AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, April 10, 2018, 1:00 P.M.

Meeting No. 1203

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of March 27, 2018 (Meeting No. 1202).

UNFINISHED BUSINESS

2. **22394—Carolyn Ingram**
Special Exception to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); Spacing Verification for a transitional living center use (Section 40.130). **LOCATION:** 272 East 54th Street North **(CD 1)**

3. **22403—Anita Saiymeh**
Variance to install a drive-thru 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)**

The applicant has requested a continuance to April 24, 2018; working with the City for a revised Letter of Deficiency.

4. **22397—Donny Beeler**
Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in an AG District; Variance to reduce the required lot width to permit a lot split (Section 25.020). **LOCATION:** 8217, 8223 and 8231 South Maybelle Avenue West **(CD 2)**

The applicant has requested a continuance to April 24, 2018 while working with the City on infrastructure issues.

5. **22411—David McGhee**
Variance of the minimum parking requirements to permit expansion of an existing Funeral Home/Crematory (Section 55.020). **LOCATION:** 2103, 2104, 2105 East 3rd Street South **(CD 4)**

The applicant has requested a continuance to April 24, 2018; working with the City for a revised Letter of Deficiency.

NEW APPLICATIONS

6. **22408—Carlos Velasco**
Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A). **LOCATION:** 1511 North Main Street East, 11 East Pine Street North **(CD 1)**

7. **22412—Christian Ortiz**
Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL District (Table 60-3). **LOCATION:** 5230 South Mingo Road East **(CD 7)**

8. **22418—J. D. Harp**
Special Exception to allow the driveway width to exceed 20 feet on the lot and in the right-of-way in an RS-4 District (Section 55.090-F.3). **LOCATION:** 18608 East 43rd Street South **(CD 6)**

9. **22419—Claude Neon Federal Signs**
Variance to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 30.6 feet above grade with a 40-foot setback from South Cincinnati Avenue East (Section 60.080-D). **LOCATION:** 810 South Cincinnati Avenue East **(CD 4)**

10. **22422—CDM Dock, LLC – Jeanie Kvach**
Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050-A). **LOCATION:** 321 South Frankfort Avenue East **(CD 4)**

11. **22423—Aaron Hunt**
Variance of the required parking spaces for a Commercial/Commercial Services/ Building Service Use (Section 55.020). **LOCATION:** 5623 South 107th Avenue East **(CD 7)**

12. **22424—Peter Parker**
Special Exception to allow for a Commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS District (Section 15.020). **LOCATION:** 804 South Sheridan Road East **(CD 5)**

13. **22425—Christian Ortiz**
Variance to permit an additional wall sign in an OM District to be located on the east building wall without any street frontage (Section 60.060-B). **LOCATION:** 2835 East Skelly Drive South **(CD 9)**

14. **22426—Pete Yankovich**
Special Exception to permit a carport in the street setback area and to exceed 20 feet in width (Section 90.090-C.1). **LOCATION:** 1607 East 58th Street South **(CD 9)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

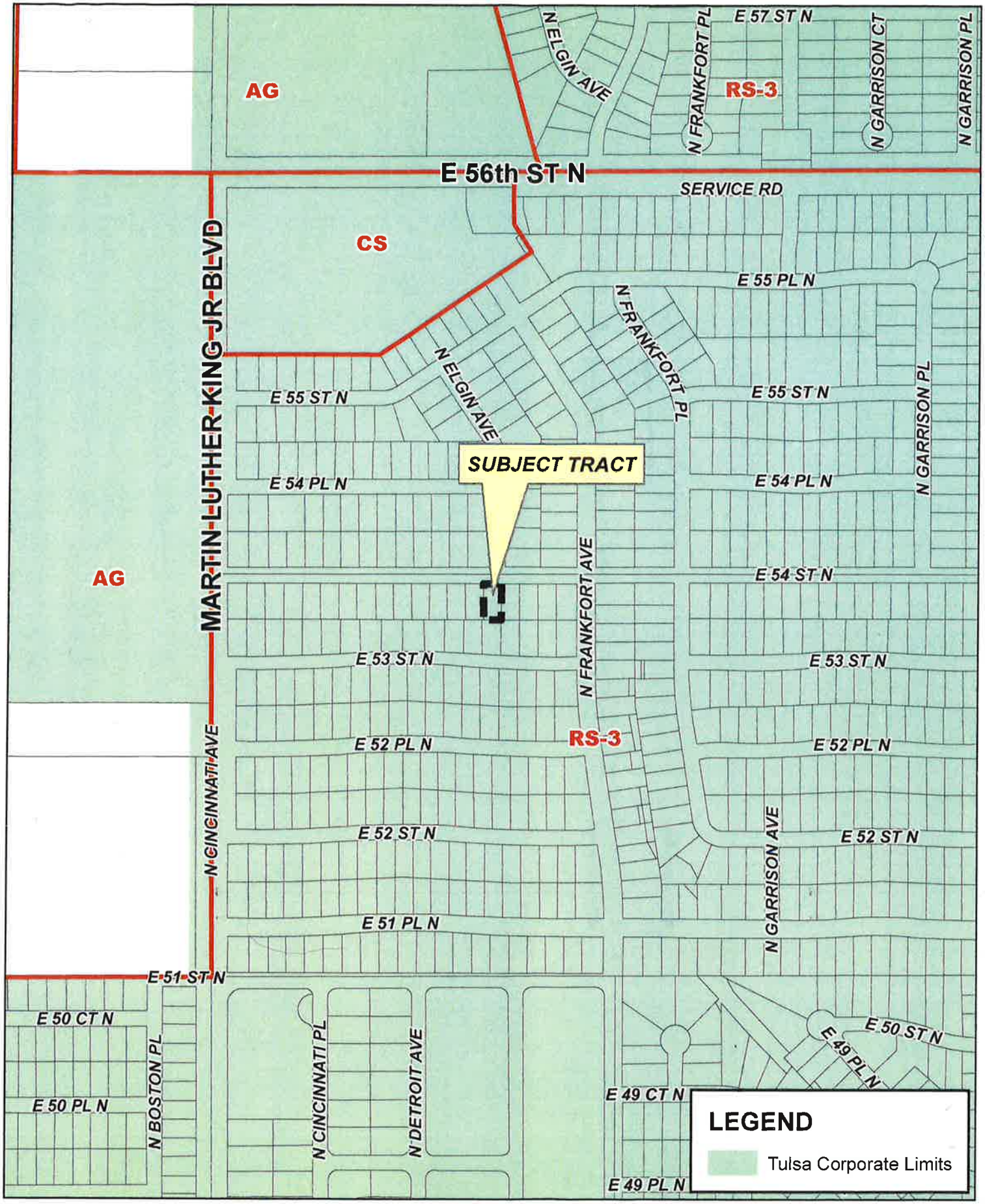
ADJOURNMENT

Website: **www.cityoftulsa-boa.org** **E-mail:** **esubmit@incog.org**

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG. ALL electronic devices MUST be silenced during the Board of Adjustment meeting.

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



BOA-22394

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 0212
CZM: 21
CD: 1
A-P#: 434057

Case Number: **BOA-22394**

HEARING DATE: 04/10/18 (continued from 02/27/2018) 1:00 PM

APPLICANT: Carolyn Ingram

ACTION REQUESTED: **Special Exception** to allow a Residential/Group Living/Transitional Living Center in the RS-3 district (Section 5.020); **Spacing verification** for a transitional living center use (Section 40.130).

LOCATION: 272 E 54 ST N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7139.51 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 42, VALLEY VIEW ACRES SECOND 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-3 zoned residences.

STAFF COMMENTS:

The applicant is requesting a Special Exception to permit a Residential/Group Living/Transitional Living Center in the RS-3 district. Additionally, the applicant is before the Board to verify the spacing requirement for a transitional living center of 2,640 ft. from other transitional living centers, residential treatment centers, detention/correctional facilities, emergency and protective shelters, homeless centers.

The subject lot will be used as a transitional living center for adolescent girls. A Transitional Living Center is a community-based residential facility that provides room and board, a supervised living environment, counseling and rehabilitation services for persons with a history of juvenile delinquency and behavioral disorders. The applicant has stated that there will be no more than 6 girls in the facility; 24 hr. supervision will be provided on site. A special exception is required as the transitional living center is a use which is not permitted by right in the RS-3 district because of potential adverse effect, but which if controlled as to its relationship to the neighborhood may be permitted.

Staff has attached a map illustrating a 2,640 ft. radius around the subject property. The applicant has stated that there are no existing transitional living centers or conflicting uses within the spacing radius. Staff could find no evidence of a special exception being granted for a similar facility within the spacing radius.

Sample Motion for the Spacing Verification:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the transitional living center subject to the action of the Board being void should another conflicting use be established prior to this transitional living center.

Sample Motion for a Special Exception:

Move to _____ (approve/deny) a Special Exception to allow a Residential/Group Living/Transitional Living Center in the RS-3 district (Section 5.020).

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

  _____.

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

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Subject Tract

BOA-22394

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

Aerial Photo Date: February 2016

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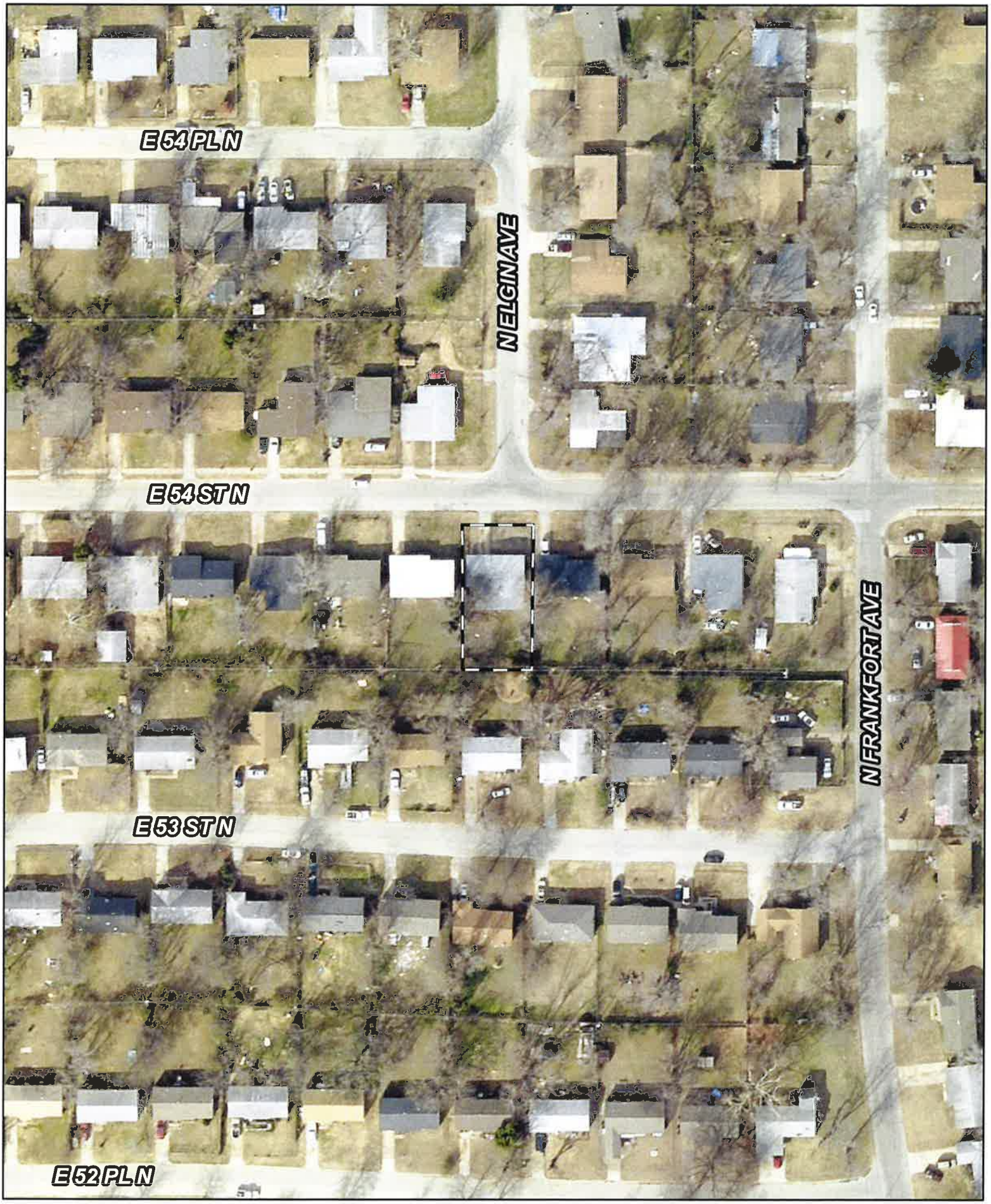

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Subject Tract

BOA-22394

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

Aerial Photo Date: February 2016

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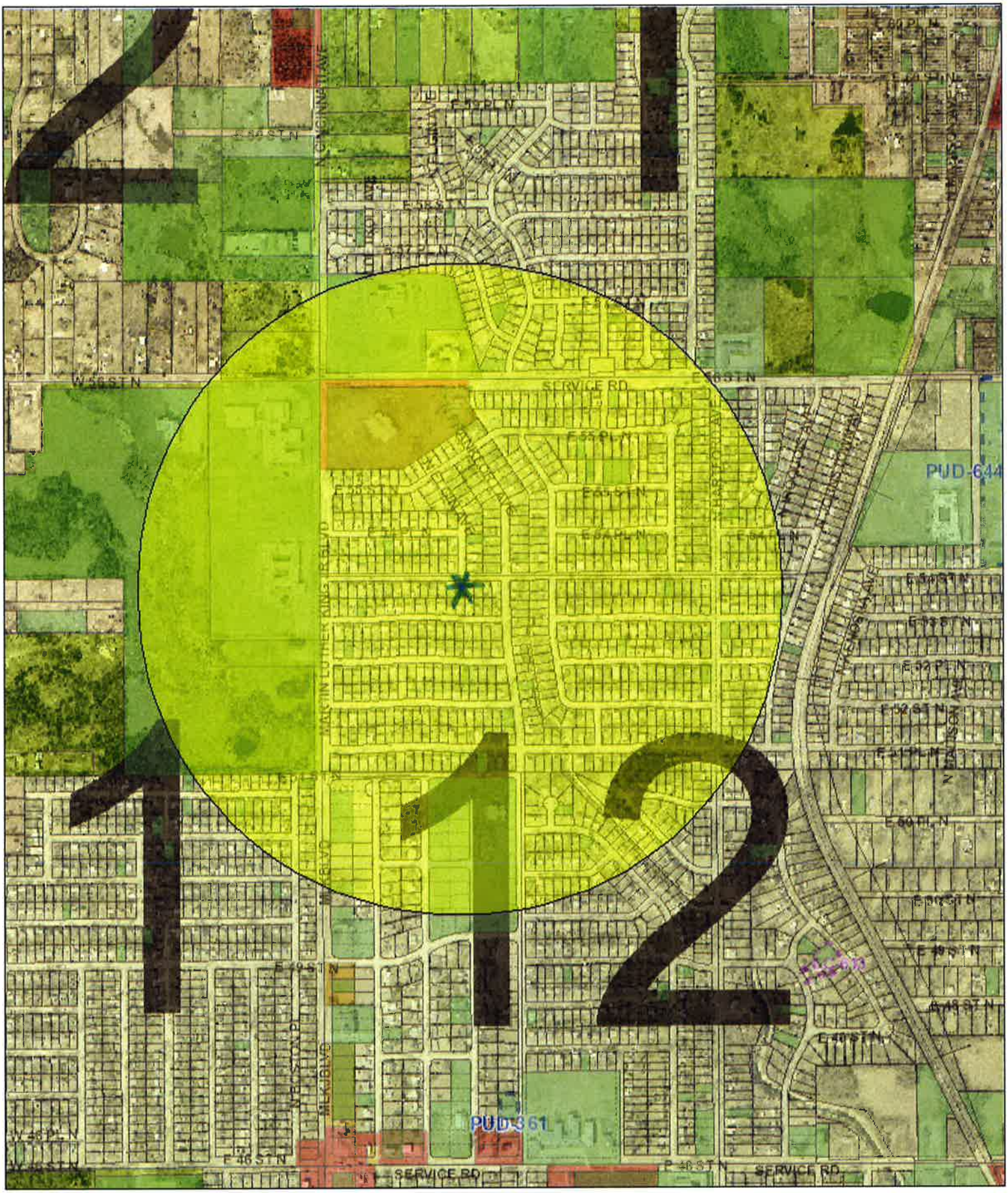

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BOA 22394

Moye, Nikita

Subject: FW: AP#434057 Abundant Living

From: Carolyn Ingram [mailto:larcar1973@hotmail.com]
Sent: Thursday, January 18, 2018 10:42 AM
To: Moye, Nikita <nmoye@incog.org>
Subject: Re: AP#434057 Abundant Living

I have reviewed the land uses within the required spacing radius and there are no existing community group homes, emergency protective shelters, transitional living centers, homeless shelters, residential treatment centers or detention/correctional facilities with within 2,640 ft. of my lot at 272 E 54 Street North.

Carolyn Ingram

2.7

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: 1040403-1

November 28, 2017

LARRY INGRAM
ABUNDANT LIVING
546 E PINE PLACE
TULSA, OK 74106

Phone: (918)892-2046

APPLICATION NO: **434057** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **272 E 054 ST N**
Description: **NOT APPLICABLE**

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" **[X]IS** **[ ]IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

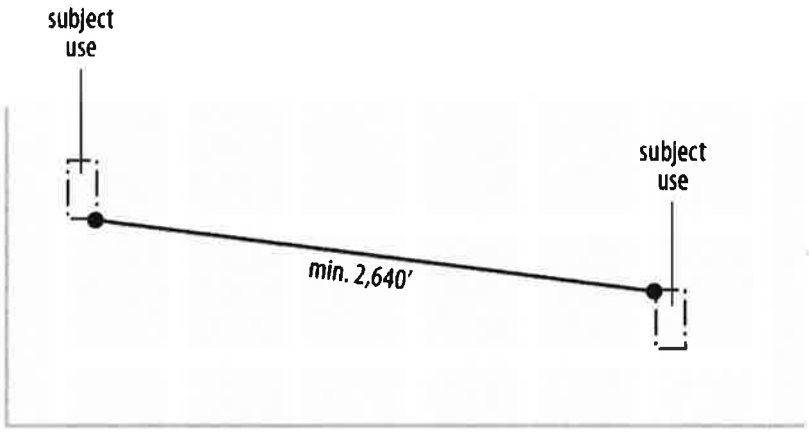
Application No. 434057 272 E 054 ST N November 28, 2017

Note: Please direct all questions concerning special exceptions, separation distance verifications, and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.5.020 Table 5-2:** You are proposing a Residential/Group Living/Transitional Living Center use which is located in an RS-3 zoning district.
   Review Comments: This use only allowed in an RS-3 zoned lot by Special Exception. Submit a Special Exception, reviewed and approved per *Sec.70.120,* to allow a Residential/Group Living/Transitional Living Center use to be located in an RS-3 zoning district. This will need to be submitted as a revision to this application.

2. **Sec.40.130-B:** To avoid over-concentration, all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and transitional living center uses must be separated from one another by a minimum distance of 2,640 feet, as measured in a straight line from the nearest point on the lot line of the property occupied by one of these uses to the nearest point on a lot line of the other property occupied by one of the subject uses *(see Figure 40-6)*. The separation distance requirements of this subsection may be reduced if approved through the special exception approval process.
   Review comment: Your application is for a transitional living center use. This will require Verification, reviewed and approved per *Sec.70.110*, of the minimum Separation Distance of 2,640 feet from all detention and correctional facilities, emergency and protective shelters, homeless centers, residential treatment centers and other transitional living center uses. Submit a copy of the approved Separation Distance Verification as a revision to this application.

Figure 40-6: Dispersal Standards Measurement



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.

BOA 22394

4735 N. Detroit Ave.
Tulsa, OK 74126

February 21, 2018

Ms. Nakita Moye
Board of Adjustment
Two West Second Street – Suite 800
Tulsa, OK 74103

Re: Case No. BOA-22394 – Special Exception

Dear Ms. Moye:

It would be appreciated if this letter could be placed on record as **NOT** approving a Special Exception, allowing a residential/group living/transitional living center in a RS-3 District (Section 5.020), and to be located at 272 E. 54th St. No. Some of our reasons opposing Special Exception are as follows:

1. We purchased our homes to remain as single-family, not transitional living centers.
2. We oppose this site being used as a non-profit entity that will not contribute to aid our desires for single-family homes and economic development to occur around N. Frankfort Avenue and E. 54th St. No., and East of Martin Luther King, Jr. Blvd.
3. The Special Exception allowing the location of this transitional living center will have a negative impact destroying years of working to uplift this community and bringing wealth, prosperity, higher income residents, upscale commercial and retail, including restaurants to this area to spur continued growth patterns further north, east and westward to the Osage County boundary line.
4. We want our neighborhood to become known as a competitive, beautiful and wealthy place to live for moderate to upper income level families, and we cannot exactly make this claim to fame when we become saturated with transitional homes, plagued with social service organizations.
5. This center will not contribute any tax dollars to the north Tulsa community's hope chest.
6. Our community has worked tremendously hard and we feel that the proposed Special Exception to allow a transitional living center will lessen the opportunities for development to occur in an area that is making a renowned come-back, as follows:
    a. The Peoria corridor
    b. Beautification efforts
    c. Chamberlain Park

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All will be lost as far as following the outline of plans for improving North Tulsa from the PlaniTulsa Plans if the proposed transitional living center is approved

Our issue is to uptrend the market values of our property for future growth, much like the redevelopment of Ogans Circle, West of N. Lansing, housing development North of downtown along N. Greenwood to MLK, Jr. Blvd., between John Hope Franklin and E. Apache. These phases promote action and encourages developers to revitalize our neighborhoods. **The Special Exception to allow a residential/group living/transitional living center will disrupt the future of our neighborhood, and the idea should by all means be rejected.**

Members of our Neighborhood Association will be unable to attend the hearing on Tuesday, February 27, 2018 at 1:00 p.m.

If you have questions or need additional information, please call me at work between 8:30 a.m. and 4:30 p.m. (918/592-4944), or after 6:00 p.m. (918/425-4756).

Thank you very much for your assistance in this matter.

Very truly yours,

Jane Malone
President

/jm

Cc: Mayor G.T. Bynum
Tulsa City Councilors
NTEDi

Officers:
Jane Malone, President
Ira Bryant, Vice President
Barbara Randolph, Secretary
Frankie McCrary, Treasurer

Chamberlain Area Neighbors (C.A.N.) Association
Meet Monthly at Chamberlain Community Center
4940 North Frankfort Avenue
Tulsa, Oklahoma 74126

North Tulsa Economic Development Initiative

February 26, 2018

Nakita Moye, City of Tulsa Board of Adjustment
and Tulsa County Board of Adjustment
Variances and Special Exceptions
Two West Second Street - Suite 800
Tulsa, OK 74103

Re: Case No. BOA-22394 – Special Exception

Dear Nakita Moye:

The North Tulsa Economic Development Initiative (NTEDi) and community members are requesting that the City of Tulsa Board of Adjustment reject the Special Exception request (Case No. BOA-22394). The residential/group living/transitional living center should not be approved to be located at 272 East 54th Street North.

We recognize that it is important to have transitional living facilities to support those who could benefit from the facility. Nonetheless, we do not believe that the facility should be placed in the midst of families who continue to vision a brighter future that provides opportunities; that contribute to improving their quality of life. The placement of a residential/group living/transitional center in a RS-3 District (Section 5.020) does not support improving the quality of life for residents in the area of 272 East 54th Street North. Such a facility in the area would increase the fear factor that some people have about the north Tulsa community being a negative place and hopeless. The location of a residential/group living/transitional living center in the area could bring about negative influences ranging from increased drugs, alcohol, mental instability, etc.

We have reviewed the letter submitted by the Chamberlain Arena Neighbors *(see attachment)* and are in agreement with the reasons for opposing a Special Exception. There are children and community members, who greatly benefit from having a place in their community to go, where they can play, participate in activities, do hands on arts and crafts, and participate in athletic sports (basketball).

NTEDi is committed to providing a sense of pride and cohesion within the north Tulsa community. The location of a transitional facility in the community does not support building pride and improving the quality of life for families in north Tulsa.

Please accept this official letter and share with the City of Tulsa Board of Adjustment Members. If you have questions or need additional information, please don't hesitate to contact me at lturner_ntedi@aol.com or 918-534-6884.

Working Together to Build a Brighter Future for North Tulsa!

Respectfully,

Lana Turner-Addison, EdD
President

Cc: City of Tulsa Board of Adjustment Members
Stuart Van De Wiele, Chair
Briana Ross
Tom Flanagan, Vice Chair
Carolyn Back, Secretary
Austin Board
NTEDi Board of Directors
Mayor G.T. Bynum
Tulsa City Councilors
Jane Malone, President - Chamberlain Area Neighbors

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BOA-22403 – ANITA SAIYMEH

THE APPLICANT REQUESTED A CONTINUANCE TO APRIL 24, 2018; WORKING WITH THE CITY FOR A REVISED LETTER OF DEFICIENCY

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BOA-22397 – DONNY BEELER

THE APPLICANT REQUESTED A CONTINUANCE TO APRIL 24, 2018; WORKING WITH THE CITY FOR A REVISED LETTER OF DEFICIENCY

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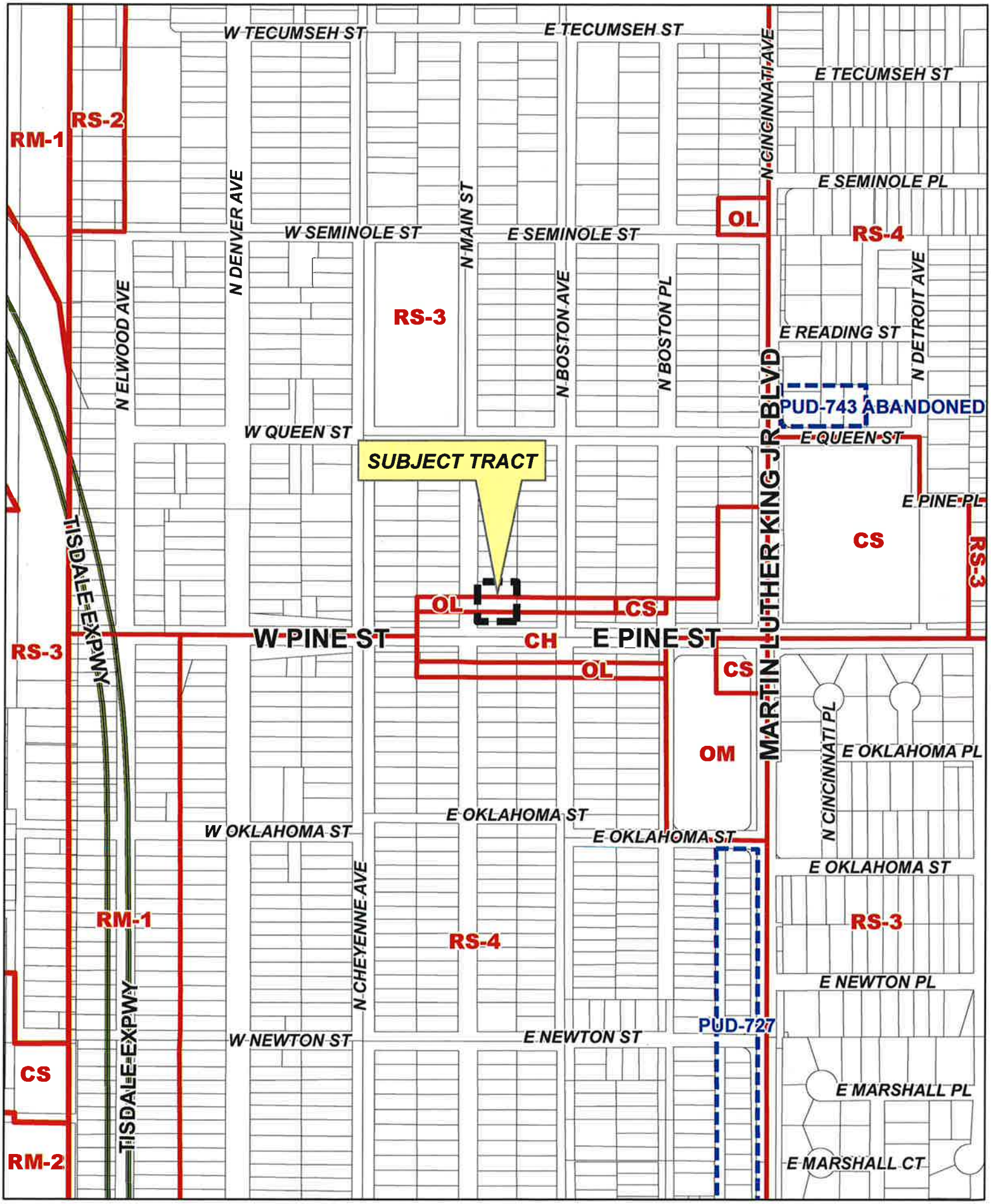
BOA-22411 – DAVID McGHEE

THE APPLICANT REQUESTED A CONTINUANCE TO APRIL 24, 2018; WORKING WITH THE CITY FOR A REVISED LETTER OF DEFICIENCY



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BOA-22408

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 0226
CZM: 28
CD: 1
A-P#:

Case Number: **BOA-22408**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Carlos Velasco

ACTION REQUESTED: Special Exception to allow a fence to exceed 4 feet in height in the front street setback. (Sec. 45.080-A)

LOCATION: 1511 N MAIN ST E; 1507 N MAIN ST E; 11 E PINE ST N **ZONED:** CH,RS-3,OL

PRESENT USE: residential **TRACT SIZE:** 17018.96 SQ FT

LEGAL DESCRIPTION: LT 15 BLK 1; LT 14 BLK 1; LT 13 LESS S20 THEREOF BLK 1, ENGLEWOOD ADDN

RELEVANT PREVIOUS ACTIONS:
None relevant

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

ANALYSIS OF SURROUNDING AREA: The subject site consists of three separate tracts. The surrounding area is primarily residential.

