

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, June 12, 2018, 1:00 P.M.

Meeting No. 1207

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of May 22, 2018 (Meeting No. 1206).

UNFINISHED BUSINESS

2. **22444—Jay Kingsley**
Variance to permit a swimming pool to be located within the street setback (Section 5.030-A, Section 90.090-C). **LOCATION:** 2929 East 56th Place South (CD 9)

NEW APPLICATIONS

3. **22446—Brett Fuller**
Variance to allow a non-all-weather parking surface material (Section 55.090-F); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). **LOCATION:** 8015 South 28th West Avenue (CD 2)
4. **22447—John Watchous**
Special Exception to allow a personal improvement use in an OM District (Section 15.020). **LOCATION:** 1222 South Lewis Avenue East (CD 4)
5. **22448—David Kvach**
Variance to permit a bar to be located within 300 feet of a religious assembly use (Section 40.050). **LOCATION:** 321 South Frankfort Avenue East (CD 4)
6. **22449—Claude Neon Federal Signs – Dale Bennett**
Variance from the requirement that no more than one dynamic display be permitted on a single lot (Section 60.080-E); Variance to increase the allowed display surface area for signs (Section 60.080-E). **LOCATION:** 200 South Denver Avenue West (CD 9)

7. **22450—Ruben Najera**
Variance of the dustless all-weather surfacing requirement to permit a gravel driveway in the RS-3 District (Section 55.090-F). **LOCATION:** 1303 South 161st Avenue East **(CD 6)**
8. **22451—GSE Construction, Inc. – Nick Grimmett**
Variance of the required 10-foot setback in an IL District (Section 15.030-A). **LOCATION:** 1527 East 4th Place South; 1530 East 4th Street South; 404 South Trenton Avenue East **(CD 4)**
9. **22452—Justin Braichie**
Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050-A). **LOCATION:** 412 East 2nd Street South **(CD 4)**
10. **22453—Nathan Cross**
Variance to allow a detached accessory building that exceeds the maximum height requirement (Section 90.090-C.2). **LOCATION:** 2430 East 22nd Place South **(CD 4)**
11. **22454—Insignia Signs**
Variance of the allowable number of signs in an OMH District to permit two signs (Section 60.060-B); Variance of the allowable display surface area for signs (Section 60.060-C). **LOCATION:** 3209 South 79th Avenue East **(CD 5)**

OTHER BUSINESS

12. ELECTION OF OFFICERS:

Seats currently held are: Stuart Van De Wiele – Chair
 Tom Flanagan – Vice Chair
 Carolyn Back – Secretary
 Austin Bond
 Briana Ross

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

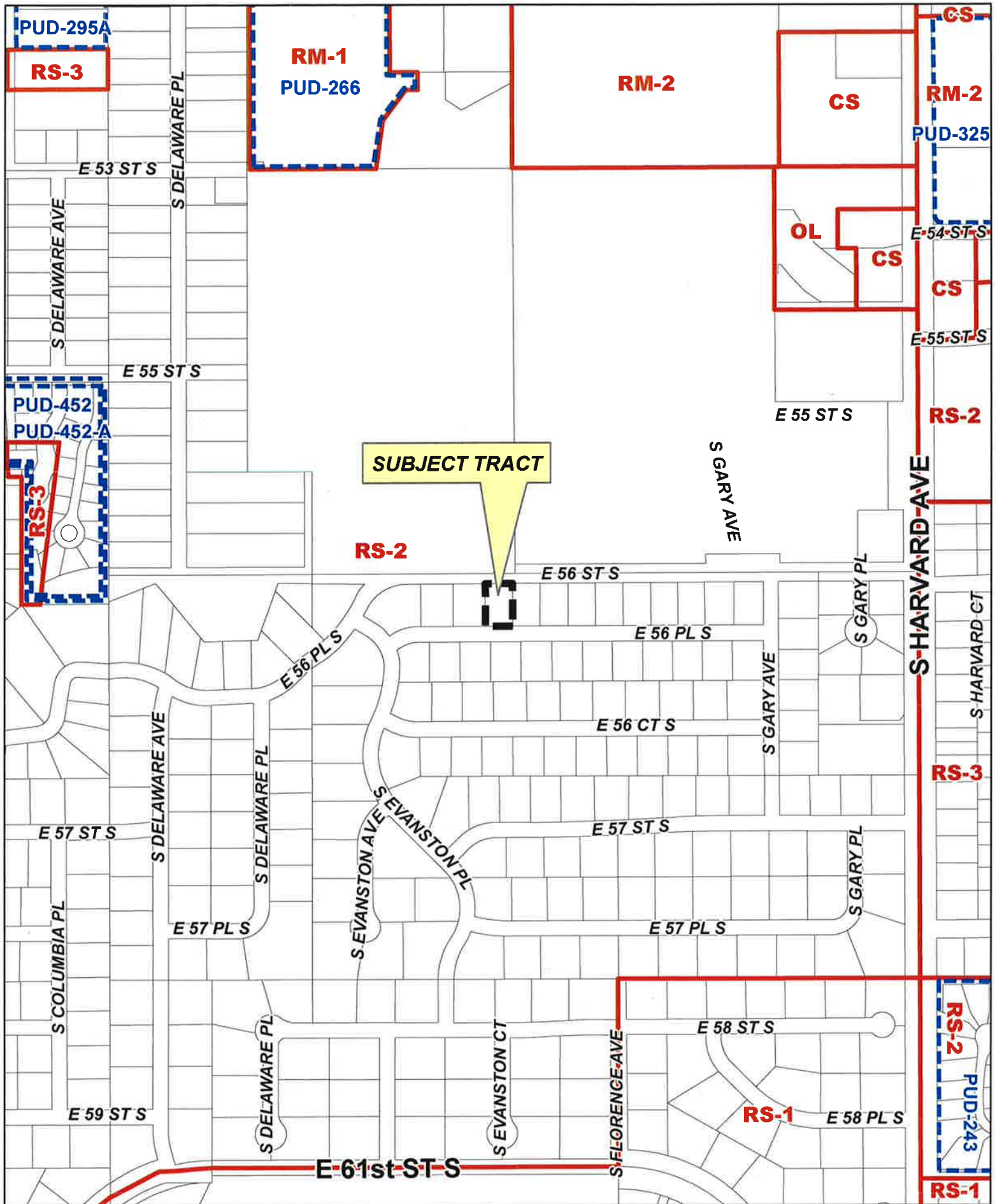
Website: www.cityoftulsa-boa.org

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-22444

19-13 32

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9332

Case Number: **BOA-22444**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 06/12/2018 1:00 PM (Continued from 05/22/2018)

APPLICANT: Jay Kingsley

ACTION REQUESTED: Variance to permit a swimming pool to be located within the street setback (Sec. 5.030-A, Sec. 90.090-C)

LOCATION: 2929 E 56 PL S

ZONED: RS-2

PRESENT USE: residential

TRACT SIZE: 12601.96 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 2, FAIRWAY ESTATES THIRD ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22101: on 6.28.16, the Board **approved** a *Variance* to reduce the required rear (street) setback to permit construction of a swimming pool (Section 90.090-C). Located; property immediately to the west of the subject site.

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

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by single-family residential uses to the south, east and west; a Junior High School abuts the site on the north.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** to permit a swimming pool to be located within the street setback (Sec. 5.030-A, Sec. 90.090-C)

Per the code, rear setbacks are measured from the rear lot line, except on double-frontage lots. On double-frontage lots, street setbacks apply from all property lines that abut streets (Section 90.090-A.3). Because of this requirement, the proposed swimming pool will be located within the street yard setback of E. 56th St. S. The RS-2 district requires that a swimming pool meet the 30 ft. street setback in an attempt to establish and preserve development intensity and a uniform development pattern within the district.

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

Sample Motion

Move to _____ (approve/deny) a Variance to permit a swimming pool to be located within the street setback (Sec. 5.030-A, Sec. 90.090-C)

- 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."

harmony with the neighborhood. Mr. Van De Wiele would like to see the one tree kept and have the applicant come back with a detailed site plan showing the landscaping, including the subject tree, and others. It sounds like the church is agreeable to a construction time frame as to when the trees would or would not be removed. Churches and church parking lots in the middle of neighborhoods are compatible with the Zoning Code. Mr. Van De Wiele appreciates Ms. Harmon's honesty and he thinks the Board could reach an approval but he would like to see a more detailed landscape plan incorporating as many of the mature trees as possible.

Mr. Bond stated that it sounds like there is good faith on both sides and a willingness to work together. The best chance to protect the trees is for the church to work with the community. He would like to see the good faith effort put together to work out a plan and reach a compromise that benefit everyone for years to come.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Special Exception** to allow a religious assembly use in the RS-3 District to permit the expansion of a parking area for an existing church (Section 55.080-D) to the Board of Adjustment meeting on July 26, 2016. The Board requests the applicant bring a detailed landscape plan to this meeting; for the following property:

E90 S140 N165 W180 E485 BLK 10; W 90 OF S 140 OF N 165 OF W 180 OF E 485BLK 10, 36TH STREET SUBURB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22101—Heather Earnhart

FILE COPY

Action Requested:

Variance to reduce the required rear (street) setback to permit construction of a swimming pool (Section 90.090-C). **LOCATION:** 2921 East 56th Place South (CD 9)

Mr. Van De Wiele recused himself and left the meeting at 3:21 P.M.

Presentation:

Heather Earnhart, 2929 East 56th Place, Tulsa, OK; stated she has lived there for 15 years and she purchased the house next door. She and her husband are completely renovating 2921 East 56th Place and adding a three car garage. They would also like to add a swimming pool. In December 2015 they were measuring 25 feet from the center of the street for the setback, and now the pool permit was denied because the setback is now 30 feet from the building line not the center of the street. They would like to have a diving pool and not just a wading pool.

BOA-22101

FILE COPY

Mr. White asked Ms. Earnhart if there were any utilities on the 56th Street side that might be a problem. Ms. Earnhart stated that she has had OKIE locate all utilities and they have been rerouted as needed for the garage, and the pool decking will start on the other side of the sewer line which misses that by 11 feet.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-1 (Bond, Flanagan, Snyder, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a Variance to reduce the required rear (street) setback to permit construction of a swimming pool (Section 90.090-C), subject to conceptual plan 15.11, Exhibit C. The setback will be from 30 feet to 11 feet. The Board determines that the following facts, favorable to the property owner, have been established:

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

LT 11 BLK 2, FAIRWAY ESTATES THIRD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Van De Wiele re-entered the meeting at 3:29 P.M.



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Feet



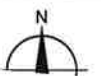
Subject
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BOA-22444

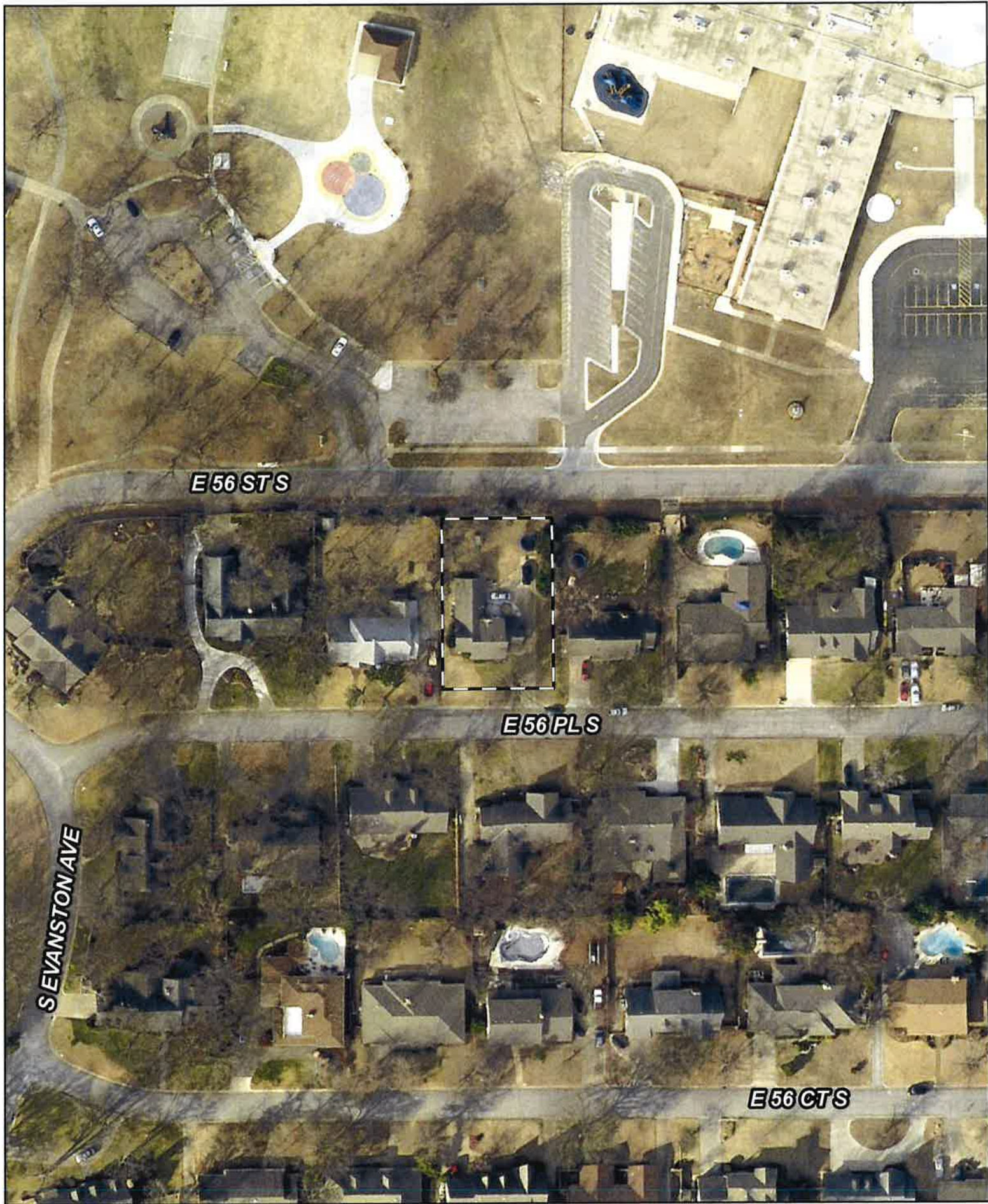
19-13 32

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-22444

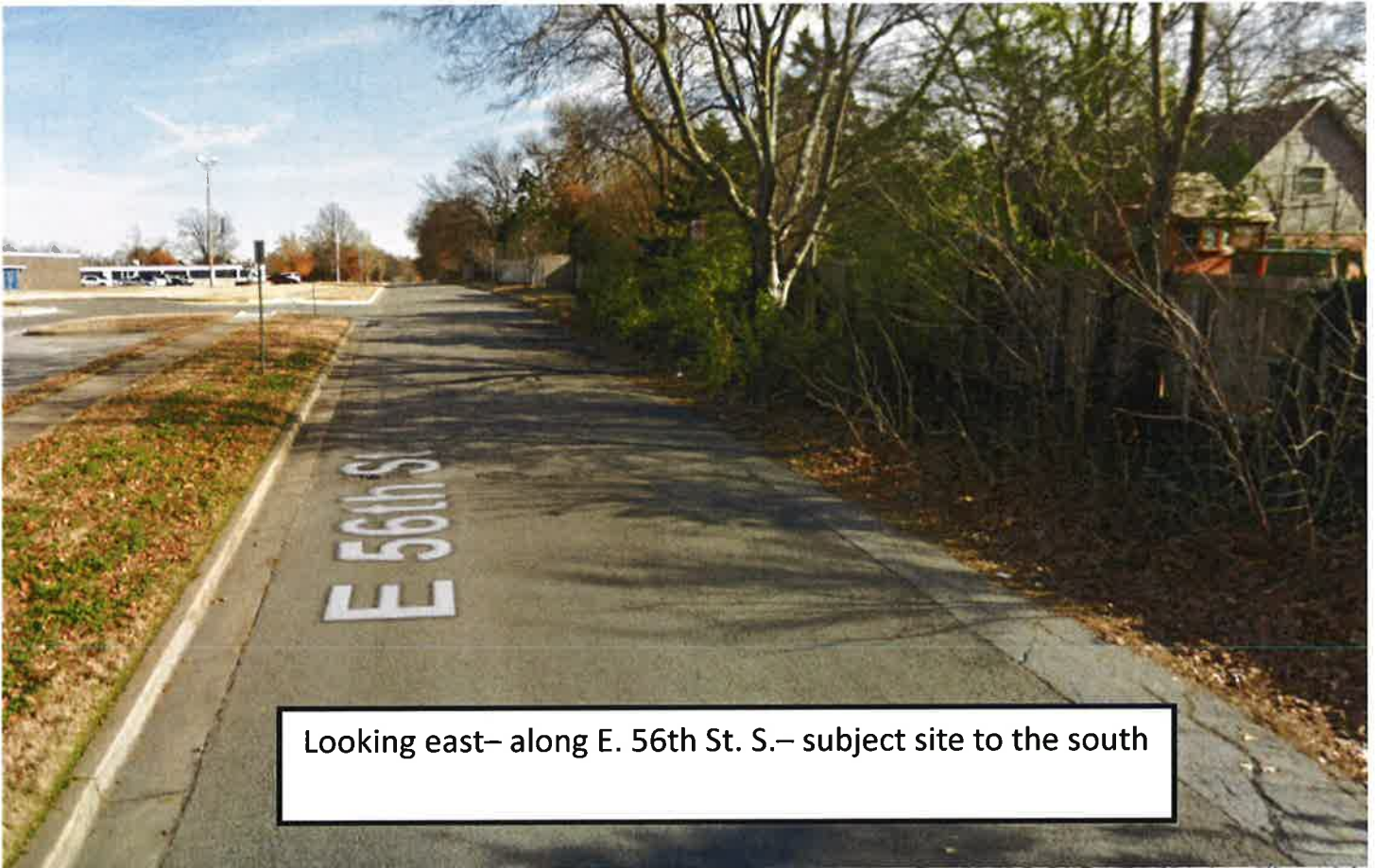
19-13 32

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

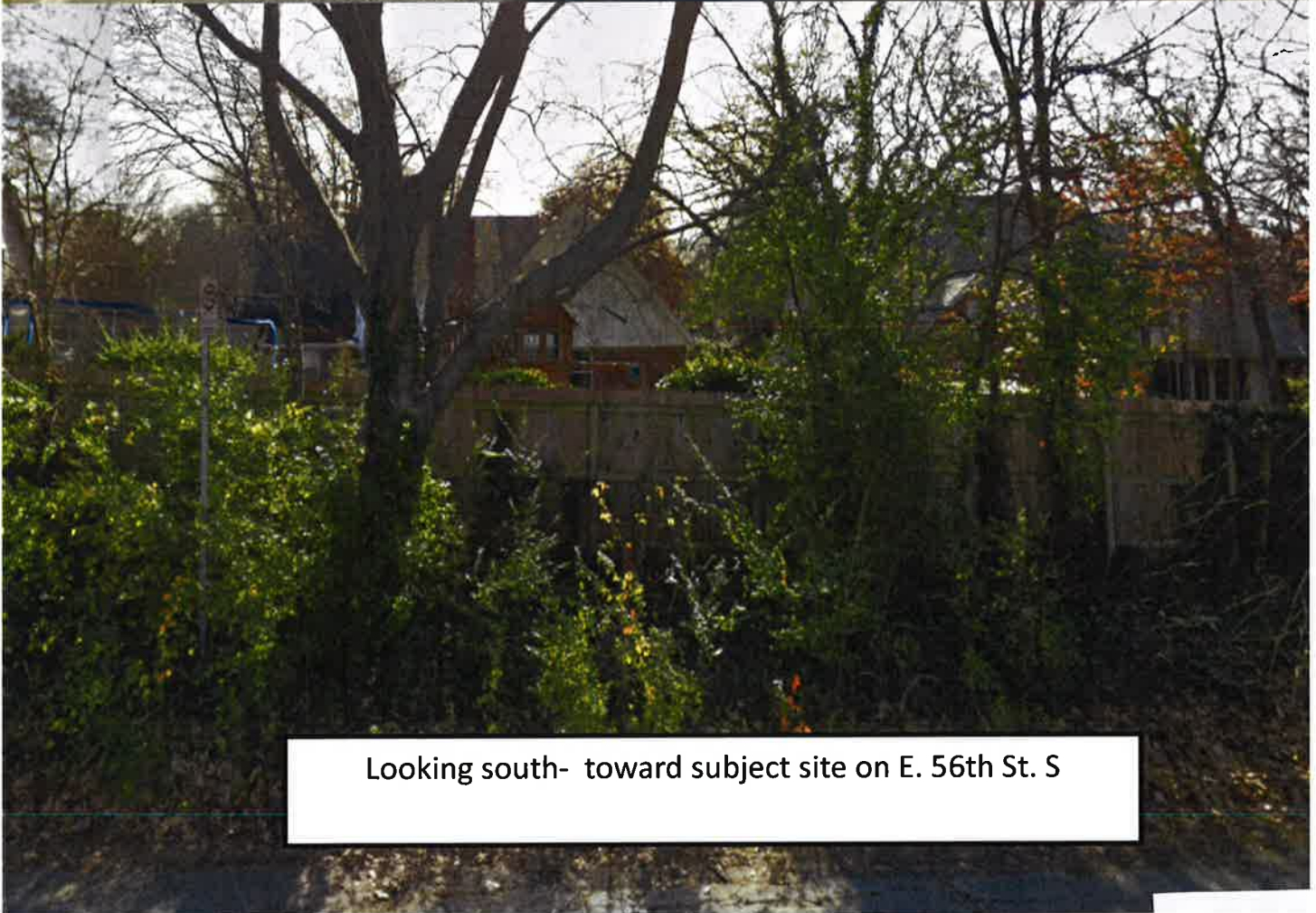
Aerial Photo Date: February 2016



2.8

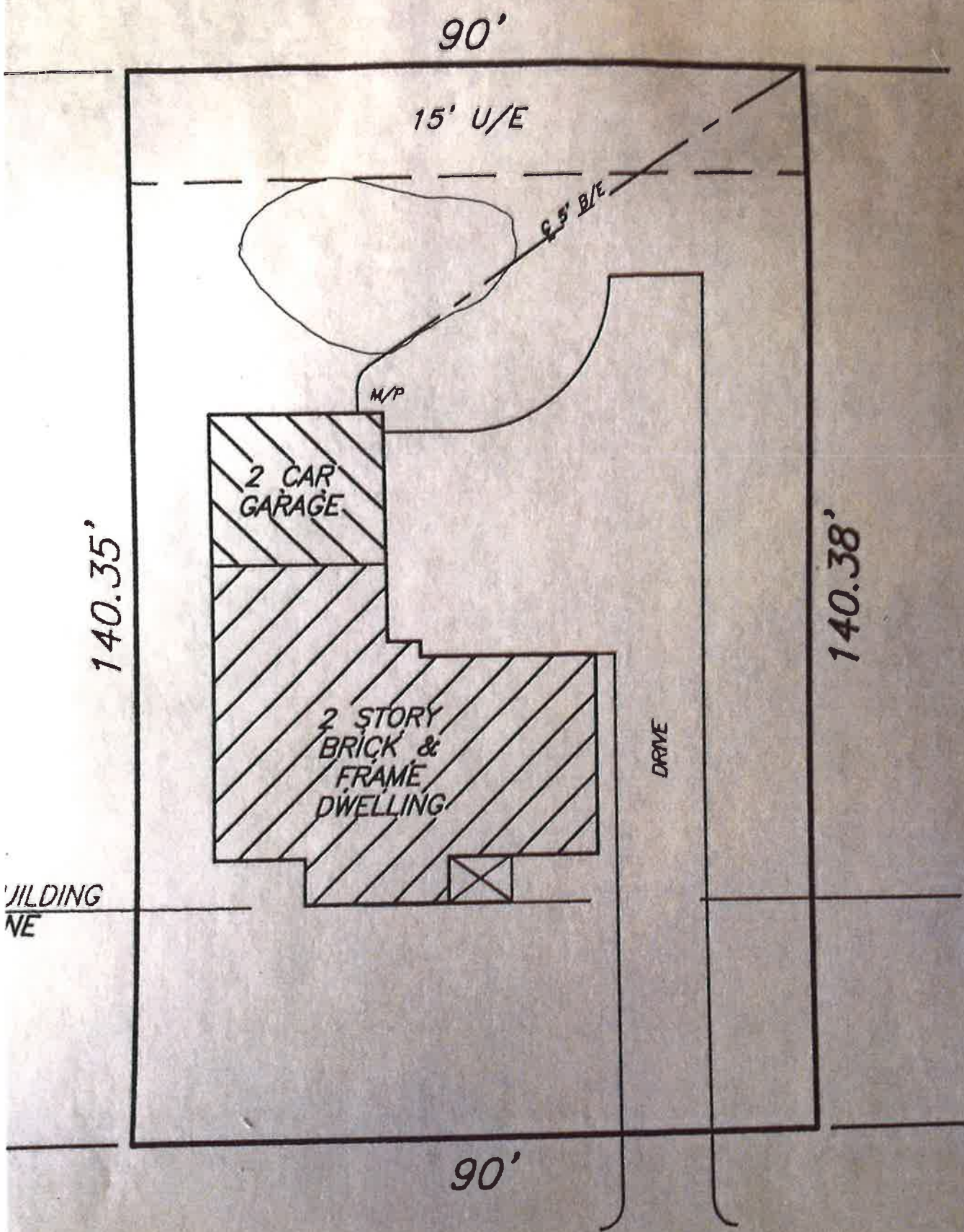


Looking east- along E. 56th St. S.- subject site to the south



Looking south- toward subject site on E. 56th St. S





BUILDING
NE

Q EAST 56TH PLACE SOUTH

2.11

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: 1060985-1

April 18, 2018

JAY KINGSLEY
POOLS PLUS
P O BOX 14136
TULSA, OK 74159

Phone: (918)743-3472

APPLICATION NO: **444643** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2929 E 056 PL S**
Description: **NEW**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ IS ☒ 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. 444643

2929 E 056 PL S

April 18, 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.

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.

Review comments: Your lot is zoned RS-2 and you have a street setback required from the front and rear of this lot due to streets. The required rear street setback is 30'. Revise your plans to indicate a 30' rear setback or apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required rear street setback.

