

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 24, 2018, 1:00 P.M.

Meeting No. 1204

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of April 10, 2018 (Meeting No. 1203).

UNFINISHED BUSINESS

2. **22413—Eller & Detrich – Andrew Shank**
Verification of the spacing requirement for a digital display outdoor advertising sign (Section 60.100-K). **LOCATION:** 10029 East 45th Place South **(CD 7)**
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The applicant has withdrawn the application.

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 May 8, 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The applicant has withdrawn the application.

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:** 1507 North Main Street East **(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. **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:** 2845 East Skelly Drive South **(CD 9)**

NEW APPLICATIONS

9. **22427—Joseph Hull**
Variance to reduce the street setback from 35 feet to 15 feet along South Lewis Avenue (Section 5.030-A). **LOCATION:** 2403 East 20th Street South **(CD 4)**
10. **22428—Keith Morgan**
Special Exception to allow a fence to be greater than 4 feet within the street setback (Section 45.080-A). **LOCATION:** 4504 East 111th Street South **(CD 8)**
11. **22429—Dai Khaung**
Special Exception to allow a fence to be greater than 4 feet within the street setback (Section 45.080-A). **LOCATION:** 4701 South Union Avenue West **(CD 2)**
12. **22430—Ali Farooqui**
Verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies, and the public entrance doors 50 feet from an R-zoned lot (Section 40.050); Variance of the 300-foot spacing requirement between bars to permit more than one bar in the same commercial center (Section 40.050-A.3). **LOCATION:** 8234 East 71st Street South **(CD 7)**
13. **22432—Brian Henley**
Special Exception to permit a religious assembly in the RS-3 District (Section 5.020); Variance of the required 25-foot setback from an adjacent R District for Special Exception uses (Section 5.030). **LOCATION:** NW/c of East 1st Street South & South Atlanta Avenue East **(CD 4)**

Staff requests a continuance to May 8, 2018; additional relief needed.

14. **22433—Francisco Ruiz**

Special Exception to allow a 20'-0" x 20'-0" carport located in the 25-foot street setback in an RS-3 District (Section 90.090-C.1). **LOCATION:** 11424 East 38th Street South (CD 6)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

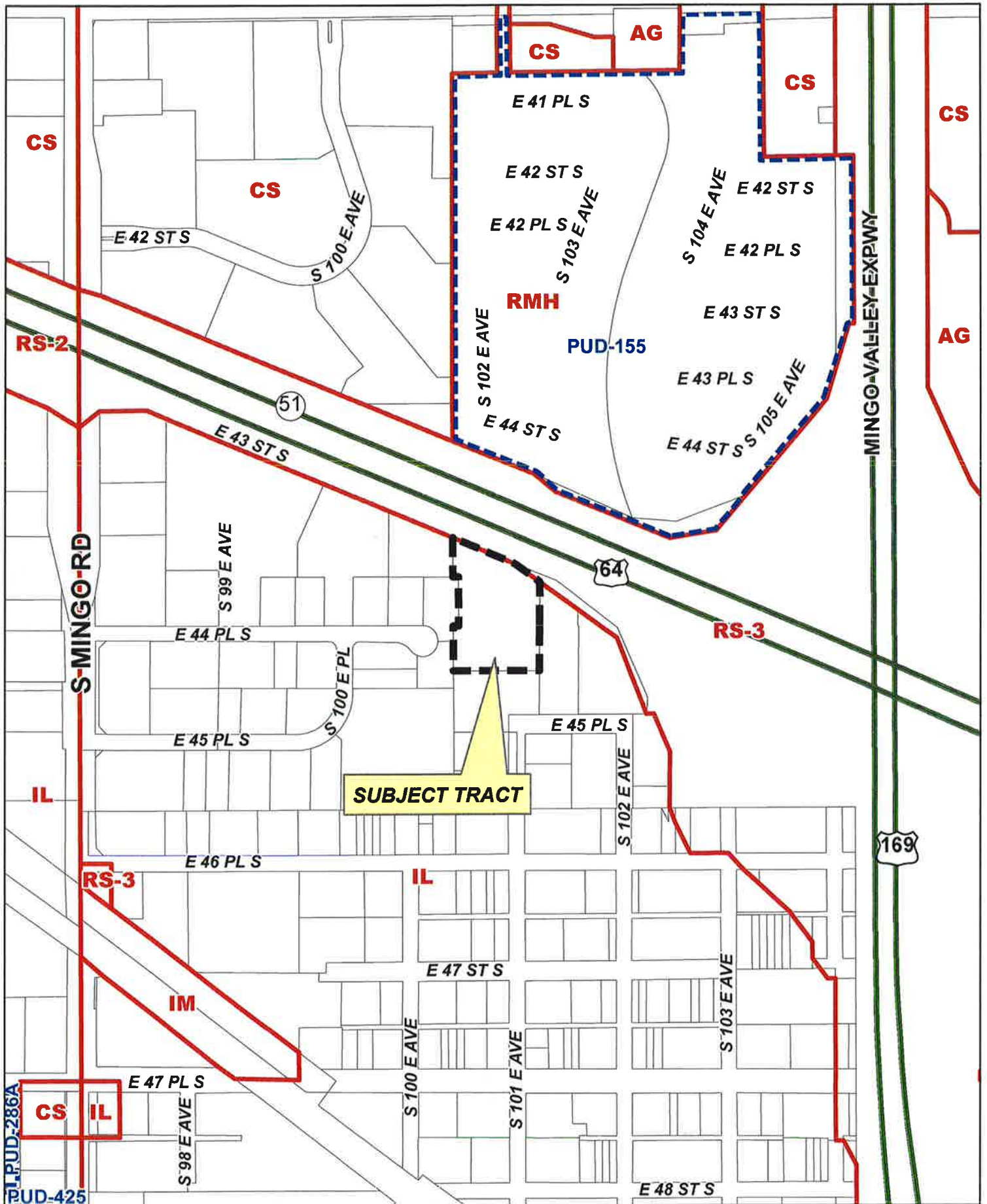
Website: www.cityoftulsa-boa.org

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-22413

19-14 30

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9430

Case Number: **BOA-22413**

CZM: 49

CD: 7

A-P#:

HEARING DATE: 04/24/2018 1:00 PM (continued from 3/27/18)

APPLICANT: Andrew Shank

ACTION REQUESTED: Verification of spacing requirement for a digital display outdoor advertising sign (Sec. 60.100-K)

LOCATION: 10029 E 45 PL S

ZONED: IL

PRESENT USE: Industrial

TRACT SIZE: \pm 2.32 acres

LEGAL DESCRIPTION: PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33AC, IDEAL BRICK INDUSTRIAL TRACTS

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.

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 adjacent to IL zoning on the east, south, and west. The northern boundary of the property is adjacent to the Broken Arrow Expressway.

PREVIOUS COMMENTS:

The applicant requested a continuance to allow time to obtain a license agreement from the City of Tulsa. At the time of this staff report a license agreement is still pending.

STAFF COMMENTS:

The applicant is requesting a spacing verification to permit a digital outdoor advertising sign on the subject lot. The Code requires any outdoor advertising sign constructed be separated a minimum distance of 1,200 feet from any other outdoor advertising sign. **This spacing limitation shall not**

2.2

apply between signs separated by a freeway. The 1,200 feet shall be measured in a straight line from the center of an outdoor advertising sign's structure to the center of any other outdoor advertising sign's structure.

The Code also requires that a **dynamic display outdoor advertising be separated by a minimum distance of 1,200 feet from any other dynamic display outdoor advertising sign facing the same traveled way.** The 1,200 feet shall be measured in a straight line from the center of a sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.

Based on the attached survey it appears that the proposed outdoor advertising sign does not meet the spacing requirement for a standard (non-digital) outdoor advertising sign due to the existence of two additional signs within 1,200 feet. The provided survey indicates both signs within the 1200 feet are being removed. A verification of spacing for standard outdoor advertising should be conditioned upon the removal of those existing signs. Staff conducted a site visit on March 16, 2018 and the existing signs had not been removed.

The verification is executed through a public hearing process 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 outdoor advertising sign meets or does not meet the spacing requirement.

Sample Motion to Accept the Spacing Verification for a Digital Outdoor Advertising Sign:

I move that based upon the facts in this matter as they presently exist, we approve the applicant's verification of spacing between dynamic display (digital) outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign.

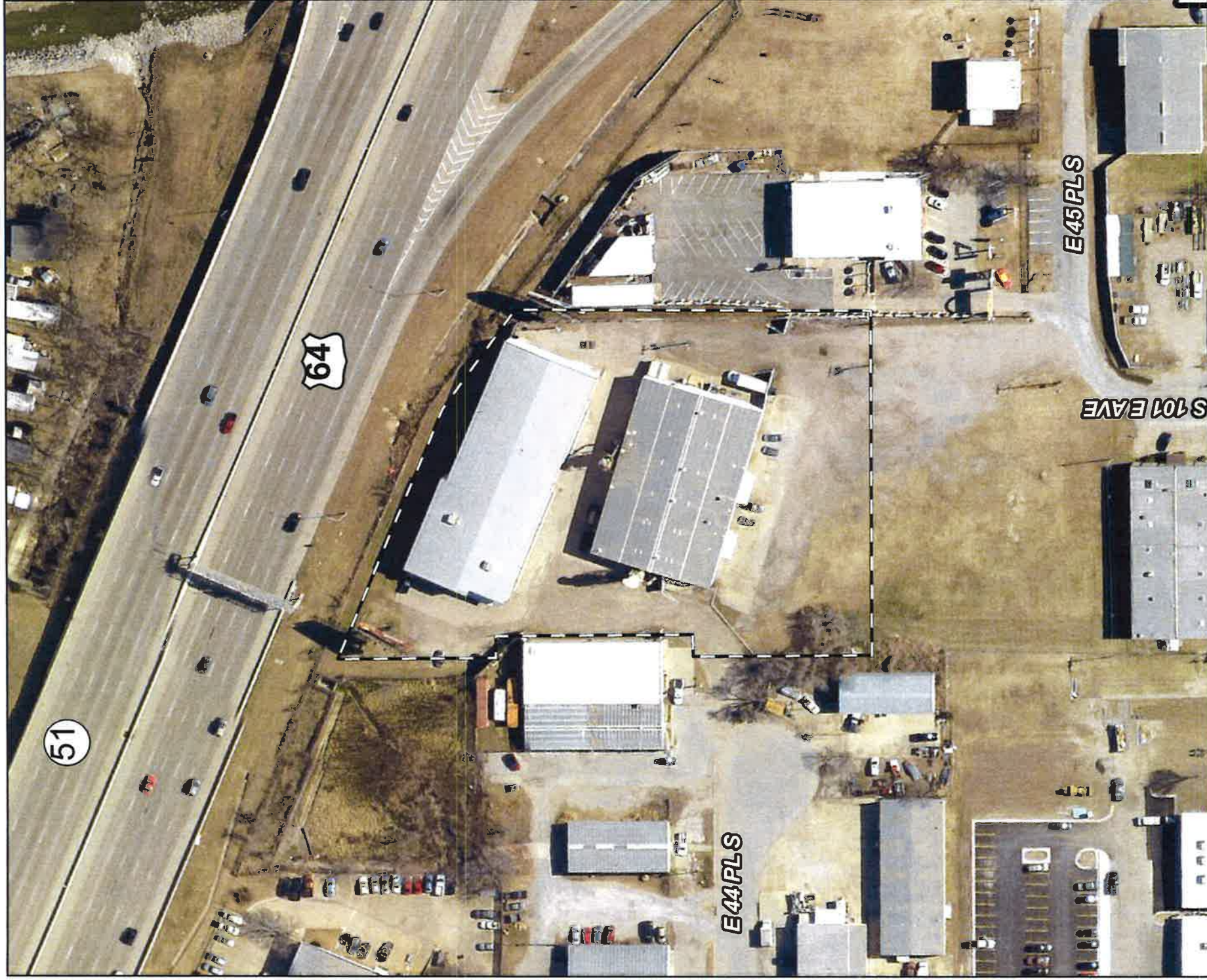
Sample Motion to Accept the Spacing Verification for a Standard (non-digital) Outdoor Advertising:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing between non-digital outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign **and subject to the removal of the two existing outdoor advertising signs shown on Exhibit _____.**

The Board may also choose to **continue** the case to a later hearing date to ensure removal of the existing signs.



19-14 30



Subject
Tract



BOA-22413

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

19-14 30

Aerial Photo Date: February 2016



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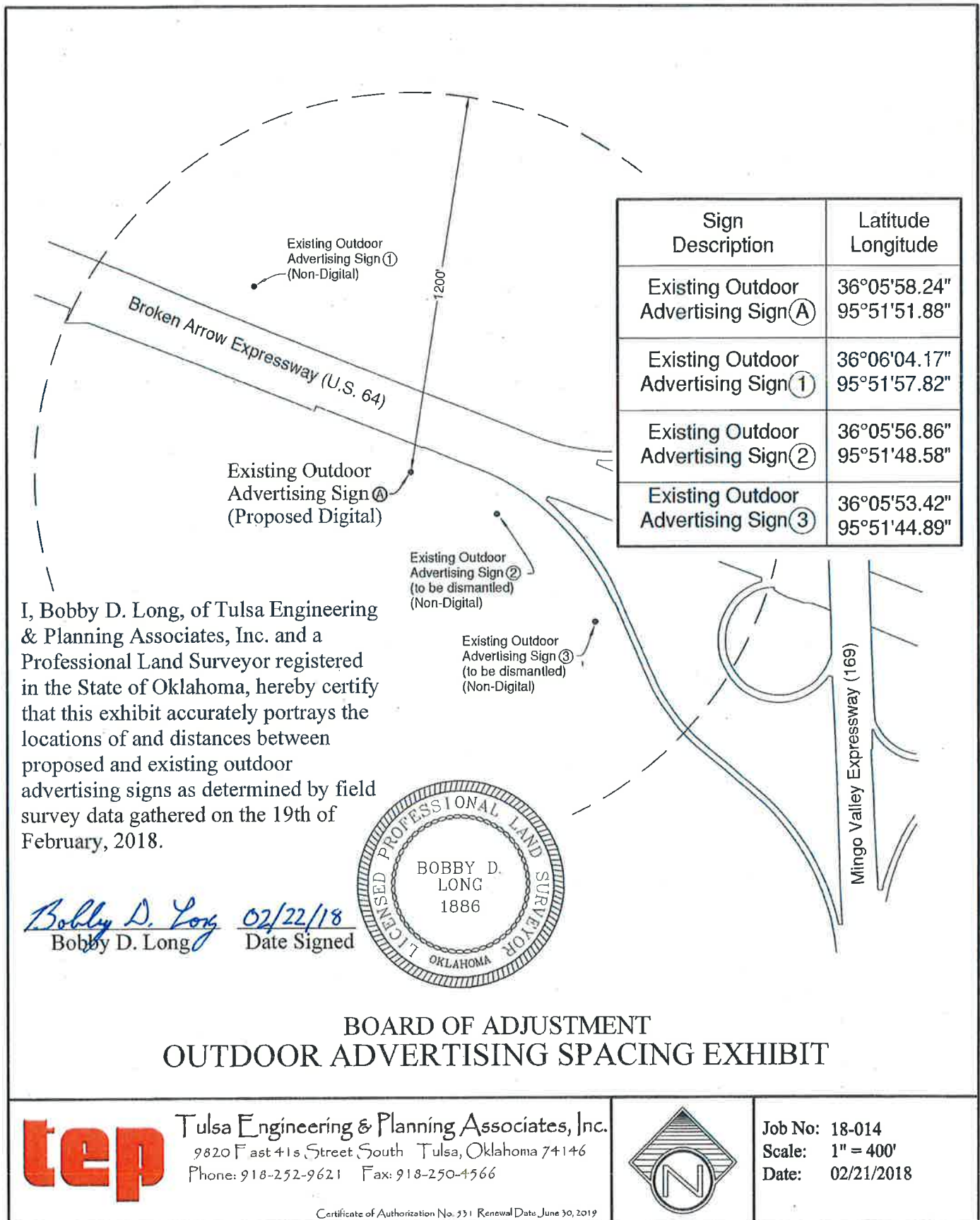


Exhibit "A"

A part of Lot One (1), Block One (1), IDEAL BRICK INDUSTRIAL TRACTS, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3151;

AND

An unplatted tract adjacent to said Lot One (1), Block One (1), and lying in a portion of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) of Section Thirty (30), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, and all being more particularly described as follows to-wit:

Beginning at the Southwest corner of Lot One (1), Block One (1); thence North 00°10'07" East along the West line of Lot One (1), a distance of 644.70 feet to a point on the Southerly right-of-way line of the Broken Arrow Expressway (Oklahoma Highway 51); thence South 67°05'00" East, along said Southerly right-of-way line a distance of 217.90 feet to a point; thence South 51°55'00" East along said Southerly right-of-way line a distance of 90.74 feet to a point; thence South 00°06'53" East a distance of 443.33 feet to a point on the North right-of-way line of East 45th Place South; thence South 89°53'07" West, along said Northerly right-of-way line, a distance of 98.73 feet to a point; thence South 00°10'07" West a distance of 60.00 feet to a point; thence South 89°53'07" West a distance of 176.00 feet to the Point of Beginning, LESS AND EXCEPT the South 200' thereof;

AND LESS AND EXCEPT:

Part of Lot One (1), Block One (1), IDEAL BRICK INDUSTRIAL TRACTS, more particularly described as follows, to-wit:

Beginning at a point 142.33 South of the Northwest corner of said Lot One (1); thence East 18 feet; thence South 160 feet; thence West 18 feet; thence North 160 feet to the Point of Beginning, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I will have the LOD requirement waived for the subject property in case number: _____.

Maibahke Carnett

Applicant's Signature

2.22.13

Date

Ulmer, Amy

From: Nathalie M Cornett <NCornett@ellerdetrich.com>
Sent: Friday, March 23, 2018 10:08 AM
To: Ulmer, Amy
Cc: Andrew Shank
Subject: BOA-22413 Request for Continuance

Amy,

Per our phone conversation, we are processing a license agreement with the City and request this case be continued to the 4/24 Board meeting.

Thanks for your assistance.

Nathalie M. Cornett

Attorney at Law

Eller&Detrich

2727 E. 21st Street, Ste 200
Tulsa, Oklahoma 74114-3533

(918) 747-8900 phone
(866) 547-8900 toll free
(918) 392-9427 e-fax
NCornett@EllerDetrich.com

 www.EllerDetrich.com

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required lot width to permit a lot split (Section 25.020). **LOCATION:** 8217, 8223 and 8231 South Maybelle Avenue West (CD 2)

Presentation:

The applicant has requested a continuance to April 10, 2018.

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, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a Variance to reduce the minimum lot area and lot area per unit; Variance to reduce the minimum street frontage to 0 feet in a AG District; Variance to reduce the required lot width to permit a lot split (Section 25.020) to the April 10, 2018 Board of Adjustment meeting; for the following property:

COMM SWC S/2 N2/3 N/2 NE TH E846.50 POB TH E712.78 N227.12 W1559.28 TO WL NE TH S13.50 E846.50 S213.56 POB SEC 14 18 12 3.98ACS; COMM SWC S/2 N2/3 N/2 NE TH E180 POB TH E666.50 N213.56 W846.50 TO WL NE TH S13.50 E180 S200 POB SEC 14 18 12 3.32ACS; BEG 227N SWC S/2 N2/3 N/2 NE TH E1559.28 N215.57 TO NL S/2 N2/3 N/2 NE TH W912.58 S202.07 W646.70 TO WL NE TH S13.50 POB LESS E456.29 THEREOF SEC 14 18 12 LIFECHURCH.TV JENKS ADDITION 2.258AC, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

FILE COPY

22413—Eller & Detrich – Andrew Shank

Action Requested:

Spacing Verification for a digital display outdoor advertising sign (Section 60.100-K). **LOCATION:** 10029 East 45th Place South (CD 7)

Presentation:

The applicant has requested a continuance to April 24, 2018.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA - 22413

FILE COPY

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a **Spacing Verification** for a digital display outdoor advertising sign (Section 60.100-K) to the April 24, 2018 Board of Adjustment meeting; for the following property:

PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33ACRES, IDEAL BRICK INDUSTRIAL TRACTS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today. Ms. Ross is out sick today, and Ms. Back must leave about 2:15 for a prior engagement. Any motion will require an affirmative vote of three of the remaining four members. When there is less than a full Board the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. If an applicant or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

UNFINISHED BUSINESS

22401—Nelson Allen

Action Requested:

Special Exception to allow a self-storage facility in a CS District (Section 15.020).

LOCATION: 2817 North Peoria Avenue East (CD 1)

Presentation:

Nelson Allen, 1717 North Peoria Avenue, Tulsa, OK; presented photos on the overhead projector of the subject property in its current condition showing the elevation changes, and other renderings of the proposal. There is an existing walking path that was cut as a trail by the surrounding residents, so they could go to the Dollar General Store, and he would like to make that trail a permanent walkway with steps for the elderly. There will be an eight-foot privacy fence erected on the back side of the subject property, and that fence will face the Dollar General. There are a lot of vacant lots in the area. The property going toward the east will have six-foot privacy fence erected running north and south.