STAFF COMMENTS:

The property owner is proposing a fence that is 5'10" tall within the required street setback along N Main Street. The proposed fence will surround three separate tracts, all with different zoning designations. The required street setback in an RS-3 zoned district is 25 feet; in an OL district it is 10 feet; in an CH district there are no street setback requirements.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback along N Main Street to 4 feet; however, the Code permits the Board of Adjustment to increase the permitted height through special exception approval. The applicant has requested a **Special Exception** to allow a fence to exceed 4 feet in height in the front street setback to allow for no more than 6 feet.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a fence to exceed 4 feet in height in the front street setback to allow for no more than 6 feet. (Sec. 45.080-A)

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

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

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Subject Tract

BOA-22408

20-12 26

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

Aerial Photo Date: February 2016

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Subject Tract

BOA-22408

20-12 26

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

Aerial Photo Date: February 2016

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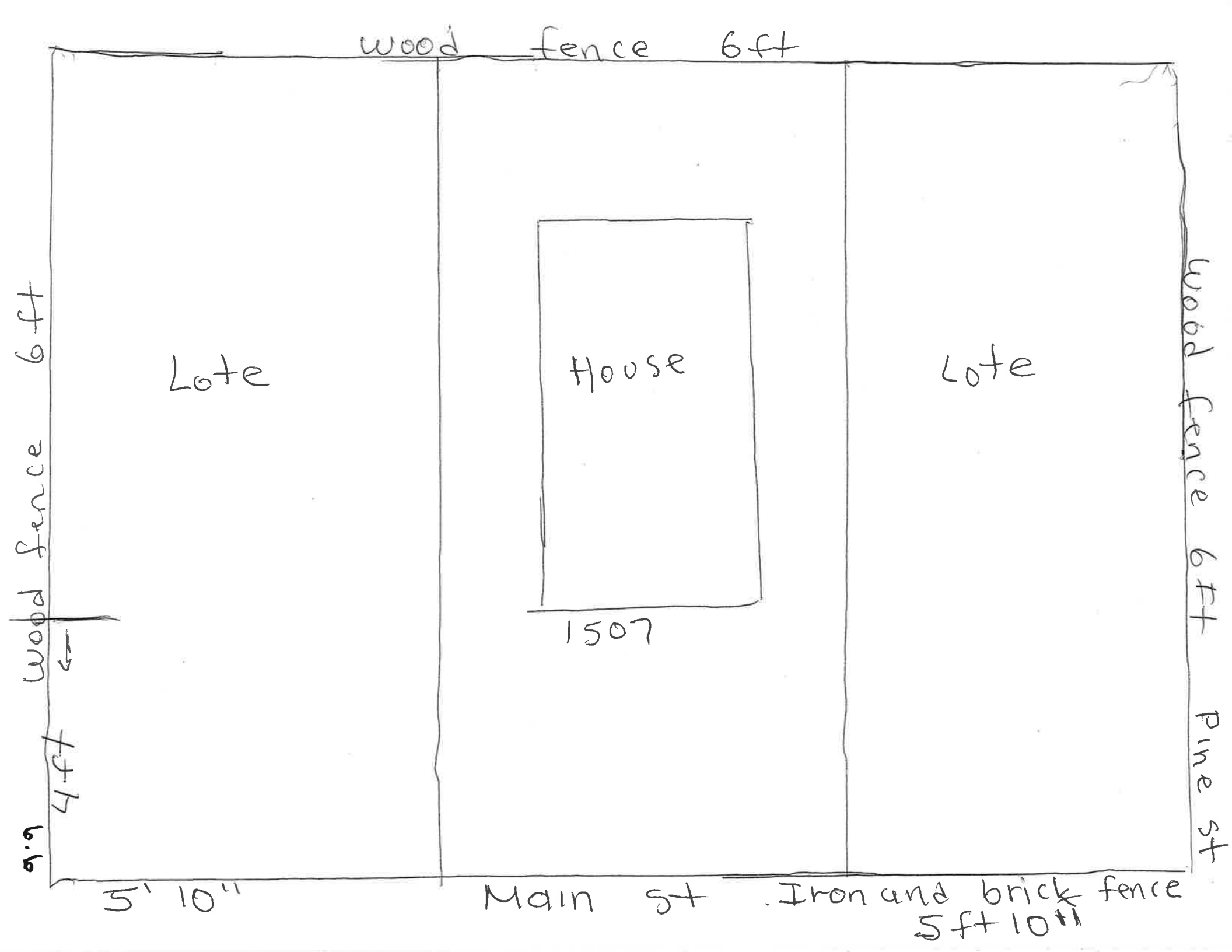
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House
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wood fence 6ft
wood fence 6ft
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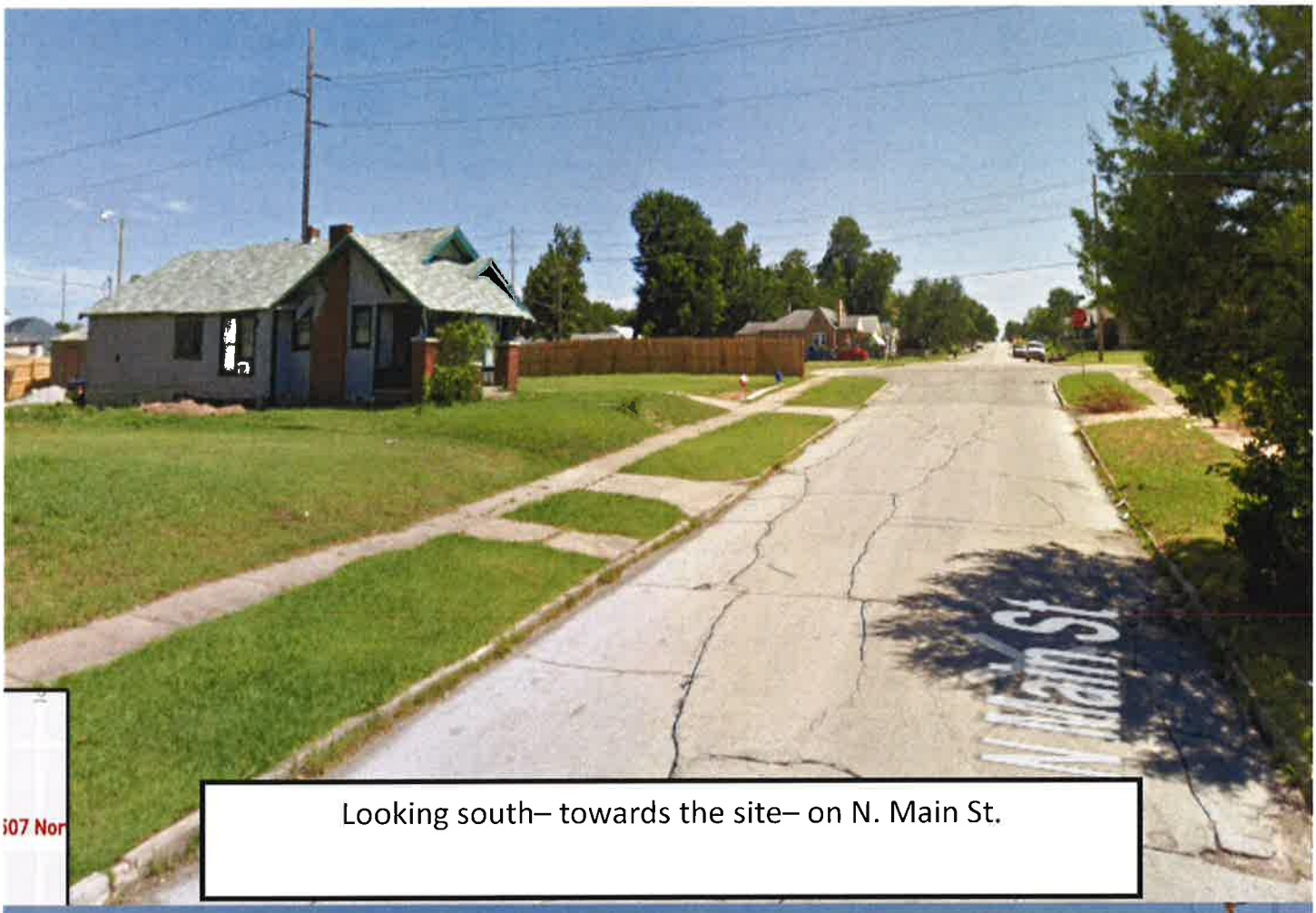
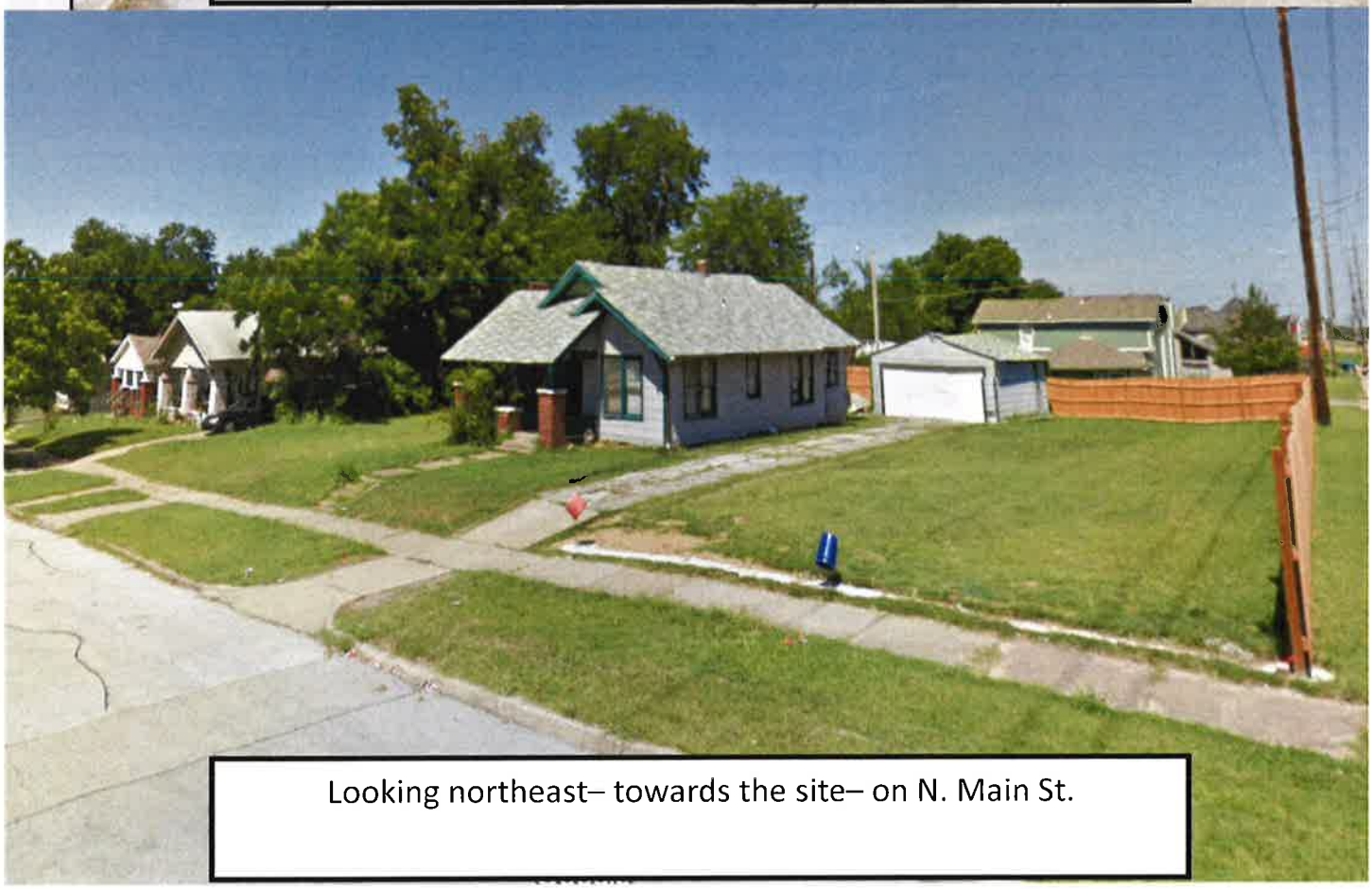
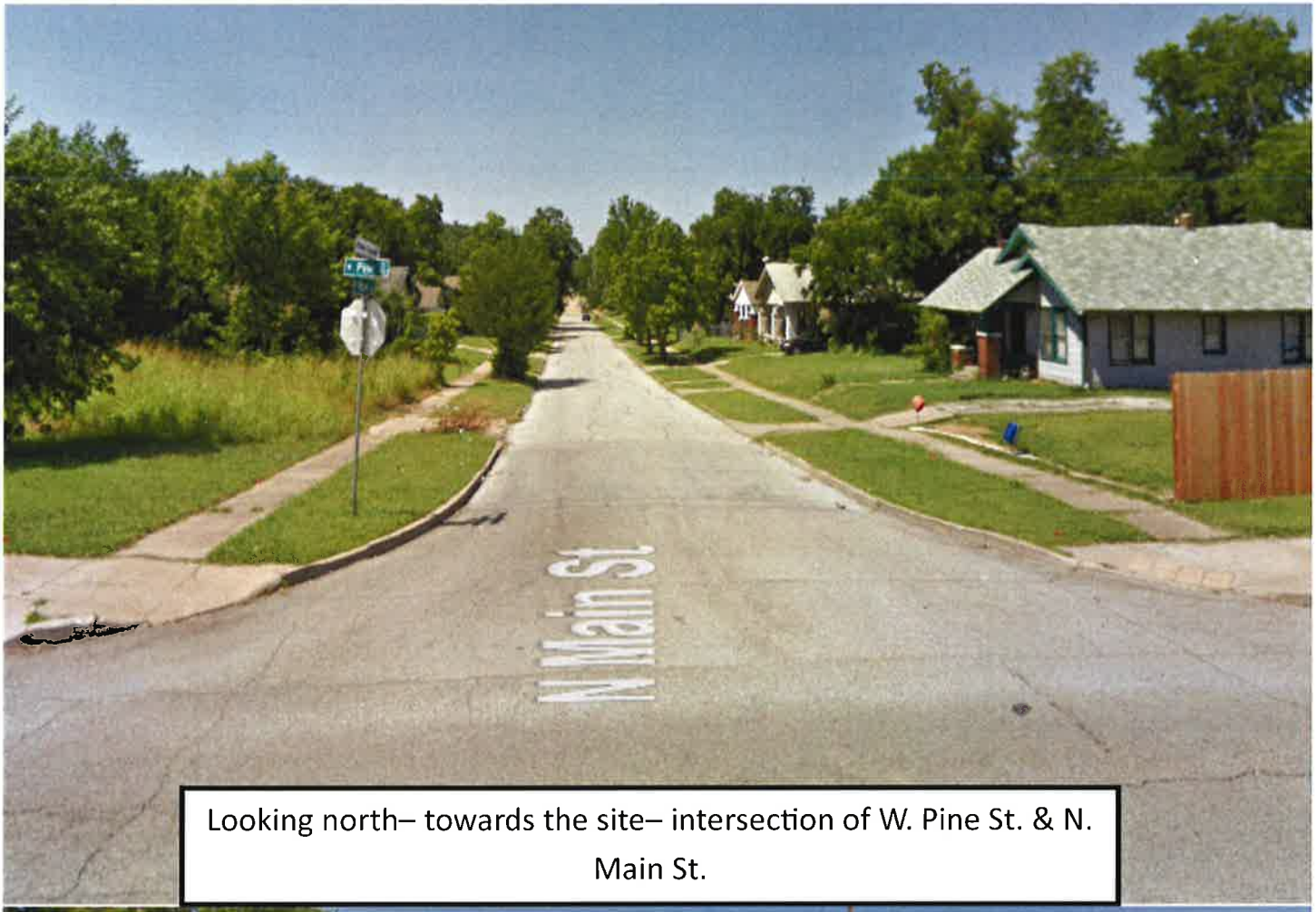
5' 10"
Main st
Iron and brick fence
5ft 10"
Pine st



Looking south– towards the site– on N. Main St.



Looking northeast– towards the site– on N. Main St.



Looking north– towards the site– intersection of W. Pine St. & N. Main St.

Looking east– towards the site– on N. Main St.

JEFF S. TAYLOR
ZONING OFFICIAL
PLANS EXAMINER

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

DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 999252-2

February 08, 2018

CARLOS VELASCO
C V ELECTRICAL INC
3742 E VIRGIN PL
TULSA, OK 74115

Phone: (918)829-4247

APPLICATION NO: **9054** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **1507 N MAIN ST E**
Description: **Wood and wrought iron fence**

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 ON-LINE 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 [x]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.).

6.9

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. 9054 1307 N MAIN ST E February 08, 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) applications forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our office 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. Your application did not include a complete site plan. The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application. The site plan must show:
   - Boundaries and dimensions of property and names of bordering streets. All property lines must be shown;

Revise and resubmit your site plan containing the information listed above. Fences do not indicate where the property line is. Revise site plan and show location of property lines.

2. **45.080-A** Fences and walls in required building setbacks may not exceed 8 feet in height, except that in required street setback fences and walls may not exceed 4 feet in height. However' in R zoned districts, fences up to 8 feet in height may be permitted in side street setbacks of detached houses or duplexes located on corner lots and street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

   Review Comments- Provide documentation indicating the proposed fence located in the street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a street setback.

This letter of deficiencies covers Zoning 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.

ND ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLA[illegible]W TO [illegible]ATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLI[illegible] ADDI[illegible]ONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORM[illegible] REQU[illegible]STED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF [illegible]ON [illegible]THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION A[illegible]O TH[illegible]STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

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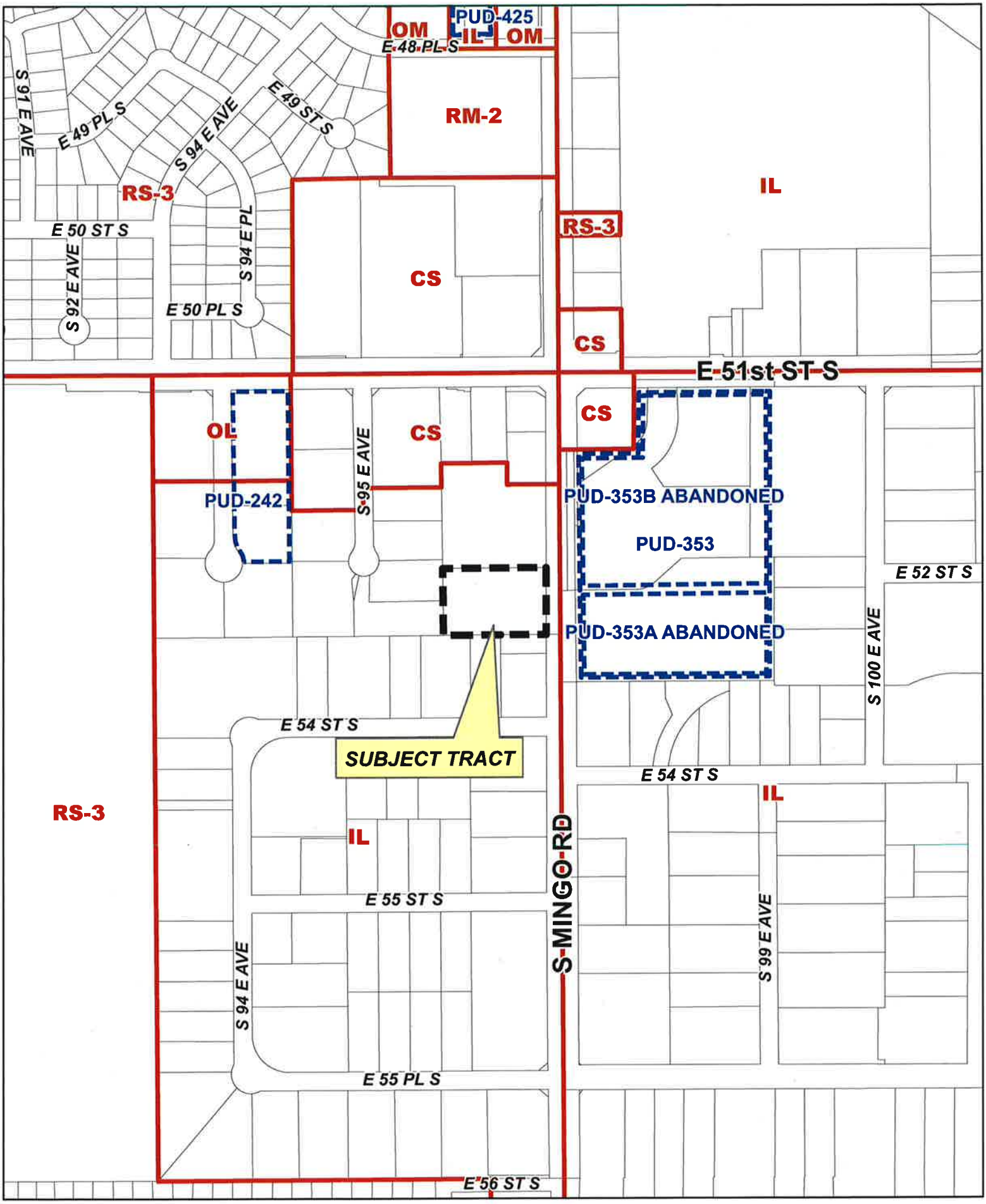


BOA-22412

19-13 36

7.1

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9336
CZM: 48
CD: 7
A-P#:

Case Number: **BOA-22412**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Christian Ortiz

ACTION REQUESTED: Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL district (Table 60-3).

LOCATION: 5230 S MINGO RD

ZONED: IL

PRESENT USE: Medical Clinic with billlboard.

TRACT SIZE: ± 1.63 acres

LEGAL DESCRIPTION: Lot 1 Block 1, 51ST & MINGO COMMERCIAL CENTER, 5200 MINGO COMMERCIAL RESUB PRT RES A, 5300 COMMERCE PARK

RELEVANT PREVIOUS ACTIONS:
None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" area and an "Area of Growth".

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IL zoned properties.

STAFF COMMENTS:

The applicant is requesting a **Variance** of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL district (Table 60-3).

Table 0-1: Maximum Aggregate Number of Signs

Zoning District	Maximum Aggregate Number of Signs Allowed
CG, CH, and CBD	1 per 100 feet of major street frontage or fraction thereof
CO, CS and IL	1 per 150 feet of major street frontage or fraction thereof
IM and IH	1 per 200 feet of major street frontage or fraction thereof

Table 0-2: Maximum Aggregate Sign Area

Zoning District	On-premise Projecting and Freestanding Signs & Off-premise Outdoor Advertising Signs (sq. ft. per linear foot of major street frontage)			
	Not Within Freeway Sign Corridor[1]		Within Freeway Sign Corridor	
	If More than 1 Such Sign	If Only 1 Such Sign	If More than 1 Such Sign	If Only 1 Such Sign
MX, CO and CS	1	2	1	2
CG, CH, CBD, IL, IM and IH	1	2	2	3

[1] Off-premise outdoor advertising signs are prohibited outside of freeway sign corridors and prohibited in MX districts.

The subject lot has 220 feet of frontage along South Mingo Road. Per **Table 60-2** and **Table 60-3**, the allowable maximum aggregate sign area would be 220 sq. ft. As shown on the attached plans and drawings the existing outdoor advertising sign on the site is 624.75 sq. ft. and the proposed freestanding sign is 32 sq. ft. The applicant has requested a Variance to increase the permitted sign display area on the site as well as increase the maximum aggregate number of signs to permit 2 signs per 150 feet of the major street frontage.

The existing outdoor advertising sign did not receive Board approval.

Sample Motion for a Variance

Move to _____ (approve/deny) Variance of the allowable number of freestanding signs (Table 60-2) and display area for freestanding signs in the IL district (Table 60-3).

- 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."

Feet
0 200 400

Subject Tract

BOA-22412

19-13 36

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

Aerial Photo Date: February 2016

N

Feet
0 50 100

Subject Tract

BOA-22412

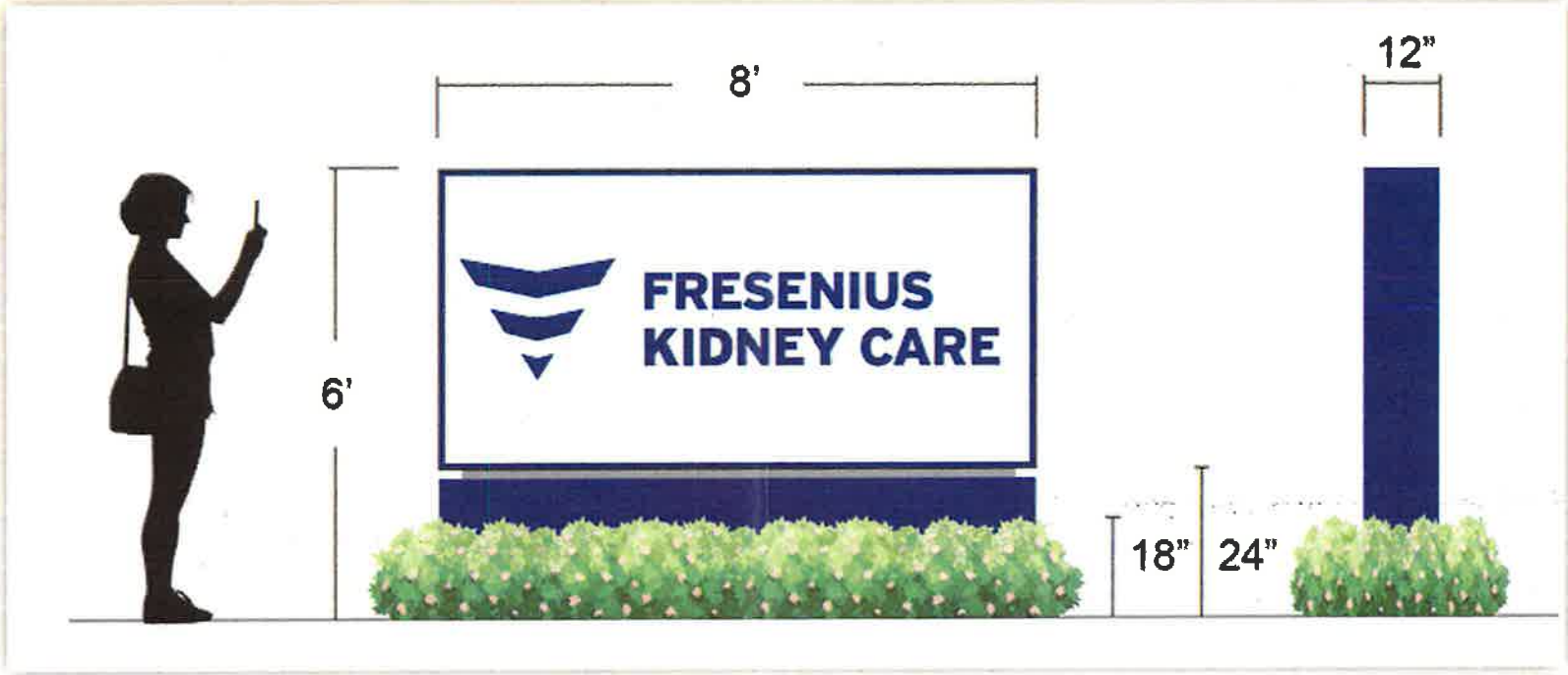
19-13 36

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

Aerial Photo Date: February 2016

N

9.16



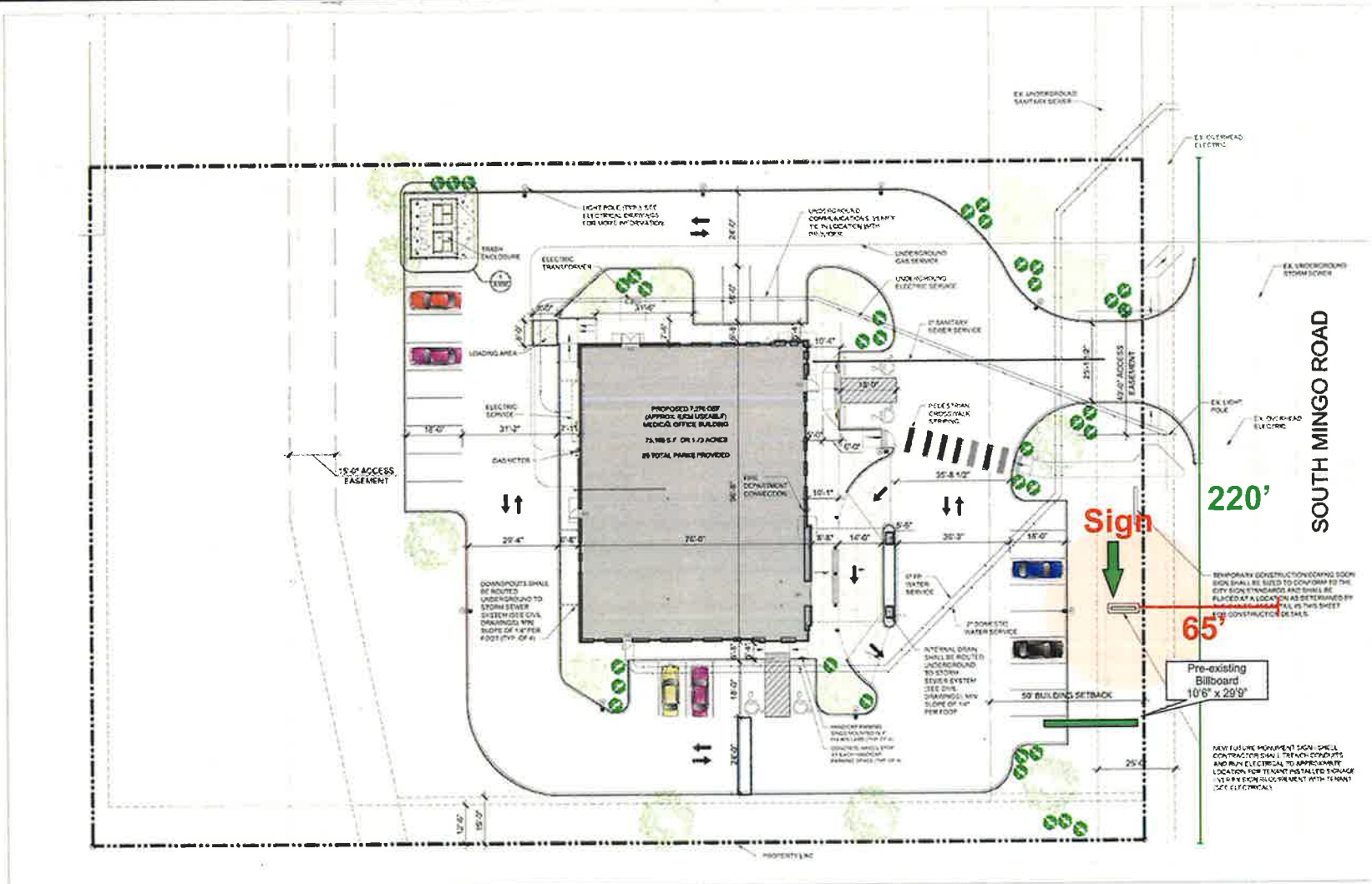
ENCINOS 3D CUSTOM PRODUCTS, LLC

TULSA, OK
(918) 286 8535
9810 E 58th St, Tulsa, OK 74146
www.encinos3d.com

Pylon Signs - Casino Signs - Monument Signs - Neon Signs - Blade Signs - Wall Signs - Channel Letters - Interior Signs - Way finding Signs - Post & Panel - LED Display - Commercial & Architectural Signs

Customer: FKC	Job Location: 5200 S. Mingo Rd, Tulsa OK 74146	Drawn By: Luis Fonseca	Drawing Number: FKC112217-003	Approved By:
City and State: Tulsa, Ok.		Sold By: Jesus Ortiz	Scale:	Date Approved:

5.1



ENCINOS 3D CUSTOM PRODUCTS, LLC TULSA, OK (918) 286 8535 9810 E 58th St, Tulsa, OK 74146 www.encinos3d.com	Customer: FKC City and State: Tulsa, Ok.	Job Location: 5200 S. Mingo Rd, Tulsa OK 74146	Drawn By: Luis Fonseca Sold By: Jesus Ortiz	Drawing Number:: FKC112217-001 Scale: 1/32"= 1'	Approved By: Date Approved:

Pylon Signs · Cabinet Signs · Monument Signs · Neon Signs · Blade Signs · Wall Signs · Channel Letters · Interior Signs · Way finding Signs · Post & Panel · LED Display · Commercial & Architectural Signs

Looking northwest– Towards subject site– On S. Mingo Rd.