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

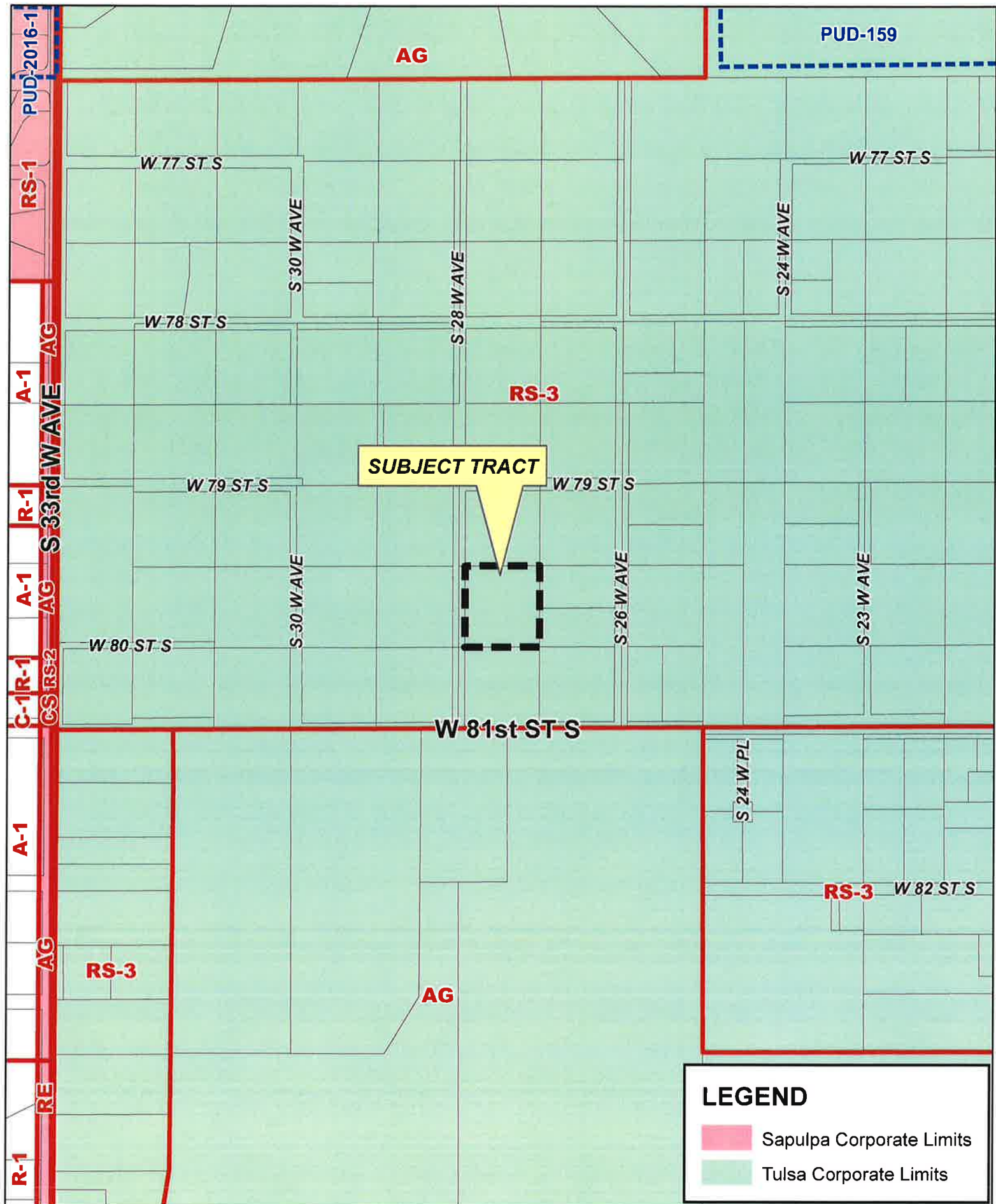
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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LEGEND

- Sapulpa Corporate Limits
- Tulsa Corporate Limits



BOA-22446

18-12 10

3.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 8210

Case Number: **BOA-22446**

CZM: 51

CD: 2

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Brett Fuller

ACTION REQUESTED: Variance to allow a non-all-weather parking surface material (Section 55.090-F); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B).

LOCATION: 8015 S 28 AV W

ZONED: RS-3

PRESENT USE: residential

TRACT SIZE: 2.31 acres

LEGAL DESCRIPTION: NE SW SE SW LESS W25 SEC 10 18 12,

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA- 20256; on 5.09.06 the Board **approved** a *Variance* of the maximum size of an accessory building in an RS-3 District; a *Variance* of the maximum height of the top plate for an accessory building; located at 8025 S 28th AV W.

BOA-20209; on 2.28.06 the Board **approved** a *Variance* of the maximum permitted size of an accessory building ; located at 8255 S. Yukon Ave.

BOA-16885; on 12.27.94 the Board **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory building ; located at 2627 W. 79th St.

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

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-

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

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

STAFF COMMENTS:

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, **whichever is greater**. Based on the size of the residence, as shown on the submitted site plan, the maximum allowed floor area for detached accessory buildings on the lot is 1,152 sq. ft. (40% of the principal residence). The applicant has requested a **Variance** to increase the maximum permitted floor area of a detached accessory building on the lot from 1,152 sq. ft. to 2,400 sq. ft.

The applicant has also requested a **Variance** to allow a non-all-weather parking surface to allow a new gravel driveway from S. 28th W. Ave.

* The Letter of Deficiency uses dimensions based on the Tulsa County Tax Assessor information and do not reflect the dimension submitted to staff on the site plan. Staff decided to use the dimension reflected on the site plan.

Sample Motion

Move to _____ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-B). **Variance** to allow a non-all-weather parking surface to allow a new gravel driveway from S. 28th W. Ave.

- 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. 20256

Action Requested:

A Variance of the maximum size of an accessory building in an RS-3 District; and a Variance of the maximum height of the top plate for an accessory building, located: 8025 South 28th Avenue West.

Presentation:

Don Favor, 8025 South 28th West Avenue, stated his house faces 81st Street.

Comments and Questions:

Ms. Stead asked for the hardship. Mr. Favor stated he needs more room to store his yard equipment. He has lost some expensive equipment by theft. Mr. Dunham and Mr. Henke both noted the unusually large yard for an RS-3 district and that it abuts an AG district. Mr. Favor responded to questions, stating he does not plan to have commercial activity, or provide living quarters. He proposed a metal building at the highest point 14 ft., with an overhead door.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of Henke, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum size of an accessory building in an RS-3 District; and a Variance of the maximum height of the top plate for an accessory building from 10 ft. to 12 ft., finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, specifically the large lot size in the RS-3 zoned area; finding the literal enforcement of the terms of the Code would result in unnecessary hardship; finding that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, contingent on there being no commercial activities, no living quarters and removal of the existing building, and total square footage of 1,500 for accessory buildings, on the following described property:

SE SW SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20257

Action Requested:

Variance of the building setback from the centerline of E. 12th St. from 50 ft. to 38 ft.; and a Special Exception to remove the screening requirement along S. St. Louis Ave. and E. 12th St.; to permit an office development in the OMH and OH

Comments and Questions:

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

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

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

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

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

Case No. 20209

Action Requested:

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

Presentation:

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

one story, rock and stone, same overhead doors for garage, concrete approach, and the same type of exterior lighting.

Interested Parties:

John Campbell, stated he lives directly to the west across Yukon and was in support of the application.

Earl Pregler, 11354 East Independence, stated he owns Ivis, Inc., and owns 80 acres to the south. He plans to develop the eighty acres in the future.

Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted size of an accessory building to permit a 2400 sq. ft. accessory building with conditions: a one-story structure, with the same materials as the house finding the hardship is the large size of the land; extraordinary and exceptional condition does not apply generally to other properties in same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

S495.4 LESS N142.6 LT 12, ROSS HOMESITE SUB, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20210

Action Requested:

Variance of the setback for a sign from the centerline of an abutting street (Section 1221.C.5), located: 1350 South Boulder Avenue.

Presentation:

James Adair, 7508 East 77th Street, stated the property line is 30' from the centerline of the street and the required setback is 40'. The existing building is closer to the center of the street than the setback, at 36'. They proposed to place a 28 square foot sign in the planter area to identify an occupant of the building. A site plan (Exhibit E-1) was provided.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the setback for a sign from the centerline of an abutting street (Section 1221.C.5), per plan, finding the street conditions and circumstances peculiar to the

Case No. 16875 (continued)

Lots 1-3, Block 1, Kendall Addition, Lots 5-9, Block 2, less north 6.75' of Lot 5,
Block 2, Kendall Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 16916

Action Requested:

Amended site plan approval - Use Unit 14, located northwest corner of East 42nd Street and South Memorial Drive.

Presentation:

The applicant, **Harrison French**, 502 Southwest A, Bentonville, Arkansas, submitted an amended site plan (Exhibit B-1) and requested that the store at this location (Wal-Mart) be permitted to connect a drive-through canopy to the existing building. He informed that the canopy will serve as protection for customers using the pharmacy.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended site plan, as presented.

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 16885

Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2627 West 79th Street.

Presentation:

The applicant, **Sara Hobbie**, 2627 West 79th Street, was represented by **Gary Hobbie** of the same address. He submitted a plot plan (Exhibit C-1) and explained that an existing 26' by 24' accessory building will be removed and replaced by a 30' by 45' structure. Mr. Hobbie submitted photographs (Exhibit C-2) and noted that the 2½-acre is large enough to support the proposed building.

12:27:94:671:(3)

Case No. 16885 (continued)

Comments and Questions:

Ms. Russell informed that the applicant has an existing 649 sq ft accessory building and the new structure will contain 1350 sq ft (approximately 2000 sq ft total).

Mr. Bolzle inquired as to the use of the building, and Mr. Hobbie stated that he restores cars and does woodworking.

In reply to Mr. Bolzle, the applicant stated that there will be no cooking or bathing facilities in the accessory building.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft; subject to *no bathing or cooking facilities being installed and no commercial use*; finding that the tract is large and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

NE/4, NW/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16886

Comments and Questions:

Ms. Russell advised that the case was originally scheduled for hearing on January 24, 1995; however, some notices to property owners stated that the case would be heard at this meeting. She stated that the application will be heard on January 24th as scheduled.

Case No. 16887

Action Requested:

Variance of the all-weather requirement for off-street parking and a variance of the screening requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 1302.A. SETBACKS** - Use Unit 15 located 9721 East 61st Street.

12:27:94:671:(4)



0 Feet 250 500



Subject
Tract

BOA-22446

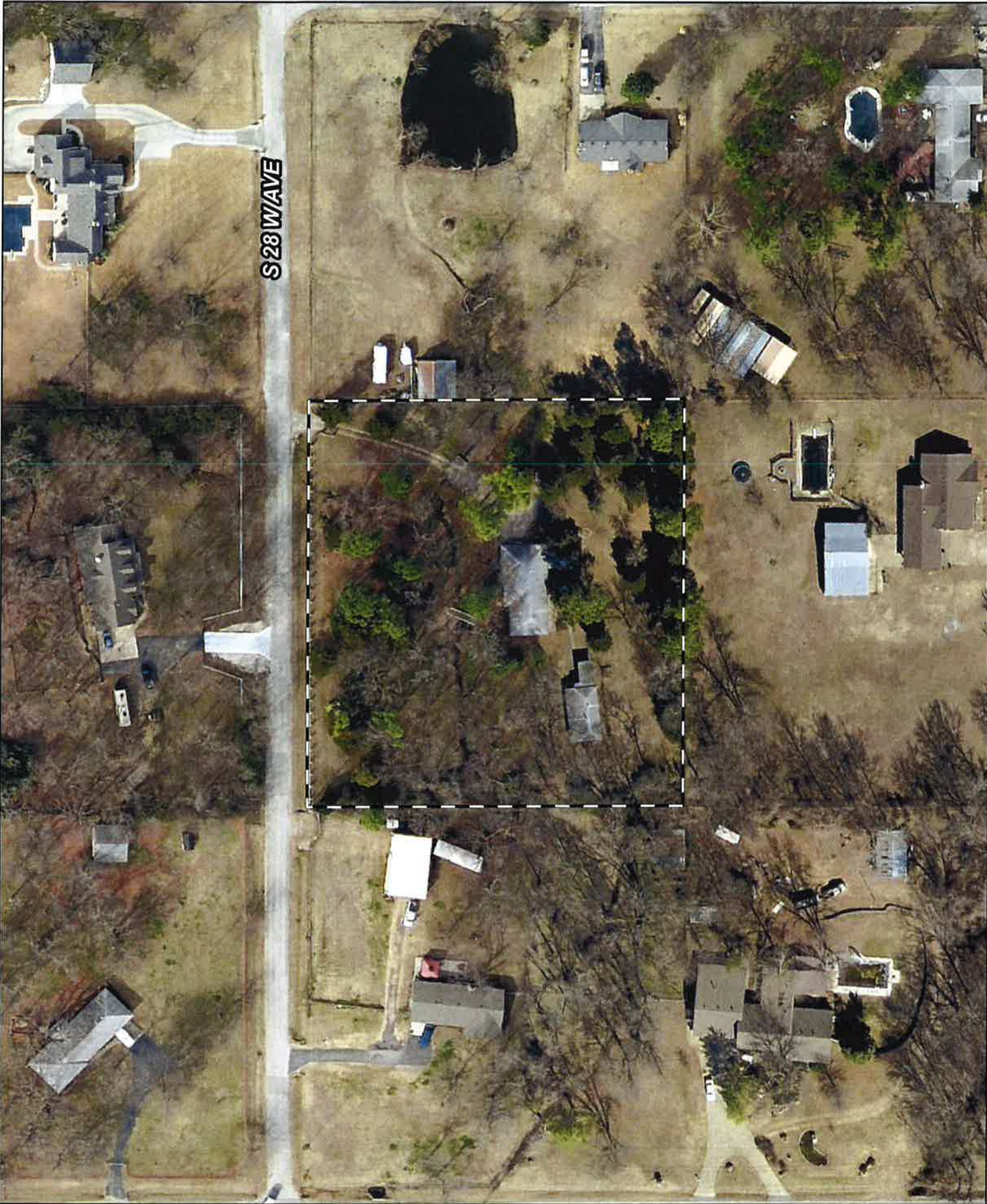
18-12 10

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

Aerial Photo Date: February 2016

3.10





0 50 100
Feet



Subject
Tract

BOA-22446

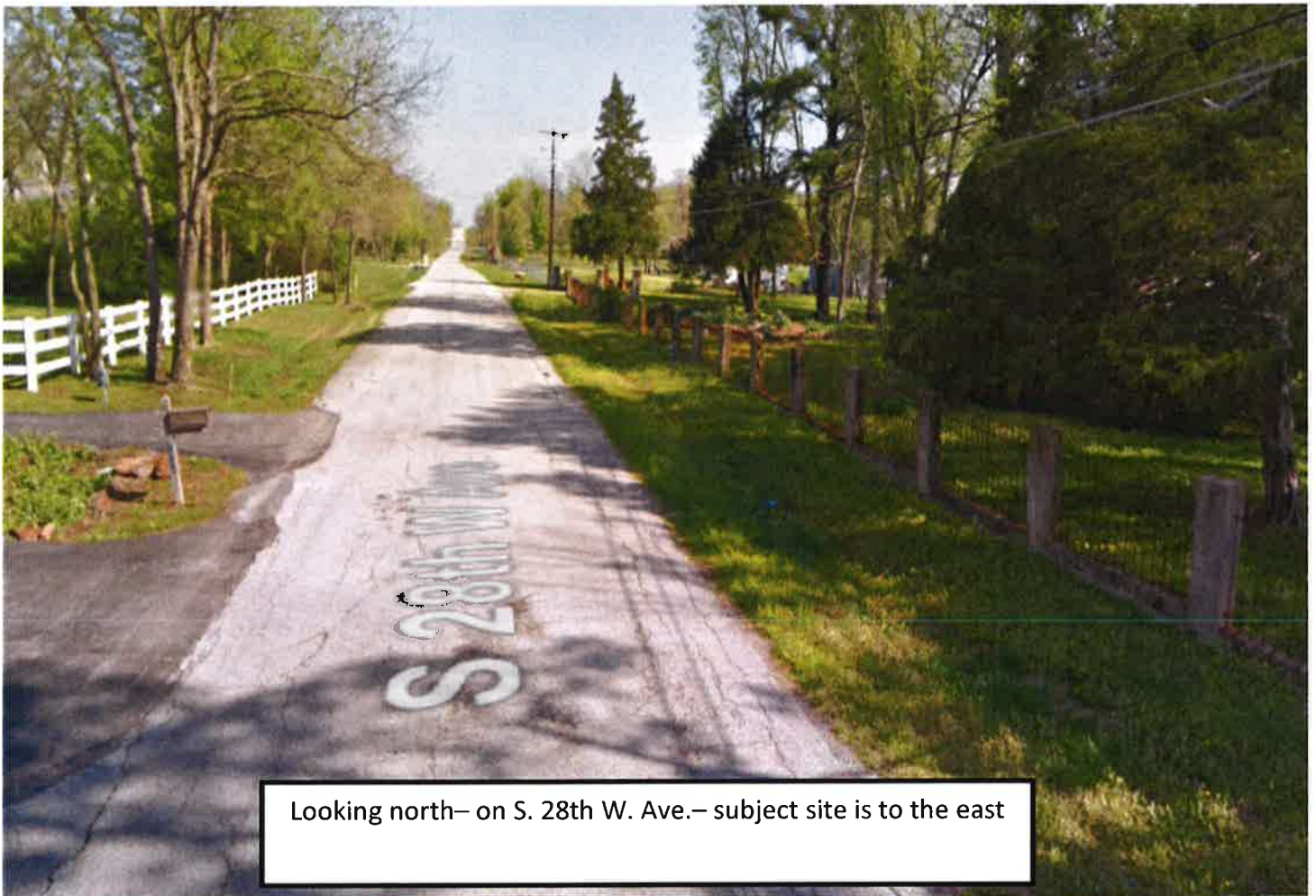
18-12 10

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

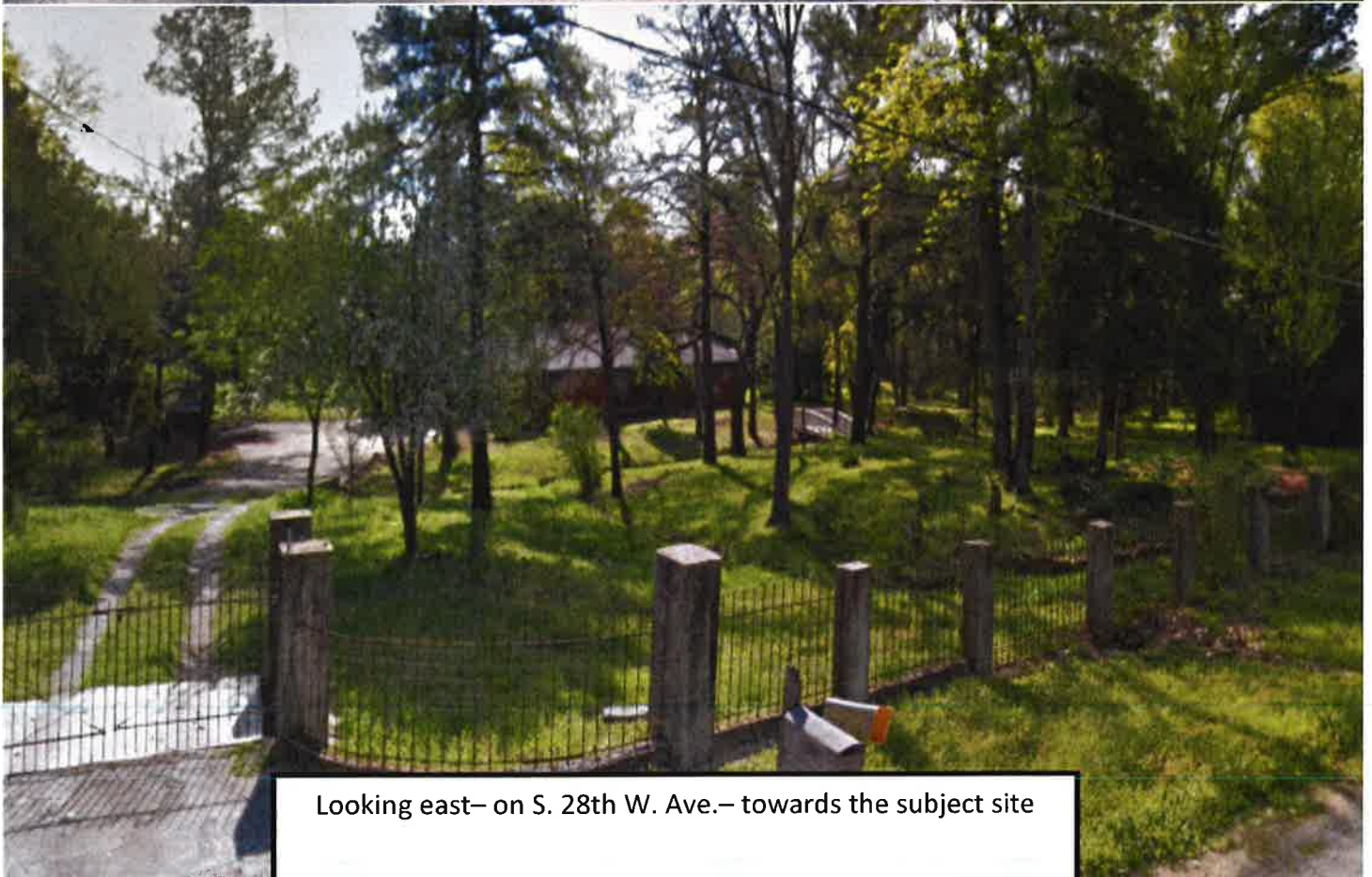
Aerial Photo Date: February 2016

3.11

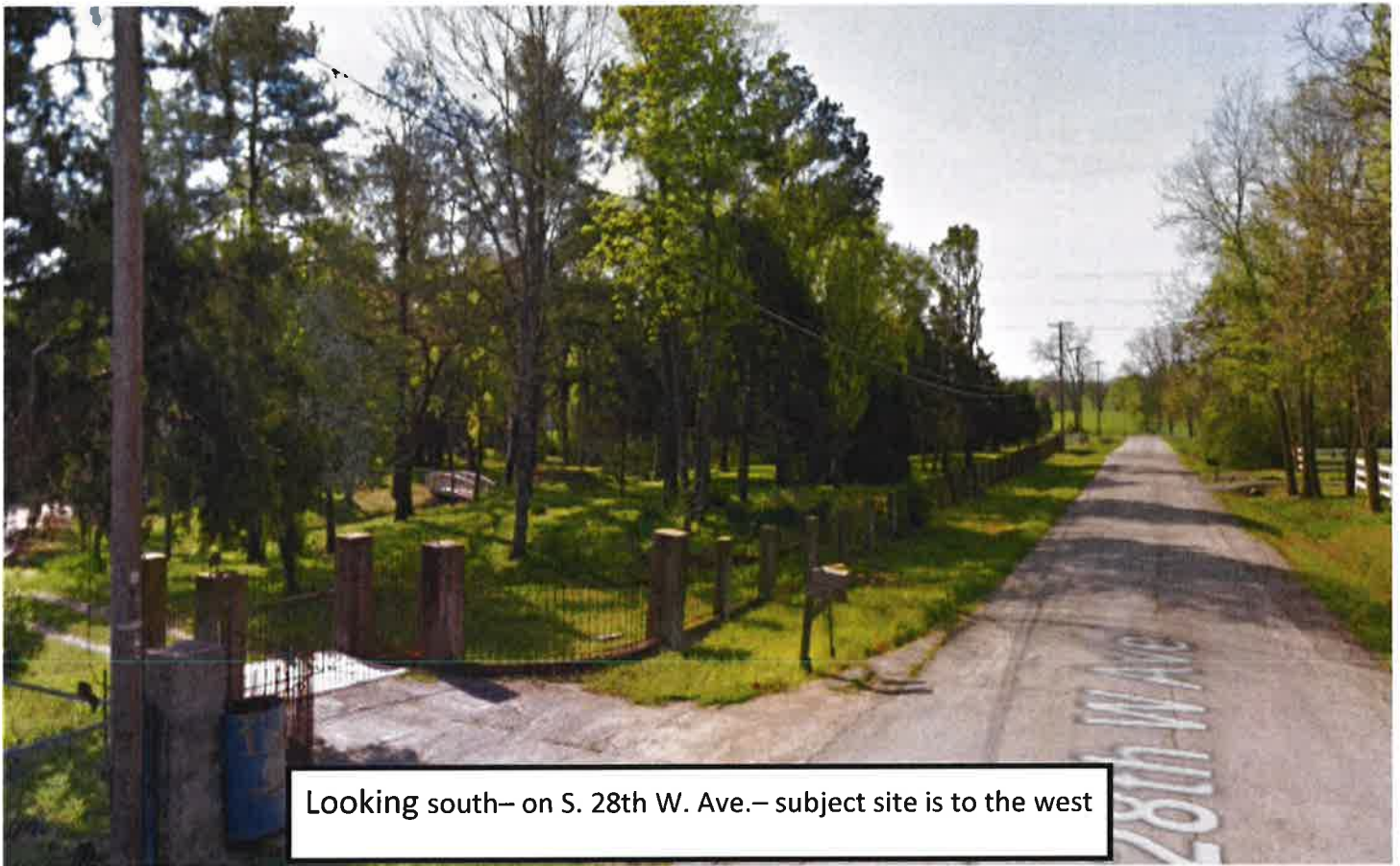




Looking north— on S. 28th W. Ave.— subject site is to the east



Looking east— on S. 28th W. Ave.— towards the subject site



Looking south— on S. 28th W. Ave.— subject site is to the west



The intent of this zoning clearance permit is to get approval to build a shop/guest suite at the property located at 8015 S 28th W Ave Tulsa, OK 74132. The existing structures on the property will ultimately be demolished and a new single-family residence will be constructed where the existing household is located on the site. The new house will be approximately 4,000 sq. ft. My wife and I, the property owners, will live in the guest suite while the house is being constructed. Expected timeframe for demolition of the existing structures and construction of the new residence is TBD.

A temporary gravel driveway will be constructed between the existing concrete pad and the new structure. Upon completion of the new single-family residence, the gravel driveway will become paved concrete. The existing gravel driveway between the property line and the current structure will also be paved once the new house is constructed.

This area is more rural, though still zoned RS-3. Several neighbors in the area have large accessory buildings and we do not believe ours will have any sort of negative effects on surrounding property owners.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Fuller". The signature is written in a cursive, flowing style.

Brett Fuller

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: 1060703-1

April 11, 2018

BRETT FULLER
HOMEOWNER
4619 E 37 PL
TULSA, OK 74135

Phone: (918)850-0568

APPLICATION NO: 9614 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 8015 S 028 AV W
Description: CONSTRUCT A SHOP/GUEST SUITE

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

3.16

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. 9614

8015 S 028 AV W

April 11, 2018

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

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

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

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

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

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

Review comments: You are proposing 2400 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (2130) you are allowed 852 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 850 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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.

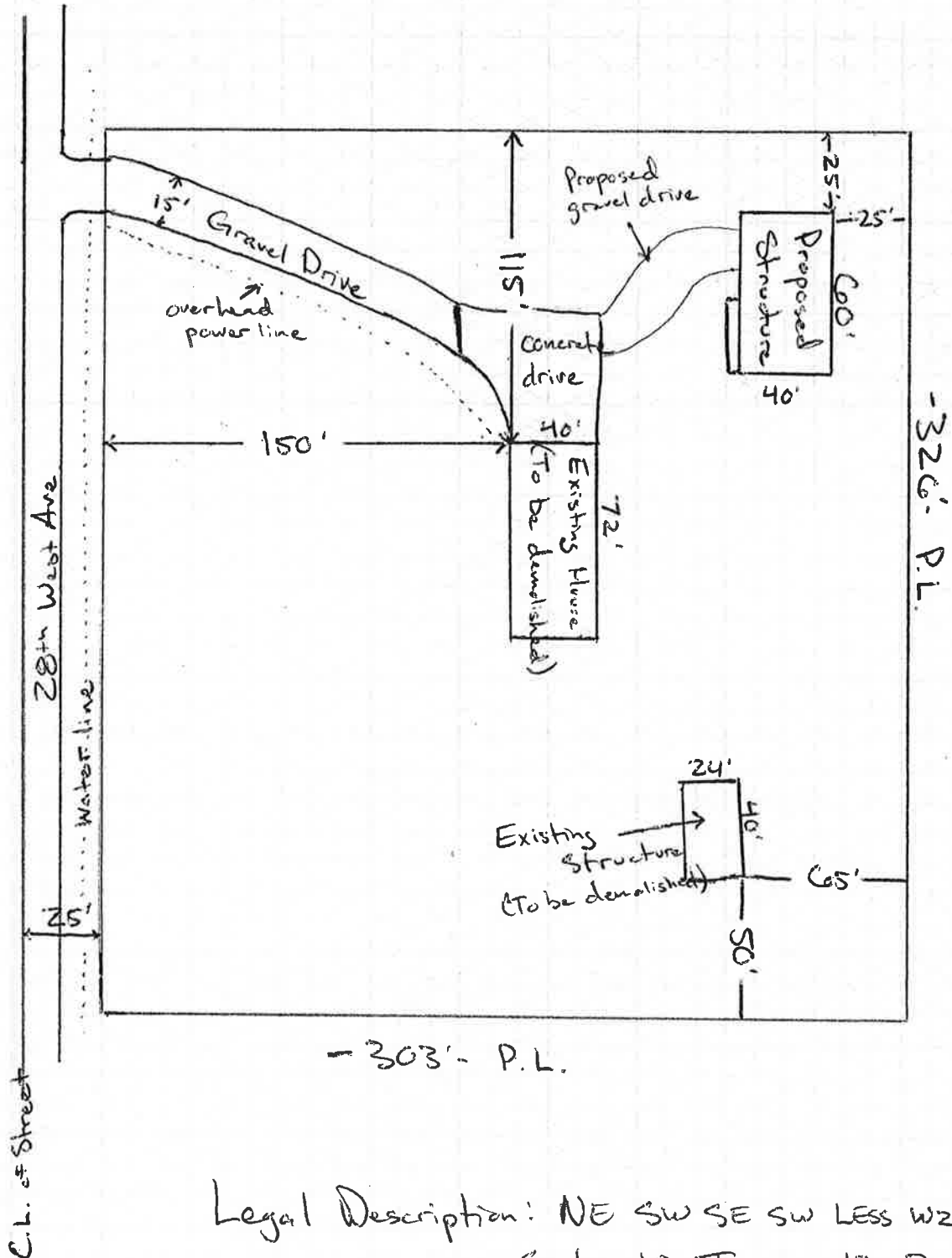
3.17²

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.