BOA-22403 – ANITA SAIYMEH

**THE APPLICANT HAS WITHDRAWN THE
APPLICATION**

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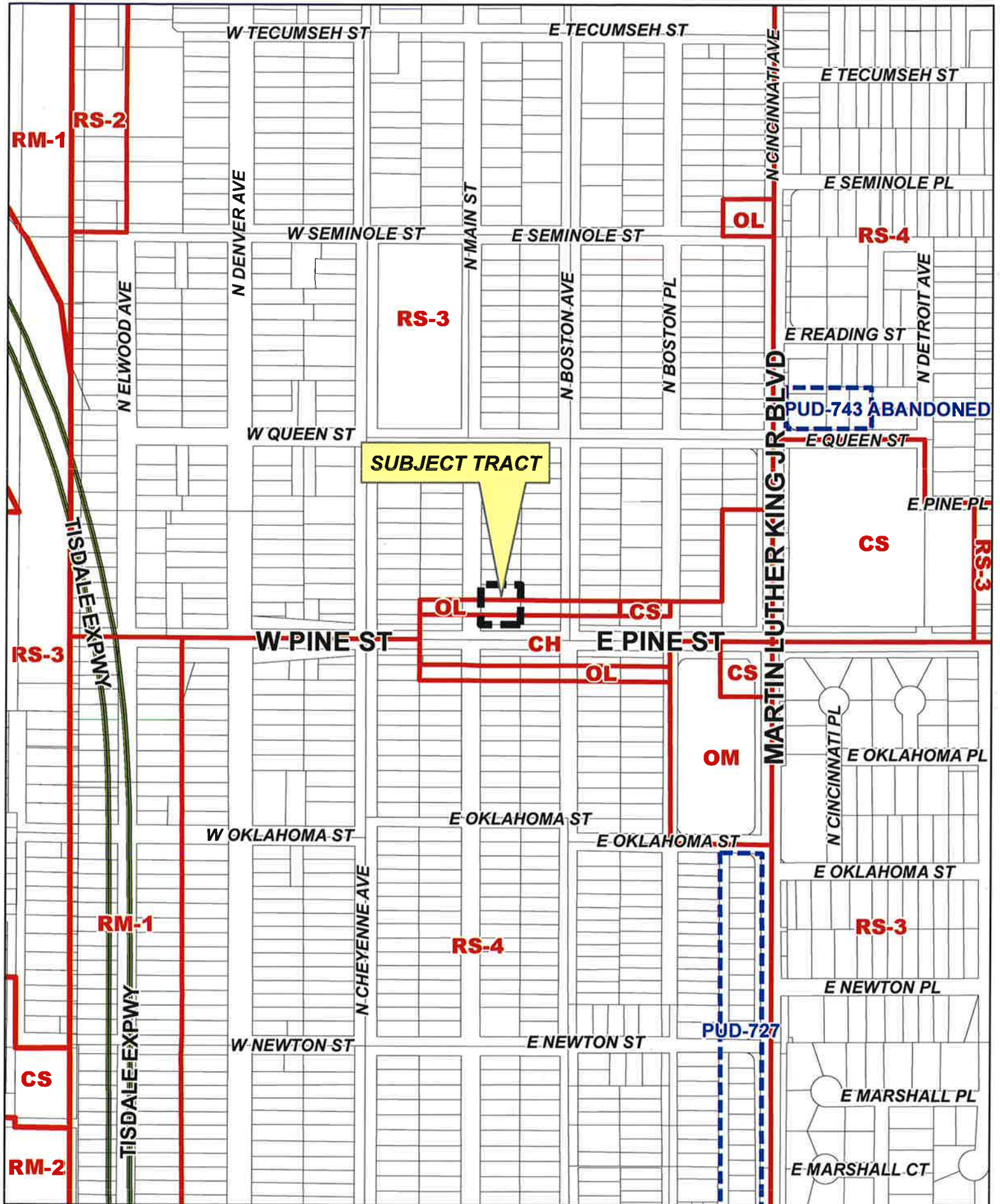
BOA-22397 – DONNY BEELER

**THE APPLICANT HAS REQUESTED A CONTINUANCE
TO MAY 8, 2018 WHILE WORKING WITH THE CITY ON
INFRASTRUCTURE ISSUES**

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BOA-22411 – DAVID McGHEE

**THE APPLICANT HAS WITHDRAWN THE
APPLICATION**



BOA-22408

20-12 26

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0226

Case Number: BOA-22408

CZM: 28

CD: 1

A-P#:

HEARING DATE: 04/24/2018 1:00 PM (continued from 4/10/18)

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.

PREVIOUS COMMENTS:

The Board requested a continuance to allow the applicant time to contact an interested neighbor. Staff provided the applicant with the interested party's contact information and at the time of this report the applicant has provided no new additional information.

STAFF COMMENTS:

The property owner has an existing fence that is 5'10" tall within the required street setback along N Main Street. The existing fence extends across 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.

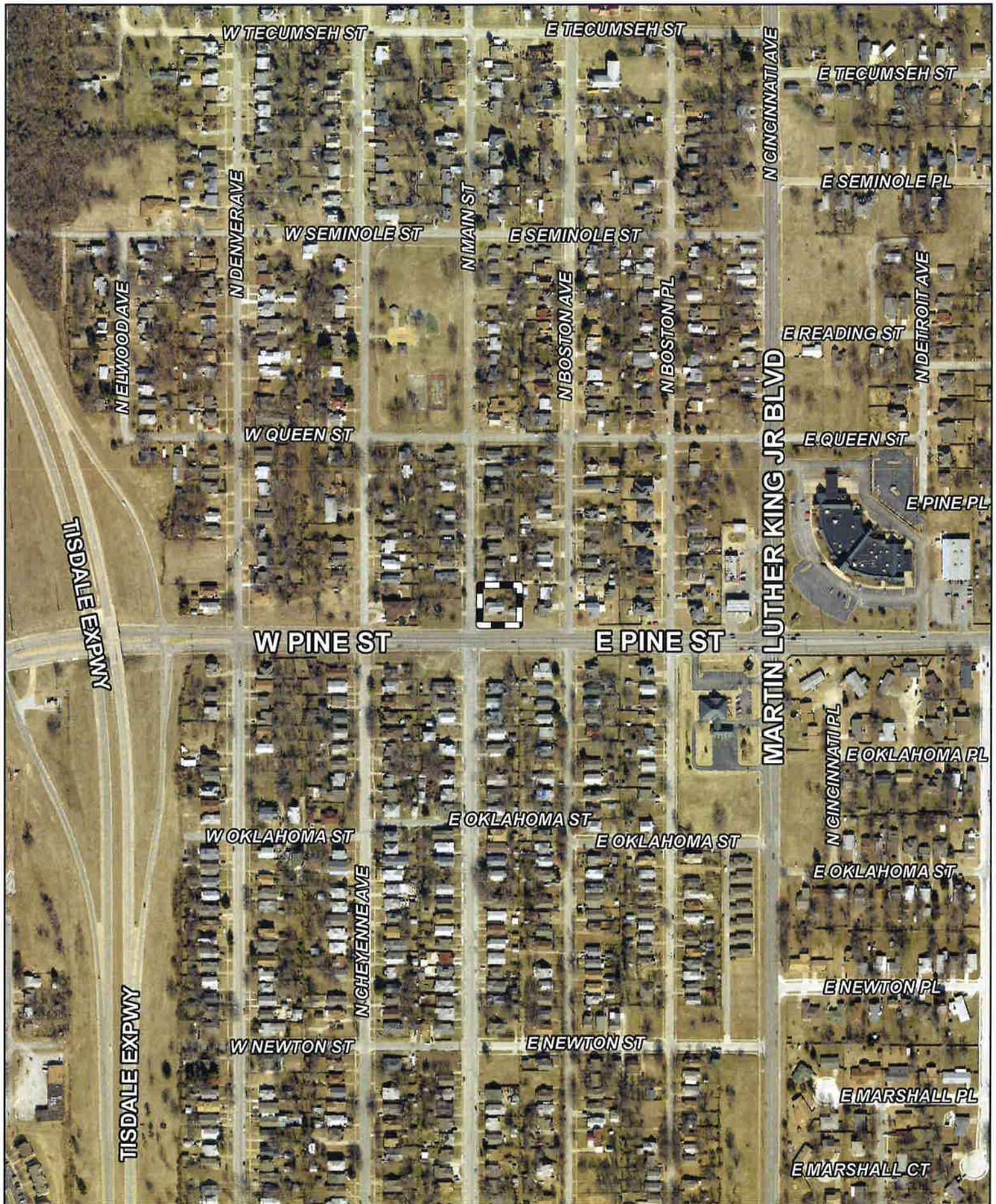
The Code (Section 45.080-A) limits fence and wall heights in the required front setback along N Main Street to 4 feet; however, the Code permits the Board of Adjustment to increase the permitted height through special exception approval. The applicant has requested a **Special Exception** to allow a 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. (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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Feet



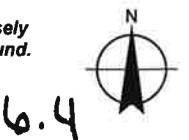
Subject
Tract

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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Feet



Subject
Tract

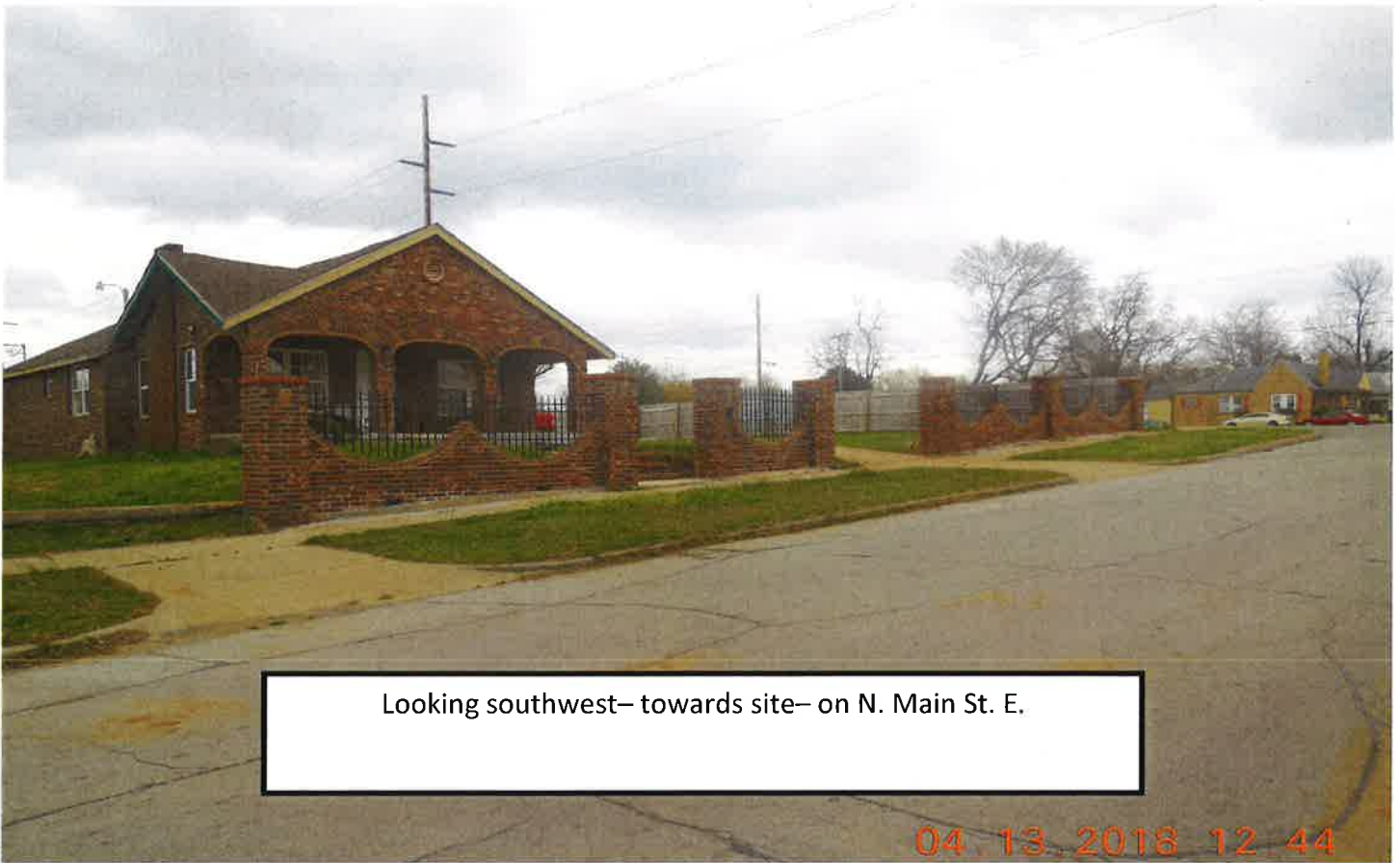
BOA-22408

20-12 26

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

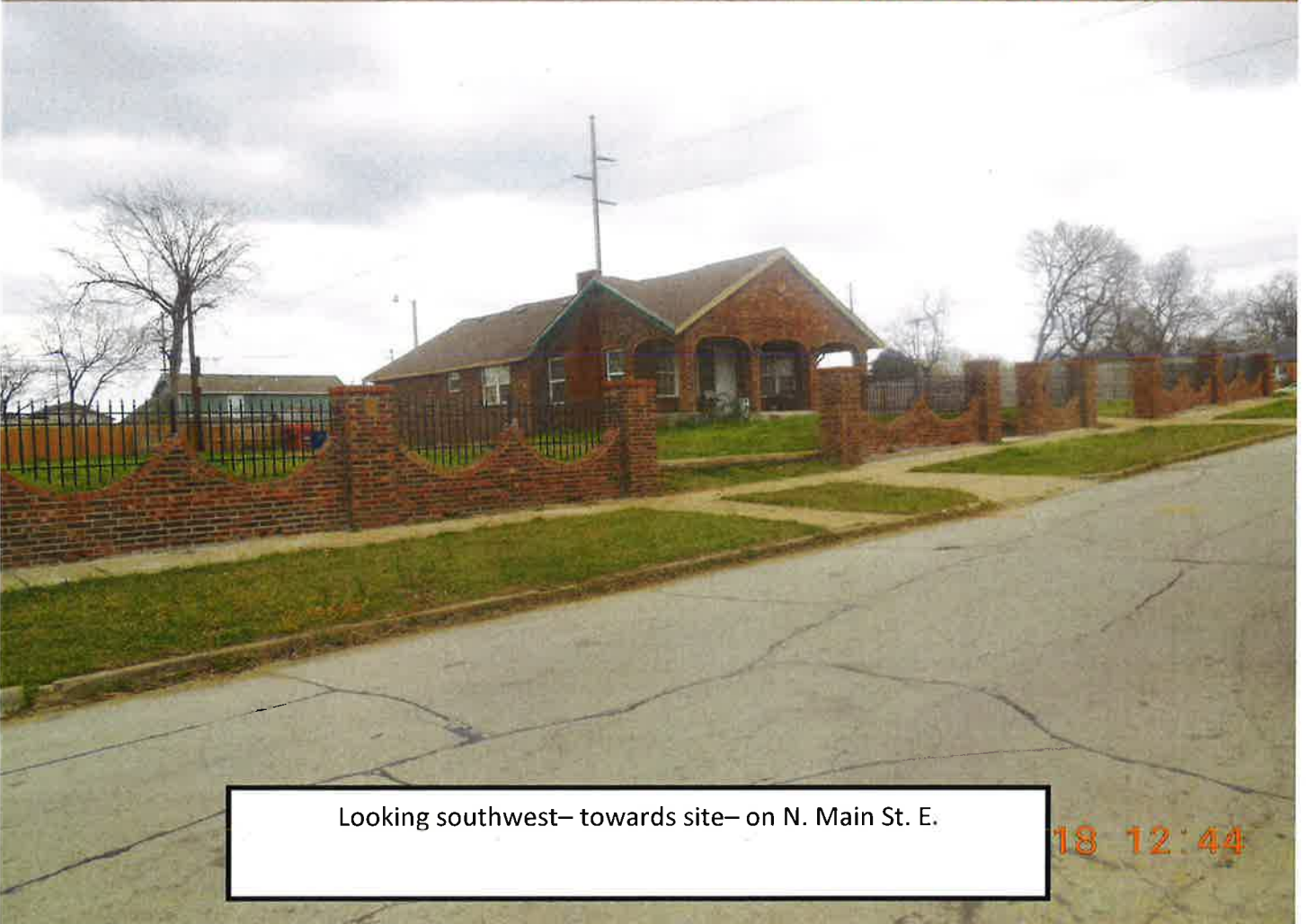
Aerial Photo Date: February 2016





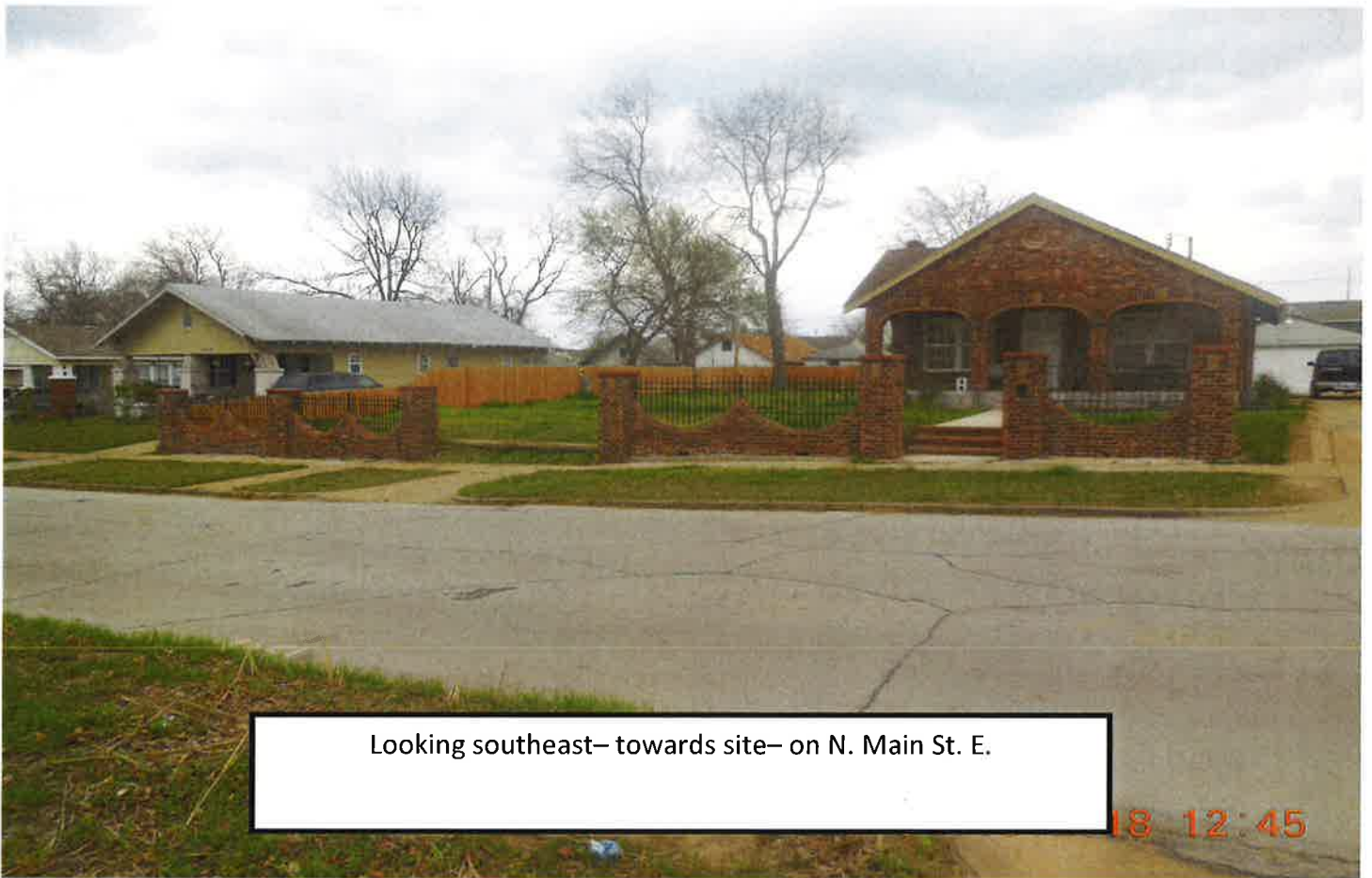
Looking southwest— towards site— on N. Main St. E.

04.13.2018 12:44



Looking southwest— towards site— on N. Main St. E.

