainage.

Barbara Walts, 2606 East 66th Place, stated she is the adjoining owner on the north and west of the subject property. She was opposed to making one lot into three smaller lots. She thought it would make her lot less enjoyable.

Applicant's Rebuttal:

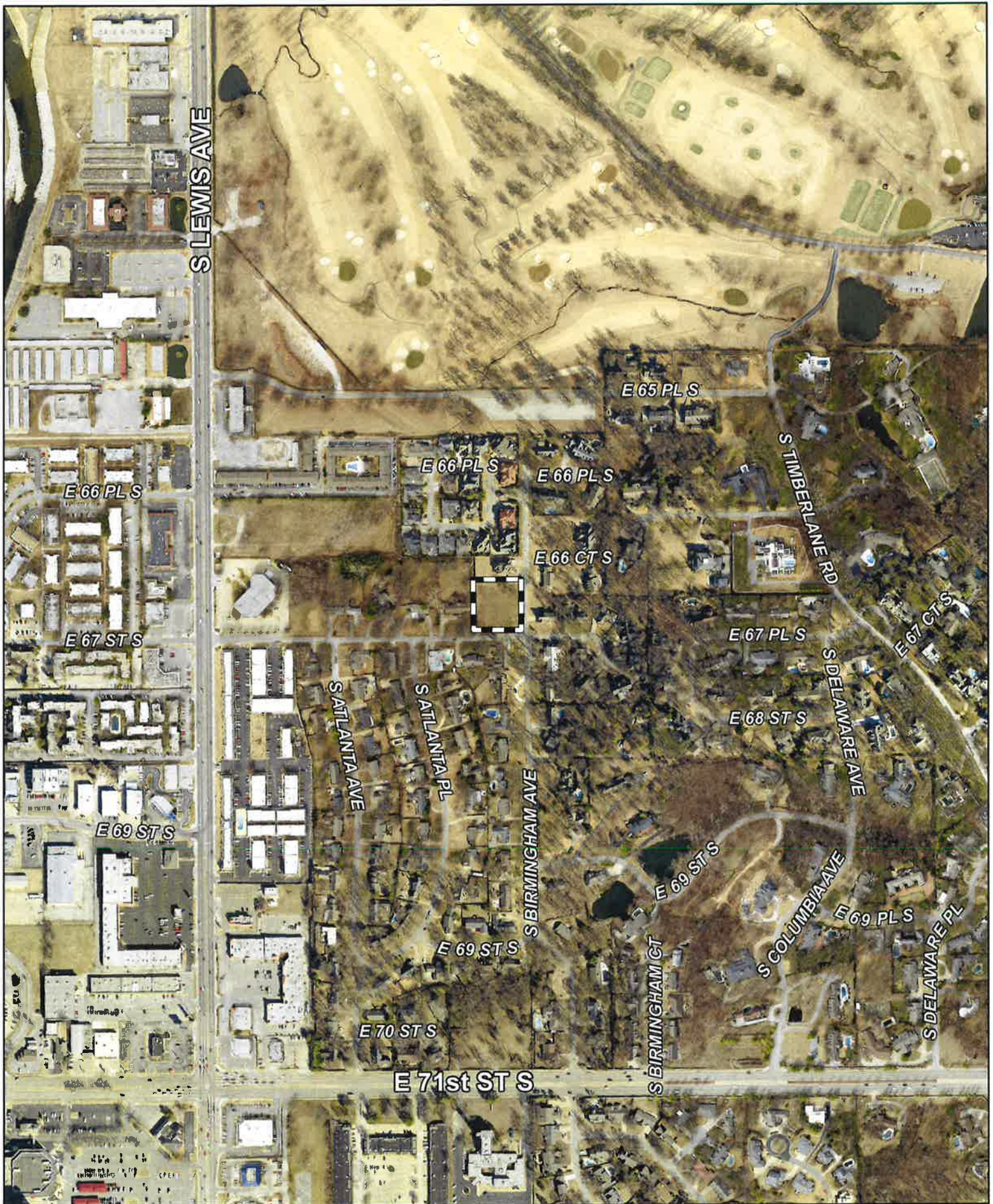
Mr. Butterfield responded that his hardship is how the cul-de-sac encroached on tracts A and B.

Mr. Alberty reminded the Board that the over-all lot width is 100 ft. but when you take out portions you have to average the lot. The lot area exceeds the RS-1 requirements.