SELECT
Engineering

Property Address: 8015 S 28th W Ave
Tulsa, OK 74132



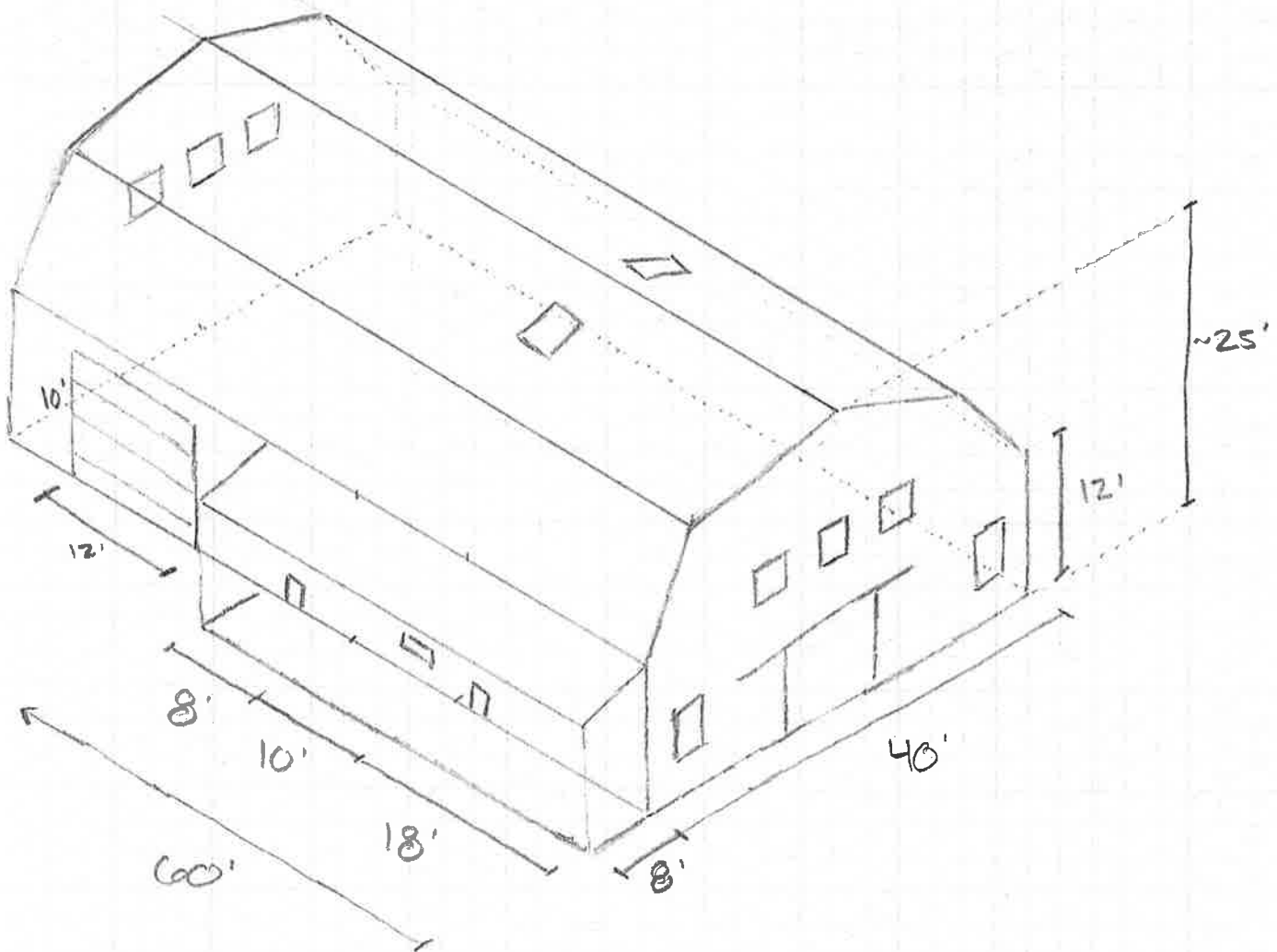
Legal Description: NE SW SE SW LESS W2S
Section 10 Township 18 Range 12

Subdivision: Unplatted
2.31 acres

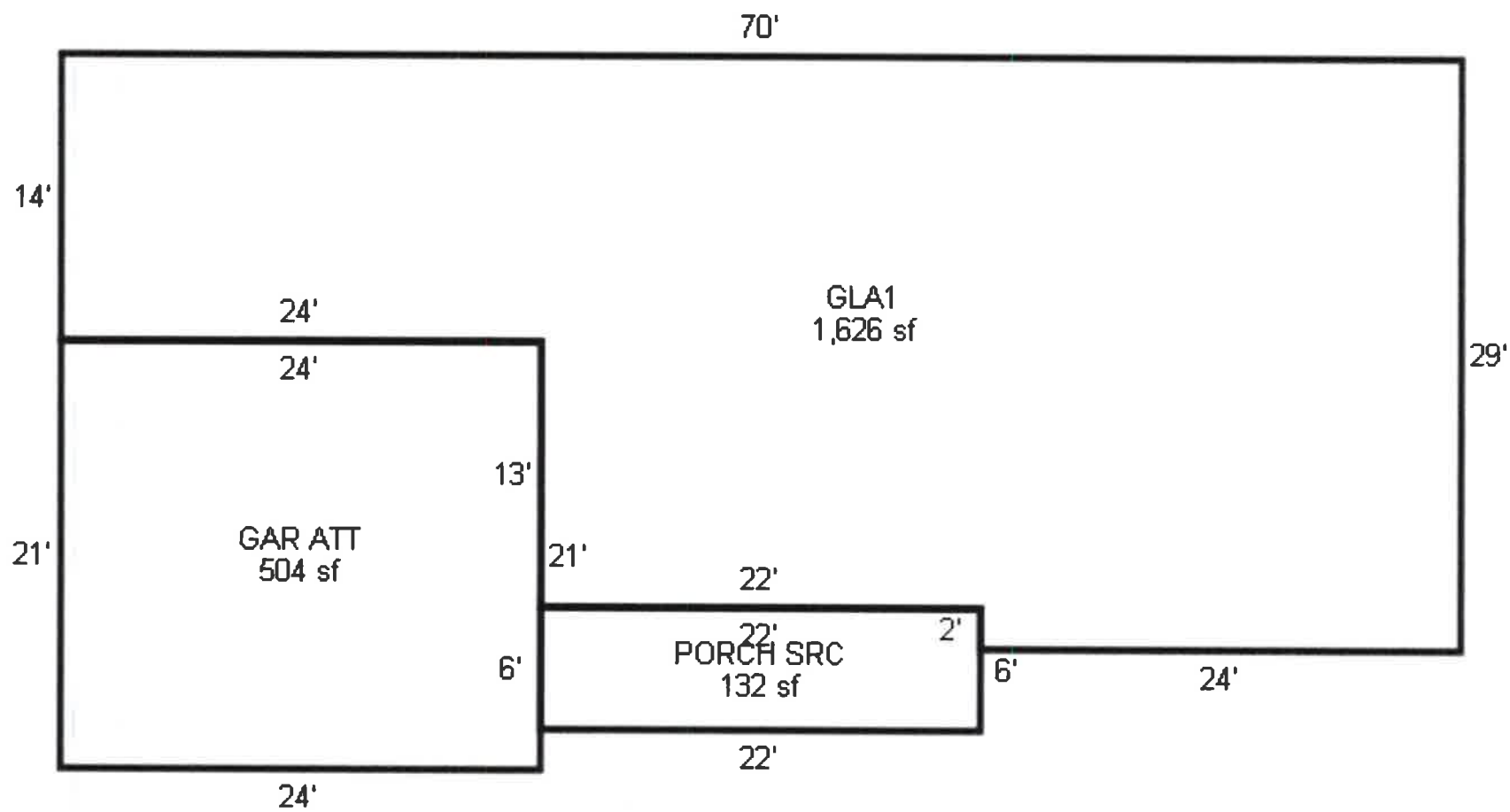
Scale 1" = 60' 0"

3.19

Proposed Structure

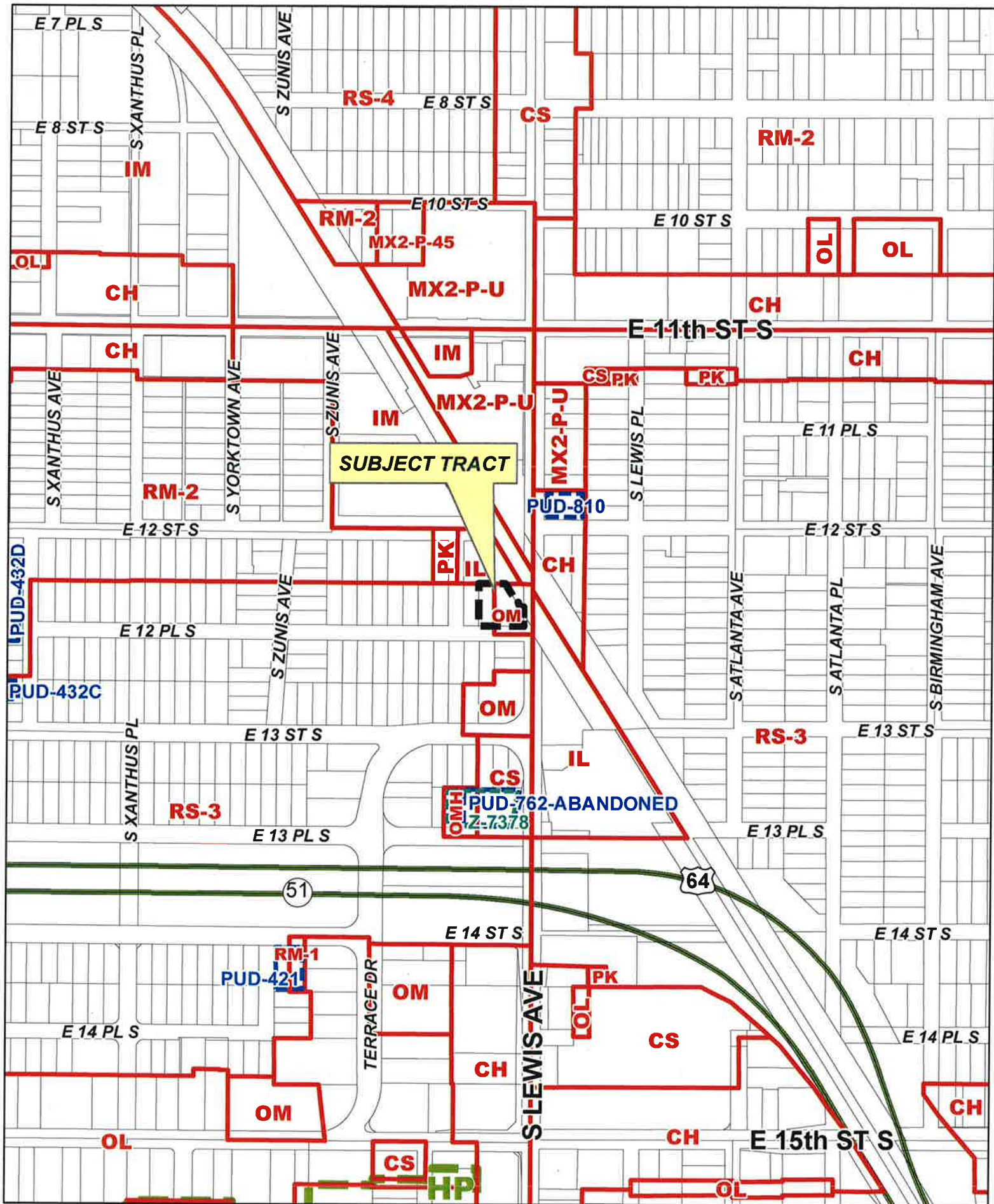


25



****Dimensions from Tulsa County Tax Assessor**

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BOA-22447

19-13 07

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22447**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: John Watchous

ACTION REQUESTED: Special Exception to allow a Personal Improvement Use in an OM zoning district (Sec.15.020)

LOCATION: 1222 S LEWIS AV E

ZONED: RS-3,OM

PRESENT USE: commercial

TRACT SIZE: 17149.64 SQ FT

LEGAL DESCRIPTION: LTS 3 & 4 BLK 7 & PRT VAC RR R/W BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC, TERRACE DRIVE ADDN AMD SUB B2-3&7, TERRACE DRIVE ADDN

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS-3 zoned properties to the south and west; an IL zoned property to the north; to the east the subject site abuts railroad tracks.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow a Personal Improvement Use in an OM zoning district (Sec.15.020).

The applicant is requesting the Special Exception for the Personal Improvement Use on the OM zoned portion of the overall lot. The applicant has stated that they intend to lease the existing buildings but do not have tenants at this time. A special exception is required due to the potential adverse affects of the proposed use in the OM district; however if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

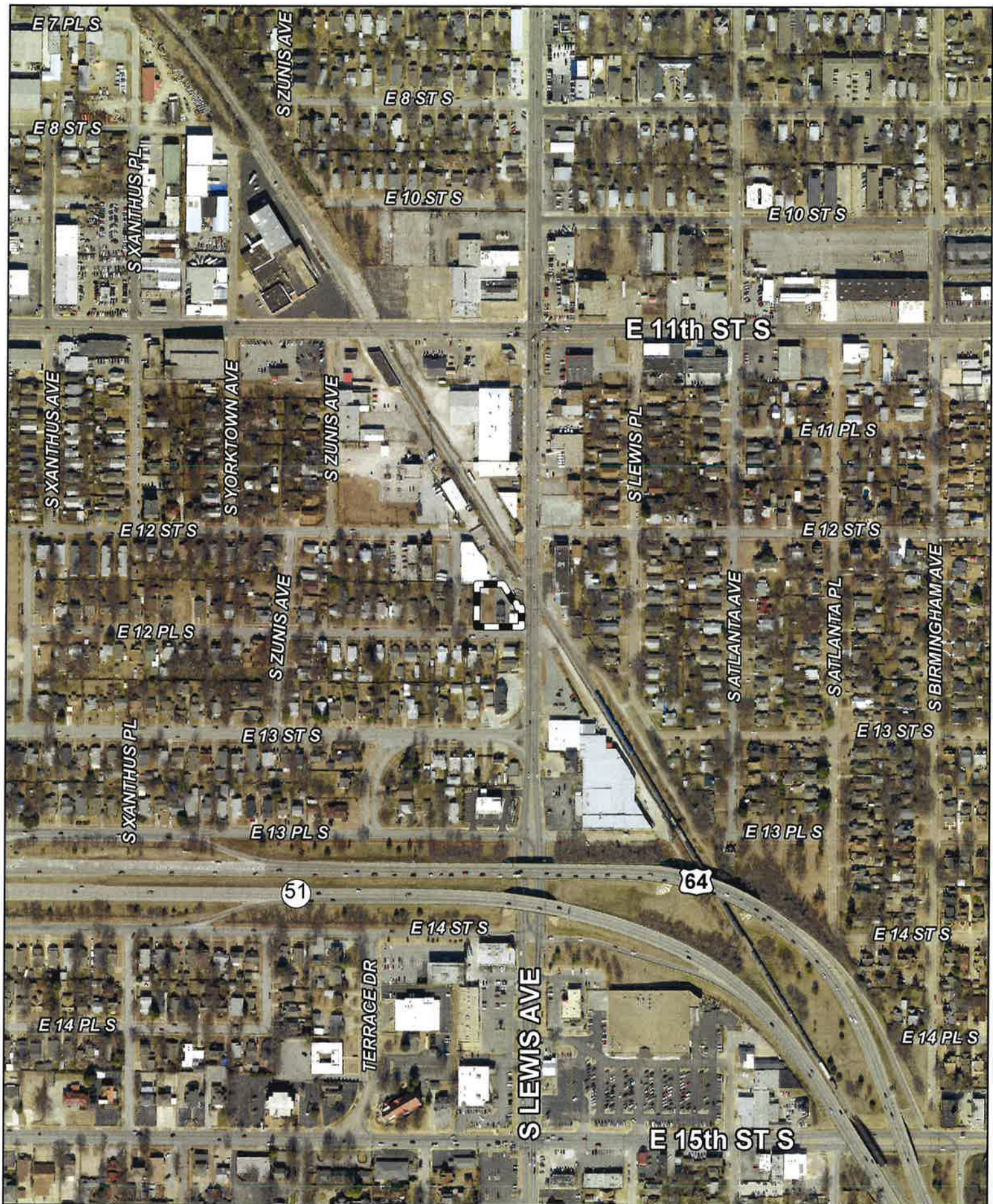
If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion

Move to _____ (approve/deny) a Special Exception to allow a Personal Improvement Use in an OM zoning district (Sec.15.020)

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

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



0 Feet
200
400



Subject
Tract

BOA-22447

19-13 07

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

Aerial Photo Date: February 2016



4.4



0 50 100
Feet



Subject
Tract

BOA-22447

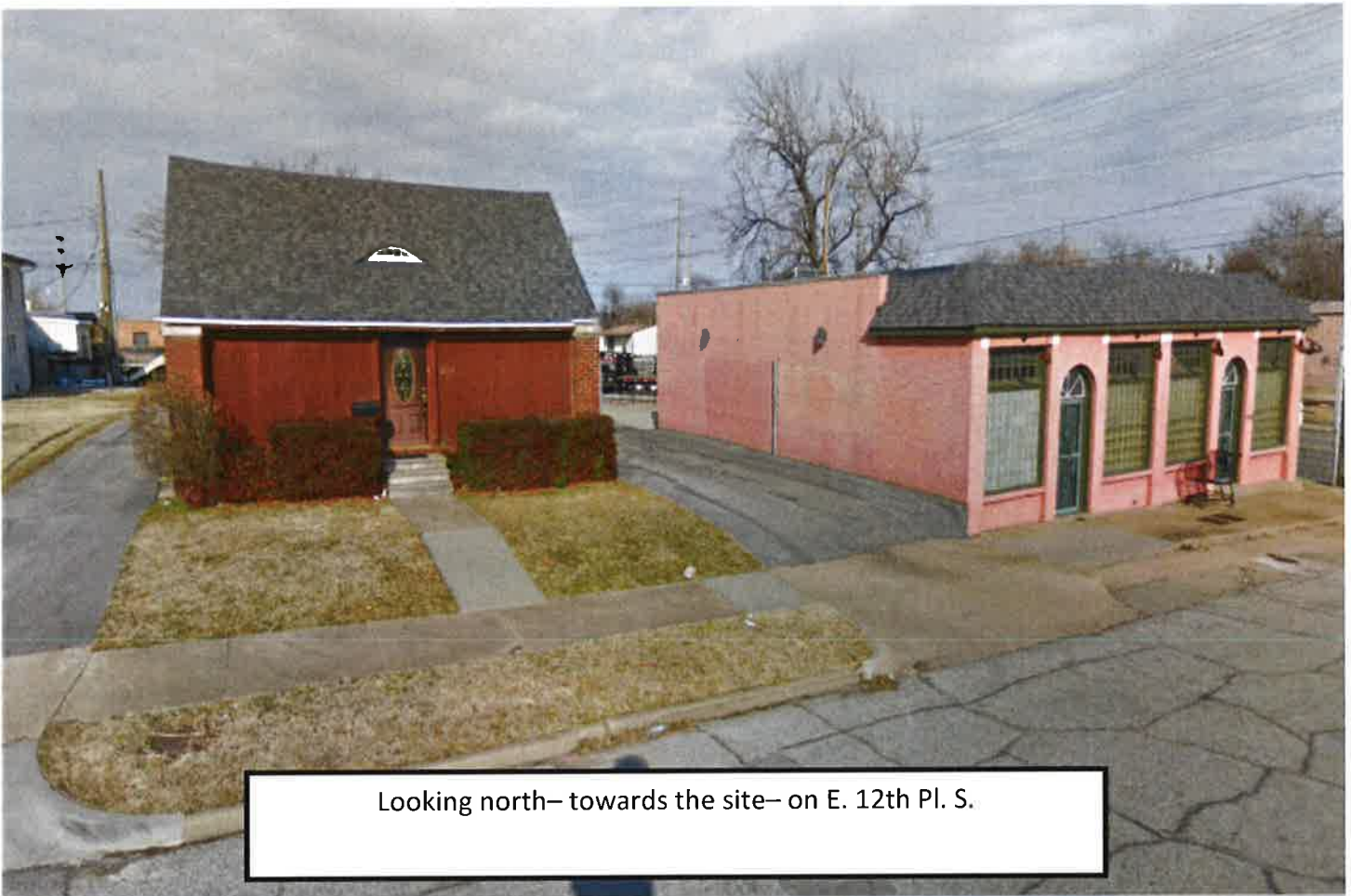
19-13 07

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

Aerial Photo Date: February 2016

4.5





Looking north— towards the site— on E. 12th Pl. S.



Looking east— on E. 12th Pl. S.



Looking northeast— on E. 12th Pl. S.

RTIFICATION
D07

gms
A B
FACTS C & D

do hereby certify to the aforesaid
that I have made a careful survey of

division of Blocks Two (2), Three
DON to the City of Tulsa, Tulsa
the Amended Plat thereof.

division of Blocks Two (2), Three (3),
in the City of Tulsa, Tulsa County,
indicated Plot thereof.

1a-Subdivision of Blocks 2, 3 and 7,
the City of Tulsa, Tulsa County, State
Amended Plat thereof.

East Quarter of the Northeast
Township Nineteen (19) North,
Range and Meridian, Tulsa County,
State Government Survey thereof.
S. 10-211:

pt corner of Lot Four (4), Block
division of Blocks Two (2), Three
, on Addition to the City of Tulsa
to the Recorded Plot thereof;
city line of said Lot 4, Block 7,
a railroad right-of-way for
is continuing South 32°03'34" East
westerly line for 93.48 feet to the
A 4, Block 7; thence North
West for 12.75 feet; thence North
in 52°12'30" West for 61.63 feet;
thence South 58°31'32" West for

in the ground and correctly shows the
other improvements situated on the
the encroachments on the subject
is property except as shown herein.

which it is based were made in 1989 in the State of Oklahoma, and with the assistance of ALTA/ACSM. Land Title Insurance Company (ALTA/ACSM) in 1989 (as adopted by ALTA and ACSM and in 1991 of a Urban Survey, as defined in the Uniform Standards of Practice for the Surveying and Mapping Industry, as modified to meet current requirements of the state in which the subject is located, 1.2, 3.8, 10, and 11 in table "A".

same as the property described in
 platment No. E-177877 with on
 1, 2006 at 7:00 A.M., TRACT B
 C & D January 11, 2007 at 7:00
 and restrictions referenced in said
 nical inspection of the site or
 ted herson or otherwise noted as to

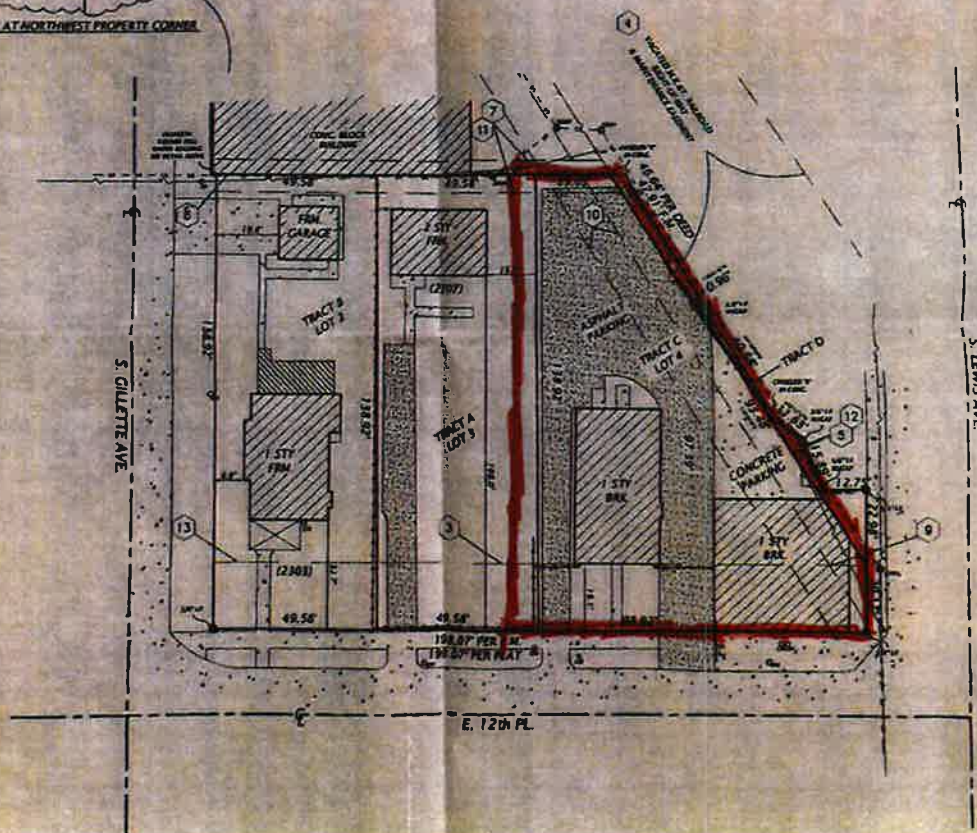
b. an area having a Zone Designation



Scale: 1" = 20'



DETAIL AT NORTHWEST PROPERTY CORNER



EASEMENTS

3. Terms, conflict back lines as of 1922, filed Sept 1922 in Book of Real Estate for New York State.
4. Restrictive covenants, Deed, dated Dec 1922, recorded in Book of Real Estate for New York State, for property as shown.
5. Restrictive covenants, 6, 2004, filed Page 1587, in TRACT D opposite page 17.
6. Terms, conflict with 12, which does not apply to some of the lots.
7. Terms, conflict with 12, recorded in applies to a.
8. Terms, conflict with 12, recorded in Aul Estate applies to a.
9. Restrictive covenants, 25, 1919, Page 452, 1 officers sub.
10. Terms, conflict with 12, dated Feb 1920, Page 537, unknown, how shown.
11. Terms, conflict with 12, dated Feb 1920, Page 536, shown.
12. Terms, conflict with 10, dated Aug 12, 2005/1071 shown.
13. Restrictive covenants, 1919, filed 62, 1919 subject per.

**BASIS OF
WEARING**

4.8

Ulmer, Amy

From: Watchous, John @ Tulsa <John.Watchous@cbre.com>
Sent: Wednesday, May 30, 2018 10:51 AM
To: Ulmer, Amy
Subject: RE: BOA-22447

We would like for the special exception to include both of the buildings I marked but will settle for only the vacant building which is the western of the two buildings.

We do not have a lease in place for the vacant building and that is why we want the special exception so we can expand our prospect pool.