18 12:44



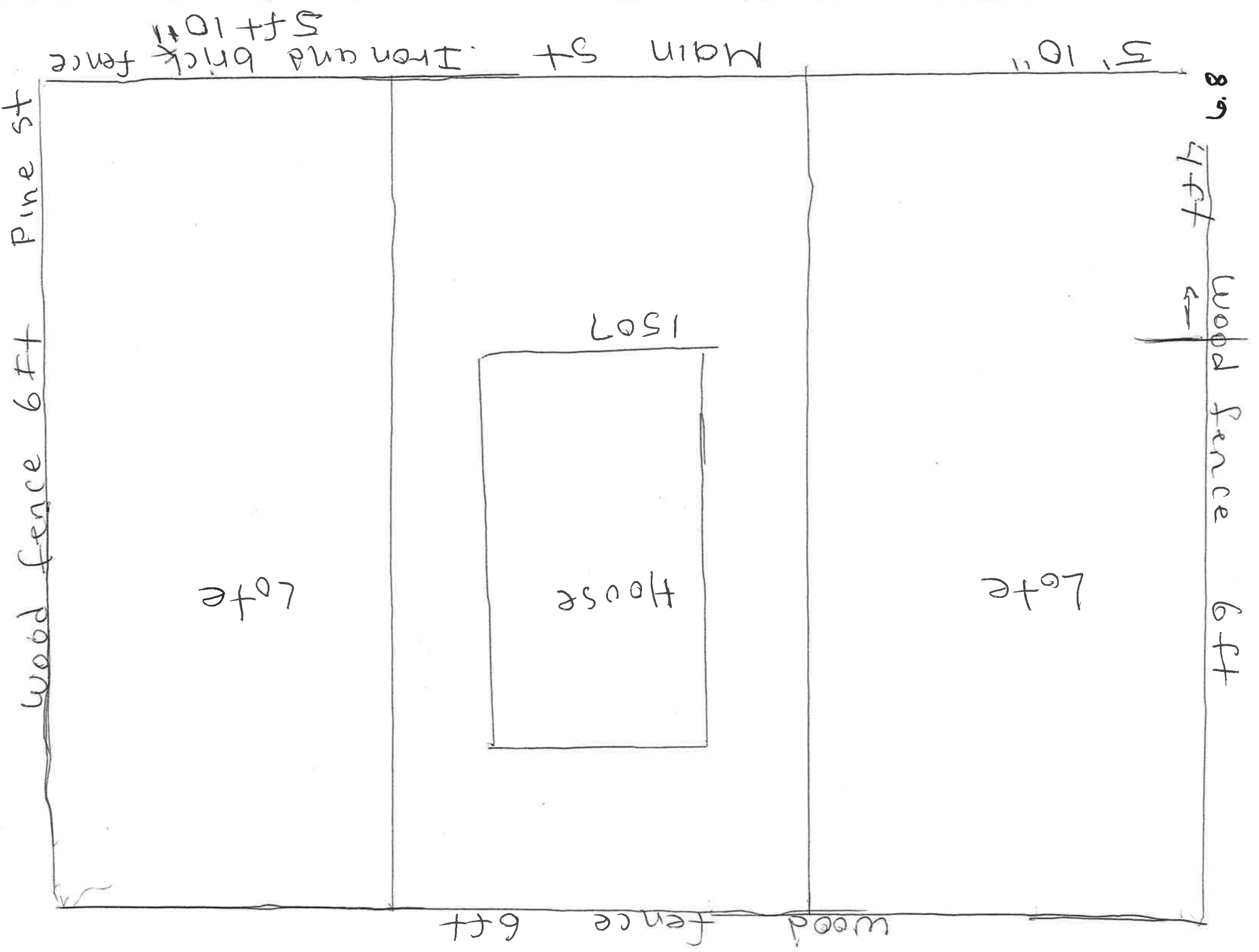
Looking southeast- towards site- on N. Main St. E.

18 12:45



Looking southwest- towards site- on N. Main St. E.

18 12:45



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 / MAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

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

REVIEW COMMENTS

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

Application No. 9054

1507 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) application 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 setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet are 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 PLAN TO
THE ABOVE REFERENCED APPLICANT.
RECEIPT OF ADDITIONAL INFORMATION
APPLICANT.

W TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH
ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON
REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE

KEEP OUR OFFICE ADVISED OF ANY
AREA PLANNING COMMISSION A

ON THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN
G TO STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

Ulmer, Amy

From: Miller, Susan
Sent: Tuesday, April 10, 2018 11:21 AM
To: Ulmer, Amy; Austin P. Bond; Blank, Audrey; Carolyn Back; flanagan_tom@hotmail.com; tulsarealestatelawyer@gmail.com; svandewiele@hallestill.com; VanValkenburgh, Janine; Sparger, Janet; Ulmer, Amy
Subject: RE: BOA #22408

Board members:

Ms. BJ Beverly is requesting a continuance for this item - she is the neighborhood president (Legacy Neighborhood), is having surgery this afternoon and cannot attend the meeting. She lives at 1301 N. Cheyenne Ave. She said the neighborhood opposes the fence since this is on a main street and feels it will be an eyesore. She mentioned that a fence of this nature does not exist elsewhere in the neighborhood and they are concerned that others will start requesting the same. She said they are concerned about the crime in the neighborhood and that the fence could be a hiding place. She doesn't know the applicant and has not spoken with them.

Thank you,
Susan Miller, AICP | Director, Land Development Services
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9470
918.579.9570 fax
smiller@incog.org

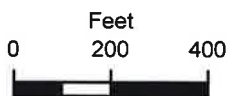
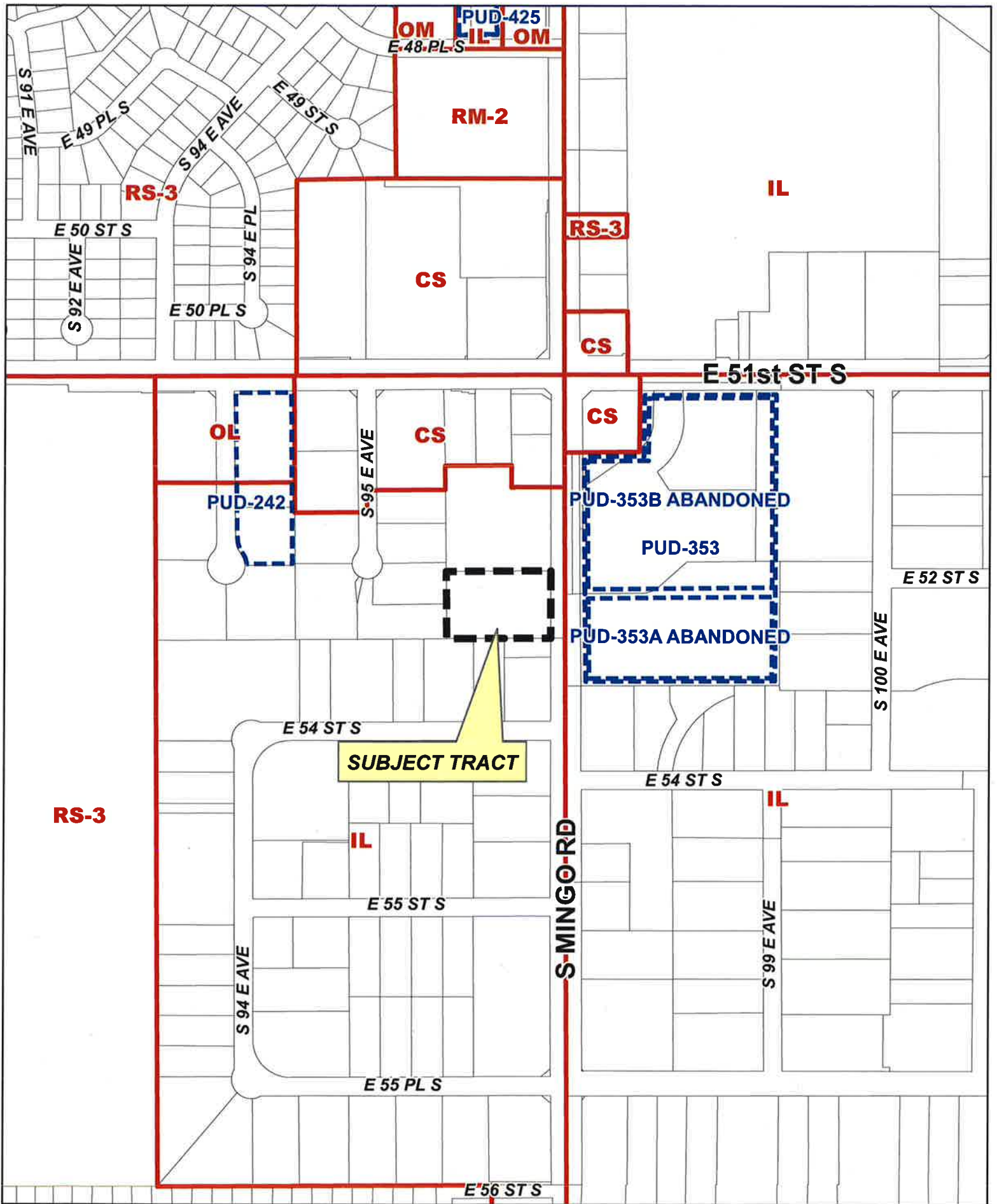
-----Original Message-----

From: Hall-Harper, Vanessa [mailto:dist1@tulsacouncil.org]
Sent: Monday, April 09, 2018 10:44 AM
To: Miller, Susan <SMiller@incog.org>
Subject: BOA #22408

Can this case be postponed? I received a call from a constituent and she wants to attend this meeting to make comments but she can't attend on the 10th.

Vanessa Hall-Harper

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. BOA-22408
OFFICIAL RECORD EXHIBIT 60a
ENTERED IN THE 4/10/18
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT



BOA-22412

19-13 36

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9336

Case Number: BOA-22412

CZM: 48

CD: 7

A-P#:

HEARING DATE: 04/24/2018 1:00 PM (continued from 4/10/18)

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 billboard.

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.

PREVIOUS COMMENTS:

The Board continued the case to allow the applicant time to research information that would provide a more definitive answer to ownership issues. The Board requested information pertaining to former and current land ownership to explain the history of the existing sign.

At the time this staff report was written, the applicant had not provided the additional information.

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 off-premise 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."*

0 200 400
Feet

Subject
Tract



BOA-22412

19-13 36

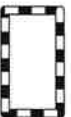
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2016





0
50
100
Feet

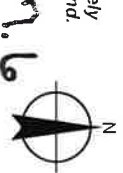


Subject
Tract

BOA-22412

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

Aerial Photo Date: February 2016





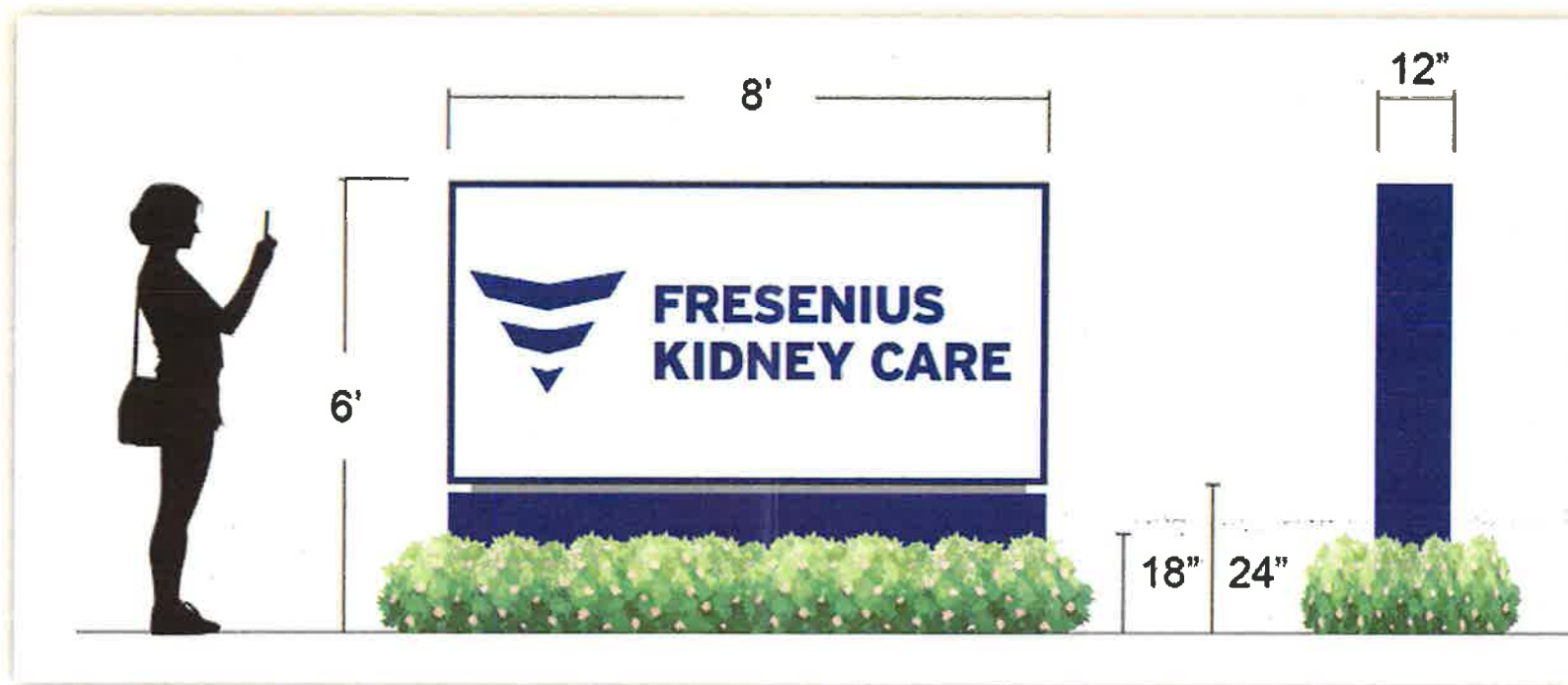
Looking south— on site



Looking southeast— on site

4:27

7.7



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

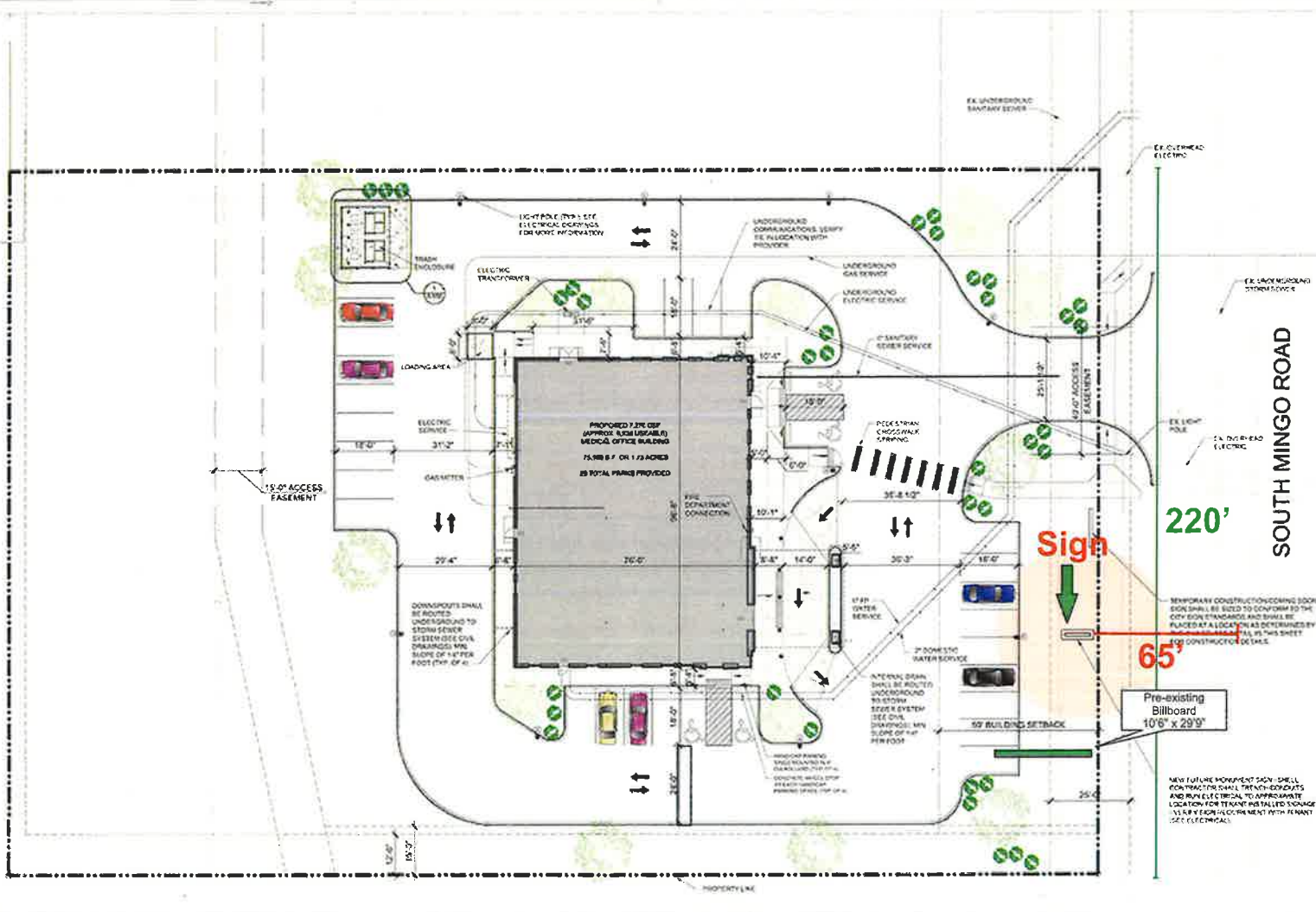
Customer:
FKC
City and State:
Tulsa, Ok.

Job Location:
**5200 S. Mingo Rd,
Tulsa OK 74146**

Drawn By:
Luis Fonseca
Sold By:
Jesus Ortiz

Drawing Number:
FKC112217-003
Scale:

Approved By:
Date Approved:



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(918) 286 8535
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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:

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.



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

March 26, 2018

Re: Application # BOA-22412

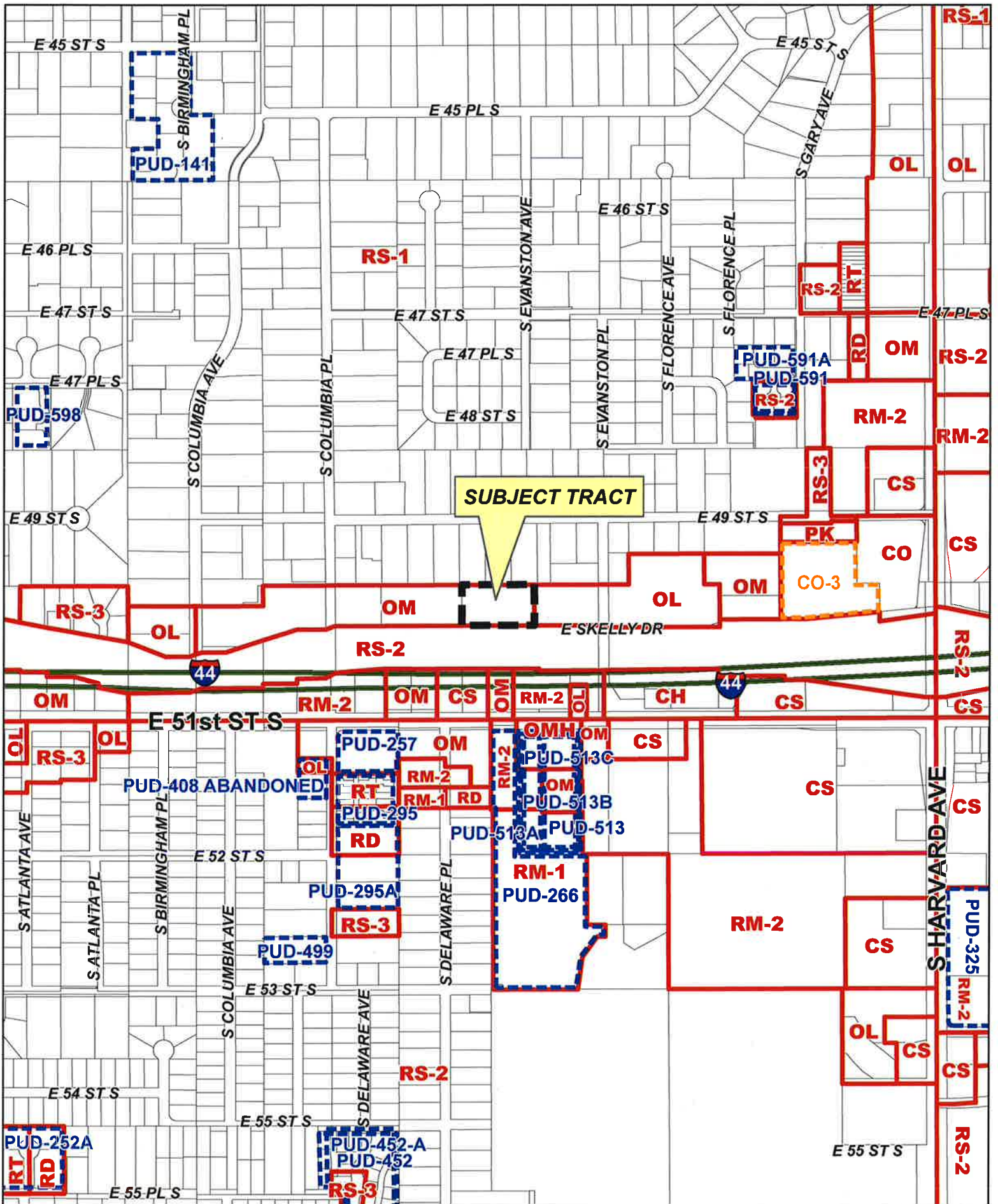
To whom it may concern:

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,

A handwritten signature in black ink, appearing to be "C. Ortiz", written over a horizontal line.