Looking southwest– Towards subject site– On S. Mingo Rd.

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664

DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

December 05, 2017

LOD Number: 1044401-1

Sign contractor:
Encinos 3D Custom Products
9810 E 58th Street
Tulsa OK 74146

APPLICATION NO: **436186** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **5230 S MINGO RD E**
Description: **Fresenius Kidney Care (Freestanding 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. 436186 5230 S MINGO RD E December 05, 2017

This letter of deficiencies covers Sign Plan Review items only.

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

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

Review comment: There appears to be an outdoor advertising sign on the lot along S. Mingo Road street frontage. Provide a site plan with the length of street frontage of the lot, location of the OAS on the lot along with the proposed ground sign location and the display surface area of the OAS in order to determine sign compliance. Revise and submit.

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.

7.11

ENCINOS
3D CUSTOM PRODUCTS, LLC

9810 East 58th Street, Tulsa, Oklahoma 74146 Phone No. 918-286-8535

March 26, 2018

Re: Application # BOA-22412

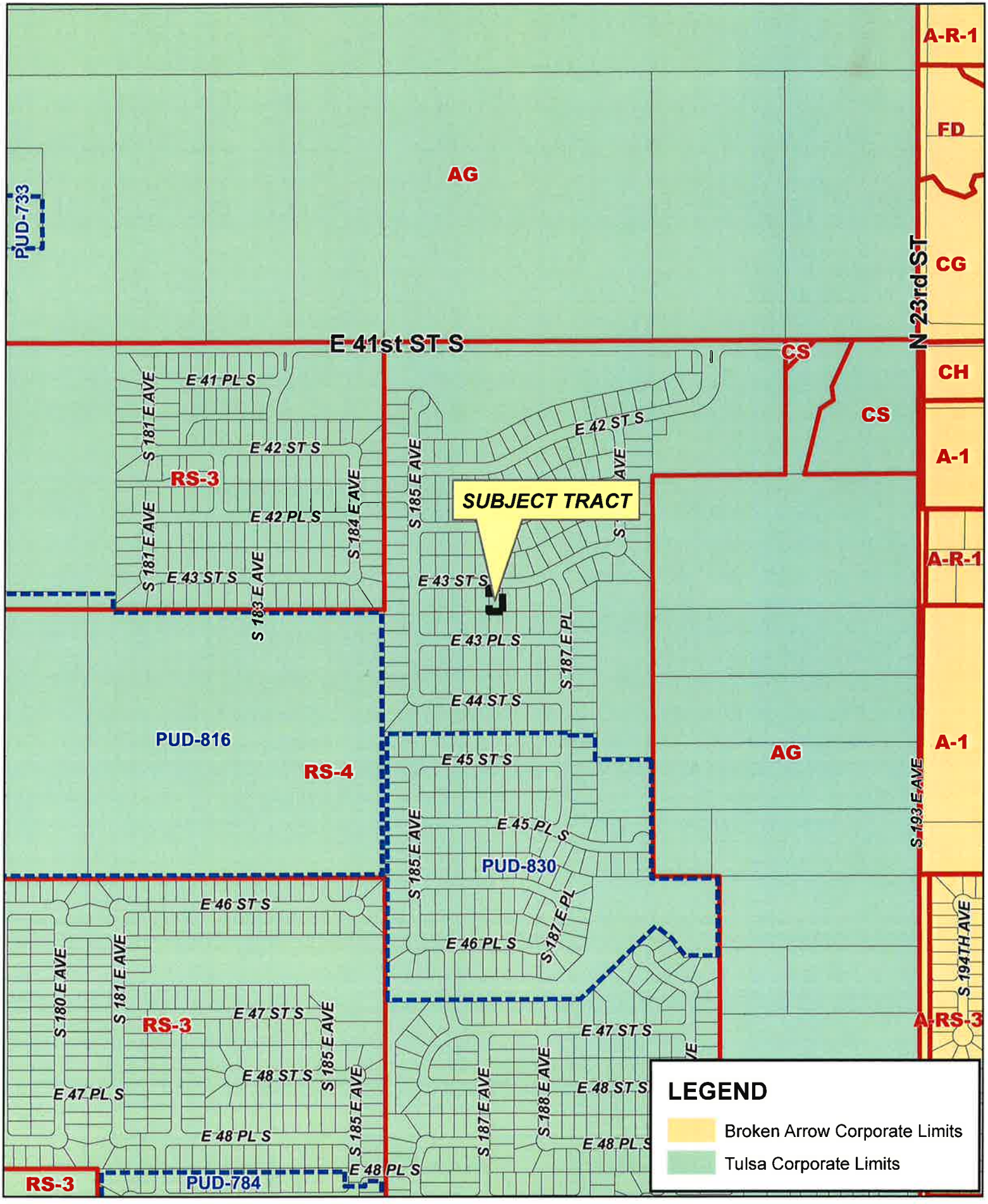
To whom it may concern:

I am requesting a variance to increase the sign budget at 5200 S. Mingo Rd., Tulsa, OK. 74146. The lot has 220 feet of road frontage along S. Mingo Rd. Tulsa zoning code Section 60.080 allows for 1 sq. ft per liner foot of road frontage when multiple signs are present. The proposed sign for Fresnius Kidney Care is 32 sq. ft. The 220 sq foot budget is consumed by the pre-existing outdoor advertising sign which are two 10'6" x 29'9" panels with a total of 624.75 sq feet and are not owned or leased from Fresnius Kidney Care.

Regards,

Christian Ortiz
Operations Manager
Encinos 3D Custom Products LLC
cortiz@encinos3d.com
918-814-9942 cell
918-286-8535 office

7.12



BOA-22418

19-14 25

8.1

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9425
CZM: 50
CD: 6
A-P#:

Case Number: **BOA-22418**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: J.D. Harp

ACTION REQUESTED: Special Exception to allow the driveway width to exceed 20 ft on the lot and in the ROW in an RS-4 district. (Section 55.090-F.3)

LOCATION: 18608 E. 43rd Street S.

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 7714.51 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 8, CYPRESS CREEK

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22396; on 02.27.18 the the Board approved a special exception to increase the maximum driveway width, within the right-of-way and on the lot from 20 ft. to 30 ft. in an RS-4 district; located at 20964 E. 38th St S.

BOA 22181; on 01.10.17 the Board approved a Special Exception to increase the permitted driveway width from 20 ft. to 30 ft. on various lots in an RS-4 Cypress Creek subdivision.

BOA 22155; on 11.08.16 the Board approved a special exception to increase the maximum driveway width, within the right-of-way and on the lot from 20 ft. to 30 ft. in an RS-4 district; located at 18521 E 44th St.

BOA 21440; on 06.26.12 the Board approved Variance to increase maximum area of all-weather material from 34% to 36% in the RS-3 district; located at 4102 S 181st E Ave.

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.

ANALYSIS OF SURROUNDING AREA: The subject tracts is surrounded by RS-4 zoned lots.

STAFF COMMENTS:

A recent Code interpretation provided that the limitation on the maximum driveway width on the lot (outside the right-of-way) **shall only be applied to the portion of the driveway located with the street setback area**. Beyond the street setback, any applicable open space requirements will guide maximum lot coverage based on the size and location of buildings, driveways and parking areas on the lot.

As shown on the attached plan the proposed driveway width within the right-of-way/to the curb is 30 ft. The required street setback for an RS-4 zoned lot is 20 ft.; the driveway width within the 20-ft. street setback area appears to be 30 ft. The driveway widths within the right-of-way and setback area exceeds the 20 ft. allowed driveway width in the RS-4 zoning district.

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

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

Sample Motion:

Move to _____ (approve/deny) a Special Exception to allow the driveway width to exceed 20 ft. to allow 30 ft. on the lot and in the Right-of-Way in an RS-4 district. (Section 55.090-F.3)

- 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

22180—Ronnie Potter

Action Requested:
Verification of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores (Section 40.300-A). **LOCATION:** 11512 East 21st Street South **(CD 6)**

Presentation:
Ronnie Potter, 15405 East 530 Road, Inola, OK; no formal presentation was made but the applicant stated he is the agent for the owner.

Mr. Van De Wiele stated the Board is in receipt of the applicant's spacing verification.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 1 BLK 1, BURRIS SQUARE, City of Tulsa, Tulsa County, State of Oklahoma

22181—J. D. Harp

FILE COPY

Action Requested:
Special Exception to increase the permitted driveway width from 20 feet to 30 feet in the right-of way and on the lot within in an RS-4 District (Section 55.090-F). **LOCATION:** West and South of the SW/c of South 193rd Avenue East and East 41st Street South **(CD 6)**

Presentation:
J. D. Harp, 11885 South Yale, Tulsa, OK; stated the property was developed in 2007 and due to economic dips it has taken longer than expected to complete. About 98% of the houses in the subdivision have three car garages. In January 2017 the zoning code changed and only allowed two car garages in an RS-4 District. Originally the RS-4 zoning was chosen because of the 20 foot setback for garages. He would like to complete the development with three car garages as it was started.

FILE COPY

BOA-22181

Ms. Miller stated this situation is not impacted by the change that is being proposed in regards to driveway widths. This is an example of looking at things on a case by case basis, because it could be argued that it would be appropriate to have that size of driveway because it is in character with the neighborhood. The change in the driveway width in the Zoning Code have to do with recognizing the fact that it was already approved in a PUD, that the approval is still valid, and the applicant does not need to go through the Special Exception process.

Mr. Van De Wiele asked if it would be an appropriate statement to say that when the neighborhood was platted the driveway widths were approved. Ms. Miller stated that it was a different measure. It was not a width, it was a lot coverage. There are examples where it was a complicated math equation, and the inspectors did not check it so a lot a of three car driveways were approved when in fact they were not in compliance with the Code. Ms. Miller stated there were no approvals for these driveways so she is not sure if they meet the lot coverage that would have allowed it or not.

Mr. White asked Ms. Miller if this will create problems for the Code. Ms. Miller stated that it would not because it is an example of a neighborhood that is in character. The key is that it is in character with the neighborhood.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to increase the permitted driveway width from 20 feet to 30 feet in the right-of way and on the lot within in an RS-4 District (Section 55.090-F), subject to the property description shown on page 9.2, under legal description and indicated on the subdivision plat shown on 9.10. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 1 BLK 3; LT 7 BLK 2; LT 2 BLK 3; LT 8 BLK 3; LT 10 BLK 3; LT 4 BLK 8; LT 3 BLK 9; LT 14 BLK 9; LT 3 BLK 4; LT 3 BLK 7; LT 25 BLK 6; LT 9 BLK 7; LT 12 BLK 7; LT 13 BLK 7, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma

22182—Brent Barnes

Action Requested:
Special Exception to permit used car sales in the CS District (Section 15.020).
LOCATION: 1901 South Garnett Road East **(CD 6)**

SAID SOUTH LINE 225.00 FEET TO THE WEST LINE OF LOT 1; THENCE NORTH 00°09'51" WEST ALONG SAID WEST LINE 125.00 FEET; THENCE NORTH 89°42'15" EAST A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.646 ACRES, City of Tulsa, Tulsa County, State of Oklahoma

22155—Charles Sanders Homes, Inc.

Action Requested:
Special Exception to increase the maximum driveway width within the right-of-way and on the lot from 20 feet to 30 feet in an RS-4 District (Section 55.090-F.3).
LOCATION: 18521 East 44th Street South **(CD 6)**

Presentation:
Charles Sanders, Charles Sanders Homes, Inc., 107 South Ash, Broken Arrow, OK; no formal presentation was made by the applicant but he was available for any questions.

Mr. Van De Wiele asked Mr. Sanders if the other driveways in the neighborhood were 20 or 30 feet. Mr. Sanders stated that he counted the houses on the street and there are 19 and only one house had a 20 foot driveway while all the others had 30 foot driveways.

Mr. Sanders stated that he picked up his building permit from the City on March 28, 2016 and built the house. In the middle of September the City Inspector said the regulations had been changed in January and they were aware of it but approved the plan that had been turned in. Mr. Sanders he built the house and the driveway was poured when he was informed the Code had been changed.

Mr. White stated this is a problem the Board has encountered before the Code change in January. Other properties in the area, which are very close to Broken Arrow city limits, had over width by Tulsa standards that were allowed by Broken Arrow. He does not know how many applications the Board has heard for basically the very same thing. This is the first application that has come before the Board as a "gotcha" situation because of the Zoning Code change. At this point, since the Board will probably have more, the Board needs to come up with a procedure where the applicant will have similar problems.

Ms. Miller stated driveways are being treated differently in the new Code, the driveway is based on the width rather than lot coverage which use to require a Variance which requires a hardship, a higher test. In order to offset that, the City does not want anyone to pave half or more of the front yard, so a wider driveway is now requested by a Special Exception. Code changes are being worked on to clarify that process.

Ms. Back asked staff if she understood correctly that Mr. Sanders received his permit in March and the City missed the new Code change. Ms. Miller stated she was not sure,

but the new Code change took effect on January 1, 2016. The permit center had more flexibility on how they reviewed an application.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to increase the maximum driveway width within the right-of-way and on the lot from 20 feet to 30 feet in an RS-4 District (Section 55.090-F.3), as constructed as shown per 7.8. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 17 BLK 9, CYPRESS CREEK, City of Tulsa, Tulsa County, State of Oklahoma

22156—Perry Dunham

Action Requested:
Special Exception to allow a non-conforming 2-story detached garage to be reconstructed (Section 80.030); Variance to increase the footprint of a non-conforming structure; Variance to allow an accessory structure to exceed 10 feet at the top of the top plate; Variance to allow a building to cover more than 25% of the rear yard setback area (Section 90.090). **LOCATION:** 2619 South Boston Place East **(CD 4)**

Presentation:
Perry Dunham, 2619 South Boston Place, Tulsa, OK; stated he is the owner of the subject property. He would like to rebuild the existing garage that had been built in 1930 and it is in poor condition. He would like to extend the garage to facilitate a modern vehicle because the existing garage is not deep enough. The stairs originally were set behind the structure on the outside on the utility easement and he wants to bring the stairs to the interior of the garage.

Mr. Van De Wiele asked Mr. Dunham if he was expanding the garage toward the house. Mr. Dunham answered affirmatively.

Mr. Van De Wiele asked Mr. Dunham if he had visited with his neighbors to see if they had any issues. Mr. Dunham stated that he had visited with everyone on the block and their general opinion is that the new garage will be a significant improvement to the neighborhood.

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

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

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

Comments and Questions:
None.

Board Action:
On **MOTION** of **VAN DE WIELE**, the Board voted 4-1-0 (Henke, Tidwell, Van De Wiele, White "aye"; Stead "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a manufactured home (Use Unit 9) in an RS-3 district (Section 401); Special Exception to extend the time limitation from 1 year to 5 years from today's date (Section 404.E.1), finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This approval is subject to the site plan on page 7.6 with a time limit of 5 years from today's date of June 26, 2012; for the following property:

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

21440—Shaw Homes, Inc.

FILE COPY

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

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

BOA-21440

FILE COPY

outside. The zoning code only allows for 34% front coverage, and to be able to have a two-car driveway to the street an additional 2% is needed. This 36% coverage would allow for a normal driveway to the street.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to increase maximum surface area of all-weather material from 34% to 36% in the RS-3 district (Section 1303.D). The Board finds that the very unusual, triangular lot contains over 15,000 square feet has requirements which prohibit ordinary building practices according to the current zoning code. The Board makes this approval per conceptual plan on page 8.6. In granting this variance the Board has found that 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; for the following property:

LT 12 BLK 1, OAK RIDGE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21441—Paul Crosby

Action Requested:
Variance of the front yard setback from 25 feet to 22.7 feet in the RS-3 district; Variance of the side yard (west) setback from 5 feet to 4.9 feet in the RS-3 district (Section 403.A, Table 3). **LOCATION:** 421 West 77th Street South **(CD 2)**

Presentation:
Michael Miller, 655 West 79th Street, Tulsa, OK; no presentation was made.

Mr. White left the meeting at 2:41 p.m.

Feet
0 300 600

Subject Tract

BOA-22418

19-14 25

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

Aerial Photo Date: February 2016

N

8.10

Feet
0 50 100

Subject Tract

BOA-22418

19-14 25

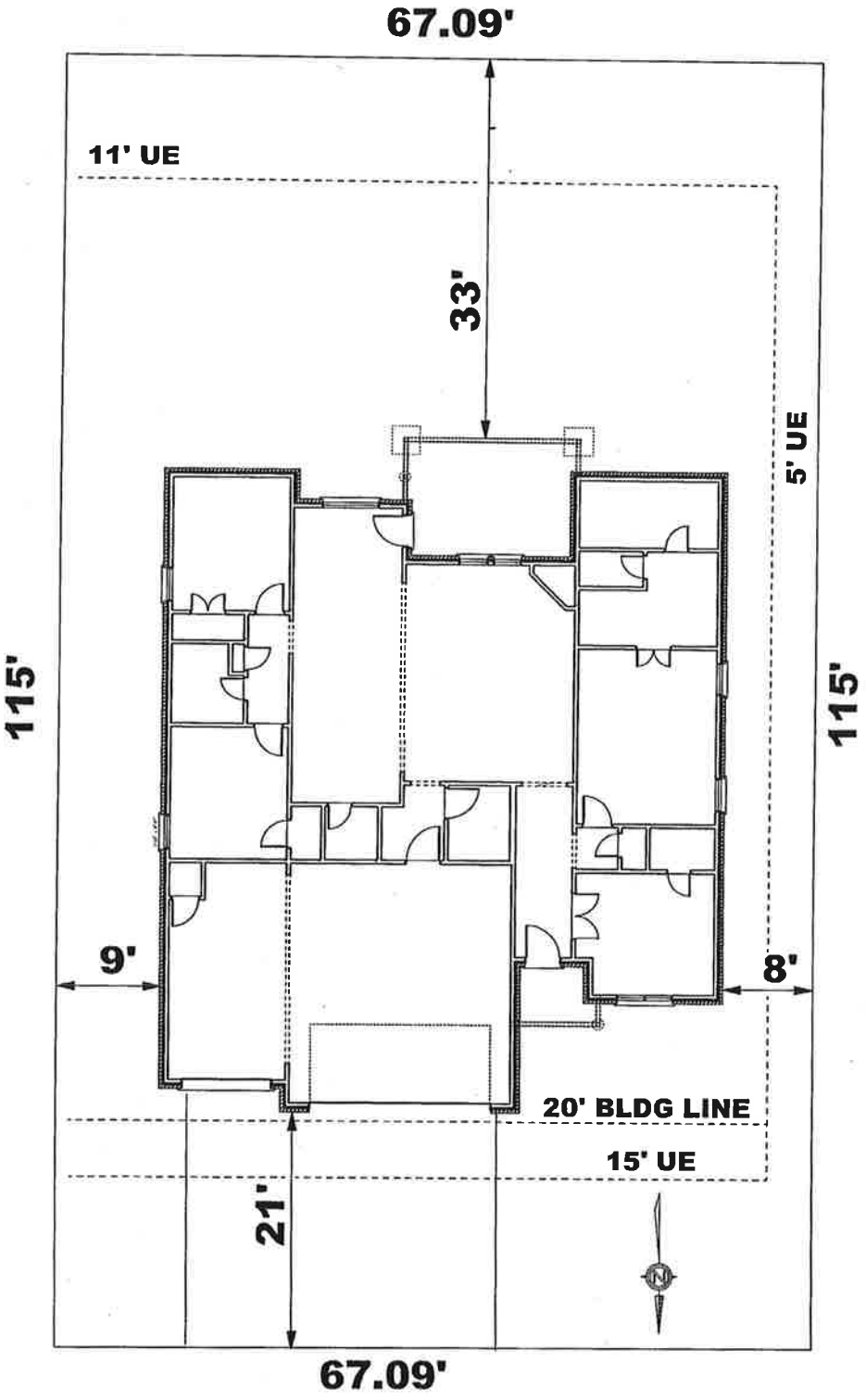
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

8.11

N

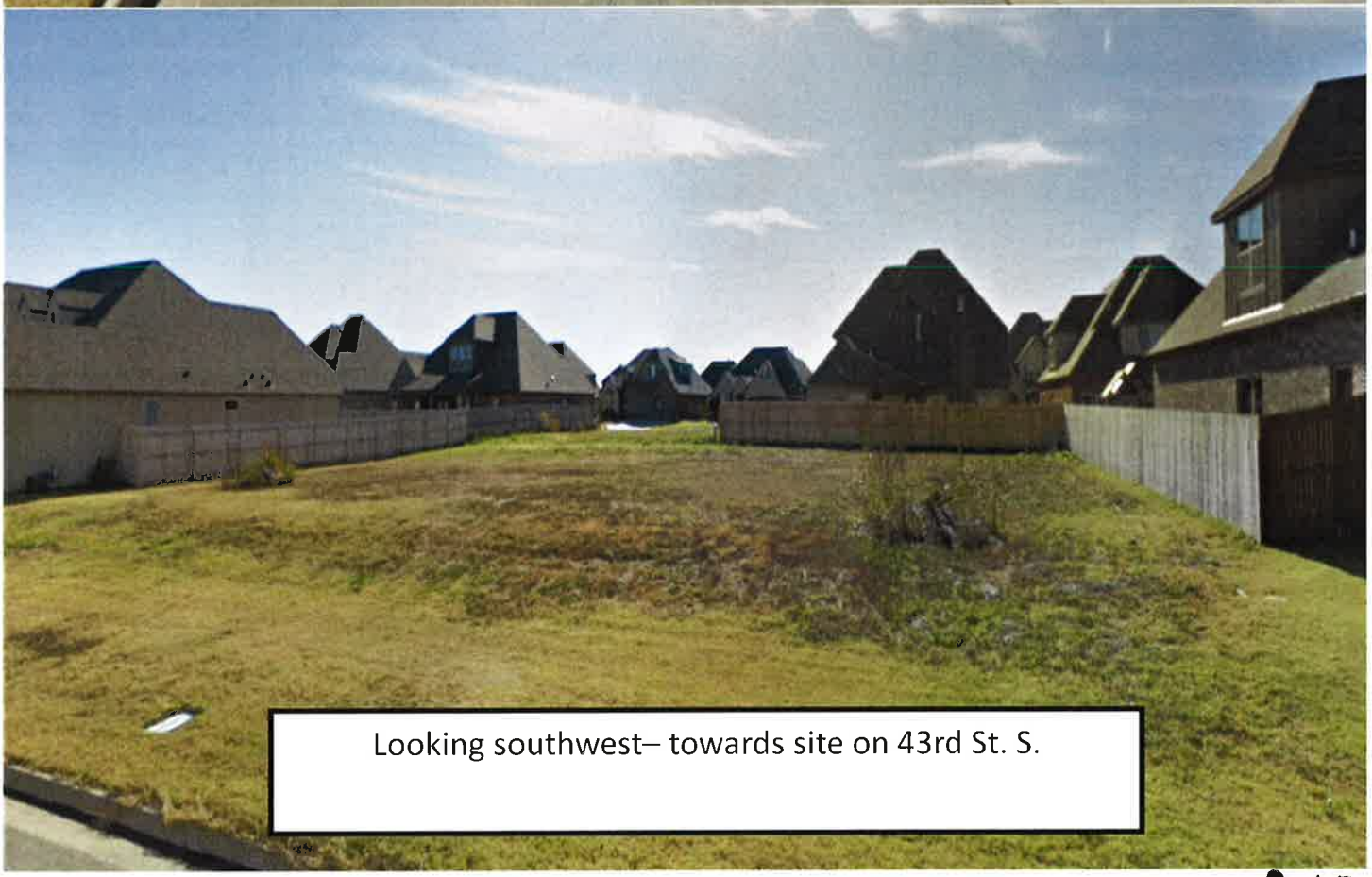
SITE PLAN



18608 E 43RD ST S.
LOT 6 BLOCK 8 CYPRESS CREEK
HOMES BY CLASSIC PROPERTIES

8.12

Looking west– towards site (vacant lot)- on 43rd St. S.



Looking southwest– towards site on 43rd St. S.

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. 440643 18608 E 043 ST S February 07, 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.

55.090-F Surfacing

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2.

Review Comments: The proposed 30 foot wide driveway for lot 6 Blk 8 was not part of BOA case 22181 approved 1/10/2017 increasing driveway width in the ROW from 20 ft. to 30 ft.. You may reduce the driveway width in the ROW and on the lot to 20 ft. or pursue a special exception to permit the driveway width in the street setback and ROW to be increased from 20 ft. to 30 ft. in an RS-4 zoning district.

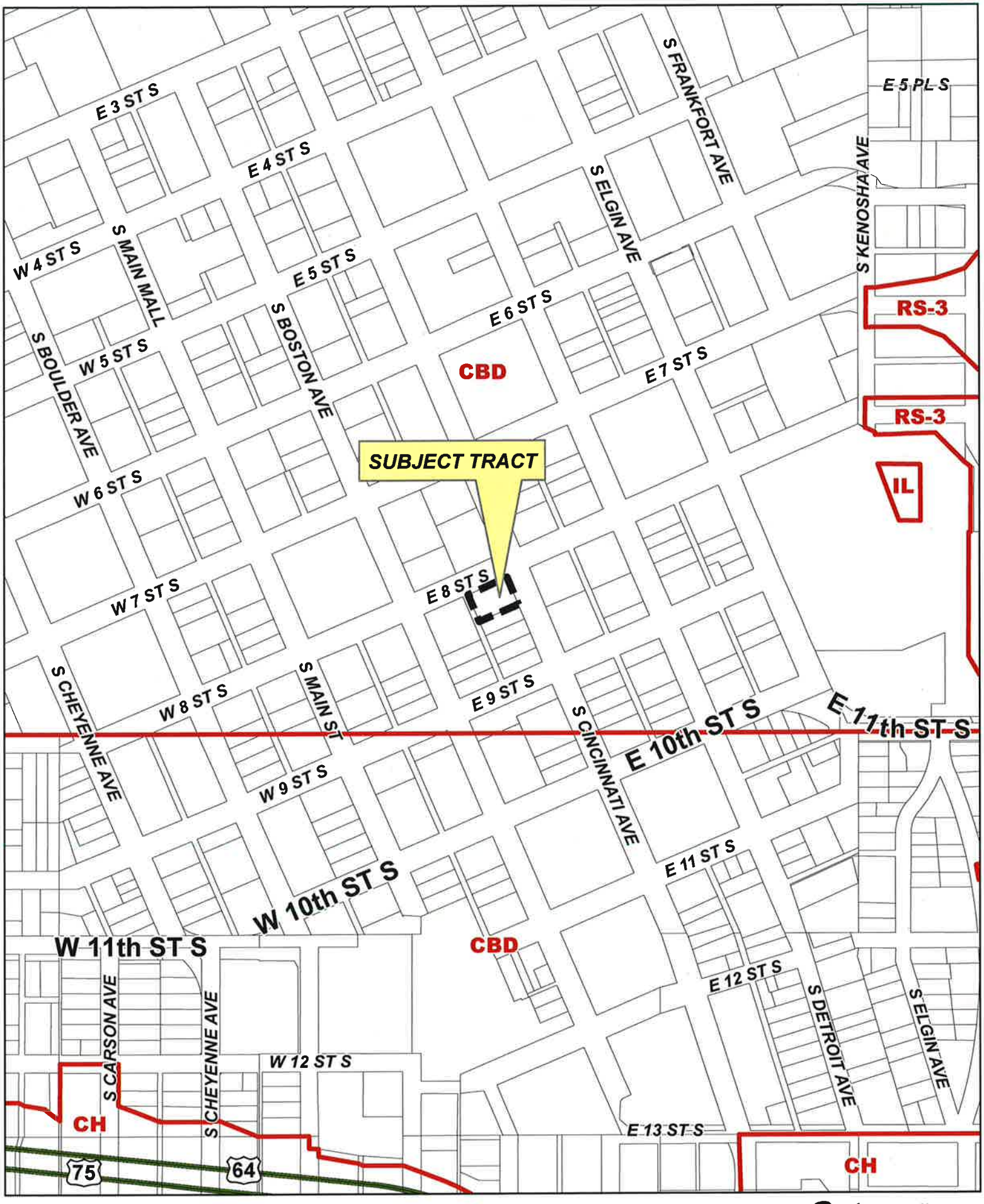
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



Feet
0 200 400

BOA-22419

19-12 01

9.1

N

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4
A-P#:

Case Number: **BOA-22419**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Claude Neon Federal Signs

ACTION REQUESTED: Variance to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 30.6 feet above grade with a 40 foot setback from S. Cinncinnati Avenue. (Section 60.080-D)

LOCATION: 810 S CINCINNATI AV E

ZONED: CBD

PRESENT USE: office

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 182, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA 21900; on 05.26.15 the Board **approved** a Variance of the 30 foot minimum separation for projecting signs and a Variance of the 25 feet height requirement for signs in the CBD district, subject to conceptual plans.