Board Action:

On **Motion of Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the minimum average lot width permitted in an RS-1 district from 100 ft. to 85 ft. to permit a lot-split (Section 403), in accordance with the agenda page 5.5; finding that the lot-split is in harmony with the infill development in the City of Tulsa, that the conditions and circumstances are peculiar to this land; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT NE SW BEG 185.23N & 30E SWC SW NW NE SW TH E76.7 TH ON A CRV156.59 TH E137.2 N TO NEC SW NW NE SW W TO A PT 30E OF NWC SW NW NE NE SW TH S POB SEC 5 18 13 1.12AC, City of Tulsa, Tulsa County, State of Oklahoma



0 Feet 250 500



Subject Tract

BOA-22407

18-13 05

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

Aerial Photo Date: February 2016

7.6





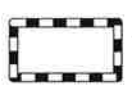
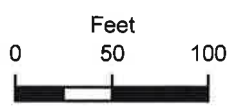
E66 CTS

S BIRMINGHAM AVE

E66 CTS

E67 STS

S ATLANTA PL



Subject
Tract

BOA-22407

18-13 05

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

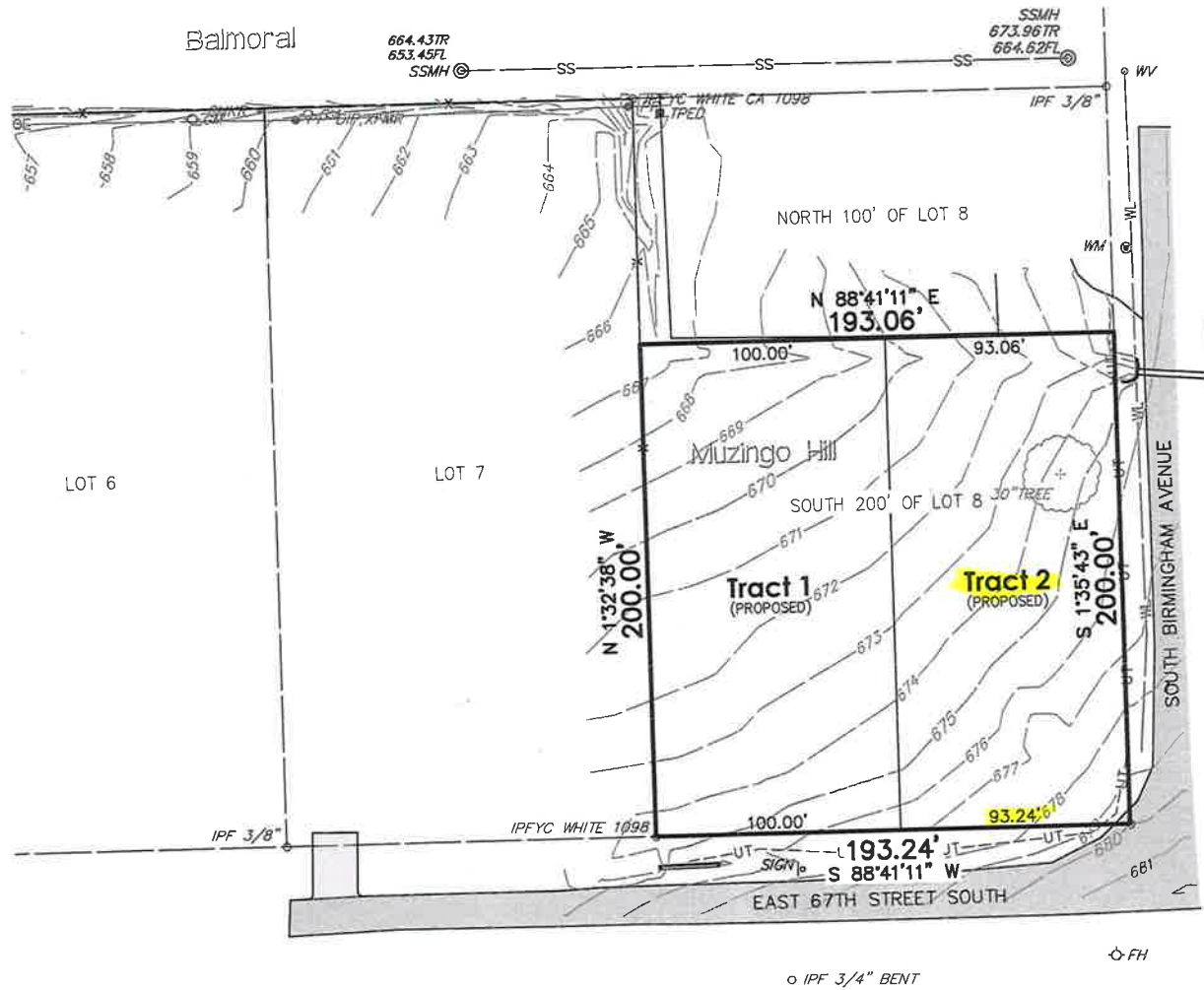
Aerial Photo Date: February 2016



Exhibit 'A'