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



BOA-22425

19-13 29

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: BOA-22425

CZM: 47

CD: 9

A-P#:

HEARING DATE: 04/24/2018 1:00 PM (continued from 4/10/2018)

APPLICANT: Christian Ortiz

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

LOCATION: 2845 E SKELLY DR S

ZONED: OM

PRESENT USE: medical clinic

TRACT SIZE: 69978.29 SQ FT

LEGAL DESCRIPTION: E370.45 LESS E20 LT 1 BLK 1, WEIR ADDN RESUB PRT L13-18 B9 VILLA GROVE ADDN, WEIR FOURTH ADDN RESUB PRT WEIR & WEIR THIRD ADDNS, VILLA GROVE SUB

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA 16090: on 7/28/92 the Board approved a Variance of the maximum allowed floor area for a detached accessory building. Located; 2848 E. 49th St.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by OM parcels to the east and west; the site abuts RS-1 zoned lots to the north; E. Skelly Dr. is to the south.

PREVIOUS COMMENTS:

It was brought to staff's attention by the adjacent property owner's that the parcel and address identified in the original application was incorrect. The staff contacted the applicant and corrected the parcel information. Staff asked for a continuance to allow time to re-notice the application.

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 additional wall sign in an OM district to be located on the East building wall without any street frontage (Section 60.060-B).

Sample Motion

Move to _____ (approve/deny) a **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).

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

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

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

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

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

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

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

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

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

Case No. 16089 (continued)

Mr. Jones informed that **Mayor Savage** (Exhibit E-1) and **Jim Moon** (Exhibit E-2) have requested by letter that Case No. 16089 be continued.

Board Action:

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **CONTINUE** Case No. 16089 to August 11, 1992, as requested.

Case No. 16090

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building to 765 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2848 East 49th Street.

Presentation:

The applicant, **Patti Kuck**, 2848 East 49th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for a three-car garage. She explained that the old garage will be removed and the new structure will be placed at the same location, with the addition of garage space for a third vehicle. Ms. Kuck noted that the other structure on the lot, which might appear to be an accessory building, is used for a residence.

Comments and Questions:

Mr. T. White asked the applicant if the house to the west has a three-car garage, and she answered in the affirmative.

Protestants:

None.

Board Action:

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building to 765 sq ft - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plot plan submitted; finding that the lot is large enough to support the added garage space, and there are other three-car garages in the immediate area; and finding that granting of the variance request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 3, Villa Grove, City of Tulsa, Tulsa County, Oklahoma.



0 Feet 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

8.5





0 50 100
Feet



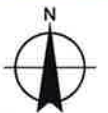
Subject
Tract

BOA-22425

19-13 29

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

Aerial Photo Date: February 2016



8.6

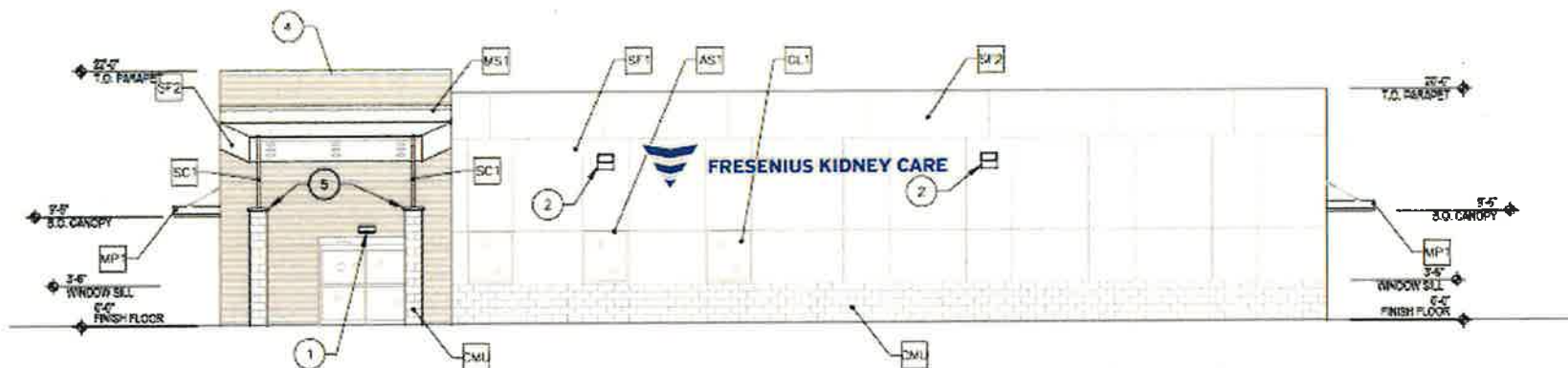


Looking northwest- towards the east side of the site- on site



Looking northwest- towards the east side of the site- on site

14:02



1 East Building Elevation

Sign Dimensions: 26' by 4'



TULSA, OK
(918) 286-8535
2810 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

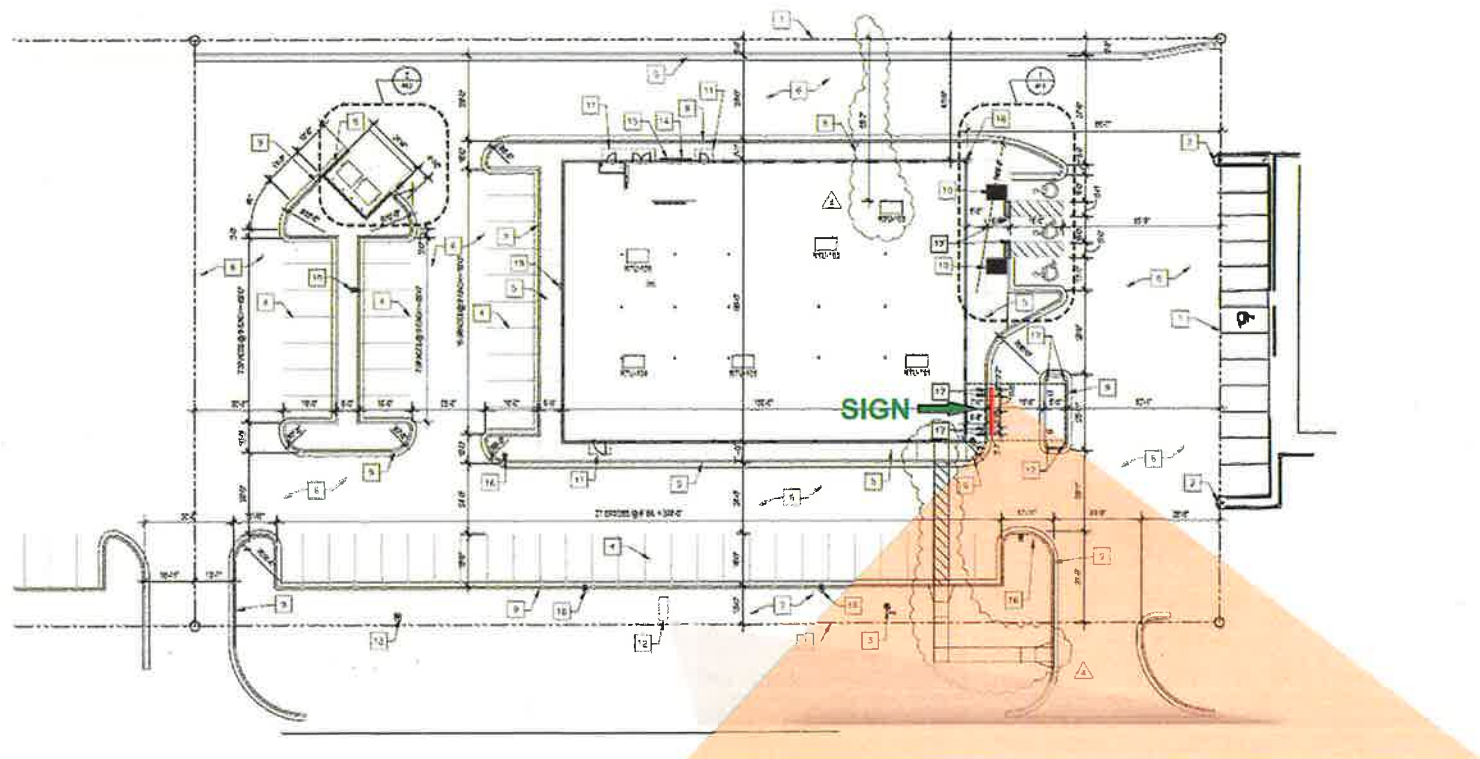
Customer:
FKC
City and State:
Tulsa, Ok.

Job Location:
**2800 East Skelly Dr
74105**

Drawn By:
Luis Fonseca
Sold By:
Jesus Ortiz

Drawing Number:
FKC112217-002
Scale:


Approved By:
Date Approved:



Sign Dimensions: 26' by 4'



FRESENIUS KIDNEY CARE

 <p>TULSA, OK (918) 286 8535 9810 E 58th St. Tulsa, OK 74146 www.encinos3d.com</p>	<p>Pylon Signs - Cabrio Signs - Monument Signs - Neon Signs - Blade Signs - Wall Signs - Channel Letters - Interior Signs - Wayfinding Signs - Post & Panel - LED Display - Commercial & Architectural Signs</p>			
	<p>Customer: FKC City and State: Tulsa, Ok.</p>	<p>Job Location: 2800 East Skelly Dr 74105</p>	<p>Drawn By: Luis Fonseca Sold By: Jesus Ortiz</p>	<p>Drawing Number: FKC12217-001 Scale:</p>

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

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3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)

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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.

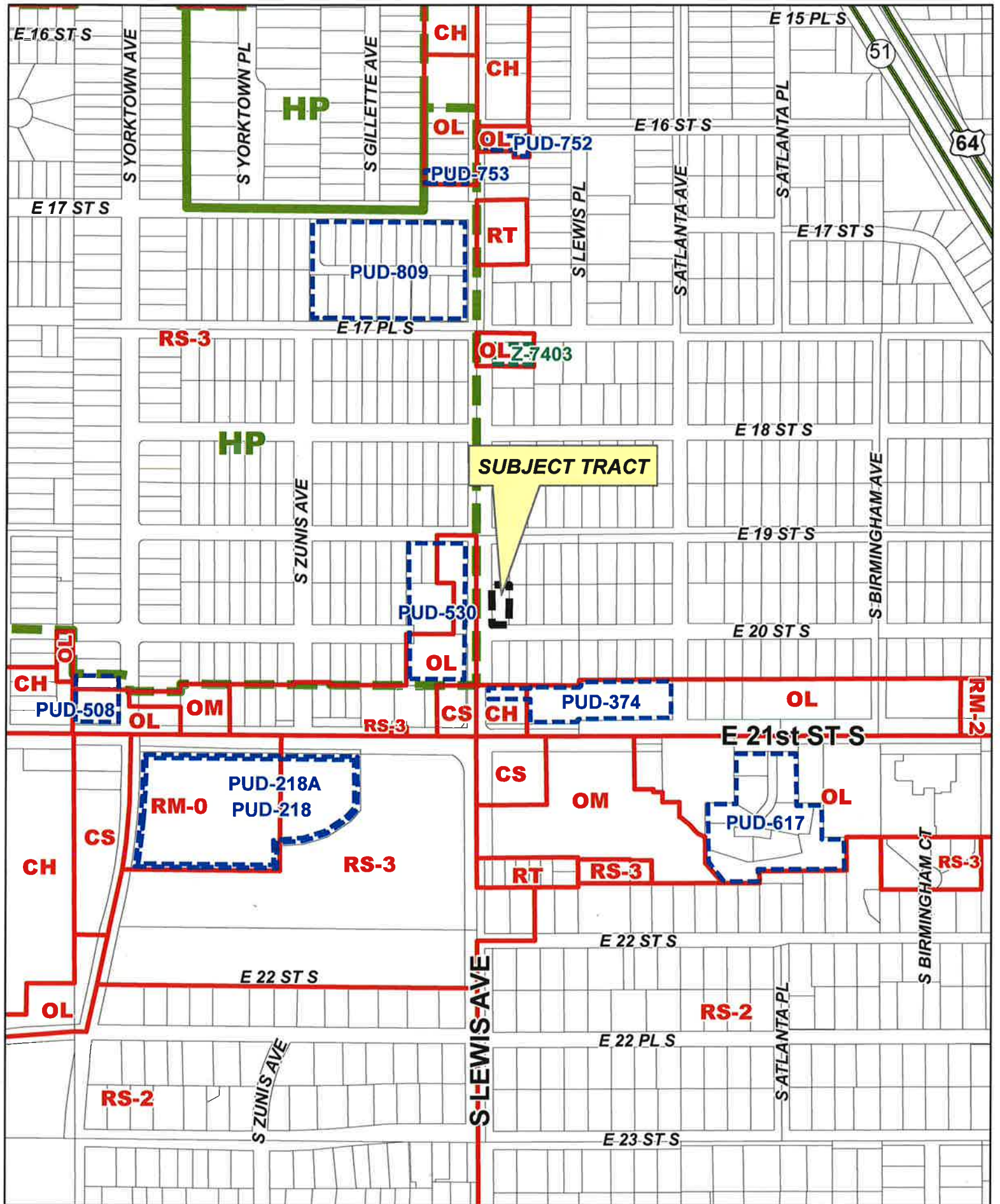
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding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

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BOA-22427

19-13 08

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22427**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 04/24/2018 1:00 PM

APPLICANT: Joseph Hull

ACTION REQUESTED: Variance to reduce the street setback from 35 ft to 15 ft along S. Lewis Ave. (Sec. 5.030-A)

LOCATION: 2403 E 20 ST S

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 7614.32 SQ FT

LEGAL DESCRIPTION: LT 6 BLK 1, BARNARD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 21766: on 8/26/2014 the Board **approved** a Variance to reduce the lot-width from 60 feet to 56 feet to permit a lot-split; Variance to reduce the required setback from an Urban Arterial from 85 feet to 60 feet from the center line.

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 tract is abutting RS-3 zoned lots to the north, east, and south; to the west is S. Lewis Ave.

STAFF COMMENTS:

The applicant is proposing to construct a new detached house. The code requires that detached houses along an arterial street maintain a street setback of 35ft in an RS-3 zoned district (Sec. 5.030-A). A lot-split was approved by the Planning Commission on 10/1/14 for this property. The Variance that was previously approved (BOA- 21766) to reduce the required setback was not acted upon within the 3-year time frame and therefore had to come before the Board again.

The applicant is requesting a **Variance** to reduce the street setback from 35 ft to 15 ft along S. Lewis Ave. (Sec. 5.030-A). The Code states that, for detached houses on corner lots, the minimum side street setback along a *non-arterial* may be reduced to 15 feet provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater (5.030-B.3). Based on the submitted plan, the proposed 15 ft. street setback is along S. Lewis Ave. The Major Street and Highway Plan considers this an *arterial* street, and would therefore be required by code to maintain a building setback of 35 feet in an RS-3 zoned district (Sec.5.030-A).

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the street setback from 35 ft to 15 ft along S. Lewis Ave. (Sec. 5.030-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."

PRT LTS 1 & 2 BEG SECR LT 2 TH NW101.95 N201.67 E152 SW223.66 POB LESS S30 THEREOF BLK 5, VILLA GROVE PARK; PT LTS 1 & 2 BEG. 104. 65 E. OF SWC LT 2 N 185 17 E 149 PARL TO N. L. LT 1 S 203.77 WLY 149 TO BG LESS S 20 ST BLK 5; PT LTS 2 BG SWC TH N172 1 E104 65 PARL TO N. L. LT 1 S185 17 WLY TO BEG PLUS R OF W ON S TO GART AV BLK 5, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21766—Wallace Engineering – Jim Beach

FILE COPY

Action Requested:

Variance to reduce the lot width from 60 feet to 56 feet in an RS-3 District; Variance to reduce the required setback from an Urban Arterial from 85 feet to 60 feet from the centerline (Section 403, Table 3). **LOCATION:** 2407 East 20th Street (CD 4)

Presentation:

Jim Beach, Wallace Engineering, 200 East Brady Street, Tulsa, OK; before starting his presentation Mr. Beach pointed out to the Board that under "Staff Comments" in the second paragraph it states the client wants to build two new residential units on each of the two lots that are trying to be created, and there will only be two units total or one for each lot. In regards to the lot width Variance, the subdivision of this property on the east side of Lewis, virtually every lot in the area is the same size and shape. All the lots are 56 feet wide. The two lots that are before the Board today are 47 feet and 65 feet currently containing one residence. He does not know how this came about but they were originally platted at 56 feet, so this would restore them back to the 56 feet. His client's goal is to raze the existing single family home and build two houses, one on each lot. In regards to the second Variance request, Lewis Avenue is designated an urban arterial with a minimum right-of-way of 70 feet. Currently the east half of Lewis is 50 feet as if it were a secondary arterial. The right-of-way is already wider than normal which is partially squeezing the subject lots down. By allowing the setback at 60 feet it would allow a little more room to utilize the full 56 foot width. Mr. Beach stated that he had taken Google map measurements on a house to the north of the subject lot and there is a garage on that house that is approximately two feet into the existing right-of-way. A house to the south of the subject lot is even closer to Lewis than the house to the north of the subject lot.

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, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a

BOA-21766

FILE COPY

Variance to reduce the lot width from 60 feet to 56 feet in an RS-3 District; Variance to reduce the required setback from an Urban Arterial from 85 feet to 60 feet from the centerline (Section 403, Table 3). Finding that the lot widths in this particular subdivision normally have been in the 56 foot range and for an unknown reason the two lots involved in this case have an unequal split of 47 and 65 feet. Today's approval is an attempt to get the subject lots in keeping with the other lot widths within the area. In regards to the setback, the 60 foot setback would not put the buildings any closer than properties to the south and to the north of the subject lot. 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 6 & LT 7 BLK 1, BARNARD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

*****.

OTHER BUSINESS

21741—Eller & Detrich – Lou Reynolds

Request to acknowledge the Tie Agreement for the West Tulsa Free Will Baptist Church as part of the official record. **LOCATION:** South of the SW/c of South Maybelle Avenue and West 23rd Street (CD 2)

This case, BOA-21741, was originally heard and approved July 8, 2014.

Presentation:

Kara Moore, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; no formal presentation was made but the applicant's representative was available for any questions.

Mr. White asked staff if the Board had been presented with this at the original hearing of the case in July. Ms. Miller stated the concept was presented but the actual Tie Agreement was not. Ms. Moore stated the Tie Agreement has been submitted to the City Attorney and approved.

Mr. Swiney stated that his colleague, Ms. Janine VanValkenburgh, reviewed the Tie Agreement and she advised him that it is good to go. In the previous case the Board approved the concept but the final document had not been prepared, and that is what is before the Board today.



0 Feet 200 400



Subject Tract

BOA-22427

19-13 08

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

Aerial Photo Date: February 2016



9.6



0 50 100
Feet



Subject
Tract

BOA-22427

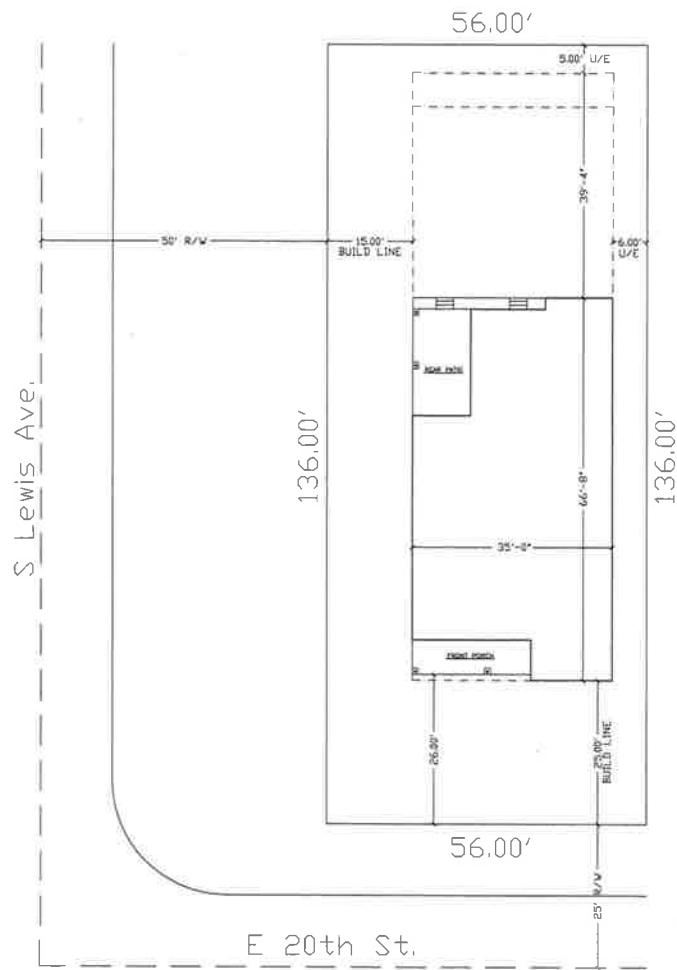
19-13 08

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

Aerial Photo Date: February 2016



9.7



Plot Plan

SCALE: 1" = 10'-0"

BILTMORE HOMES
PROJECT:
2403 E 20th ST.
TULSA, OK
MARCH 26, 2018

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1055461-2

March 05, 2018

AARON SPRIK
BILTMORE HOMES LLC
4527 E 91 ST
TULSA, OK 74137

Phone: (918)378-4585
Fax: (918)779-7054

APPLICATION NO: **440783** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2403 E 020 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.
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3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

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. 440783

2403 E 020 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.

Section 5.030 Lot and Building Regulations

5.030-A Table of Regulations

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

Review Comments: City legal determined the proposed detached house on a corner lot abutting S. Lewis Avenue (An Urban Arterial) does not comply for a contextual setback based on 90.090-D.1 figure 90-12. The required street setback abutting S. Lewis Avenue is 35 feet. You may revise the street setback to be 35 feet or pursue a variance from the BOA to permit the street setback abutting S. Lewis Avenue be reduced from 35 feet to 20 feet.