Surrounding Properties:
BOA 21284; on 6.14.11 the Board **approved** a Variance of the 50 ft. setback from a signalized intersection and a Variance of the 20 ft. setback from a driving surface of a street for two L.E.D. signs; located at 709 S. Boston Ave.

BOA 22268; on 6.27.17 the Board **approved** a Variance to increase the permitted height of a projecting sign from 25 ft. to 62 ft.; located at 616 S. Boston Ave. E.

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also,

several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by CBD zoning and a blend of downtown urban uses to include, but not limited to, office, restaurant, parking, commercial, hospitality, and municipal uses.

STAFF COMMENTS:

The applicant is requesting a **Variance** to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 30.6 feet above grade with a 40 foot setback from South Cinncinati Avenue (Section 60.080-D).

The applicant provided the following hardship statement with their application: *Placement of building puts OAH at 30.6'.*

The Code (Section 60.080-D) states in the CBD district on-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. The Code limits the height of the proposed projecting sign on the subject lot to 25 ft above grade. The Code attempts to manage the presentation and impact of signage along a given corridor within the CBD district.

Sample Motion

Move to _____ (approve/deny) a **Variance** to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 30.6 feet above grade with a 40 foot setback from South Cinncinati Avenue (Section 60.080-D).

- 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."

10.17 and 10.18. The approval also requires that any additional structures be painted to blend in with all the current structures on the property as of May 26, 2015. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LT 4 BEG NWC LT 4 TH E180 S151.17 W180 N151.17 POB; PRT LTS 2 & 3 BEG 68.02W NEC LT 2 TH SW274.94 W108 N150.9 E311.9 POB, CAMERON CLINE ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21900—David Skinner

FILE COPY

Action Requested:
Variance of the 30 foot minimum separation for projecting signs (Section 1221.C.9); Variance of the 25 feet height requirement for signs (Section 1221.E.1) in the CBD District. **LOCATION:** 810 South Cincinnati Avenue **(CD 4)**

Mr. Henke recused and left the meeting at 3:56 P.M.

Presentation:
David Skinner, 8517 South 47th West Avenue, Tulsa, OK; stated he works for Cyntergy AEC which is an architectural firm and are involved in the remodel and rehab of an existing office building called the 810 Building at 8th and Cincinnati. This request is for four projecting signs that are fabric signs. Two are on the north elevation and two on the east elevation. The signs are framing the entrances on both the north and east elevations. The horitzontal spacing of signs is approximately 17'-4" and that is dictated by the architectural elements of the building. The existing pilasters on the building govern placement and the firm would like to call attention to the existing entrances. His firm is going to occupy the second and third floors of the building and presently the signs are centered between the second and third floors. Also there are canopys over each entrance and the firm is attempting to provide an adequate distance above the existing canopys as well.

Mr. Van De Wiele asked if there was an issue with the number of signs. Mr. Skinner stated there were no issues stated. Mr. Van De Wiele stated there is also a sign at the top of the building. Mr. Skinner stated that sign has already been approved and is considered a wall sign. The signs he is discussing with regards to the request are

projecting signs. Mr. Van De Wiele asked if the applicant is allowed this total number of signs.

Ms. Miller stated that she is not that familiar with CBD sign regulations; they may be more permissive than what the Board is use to seeing.

Mr. Van De Wiele asked Mr. Skinner if he had said the signs were fabric. Mr. Skinner stated they are fabric signs that have a metal attachment at the top and the bottom.

Ms. Snyder asked if all three signs were fabric. Mr. Skinner stated they were not. The sign at the top of the building is a painted sign but the signs being discussed are the two projecting signs that are fabric.

Mr. Van De Wiele asked Mr. Skinner why the signs couldn't be placed elsewhere. Mr. Skinner stated that aesthetically speaking it would not be in keeping with the architectural elements of the building. He is attempting to frame the entrances on both the north and the east elevations. The pilasters run the full height of the building.

Interested Parties:

Jim Turner, 1719 South Rockford Avenue, Tulsa, OK; stated he represents the owner of the 810 building, 810, LLC and he is also with Cyntergy. The building was purchased with the intent of returning it from a derelict building to service. It is an entity of First Presbyterian Church and all the profits of the building are going to mission work in downtown Tulsa. Everything that has been done to the building is an attempt to make it more marketable. The signs that were chosen are to draw attention to an area of Tulsa that does not have a lot of commercial office space located within it. The north façade could be spaced differently he thinks, but the east façade could not be changed so to have it be the same on both sides was the intent for the signs. The Thompson Building has a number of banners that are similar to this with several on the Boston side and several on the 5th Street side. The Mayo office building also has a number of banners on its façade. The Atlas Life Building also has banners along with the large Atlas Life sign.

Mr. Van De Wiele asked Mr. Turner if all four signs would advertise the same business. Mr. Turner stated the banners will have 810, the address of the building and Tulsa.

Ms. Miller informed Mr. Turner that he may want to follow up with Mr. Bob Kolibas in the Building Permit Office because the Code does stipulate "one per CG, CH and CBD; one per 100 feet of major street frontage or fraction thereof".

Ms. Moye stated that the Code does stipulate "except for wall signs or promotional business signs a number of business signs and outdoor advertising signs per lot of record shall be as follows". The Code does not include wall signs.

Comments and Questions:

None.

BOA - 21900

FILE COPY

Board Action:
On **MOTION** of **SNYDER**, the Board voted 4-0-1 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; Henke "abstaining"; none absent) to **APPROVE** the requests for a Variance of the 30 foot minimum separation for projecting signs (Section 1221.C.9); Variance of the 25 feet height requirement for signs (Section 1221.E.1) in the CBD District, subject to conceptual plans 11.11, 11.12 and 11.13. The Board has found that due to the architectural elements of the building, the existing pilaster, dictates where the signs need to be placed and to allow clearance above the canopies on the building. The hardship is the architectural elements, the existing pilasters and the canopies dictating the height requirements of the signs. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances 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; for the following property:

LT 1 BLK 182, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 4:08 P.M.

21901—Jeanette Mattingly

Action Requested:
Special Exception to permit a manufactured home in the RS-3 District (Section 401); Special Exception to extend the one year time limit on a manufactured home the R District to permit it permanently (Section 404.E.1). **LOCATION:** 5051 North Columbia Place **(CD 1)**

Presentation:
Jeanette Mattingly, 616 South Boston, Tulsa, OK; stated she represents Juan Morales and the manufactured home is theirs. There are some manufactured homes in the area so it be compatible and will not change the character of the neighborhood.

Mr. White asked Ms. Mattingly how old the manufactured home is. Ms. Mattingly stated that it is a 2002 model.

Mr. White asked Ms. Mattingly if there were any flooding problems in the area. Ms. Mattingly stated the property is located within a 500 year flood zone.

the West line a distance of 4.09 feet; THENCE East a distance of 138.83 feet to the POINT OF BEGINNING. Parcel Two: The northerly 25' of East Woodward Boulevard abutting the South line of Lot 7, Block 1, Sunset Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Amended Plat No. 273 thereof, more particularly described as follows; to wit: Beginning at the Southwest Corner of said Lot 7, Thence N 86° 06' 43" E along the South line of said Lot 7 a distance of 138.60 feet to the Southeast corner of said Lot 7; Thence S 16° 57' 53" E a distance of 25.67'; Thence S 86° 06' 43" W a distance of 138.60'; Thence N 16° 57' 56" W a distance of 25.67' to the Point of Beginning, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

****

Mr. Henke recused himself at 2:55 p.m. from Case No. 21284

Case No. 21284—Cyntergy

Action Requested:
Variance of the 50 ft. setback from a signalized intersection and a Variance of the 20 ft. setback from a driving surface of a street for two L.E.D. signs (Section 1221.C.2.a b). **Location:** 709 South Boston Avenue

Presentation:
Jason Mills, 320 South Boston Avenue, 12th Floor, Tulsa, OK; stated he is the architect and represents First Prebyterian Church. The church is undergoing a major expansion and they would like to have two 3'-0" by 8'-0" L.E.D. signs cut into the monument signs, one for the corner of 7th and Cincinnati and one for the corner of 8th and Boston. These signs would fit into the context of the overall building additions and the perimeter fencing to tie the campus together without taking away from the architectural character of the church. The church is landlocked and strapped for space with everything being close to the street and the density of the pattern downtown, so the church is challenged on where to place pedestrian and vehicular scale messaging without it being a large extravagant billboard type.

Mr. Van De Wiele asked if the architecture for the signs on both corners was the same, and Mr. Mills confirmed that they were to be the same.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

BOA-21284

Board Action:
On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the 50 ft. setback from a signalized intersection and a Variance of the 20 ft. setback from a driving surface of a street for two L.E.D. signs (Section 1221.C.2.a b). This will be for two LED signs as shown on page 11.8 for the location of the signs and the conceptual drawings on pages 11.9, 11.10, and 11.11 for the size, layout and display specifications of the signs. This is subject to further restrictions that no red, yellow or green color will be on the sign so as it will not be confused with the traffic signal colors that are in the immediate vicinity of the signs, subject to further restriction there will be no animation, no blinking, no twinkling, and scrolling is to be horizonitally only and other restrictions in the code apply. The Board has found with this use, the property in question, the developing project currently ongoing on this site would benefit from the signage in question and these are extraordinary and exceptional circumstances which is peculiar to this 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 variances 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; for the following property:

LT 1 & N30 LT 2 & E10 OF VAC ALLEY ADJACENT ON W BLK 172, S70 LT 2 & ALL LT 3 & E10 OF VAC ALLEY ADJACENT ON W BLK 172, LT 4 & W10 OF VAC ALLEY ADJACENT ON E BLK 172, LT 5 & 6 & W10 OF VAC ALLEY ADJACENT ON E BLK 172, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Henke re-entered the meeting at 3:08 p.m.

****

Mr. White left the meeting at 3:08 p.m.

Case No. 20724-C—Roy Johnsen

Action Requested:
Minor Special Exception to amend a previously-approved site plan to permit additional parking spaces. **Location:** 7210 South Yale Avenue East

Mr. Van De Wiele asked Mr. Jones what his business is. Mr. Jones stated his business is a commercial drywall contractor.

Mr. Van De Wiele asked Mr. Jones if anything would be stored outside. Mr. Jones stated that his equipment and materials are better off inside thus the need for a large warehouse.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow for Wholesale Distribution & Storage/Warehouse use in the CS District (Section 15.020, Table 15-2), subject to conceptual plan 13.20 in the agenda packet. The Board finds that the requested Special Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E/2 E/2 W/2 LT1 LESS S75 FOR ST & N17 W/2 E/2 W/2 LESS BEG NWC W/2 E/2 W/2 LT 1 TH E165.06 SW30.33 SW28.23 W111.34 N17 POB SEC 6 19 14 2.298ACS, City of Tulsa, Tulsa County, State of Oklahoma

22268—A-Max Sign Company – Lori Worthington

FILE COPY

Action Requested:
Variance to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D). **LOCATION:** 616 South Boston Avenue East **(CD 4)**

Presentation:
Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this sign was previously approved in 2012 and the client never took action on it. Now the customer would like to erect the sign.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

BOA-22268

FILE COPY

Board Action:
On **MOTION** of **FLANAGAN**, the Board voted 3-0-1 (Back, Flanagan, White "aye"; no "nays"; Van De Wiele "abstaining"; Bond absent) to **APPROVE** the request for a Variance to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D), subject to conceptual plans 14.9 and 14.10 in the agenda packet. The Board has found the hardship to be the building location to the property line. The Board finds that the following facts, favorable to the property owner, have been established:

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

LT 3 & N50 LT 4 BLK 163, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22269—Natalie Hynes

Action Requested:
Special Exception to permit a Bed & Breakfast (Airbnb) in the R District (Section 5.020). **LOCATION:** 3540 East 21st Place South **(CD 4)**

Presentation:
Natalie Hynes, 3923 South 65th West Avenue, Tulsa, OK; stated the request is for an Airbnb and there will be no events or parties hosted at the house, and no pets will be allowed. Tulsa is a growing market and the house will be very structured and she will be careful as to who stays. Ms. Hynes stated that six neighbors called her and they encouraged the project. She will come by the property to check on it and make sure that everything is maintained. Ms. Hynes stated that her family owns several properties, commercial and residential in Tulsa. Ms. Hynes stated that she saw the news story on FOX 23 on May 24th and she filed for the permit on May 25th. No one has ever stayed

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 variances 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; for the following property:

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, ALL BLKS 129 130 154 & 155 & ALL 20 VAC ALLEYS & ALL 80 VAC GUTHRIE AV & W40 VAC FRISCO AV ADJ ON E & VAC 5TH ST BEG SWC BLK 129 TH ELY720 SLY80 WLY720 NLY80 POB & VAC 4TH ST BEG NWC BLK 129 TH NLY40 ELY680 SLY40 WLY680 POB,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:21 P.M.

****

NEW BUSINESS

21471—Lori Worthington – A-MAX Sign Company

Action Requested:
Variance to permit a projecting sign height from 25'-0" to 62'-0" in the CBD District (Section 1221.E.1). **LOCATION:** 616 South Boston Avenue **(CD 4)**

Mr. Van De Wiele recused himself and left the meeting at 1:22 P.M.

Presentation:
Brian Ward, 9520 East 55th Place, Tulsa, OK; stated the variance request before the Board today allows the maximum height for a projecting wall sign or a ground sign. The minimum setback for such a sign is 25'-0". This particular building is located one inch behind the building setback required. Currently code allows a projecting sign to overhang the right-of-way so the setback is not an issue. The issue before the Board

today is the height of the sign. The sign in discussion today was previously located at 111 West 5th Street in Tulsa.

Mr. Henke asked Mr. Ward if the sign being discussed today is the exact same sign that was located on 5th Street, and Mr. Ward confirmed that it is.

Mr. White asked Mr. Ward if the sign was going to be mounted on the building at a 45 degree angle. Mr. Ward stated that it would be mounted at a 45 degree angle off the northeast corner of the building.

Mr. Swiney stated to Mr. Henke that he reads the site plan of the proposed sign to have wording on the spine of the sign. Mr. Henke asked Mr. Ward if there was a proposal to add text to the spine of the sign. Mr. Ward stated that he was proposing to add text to the spine of the sign, but if it were a deal breaker for this case he would relinquish the proposal. Mr. Ward stated that the drawing that is in the Board's packet is a proposal drawing that was given to Garrett Law, and he does not know it was part of the original application.

Mr. White asked Mr. Swiney if the third face on the sign would be an issue. Mr. Swiney stated that he did not know if the proposed third face on the sign is prohibited, but it sounds as though A-MAX did not apply for the third face of the sign.

Ms. Back stated that staff was not aware that there was to be proposed wording on the spine of the sign. Mr. Kolibas, from the City, was present to comment on whether the sign meets the requirements or needs additional relief.

Mr. White asked if the text on the spine of the existing sign exists or not. Mr. Ward stated that the text is not present on the existing sign.

Mr. Swiney stated that the current application only deals with the front and back of the sign, not the proposed information on the spine of the sign. The Board can approve the sign, front and back, and not deal with the spine issue. If the applicant would like to come back under a separate application that addresses the text on the spine of the sign, the Board can hear and act upon the spine issue then.

Mr. Ward stated that if the client is in agreement, the text on the spine of the sign can be stricken from the proposed drawing.

Interested Parties:

David Garrett, 2221 Forest Boulevard, Tulsa, OK; stated he finds it unusual that this is the third process he has gone through to re-install his sign. In 2004 this sign was approved by the Board of Adjustment, and because of that approval he believes that Tulsa World installed their sign. Since that time many more signs have been installed in the downtown area because of the development. Mr. Garrett stated that he is sorry his application was not properly documented to have text on the spine. He has waited three months to mount the sign, and wants to have it installed.

Bob Kolibas, City of Tulsa, Sign and Site Section, 175 East 2nd Street, Tulsa, OK; stated there is a section in the Tulsa Zoning Code, Section 1221.E.4, regarding signs. Projecting signs cannot contain more than two sides of display surface area.

Mr. Henke stated that statement simplifies the issue for the Board, because Mr. Garrett wants Garrett Law displayed on both sides of the sign.

Rebuttal:
Mr. Ward came forward and stated his client would like to seek approval to relocate and install the sign without the slogan or text on the spine. The sign in discussion is a double-sided, old-fashioned neon sign that was previously approved at another location.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstains"; none absent) to APPROVE the request for a Variance to permit a projecting sign height from 25'-0" to 62'-0" (Section 1221.E.1). This approval is for a double-sided sign only and is subject to per plan on page 4.11. Finding that the sign was previously mounted on a separate structure it is being moved to this structure with new offices. While initially the setback was an issue that was resolved in the 2004 case, this case only deals with the height; finding that the height of this sign on this structure will actually be somewhat lower than it was on the earlier structure. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 3 & N50 LT 4 BLK 163,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 1:37 P.M.

Feet
0 200 400

Subject Tract

BOA-22419

19-12 01

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

Aerial Photo Date: February 2016

N

9.15

Feet
0 50 100

Subject Tract

BOA-22419

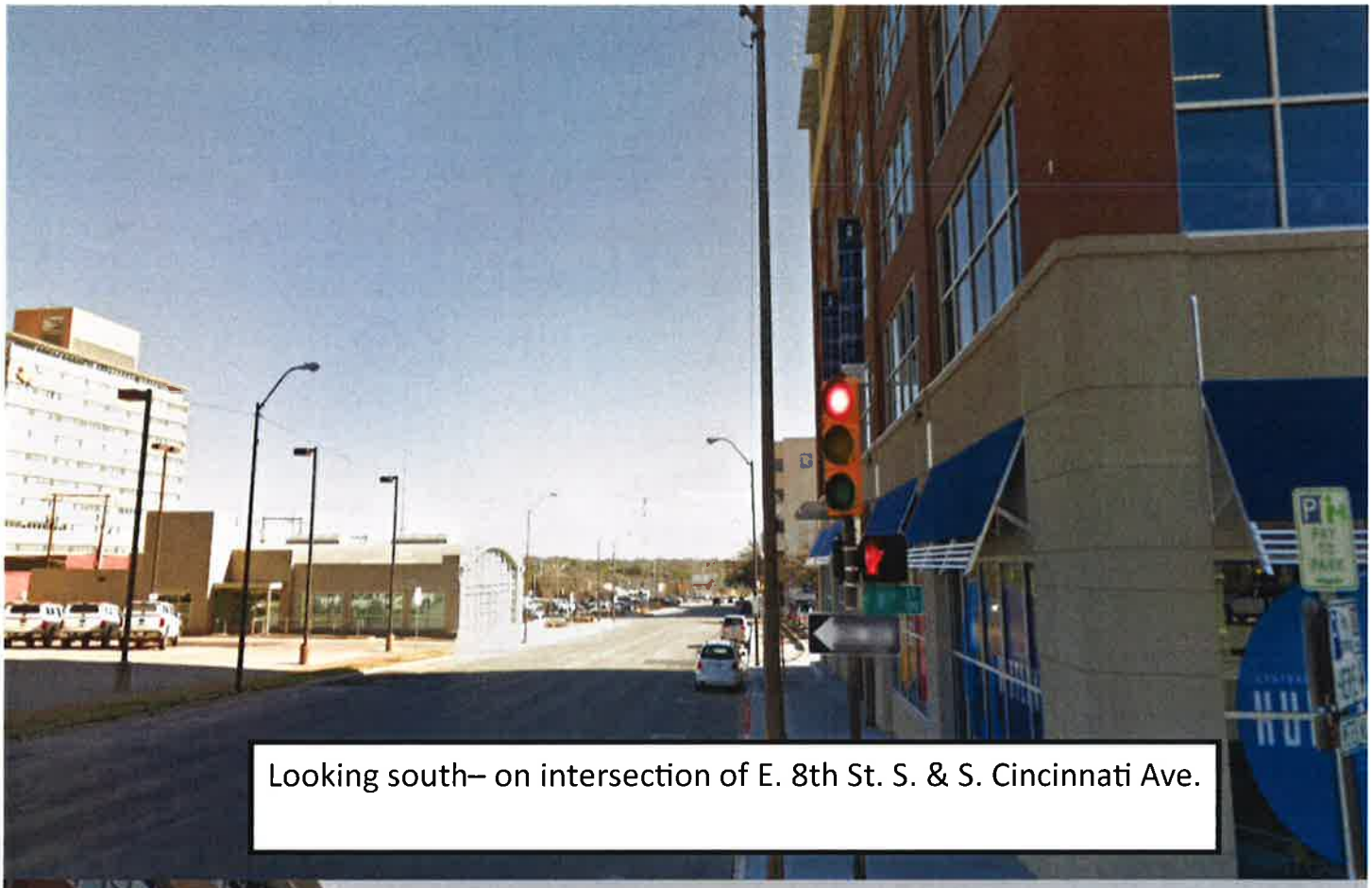
19-12 01

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

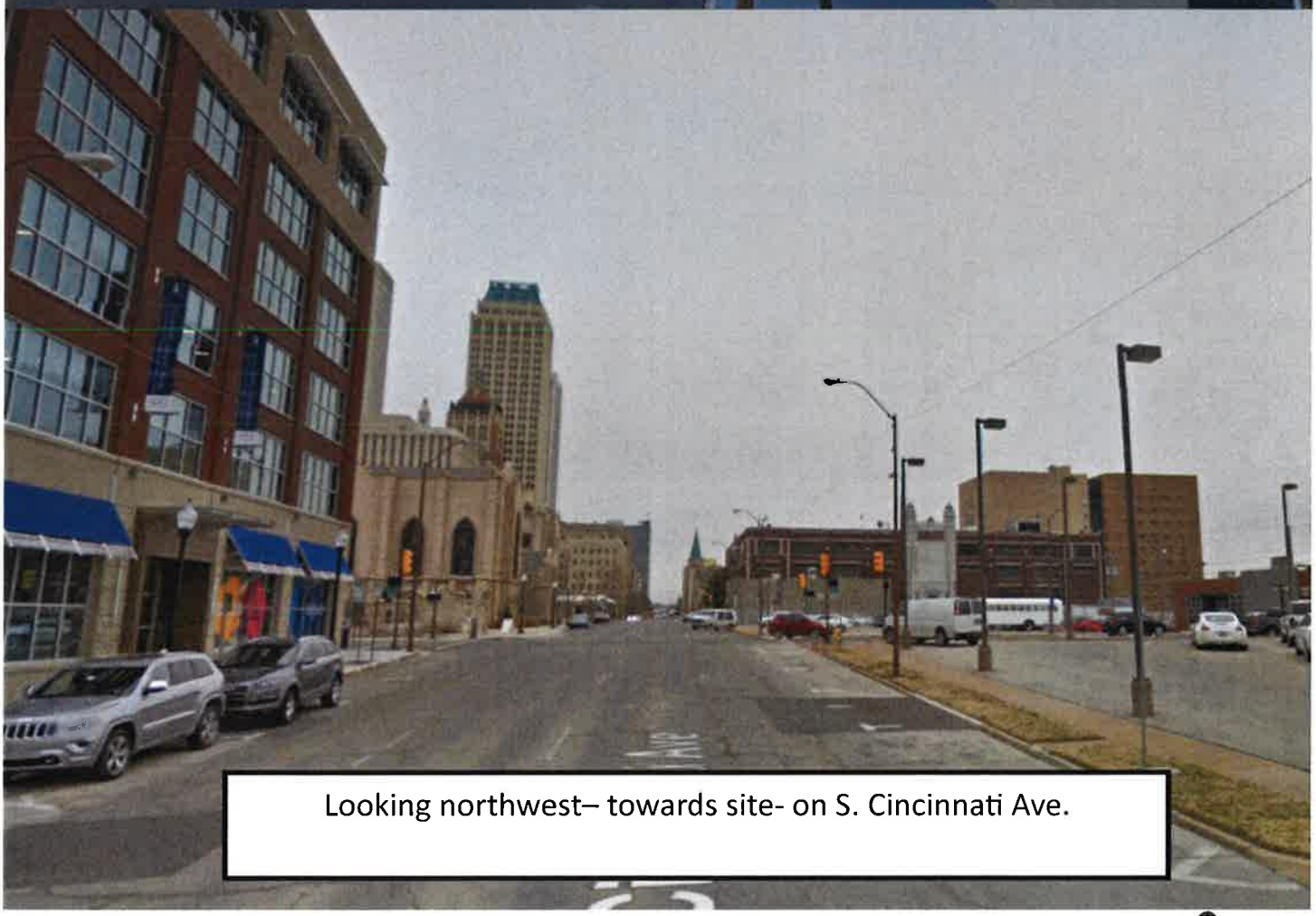
Aerial Photo Date: February 2016

9.16

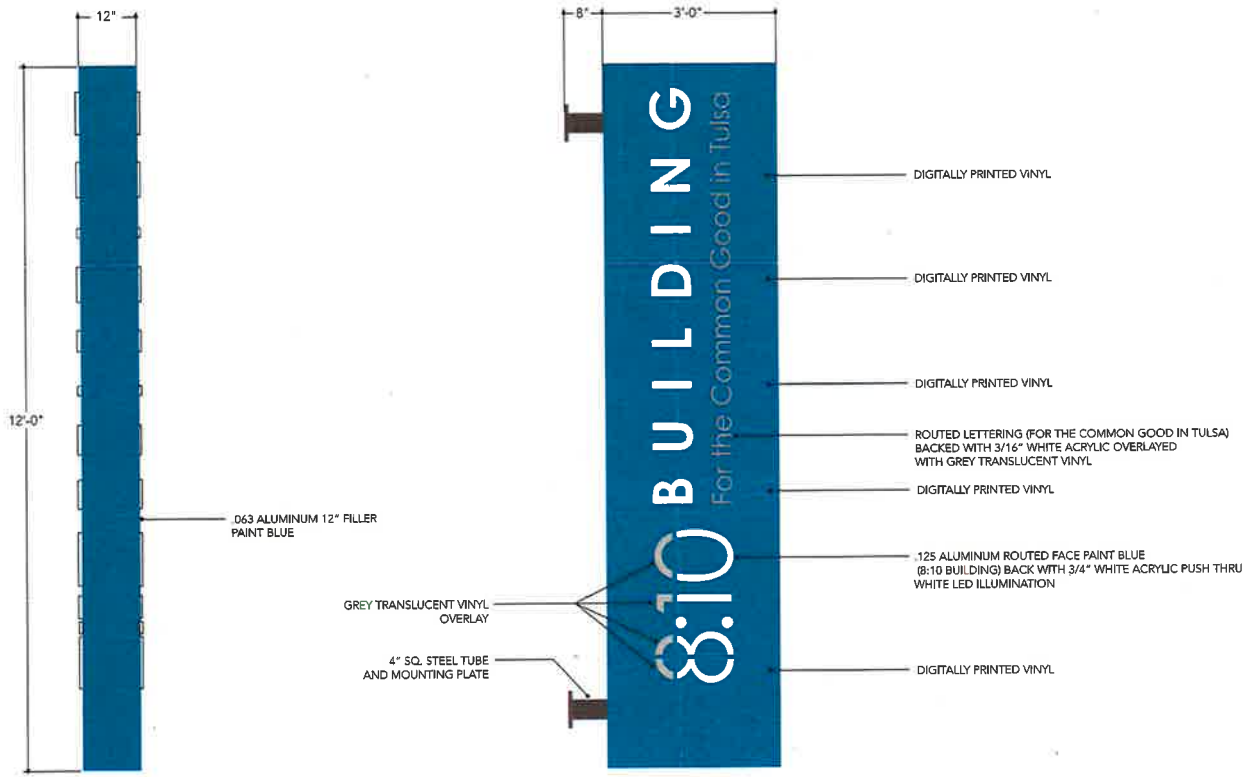
N



Looking south– on intersection of E. 8th St. S. & S. Cincinnati Ave.