Part of Lot 8 - Muzingo Hill Addition

Topographic Exhibit



2/07/2018 18010SVBS

Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

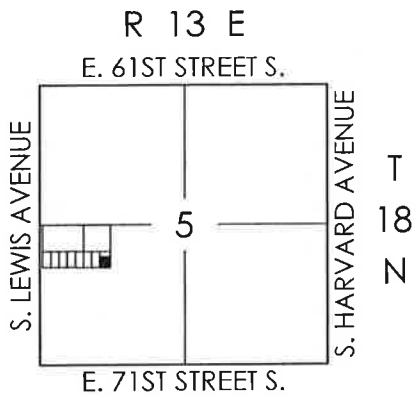
8.2

Exhibit "A.2"

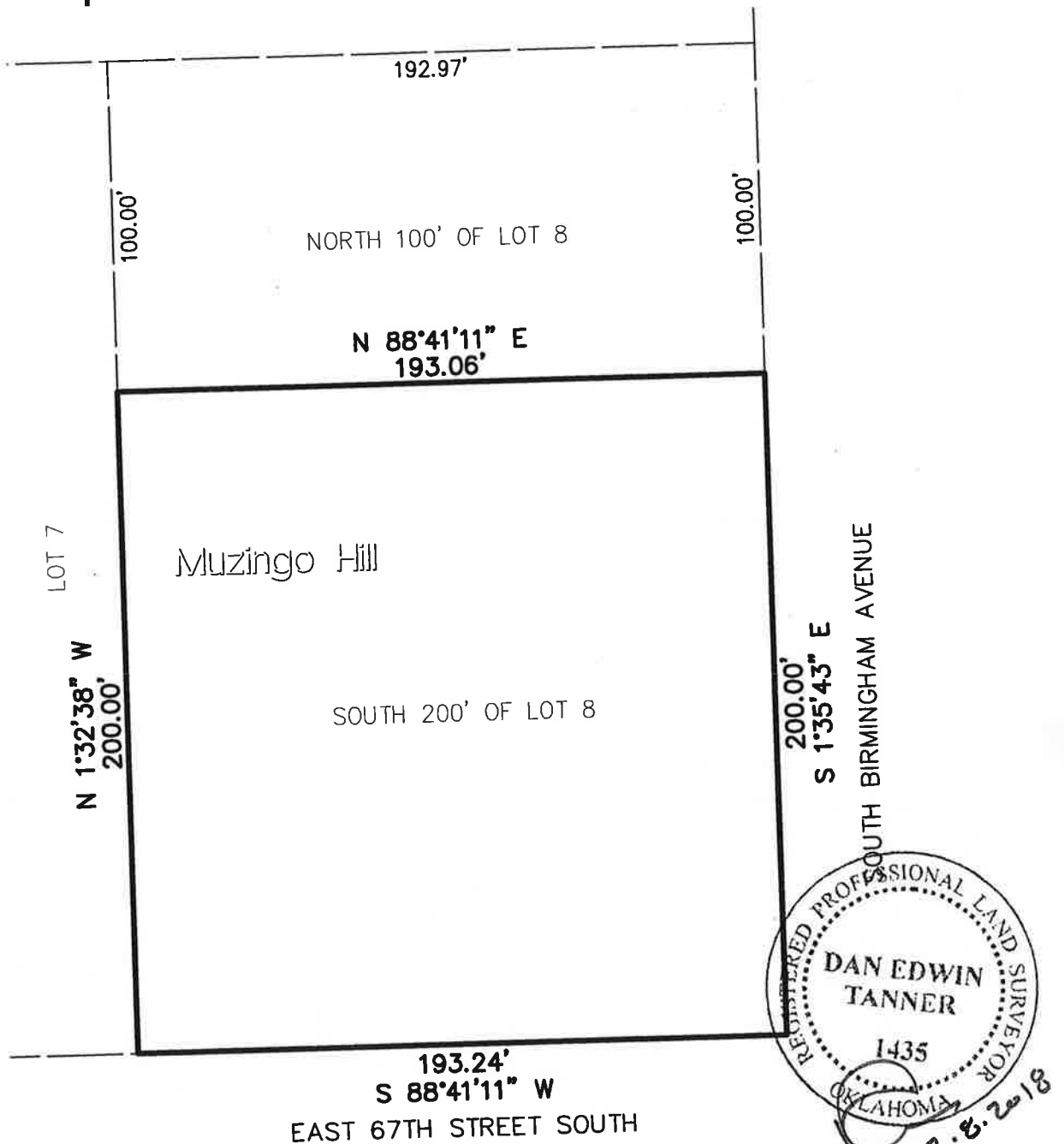
Part of Lot 8

Muzingo Hill Addition

Original Property Exhibit



Location Map



II. PROJECT CONCEPT

The subject property of 0.877 acres is the South 200' of Lot 8, Muzingo Hill Addition and is located at the northwest corner of 67th Street South and South Birmingham Avenue in the City of Tulsa, Oklahoma. Muzingo Hill Addition was platted May 20, 1948. To the west of the subject property, Lot 4 was split into eastern and western halves and houses were built on each in 1953, per Tulsa County Assessor's parcel records. Except for infill dwellings, most houses in surrounding neighborhoods were constructed in the 1950s, 60s, and 70s, per Tulsa County Assessor's parcel records. The subject property is located within a large RS-1 zoning district which composes most of this square mile.

The owner would like to divide the tract into two (2) lots for single-family dwellings. The subject property has 193.24' of frontage on 67th Street South and 200' of frontage on South Birmingham Avenue. The lots are planned to front 67th Street South and would meet all of the RS-1 bulk and area requirements of Tulsa Zoning Code Section 5.030-A Table 5-3 with the exception of the 100 feet minimum lot width. The western lot will meet this requirement but the eastern lot would only have 93.15 feet of lot width; thus, it would require a Variance of 6.85 feet. Section III of this narrative explains how the requested Variance meets the tests and standards for same under State Statutes and the Tulsa Zoning Code.

IV. TESTS AND STANDARDS FOR GRANTING VARIANCE

Consistent with and slightly more specific than State Statutes, Tulsa Zoning Code Section 70.130-H.1 requires that the owner's requested Variance meet the following tests and standards:

- 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.

The lots could meet the 100' minimum lot width requirement if oriented to front South Birmingham Avenue. However, as shown on the attached Exhibit 'A', the subject property has a significant drainage swale along its north line. The channel is widest at its east end, where it occupies approximately 24 feet of the South Birmingham Avenue frontage. The owner, therefore, desires to place the swale in the rear yards of the two (2) lots, rather than have building designs and yard areas compromised by reduced usable frontage. This topographical condition, together with the inherited geometries of the subject property, would result in an unnecessary hardship or practical difficulty for the property owner (a) (d), and such conditions are unique to the subject property and not applicable, generally, to other property within the same RS-1 district (c).