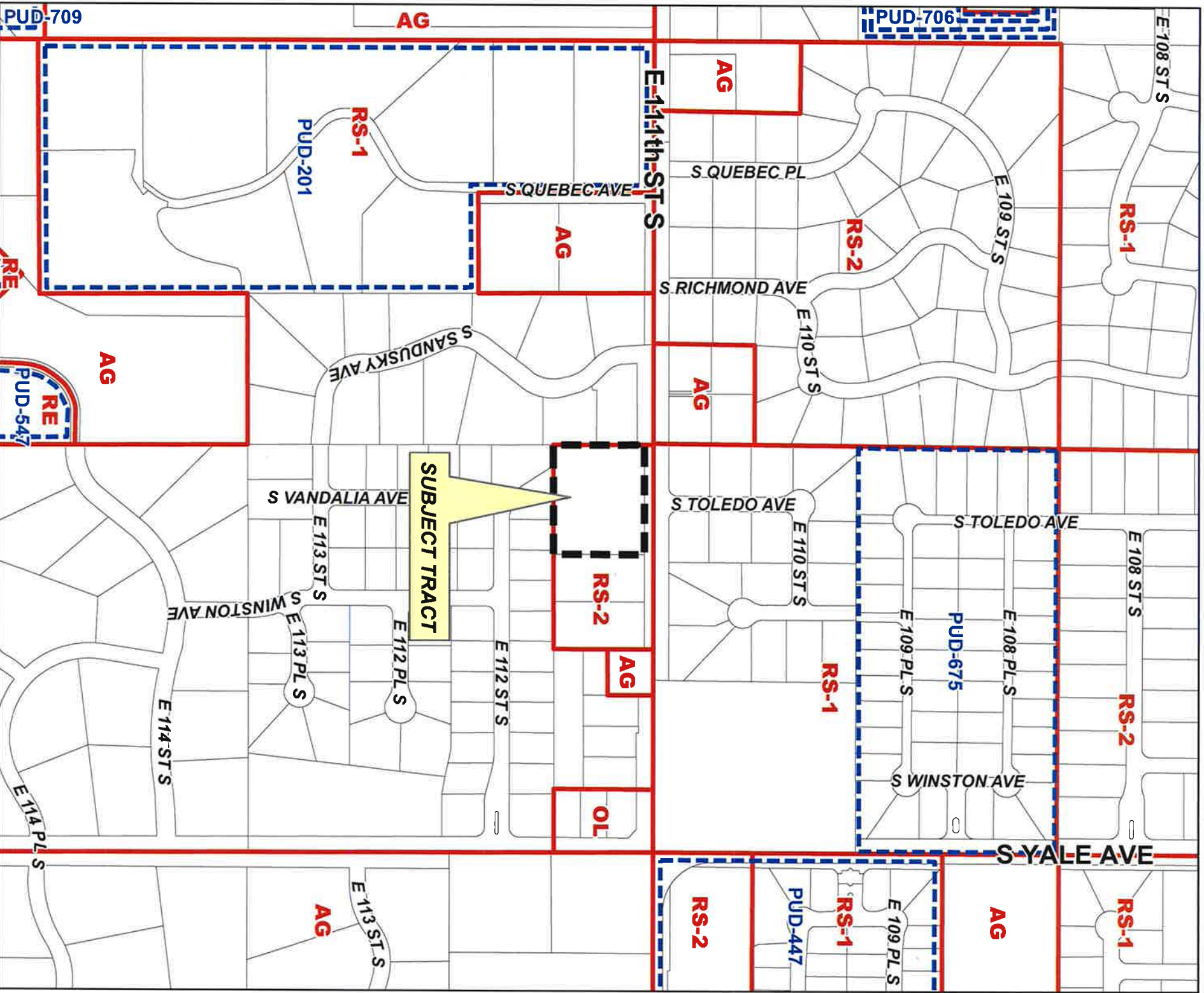
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.

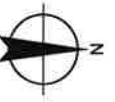
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



BOA-22428

18-13 33

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8333

Case Number: BOA-22428

CZM: 56

CD: 8

A-P#:

HEARING DATE: 04/24/2018 1:00 PM

APPLICANT: Keith Morgan

ACTION REQUESTED: Special Exception to allow a fence to be greater than 4 feet within the street setback (Sec. 45.080-A)

LOCATION: 4504 E 111 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: +2.4 acres

LEGAL DESCRIPTION: W350.39 W/2 N/2 N/2 NE NE THEREOF SEC 33 18 13 2.41ACS, TWELVE OAKS, LEXINGTON

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 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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is a large RS-2 zoned lot surrounded by primarily single-family residential uses.

STAFFCOMMENTS:

As indicated on the attached site plan, the applicant is proposing to move the existing fence further back onto the property, as it is currently in the right-of-way. The new location of the 7ft fence will be within the required street setback along E 111th St. S. The proposed fence will surround a large RS-2 zoned lot. The required street setback in an RS-2 zoned district is 30 feet.

10.2

REVISED 4/18/2018

The Code (Section 45.080-A) limits fence and wall heights in the required front setback along E. 111th St. S. 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.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a fence to be greater than 4 feet within the street setback (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.



0 Feet
200
400



Subject
Tract

BOA-22428

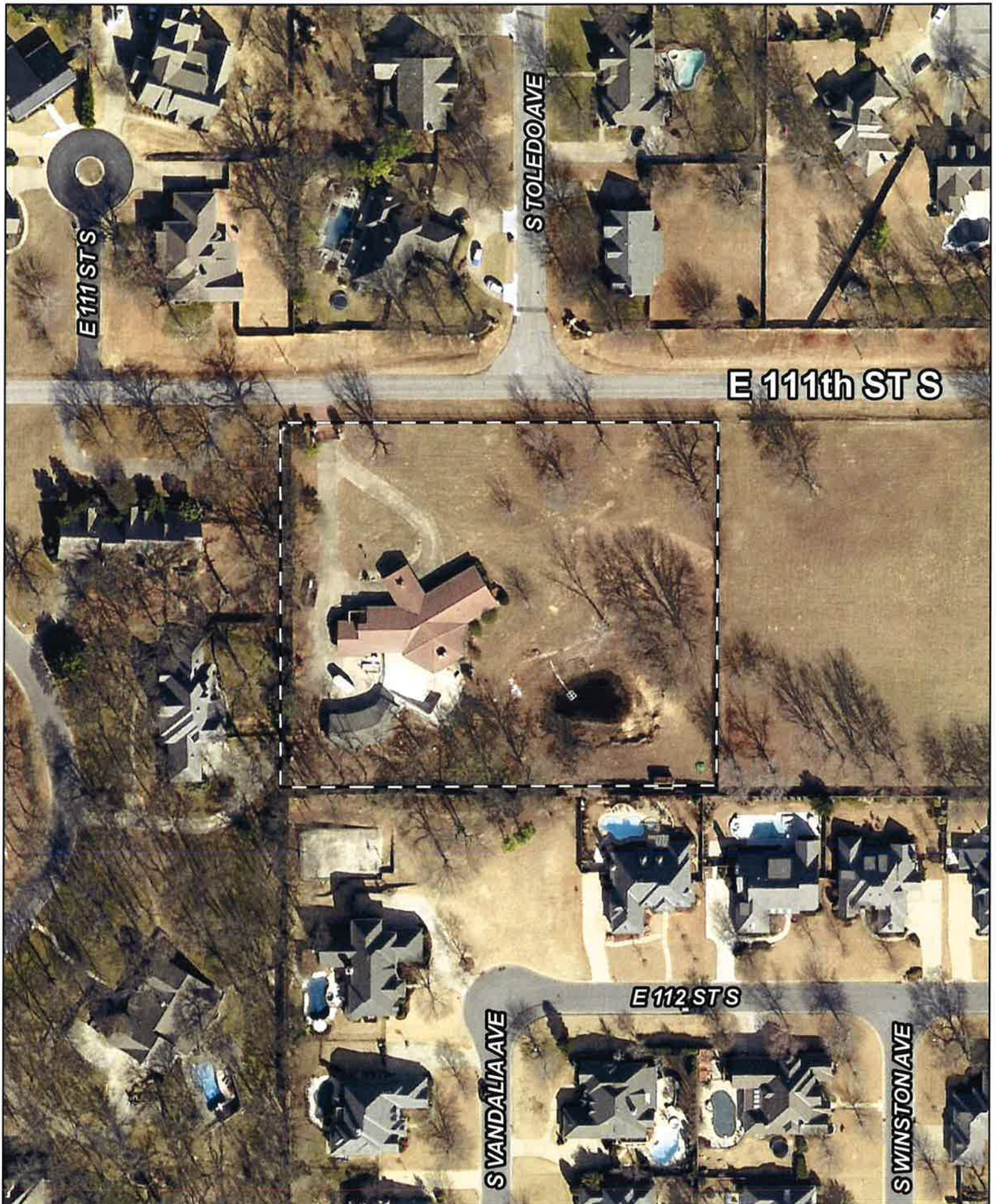
18-13 33

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

Aerial Photo Date: February 2016

10.4





0 50 100
Feet



Subject
Tract

BOA-22428

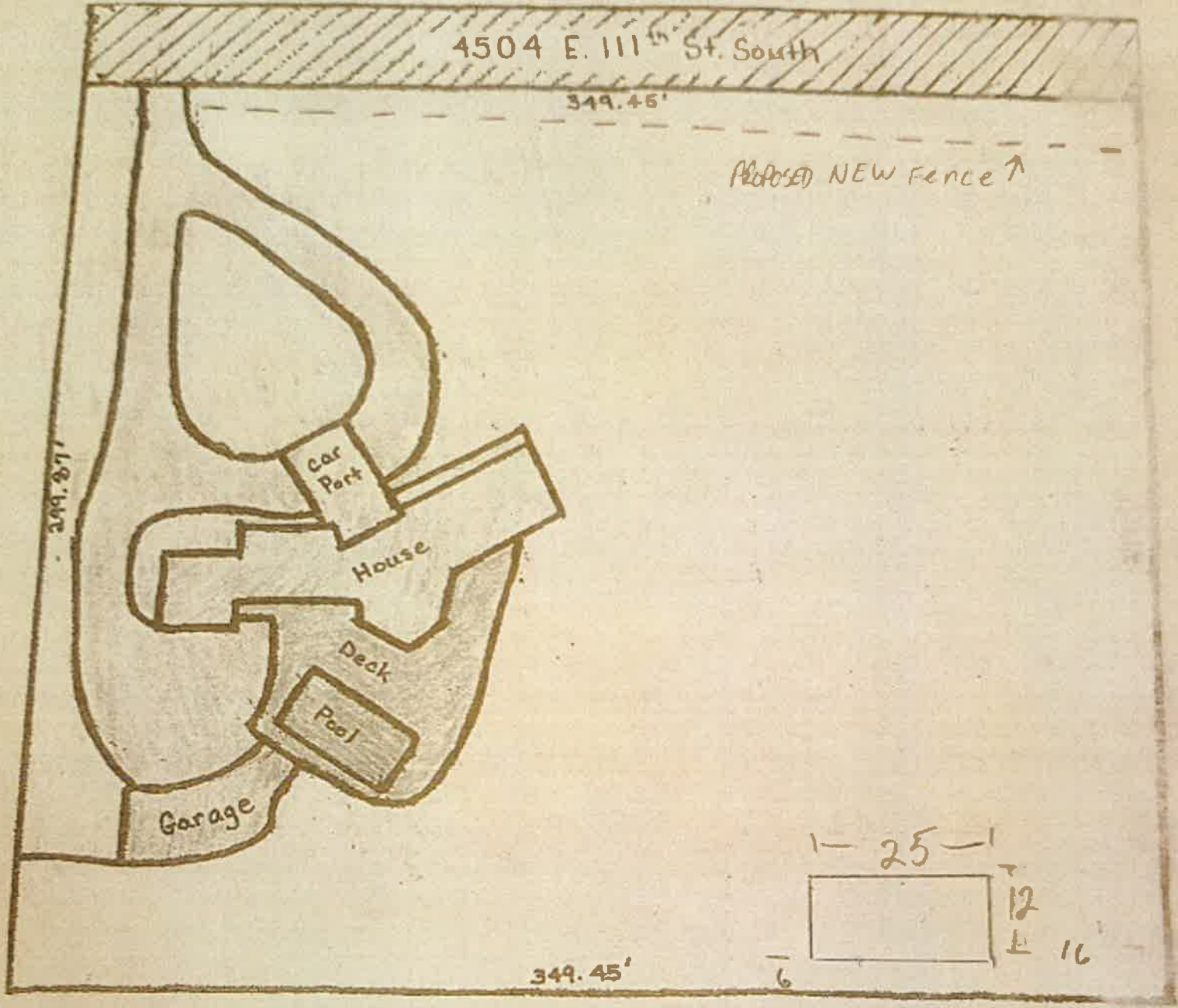
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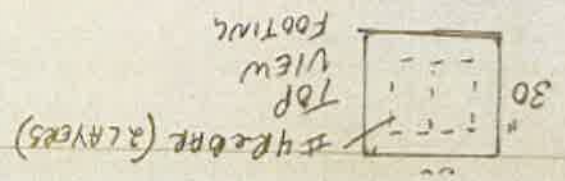
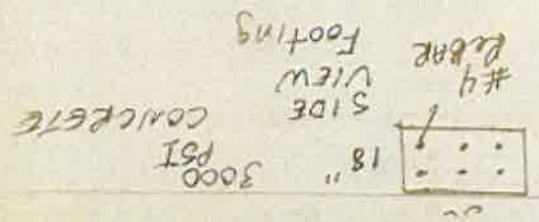
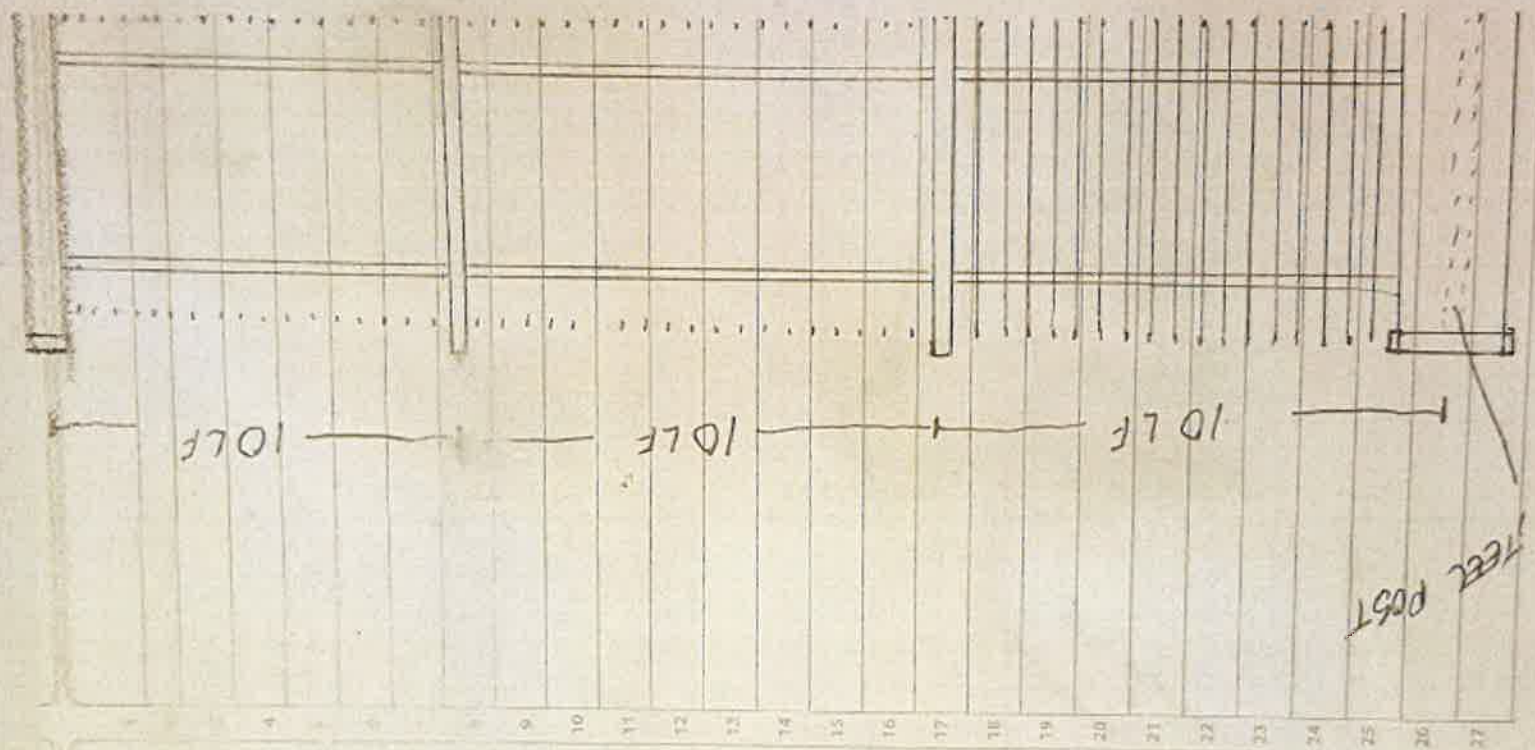
Aerial Photo Date: February 2016