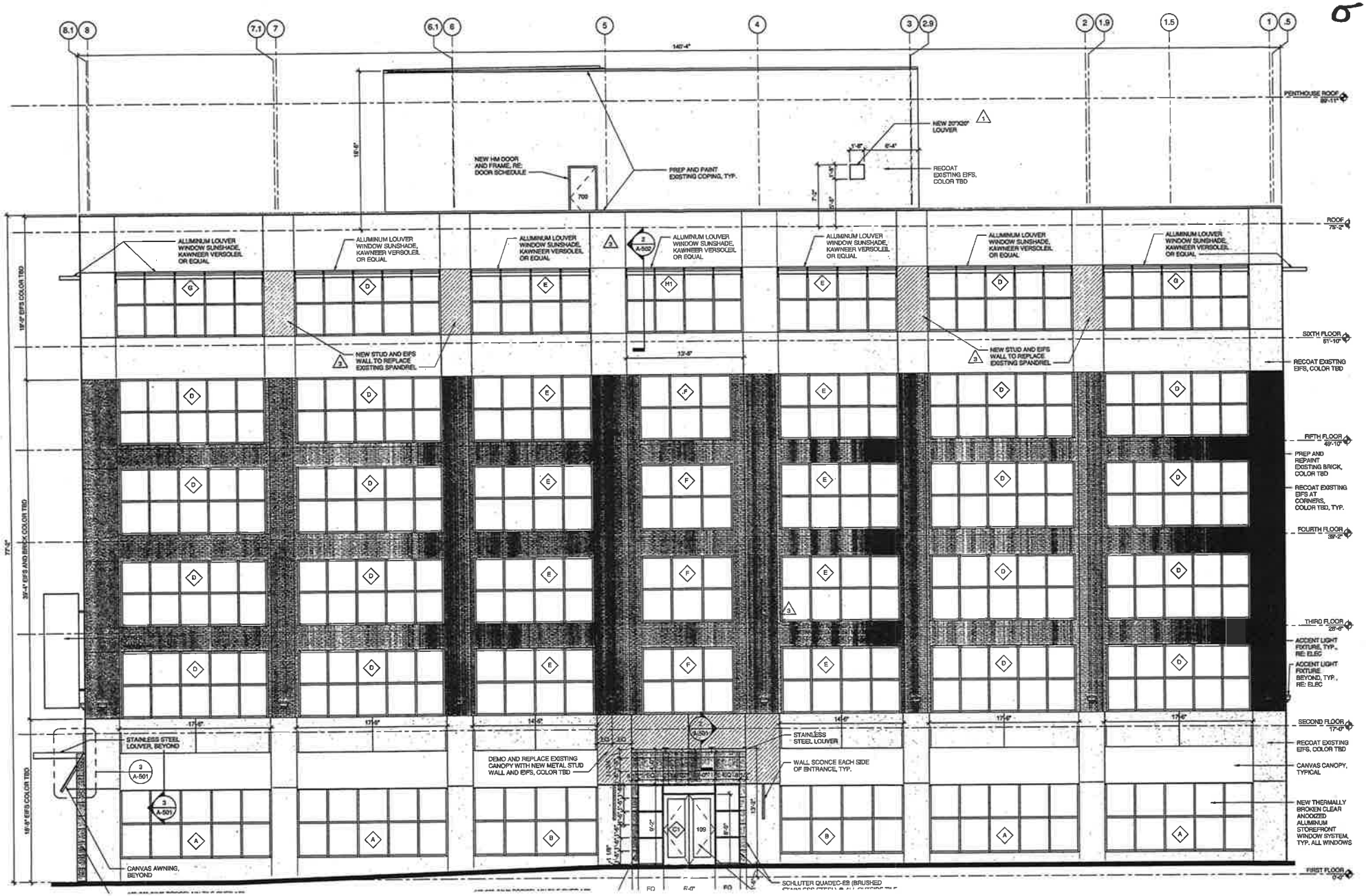
Looking northwest– towards site- on S. Cincinnati Ave.



[illegible]	I HEREBY CIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION. I UNDERSTAND THAT ANY CHANGES, ADDITIONS, DELETIONS, OR MODIFICATIONS TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN, OR THE SPECIFIC FEATURES OF THIS SIGNAGE MAY RESULT IN SUPPAGE OF THE COMPLETION DATE. ADDITIONAL RESOURCE REQUIREMENTS ON ACTIVITY, COST	☐ APPROVED AS SHOWN ☐ APPROVED AS NOTED X CLIENT NAME DATE	PROJECT/CLIENT NAME: 8:10 BUILDING	LOCATION: 810 S. CINNANATTI	ACCOUNT EXEC: TODD ADAIR	DESIGNER: BILL SAMPLE	DATE OF ORIGINAL DWG: JANUARY 4, 2018	REVISION HISTORY:	SIGN TYPE/DESCRIPTION: PROJECTION SIGN	SHEET NAME ST-1.0

9.18

9.19



140'-4"
PENTHOUSE ROOF 89'-11"
NEW 20"X20" LOUVER
RECOAT EXISTING EIFS, COLOR TBD
NEW HM DOOR AND FRAME, RE: DOOR SCHEDULE
PREP AND PAINT EXISTING COPING, TYP.
ROOF 75'-2"
ALUMINUM LOUVER WINDOW SUNSHADE, KAWNEER VERSOLEIL OR EQUAL
NEW STUD AND EIFS WALL TO REPLACE EXISTING SPANDREL
SIXTH FLOOR 61'-10"
RECOAT EXISTING EIFS, COLOR TBD
FIFTH FLOOR 49'-10"
PREP AND REPAINT EXISTING BRICK, COLOR TBD
RECOAT EXISTING EIFS AT CORNERS, COLOR TBD, TYP.
FOURTH FLOOR 39'-2"
THIRD FLOOR 28'-6"
ACCENT LIGHT FIXTURE, TYP., RE: ELEC
ACCENT LIGHT FIXTURE BEYOND, TYP., RE: ELEC
SECOND FLOOR 17'-0"
RECOAT EXISTING EIFS, COLOR TBD
CANVAS CANOPY, TYPICAL
NEW THERMALLY BROKEN CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW SYSTEM, TYP. ALL WINDOWS
FIRST FLOOR 0'-0"
STAINLESS STEEL LOUVER, BEYOND
DEMO AND REPLACE EXISTING CANOPY WITH NEW METAL STUD WALL AND EIFS, COLOR TBD
STAINLESS STEEL LOUVER
WALL SCONCE EACH SIDE OF ENTRANCE, TYP.
CANVAS AWNING, BEYOND
SCHLUTER QUADEC-EB (BRUSHED
18'-6" EIFS COLOR TBD
39'-4" EIFS AND BRICK COLOR TBD
18'-6" EIFS COLOR TBD
77'-2"

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664

DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

February 15, 2018

LOD Number: 1053468-1

Sign contractor:
Claude Neon Signs
1225 N Lansing Ave
Tulsa OK 74106

APPLICATION NO: **441062** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **810 S CINCINNATI AV E**
Description: **8:10 Building projecting 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)

9.20

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. 441062 810 S CINCINNATI AV E February 15, 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 60.080-D Maximum Height of On-premise Projecting and Freestanding Signs
2. Lots with Frontage on Major Streets
On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

Review Comments: The proposed projecting sign height of 30.6 for the 8:10 building exceeds the permitted 25 foot height above grade with a 40 foot setback from the C/L of S. Cincinnati Avenue. You may seek a variance from the BOA to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 30.6 feet above grade with a 40 foot setback from S. Cincinnati Avenue.

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.

9.21

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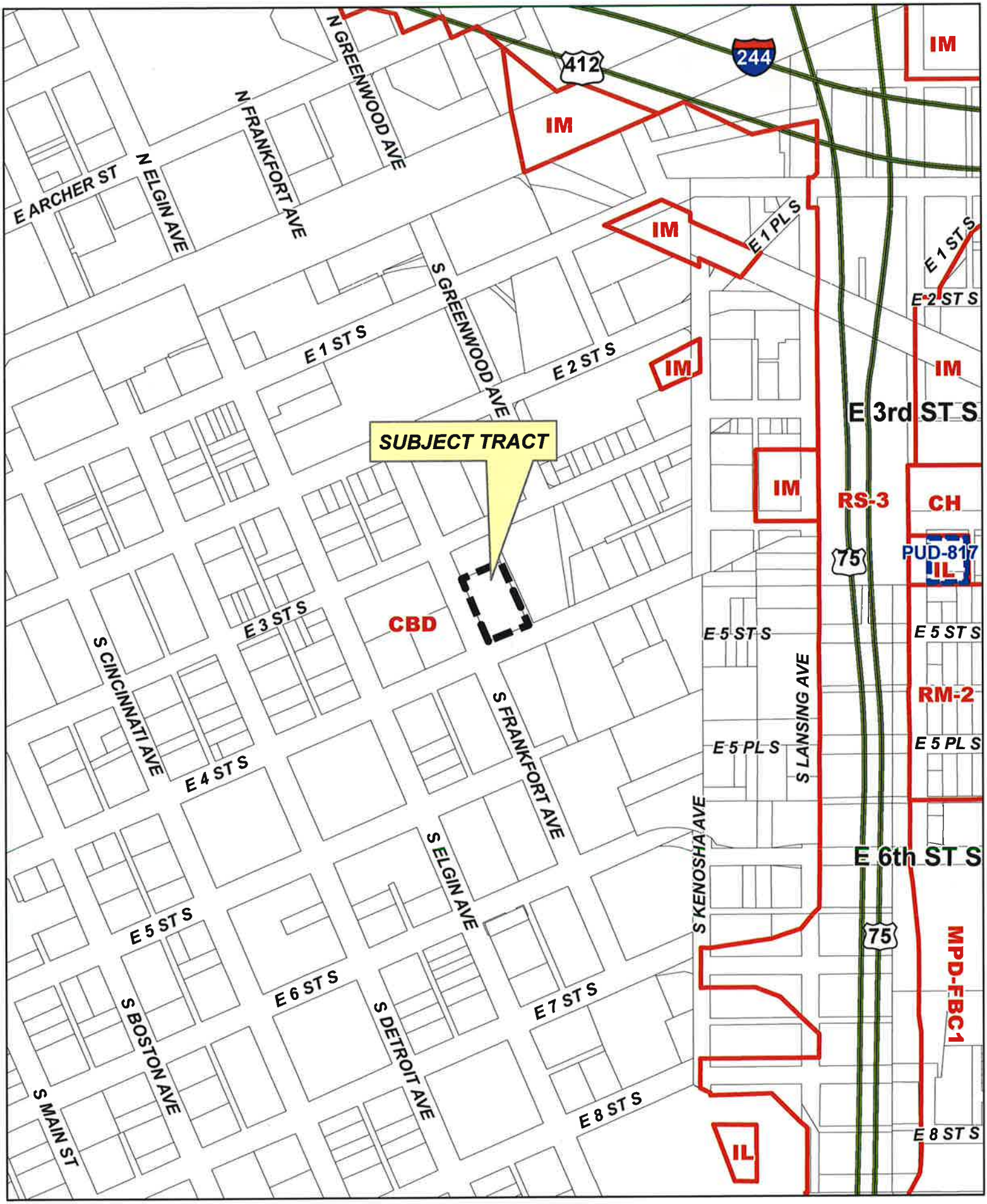


BOA-22422

19-12 01

10.1

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4
A-P#:

Case Number: **BOA-22422**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Jeanie Kvach

ACTION REQUESTED: Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot. (Sec. 40.050-A)

LOCATION: 321 S FRANKFORT AV E

ZONED: CBD

PRESENT USE: vacant

TRACT SIZE: 30801.4 SQ FT

LEGAL DESCRIPTION: LOTS 5-6-&-7 BLK 114, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:
None Relevant.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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 exist 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 located in the CBD is surrounded by mixture of uses including surface parking lots, office space and light industrial.

STAFF COMMENTS:
A bar is permitted in the CBD district as a use by right – subject to complying with the spacing requirements provided in Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CBD:

- *Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.*

- *Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.*

The applicant has submitted a map indicating the required spacing radius of 300 ft. from the perimeter subject site; based on the map there do not appear to be any public parks, churches, or schools within 300 ft. of the proposed bar. There is not an R district within 50 ft the subject property.

The verification is executed through a public hearing to ensure that surrounding property owners are notified and have the ability to provide information to the Board relevant to the verification.

The Board must find that the proposed bar meets or does not meet the spacing requirement.

Language traditionally utilized by the Board in verifying the spacing requirement:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.

Feet
0 200 400

Subject Tract

BOA-22422

19-12 01

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

Aerial Photo Date: February 2016

N

10.4

Feet
0 50 100

Subject Tract

BOA-22422

19-12 01

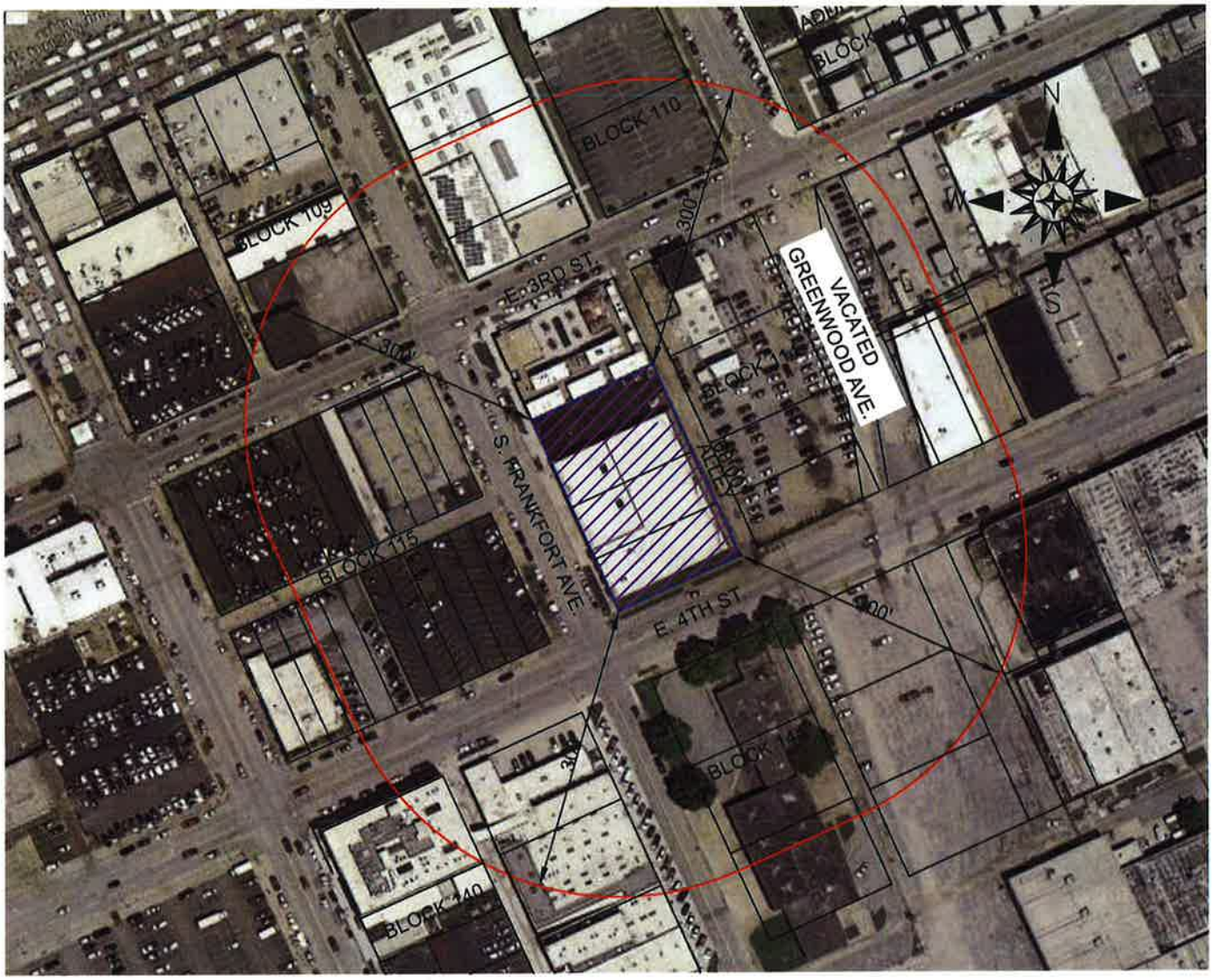
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

N

10.5

SPACING EXHIBIT



I hereby certify the the public entrance of the establishment, as measured in a straight line is not less than 50 feet from the nearest point on the R-Zoned lot to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area.

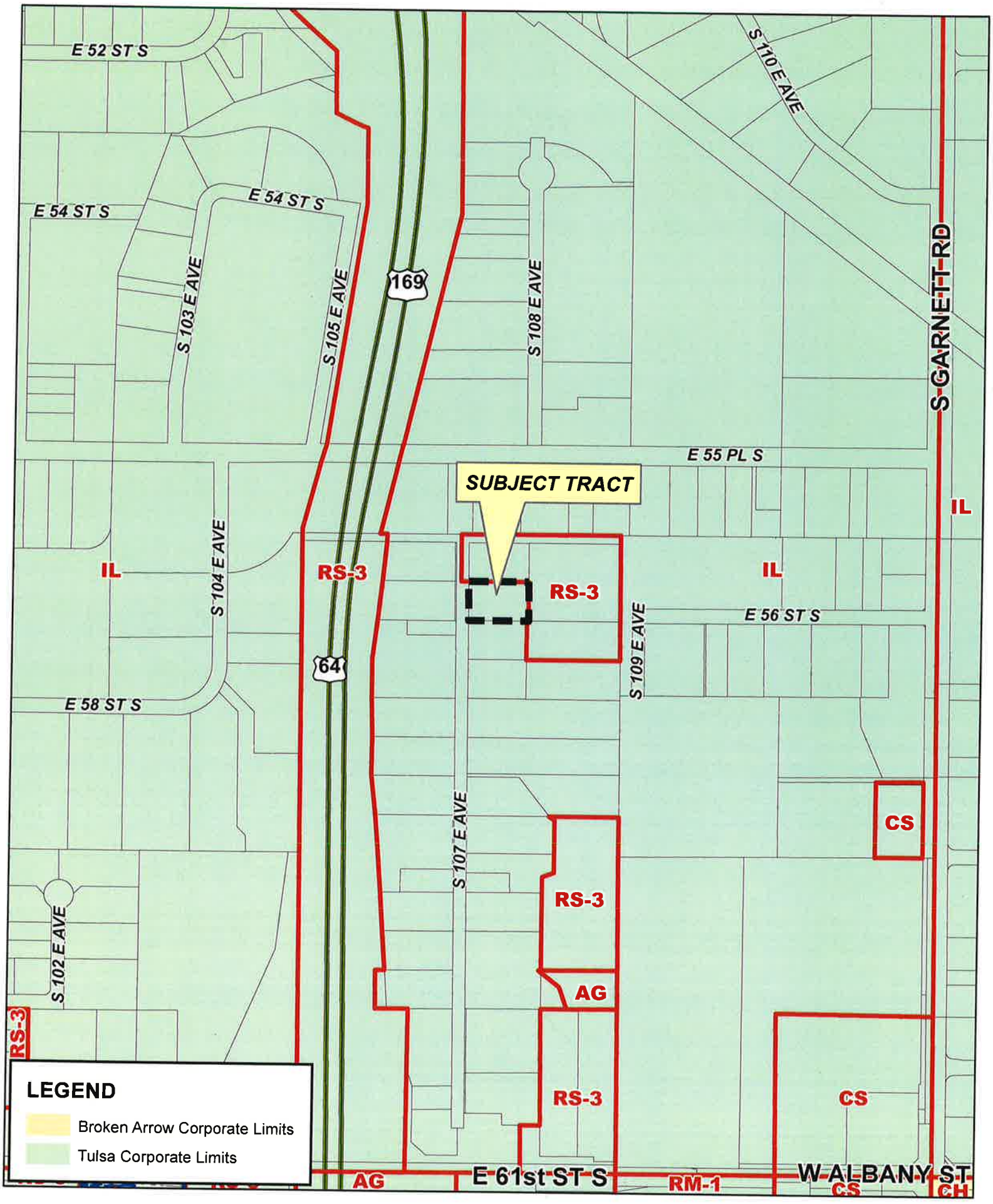
That the establishment is not located within 300 feet of a public park, school (including all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines) or religious as-assembly use (including all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located), regardless of any interior lot lines. As measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.

REGISTERED PROFESSIONAL LAND SURVEYOR
GREGORY WAYNE NICKLE
1396
OKLAHOMA

108 S. 109th E. Place, Tulsa, Oklahoma, 74128
(918) 664-5411. C.A. #1749 Expires 6/2019.

SCALE: NTS
DATE: 03/20/18

NICKLE & ASSOCIATES INC.
CIVIL ENGINEERING, LAND SURVEYING



BOA-22423

19-14 31

11.1

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9431
CZM: 49
CD: 7
A-P#:

Case Number: **BOA-22423**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Aaron Hunt

ACTION REQUESTED: Variance of the required parking spaces for a Commercial/Commercial Services/ Building Service Use (Sec.55.020)

LOCATION: 5623 S 107 AV E

ZONED: IL

PRESENT USE: Vacant

TRACT SIZE: 40227.82 SQ FT

LEGAL DESCRIPTION: LT 2 LESS BEG NEC TH S161.50 W386.92 N161.48 E385.22 POB FOR DETENTION BASIN BLK 1, GOLDEN VALLEY

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA 19260: on the Board **approved** a Variance of the required all-weather surface parking on subject property for 3 years.

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

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.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by large RS-3 zoned lots to the north and east; IL zoned tracts are to the south and west of the subject site.

STAFF COMMENTS:
The applicant is before the Board requesting a Variance to reduce the required parking from 26 spaces to 5 spaces to allow a Commercial/ Commercial Services/ Building Service Use (Sec.55.020). The applicant provided the following statement with their application: *"Due to the site and building size of this property and the untended use of the property, the addition of 21 parking spaces required is not necessary for our intended purpose."*

The proposed Commercial/ Commercial Services/ Building Service use is required by Code to provide 26 parking spaces. The Code states the the minumum parking requirement is 2.15 spaces per 1,000 sq. ft of floor area. The floor area for the proposed building is 12,000 sq. feet.
The Code attempts to ensure that all uses provide adequate on-site parking to make certain that peak vehicle parking demand is accommodated.

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the required parking from 26 spaces to 5 spaces to allow a Commercial/ Commercial Services/ Building Service Use (Sec.55.020).

- Finding the hardship(s) to be_____.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _____.

The Board finds that the following facts, favorable to the property owner, have been established:

"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."

Presentation:

Ron Blackwell, 1701 S. Trenton, proposes to build a storage building on Lot 1, Block 19.

Comments and Questions:

Mr. White noted the staff comment that stated there is no problem with the request, subject to a tie agreement.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **APPROVE** a ***Special Exception*** to allow an accessory building on a lot other than the lot with the residential structure, subject to a tie-agreement, per plan, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lots 12 and 1, Block 19, and 10' vacant alley, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.

Case No. 19260

Action Requested:

Variance of the required all-weather surface parking on subject property for 3 years. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS and SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS – Use Unit 23, located 5623 S. 107th E. Ave.

FILE COPY

Presentation:

Roy Ashley, 623 S. 107th E. Ave., stated he wants to park construction equipment, trucks, and store 1500 railroad ties on the property.

Comments and Questions:

Mr. Cooper asked of a hardship. Mr. Ashley mentioned that he would only need this for three years. Mr. Dunham asked what prompted this application.

Interested Parties:

Kevin Cox, 111 S. Greenwood, stated that a complaint was made through a community action project. When the property was rezoned IL, some businesses moved in and did not comply with the code requirement for all-weather surfaces. Mr. Ashley was notified of the violation. He asked Neighborhood Inspections for an extension, which they could not grant. Mr. Cox advised him to go to the Board of Adjustment.

Comments and Questions:

Mr. White confirmed this was only for the north lot belonging to Mr. Ashley. Mr. Beach asked if Mr. Ashley stated he plans to construct a building on the lot in three years. Mr. Ashley replied in the affirmative. Mr. Beach asked how many vehicles are parked there. Mr. Ashley replied there are eight vehicles; they leave once per day and return. Mr. White asked if any other construction material is stored there. Mr. Ashley responded there is no other construction material.

Comments and Questions:

Ms. Perkins noted it is on a dead end street and storage could be kept to a minimum. Mr. White agreed that the area was changed with the construction of U.S. Highway 169. Mr. Cooper was concerned there was no hardship. Mr. Dunham pointed out there are no neighbors on the east, just a detention pond. Mr. White stated that it is not a very visible property.

FILE COPY

Board Action:

On **MOTION** of **Perkins**, the Board voted 3-2-0 (White, Dunham, Perkins "aye"; Turnbo, Cooper "nay"; no "abstentions"; no "absences") to **APPROVE** a *Variance* of the required all-weather surface parking on subject property for 18 months, no more than 10 vehicles on property, and allow storage of no more that 1500 railroad ties, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 2, less beg. at the NE/c, thence S 161.50' W 386.92' N 161.48' E 385.22' to the POB for detention basin, Block 1, Golden Valley, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.*.

Case No. 19261

Action Requested:

Variance to allow detached accessory building in front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; and a Variance of required front yard of 50' from centerline of street to 25.6'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 6938 E. Newton St.

Presentation:

Jay Baker, 1861 E. 15th St., stated he was representing the owners, Mr. and Mrs. Son Rockstroh. He informed the Board that the contractor did not obtain a building permit for the carport. Mr. Baker stated that his understanding was that in 1997 or 1998 when the carport was built it was consistent with the zoning code, but the code was changed and it was no longer in compliance. They are asking for the variance because to remove the carport would mar the looks of the house and the

Case No. 18911 (continued)

and would not allow a full size house without relief. No parties present wished to speak.

Board Action:
On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a ***Variance*** of side yard abutting a non-arterial street of 15' down to 6'7", per plan, finding the hardship to be the size of the lot, on the following described property:

Lot 1, Block 7, Harding Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.

Case No. 18912

Action Requested:
Variance of side yard abutting a non-arterial street of 15' down to 5'7". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1540 N. Frankfort Ave.

Presentation:
Wally Wallace, 5619 E. 80th Pl., was present.

Interested Parties/Protestants:
None.

Board Action:
On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to APPROVE a ***Variance*** of side yard abutting a non-arterial street of 15' down to 5'7", per plan, finding the hardship to be the size of the lot, on the following described property:

Lots 15 and 16, Block 5, Investors Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.*.

Case No. 18913

Action Requested:
Variance of the provisions of Section 903 of the Zoning Code to reduce the required building setback from the east and north boundaries of the property under application from 75' to 0'; and a Variance removing the requirement along the north and east lot lines of the applicant's property that uses included in Use Units 11, 15, 17, 23, and 25 when located on a lot which is abutting an R district be screened

Feet
0 250 500

Subject Tract

BOA-22423

19-14 31

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

Aerial Photo Date: February 2016

N

11.7

Feet
0 50 100

Subject Tract

BOA-22423

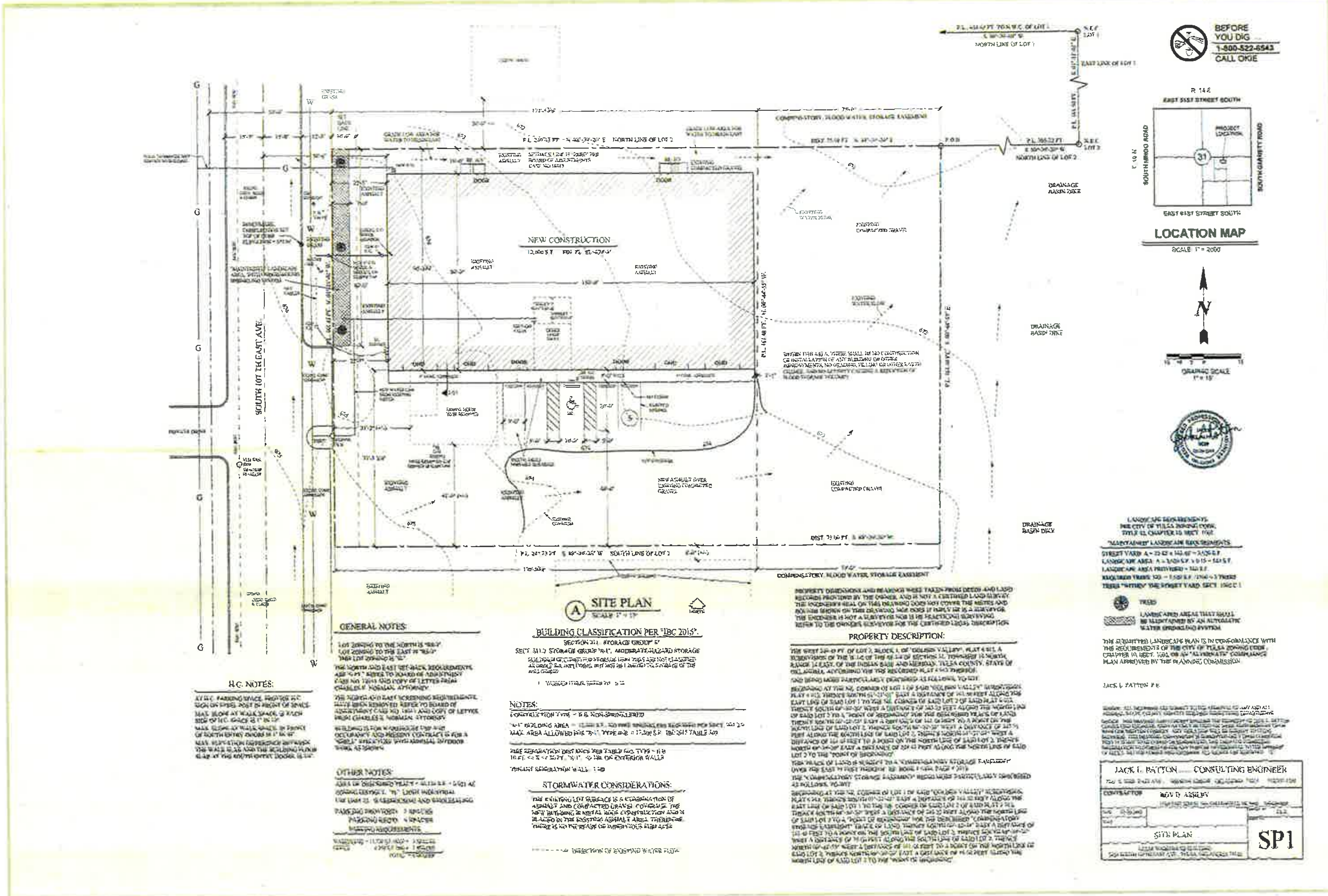
19-14 31

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

Aerial Photo Date: February 2016

N

11.8



BEFORE YOU DIG ...
1-800-522-6543
CALL OKIE
LOCATION MAP
EAST 51ST STREET SOUTH
EAST 61ST STREET SOUTH
SOUTH MINGO ROAD
SOUTH GARNETT ROAD
PROJECT LOCATION
31
NEW CONSTRUCTION
SOUTH 107 TH EAST AVE.
NORTH LINE OF LOT 2
SOUTH LINE OF LOT 2
NORTH LINE OF LOT 1
EAST LINE OF LOT 1
COMPENSATORY FLOOD WATER STORAGE EASEMENT
DRAINAGE BASIN DIKE
EXISTING COMPACTED GRAVEL
DOOR
A SITE PLAN
BUILDING CLASSIFICATION PER "IBC 2015".
SECT. 311.2 STORAGE GROUP "S-1", MODERATE-HAZARD STORAGE
GENERAL NOTES:
H.C. NOTES:
OTHER NOTES:
NOTES:
CONSTRUCTION TYPE = II-B, NON-SPRINKLERED
STORMWATER CONSIDERATIONS:
PROPERTY DESCRIPTION:
TREES
JACK L. PATTON P.E.
JACK L. PATTON ..... CONSULTING ENGINEER
CONTRACTOR
SITE PLAN
SP1

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: 1053928-1

February 20, 2018

AARON HUNT
YARDVARKS, LLC
10026-A S MINGO RD #181
TULSA, OK 74133

Phone: (918)607-9273

APPLICATION NO: **441321** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **5623 S 107 AV E**
Description: **NOT APPLICABLE**

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" **[X]IS** **[ ]IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

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. 441321 5623 S 107 AV E February 20, 2018

Note: Please direct all questions concerning variances, special exceptions and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.55.020 Table 55-2: The proposed landscape business is designated a Commercial/Commercial Services/Building Services Use. The minimum parking requirement is 2.15 spaces per 1000 ft^2 of floor area. The floor area for the building is 12,000 ft^2. This will require 26 parking spaces. Five (5) spaces are provided on your site plan.