Of the several fundamental purposes for imposing minimum bulk and area requirements, including lot widths, the primary reason is for the prevention and mitigation of overcrowding, blight, substandard housing, inadequate sunlight, air, and open space, and other such historic urban problems which originally inspired these standards. Other intended results may have included the maintenance and promotion of aesthetics and property values. Regardless of time period in which constructed, house value is typically corollary to house size, which is itself corollary to lot size. Property values may also be maintained or promoted by the value added to individual properties when located in a neighborhood with regularity, uniformity, and basic minimum standards for lot and house sizes.

Overcrowding in this area of Tulsa does not appear to be the case here, and in any event does not compare to the extreme densities and crowding issues experienced by older, highly urban centers of the late 1800s and early 1900s, when the zoning laws regulating such bulk and area standards were originally designed. Whether the lots were oriented to front 67th Street South or South Birmingham Avenue, the density will not change, and the Variance of 6.85 feet, the minimum necessary to afford relief, will not meaningfully change the character of the mid-century neighborhood, which has a divergent mix of lot widths and lot sizes. Rather, more meaningful yard areas could result from approval of the Variance (b) (e) (f) (g).

For all the reasons above, we believe that the requested Variance will meet all of the tests and standards for same under State Statutes and the Tulsa Zoning Code.

**THIS PAGE
INTENTIONALLY
LEFT BLANK**

ITEM #8 – OTHER BUSINESS

BOA-22409

REQUEST FOR REFUND

REQUEST FOR REFUND

Case No. BOA-22409

The applicant, W Design, Jennifer Wright-Stickney, Roger McKee, 815 East 3rd Street, Suite C, Tulsa, Oklahoma, 74120, made application to the City of Tulsa Board of Adjustment, asked for a refund of fees paid for an application for:

Variance () Special Exception () Verification () Appeal () Modification () Administrative Adjustment (X)		
From the COT BOA (X) County BOA ()		
	Fees Paid	Fees Used
Base Request	\$300.00	00.00
Additional Requests	00.00	00.00
Newspaper Publication	00.00	00.00
Sign (Special Exception Uses in COT only)	00.00	00.00
300' Property Owners Mailing and Postage	75.00	75.00
Application Subtotal:	375.00	75.00
Notice Subtotal:	375.00	75.00
Total Fees Paid:	375.00	75.00

Recommended Refund:

\$300.00

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

The application was withdrawn by the applicant.

The staff recommends the refund listed above.

Per staff:


Nikita Moye, Senior Planner