Thanks,
John

John Watchous | Associate
CBRE | Advisory and Transaction Services
1401 S. Boulder Ave., Suite 100, Tulsa, OK 74119-3648
T +1 918 392 7216 | F +1 918 663 6402 Cell +1 918 991 8519
john.watchous@cbre.com | www.cbre.com

From: Ulmer, Amy <aulmer@incog.org>
Sent: Wednesday, May 30, 2018 10:30 AM
To: Watchous, John @ Tulsa <John.Watchous@cbre.com>
Subject: RE: BOA-22447

Good morning,

Will both the buildings on the lot be utilized?. Also, to make my staff report more clear to the Board, did you have a specific business that will be moving into the facilities?.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9437
918.579.9537 fax
aulmer@incog.org



From: Watchous, John @ Tulsa <John.Watchous@cbre.com>
Sent: Tuesday, May 29, 2018 9:57 AM
To: Ulmer, Amy <aulmer@incog.org>
Cc: Hale, Shawna @ Tulsa <SHAWNA.HALE@cbre.com>; shale8664@gmail.com
Subject: RE: BOA-22447

Hello Amy,

Please see the attached marked site plan for where we want the special exception to take place, I crudely marked the site with a red sharpie to get something to you as soon as possible, please let us know if you need a cleaner marked site plan and we will oblige. Essentially the portion of the site that is zoned OM is where we would like the special exception to be in effect. The portion of the site that is Zoned RS-3 that is directly west of the OM zoned portion is now a vacant lot. Please let us know if you need anything else.

John Watchous | Associate
CBRE | Advisory and Transaction Services
1401 S. Boulder Ave., Suite 100, Tulsa, OK 74119-3648
T +1 918 392 7216 | F +1 918 663 6402 Cell +1 918 991 8519
john.watchous@cbre.com | www.cbre.com

From: Ulmer, Amy <aulmer@incog.org>
Sent: Friday, May 25, 2018 1:08 PM
To: Watchous, John @ Tulsa <John.Watchous@cbre.com>
Subject: BOA-22447

Hello,

Please indicate on the attached survey which site you are requesting the Special Exception for. Also, there were no relevant cases for the surrounding properties that I will be adding to the staff report. Let me know if you have any other questions.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9437
918.579.9537 fax
aulmer@incog.org



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1064682-1

May 01, 2018

JOHN WATCHOUS
1240 S FLORENCE AV E
TULSA, OK 74104

Phone: (918)991-8519
Fax: (918)663-6402

BOA-22447

APPLICATION NO: **9641** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **2311 E 012 PL S**
Description: **SELF IMPROVEMENT USE**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

4.11

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. 9641

2311 E 012 PL S

May 01, 2018

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

Sec.15.020 Table 15-2: The proposed Commercial/Commercial Services/Personal Improvement Use is located in an OM zoning district. This will require a Special Exception, reviewed and approved by the BOA per Sec.70.120.

Review comment: Submit the approved BOA Special Exception to allow a Commercial/Commercial Services/Personal Improvement Use in an OM zoning district. This required to be submitted as a revision to this application.

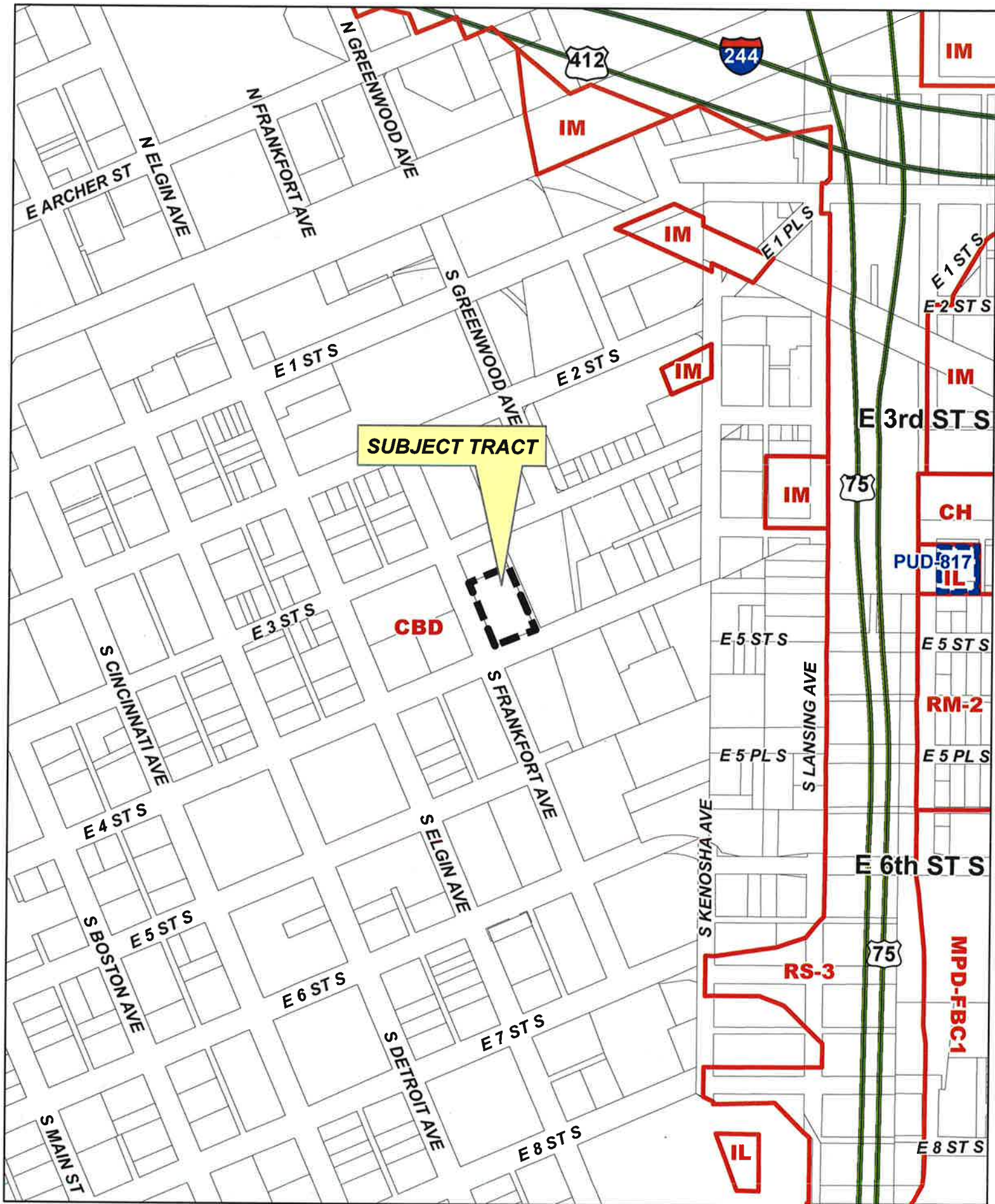
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



BOA-22448

5.1

19-12 01

BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22448**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: David Kvach

ACTION REQUESTED: Variance to permit a bar to be located within 300ft. of a religious assembly use (Sec. 40.050)

LOCATION: 321 S FRANKFORT AV E

ZONED: CBD

PRESENT USE: Offices

TRACT SIZE: 30801.4 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 22422: on 4.10.18, the Board **approved** a *Verification* of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot. (Sec. 40.050-A)

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract located in the CBD is surrounded by mixture of uses including surface parking lots, office space and light industrial.

STAFF COMMENTS:

In April 2018, the Board approved a Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot. The applicant has stated that after that meeting a church moved into their basement. The applicant also stated that he believed the church would receive their certificate of occupancy before the bar is ready to open. The applicant is requesting a **Variance** to permit a bar to be located within 300ft. of a religious assembly use (Sec. 40.050).

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

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.

The applicant is requesting a **Variance** to permit a bar to be located within 300ft. of a religious assembly use (Sec. 40.050).

The Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current use and future development of the site is compatible with and non-injurious to the surrounding area.

Sample Motion

Move to _____ (approve/deny) a **Variance** to permit a bar to be located within 300ft. of a religious assembly use (Sec. 40.050).

Finding the hardship(s) to be _____.

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

The Board finds that the 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-22448

19-12 01

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

Aerial Photo Date: February 2018

5.5





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Feet



Subject
Tract

BOA-22448

19-12 01

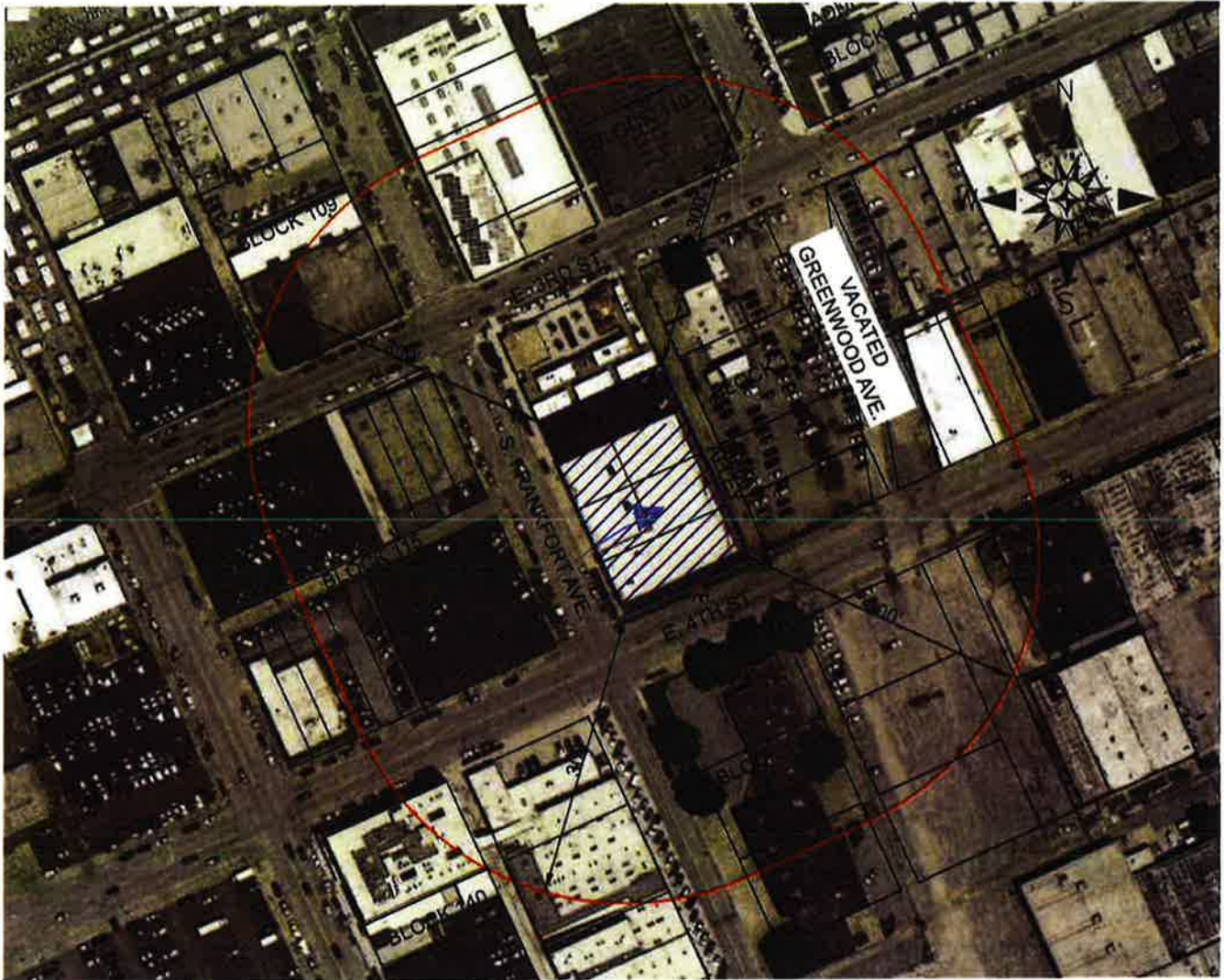
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.6



SPACING EXHIBIT



Church is currently in the process of opening in basement of subject property.

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

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

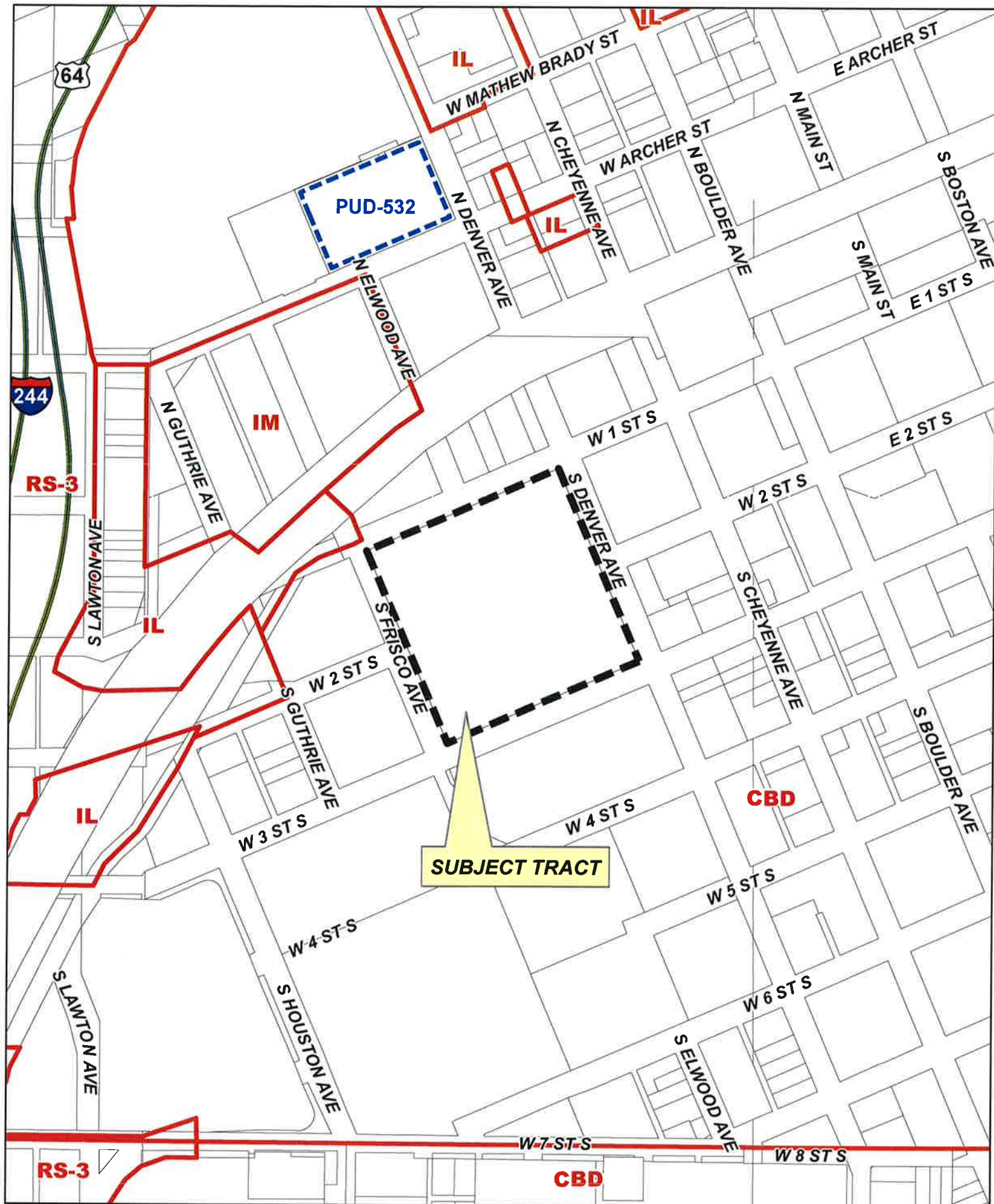


108 S. 109th E. Place, Tulsa, Oklahoma, 74128
(918) 664-5411. C.A. #1749 Expires 6/2019.

SCALE: NTS
DATE: 03/20/18



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BOA-22449

19-12 02

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9202

Case Number: BOA-22449

CZM: 36

CD: 4

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Claude Neon Federal Signs

ACTION REQUESTED: Variance from the requirement that no more than one dynamic display be permitted on a single lot. (Section 60.080-E) Variance to increase the allowed display surface area for signs (Section 60.080-E)

LOCATION: 200 S DENVER AV W

ZONED: CBD

PRESENT USE: Event Center

TRACT SIZE: ±10.61 acres

LEGAL DESCRIPTION: LT 1 BLK 1, TULSA-ORIGINAL TOWN, TULSA REGIONAL CONVENTION AND EVENTS CENTER RESUB PRT OT TULSA

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 22256; On 6.13.17, the Board **approved** a *variance* to permit two digital wall signs on the lot (Section 60.080-C); *variance* to permit a dynamic display sign within 20 feet of the driving surface of South Cheyenne Avenue. Location: SE/c of W 1 St S and S Cheyenne Ave

BOA-21985; on 1.12.10, the Board **approved** a *variance* to allow one digital projecting sign within 20 ft of the driving surface of the street on the north parking garage entrance/exit; *variance* to allow one digital projecting sign within 20 ft of the driving surface of the street on the south parking garage entrance/exit. Location: SE/c of W 1 St S and S Cheyenne Ave

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located in the CBD district and is surrounded by a mixture of land uses including commercial/retail, government offices and residential.

STAFF COMMENTS:

The Code states that a maximum of one of the permitted on premise wall signs, projecting signs and freestanding signs on a CBD zoned lot is allowed to contain a dynamic display. As shown on the attached exhibits, the applicant is proposing to install four dynamic display signs on one lot. The applicant has requested a **Variance** from the requirement that no more than one dynamic display be permitted on the lot to allow four dynamic display signs on the site (Section 60.080-E).

A dynamic display sign in the CBD district cannot exceed 48 sq. ft. As shown on the attached exhibits, the applicant is proposing four dynamic display signs; one 394.8 sq. ft. freestanding dynamic display sign, one 26.53 sq. ft. dynamic display wall sign on the West elevation, one 143.78 sq. ft. dynamic display wall sign on the East elevation, and one 84.87 sq. ft. dynamic display wall sign on the South elevation. The applicant has requested a **Variance** to increase the allowed display surface area of a dynamic display sign to 649.98 sq. ft. (Section 60.080-E)

Sample Motion

Move to _____ (approve/deny) a **Variance** from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot to allow four dynamic display signs. (Section 60.080-E); **Variance** to increase the allowed display surface area of a dynamic display sign to permit one 394.8 sq. ft. freestanding dynamic display sign, one 26.53 sq. ft. dynamic display wall sign on the West elevation, one 143.78 sq. ft. dynamic display wall sign on the East elevation, and one 84.87 sq. ft. dynamic display wall sign on the South elevation (Section 60.080-E)

- 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.”*

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E), subject to conceptual plans 10.11, 10.12, 10.13, 10.14 and 10.15 in the agenda packet. The Board has found the hardship to be the space between the building and the street is not sufficient, and the sign is for informational purposes to the public. The Board finds that the following facts, favorable to the property owner, have been established:

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

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22256—A-Max Sign Company – Lori Worthington

FILE COPY

Action Requested:

Variance to permit two dynamic display signs on the lot (Section 60.080-E);
Variance to permit a dynamic display sign within 20 feet of the driving surface of

BOA-22256

FILE COPY

South Cheyenne Avenue (Section 60.100-E). **LOCATION:** 100 West 1st Street South (CD 4)

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated at the subject location the Board previously approved an identical sign on the First Street side. The sign that is being discussed now is the second sign on the lot. The one approved previously is located on First Street and this single sided sign is facing west on Cheyenne Avenue.

Ms. Back asked Mr. Ward why a dynamic display is needed for parking. Mr. Ward stated the display will advertise the parking when there are major events downtown, but he does not know what is planned to be run on the dynamic display.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to permit two dynamic display signs on the lot (Section 60.080-E); **Variance** to permit a dynamic display sign within 20 feet of the driving surface of South Cheyenne Avenue (Section 60.100-E), subject to conceptual plans 11.10 and 11.11 in the agenda packet. The Board has found the hardship to be that the building is built all the way to the property line. The Board finds that the following facts, favorable to the property owner, have been established:

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

BOA-22256

FILE COPY

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

PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Miller left the meeting at 2:50 P.M.

22257—A-Max Sign Company – Lori Worthington

Action Requested:

Variance from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot (Section 60.080-E); Variance to increase the allowed display surface area of a dynamic display sign to 49 square feet (Section 60.080-E); Variance to permit a dynamic display within 20 feet of the driving surface of Main Street (Section 60.100-E). LOCATION: 11 East 1st Street South (CD 4)

Ms. Miller re-entered the meeting at 2:52 P.M.

Presentation:

Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this request is the same as the previous request, two dynamic displays on a lot. The permit for dynamic display on the building on the east elevation on the south end of the building has been applied for and granted. This sign request is for an additional one square foot on the sign because this is the biggest sign of all the Park Tulsa signs because of visibility issues.

Mr. Van De Wiele asked Mr. Ward how tall in the air is the sign located. Mr. Ward stated that it is approximately 40 feet in the air.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a

conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

PRT BLKS 105 & 106 & VAC BOSTON AVE BETWEEN BLKS & VAC ALLEY BLK 105 BEG NEC LT 7 BLK 105 TH NELY374 SELY300 SWLY374 NWLY300 POB BLK 105, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21985—Peyton Haralson

FILE COPY

Action Requested:

Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the north parking garage entrance/exit (Section 1221.C.2); Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the south parking garage entrance/exit (Section 1221.C.2). **LOCATION:** 100 West 1st Street South (CD 4)

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Tulsa, OK; stated this request is fairly similar to the previous request, but this structure does have two different entrances on two different streets. The 2nd Street side of the structure is an exit only with the entrance side is on 1st Street.

Mr. Van De Wiele asked Mr. Haralson if the existing projecting sign was going to be removed. Mr. Haralson stated that the existing sign is staying as it is the international parking symbol.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the north parking garage entrance/exit (Section 1221.C.2); Variance to allow one digital projecting sign within 20 feet of the driving surface of the street on the south parking garage entrance/exit (Section 1221.C.2), subject to conceptual plan 7.9 and 7.10. These signs will be used for strictly providing information to the motoring public as

BOA-21985

to the availability and location of the parking within the subject structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21986—Peyton Haralson

Action Requested:

Variance to allow a digital ground sign within 20 feet of the driving surface of a street (Section 1221.C.2). **LOCATION:** 522 West 3rd Street South (CD 4)

Presentation:

Peyton Haralson, Tulsa Parking Authority, 175 East 2nd Street, Tulsa, OK; stated this request is similar to the previous request.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White "aye"; no "nays"; Snyder "abstaining"; none absent) to **APPROVE** the request for a Variance to allow a digital ground sign within 20 feet of the driving surface of a street (Section 1221.C.2), subject to conceptual plan 8.11 and 8.12. The Board has found that the information on the sign will be limited to the available parking and the location thereof within the structure. This approval is to comply with Section 1221.C.2 except there will be no time limitation for the hours of operation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:



0 200 400
Feet



Subject
Tract

BOA-22449

19-12 02

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

Aerial Photo Date: February 2018



SIGN 1



- Overall Dimensions
40'4" Tall x 13'6.4" Wide
- End Identification Display #2
40'4" Tall x 3'0" Wide
- 8mm Marquee Display #2
1125 lines of resolution x:
495 columns of resolution
Active Area: 30'0" x 13'2"

BOK Center Tulsa OK

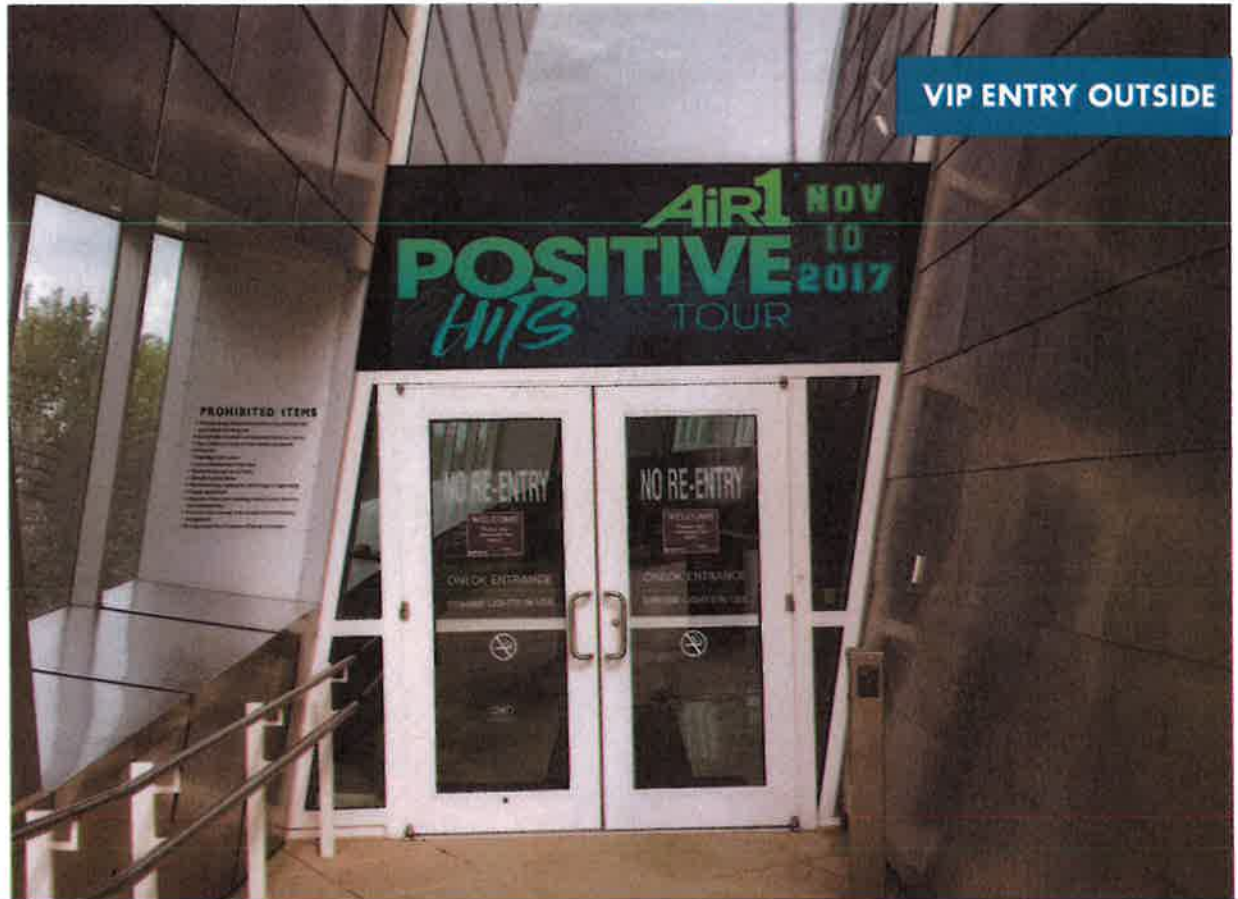
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The color signature is a key element of the corporate identity of Daktronics, Inc.