Review comment: Resubmit your site plan providing 26 spaces. The parking spaces are required to be compliant with the design criteria listed *Sec.55.090*. You may consider submitting an alternative compliance parking ratio reviewed and approved through the special exception procedures of *Sec.70.120* or an off-site parking agreement in compliance with *Sec.55.080-D.*

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.

From:	Aaron Hunt
To:	Foster, Nathan
Cc:	Chapman, Austin; Monty Berry
Subject:	INCOG - Statement of Hardship CASE NUMBER: BOA-22423
Date:	Thursday, March 08, 2018 11:58:34 AM

Good morning Nathan,

When filling out our application for the City of Tulsa we noted that we would be sending our statement of hardship via email. Our statement of hardship is as follows:

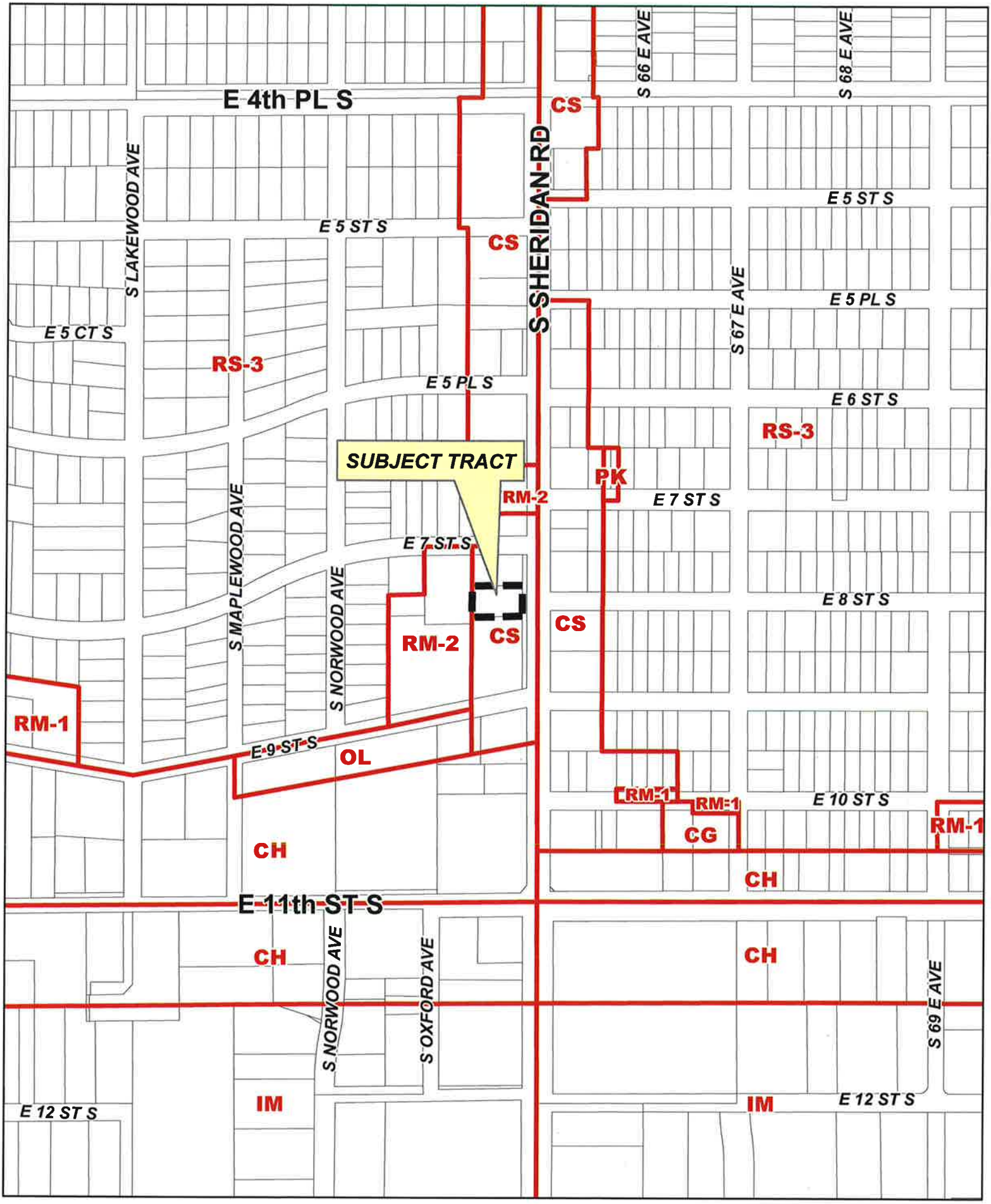
Upon entering into the lease for this property we were satisfied with the existing parking spaces to the Site and our needs. Due to the site and building size of this property and the intended use of the property, the addition of 21 parking spaces required is not necessary for our intended purpose.

Please let us know if anything further is needed from us.

Thank you, sir,

Aaron Hunt
President/CEO

YardVarks Lawn Care & Outdoor Enhancements
10026-A S. Mingo Rd. #181
Tulsa, OK 74133
Office 918.856-5191
Fax 918.770.9613
Web www.yardvarks.com



Feet
0 200 400

BOA-22424

19-13 03

12.1

N

BOARD OF ADJUSTMENT
CASE REPORT

STR: 9303
CZM: 38
CD: 5
A-P#:

Case Number: **BOA-22424**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Peter Parker

ACTION REQUESTED: Special Exception to allow for a Commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS district (Sec. 15.020)

LOCATION: 804 S SHERIDAN RD E

ZONED: CS

PRESENT USE: Storage

TRACT SIZE: 16500.6 SQ FT

LEGAL DESCRIPTION: S 100 OF N 200 OF E 180 LESS E 15 BLK 59, GLENHAVEN

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 22249; on 6.13.17 the Board **approved** a Variance to allow outdoor storage and outside display of merchandise within 300' of a abutting R district.; located at 708 S. Sheridan Rd. E.

BOA 22174; on 12.13.16 the Board **approved** special exception to permit vehicle sales in a CS district; located at the northeast corner of S Sheridan Rd and E 8 St S.

BOA 22067; on 7.12.16 the Board **approved** a special exception to permit car sales in the CS district; variance to allow outside display of merchandise within 300' of the R district; located at the northeast corner of S Sheridan Rd and E 7 St S.

BOA 22001; on 12.08.15 the Board **approved** a special exception to allow car sales on the subject lot; Located at 708 S. Sheridan Rd. E.

BOA-20318; on 8.8.06, the Board **approved** a special exception to permit auto sales in the CS district and a variance of the requirement that no merchandise may be displayed outside within 300' of an R district; located at the southwest corner of S Sheridan Rd and E 5 PL S.

BOA-20208; on 2.28.06 the Board **denied** a special exception to allow sales of used cars in a CS zoned district; and **denied** a variance of the 300 ft. distance from an R district to display merchandise on the property, due to a lack of hardship; located at the southeast corner of E Sheridan Rd and E 5th Pl S.

BOA-12101; on 8.5.82 the Board **approved** a special exception to permit an auto detail shop in the CS district; located at the northeast corner of S Sheridan Rd and E 5 St S.

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".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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 CS zoning on the east, north and south. RM-2 zoned residences abut the subject lot to the west.

STAFFCOMMENTS:

The applicant is requesting a **Special Exception** to allow for a Commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS district (Sec.15.020). A special exception is required due to the potential adverse effects of this type of use in the CS district; however, if controlled in the instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

The subject lot is located in a commercial area that contains a variety of uses. There are a significant amount of existing car lots and auto related businesses clustered along this section of S Sheridan Rd. The applicant has stated that the existing buisness is not open to the public as the vehicles are sold online. Further, the vehicles are that the vehicle will be stored inside.The special exception request was necessary to satisfy a requirement of the Car Commission.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow for a Commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS district (Sec. 15.020)

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

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

LTS 1 & 2 LESS E162 LT 1 & LESS E15 LT 2 BLK 2, EAST ELEVENTH PARK SUB, City of Tulsa, Tulsa County, State of Oklahoma

****

NEW APPLICATIONS

FILE COPY

22249—Josh Hamilton

Action Requested:
Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A). **LOCATION:** 708 South Sheridan Road East **(CD 5)**

Presentation:
Josh Hamilton, 4105 South Redwood Avenue, Broken Arrow, OK; stated he was before the Board about three years ago and received approval to be a car lot with inside storage. He did that until February of this year when he was broke into and has been broke into seven times. He actually caught one of the assailants because he was on the roof the building camping and had pulled the copper from the air conditioning. A week later another offender broke through the roof and did about $16,000 damage to the concrete roof. He had to pull all the cars from the interior of the building and placed them on the lot so he had a fence erected but it was two feet within the right-of-way. When the City Inspector came out about the fence he mentioned the fact that he could not store cars outside. He discovered that by having the cars outside was good for business so now he would like to continue having the cars outside. The roof repairs were just finished so he can move the old cars that are in front of the building out in the next 60 days. He will place them either in the back of the building where they cannot be seen or placed inside the building.

Mr. White asked Mr. Hamilton about the security of his vehicles that are on the lot. Mr. Hamilton stated that since he has erected the fence he has not had any problems.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Variance to allow outdoor storage and outside display of merchandise within 300 feet of the abutting R District (Section 15.040-A), subject to conceptual plan 3.26 in the agenda packet. The Board finds the hardship to be the current layout and security fence on the

applicant's property. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

22276—Fred Frampton

Action Requested:
Variance to allow an accessory structure to exceed 18 feet in height, exceed one-story, and exceed 10 feet at the top of the top plate (Section 90.090-C); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). **LOCATION:** NW/c of East 16th Street South and South College Avenue East **(CD 4)**

Presentation:
The applicant was not present. The Board chose to move this case to the end of the agenda.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time.

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 3 BLK 1, MANOR VIEW ESTATES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22173—Angela Cherry

Action Requested:
Verification of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops, and other liquor stores (Section 40.300-A). **LOCATION:** 4612 East 31st Street South – ***Tenant Space:*** 4628 East 31st Street South **(CD 9)**

Presentation:
Angela Cherry, 4628 East 31st Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that Board is in receipt of the applicant's spacing verification.

Interested Parties:
There were no intersted parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LTS 11 & 12 BLK 2, CONWAY PARK, City of Tulsa, Tulsa County, State of Oklahoma

FILE COPY

22174—Edward Jones

Action Requested:
Special Exception to permit vehicle sales in the CS District (Section 15.020-C). **LOCATION:** 715 South Sheridan Road East **(CD 3)**

BOA-22174 FILE COPY

Presentation:
Edward Jones, 3437 East 84th Street, Tulsa, OK; stated he repersents Domingo Muldanado. Mr. Muldanado purchased the subject property for a car lot. Mr. Muldanado has another car lot located on Admiral Boulevard. When Mr. Muldanado purcahsed the subject lot there was an existing car lot but he discovered that it had been operating illegally. Mr. Muldanado wants to operate his car lot legally and maintain his good reputation. Mr. Jones stated that a parking layout has been submitted to INCOG so that the lot will comply with the City Zoning Code.

Mr. White asked Mr. Jones if there would be any storing of tires or anything like that. Mr. Jones stated there would be no storing of tires and there would no storage at all.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a Special Exception to permit vehicle sales in the CS District (Section 15.020-C). The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 12 & 13 BLK 20, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

Theresa Landers, 6930 East 7th Street, Tulsa, OK; stood up and stated that she has an interest in the case that was just heard.

Mr. Van De Wiele stated that he asked if there were any interested parties and no one raised their hand or stood up.

Ms. Landers stated that she signed in with the case number and wanted to give her opinion on this case. Ms. Landers asked the Board to deny this case. She is before the Board on behalf of herself and the neighborhood association of 1,500 houses. The streets that surround the neighborhood are already lined with used junker shops and have more junker shops than used car lots. Ms. Landers stated there is a used car lot at the corner of 11th and Sheridan. There is another shop, Frank's Tires, that has only five cars and the lot is well maintained.

Mr. Van De Wiele stated the Board has already acted on this case and the other thing that is now applicable to these type of small lots are measures to prevent the packing of a lot that has been seen in the past.

Ms. Landers stated the neighborhood needs business development. There is a proliferation of used car lots in the area. There are six on Sheridan now. The market does not sustain that kind saturation. Mr. Van De Wiele stated that if the market won't sustain the lot and Ms. Landers interrupted by saying that a failed business does not help the neighborhood. In the meantime, if the proposed business does go belly up and he quits he will not do anything to clean up the neighborhood. Used car lots tear down the neighborhood even farther because they prevent someone else from doing business. Car lots do not take care of their trash, they do not take care of their easement, they do not take care of anything.

Mr. Van De Wiele told Ms. Landers that he is sorry that she did not hear him invite the interested parties in this case. Ms. Landers stated that she did sign in to be heard. Mr. Van De Wiele stated that the sign in process is not how this Board recognizes interested speakers. Ms. Landers stated that she understands it is a late hour and she has a life too. Mr. Van De Wiele apologized to Ms. Landers and stated there are measures in place to address concerns.

22175—Fidencio Jaimes

Action Requested:
Special Exception to permit a carport in the street (front) yard with modifications to the allowable height, square footage and setback requirements; Variance to allow a structure to extend into the street right-of-way and/or planned street right-of-way (Section 90.090). **LOCATION:** 7118 East Easton Place North **(CD 3)**

Presentation:
Fidencio Jaimes, 7118 East Easton Place, Tulsa, OK; stated she is requesting a carport because she does not have a garage.

Mr. Van De Wiele asked Ms. Jaimes if she plans on finishing the project if the Board approves the request. Ms. Jaimes answered affirmatively.

Ms. Miller stated the applicant will need to obtain a license agreement for the carport being in the right-of-way, and the staff report states the applicant does not have one. Ms. Miller asked Ms. Jaimes if she has applied for the license. Ms. Jaimes stated that she has not. Mr. Van De Wiele stated that the license agreement with the City is because the carport is in the easement of the City right-of-way so a license agreement with the City is required.

Interested Parties:
There were no interested parties present.

subject to a license agreement approval from the City of Tulsa. The Board determines that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LTS 9 10 11 & 12 & E10 VAC ALLEY ADJ ON W BLK 8, MORNINGSIDE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele and Mr. White both re-entered the meeting at 1:35 P.M.

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NEW APPLICATIONS

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22067—Frank Alchami

Action Requested:
Special Exception to permit a car sales in the CS District (Section 35.050); Variance to allow outdoor storage and merchandise within 300 feet of an abutting R-zoned lot (Section 15.040). **LOCATION:** 621 South Sheridan Road East **(CD 3)**

Presentation:
Cecil Drummond, Attorney, 5200 South Yale, Suite #507, Tulsa, OK; stated Mr. Alchami has been a member of the community for many years and use to have Frank's Restaurant on South Sheridan. Mr. Alchami has always helped other people in need and now has opened a tire business on South Sheridan. There are several people here today that are in support of the application and there is a letter with signatures from the

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neighbors. Mr. Alchami's business has increased property values in the area because the subject property was in a deteriorated state and he has now improved the subject property. Mr. Alchami has satisfied any requests from the neighbors to include the installation of a privacy fence. Mr. Alchami would like to start selling cars on the subject property. He has his license, insurance and permits that are required and now he is before the Board to obtain relief needed.

Fawaz "Frank" Alchami, 5616 South 89th East Avenue, Tulsa, OK; stated that he renovated the building to open the tire store. Originally he installed a chain link fence with razor wire across the top but one of the neighbors complained saying the fence made the business look like a jail. So he removed the razor wire. Then the neighbor complained that the neighbors could see the tires so he installed a tennis court type screen. The neighbor then complained about mosquitoes and Mr. Alchami showed her that he had a pest control company spraying the property every other week. This neighbor then requested that a privacy fence be erected around the business so he had a privacy fence installed and painted it. Mr. Alchami stated that all his tires are stacked on pallets to keep them off the ground and he has a contract with a pest control company to spray every other week for mosquitoes, and an inspector from Oklahoma City made an inspection of the property and found nothing wrong.

Mr. Van De Wiele asked Mr. Alchami how many cars he planned to have on the subject property at any given time. Mr. Alchami stated there would be no more than 15 cars. Mr. Van De Wiele asked Mr. Alchami if any of the cars would be junk cars or cars that needed to be worked on. Mr. Alchami stated that when he purchases cars he takes the car to a mechanic shop for any repairs and then he places it on his lot for sale.

Mr. White commended Mr. Alchami on initiating the pest control procedure because the water in tires and the mosquitoes is a problem the Board has been dealing with for years.

Interested Parties:

Theresa Landers, 6930 East 7th Street, Tulsa, OK; stated she lives about two blocks from the subject property. Ms. Landers stated that she is not a fan of car and tire businesses because of bad past experiences. When Frank's came into the neighborhood he installed nice chain link fencing with the prison wire on top. The neighbors requested a privacy fence and to do away with the prison wire which he did. The neighbors discussed the possible mosquito problems and he presented them with a pest control contract for spraying every two weeks. Ms. Landers stated that she is out in her yard a lot and she has had no extra mosquitoes this year, and probably has fewer this year than in the past. Ms. Landers stated that she does have a concern over the cars becoming more than 15. Ms. Landers stated that Mr. Alchami keeps everything nice and neat and therefore she has not objections to the business coming into the neighborhood.

Derek Wunch, 1709 East 50th Street South, Apt. #10, Tulsa, OK; stated he has known Mr. Alchami a little over 20 years. Mr. Wunch stated that he has worked with car

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dealerships in the past and now he is in business for himself. Mr. Wunch stated that he has painted Mr. Alchami's store front windows for several years and Mr. Alchami is a very generous person.

Sher Nunley, 7309 South Mingo Road, Apt. #1514, Tulsa, OK; stated that she does not live in the subject neighborhood but is a customer of Mr. Alchami's. She met him because she was in desperate need of a tire. Ms. Nunley stated that he is very concerned about his business and his customers, and his entire staff is very courteous and respectful. It is very important for Tulsa to have honest business people that do not take advantage of their customers.

Al Stewart, P. O. Box 1029, Haskell, OK; stated that he has known Mr. Alchami for 20 years. Mr. Alchami fed him when he was hungry and gave him work when he needed work. Mr. Alchami will be there to help anyone with a tire whether they have money or not.

Stephanie Daywalt Clay, 6518 East 7th Street, Tulsa, OK; stated she lives in front of Frank's Tire Shop and has been lived there for a little over eight years. Ms. Clay stated that Mr. Alchami's staff is very respectful and Mr. Alchami has become a friend that she has coffee with in the morning. She is impressed with how clean he keeps his lot. The privacy fence Mr. Alchami installed is very nice and she feels secure in her house now. Ms. Clay stated that Mr. Alchami has been very accommodating to the neighbors to make sure they are pleased with what he is doing and has done. Ms. Clay stated the Mr. Alchami is an asset to the community.

Michael Williams, 7304 East 6th Street, Tulsa, OK; stated he used to be the block captain for the neighborhood watch. Mr. Williams stated he has known Mr. Alchami since 2003. Mr. Williams stated that he was glad to hear that Mr. Alchami purchased the subject property because it used to be riddled with crime.

Ron Kelly, 29859 East 154th Street South, Coweta, OK; stated he is an Area Field Manager for U-Haul. Mr. Kelly stated that he met Mr. Alchami at the end of 2015. Since Mr. Alchami purchased the subject property he cannot believe the change in the area and the City of Tulsa needs to keep Mr. Alchami.

Anthony Eversole, 9324 South Oxford Avenue, Tulsa, OK; stated he has been a friend of Mr. Alchami's for years. Mr. Eversole stated that Mr. Alchami is a true and honest man and whatever he says he will do he will do. Mr. Eversole stated that Mr. Alchami is very meticulous in whatever he does.

Comments and Questions:

Mr. White stated that this is his 20th year on the Board of Adjustment and he wants to commend Mr. Alchami on all his achievements, because there are always complaints from neighbors about tire stores, mosquitoes and their uncleanliness. Mr. White stated that he appreciates what Mr. Alchami has done and has no problem with this request.

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Mr. Flanagan stated that Mr. Alchami is an excellent tenant and he takes care of the property as if it is his own. Mr. Flanagan stated that he too has no problem with the request.

Mr. Bond stated that after reviewing the litany of procedural histories of the adjoining properties he thinks this is in keeping with and a bonus to the neighborhood. Mr. Bond stated that it is very heartening to see these people here speaking about a great Tulsan and a great American.

Ms. Snyder stated that she has not problems with the request. She expressed her thanks to Mr. Alchami because it is really nice to have an applicant come before the Board that has worked with the neighborhood and makes them proud.

Mr. Van De Wiele stated that he too does not have a problem with the request, especially by placing a limitation on the number of cars. He thinks the pest control is a great idea. The level of neighborhood involvement, not only this matter, but it sounds like in the day-to-day business it is commendable. Mr. Van De Wiele stated that Mr. Alchami should be proud because he does done a good job in all aspects of his business and he is proud to have Mr. Alchami as a Tulsan.

Board Action:
On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a car sales in the CS District (Section 35.050); Variance to allow outdoor storage and merchandise within 300 feet of an abutting R-zoned lot (Section 15.040), subject to "as built" and as it is currently in operation. The approval for car sales will be for a maximum of 15 cars and they need to comply in accordance with the City's parking standards in Section 55.090. Sales will be limited to tires and operable vehicles only. The pest control procedure that the applicant has started is to be a continuing process through the months of April through September. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board determines that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;

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f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 12, 13, 14 and W 25 LT 15 BLK 13; SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

20318-C—Mike Asfour

Action Requested:
Modification of a previously approved Special Exception (BOA-20318-A) to increase the allowed amount of displayed vehicles from 85 to 145. **LOCATION:** 602 South Sheridan Road East **(CD 5)**

Presentation:
Mike Asfour, 6920 East 50th Place, Tulsa, OK and **Tina Soin,** Gable Gotwals, 100 West 5th Street, Suite #1100, Tulsa, OK; Ms. Soin stated the applicant is requesting a modification to a previously approved Special Exception to allow an increase in the number of vehicles allowed on the lot from 85 to 145.

Mr. Van De Wiele asked Ms. Soin how this request is different from the application that was before the Board last November. Ms. Soin stated that the main difference is that the applicant now has a site plan showing how the parking will be distributed on the lot and that there will be 151 spaces to accommodate 145 cars for sale plus six customer parking spaces.

Mr. Van De Wiele asked Ms. Soin how many cars are on the lot today. Mr. Asfour stated that today there are approximately 160 cars. Mr. Asfour the number of cars has been reduced by about 100 cars from the last hearing. Mr. Asfour stated that he has been working on the plan for about six months to get close to the presented site plan.

Mr. Van De Wiele asked staff if the parking lot diagram has been submitted and meets Section 55.090 as far as stall width, driving lane, etc. Ms. Moye stated that as far as she knows the parking shown on page 6.26 has not been submitted to the City of Tulsa but she does not know whether it meets the zoning requirement because there are not measurements included. Ms. Soin stated the applicant would be willing to submit the plan to the City and go through the process.

Mr. White stated that the plan does not have any dimensions on it and he would like to see it dimensioned and indicated as an engineering plan or a proper survey layout with the signature of a licensed engineer or surveyor.

good neighbors, but because it is unsightly when driving down the road to see all the pallets.

Rebuttal:
Mr. Cooks came forward and stated that he does not have a business; he rebuilds them and people ask him for them but it is not a business. Mr. Cooks stated that if that is the problem he can move the pallets or get rid of them.

Comments and Questions:
None.

Board Action:
On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Variance of the maximum floor area for a detached accessory building to 936 square feet (Section 402.B.1), subject to conceptual plan 12.12. The Board has found that this is an unusually large lot and so it has the capacity for the proposed size garage. This garage cannot be used for a business or any business type purpose. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances 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; for the following property:

33-20-12 S 264' of W 330' of SW SW NE LESS S 15' RD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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22001—Josh Hamilton

Action Requested:
Special Exception to permit car sales in the CS District (Section 701, Table 1); Variance to allow outside display of merchandise within 300 feet of the R District (Section 1217.C.2). **LOCATION:** 708 South Sheridan Road East **(CD 5)**

Presentation:
Josh Hamilton, 708 South Sheridan Road, Tulsa, OK; stated he owns the property across the street at 715 South Sheridan which was vacant for about four years. He would like to move across the street. He can store his cars inside without any worries of the cars being broke into or vandalized. He will not be displaying any cars outside but was advised by INCOG that if he would ever want to display cars outside he would need the Variance relief. Mr. Hamilton stated that he has spoke with all the neighbors and they all have said they are fine with the proposal.

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BDA-22001

Mr. White asked Mr. Hamilton if he could live with just having the sales inside the building. Mr. Hamilton answered affirmatively. Mr. Hamilton stated that he does pull the car outside to wash them but he will never have any stickers on them and they will not be displayed. Mr. Hamilton stated that all his cars will be inside the building with sales to be by appointment only.

Mr. Hamilton stated that he only has five cars now and he only has 2008 or newer, so he would not want to leave the car outside.

Mr. White asked Mr. Swiney if the applicant were to withdraw the Variance request would that make it more open for the applicant to come back later should he ever feel the necessity, because he is inclined to approve the Special Exception and deny the Variance. Mr. Swiney stated that if Mr. Hamilton withdrew his request for the Variance today it would be better. Mr. Hamilton stated that he will withdraw the Variance request now.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Flanagan, Snyder, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Special Exception to permit car sales in the CS District (Section 701, Table 1). The applicant has withdrawn the Variance request. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

N 100 OF W 165 OF E 180 BLK 59, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22003—Eller & Detrich – Andrew Shank

Action Requested:
Variance of the allowable height for an outdoor advertising sign in the IM District (Section 1221.F.15). **LOCATION:** 2976 North Florence Avenue East **(CD 1)**

Presentation:
Andrew Shank, Eller & Detrich, 2727 East 21st Street, Suite #200, Tulsa, OK; had a photo placed on the overhead projector to show the elevation of the Gilcrease Expressway. This will not be the typical 50 foot outdoor advertising that a person sees driving on the highway. In the City of Tulsa, most of the very elevated portions of the highways are either owned by ODOT or the City of Tulsa for right-of-way interchanges

than to build a tower and it is their first choice. He stated that he would provide a letter for the case file that shows they comply with the FCC regulations for RF emissions.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to allow a 120 ft. communications tower (Use Unit 4) in an AG district (Section 301); Special Exception to reduce the required setback from adjoining AG zoned districts (Section 1204.C.3.g.1), finding it meets all of the requirements listed in Section 1204. A, B, C and D; subject to the letter of June 24, 2006 from Ferris Consulting and the three site plans on pages 2.10, 2.11 and 2.12 of the agenda packet; the applicant to provide a letter to INCOG staff showing RF emissions are within the federal guidelines; a light pole design; site to be screened by an 8 ft. wood fence with two security wires, and wood gate with lock; no landscaping necessary, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

In the City of Tulsa, Tulsa Country, the State of Oklahoma: A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 21, Township 18 North, Range 13 East: Beginning at the Northwest Corner of the aforesaid Quarter; Thence East 814' and South 827.15' to the Point of Beginning; Thence West 790'; Thence South 429.9'; Thence East 790'; Thence North 429.9' to the Point of Beginning, the same as the Southeast Corner of the Vacated Booker T. Washington Memorial Park, Tulsa County, State of Oklahoma

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Case No. 20318

Action Requested:

Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); and a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), located: 602 South Sheridan Road.

Presentation:

David Ellis, 6901 South Redbud Avenue, Broken Arrow, Oklahoma, with Modern Star Builders, represented the applicant, **Sam Mouchantaf**. They proposed to use both lots as a car lot. There is an old service station on the subject property. They would like to split the lot in the middle with 116 ft. on each side. They would use the garage to wash the cars on the lot.

Comments and Questions:

Ms. Stead reviewed the requirements Mr. Ellis had not covered in the presentation such as, paving or asphalt on the south lot. She asked if they plan to park cars on the west portion, to which Mr. Ellis replied they do not. She informed him the fence along Sheridan would be limited in height. There was discussion among the Board regarding a hardship.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Special Exception to permit auto sales in a CS district (Section 701); a Variance of the requirement that no merchandise may be displayed outside within 300 ft. of an R district (Section 1217.C.2); with approval limited to a maximum of five years from August 8, 2006; all parking surfaces to be concrete or asphalt; maintain sidewalks on 5th Place and Sheridan; screening on south and west of the entire property; no outside repair of vehicles, storage of parts, batteries, et cetera; any fence along Sheridan limited to 3 ft. in height; having read the criteria for the special exception and variance and finding those requirements are met; and to **DENY** a Variance of the minimum street frontage required in a CS district from 150 ft. to 116 ft. (Section 703), on the following described property:

E195 TR 31, GLENHAVEN, City of Tulsa, Tulsa County, State of Oklahoma

..*.*.*.*.*.*.