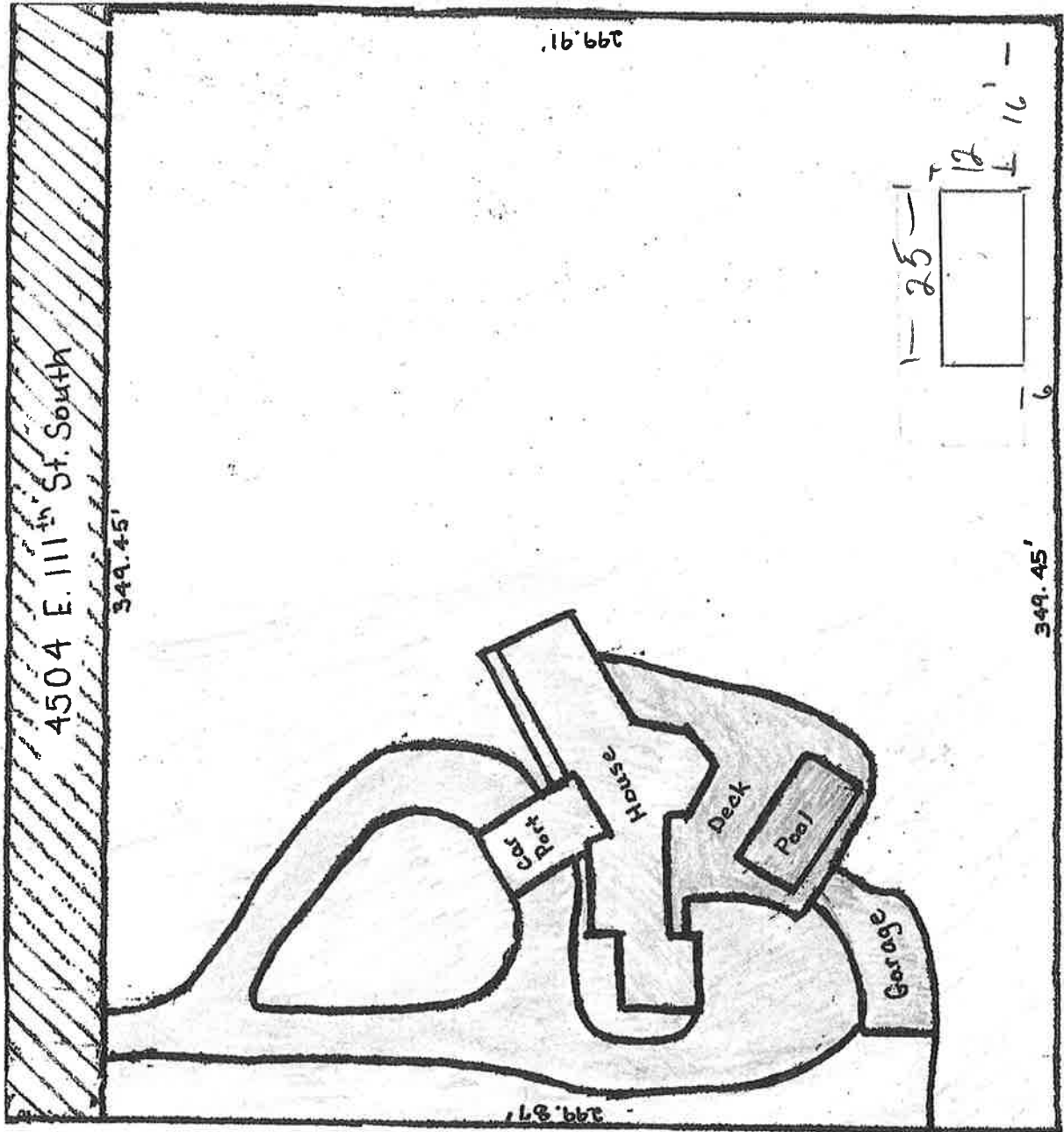


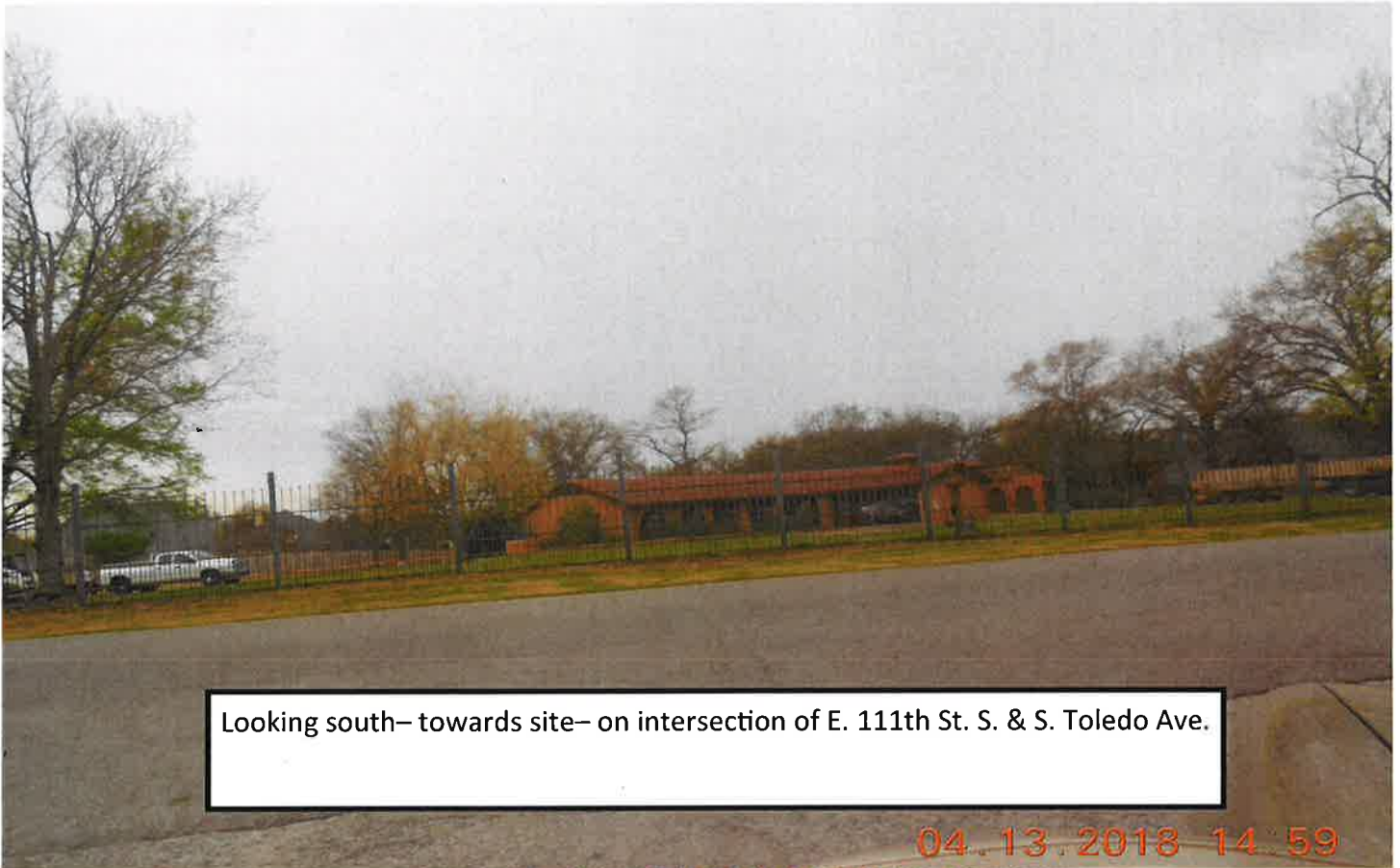
OWNER GAVE UP 5 FT OF PROPERTY FRONTAGE WHEN HE DIVIDED PROPERTY. EXISTING FENCE NOW IN RIGHT OF WAY WE WANT TO MOVE EXISTING FENCE BACK 6 FT & RE CONSTRUCT. (EXISTING FENCE IS 7 FT TALL)



10.7

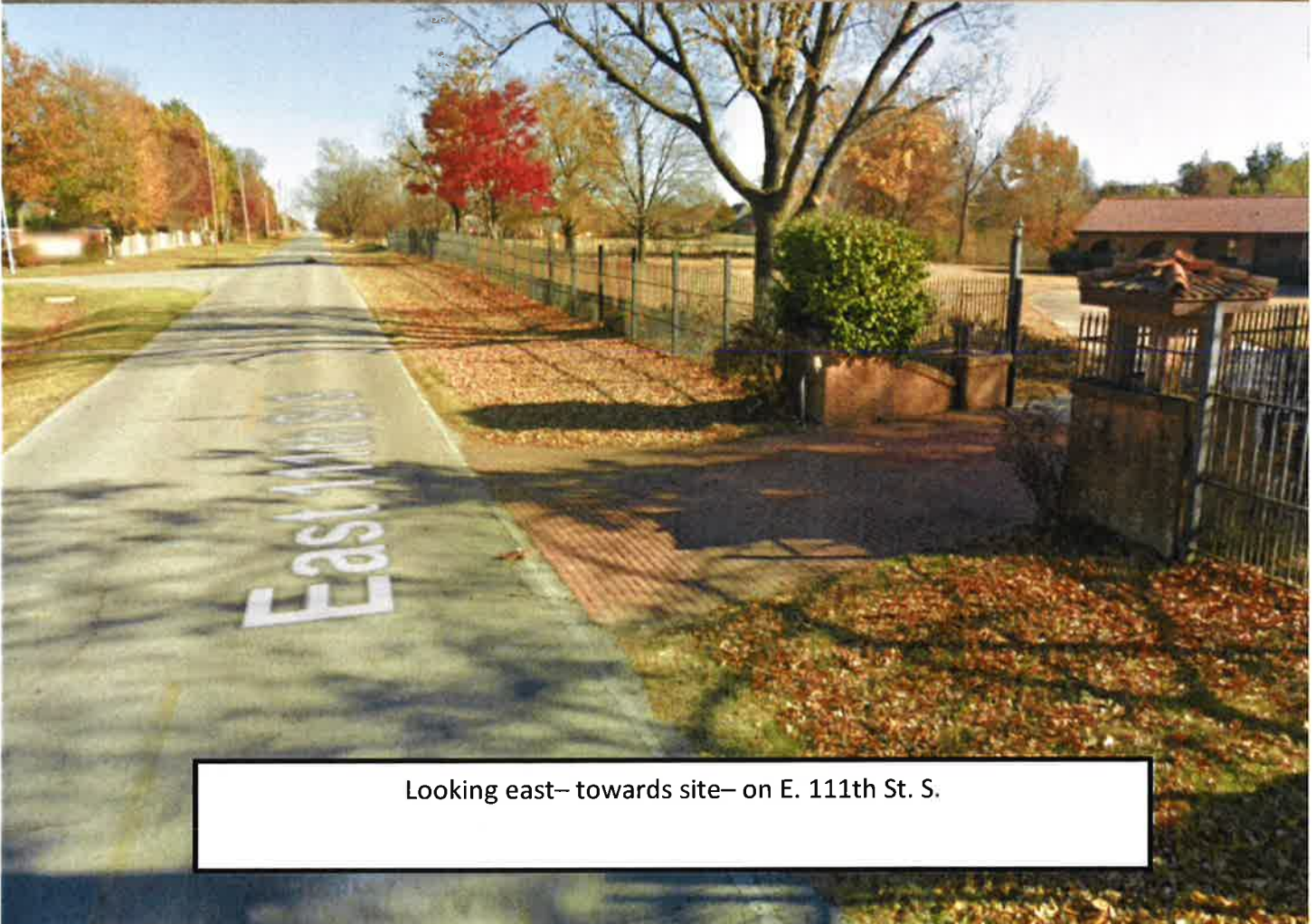




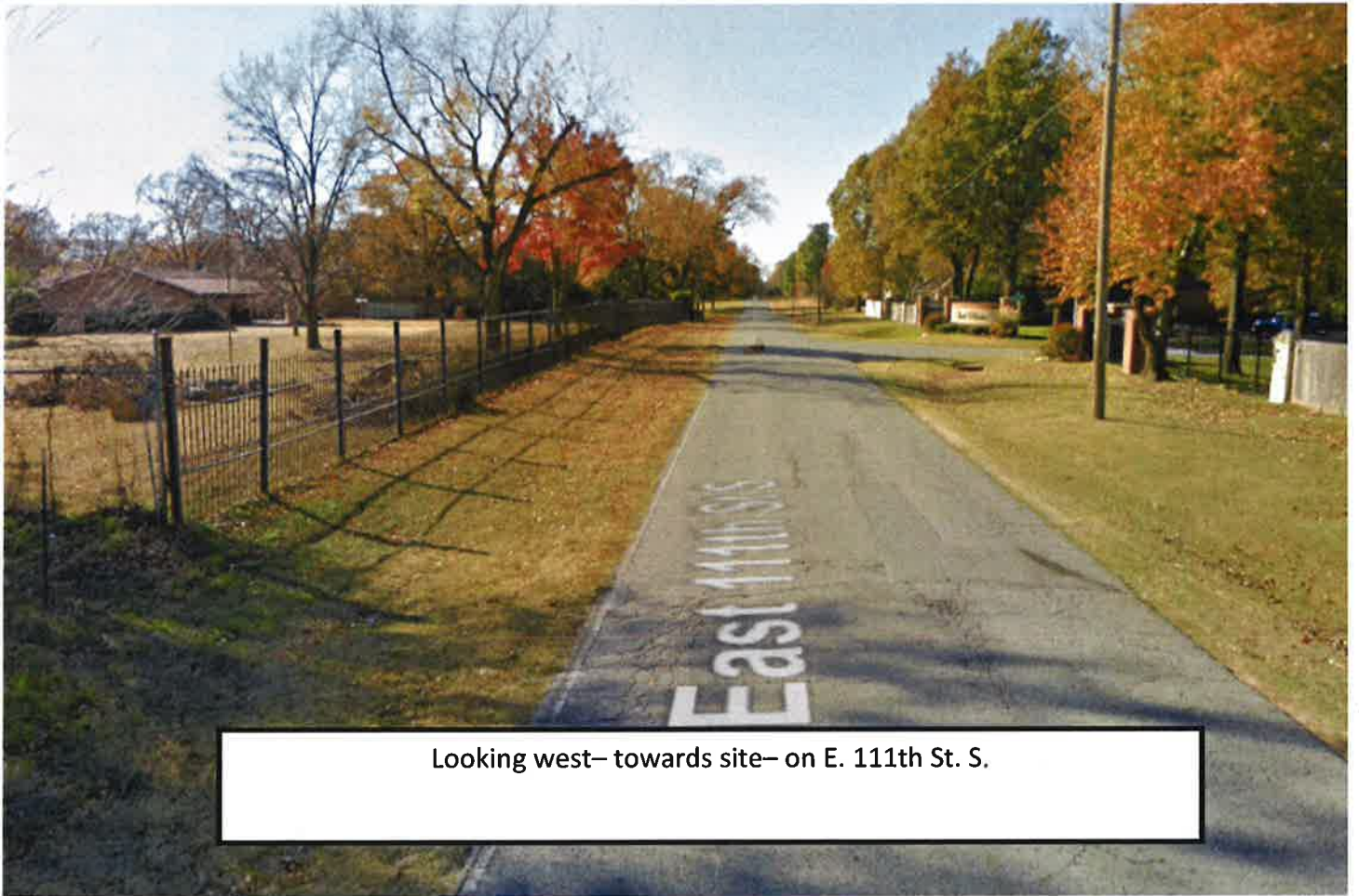


Looking south— towards site— on intersection of E. 111th St. S. & S. Toledo Ave.

04.13.2018 14:59



Looking east— towards site— on E. 111th St. S.



Looking west— towards site— on E. 111th St. S.

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:

1053447-1

February 23, 2018

KEITH MORGAN
MORGAN CUSTOM BUILDERS
20815 E 103 ST N
CLAREMORE, OK 74019

Phone: (918)549-5257

APPLICATION NO: **9541** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **4504 E 111 ST S**
Description: **ROD IRON FENCE 7 FT IN HEIGHT ON THE FRONT OF PROPERTY**

INFORMATION ABOUT SUBMITTING REVISIONS

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

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REVIEW COMMENTS

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WWW.CITYOFTULSA-BOA.ORG

Application No. 9541

4504 E 111 ST S

February 23, 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.

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However' in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in 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.

****** Gates with controlled access to property will require KNOX access per the Fire Marshal. Please feel free to contact Rick Bruder 918-596-9689 to obtain information on how to get this in place.

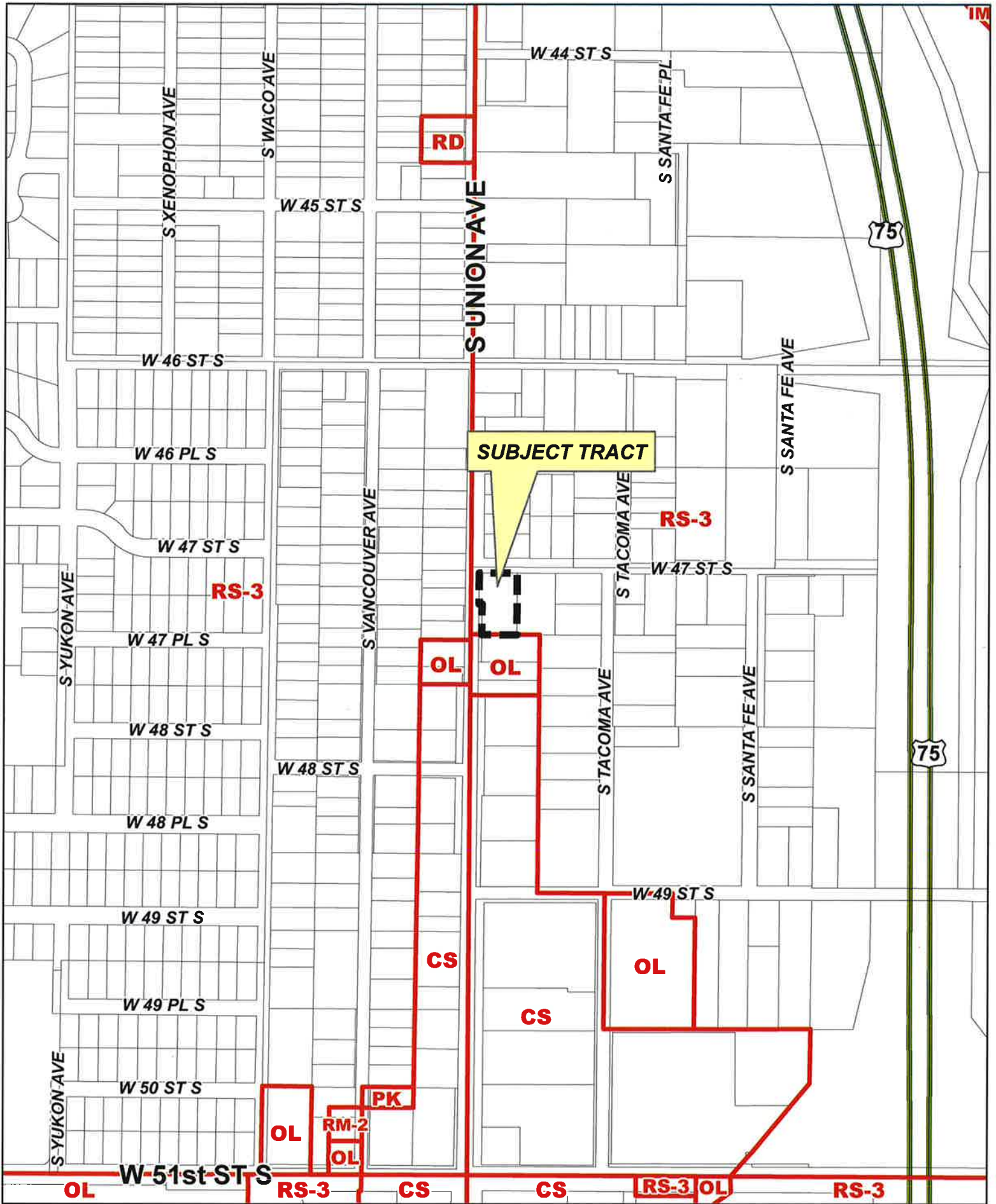
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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-22429

19-12 26

11.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9226

Case Number: **BOA-22429**

CZM: 46

CD: 2

A-P#:

HEARING DATE: 04/24/2018 1:00 PM

APPLICANT: Dai Khaung

ACTION REQUESTED: Special Exception to allow a fence to be greater than 4 feet within the street setback (Sec. 45.080-A)

LOCATION: 4701 S UNION AV W

ZONED: RS-3

PRESENT USE: church

TRACT SIZE: 24001.66 SQ FT

LEGAL DESCRIPTION: W 125' LTS 16 & 17 LESS W10 LT 16 BLK 3, SUBURBAN HIGHLANDS

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA 12303: on 12/2/82 the Board approved a Variance of the setback from the centerline of Union Avenue from 85' to 75'; Variance of the required 25' setback from the abutting R district; Variance of the setback of the south and east from 25' to 15'.

BOA 11480: on 7/11/81 the Board approved a Special Exception to allow a church and associated day care in a RS-3 zoned district.

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 **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.

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

11.2

REVISED 4/18/2018

sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

ANALYSIS OF SURROUNDING AREA: The subject tract is a RS-3 zoned with an existing religious assembly use. The parcel is surrounded RS-3 zoned residences to the north and east; to the east is OL zoned parcels; and S. Union Ave. abuts the parcel to the west.

STAFFCOMMENTS:

The applicant is proposing a fence that is within the required street setback along S. Union Ave and W. 47th St. S. The proposed fence will surround a large RS-3 zoned lot. The required street setback in an RS-3 zoned district is 25 feet.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback S. Union Ave and W. 47th St. S. 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.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a fence to be greater than 4 feet within the street setback (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.

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record-
Request to allow more than one dwelling on one lot of record. This
property is located at 1530½ North Xanthus Avenue.

Presentation:

Chester Palmer, 536 East 65th Place North, was present and submitted a letter from Public Service Company of Oklahoma confirming the electrical service to this address (Exhibit "H-1"). The letter indicates that there has been electrical service provided for the garage apartment since 1965.

Presently on the property is a duplex and a garage apartment, which is being remodeled. Mr. Palmer intends to provide two living quarters in the garage apartment, one above and one below. He advised that it would be an asset to the neighborhood. If the garage apartment would not be approved for two dwelling units, Mr. Palmer requested permission to enclose the outside stairway making a single-family unit.

Protestants: None.

Comments:

Discussion ensued concerning the use of the property and Mr. Gardner advised that the subject tract is zoned under the single-family zoning classification. The Board could approve a total of three (3) dwelling units if the applicant could prove that they have a nonconforming use. However, a total of four (4) dwelling units would not be appropriate for this area.

Mr. Smith advised that the applicant has failed to show a hardship.

Mrs. Miller advised that the applicant has an application for a building permit to add a fourth dwelling on the property and to remodel it, but the application has been denied.

Mr. Jackere advised that if the fourth unit is approved, the Board would be setting a precedent in the subject area. If the Board denies the application, the applicant would be permitted the three dwelling units if he can prove a nonconforming use of the garage apartment to the Building Inspector.