DAKTRONICS

394.87A

6.11

West SIGN 2



- Overall Dimensions
3'5.4" Tall x 7'7.5" Wide
- 4mm Marquee Display
204 lines of resolution x
476 columns of resolution
Active Area: 3'1" x 7'3"

30K Center Tulsa, OK

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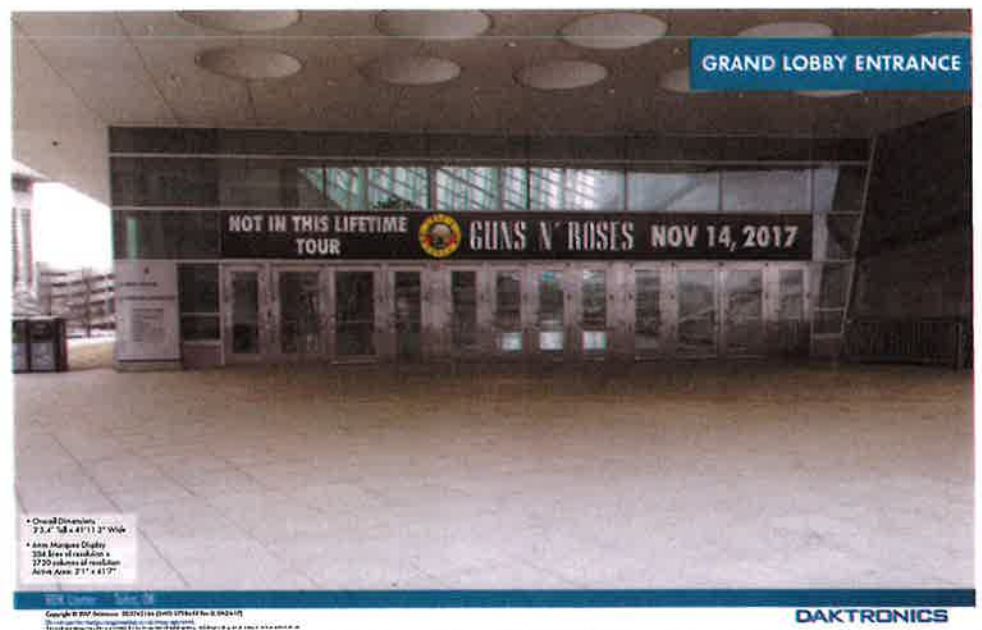
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DAKTRONICS

26.53 1A

6.12

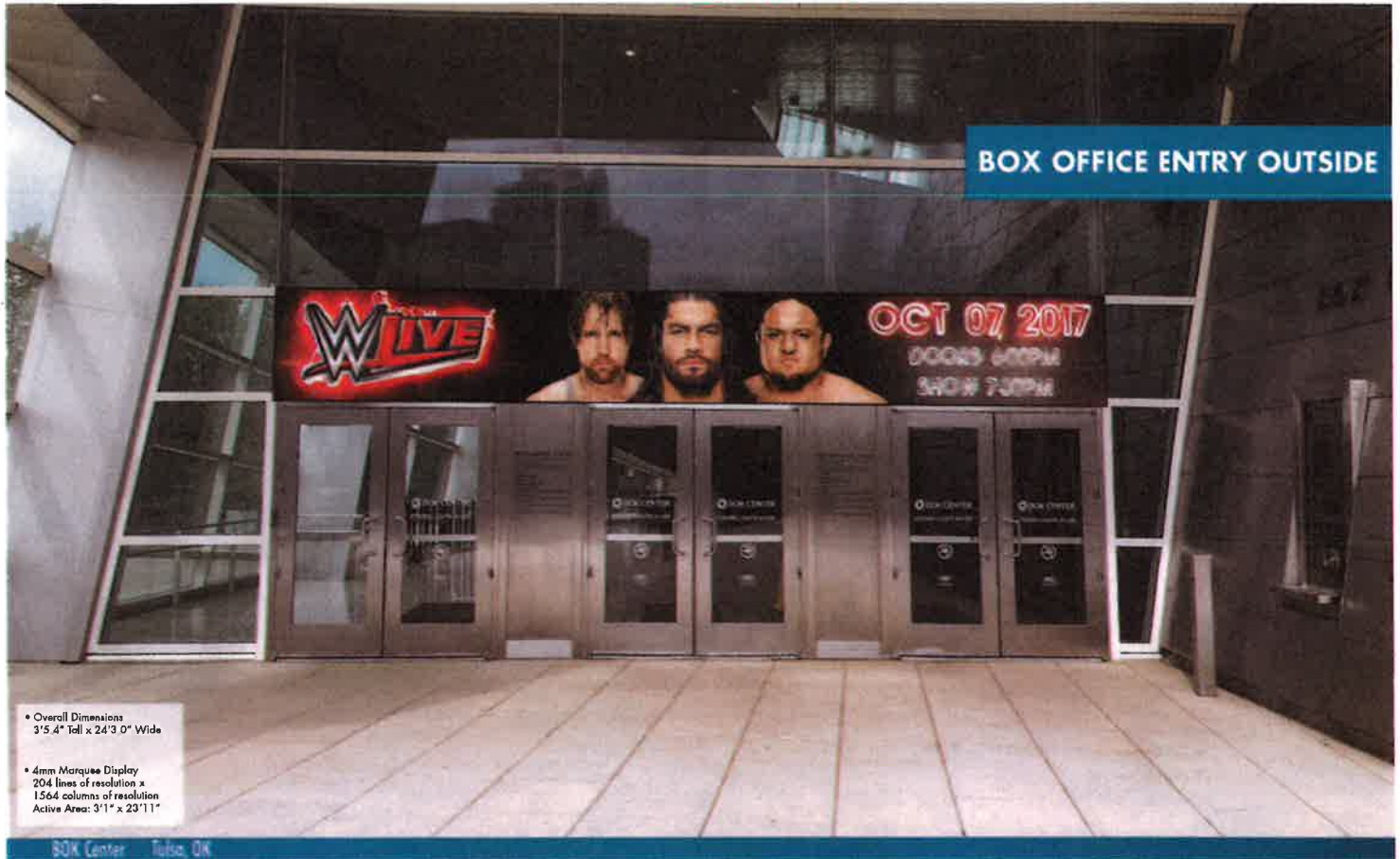
EAST SIGN 3



→ 143.78

SOUTH

SIGN 4



• Overall Dimensions
3'5.4" Tall x 24'3.0" Wide

• 4mm Marquee Display
204 lines of resolution x
1564 columns of resolution
Active Area: 3'1" x 23'11"

Box Center Tulsa, OK

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Do not reproduce for any reason without the expressed written consent of Daktronics, Inc.

DAKTRONICS

84.87

6.14

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

April 28, 2018

LOD Number: 1063684-1

Sign contractor:

Phone: (918)587-7171

DALE BENNETT
CLAUDE NEON FEDERAL SIGNS
1225 N LANSING
TULSA, OK 74106

APPLICATION NO: **445928, 446164, 446165 & 446166** (PLEASE REFERENCE THIS
NUMBER WHEN CONTACTING OUR OFFICE)

Location: 200 S DENVER AV W

Description: BOK Event Center dynamic display signs

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)

6.15

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. 445928

200 S DENVER AV W

April 28, 2018

This letter of deficiencies covers Sign Plan Review items only.

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

1.) 60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs

A maximum of one of the on premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face.

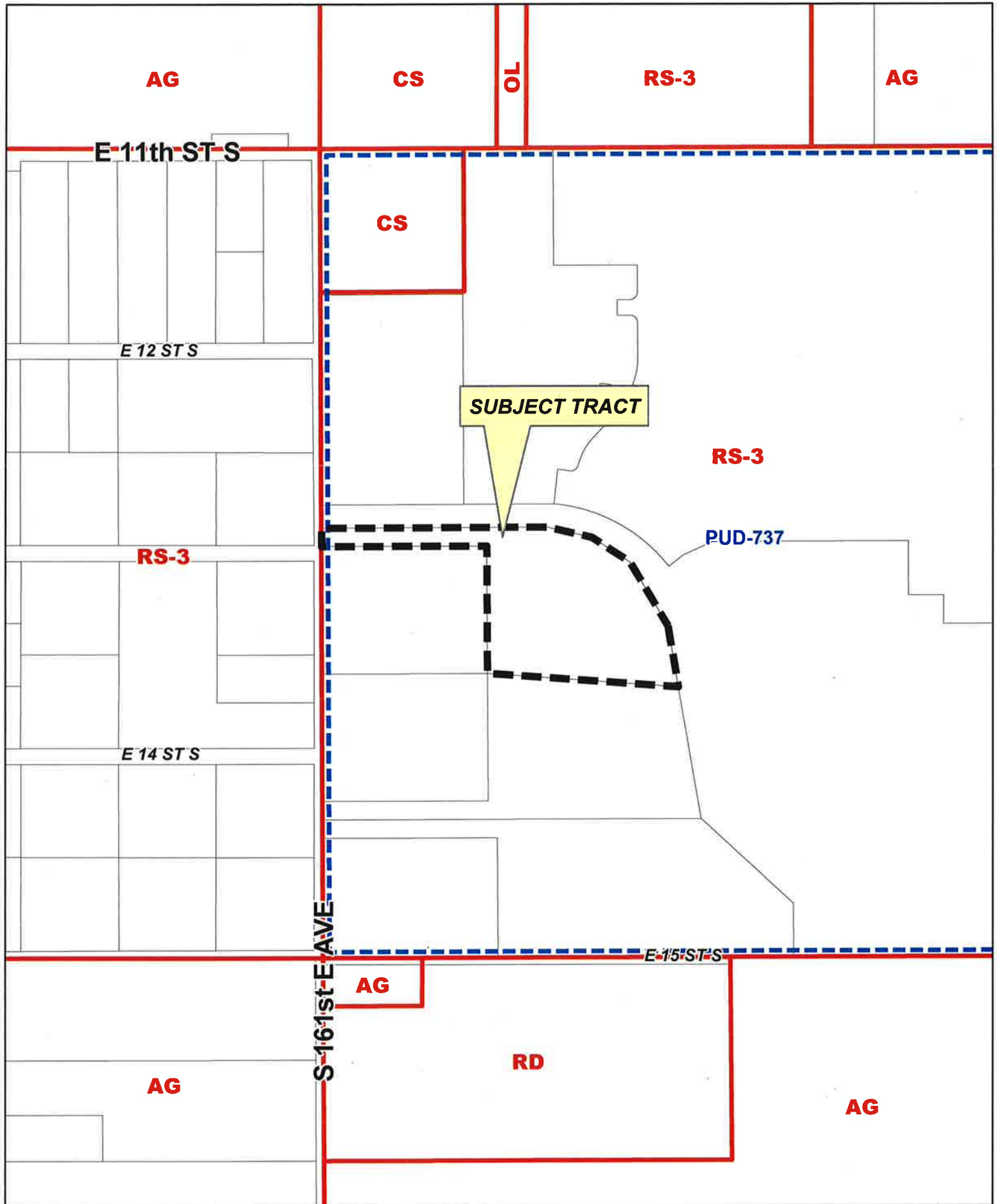
Review Comments: Only one dynamic display sign per lot is permitted and may not exceed 48 square feet in the CBD zoning district. The four proposed dynamic display signs exceed the permitted display surface area of 48 sq. ft. per lot. You may pursue a variance to permit four dynamic display signs, one 394.8 sq. ft. freestanding dynamic display sign, one 26.53 sq. ft. dynamic display wall sign on the West elevation, one 143.78 sq. ft. dynamic display wall sign on the East elevation, one 84.87 sq. ft. dynamic display wall sign on the South elevation and a variance for the display surface area to be increased from 48 sq. ft. per lot to 649.98 sq. ft. in the CBD zoning district.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



BOA-22450

19-14 11

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9411

Case Number: **BOA-22450**

CZM: 40

CD: 6

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Ruben Najera

ACTION REQUESTED: Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the RS-3 district (Section 55.090-F)

LOCATION: 1303 S. 161st Ave. E.

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: +6.645 acres

LEGAL DESCRIPTION: BEG 1233.42S NWC NW TH E732 SE150.28 SE146.68 SE242.52 SE201.38 NW625.84 N415 W535 N60 POB SEC 11 19 14 6.652ACS, RADIO HGTS

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

The **New Neighborhood Residential** Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

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 large residentially zoned lots.

STAFF COMMENTS:

The Code requires that all off-street parking areas be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel driveway as shown on the attached plan. The applicant has stated that the proposed gravel driveway will be 10ft.-12ft. in width. It appears that the homes in the surrounding neighborhood have a mixture of both concrete and gravel driveways.

7.2

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

Sample Motion for a Variance

Move to _____ (approve/deny) a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway in the RS-3 district (Section 55.090-F).

- 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 11th ST S

E 12 ST S

E 14 ST S

E 15 ST S

S 161st E AVE

0 Feet
200
400



Subject
Tract

BOA-22450

19-14 11

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

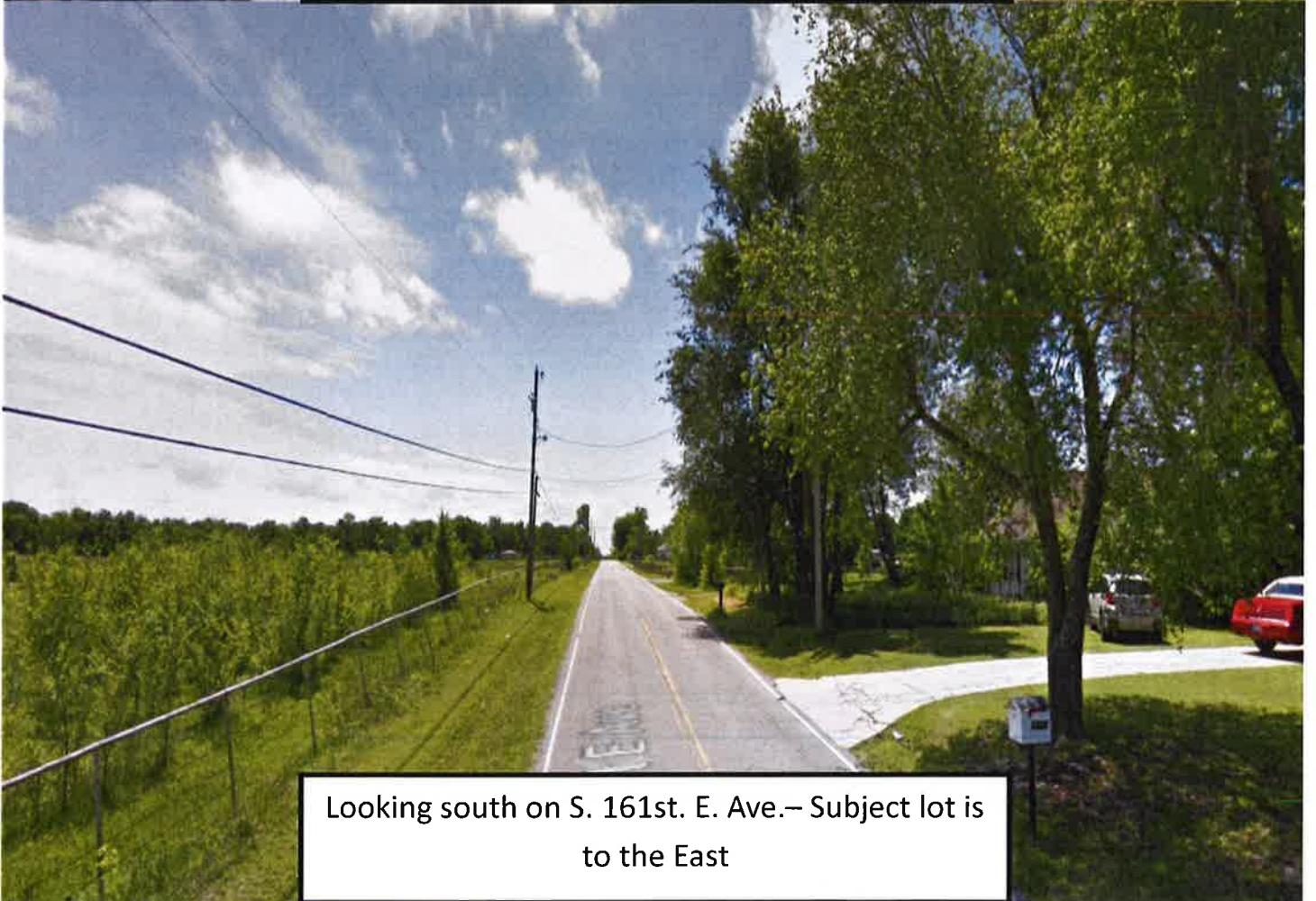
Aerial Photo Date: February 2018



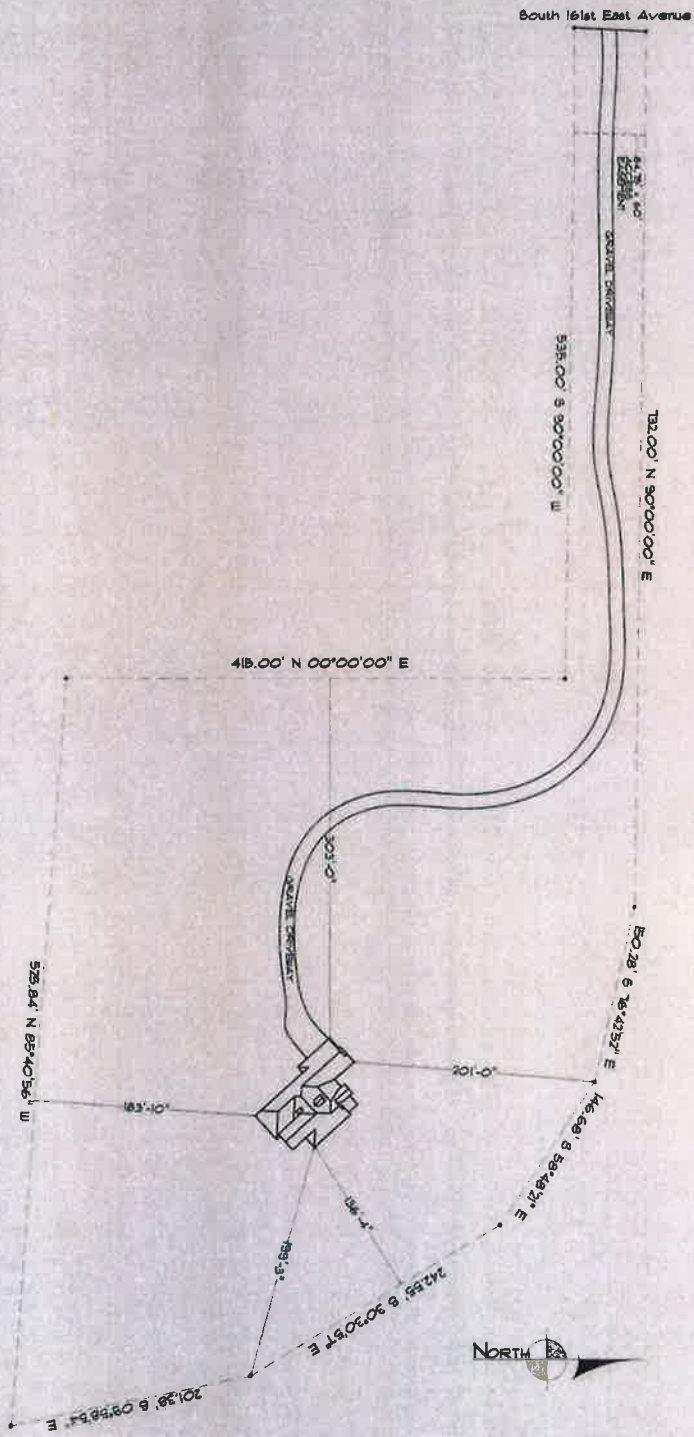
7.4



Looking north on S. 161st. E. Ave.— Subject lot is
to the East



Looking south on S. 161st. E. Ave.— Subject lot is
to the East



C.O.I.

DATE: 05/15/2014

BY: [Signature]

CONSTRUCTION MANAGER

PROJECT FOR:
The Najera-Landeros Residence



This design plan (PLOT) has been prepared for the purpose of showing the location and boundaries of the property and the construction of the residence. It is not intended to be used for any other purpose. The owner of the property is responsible for the accuracy of the information provided. The design plan is not a warranty of any kind. The owner is responsible for the accuracy of the information provided. The design plan is not a warranty of any kind. The owner is responsible for the accuracy of the information provided.

7.6

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



JEFF S. TAYLOR

ZONING OFFICIAL
PLANS EXAMINER

TEL [\(918\)596-7637](tel:9185967637)

jstaylor@cityoftulsa.org

ZONING CLEARANCE PLAN REVIEW

May 07, 2018

LOD Number: 1062559-1

RUBEN NAJERA Phone: [\(918\)637-8189](tel:9186378189)

HOMEOWNER

PO BOX 690142

TULSA, OK 74169

APPLICATION NO:

445289

(PLEASE REFERENCE THIS NUMBER WHEN

CONTACTING OUR OFFICE)

Location:

1303 S 161 AV E

Description:

NEW

INFORMATION ABOUT SUBMITTING REVISIONS

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

7.8

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](tel:(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](tel:(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

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 584-7626. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not

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

1. **Sec.70.080-B:** INCOG has advised our office that pursuant to Sec.70.080-B of the *City of Tulsa Zoning Code*, this property is subject to a platting requirement. INCOG does not have a record showing the final approved plat having been approved and filed, nor a plat waiver granted.

Review Comment: A record search from INCOG indicates this parcel is located in PUD 737. No building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. Submit a copy of the approved plat waiver or the subdivision plat or replat, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is located. Contact Nathan Foster 918-579-9481.

2. **55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

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

Ulmer, Amy

From: gltulsa@sbcglobal.net
Sent: Wednesday, May 23, 2018 8:28 AM
To: Ulmer, Amy
Subject: Re: BOA-22450 Application

Good morning

The gravel drive will be around 10 to 12 feet wide

Sent from my iPhone

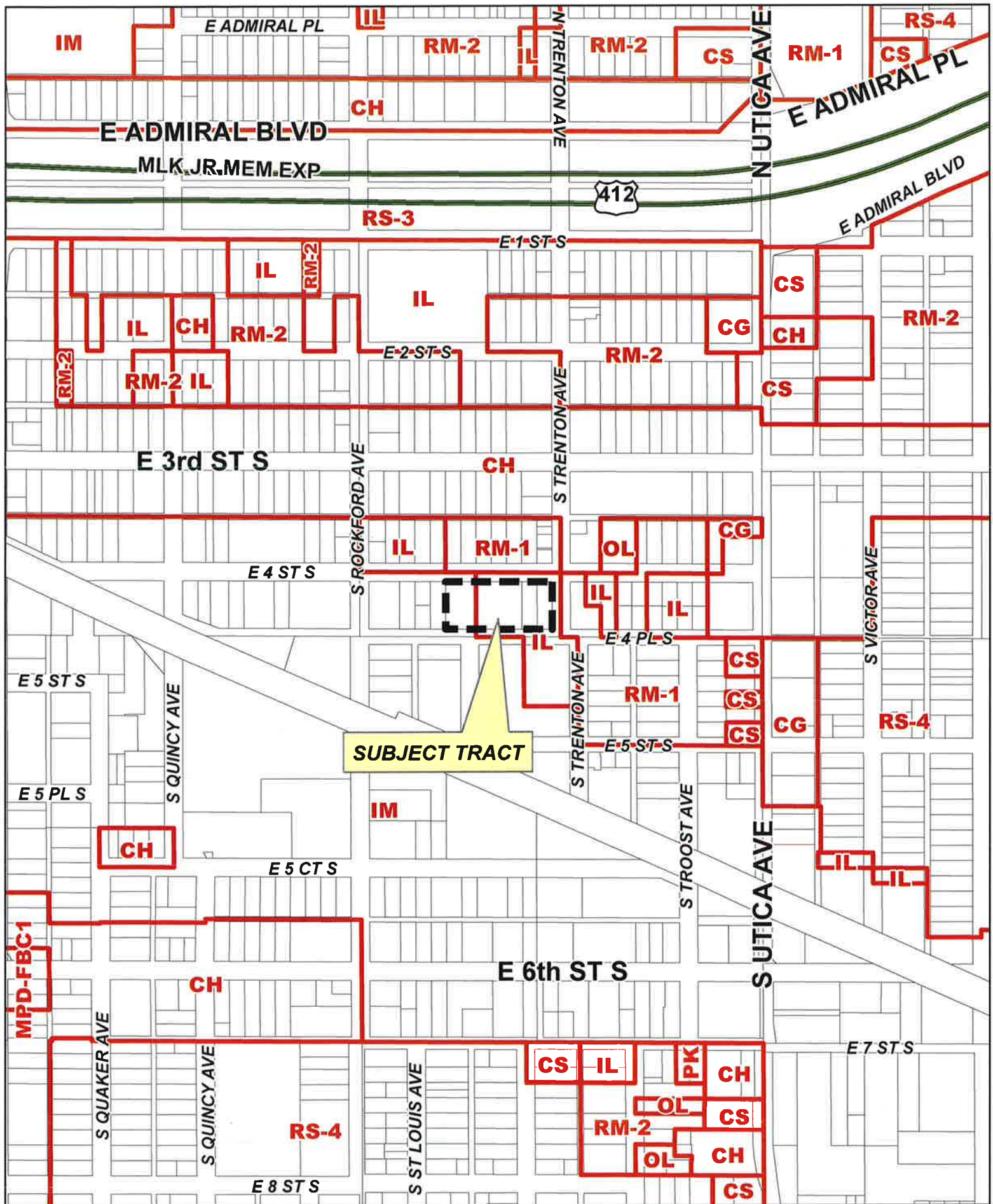
On May 22, 2018, at 4:08 PM, Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

I am reviewing your Board application and need some additional information. Could you tell me how wide the gravel drive will be? Thank you.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.9437
918.579.9537 fax
aulmer@incog.org
<image001.jpg>

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BOA-22451

19-13 06

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9306

Case Number: **BOA-22451**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Nick Grimmatt

ACTION REQUESTED: Variance of the required 10' setback in an IL district (Section 15.030-A)

LOCATION: 1527 E 4 PL S; 1530 E 4 ST S; 404 S TRENTON AV E; **ZONED:** IM,IL

PRESENT USE: housing/ wastewater treatment center **TRACT SIZE:** ± 1.23 acres

LEGAL DESCRIPTION: LTS 6 & 7 BLK 8; LTS 3 4 & 5 BLK 8; LT 2 BLK 8; LT 1 BLK 8, MIDWAY ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA- 20832; on 11.28.06 the Board **approved** a *Special Exception* to modify the screening requirement between an industrial use and an RM district; a *Special Exception* to permit required parking on a lot not containing the principal use. Located; 1517 & 1524 E 4th ST S.

BOA-17533; on 11.12.96 the Board **approved** a *Variance* of the required setback; and a *Variance* to allow required parking on a lot other than where the use is located; a *Variance* of the required landscaping to not provide landscaping, finding that landscaping already exists on the lots; a *Variance* of the all weather surface to allow a gravel parking lot. Located; southeast corner of 4th St. and S. Rockford Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "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. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts residential multi-family zoned lots to the north and east; industrial zoned lots to the south and west.

STAFF COMMENTS:

As shown on the attached site plan the applicant is proposing to extend the existing building by adding a canopy to the south side of the building. The proposed extension will have a setback of 0 feet from E. 4th Pl. The proposed extension will be within the IL zoned portion of the lot and requires a street setback of 10 ft from the lot line abutting E. 4th Pl.

To permit expansion of the existing facility as proposed the applicant is before the Board requesting a **Variance** to reduce the street setback in the IL district from 10 feet to 0 feet along E. 4th Pl.

Sample Motion

Move to _____ (approve/deny) a Variance of the required 10' setback in an IL district (Section 15.030-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.”

Case No. 20382

Action Requested:

Special Exception to modify the screening requirement between an industrial use and an RM district (Section 212.C); and a Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D) located: 1517 East 4th Place and 1524 East 4th Street.

Presentation:

Wallace Wozencraft, represented the owner and Southwest United Industries. They proposed to expand the plant facility on this property in IM zoning. The existing lot has parking on the east one-half and the lot next to it is occupied space by a paint shop. They proposed to build a structure that would cover both Lots 7 and 8, per the site plan (Exhibit E-1), about 100 ft. wide and 120 ft. in depth. He pointed out that it does not seem reasonable to put up a six-foot high fence two feet away from the solid concrete, seven-foot wall for screening. He showed the Board the parking lots under the same ownership. He acknowledged the construction would tear up the sidewalks and indicated the applicant would repair the existing sidewalks.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to modify the screening requirement between an industrial use and an RM district (Section 212.C); and a Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D), per plan, and on conditions: the lots being approved today along with the parking lot to the southeast would have a tie agreement; and the proposed additional parking lots will be paved with an all-weather surface, finding the special exceptions will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

N 77.5 LT 7 BLK 8, S 77.5 LT 7 BLK 8, LT 8 BLK 8, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20383

Action Requested:

Special Exception to permit University Use (Use Unit 5) in an RM-2 district (Section 401); and a Variance of the required 50 ft. setback for an accessory parking area from the centerline of an abutting street (Section 1302.B) , located: at the center of

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 715
Tuesday, November 12, 1996, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Abbott, Chair
Bolzle
Dunham
Turnbo
White

Beach
Huntsinger

Ballentine, Code
Enforcement
Romig, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, November 8 1996, at 11:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chair Abbott called the meeting to order at 1:05 p.m.