Case No. 20319

Action Requested:

Verification of the spacing requirement for an Outdoor Advertising Sign from another outdoor advertising sign along the same side of the expressway (Section 1221.F.2), located: 9510 East Broken Arrow Expressway.

Presentation:

John Moody, represented Lamar Central Outdoor, LLC. He submitted a survey for spacing verification (Exhibit B-1). He stated the nearest outdoor advertising sign is 1,670 ft. away.

Interested Parties:

Jonathon Sutton, 4401 South Harvard, represented Guts Church. He indicated that the proposed sign would be in violation of Section 1221.C.8.a and Section 1221.C.2.b of the zoning code relative to the existing sign on the church property.

Verification of the spacing requirement for a bar in the CBD (Use Unit 12a), on the following described property:

E50 LT 3 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20207

Action Requested:

Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, located: 222 North Main Street.

Presentation:

Steve Schuller, 1100 ONEOK Plaza, 100 West 5th Street, stated he has verified there are no churches, parks or schools within the 300' radius. His map of the 300' radius was in the agenda packet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, as submitted this day, on the following described property:

S50 LT 1, N70 LT 2 BLK 29, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20208

Action Requested:

Special Exception to allow Use Unit 17 - to permit sales of used cars in a CS zoned district and a Variance of the 300 foot distance from an R district to display merchandise on the property, located: 523 South Sheridan Road East.

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Presentation:

Richard Howard, 2431 East 61st Street, Suite 306, proposed a used car lot on the subject property. He responded to questions in the staff report. There is a curb cut for access to the property on the southwest corner of the lot and one on the north side.

Comments and Questions:

Mr. Dunham asked him to address the 50' distance form an R district versus the 300' distance required in the zoning code. Ms. Stead asked about the placement of a security fence the applicant referred to in the application.

Mr. Howard indicated they planned to limit the number of vehicles to five to eight for sale on the lot at a time. The one-story frame structure would serve as the office. On the east of the property is an existing wood privacy fence, which he stated they would be willing to replace if requested by the Board. He added the security fencing would be about three feet high. They plan to use the lot for used car sales and parking limousines overnight. Mr. Ackermann pointed out that limousine services is a Use Unit 17, which is within the same use category as car sales and car repair. Mr. Howard stated they proposed to use the existing ambient lighting. He added there would be no maintenance, body work or mechanical work of any kind operated on the premises. They planned to put down asphalt for an all-weather surface and had no plans for landscaping. He stated the hardship is that it is a property that needs to be used and this is a use that would fit.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Henke, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Special Exception to allow Use Unit 17 - to permit sales of used cars in a CS zoned district; and a Variance of the 300 foot distance from an R district to display merchandise on the property, due to a lack of hardship; on the following described property:

LT 11 BLK 12, SHERIDAN HILLS, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20209

Action Requested:

Variance of the maximum permitted size of an accessory building to permit a 2400 sq. ft. accessory building, located: 8255 South Yukon Avenue.

Presentation:

Bill Ryan, introduced his wife also, **Renee Ryan**, 8255 South Yukon, stated they have a two and one-half acre tract, with low density zoning. They are surrounded by houses on one to four acres. There is AG property on the south. He stated they proposed to build a 40' x 60' storage building/garage. He needs to store lawn equipment, ATV's with trailers and other such items. He pointed out there are other accessory buildings of similar size on nearby properties (Exhibit D-1). Mr. Ryan planned to build it with the same materials as his home. He described it as

Case No. 12101

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow an auto detail shop in a CS District. This property is located at 715 South Sheridan Road.

Presentation:
Richard Preston, 715 South Sheridan Road, was present and submitted a plot plan (Exhibit "G-1") and a picture of the proposed construction (Exhibit "G-2"). The applicant is proposing to construct a two-car garage for an auto detailing shop which will be 26' x 30'. The proposed construction will be located behind the existing building.

Protestants: None.

Board Comments:
Mr. Smith asked if all of the work would be done inside the building and Mr. Preston answered in the affirmative.

Mr. Victor asked what the building would be constructed of and Mr. Preston stated that it would be wood frame with asphalt shingles and would be very similar to the picture which he submitted earlier.

Board Action:
On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow an auto detail shop in a CS District, per plot plan on the following described property:

Lots 12 and 13, Block 20, Sheridan Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12102

Action Requested:
Variance - Section 1215.3 - Use Conditions - Request for a variance of the required screening to an abutting R District to the east. This property is located at 5555 South 104th East Avenue.

Presentation:
Kenneth Stephenson, 5555 South 104th East Avenue, was present requesting permission to waive the screening requirement on the far east side of the property as the City has requested the applicant. Mr. Stephenson advised that in the future it will be the adjacent property line to Highway #169. He also advised that there are no other screening fences enclosing other warehousing facilities in the surrounding area.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 1215.3 - Use Conditions) of the required screening to an abutting R District to the east on the following described property:

Lot 2, Block 18, Tulsa Southeast Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

Feet
0 200 400

Subject Tract

BOA-22424

19-13 03

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

Aerial Photo Date: February 2016

12.21

Feet
0 50 100

Subject Tract

BOA-22424

19-13 03

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

Aerial Photo Date: February 2016

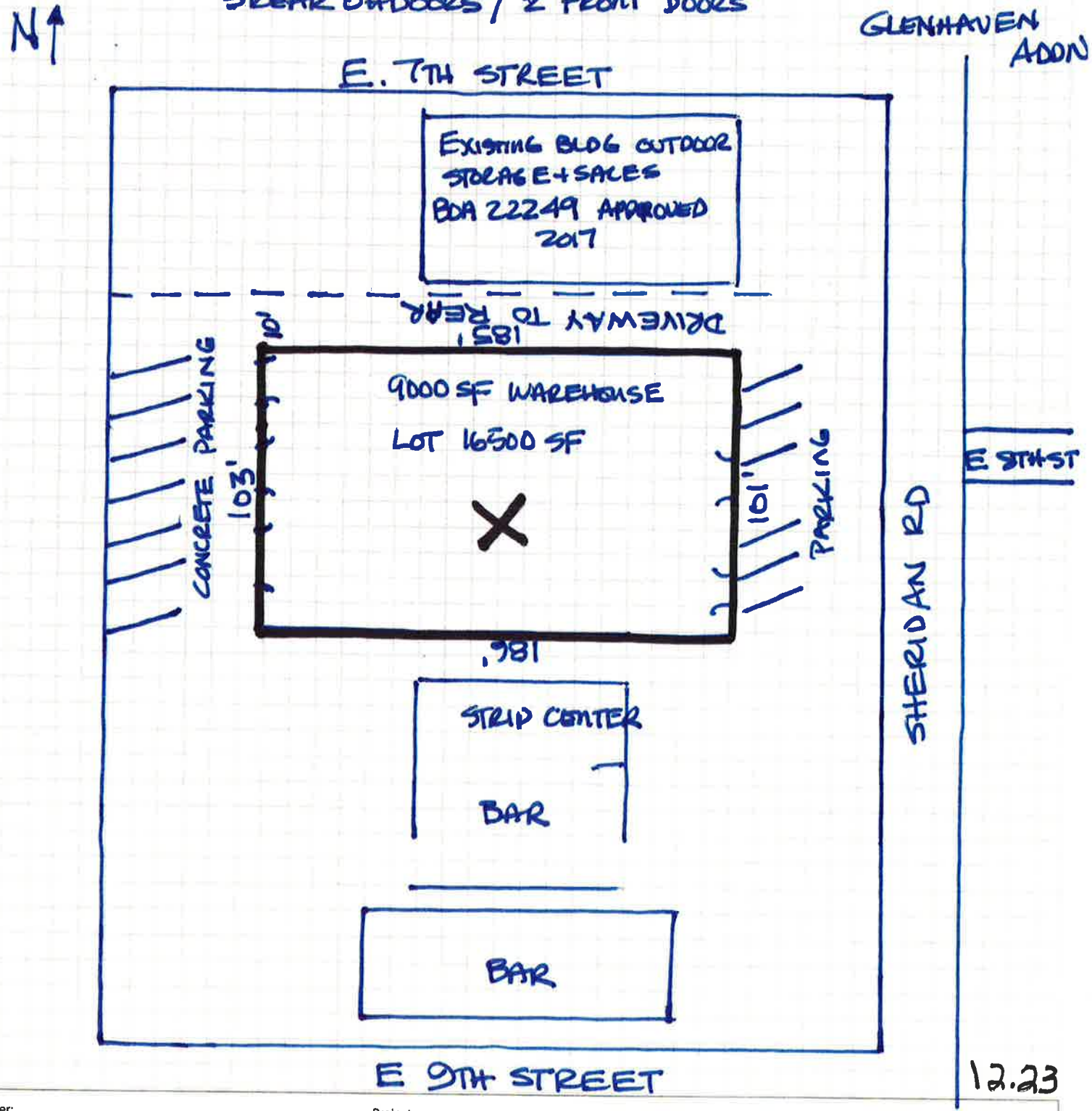
12.22

LEGAL S 100' OF N 200' OF E 180' LESS E 15' BLK 59

SITE PLAN

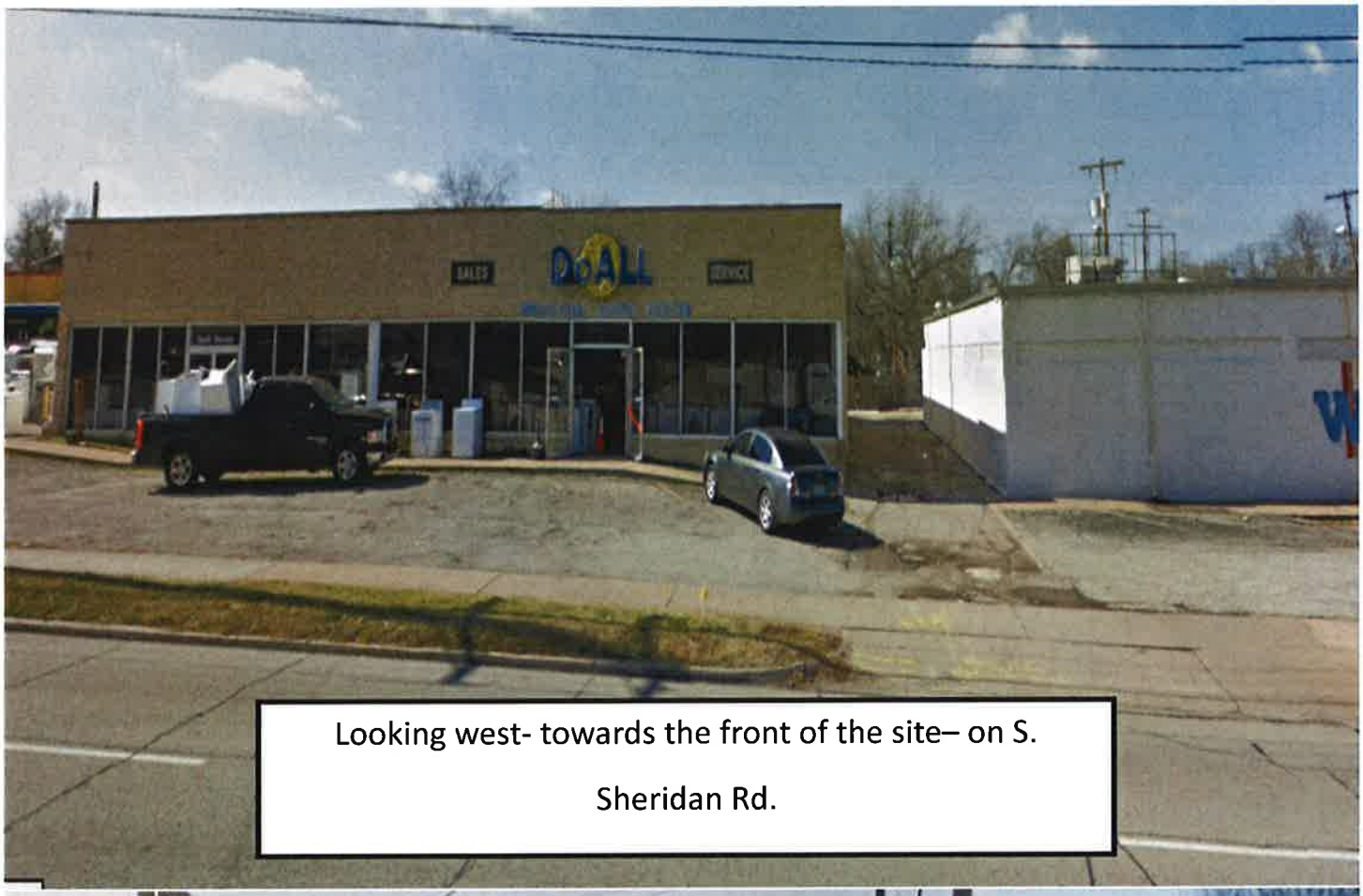
804 S. SHERIDAN RD TULSA OK 74112

3 REAR OH DOORS / 2 FRONT DOORS



12.23

Customer: Project: Date: Page of



Looking west- towards the front of the site– on S. Sheridan Rd.

Looking south- towards the rear of the subject site– on E. 7th St. S.

Looking southwest- towards the front of the site– on S. Sheridan Rd.

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

January 26, 2018

LOD Number: 1050580-1

PETER PARKER
A MOTORS
P O BOX 52774
TULSA, OK 74152

Phone: (918)804-2200

APPLICATION NO: **9515** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **804 S SHERIDAN RD E**
Description: **AUTOMOTIVE INDOOR STORAGE AND SALES ONLY - LEXI MAC LLC DBA A MOTORS**

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

12.26

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. 9515 804 S SHERIDAN RD E January 26, 2018

Note: Please direct all questions concerning special exceptions, variances and all questions regarding BOA 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.35.050-Q5:** Your proposed auto sale is designated a Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals Use and is located in the CS zoning district.
   Review comment: A Special Exception, approved by the BOA, is required for auto sales at this location. This will require you to submit a Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120, for Commercial/Vehicle Sales & Service/ Personal Vehicle Sales & Rentals to be allowed in the CS district.

2. **Section 15.040-A:** In the CS district, outdoor storage and outdoor merchandise display is prohibited within 300 feet of an abutting R district.
   Review comment: The proposed car lot is located within 300 feet of an abutting R district and is not permitted. Any outdoor display of storage of vehicles will require you to submit a Variance reviewed and approved in accordance with the Variance procedures of Section 70.130, for outdoor storage and display of vehicles within 300 feet of an abutting R 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.

12.27

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" **[X]IS** **[ ]IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

12.28

MARCH 27, 2018

BOARD OF ADJUSTMENTS:

THIS REQUEST IS FOR THE INDOOR STORAGE AND SALES OF VEHICLES ONLY. WE ARE NOT OPEN TO THE PUBLIC.

WE WILL NOT DISPLAY ANY VEHICLES OUTDOORS FOR SALE OR STORAGE. OUR BUSINESS IS ONLINE ONLY AND THE WAREHOUSE IS A STORAGE FACILITY ONLY AND OUR REQUEST IS FOR THE USE UNIT 17 LETTER NEEDED FOR THE USED CAR COMMISSION TO ALLOW US TO BE LICENSED IN THIS LOCATION.

WE HAVE AMPLE PARKING SPACES IN THE REAR AND A DRIVEWAY TO THE REAR FROM SHERIDAN RD.

LEXIMAC LLC

12.29

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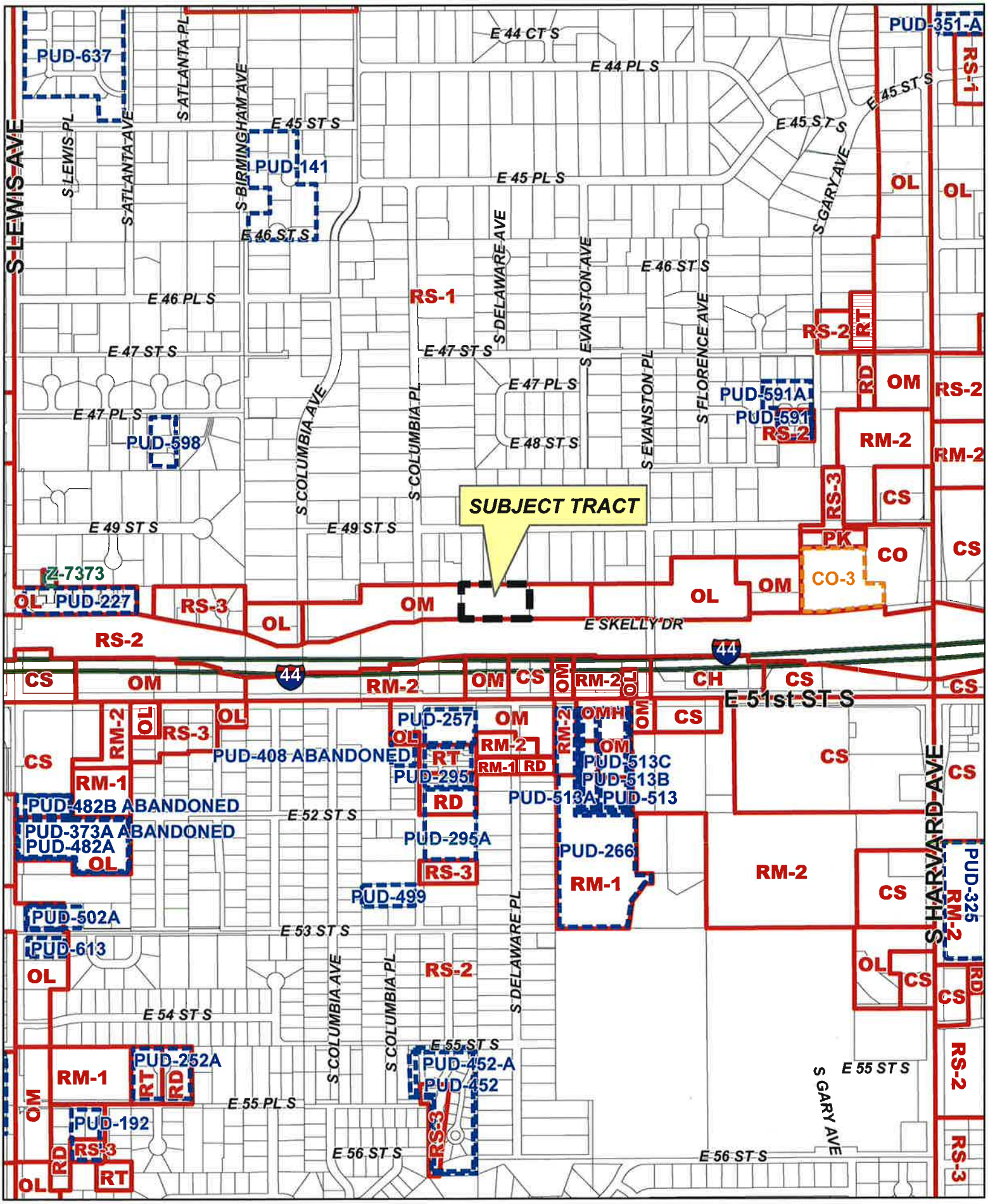
SUBJECT TRACT
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S ATLANTA PL
S ATLANTA AVE
S BIRMINGHAM AVE
S DELAWARE AVE
S EVANSTON AVE
S EVANSTON PL
S FLORENCE AVE
S GARY AVE
S COLUMBIA AVE
S COLUMBIA PL
S DELAWARE PL
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PUD-141
PUD-598
PUD-351-A
PUD-591A
PUD-591
PUD-227
Z-7373
PUD-408 ABANDONED
PUD-482B ABANDONED
PUD-373A ABANDONED
PUD-482A
PUD-257
PUD-295
PUD-295A
PUD-499
PUD-513C
PUD-513B
PUD-513A
PUD-513
PUD-266
PUD-325
PUD-502A
PUD-613
PUD-252A
PUD-192
PUD-452-A
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BOA-22425
19-13 29
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9329
CZM: 47
CD: 9
A-P#:

Case Number: **BOA-22425**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Christin Ortiz

ACTION REQUESTED: Variance to permit an additonal wall sign in an OM district to be located on the East building wall without any street frontage (Section 60.060-B).

LOCATION: 2835 E SKELLY DR S

ZONED: OM

PRESENT USE: Medical clinic.

TRACT SIZE: ± 1.79 acres

LEGAL DESCRIPTION: W379.55 LT 1 BLK 1, WEIR ADDN RESUB PRT L13-18 B9 VILLA GROVE ADDN, WEIR SECOND ADDN AMD RESUB PRT L11-12 B3 L9-10 B4 VILLA GR, VILLA GROVE SUB

RELEVANT PREVIOUS ACTIONS:
None relevant.

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

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.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts OM zoned lots to the east and west; E. Skelly Dr. to the south; and single- family residential lots to the north.

STAFF COMMENTS:

Lots in office districts are allowed one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign, and a freestanding sign (60-060-B). As shown on the attached plans, the proposed Fresenius Kidney Care sign with logo on the East Building wall elevation does not have any street frontage.

The applicant is requesting a **Variance** to permit an additonal wall sign in an OM district to be located on the East building wall without any street frontage (Section 60.060-B).

Sample Motion for a Variance to permit an additonal wall sign in an OM district to be located on the East building wall without any street frontage (Section 60.060-B).

Move to _____ (approve/deny) a

- 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."

Feet
0 50 100

Subject Tract

BOA-22425

19-13 29

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

Aerial Photo Date: February 2016

N

13.4

Feet
0 350 700

Subject Tract

BOA-22425

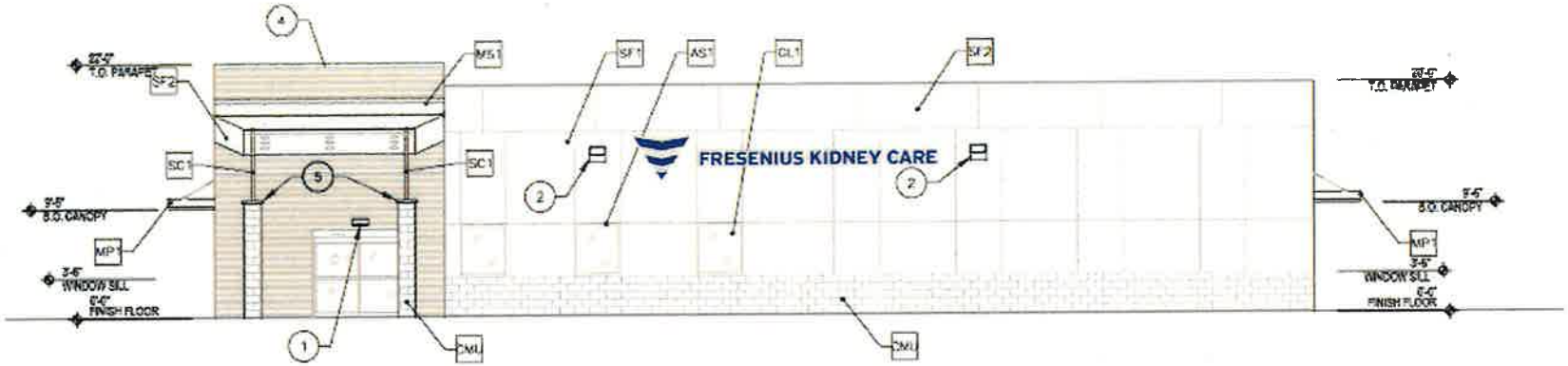
19-13 29

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

Aerial Photo Date: February 2016

N

13.5



1 East Building Elevation

Sign Dimensions: 26' by 4'

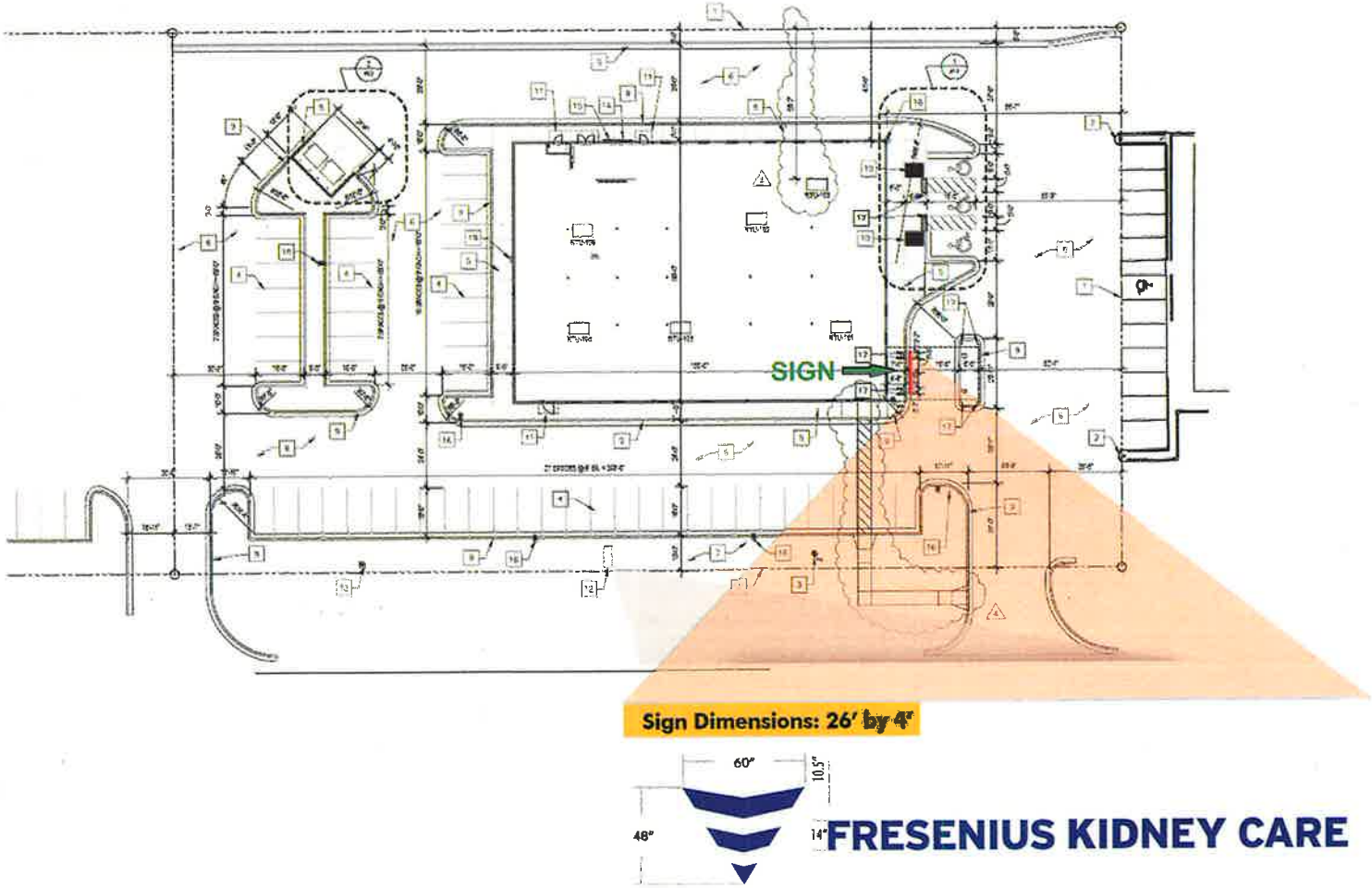
FRESENIUS KIDNEY CARE

ENCINOS 3D CUSTOM PRODUCTS, LLC
TULSA, OK
(918) 286 8535
9810 E 58th St, Tulsa, OK 74146
www.encinos3d.com

Pylon Signs · Cutino Signs · Monument Signs · Neon Signs · Blade Signs · Wall Signs · Channel Letters · Interior Signs · Way finding Signs · Post & Panel · LED Display · Commercial & Architectural Signs

Customer: FKC	Job Location: 2800 East Skelly Dr 74105	Drawn By: Luis Fonseca	Drawing Number: FKC112217-002	Approved By:
City and State: Tulsa, Ok.		Sold By: Jesus Ortiz	Scale:	Date Approved:

13.7



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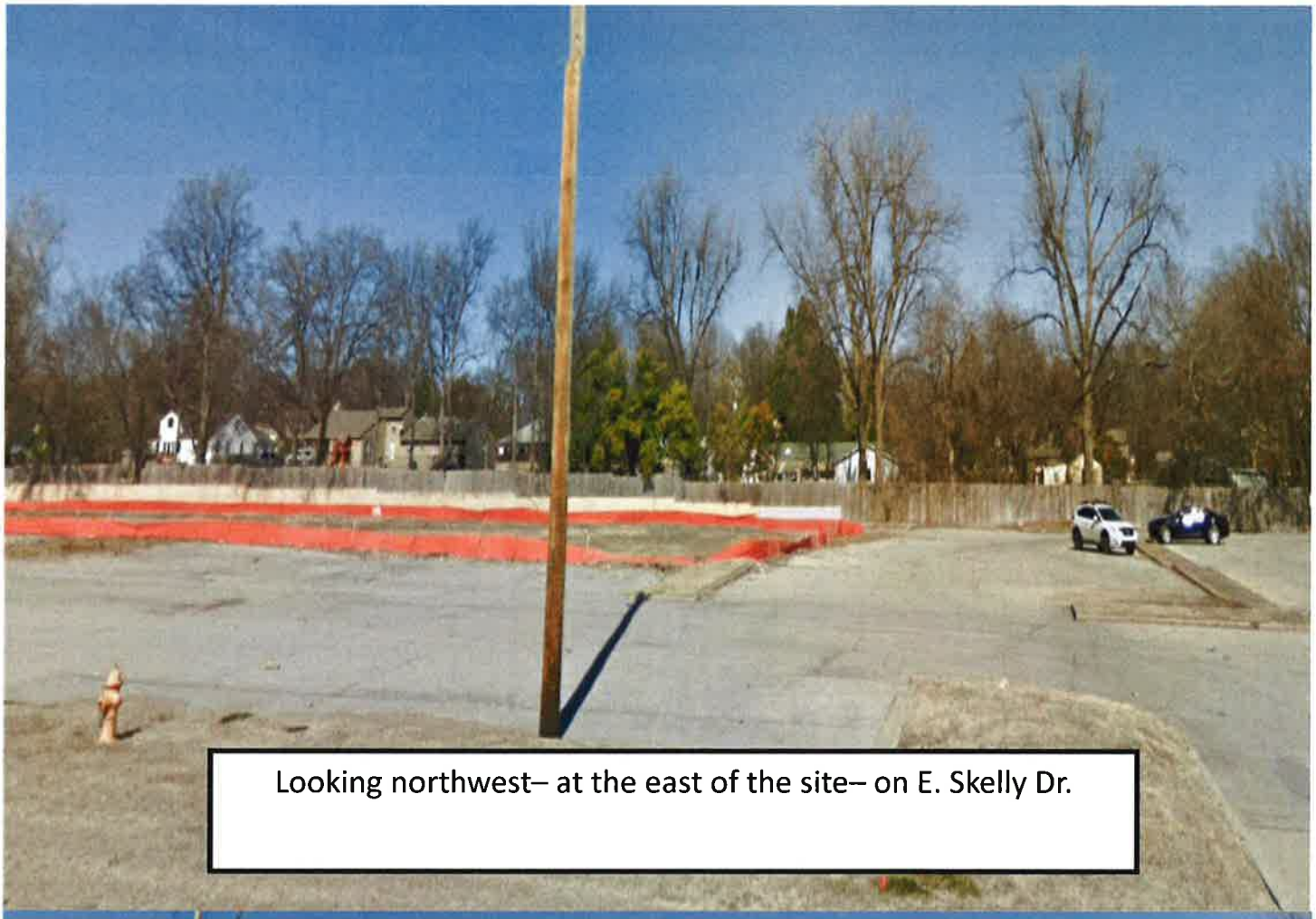
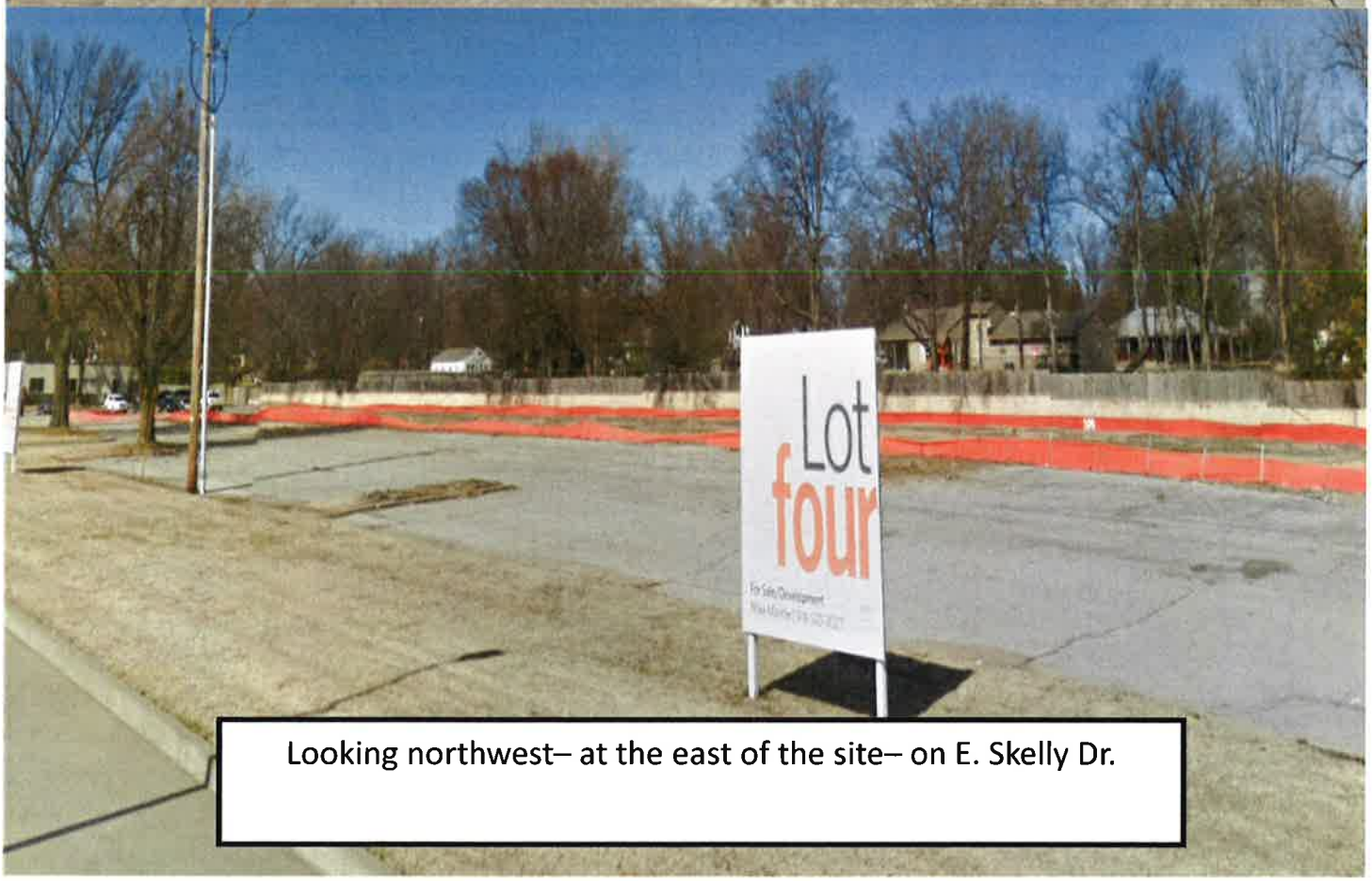
Customer: FKC	Job Location: 2800 East Skelly Dr 74105	Drawn By: Luis Fonseca	Drawing Number:: FKC112217-001	Approved By:
City and State: Tulsa, Ok.		Sold By: Jesus Ortiz	Scale:	Date Approved:



Looking northwest– at the east of the site– on E. Skelly Dr.



Looking northwest– at the east of the site– on E. Skelly Dr.

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664

DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

December 05, 2017

LOD Number: 1044372-1

Sign contractor:
Encinos 3D Custom Products
9810 E 58th Street
Tulsa OK 74146

APPLICATION NO: **436178** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **2835 E SKELLY DR S SIGN A**
Description: **Fresenius Kidney Care (West Building Wall elevation)**

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.

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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. 436178 2835 E SKELLY DR S SIGN A December 05, 2017

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.060 Signs in Office Zoning Districts

60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: The proposed Fresenius Kidney Care sign with logo on the West building wall elevation does not appear have any street frontage. You may pursue a variance from the BOA to permit a wall sign in an OM zoning district to be located on the West building wall elevation without any street frontage.

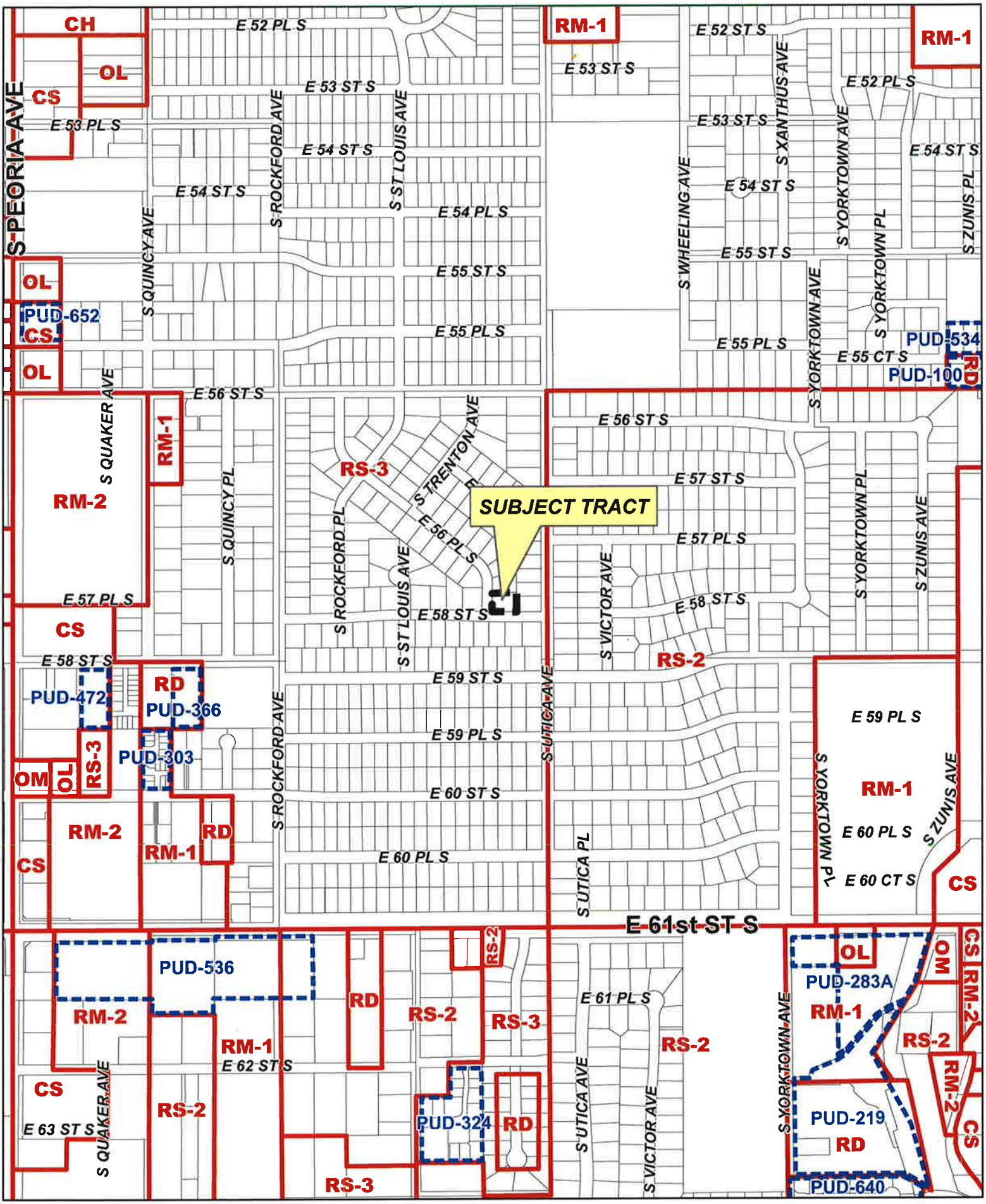
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (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.

13.10


SUBJECT TRACT
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S TRENTON AVE
S QUAKER AVE
S WHEELING AVE
S XANTHUS AVE
S YORKTOWN AVE
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BOA-22426
19-13 31
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9331
CZM: 47
CD: 9
A-P#:

Case Number: **BOA-22426**

HEARING DATE: 04/10/2018 1:00 PM

APPLICANT: Pete Yankovich

ACTION REQUESTED: Special Exception to permit a carport in the street setback area and to exceed 20 feet in width (Section 90.090-C.1)

LOCATION: 1607 E 58 ST S

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 11617.5 SQ FT

LEGAL DESCRIPTION: LT 13 BLK 10, CORONA HGTS ADDN B8-12 & RESUB PRT L8 B1 OF B1-2-3

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22066; on 4/19/16 the Board **approved** a special exception to permit a carport in the street yard in the RS-3 district with a modification of the requirement that all sides of the carport be open and unobstructed. Located; 1617 E 56 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-3 zoned lots.

STAFFCOMMENTS:
As shown on the attached plans the applicant is proposing to construct a carport within the required street setback of the site. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width or 400 SF. According to the site plan supplied by the applicant, the carport is 20 ft. by 22 ft. The applicant has requested that the Board modify the square footage requirement to permit a carport that is 440 SF.

The Code's limitation on the carport size is intended to ensure that carports located within street yards are compatible with a minimum desired residential character found in the neighborhood and don't consume an entire required front yard eclipsing the presence of the home on the streetscape.

Sample Motion for a Special Exception

Move to _____ (approve/deny) Special Exception to permit a carport in the street setback area and to exceed 20 feet in width (Section 90.090-C.1)

- 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.

FILE COPY

22066—Phillip Reed

Action Requested:
Special Exception to permit a carport in the street yard in the RS-3 District with a modification of the requirement that all sides of the carport be open and unobstructed (Section 90.090-C.1). **LOCATION:** 1617 East 56th Court South **(CD 9)**

Presentation:
Phillip Reed, 1617 East 56th Court, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. Henke asked Mr. Reed how long the carport had been in existence. Mr. Reed stated that it has been in place for a few months. Mr. Reed stated that he and his wife are ill and they decided to build the carport to allow them access to their cars without getting into the weather. Mr. Reed stated that the company he had erect the carport never told him that he needed a permit so he was unaware of that requirement.

Mr. White stated that there have been similar carport requests through the years and his concern is the side covering on the carport. Mr. White stated that he is surprised there is no one here to object because a lot of neighbors object to carports such this. Mr. Reed presented pictures showing other carports in his neighborhood.

Interested Parties:
There were no interested parties present.

Comments and Questions:
Mr. White stated that he does not want to see this structure become another garage by adding a door to it in the future. Ms. Snyder concurred.

Board Action:
On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a carport in the street yard in the RS-3 District with a modification of the requirement that all sides of the carport be open and unobstructed (Section 90.090-C.1), subject to the "as built" as shown on page 2.6 in the Board's agenda packet. This approval is subject to the condition that the front of the carport is to remain open and that no garage door or other obstruction or enclosure be constructed on the front of the carport. This approval will expire 15 years from today's date, May 24, 2031. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 9 BLK 9, CORONA HGTS ADDN B8-12 & RESUB PRT L8 B1 OF B1-2-3, City of Tulsa, Tulsa County, State of Oklahoma

Feet
0 50 100

Subject Tract

BOA-22426

19-13 31

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

Aerial Photo Date: February 2016

N

14.5

Feet
0 300 600

Subject Tract

BOA-22426

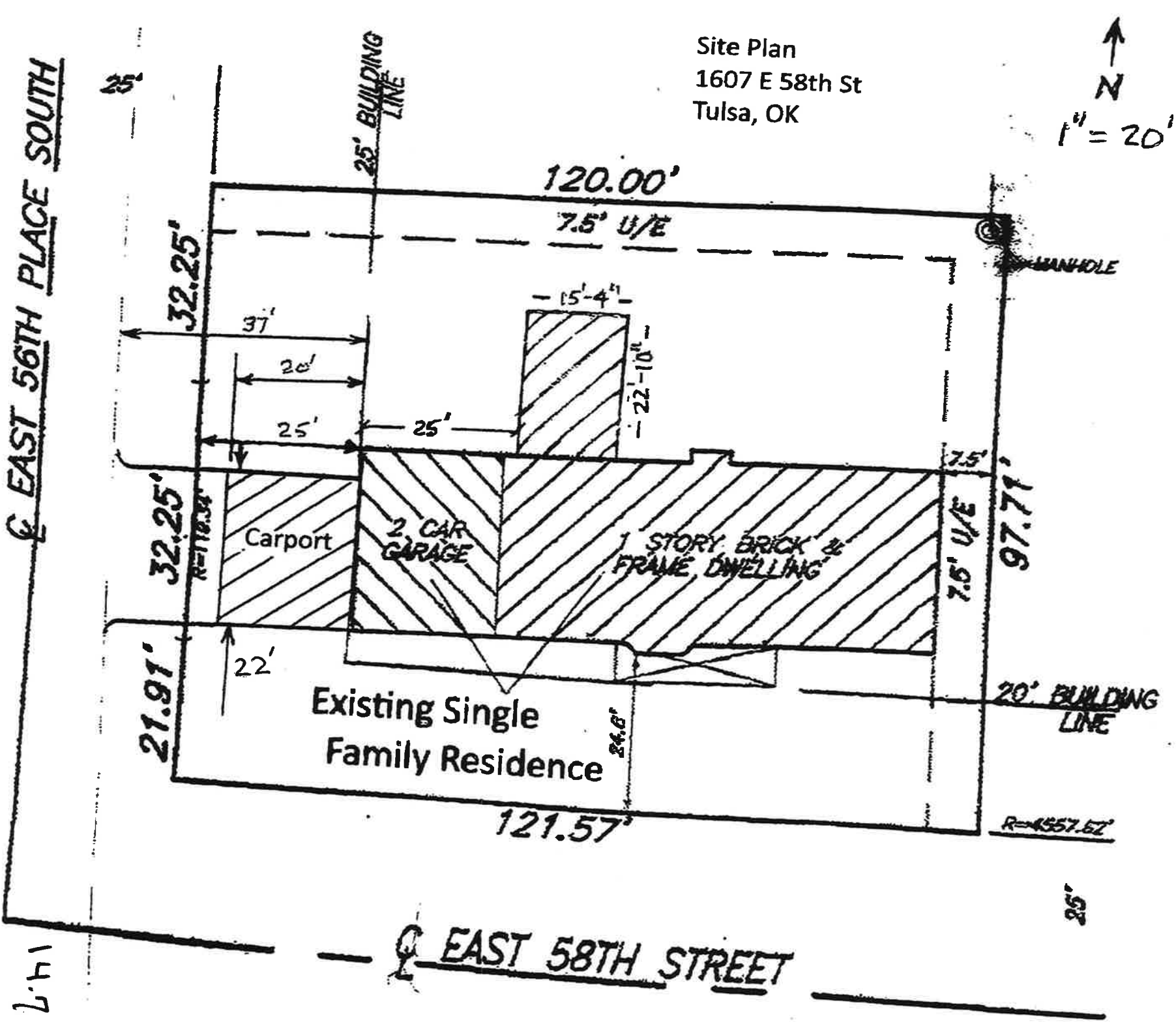
19-13 31

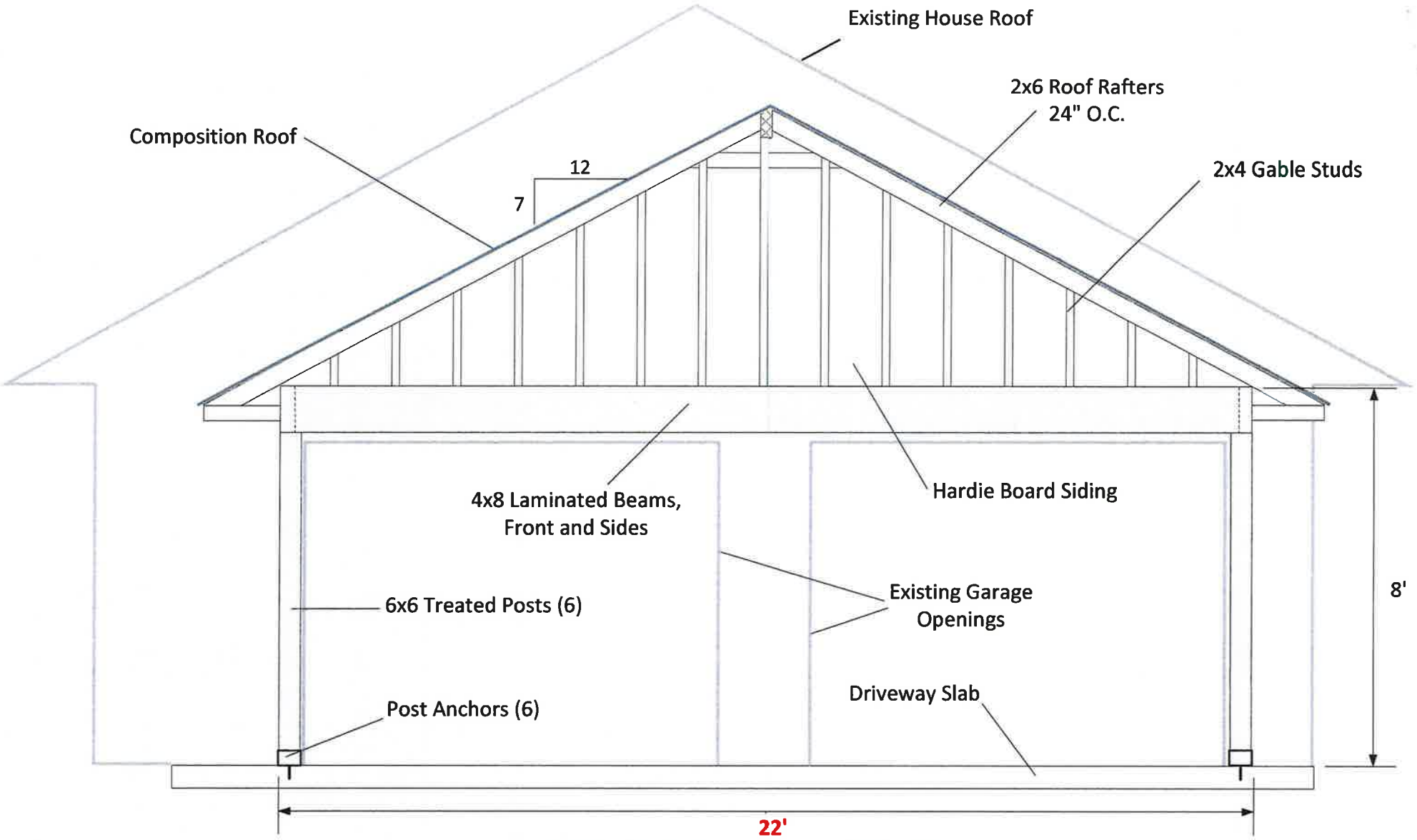
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016

N

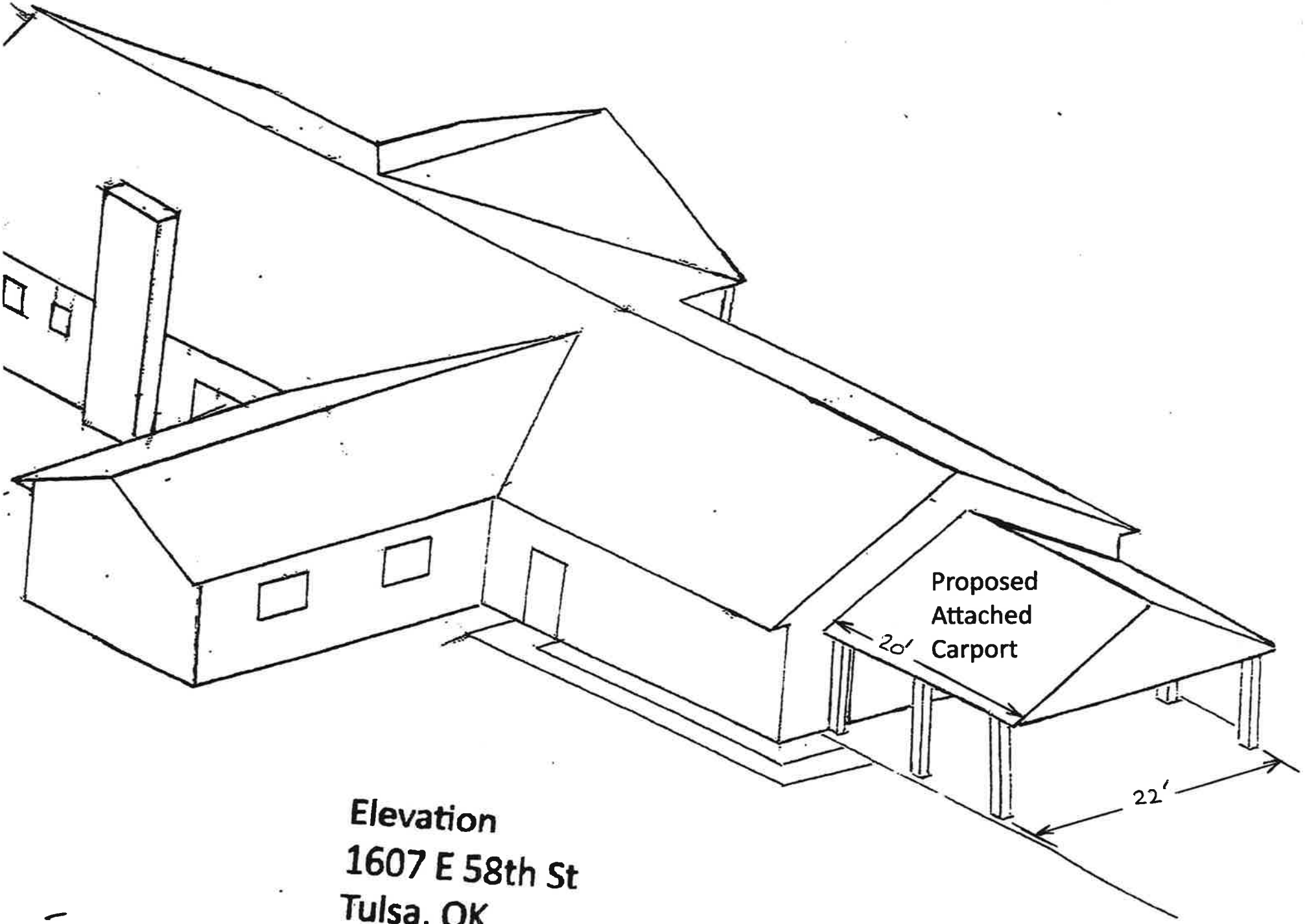
14.6


Site Plan
1607 E 58th St
Tulsa, OK
N
1" = 20'
℄ EAST 56TH PLACE SOUTH
25'
25' BUILDING LINE
120.00'
7.5' U/E
MANHOLE
32.25'
37'
20'
25'
25'
15'-4"
22'-10"
7.5'
7.5' U/E
97.71'
32.25'
R=118.34'
Carport
2 CAR GARAGE
1 STORY BRICK & FRAME DWELLING
21.91'
22'
Existing Single Family Residence
24.6'
20' BUILDING LINE
121.57'
R=1557.62'
25'
℄ EAST 58TH STREET

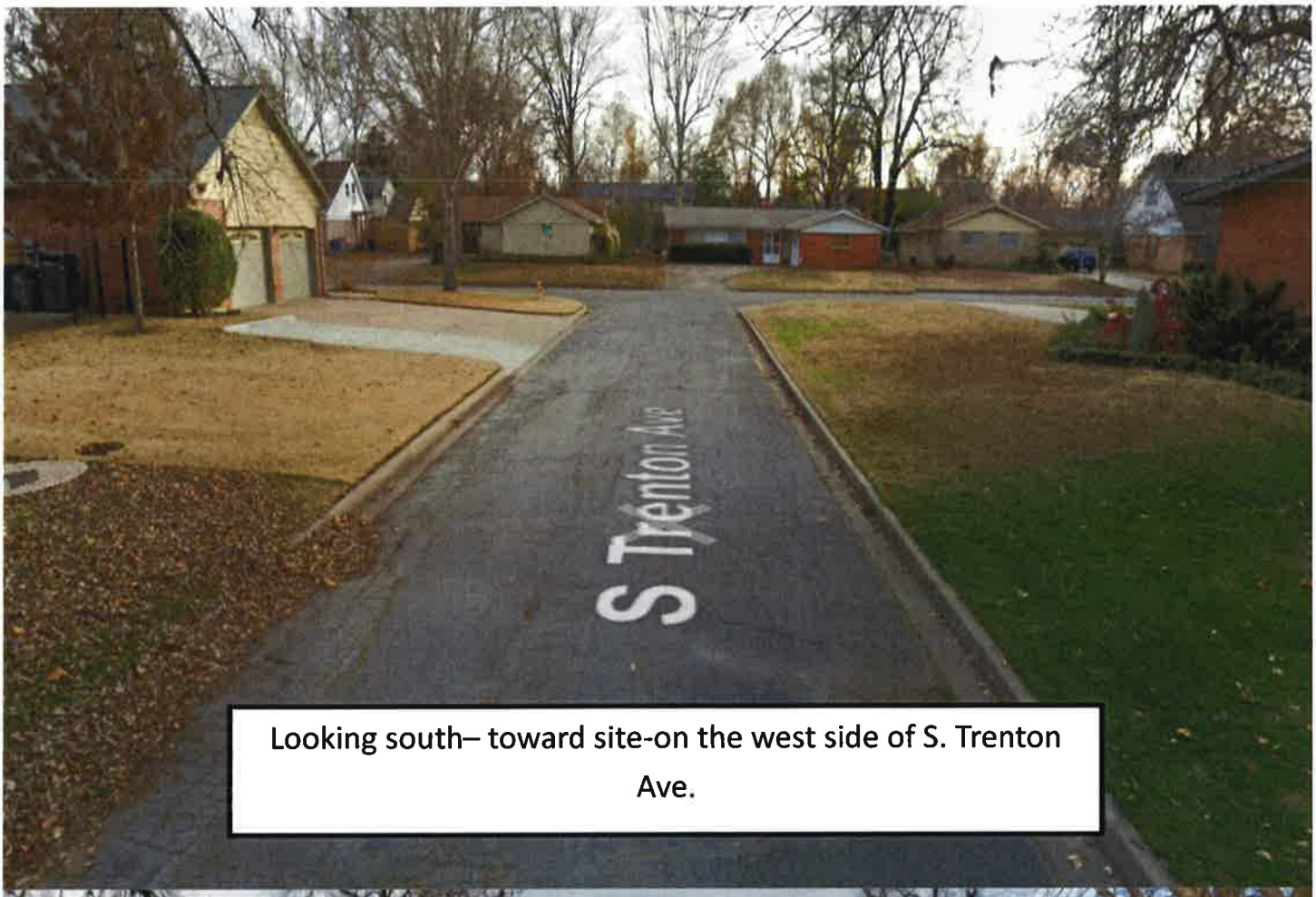


Required to have carport posts flush with outer garage door openings

14.8



Elevation
1607 E 58th St
Tulsa, OK



Looking south– toward site-on the west side of S. Trenton Ave.

Looking north– toward site-on the east side of S. Trenton Ave.

BOB KOLIBAS
ZONING OFFICIAL
PLANS EXAMINER
TEL918-596-9664

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1054917-1

March 05, 2018

PETE YANKOVICH
1743 E 59 ST
TULSA, OK 74105

Phone: (918)812-1673

APPLICATION NO: **441739** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*
Location: **1607 E 058 ST S**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A "RECORD SEARCH" **[ ]IS [X]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)

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. 441739 1607 E 058 ST S March 05, 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.

Special exception approval required; see §90.090-C1.

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

Review comment: The proposed carport is located in the street setback area and exceeds 20 feet in width. This requires a special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit two copies of the approved special exception as a revision to your application.

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.