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 DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow more than one dwelling on one lot of record, on the following described property:

The North 55' of Lot 10, Block 3, Kinlock Park Addition, an
Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential
Districts - Request for a variance of the setback from the centerline

Case No. 12303 (continued)

of Union Avenue from 85' to 75', and a variance of the required 25' setback from the abutting R District, and a variance of the setback of the south and east from 25' to 15'. This property is located at the SE corner of 47th Street and Union Avenue.

Presentation:

Henry Penix, 4145 South Rockford Place, was present representing the God Alive Tabernacle and submitted a plot plan (Exhibit "I-1"), a floor plan (Exhibit "I-2"), and a drawing depicting the completed structure (Exhibit "I-3"). Mr. Penix advised that the Board previously approved the use for a church building and day care facility, subject to the applicant submitting a plot plan. The use was approved approximately a year and a half ago and construction has not yet begun. The additional variance has also been requested by the applicant. Mr. Penix advised that the parking has been changed to meet their parking needs.

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 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Union Avenue from 85' to 75', a variance of the required 25' setback from the abutting R District, and a variance of the setback of the south and east from 25' to 15', per plot plan submitted, on the following described property:

The West 125' of Lots 16 and 17, Block 3, Suburban Highlands
Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12304

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to expand existing church and parking lot. This property is located at 2111 South Darlington Avenue.

Presentation:

E. W. Pruitt, 2111 South Darlington Avenue, was present representing the Berean Baptist Church, and submitted a copy of the site plan (Exhibit "J-1"), and a plot plan (Exhibit "J-2"). The Church intends to expand their existing church facility by adding a new education building to be used for classroom space and plans to expand the parking lot area.

Protestants: None.

Comments:

Discussion ensued concerning the parking area and the conformity of the existing building. Mr. Pruitt advised that the main entrance is on the west side and parking on the west side has been in place since 1955. Mrs. Miller, Protective Inspections, advised that the Church has nonconforming parking lot use on the west. She stated that there was not a parking requirement until 1970. The applicant is not required to provide parking for classroom space because the Zoning Code

11472 (continued)

22.05792 acres, and Tract 1, a portion of the above described tract more particularly described as follows, to-wit: Beginning at a point, said point being the SE corner of said SW/4 of the SW/4 of Section 16, Township 19 North, Range 14 East, Tulsa County, Oklahoma, and running thence North 89°-58'-47" West a distance of 444.80' to a point; thence North 00°-05'-56" East a distance of 500.54' to a point; thence South 89°-59'-06" East a distance of 444.57' to a point; thence South 00°-04'-22" West a distance of 500.58' to the point of beginning and containing 5.11 acres, more or less.

11480

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) request an exception to permit church use and a day nursery on the property; and, a Variance (Section 1205.3 (a) .1 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670) request for a variance of the lot area of one acre. This property is located on the southeast corner of 47th Street and Union Avenue.

Presentation:

Mr. Jones advised the Board that this application had been continued from the May 28th meeting in order for the applicant to provide the Board members with a plot plan.

Henry Penix, 4145 South Rockford Place, was present to address the Board and submitted a floor plan of the proposed structure with the parking layout design attached (Exhibit "D-1"). Mr. Penix advised that the proposed day nursery would operate from 7:00 a.m. to 5:30 p.m., with accommodations for 15 to 20 children.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Penix if the nursery would be a profit-making public facility. Mr. Penix explained that proceeds from the nursery would be channeled into church funds, but would not be utilized solely during church service times--that children of working parents would be placed in the nursery.

Remarks:

Mr. Gardner noted that the key consideration to granting the variance of the lot area of one-acre was the size of the auditorium, since that space was the determining factor in calculating the number of parking spaces required. Through quick calculation, Mr. Gardner estimated the number of parking spaces needed to be approximately 46, and that the applicant would be building to the maximum on the site and would encounter considerable problems if expansion was to occur in the future.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith

6.11.81:337(6)

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"absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680) to permit church use and a day nursery on the property; and, a Variance (Section 1205.3 (a) .1 - Community Services, Cultural and Recreational Facilities - Under the Provisions of 1670) of the lot area of one-acre, per plot plan submitted, with the hours of operation of the day nursery to be from 7:00 a.m. to 6:00 p.m., with a maximum number of children to be 20, on the following described property:

The West 125' of Lots 16 and 17, Block 3, Suburban Highlands Addition to the City of Tulsa, County of Tulsa, Oklahoma.

11484

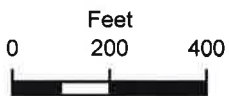
Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) request for a variance of the setback on the corner lots from 25' to 15' (front yard) in an RS-3 District; and, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Special Exception Uses in Residential Districts, Requirements (duplex use) - Under the Provisions of Section 1680) request for an exception to permit duplex use in an RS-3 District. This property is located in the 6700 block east on 79th Street South.

Presentation:

Mr. Jones advised the Board that this application had been continued from the May 28th meeting due to the fact that the legal notice needed to be republished.

Roy Johnsen, 324 Main Mall, representing Mr. and Mrs. Roger McWilliams, was present to address the Board and submitted a plot plan of Deer Hollow Estates II, a resubdivision of Deer Hollow Estates, (Exhibit "E-1"). Mr. Johnsen advised that Mr. and Mrs. McWilliams had acquired approximately 9 acres which had been platted as Deer Hollow Estates and, that in May of 1978, the Board granted an exception to permit duplex use on fourteen (14) of the lots originally platted. Mr. Johnsen explained that this particular application encompassed the remainder of the lots within Deer Hollow Estates which had been replatted from what was initially 15 single family lots into 12 lots, and that the duplex use was being sought as it had been in May of 1978. Mr. Johnsen further stated that, of the 14 lots that had previous approval of duplex use, two lots had completed duplex dwellings on them and a third lot had a duplex dwelling nearing completion on it; otherwise, the remaining lots are undeveloped. Mr. Johnsen cited several areas in which duplex use property in, near, and adjacent to single family neighborhoods exists. Mr. Johnsen advised that the area to the north, Sheridan Valley, was undeveloped to date, but that he had been advised by the owners of those lots that there would be no objection on their part of duplex use as proposed in Deer Hollow Estates II. Mr. Johnsen advised that property further south, PUD #222, had been designated for shopping, and that the property immediately south of the property under application for duplex use were four lots in which two had existing



Subject
Tract

BOA-22429

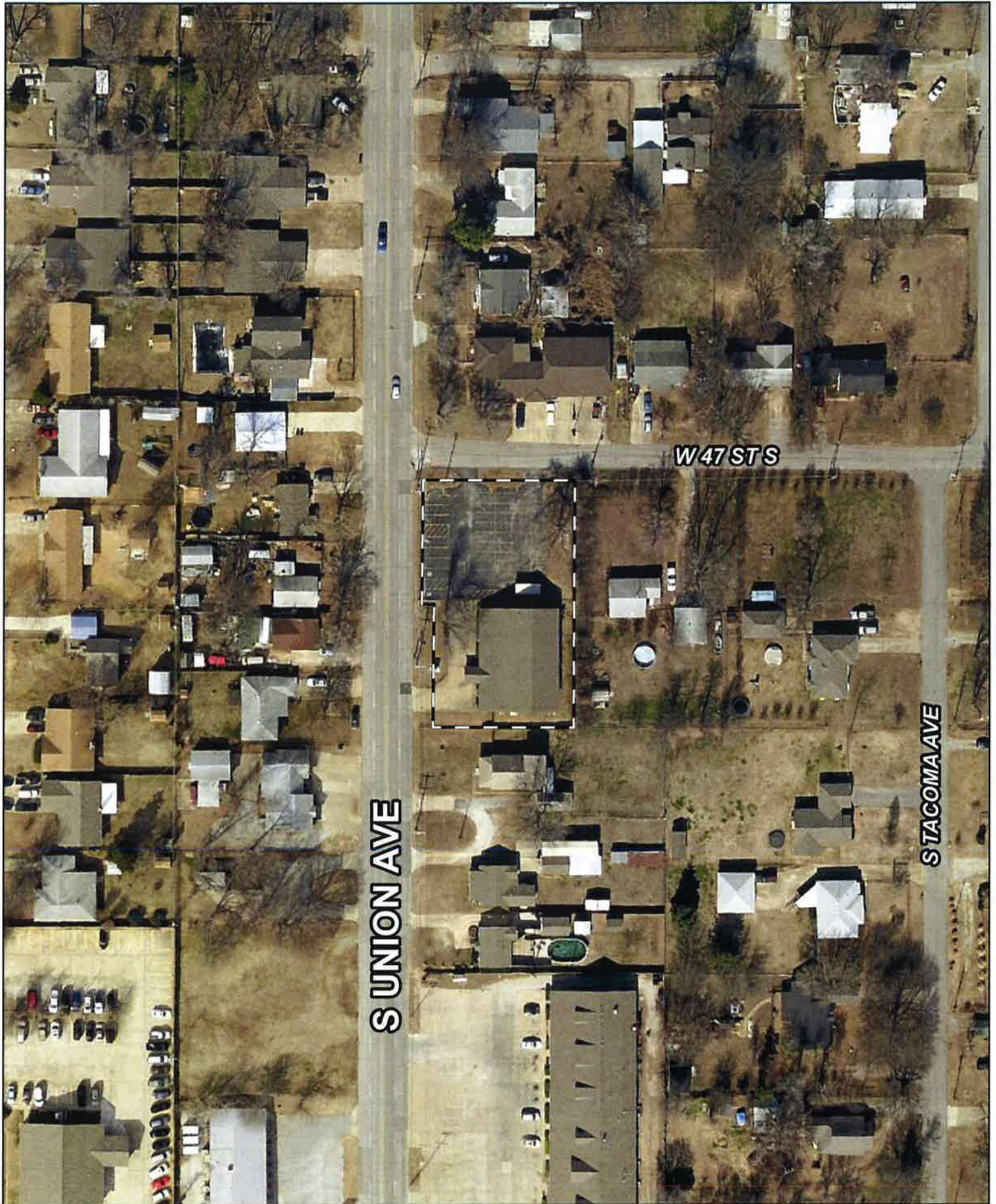
19-12 26

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

Aerial Photo Date: February 2016

11.8





S UNION AVE

W 47 STS

STACOMA AVE

0 50 100
Feet



Subject
Tract

BOA-22429

19-12 26

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

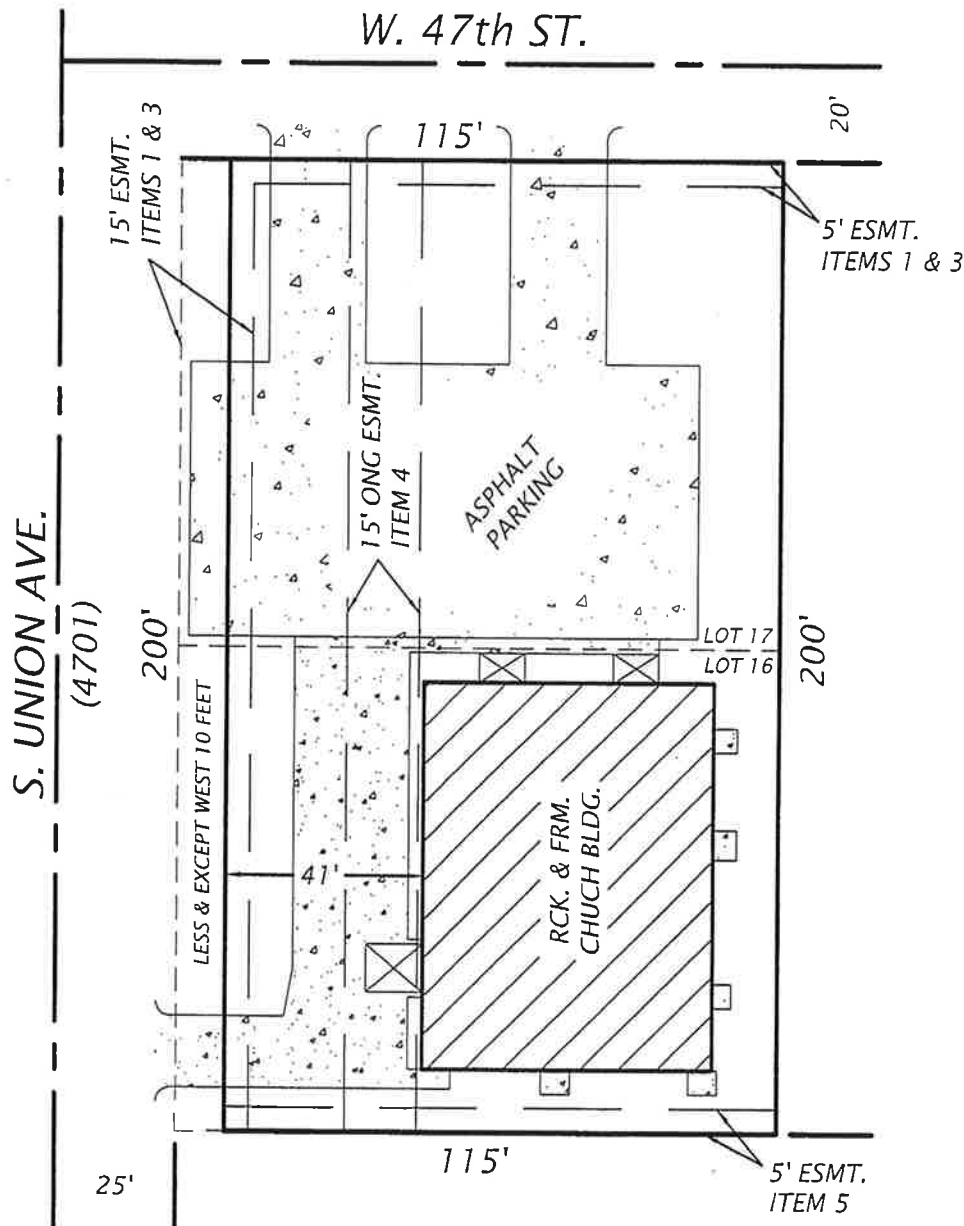
Aerial Photo Date: February 2016

11.9



SEE ATTACHMENT
FOR LEGAL DESCRIPTION
AND EASEMENT INFORMATION

SCALE
1" = 40'
PLAT NO. 710



SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#40143C0332L, DATED 10/16/12

Property address: 4701 South Union Avenue, Tulsa, Oklahoma

SURVEYORS STATEMENT

I DARRELL BIBLE PROFESSIONAL LAND SURVEYOR DO HEREBY STATE THAT IN MY PROFESSIONAL OPINION, THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED, FENCING NOT SHOWN: THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION ONLY FOR THE MORTGAGEE AND IS NOT A LAND OR BOUNDARY LINE SURVEY. THAT NO PROPERTY CORNERS WERE SET, AND IS NOT TO BE USED OR RELIED UPON, FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER IMPROVEMENTS. THAT UNDERGROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS INSPECTION PLAT UNLESS SPECIFICALLY REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT WAS PREPARED SOLELY FOR THE CLIENT LISTED HEREON AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITIES ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT. BURIED SERVICE CABLE LOCATIONS ARE APPROXIMATE, CALL OKIE BEFORE DIGGING 1-(800)-522-6543

LEGEND

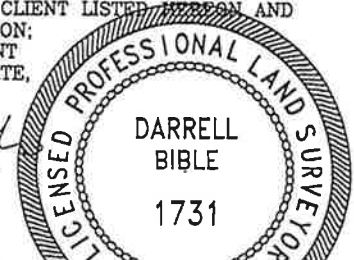
B/L=Building Line

U/E=Utility Esmt.

R/W=Right of Way

R/D=Right of Deposit

Darrell Bible
OKLAHOMA REGISTERED
LAND SURVEYOR NO. 1731



11.10



AMERICAN EAGLE LAND SURVEYING, LLC

2023 West 111th Street, Jenks, Ok 74037

Ph 918-640-4162 Fax 918-894-5248

darrellbible@gmail.com

Order No: 1711119

“ATTACHMENT”

EASEMENT INFORMATION

LOTS 16 & 17, BLOCK 3,
SUBURBAN HIGHLANDS
Tulsa County, Oklahoma

1. Easement shown at page 109 of the abstract to Tulsa County, State of Oklahoma, filed February 4, 1955, in Book 2537 at Page 584 applies to and affects subject property as shown.
2. Easement shown at page 113 of the abstract, for right of way, filed January 10, 1955, in Book 2529 at Page 405 applies to and affects subject property as shown.
3. Easement shown at page 145 of the abstract, to Tulsa County, State of Oklahoma, filed February 4, 1955, in Book 2537 at Page 584 applies to and affects subject property as shown.
4. Right of Way Agreement shown at page 261 of the abstract, to Oklahoma Natural Gas Company, filed November 29, 2016, Document No. 2016113017 applies to and affects subject property as shown.
5. Right of Way reserved in General Warranty Deed shown at page 160 of the abstract, filed August 4, 1983, in Book 4713 at Page 1212 applies to and affects subject property as shown.

11.11



11.12





Please notice sign in background. Fence is currently approximately 31 feet from the center of the road.



Executive Board:
Secretary 1: *Mukmyaw Khawng Naw*
Secretary 2: *Khawshin San Dong*
Treasurer 1: *Ba Great (Ah Phu Moses)*
Treasurer 2: *Nathaniel Laseng Labang*
Accountant1: *Lu Bu Aung*
Accountant2: *Seng Zin*

Myanmar Christian Assembly

Senior Pastor & President:
John Dai Khaung
Senior Pastor & Vice President:
Agu Khur Zi
Assistant Pastors:
Dai Nan (Dau N Lakum),
Ko Nge (Bawi Mang),
Htinram Pongkum, Lyle Cooper

3707 E 101st St, Tulsa, OK 74137 Ein: 47-2529430 Tel: 918-850-2504, 918-815-9650 Email: daikhaung@gmail.com

04/13/2018

Dear Members of the Zoning Board of Appeals:

I am writing to seek a fence variance for the church property at 4701 S Union Ave, Tulsa, OK 74107. As I learned that the current zoning rules say that fences must be no more than 4 feet tall in a residential district; I respectfully request a variance for an installed fence that is approximately 5 feet tall. First, we are sorry we did not even know enough to ask someone before we built the fence. We have many children at our church, and our first thought was for their safety. Two or three of these children are mentally challenged and we did not want them able to run into the very busy South Union street. Our fence, as you can see in the pictures, is very "see through." It is not meant to block entrance or vision, it is only meant to protect and prevent children from running in front of a car or truck.

The variance, if granted, will not substantially or permanently injure any adjacent, conforming property. For anyone traveling from 47th Street onto Union, it does not in any way block vision from oncoming vehicles in either direction on Union. If necessary, we are willing to adjust to make the fencing a short 45 degree corner to make visibility issue eased.

The Fence will be five feet high in the front of the property as well as the side, as shown on the drawing. On the West side of the property, facing South Union Street, it will be placed 35 feet and 6 inches from the centerline of S Union Street, due to a ten foot Oklahoma Natural Gas easement, and on the North side, the fence will be placed 25 feet and 6 inches from the center of 47 th Street. We have 25 parking spaces with painted lines, in the area on the drawing marked "Asphalt Parking." Each space is approximately 8 feet by 16 feet. There is also a parking space in front of building, to the south of the awning, for the Pastor, but not marked.

There are no sidewalks alongside Union or 47th Street, abutting this property. There is a sign located near the Union edge of property approximately in line with the front door of the church. The sign is approximately 6 feet wide and 8 feet tall. Please see the attachments to support our appeal.

Sincerely yours,

Dai Khaung



ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: March 12, 2018

FIRST BAPTIST CHURCH OF SAND SPRINGS
SOUTH SIDE INC
4701 S UNION
Tulsa, OK 74107

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **W 125' OF EACH LTS 16 17 BLK 3, SUBURBAN HIGHLANDS**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **4701 S UNION AV W**

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

Title 42, Chap. 45, Sect. 080, A,
Title 42, Chap. 45, Sect. 70, 120, A
Title 42, Chap. 5, Sect. 030, A,

This Violation requires:

Fencing in a front yard may not exceed four (4) feet in height and side and back fencing may not exceed eight (8) feet in height. Lower to 4 ft. You can apply for a request to permit a fence over height in the front yard with the Board of Adjustments 584-7526.

*****A final recheck is set for 3-26-18.**

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

Complaint No: 122826

Devin Lucas

DEVIN LUCAS
Neighborhood Inspector
(918)596-7596 Office phone
918-576-5468 Fax

Meetings with Inspectors require a scheduled appointment.

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

Federal National Mortgage Association
14221 Dallas Pkwy Ste 100
Dallas, TX 75254

First Oklahoma Bank
P.O. Box 1370
Jenks, OK 74037-1370

Title 42, Chap. 45, Sect. 080, A.

Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

Title 42, Chap. 45, Sect. 70, 120. A

Only those special exceptions expressly authorized in this zoning code may be approved as special exceptions.