MINUTES:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; no "absent") to **CONTINUE** the minutes of October 22, 1996 (No. 714) to November 26, 1996 at 1:00 p.m.

UNFINISHED BUSINESS

Case No. 17533

Action Requested:

Variance of required setback from the S. Rockford Ave. & E. 4th Pl. to 0' to allow new construction. **SECTION 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS**; a Variance to allow required parking on a lot other than where the use is located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, a Variance of required landscape requirements to not provide landscaping. **SECTION 1001. LANDSCAPE REQUIREMENTS; APPLICABILITY AND EXEMPTIONS**; and a Variance of all weather surface to allow a gravel lot. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 25, located Southeast corner East 4th Street and South Rockford Avenue.

Presentation:

The applicant, **Danny Mitchell**, represented by Scott Chaney, 2651 East 21st Street, submitted a site plan (Exhibit A-1), photographs (Exhibit A-2) and a case map (Exhibit A-3).

Comments and Questions:

Ms. Abbott asked the applicant if the building adjacent to the new parking is owned by the same owner? Mr. Chaney stated that all of the marked areas on the case map (Exhibit A-3) have a common owner.

Mr. Beach asked the applicant if he was proposing that the area shaded in pink to the east of the subject tract is where he wants the parking? He answered affirmatively.

Mr. Beach asked the applicant what the other pink shaded areas represent? He stated the pink shaded areas are parking lots.

Mr. Dunham asked the applicant what type of surface did the parking lots have? He stated the parking lots are all gravel.

Mr. Dunham asked the applicant if he had any intentions of paving the parking lot surfaces at anytime? He stated that he did not have any plans to pave the surface of the parking lots at this time. Mr. Chaney explained that the area is old and it is common to have the gravel surface for the parking areas.

Ms. Abbott asked the Staff if there was any problems with the required setback as far as easements? Mr. Beach answered negatively.

Mr. Dunham asked the Staff if there was any problems with the requested variances? Mr. Beach stated that there will be a need for screening along the east side of the new parking lot adjacent to the residential area.

Mr. Dunham asked the applicant if there was any screening on the east side of the new parking lot? He stated the owners own the three lots that are in the residential area and they are vacant and there is nothing on the lots at this time.

Mr. Beach informed the applicant that the Code requires that anytime a use like this abuts a residential district, without regard to what is built there, it must be screened from the residential district. He further informed the applicant that he will have to erect a screening fence along the east side or ask this Board for relief from that requirement or rezone the three lots. He stated the applicant is not currently advertised for the screening relief and will have to make an application for that relief.

Case No. 17533 (continued)

Mr. Bolzle asked the applicant why he is asking for a variance on the landscaping requirements? He stated he will be building to the property line on the building site. He further stated that there is already existing trees and greenery on the site of the parking area. He commented that none of the trees will be removed.

Mr. Bolzle asked the applicant to clarify if the parking area will be gravel or all-weather surface, because the plan indicates all-weather surface for the parking area. Mr. Chaney stated they do not plan to pave the parking area.

Interested Parties:

Jim Doherty, 616 South Boston, stated that the expansion of an existing industry, Southwest United Industries is the purpose of this application. He further stated the company has new contracts and the company needs the extra capacity to continue to function. He indicated the area is zoned IM and it is a large to medium industrial area, which is in transition. He explained the nearest resident to this site is two blocks away. He further explained the existing building patterns are lot line to lot line and they are the old industrial area. He commented the lots are small and much too small for the normal industrial zoning. He further commented that to develop and re-utilize the lots and avoid blight it is necessary to vary some of the requirements. Mr. Doherty stated that when you build out to the lot line you cannot landscape. He further stated that there are large trees surrounding the parking lot and that will take care of the intent of the landscape provisions of the zoning Code. He commented that varying the landscaping requirements will not be detrimental to the area. He informed the Board that there is an application pending on the vacant lots to the east and will probably take care of the screening requirement should the City Council rule favorably on the application. He commented that there is really no reason the City Council should not rule favorably given the development in this area. Mr. Doherty confirmed that the gravel parking is typical throughout the subject area. He informed the Board that MTTA uses gravel parking for their employees, which is directly to the west of the subject property. He requested the Board to grant the application as presented.

Comments and Questions:

Ms. Turnbo asked the applicant how far the residential houses were from the parking lot he indicated? He stated the homes are one block away.

Mr. White stated he had no problem with the application, however the site plan for the parking lot indicates all-weather surface and three areas of landscaping designated. Mr. White questioned if the motion should be made with disregard to the plan submitted?

Ms. Turnbo asked the applicant if he had seen the submitted plan and if the landscaping indicated are the existing trees?

Mr. Chaney stated that currently he would like to utilize the existing parking as it is now.

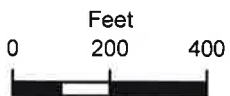
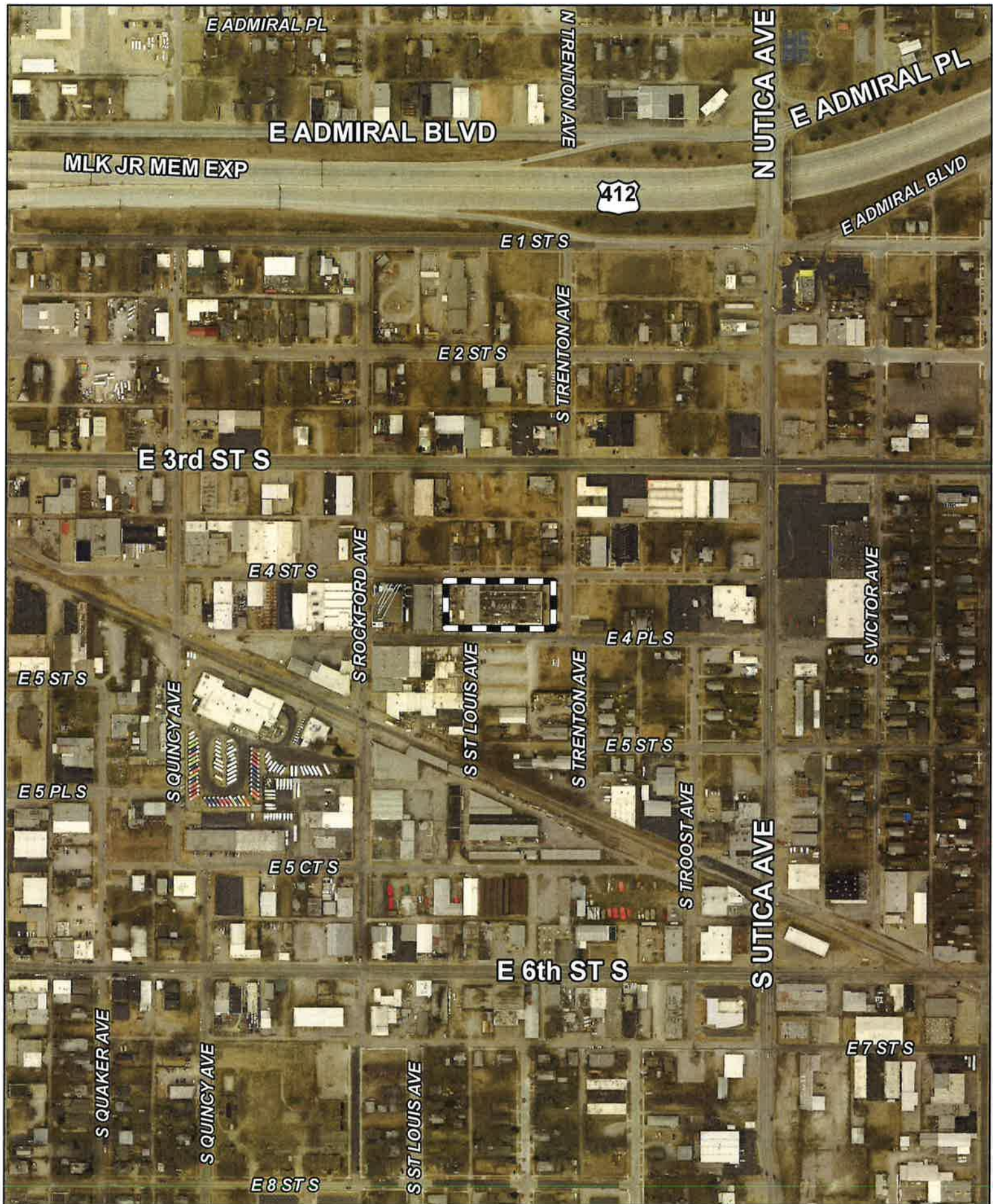
Mr. Dunham asked the applicant if he understood that if he doesn't go forward with his zoning and the Board does approve this application he will have to screen the east side abutting the residential area? He answered affirmatively.

Mr. Beach stated that the Board should disregard the site plan submitted with the application since it has many inconsistencies. He further stated the site plan does indicate that he can meet the required parking spaces.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; no "absent") to **APPROVE** a **Variance** of required setback from the S. Rockford Ave. & E. 4th Pl. to 0' to allow new construction. **SECTION 903. BULK AND AREA REQUIREMENTS IN INDUSTRIAL DISTRICTS**; finding that typically the buildings in this area are built to the lot lines; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, a **Variance** to allow required parking on a lot other than where the use is located. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS**, finding that the building will occupy the entire lot and parking will be east of the subject property; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, a **Variance** of required landscape requirements to not provide landscaping. **SECTION 1001. LANDSCAPE REQUIREMENTS; APPLICABILITY AND EXEMPTIONS**; finding that landscaping already exists on the lots; finding that the approval of this application will not be injurious to the neighborhood, will be in harmony with the spirit and intent of the Code; and a **Variance** of all weather surface to allow a gravel lot. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 25; as requested; finding having gravel surface for parking is normal in the subject area, finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

SE/c E 4th St. & S. Rockford Rd. Legal Description: Lot 10, 11 & 12, Block 3, Hackathorn, Lots 9-10, Block 2, Hackathorn, City of Tulsa, Tulsa County, Oklahoma.



Subject
Tract

BOA-22451

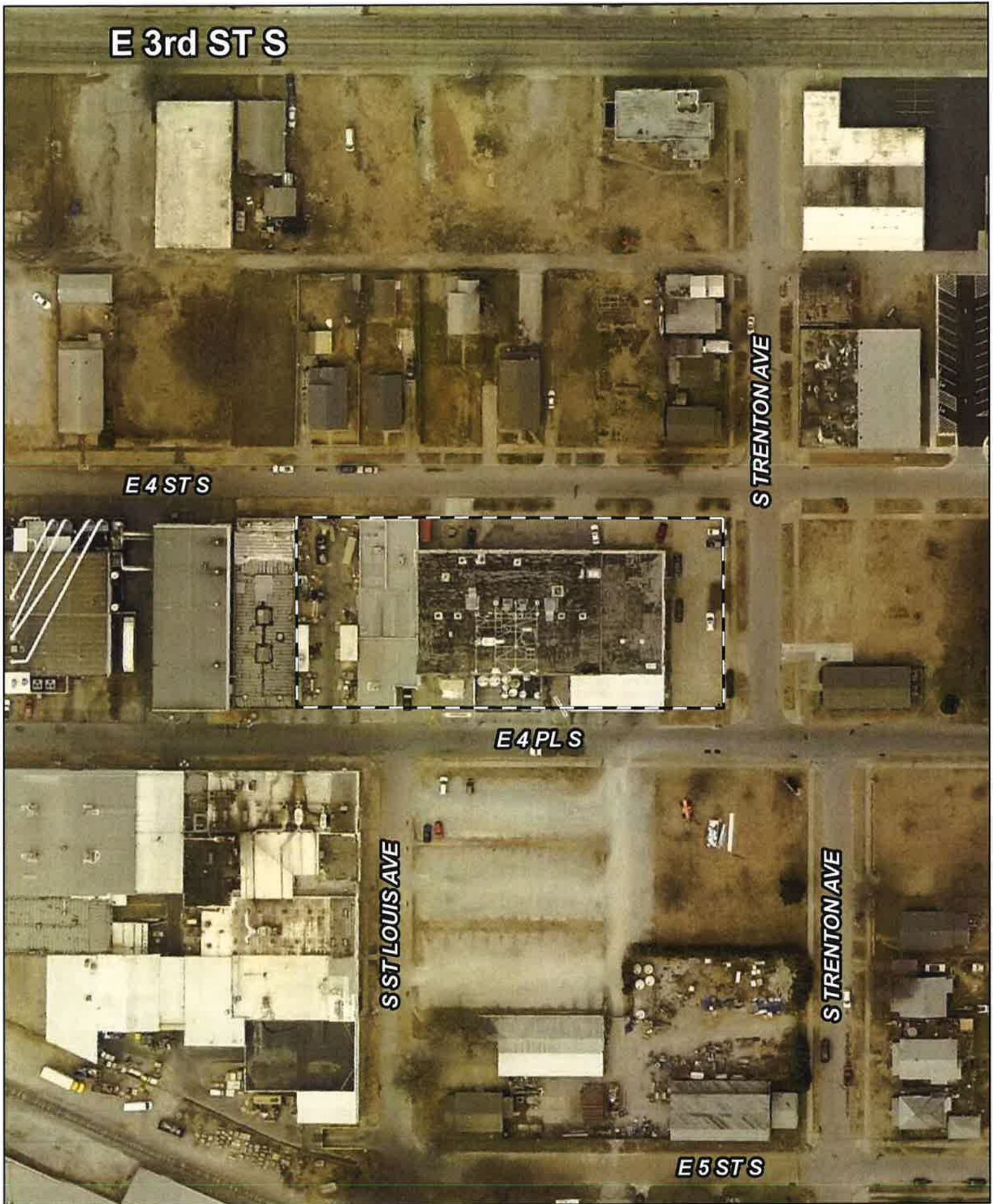
19-13 06

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

Aerial Photo Date: February 2018

8.9





0 Feet 50 100



Subject
Tract

BOA-22451

19-13 06

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

Aerial Photo Date: February 2018

8.10





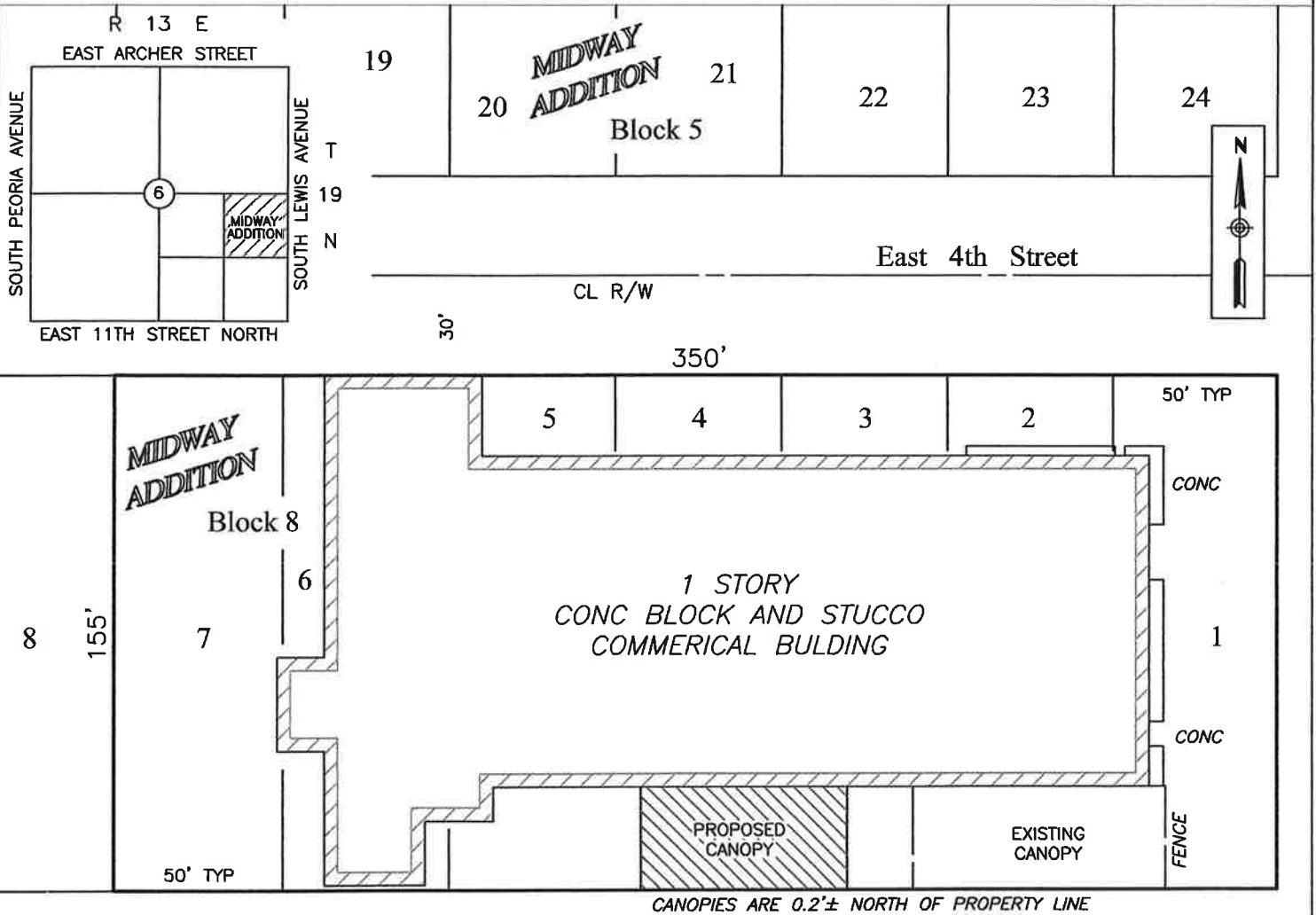
Looking northeast- towards the site- on E. 4th
Pl.



Looking northwest- towards the site- on E. 4th
Pl.



AS-BUILT / SITE PLAN



NOTES

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED ON THIS PLAT.
3. NO BOUNDARY SURVEY WAS PERFORMED BY THIS FIRM.

LEGEND

AC	ACRES
B/L	BUILDING SETBACK LINE
CL	CENTER LINE
CONC	CONCRETE
D/E	DRAINAGE EASEMENT
R/W	RIGHT-OF-WAY

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 8 OF MIDWAY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. A.K.A. 404 SOUTH TRENTON AVENUE.

SURVEYOR'S STATEMENT

I, MICHAEL ROYCE, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, HEREBY STATE THAT THE EXHIBIT HEREON REPRESENTS AN ACTUAL FIELD SURVEY OF THE IMPROVEMENTS AS SHOWN. NO EFFORT HAS BEEN MADE TO CHECK THE RECORDS OF THE COUNTY CLERK OR OTHER RECORD OFFICE. THIS PLAT WAS PREPARED FOR IMPROVEMENT IDENTIFICATION AND LOCATION PURPOSES ONLY AND SHOULD NOT BE USED OR CONSTRUED AS A PROPERTY OR BOUNDARY SURVEY.

SIGNATURE: *Michael Royce*

Royce

DATE: 10/09/17

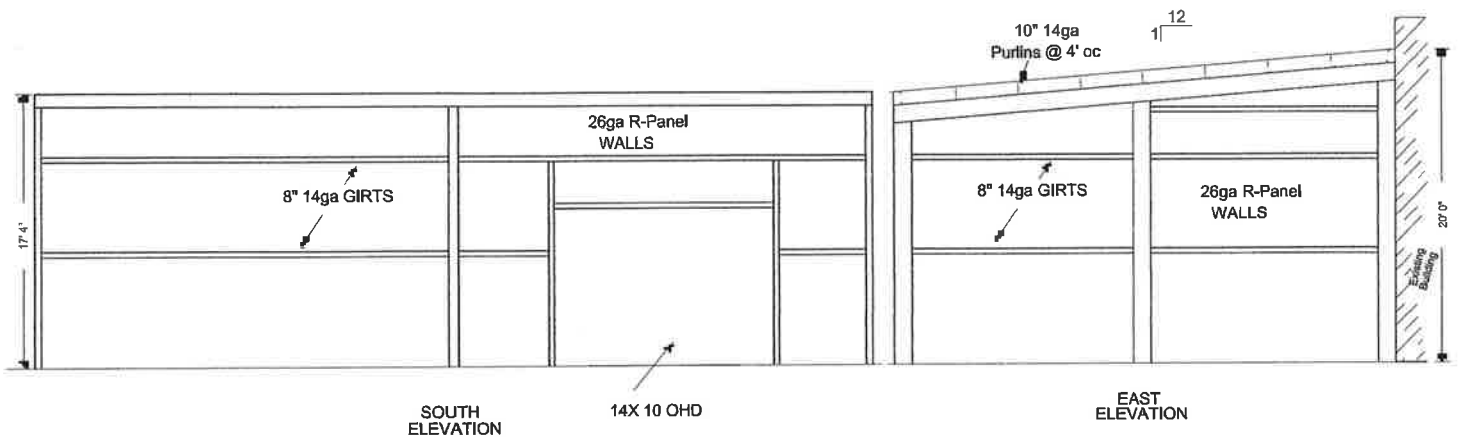
Land Surveying, P.C.



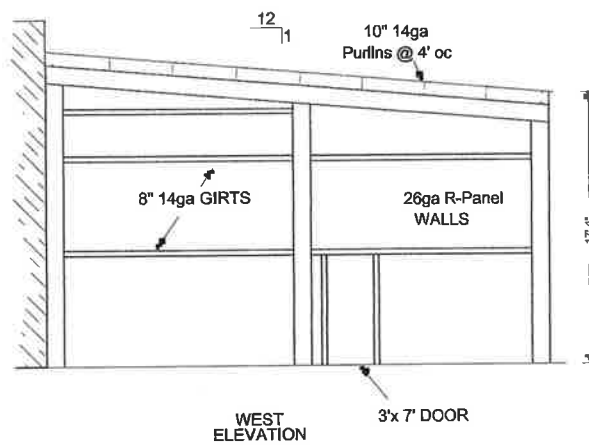
CERTIFICATE OF AUTHORIZATION NUMBER: 5270
EXPIRATION DATE: 06/30/2019
12324 EAST 86TH STREET NORTH #238
OWASSO, OK 74055
PH 918-376-9327 mikes@royceland.com

DRAWING NAME	CLIENT	SCALE	REVISION DATE
15899-EXHIBIT.dwg	GSE CONSTRUCTION	1"=50'	10/09/17

8.13



OSE Construction Inc. Muskogee, Oklahoma			
<small>Owner: Tulsa Housing Authority Project: Tulsa Housing Authority 1000 W. 10th St. Tulsa, OK 74103 Date: 10/1/10 Drawn: J. Smith Checked: J. Smith Scale: 1/8" = 1'-0"</small>			
Sheet No.	01	Of 01	10/1/10



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1062399-1

April 23, 2018

BILL MARTIN
GSE CONSTRUCTION INC
PO BOX 1843
MUSKOGEE, OK 74402

Phone: (918)781-9405
Fax: (918)686-5529

APPLICATION NO: **445225** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **404 S TRENTON AV E**
Description: **ALTERATION - EXTERIOR**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

8.15

REVIEW COMMENTS

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

Application No. 445225

404 S TRENTON AV E

April 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.

Sec.15.030-A Table 15-3: Your addendum to application # 430291 is for the construction of walls for the canopy. Required setbacks are measured from the applicable lot line. Building setbacks are measured to the nearest exterior building wall (*Sec.90.090-A*). This facility is located in an IL zoned district. A 10' setback is required from the lot line abutting E 4 PL right-of-way to the south building wall of the canopy.

Review comment: Submit a site plan, as a revision to this application, providing the following information:

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- Public rights-of-way;
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures, including distances to lot lines;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting the E 4th PL Right-of-Way;

NOTE: A variance from the BOA, reviewed and approved per *Sec.70.130*, is required if the 10' setback cannot be provided. If this is the case submit the approved variance as a revision to this application.

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

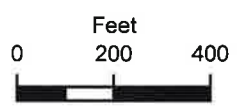
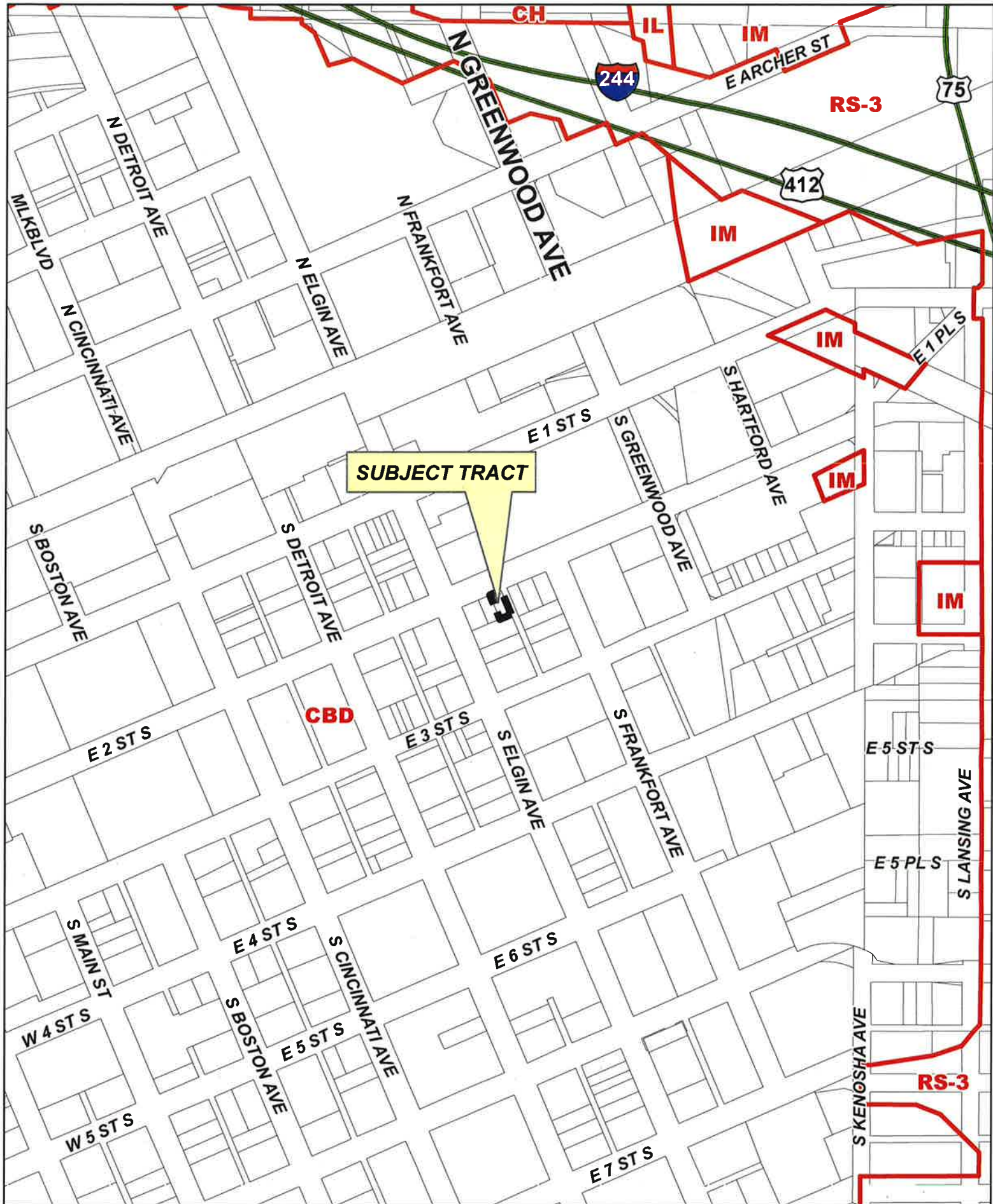
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

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BOA-22452

19-12 01

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22452**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Justin Brauchie

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

LOCATION: 412 E 2 ST S

ZONED: CBD

PRESENT USE: retail

TRACT SIZE: 3593.71 SQ FT

LEGAL DESCRIPTION: E40 LT 8 LESS BEG SECR TH W40 N.19 ELY40 S.23 POB BLK 109, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

None relevant.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract located in the CBD is surrounded by mixture of uses including surface parking lots, office space and restaurants/bars.

STAFF COMMENTS:

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

- *Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.*
- *Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.*

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

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

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

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



Feet
0 200 400



Subject
Tract

BOA-22452

19-12 01

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

Aerial Photo Date: February 2018



9.4



0 Feet 50 100



Subject
Tract

BOA-22452

19-12 01

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

Aerial Photo Date: February 2018

9.5



THE TULSAN BAR



Sec.40.050-A

1. We don't have any R-Zoned within 50 feet of the entrance doors.
2. We have no Public Parks, Schools or Religious as-assembly use within 300 feet of the property lines.
3. We are within 300 feet of the following bars.

- Arnie's Bar
- Woody's Corner Bar
- The Max Retropub

3. Cont. The Back exterior wall is within 300 feet of Midtown Adult Superstore.
4. Not a issue within the 300 feet area.
5. No Schools within the 300 feet area.



9.6

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1058951-1

April 06, 2018

JUSTIN BRAUCHIE
412 E 2 ST
TULSA, OK 74120

Phone: (918)671-6989

BOA 22 452

APPLICATION NO: 443654 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 412 E 002 ST S
Description: ALTERATION - INTERIOR

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

IMPORTANT INFORMATION

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(continued)

9.7

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. 443654

412 E 002 ST S

April 06, 2018

Note: Please direct all questions concerning spacing verifications and all questions regarding BOA application forms and fees to an INCOG representative at 918-584-7526. 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 bar is located in the CBD zoning district 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.

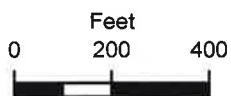
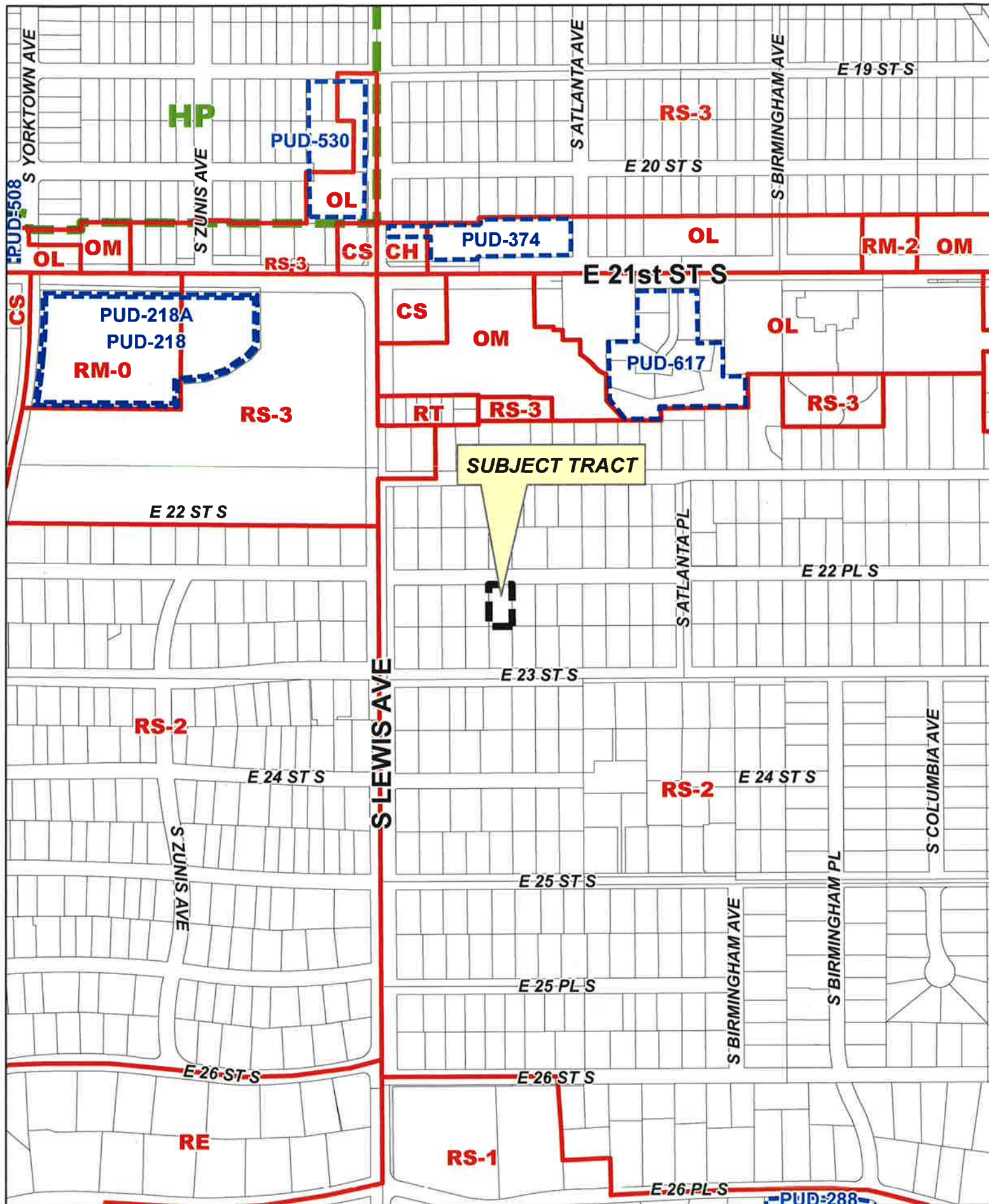
Review comment: Submit a copy of the spacing verification that has been reviewed and approved per Sec.70.110.

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.



BOA-22453

19-13 17

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9317

Case Number: **BOA-22453**

CZM:

CD: 4

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Nathan Cross

ACTION REQUESTED: Variance to allow a detached accessory building that exceeds the maximum height requirement (Section 90.090-C.2)

LOCATION: 2430 E 22 PL S

ZONED: RS-2

PRESENT USE: residential

TRACT SIZE: 10336.83 SQ FT

LEGAL DESCRIPTION: LOT 8 BLK 2,

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

BOA 17685-A: on 10.13.09 the Board **approved** a *Minor Special Exception* to amend a previously approved site plan to permit an expansion to an existing dwelling. Located; 2465 E. 23rd St. S.

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

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

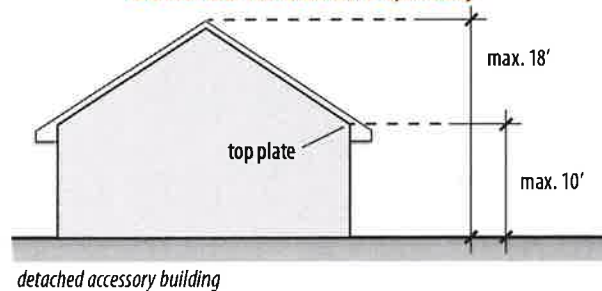
The **Areas of Stability** includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-2 zoned residences.

STAFF COMMENTS:

The Code states that detached accessory buildings in RS districts may be located in the required rear setbacks if the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the plate (Section 90.090-C.2).

Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



As shown on the attached site plan, the proposed garage will exceed the 18' height requirement. The applicant has requested a **Variance** to allow the accessory building to exceed 18' in height to allow a height of 21'.

The applicant has submitted an attached document detailing the history of the site and a statement of hardship.

Sample Motion

Move to _____ (approve/deny) a **Variance** to allow a detached accessory building to exceed 18' in height to allow an overall height of 21' (Section 90.090-C.2).

Finding the hardship(s) to be _____.

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

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

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

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

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

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

Presentation:

The applicant was not present. Mr. White noted this relief would allow cars on the right-of-way. Mr. Cuthbertson stated the applicant needs a license agreement and a variance to park within the right-of-way. Staff advised Mr. Clifton numerous times that the Board needs a site plan, referencing the 30 ft. and the location on the property.

Interested Parties:

There were no interested parties present.

Board Action:

On **Motion of White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **Deny** Case No. 16182-A, finding the area described is actually City property, and not Mr. Clifton's property, on the following described property:

BEG 30E & 50N SWC SW SE SE TH E150 N125 W150 S125POB SEC 10 19
13, City of Tulsa, Tulsa County, State of Oklahoma

*****.

Case No. 17685-A

Action Requested:

Minor Special Exception to amend a previously approved site plan to permit an expansion to an existing dwelling, located: 2465 East 23rd Street South.

Presentation:

Forrest Carpenter, 3180 South Florence Place, Tulsa, Oklahoma, 74105, proposed to remove existing storage and replace it with a new addition. He plans to expand the game room, and increase the wall height on the second story. It is four feet from the property line instead of five ft. It is not for rental property. The stairwell is on the interior.

Comments and Questions:

Ms. Stead asked if water and sewer lines are run to the second story. Mr. Carpenter replied they are.

Interested Parties:

There were no interested parties present.

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Board Action:

On **Motion of Van De Wiele**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** a Minor Special Exception to amend a previously approved site plan to permit an expansion to an existing dwelling, with the condition that the addition not be used for rental quarters, per plan as shown on pages 14.6 and 14.8 in the agenda

FILE COPY

packet, finding the Minor Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare on the following described property:

LOT 23 BLK 2, WELLS HEATH ADDN RESUB TR 14-17 HARTER'S SECOND SUB, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Review and Approve Board of Adjustment 2010 Meeting Schedule

Board Action:

On **Motion** of **White**, the Board voted 3-0-0 (White, Stead, Van De Wiele "aye"; no "nays"; no "abstentions"; Tidwell, Henke "absent") to **APPROVE** the City of Tulsa Board of Adjustment 2010 Meeting Schedule.

There being no further business, the meeting adjourned at 2:55 p.m.

Date approved: _____

10/27/09



Chair



0 Feet 200 400



Subject Tract

BOA-22453

19-13 17

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

Aerial Photo Date: February 2018

10.7

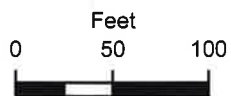


E22STS

E 22 PL S

E23STS

S LEWIS AVE



Subject
Tract

BOA-22453

19-13 17

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

Aerial Photo Date: February 2018

10.8





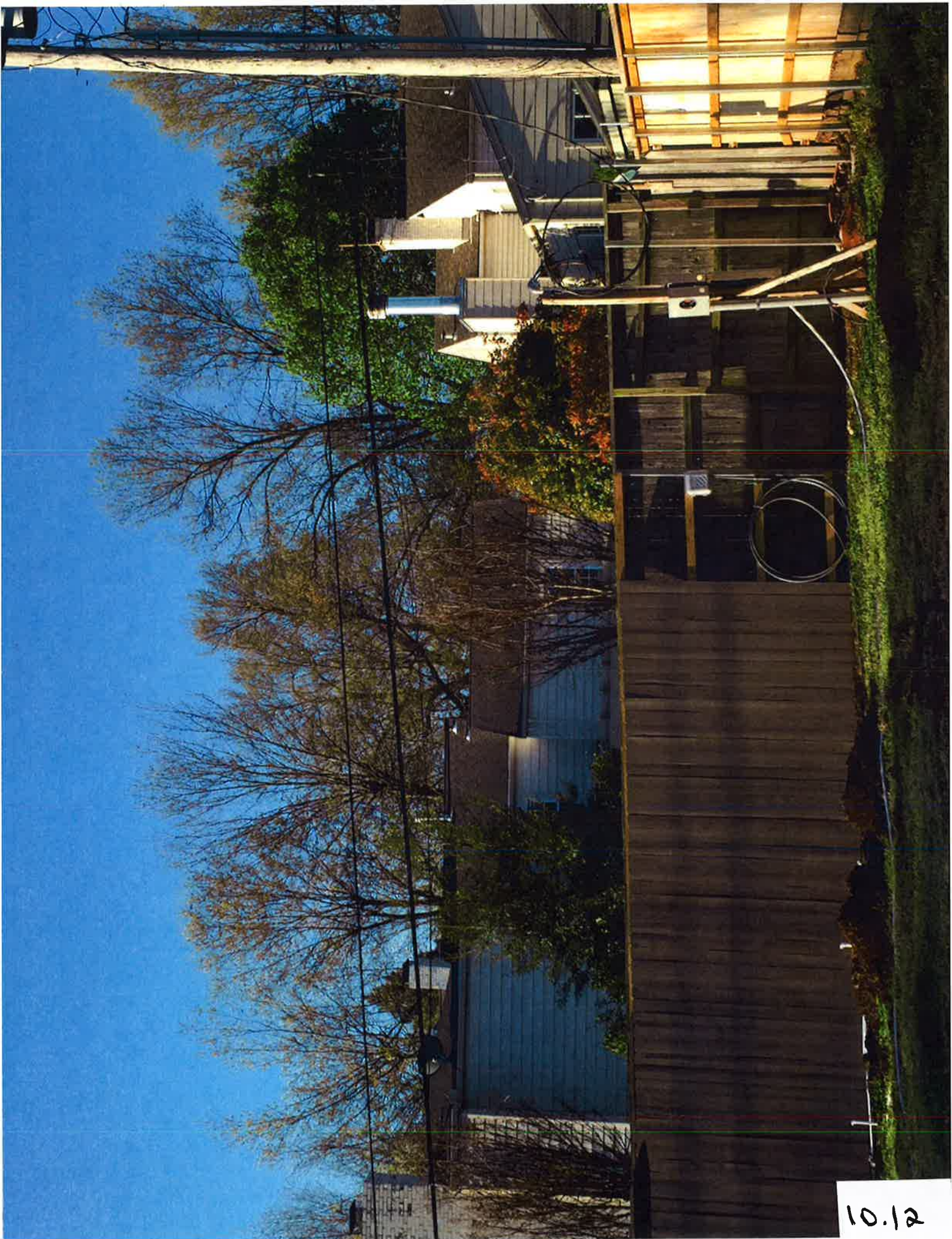
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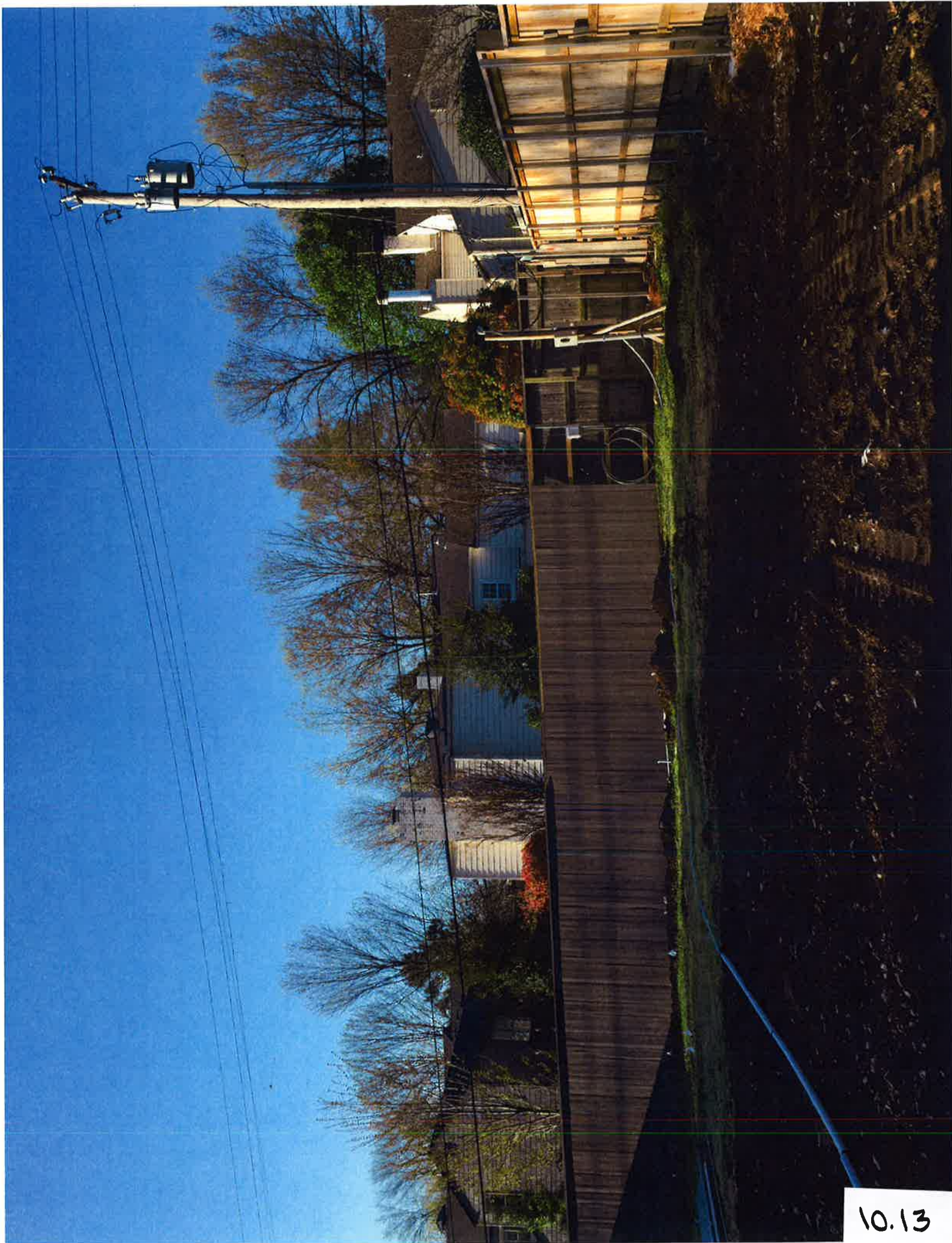
10.10



10.11



10.12



10.13



10.14



10.15



10.16

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(918) 627-1926

Cedar Creek Building Materials
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Broken Arrow, OK 74012
(918) 258-9558

Pella Windows and Doors
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Tulsa, OK 74145
(918) 855-5110

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(918) 251-9647

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(918) 596-9455

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(800) 522-OKIE

[illegible]

Mr. & Mrs. D. Kaiser

Garage

Project number	1541
Date	3/22/2018
Drawn by	T. DOBBS
Sheet number	A104

Garage Section View

Scale: _____ 1/2" = 1'-0"

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10.17

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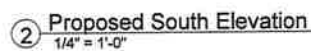
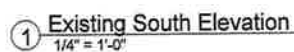
Cedar Creek Building Materials
8500 S 145th E Ave,
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[illegible]

Mr. & Mrs. D. Kaiser

Garage

Project number:	1541
Date:	3/23/2018
Drawn by:	T. DOBBS
Sheet number:	A107

South Elevations

Scale:	1/4" = 1'-0"
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[illegible]

10.19

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(818) 827-1828

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[illegible]

Mr. & Mrs. D. Kaiser

Garage

Project number:	18
Date:	3/22/20
Drawn by:	T. DOB
Sheet number:	A 1

North Elevations

Scale: $1/4" = 1'-0"$

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15.20

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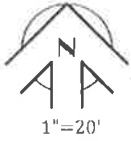
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Garage

Product number:	1841
Date:	3/22/2018
Drawn by:	T. OGBORN
Sheet number:	A100
Proposed Roof Plan	
Scale:	1/4" = 1'-0"

Roof Plan
1/4" = 1'-0"

19.21



WHITE SURVEYING COMPANY

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PLAT OF SURVEY

INVOICE NO.: STK 18-92352
CLIENT: BARRON & MCCLARY GENERAL CONTRACTORS

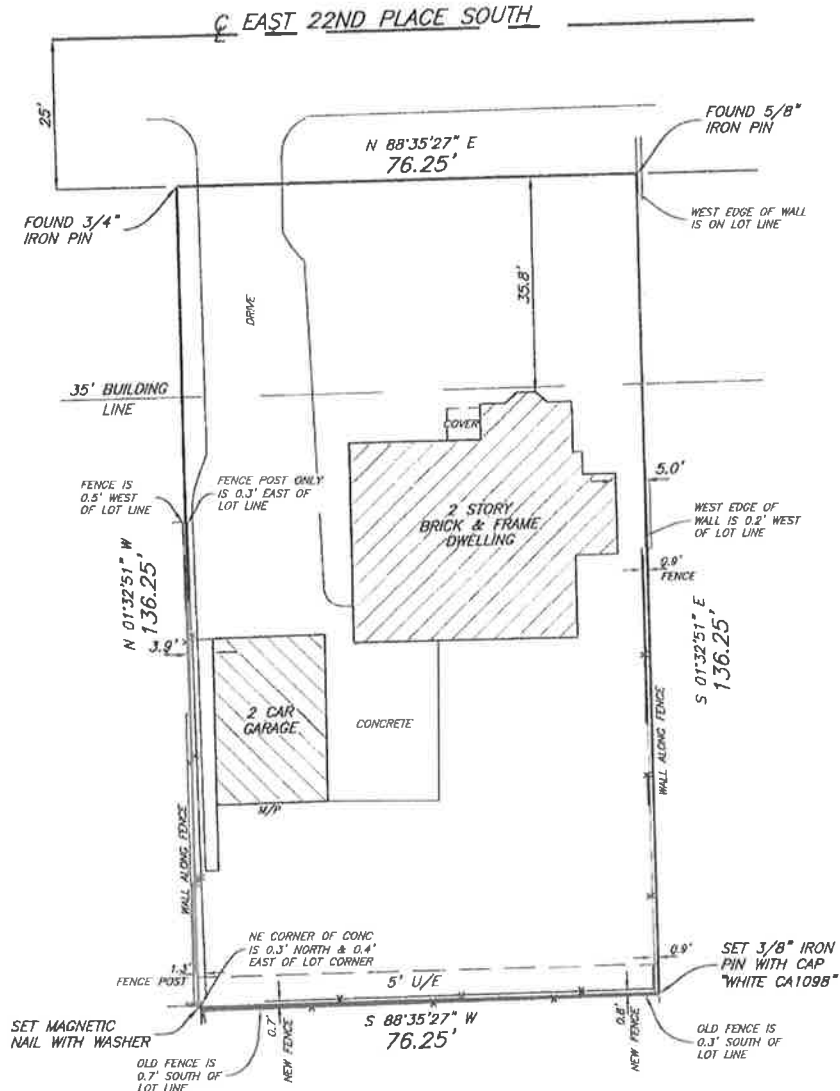
LEGEND

— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)

GENERAL NOTES

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

FIELD WORK COMPLETED APRIL 6, 2018.



LEGAL DESCRIPTION:

LOT EIGHT (8), BLOCK TWO (2), WELLS HEATH ADDITION, AD ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 2430 EAST 22ND PLACE SOUTH.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY; THAT UNDERGROUND OR ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY REQUESTED PRIOR TO THE TIME OF THIS SURVEY; THAT EXCEPT AS SHOWN, THERE ARE NO ENCROACHMENTS FROM ADJOINING PREMISES ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJOINING PREMISES FROM THE PROPERTY DESCRIBED HEREON; BY VISIBLE PERMANENT IMPROVEMENTS; AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFRAINANCE, OR OTHER TRANSACTION.



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA109B (RENEWAL 6/30/2019)

BY: DATE: 4/11/18
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1052



BEFORE YOU DIG,
CALL ONE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811

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MRM - S:\01083\B002\1006\02352P518.dwg 04/11/18

10.22

EXHIBIT "A"
(Legal Description)

Lot Eight (8), Block Two (2), WELLS HEATH ADDITION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to Recorded Plat No. 1083.

EXHIBIT "B"

History of the Property

The subject property is a 2,872 square-foot home constructed in 1938. As with most homes of this vintage, the original garage was detached and built to accommodate one car and a servant's quarters. Over time, modifications have been made to the home to be more in line with modern-day homes but no significant modifications had been made to the garage.

After the Property Owners acquired the property, the Property Owners engaged a contractor to remodel the garage and engaged a contractor to build a pool. Prior to obtaining permits for construction of the proposed structure, the Property Owners' contractor unilaterally demolished the existing garage leaving the Property Owners without garage space. As such, there is no existing garage space on the property.

Issue

The home itself was completely remodeled prior to the Property Owners' purchase and both the attic and basement storage spaces were replaced with living space. The garage was remodeled to function as a two-car garage but the dimensions of the original one-car structure were not increased as part of this remodel. The combination of these two remodeling projects resulted in the home having no functional storage space and the garage being too small to accommodate two modern cars plus lawn equipment and storage space taken from the home.

Variance Request

Because of the limitations set forth above, the Property Owners elected to build a new garage that could accommodate both of their cars plus their lawn equipment and provide accessible space upstairs for storage. For at least these reasons, the Property Owners are seeking a variance from the Code Section 90.090-C to allow for the structure to be built to a height of 21 feet to accommodate both cars, lawn equipment, and attic storage.

Hardship

As discussed above, the Property Owners purchased this house after a large-scale remodel was done by the previous owner. To increase livable space, the previous owner removed all storage areas in the home structure and turned them into finished spaces. The reason that the Property Owners chose this particular home is that they need a house with the amount of living space that the home has after the renovation and for access to the schools and resources needed for their family. The problem is that, due to the renovation, there is no storage space within the home because all attic and basement space has been converted into livable space. Further, although the Property Owners could get their cars in the previous garage, they did not have space

sufficient to open the doors or store lawn equipment and did not have any storage for their home or family. The proposed garage structure will accommodate both of the Property Owners' vehicles, will also allow for storage of lawn equipment, and will allow for storage for their home and family. This will allow the Property Owners to store all of their vehicles, equipment, and other property internally and out of sight.

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

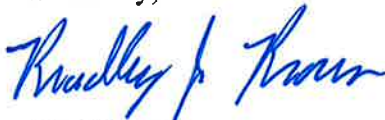
Our names are Brad and Andrea Brown. We live at 2440 E. 22nd Place, Tulsa, OK 74114, which is two homes over from where the Kaisers live. We have lived in the neighborhood for approximately 4 years and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

The Kaisers' home was built in 1938 and is a Tudor-style home, with a tall, high pitch roof that exceeds 21-foot in height. We have seen the drawings of the garage that the Kaisers propose to build. The style of the proposed garage matches the style of the home, is architecturally-consistent with the home and the neighborhood, is 21-foot in height, and does not exceed the pitch of the roof in height or the height of any of the homes surrounding the Kaisers' home, all of which we have personal knowledge of. The Kaisers do not currently have a garage, and the proposed garage would allow them to have a garage that would match the style and size of the home, allow them to still have good green, yard space, allow them to park both of their cars, have an attic space (which they need because their home does not have an attic), and have room to store their lawn and other home-improvement equipment. We also believe that the proposed garage would add value to the home and would improve the appearance of the neighborhood. We have spoken with the Kaisers about the proposed garage and know that they care that the proposed garage would be true and consistent with the appearance and style of the home and consistent with the neighborhood.

We fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If we can be of any further assistance, then please let us know.

Sincerely,



Brad Brown

Sincerely,



Andrea Brown

2424 E 22 Place

Tulsa OK 74114

April 24, 2018

City of Tulsa Board of Adjustment

2 West Second Street, Suite 800

Tulsa OK 74103

RE: Request of David and Stephanie Kaiser of 2430 E 22 Place, Tulsa OK 74114.

To Whom It May Concern:

My name is Christine Gruszczeni and I live next door to the Kaiser's home. I have owned my home since 2008, and I am familiar with the Kaiser's home.

The Kaisers have removed the garage that was in place when they bought their home, and plan to replace it with a new, larger building. I understand that the planned garage exceeds what the building code normally allows for a building of this type, but that the new garage will not exceed 21 feet in height, so will not be taller than their home. The new garage is to be built in a style that is consistent with the structure of their home and will provide additional storage and parking space for them. I don't believe it will take away anything from the street view of their home or surrounding homes.

I am in agreement with the Kaiser's plan to build their new garage and support the variance required to allow them to pursue their plans.

Sincerely,

A handwritten signature in black ink, appearing to be 'Christine Gruszczeni', with a stylized, cursive script.