11.17

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BOARD OF ADJUSTMENT CASE REPORT

STR: 8312

Case Number: BOA-22430

CZM: 53

CD: 7

A-P#:

HEARING DATE: 04/24/2018 1:00 PM

APPLICANT: Ali Farooqui

ACTION REQUESTED: Verification of the 300 foot spacing requirement for a bar from public parks, schools, other bars and religious assemblies; and the public entrance doors 50 ft. from an R-zoned lot. (Sec.40.050). Variance of the 300 ft spacing requirement between bars to permit more than one bar in the same commercial center. (Section 40.050-A.3)

LOCATION: 8234 E 71 ST S

ZONED: CS

PRESENT USE: Commercial Shopping Center

TRACT SIZE: ± 4.2 acres

LEGAL DESCRIPTION: N430 LT 3 BLK 1, SKYVIEW ACRES, EL PASEO RESUB L2-3 B1 SKYVIEW ACRES, TESORO ADDN RESUB N556 L4 B1 EL PASEO ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is within a PUD (PUD-179) and surrounded by commercial uses.

STAFF COMMENTS:

The proposed bar is located in a PUD (PUD-179) with CS as the underlying zoning. A bar is an allowed use in the PUD and permitted in the CS district as a use by right – subject to complying with the spacing requirements provided in Sections 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CS district:

1. *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.*

2. *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.*

3. *Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.*

Attached is a site plan indicating a spacing radius of 300 ft. from the perimeter walls of the proposed bar. The attached site plan shows uses within the 300 ft. spacing radius. Staff visited the site and there do not appear to be any public parks, churches, or schools within 300 ft. of the proposed bar.

The submitted drawing indicates that the proposed bar appears to be within 300 feet of an existing bar within the larger commercial shopping center. The applicant has requested a **Variance** as Section 40.050-A of the Code states that bars may not be located within 300 feet of any other bar.

The intent of the 300 ft. spacing requirement is to prevent clustering of bars so as to mitigate and disperse the potential negative impacts of such uses (parking, noise etc...) particularly as the potential impact(s) are imposed on surrounding neighborhoods.

Sample Motion:

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 bar or other conflicting use be established prior to the establishment of the proposed bar.

The Board may consider any condition it deems necessary and reasonably related to the requested variance to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Move to _____ (approve/deny) a **Variance** of the 300 ft spacing requirement between bars to permit more than one bar in the same commercial center. (Section 40.050-A.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 _____.

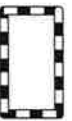
The Board finds that the following facts, favorable to the property owner, have been established:

- "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."*



E 71st ST S

0 50 100
Feet



Subject
Tract

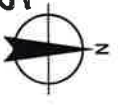
BOA-22430

18-13 12

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

Aerial Photo Date: February 2016

12.5



0 200 400
Feet



Subject
Tract

18-13 12

BOA-22430

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2016

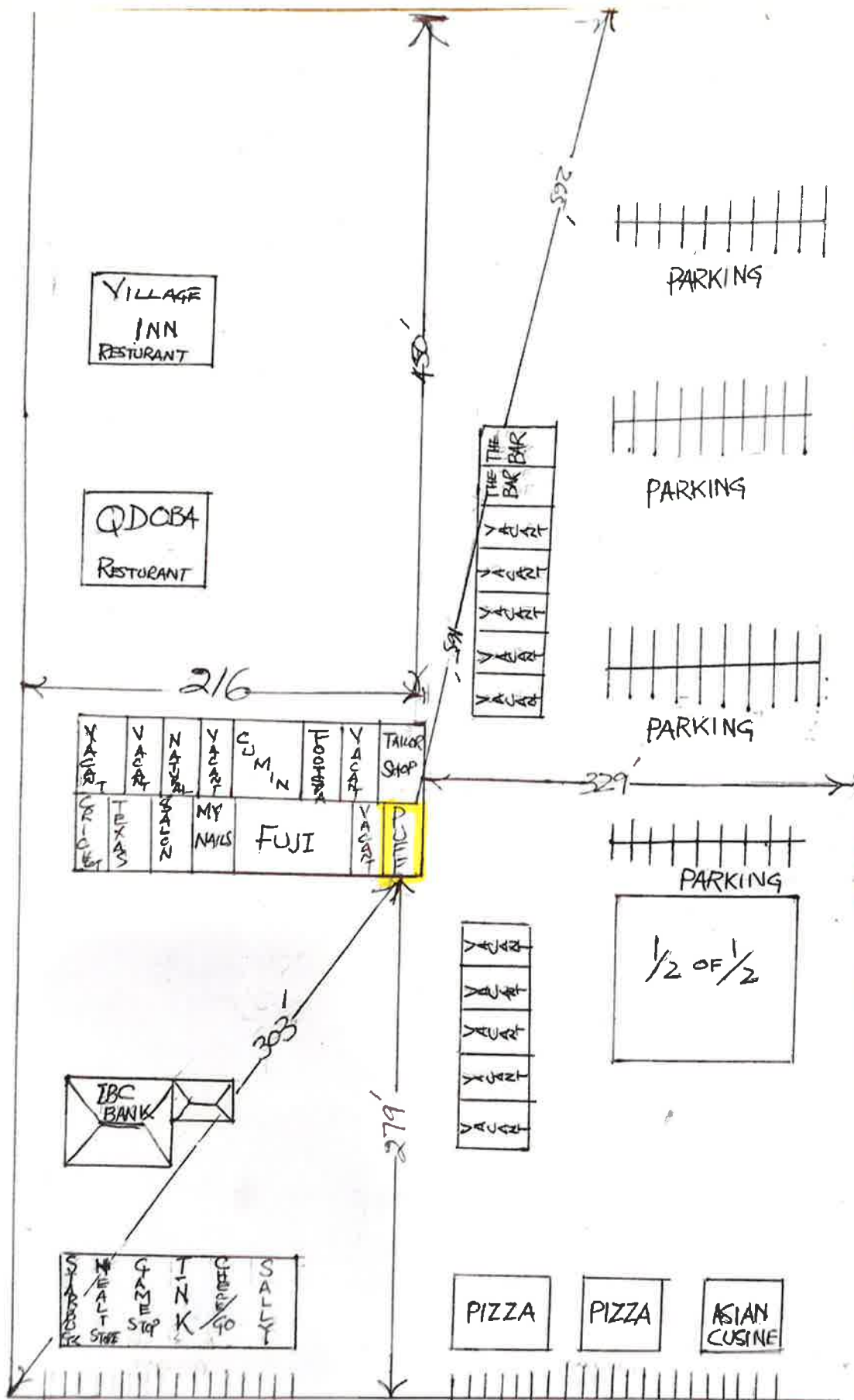




14:38

12.7





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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1057895-1

March 16, 2018

MUHAMMAD AMANAT
HOOKAH LOUNGE
11725 S MEMORIAL DR
BIXBY, OK 74008

Phone: (918)261-8684

APPLICATION NO: 9586 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 8234 E 071 ST S
Description: HOOKAH LOUNGE/BAR

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)

12.10

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. 9586

8234 E 071 ST S

March 16, 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.

Sec.40.050-A: The proposed Hookah Lounge/Bar is located in PUD zoning district 179-C and is subject to the following separation distance requirements:

1. 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.
2. Bars may not be located within 300 feet of a public park, school or religious as-assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.
3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.
4. 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.
5. 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.

Review comment: Submit two copies of a spacing verification for the proposed Hookah Lounge/Bar that has been reviewed and approved by the BOA per Sec.70.110.

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

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

END – ZONING CODE REVIEW

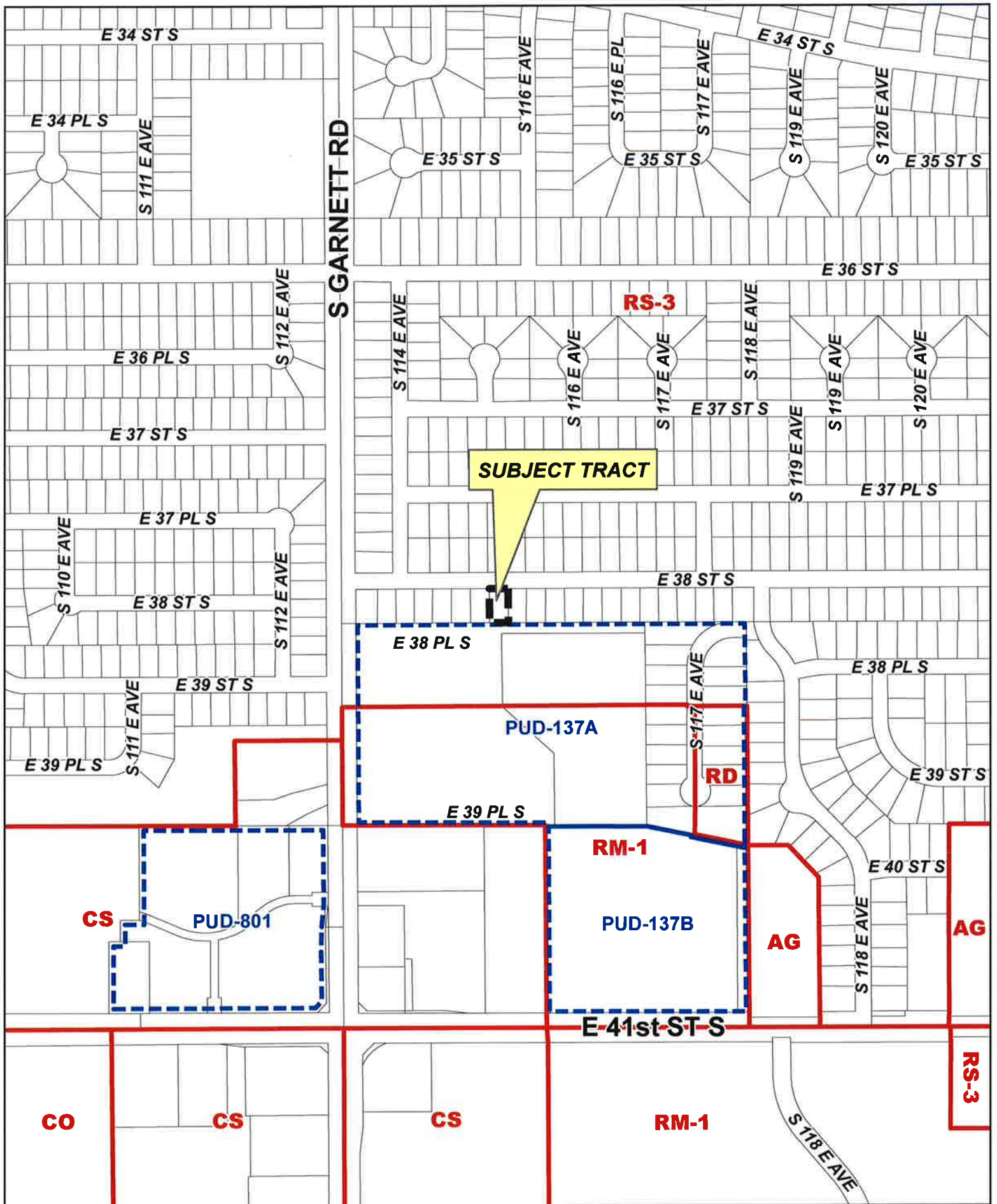
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

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BOA-22432 – BRIAN HENLEY

**STAFF REQUESTS A CONTINUANCE TO MAY 8, 2018;
ADDITIONAL RELIEF NEEDED**



BOA-22433

19-14 20



BOARD OF ADJUSTMENT CASE REPORT

STR: 9420

Case Number: **BOA-22433**

CZM: 49

CD: 6

A-P#:

HEARING DATE: 04/24/2018 1:00 PM

APPLICANT: Francisco Ruiz

ACTION REQUESTED: Special Exception to allow a 20' x 20' carport located in the 25 ft. street setback in an RS-3 zoned dsitric (Section 90.090-C.1)

LOCATION: 11424 E 38 ST S

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 7034.97 SQ FT

LEGAL DESCRIPTION: LT 14 BLK 13, 4100 EAST, GARNETT PARK 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 tract is abutting RS-3 zoned residential lots to the north, east, and west; to the north is a large PUD zoned multi-family use.

STAFF COMMENTS:

The applicant is requesting a **Special Exception** to allow a 20' x 20' carport to be located in the 25 ft. street setback in an RS-3 zoned district (Section 90.090-C.1).

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 proposed carport will meet the size requirement.

The Code's street setback requirement for carports is intended to ensure that carports located within the street setback are compatible with a minimum desired residential character found in the neighborhood and do not hinder transparency for other vehicles.

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to allow a 20' x 20' carport located in the 25 ft. street setback in an RS-3 zoned district (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.



0 50 100
Feet



Subject
Tract

BOA-22433

19-14 20

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

Aerial Photo Date: February 2016



14.4



0 200 400
Feet



Subject
Tract

BOA-22433

19-14 20

Note: Graphic overlays may not precisely
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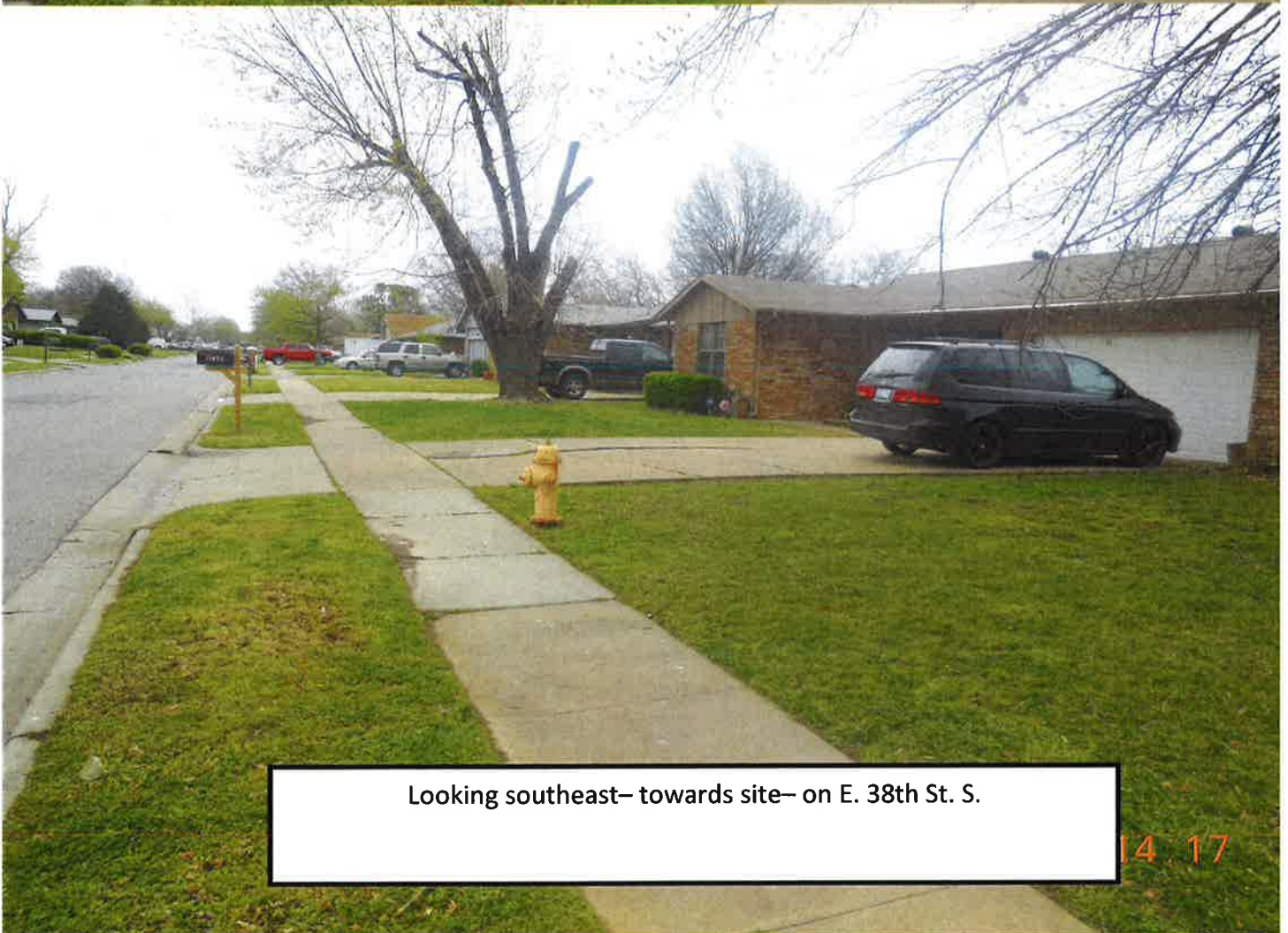
Aerial Photo Date: February 2016



14.5



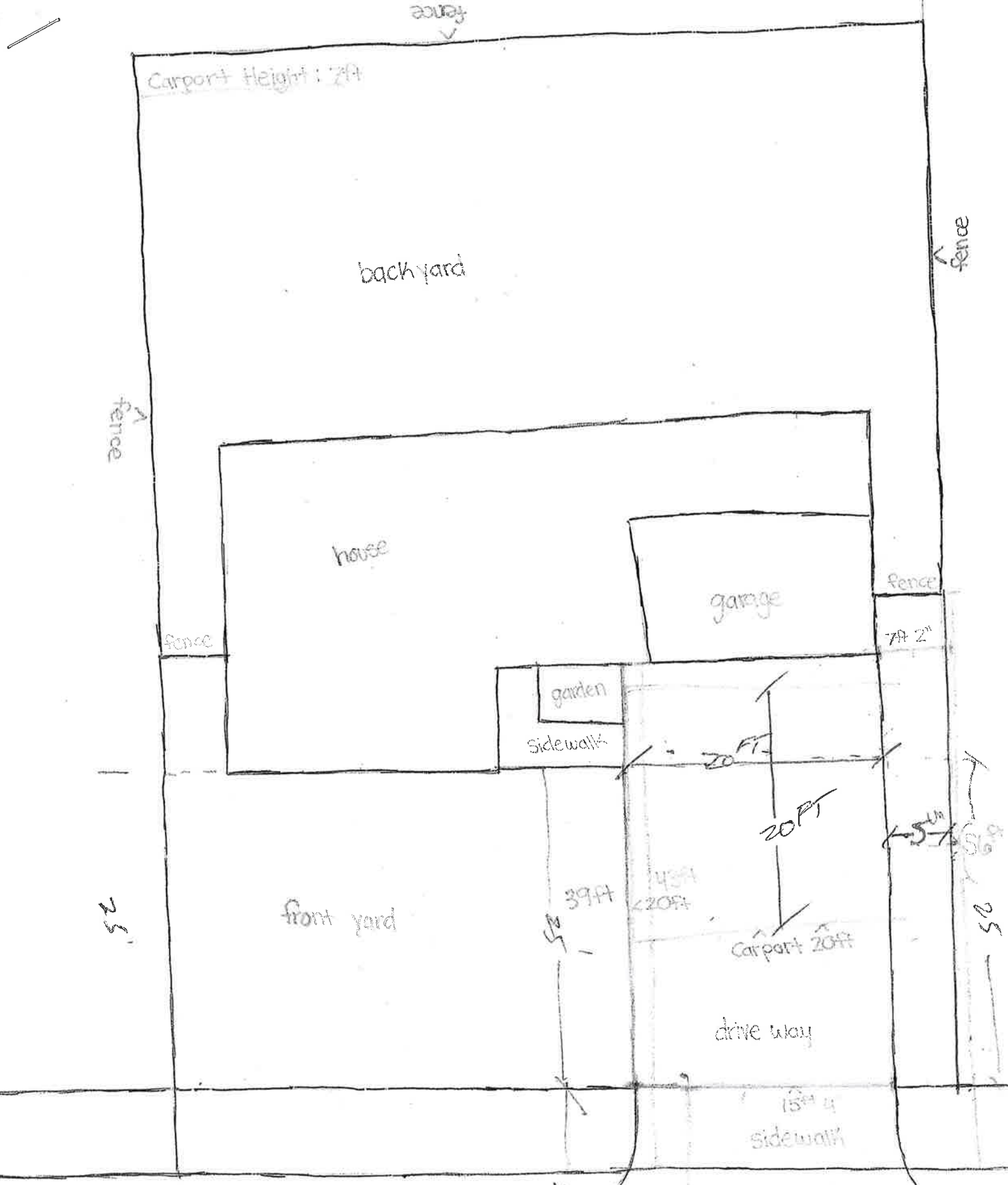
Looking southeast- towards site- on E. 38th St. S.



Looking southeast- towards site- on E. 38th St. S.

14.17

14.6



LOT 14 BLK 13
 GARRETT PARK ADDEN
 11424 E. 38TH ST.

street

14.7

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1058869-2

March 22, 2018

FRANCISCO RUIZ
11424 E 38TH ST
TULSA, OK 74146

Phone: (918)568-6311

APPLICATION NO: 442544 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 11424 E 038 ST S
Description: ADDITION

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

IMPORTANT INFORMATION

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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. 442544

11424 E 038 ST S

March 22, 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:

Review comment: The proposed 20.0x20.0 carport is located in the 25 foot street setback in an RS-3 zoning district and 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 a copy 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

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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-22433

14.9²