Christine Gruszczeni

(918) 645-3025

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

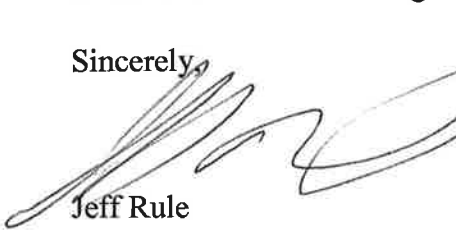
Our names are Jeff and Kristan Rule. We live at 2435 E. 22nd Place, Tulsa, OK 74114, which is diagonally across the street from where the Kaisers live. We have lived in the neighborhood for approximately 6 months and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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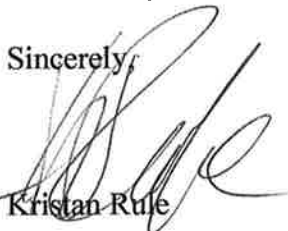
We fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If we can be of any further assistance, then please let us know.

Sincerely,



Jeff Rule

Sincerely,



Kristan Rule

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

Our names are Blake and Mea Shawn Geubelle. We live at 2435 E. 23rd Street, Tulsa, OK 74114, which is diagonally behind from where the Kaisers live. We have lived in the neighborhood for approximately 12 years and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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We fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If we can be of any further assistance, then please let us know.

Sincerely,


Blake Geubelle

Sincerely,


Mea Shawn Geubelle

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

Our names are Jake and Candice Swim. We live at 2423 E. 23rd Street, Tulsa, OK 74114, which is diagonally behind from where the Kaisers live. We have lived in the neighborhood for approximately 14 years and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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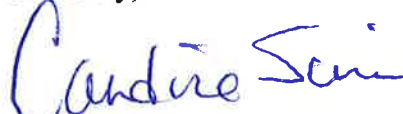
We fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If we can be of any further assistance, then please let us know.

Sincerely,



Jake Swim

Sincerely,



Candice Swim

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

Our names are Matt and Jill Frye. We live at 2423 E. 22nd Place, Tulsa, OK 74114, which is directly across the street from where the Kaisers live. We have lived in the neighborhood for approximately 8 months and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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We fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If we can be of any further assistance, then please let us know.

Sincerely,



Matt Frye

Sincerely,



Jill Frye

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

Our names are Andrea Hyatt, Debbie Davidson, and Mary Beth Frampton. We live at 2409 E. 22nd Place, Tulsa, OK 74114, which is one house over from being diagonally across the street from where the Kaisers live. We have lived in the neighborhood for approximately 17 years and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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Sincerely,



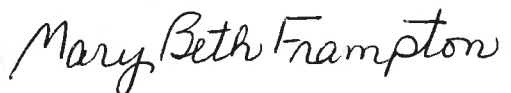
Andrea Hyatt

Sincerely,



Debbie Davidson

Sincerely,



Mary Beth Frampton

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

Our names are Karey and Pam Low, and we coordinate the contacts in our neighborhood. We live at 2447 E. 22nd Place, Tulsa, OK 74114, which is one house over from being diagonally across the street from where the Kaisers live. We have lived in the neighborhood for approximately 37 years and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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We fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If we can be of any further assistance, then please let us know.

Sincerely,



Karey Low

Sincerely,



Pam Low

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

My name is Ruth Ann Kelly. I live at 2434 E. 22nd Place, Tulsa, OK 74114, which is next door to where the Kaisers live. I have lived in the neighborhood for approximately 48 years and am familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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I fully support the Kaisers' request to build the proposed garage at a height of 21 feet as set forth in their drawings. If I can be of any further assistance, then please let me know.

Sincerely,



Ruth Ann Kelly

April 23, 2018

City of Tulsa Board of Adjustment
2 West Second Street, Suite 800
Tulsa, OK 74103

Re: Request concerning David and Stephanie Kaiser, 2430 E. 22nd Place, Tulsa, OK 74114

Dear Sir or Madam:

Our names are Mike Cooper and Sunhye Jang. We live at 2415 E. 22nd Place, Tulsa, OK 74114, which is diagonally across the street from where the Kaisers live. We have lived in the neighborhood for approximately 12 years and are familiar with the Kaisers' home.

Currently, the Kaisers do not have a garage or external storage space. The original garage was small, did not sufficiently allow for two full-size vehicles and lawn equipment to be stored, and did not have any attic storage. The garage was architecturally inconsistent with the home, and the garage door was shorter in height, and would not allow for a tall full-size truck to drive into it. The original garage was made of wood, which had split and warped over time, and the paint on the garage was peeling. The garage needed to be replaced or updated and did not function as a family garage or as more recently built garages do.

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Sincerely,



Mike Cooper

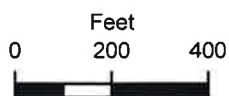
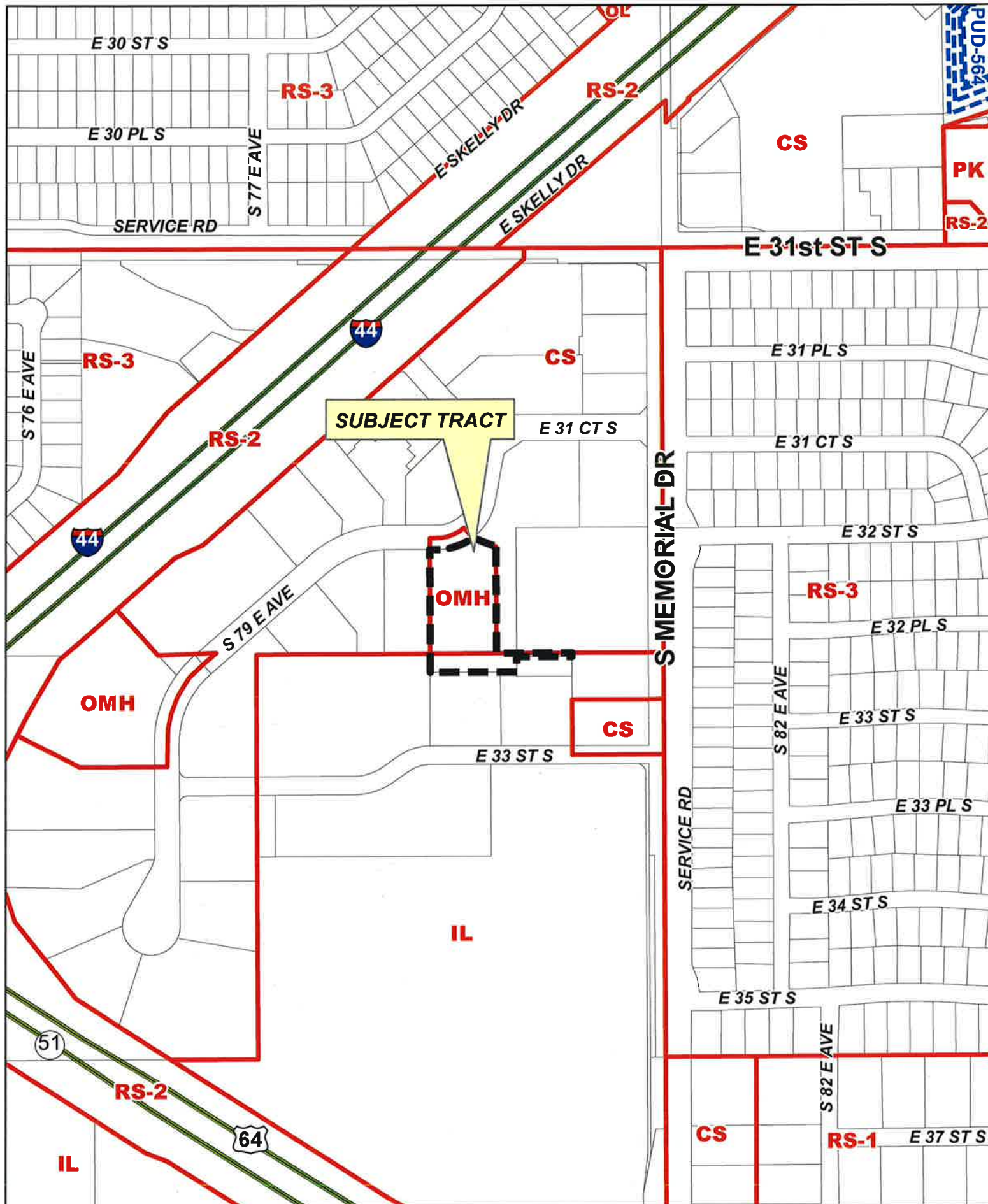
Sincerely,



Sunhye Jang

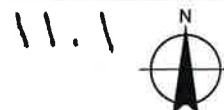


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BOA-22454

19-13 23



BOARD OF ADJUSTMENT CASE REPORT

STR: 9323

Case Number: **BOA-22454**

CZM: 48

CD: 5

A-P#:

HEARING DATE: 06/12/2018 1:00 PM

APPLICANT: Patti Alan

ACTION REQUESTED: Variance of the allowable number of signs in an OMH district to permit two signs (Section 60.060-B); Variance of the allowable display surface area for signs (Section 60.060-C)

LOCATION: 3209 S 79 AV

ZONED: OMH, IL

PRESENT USE: hotel

TRACT SIZE: + 2.19 acres

LEGAL DESCRIPTION: PRT LT 3 BEG 710W SECR TH N340.39 E19.76 TH NELY CRV LF 136.18 NE0.00 SE80.92 S346.63 W215 POB & A TR OF LAND BEG 760W NEC N/2 SE NE E460 S10 W180.01 S50 W280 N60 POB SEC 23 19 13 .427AC, NORTHEAST OK REHAB HOSP PRT RSB PT L2B1 INTCHG PL&PT L3 INTCHG CTR, INTERCHANGE CTR

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA 16921: on 1.24.95 the Board **approved** a *variance* of the number of sign permitted; *variance* of the total allowable display surface area per plan submitted.

BOA 15764: on 6.25.91 the Board **approved** a *variance* of the number of sign permitted; *variance* of the total allowable display surface area per plan submitted.

BOA 13387: on 11.18.84 the Board **approved** a *variance* of display area limitations of signs, per plan submitted.

BOA 13349: on 10.18.84 the Board **approved** a *special exception* to permit a hotel/motel in an OMH zoned district; variance of the required frontage in an IL zoned district; variance of the off-street parking requirements, per site plan.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted on the north by S. 79th E. Avenue; to the east and west by CS zoned commercial uses; to the south by a majority of IL zoned parcels.

STAFF COMMENTS:

Per the code, Lots in office districts are allowed one on premise sign per street frontage. Signs allowed in an OMH district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area.

As shown on the attached plans the applicant is proposing to add a 205.78 sq. ft. wall sign to the northwest elevation of the building and a 66.32 sq. ft. ground sign along S. 79th E. Avenue. The Clarion Inn & suites building has frontage on S. 79th E. Avenue that totals 155.94 feet. A total sign display area of 46.78 SF is permitted along S. 79th E. Avenue. The proposed ground sign and wall sign will exceed the permitted display surface area by 225.32 feet.

The applicant has requested a **Variance** to increase the allowable display surface area for signs from 46.78 sq. ft. to 271.21 sq. ft. along the South 79th East Avenue frontage (60.060-C). and a **Variance** to allow 2 signs along the South 79th East Avenue frontage (Section 60.060-B).

The Applicant provided the following statement with their application: *"Due to placement and setback of the building on property, it is very difficult to see signage. All other adjacent property is zoned commercial/ industrial allowing for much more visible signs at our competitor's locations. Additional square footage would greatly increase readability and would help with this loss of business. Due to the unique zoning of this property versus the adjacent property owners who are commercial/ industrial this business has a hardship of not being able to have a monument & wall sign like all other adjacent property owners and our other competitors surrounding them. A monument sign would increase visibility to their existing and new customers."*

Sample Motion for a Variance

Move to _____ (approve/deny) **Variance** to increase the allowable display surface area for signs from 46.78 sq. ft. to 271.21 sq. ft. along the South 79th East Avenue frontage (60.060-C). and a **Variance** to allow 2 signs along the South 79th East Avenue 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."*

Action Requested:

Variance of the maximum number of signs permitted and a variance of the total allowable display surface area for a sign - **SECTION 602.B.4. BUSINESS SIGNS** - Use Unit 19, located 3209 South 79th East Avenue.

Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Doug Barlow**, who submitted a plot plan (Exhibit R-1) and requested that a sign be permitted on the south end of the east wall of the Hampton Inn. The applicant advised that the subject property is surrounded by commercial zoning. He pointed out that a sign at this location would allow visibility from Memorial Drive.

Comments and Questions:

Mr. Gardner noted that the OMH office zoning only permits one sign on each street frontage; however, if zoned commercial like the surrounding properties, the requested signage would be permitted by right.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 3-1-0 (Abbott, Bolzle, Turnbo, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum number of signs permitted and a **variance** of the total allowable display surface area for a sign - **SECTION 602.B.4. BUSINESS SIGNS** - Use Unit 19; per plan submitted; finding that the property is abutted by CS zoned property that would permit the additional signage by right; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

All that part of Lot 3, Interchange Center Addition to the City and County of Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4, Section 23, T-19-N, R-13-E); 710' from the SE/c thereof, (760' from the NE/c of the N/2, SE/4 NE/4, Section 23, T-19-N, R-13-E); thence north 0°-01'-30" east a distance of 340.39' to a point in the south R/W of South 79th East Avenue; thence south 89°-56'-27" east

Case No. 16921 (continued)

along the south R/W a distance of 19.76'; thence along the R/W on a curve to the left having a radius of 190' a distance of 136.18'; thence north 48°-59'-32" east a distance of 0.0'; thence south 60° east a distance of 80.92'; thence south 0°-01'-30" east a distance of 346.63' to a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E) 495' from the SE/c thereof; thence north 89°-58'-30" west along the common boundary of said Lot 3 and the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E a distance of 215' to the POB, containing 76,820 sq ft or 1.763538 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16924

Action Requested:

Variance of the required setbacks from a freeway right-of-way to permit a sign - **SECTION 1221.C.1.c. SIGN SETBACKS** - Use Unit 21, located west of the southwest corner of I-44 and South Yale Avenue.

Presentation:

The applicant, **Ted Sack**, 111 South Elgin, submitted a plot plan (Exhibit S-1) and informed that it was found that the sign in question could not be installed at the proposed location because of the utility right-of-way. He informed that the pole was placed north of the paving and the sign has been installed to cantilever toward the property. Mr. Sack requested permission to center the sign on the pole. It was noted that the existing water line and the configuration of the tract present a hardship for this case.

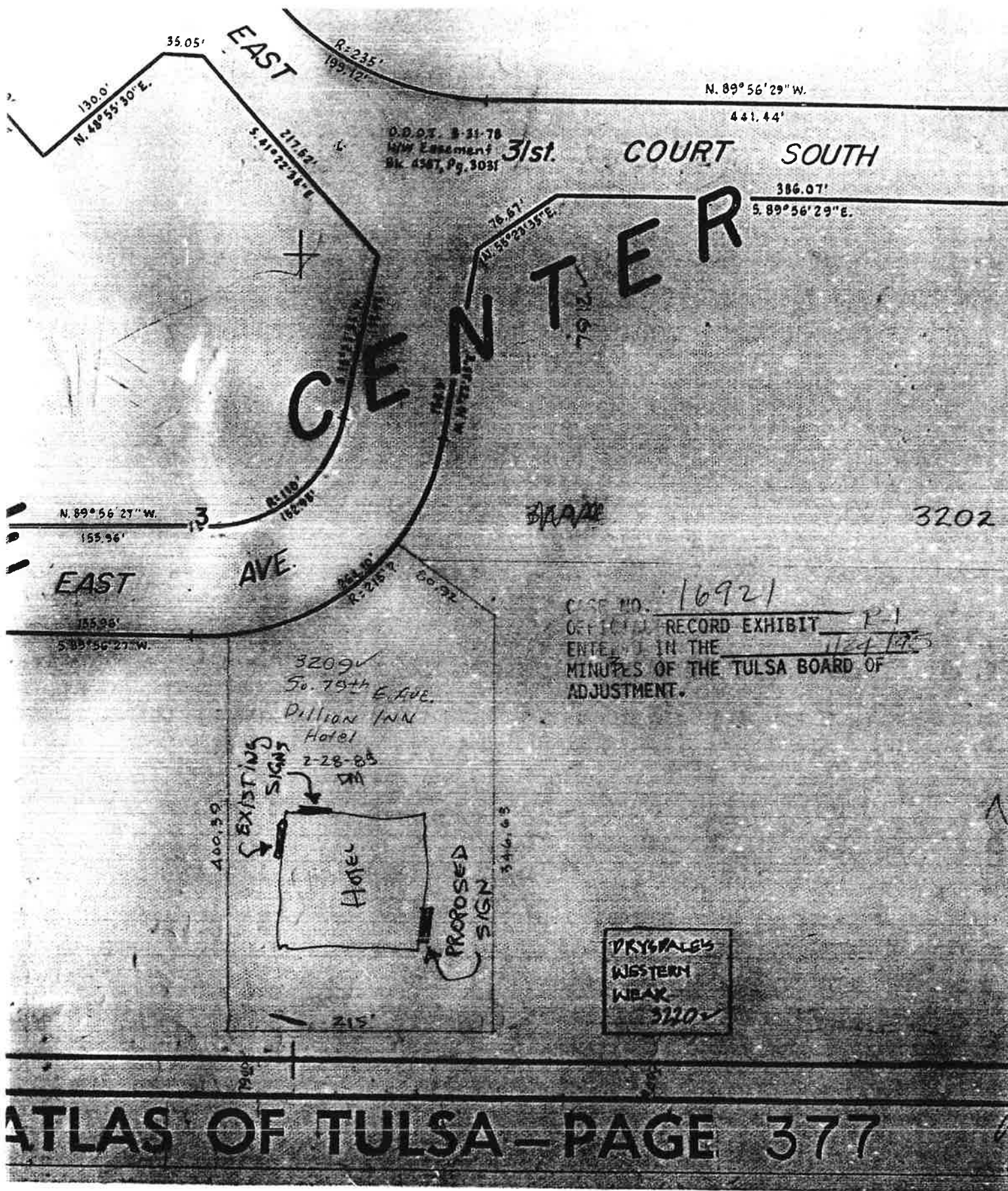
Comments and Questions:

In response to Mr. Bolzle, the applicant informed that Celebration Station sold a portion of their tract to Don Pablo's Restaurant and Budgetel Inn.

Mr. Doverspike noted that the three tracts are under separate ownership.

Board Action:

On **MOTION** of **ABBOTT**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the required setbacks from a freeway right-of-way to permit a sign - **SECTION 1221.C.1.c. SIGN SETBACKS** - Use Unit 21; per plan submitted; finding that an existing sign, which cantilevers toward the property, will be centered on the existing pole; and finding a hardship demonstrated by the existing utility easement and the configuration of the tract; on the following described property:



Case No. 15763

Action Requested:

Variance of the required livability space per dwelling unit from 4000 sq ft to 2706 sq ft, per site plan submitted - **Section 403. BULK AND ARE REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 219 East 27th Street.

Presentation:

The applicant, **John MacDonald**, 114 East 35th Place, Tulsa, Oklahoma, stated that his client is proposing to construct a garage on the subject property. He informed that the new structure will replace a two car garage, with living quarters, which was removed by the previous owner. Mr. MacDonald stated that the garage will be placed on the existing 18' by 17' concrete slab. A plot plan (Exhibit H-1) was submitted.

Comments and Questions:

Following a discussion concerning livability space, it was determined that the variance of required livability will be from 4000 sq ft to 3400 sq ft. Mr. Gardner pointed out that the lot is nonconforming as to lot size (under 6900 sq ft) and, therefore, the ratio is approximately the same as for 4000 sq ft of livability for a 6900 sq ft lot.

Mr. Bolzie asked if the new garage will be a one-story structure on the existing slab, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the required livability space per dwelling unit from 4000 sq ft to 3400 sq ft, per site plan submitted - **Section 403. BULK AND ARE REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; finding that the new one-story garage will be constructed on the existing slab of an old two-story garage that has been removed; finding that the 3400 sq ft of livability space will not be disproportionate, and that the granting of the variance request will not violate the spirit, purposes and intent of the Code, or be injurious to the neighborhood; on the following described property:

Lot 15, Block 14, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15764

Action Requested:

Variance of the number of signs permitted per lot frontage from 1 to 3, and a variance of the total allowable display surface area from 32 sq ft to 266.3 sq ft in order to permit replacement signs - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21, located 3209 South 79th East Avenue.

Presentation:

The applicant, **Oklahoma Neon Company**, 6550 East Independence, Tulsa, Oklahoma, was represented by **Charles Hare**, who submitted a sign plan (Exhibit J-1). He explained that the hotel has been sold and the existing signs on the hotel building are being changed, and the new style of lettering requires more space than the existing block style.

Comments and Questions:

In response to Mr. Bolzie, Mr. Jones replied that there is no record of a variance for the existing signs.

Mr. Gardner informed that the unique aspect of this application is the fact that the property is surrounded by CS zoning on three sides and IL zoning on the remaining side, which permits 3 sq ft of signage per lineal foot of building wall on all four walls.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzie, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Variance** of the number of signs permitted per lot frontage from 1 to 3, and a variance of the total allowable display surface area from 32 sq ft to 266.3 sq ft in order to permit replacement signs - **Section 1221. BUSINESS SIGNS AND OUTDOOR ADVERTISING** - Use Unit 21; per plan submitted; finding that the existing lettering is being replaced and, although the display area is larger, no more signs are being installed than presently exist (three); and finding a hardship imposed by the OMH zoning classification, and the fact that the property is surrounded on all sides by IL and CS zoning, which would permits much more signage than is being proposed; on the following described property:

All that part of Lot 3, Interchange Center Addition to the City and County of Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4, Section 23, T-19-N, R-13-E); 710' from the SE/c thereof, (760' from the NE/c of the N/2, SE/4 NE/4, Section 23, T-19-N, R-13-E); thence north 0°-01'-30" east a distance of 340.39' to a point in the south R/W of South 79th East Avenue; thence south 89°-56'-27" east along the south R/W a distance of 19.76'; thence along the R/W on a curve to the left having a radius of 190' a distance of 136.18'; thence north 48°-59'-32" east a distance of 0.0'; thence south 60° east a distance of 80.92'; thence south 0°-01'-30" east a distance of 346.63' to a point in the south boundary of said Lot 3 (the north boundary of the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E) 495' from the SE/c thereof; thence north 89°-58'-30" west along the common boundary of said Lot 3 and the N/2 SE/4 NE/4 of Section 23, T-19-N, R-13-E a distance of 215' to the POB, containing 76,820 sq ft or 1.763538 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13386

Action Requested:

Special Exception--Section 630--Bulk and Area Requirements in Office Districts--Use Unit 1211--Request a special exception to allow floor area ratio of 40 percent; and a

Variance--Section 630--Bulk and Area Requirements in Office Districts--Use Unit 1211--Request a variance to allow a 2-story building in an OL zoned district, all under the provisions of Section 1680, located on the SW/c of 53rd and Memorial.

Presentation:

The applicant, Southern Plaza Development, was represented by Thomas Creekmore, III, 201 W. 5th Street, Suite 400, Tulsa, Oklahoma, 74103.

Protestants:

The protestants requested that the case be continued until November 29, 1984. The applicant had no objection.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13386 until November 29, 1984.

Case No. 13387

Action Requested:

Variance--Section 620--Accessory Uses Permitted in Office Districts--Use Unit 1211--Request variance of display area limitations of signs within an OMH zoned district, under the provisions of Section 1670, located S. and W. of SW/c of 31st Court and Memorial.

Presentation:

Attorney Charles Norman, addressed the Board on behalf of Roy Johnsen, who represents Dillon Inn. A special exception to permit the construction of a hotel on the subject property was granted by this Board earlier in the fall of 1984. He submitted a site plan (Exhibit P-1) and explained that the property was rezoned OMH to accommodate this specific project. In 1982 the Zoning Code was amended to specifically permit hotels within the OMH office districts as a special exception use, but no consideration was given at that time to the sign requirements. He requested approval of one entry-way sign and submitted a picture (Exhibit P-2) and an architectural rendering (Exhibit P-3). There are two wall signs requested, which will be located on the north and west walls of the hotel. An architectural rendering was submitted (Exhibit P-4) and Mr. Norman informed that one sign will be 75 sq. ft., while the other will be 50 sq. ft. A property ownership map was submitted

11.15.84:426(30)

Case No. 13387 (continued)

showing the property within the triangle formed by the Broken Arrow Expressway, I-44, and Memorial Drive (Exhibit P-5).

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance (Section 620--Accessory Uses Permitted in Office Districts--under the provisions of Use Unit 1211) of display area limitations of signs within an OMH zoned district, under the provisions of Section 1670; per plans submitted; finding that the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

All that part of Lot 3, Interchange Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by plat No. 2336, filed October 38, 1960 with the County Clerk of Tulsa County, Oklahoma: more particularly described as follows to wit: Beginning at a point in the South boundary of said Lot 3 (the North boundary of N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E) 710.00 feet from the Southeast corner thereof (760.00 feet from the Northeast corner of the N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E); thence N 0°01'30" E. a distance of 340.39 feet to a point in the South right-of-way of S. 79th East Avenue; thence S. 89°56'27" E. along the south right-of-way a distance of 19.76 feet; thence along the right-of-way on a curve to the left having a radius of 190.00 feet a distance of 136.18 feet; thence N. 48°59'32" E. a distance of 0.00 feet; thence S. 60°00'00" E. a distance of 80.92 feet; thence S. 0°01'30" E. a distance of 346.63 feet to a point in the South boundary of said Lot 3 (the North boundary of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E) 495.00 feet from the Southeast corner thereof; thence N. 89°58'30" W. along the common boundary of said Lot 3 and the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E a distance of 215.00 feet to the point of beginning, containing 76,820 square feet or 1.763538 acres, more or less.

and

All that part of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof, more particularly described as follows, to wit: Beginning at a point in the North boundary of said N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E (South boundary of Lot 3, Interchange Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma) 760.00 feet from the Northeast corner thereof; thence N. 89°58'30" E. (N 89°58'08" E. Deed) along the

11.15.84:426(31)

Case No. 13387 (continued)

common boundary of said N/2, SE/4, NE/4 and Lot 3, Interchange Center, a distance of 460.00 feet to a point 300.00 feet from the Northeast corner of said N/2, SE/4, NE/4; thence S. 0°01'52" E. (S. 0°01'30" E. Deed) a distance of 10.00 feet; thence N 89°58'30" W. (N 89°58'08" W. Deed) parallel to and 10.00 feet from the North boundary of said N/2, SE/4, NE/4 a distance of 180.01 feet; thence S. 0°01'30" W. (S. 0°01'52" W. Deed) a distance of 50.00 feet; thence N 89°58'30" W. (N. 89°58'08" W. Deed) parallel to and 60.00 feet from the north boundary of said N/2, SE/4, NE/4 a distance of 280.00 feet; thence N. 0°01'30" E. (N. 0°01'52" E. Deed) a distance of 60.00 feet to the point of beginning; containing 18,600 square feet or 0.426998 acres, more or less.

Case No. 13388

Action Requested:

Variance--Section 1212.4--Off-Street Parking and Loading Requirements--Use Unit 1210--Request a variance of the number of parking spaces for a private club from 24 to 5 in a CH zoned district; and a

Variance--Section 1320(d)--General Requirements for Off-Street Parking--Use Unit 1210--Request a variance to allow off-site parking for a private club in a CH zoned district, all under Section 1670, located on the NW and NE corners of 18th and Boston Avenue.

Presentation:

The applicant, Timothy Ray Barraza, 3740 South Madison, informed the Board that the subject property is the former site of Boston Avenue Street Skates. He stated that he can provide eight parking spaces on his lot and has a lease with the DX station across the street to use 30 spaces to the sides and rear of their building. The proposed restaurant and club requires 24 spaces. He submitted a site plan which shows where the additional spaces are in relation to the subject property (Exhibit Q-1) and explained that he intends to use valet parking so that his customers will not have to look for the lots. A lease is pending with MAPCO which will provide an additional 50 parking spaces from 5:00 p.m. until 7:00 a.m. A copy of the DX lease was submitted (Exhibit Q-2), as well as a petition bearing the names of 28 merchants and homeowners in this area in support of the proposed use (Exhibit Q-3). A floor plan was also submitted (Exhibit Q-4).

Comments and Questions:

Mr. Victor asked Mr. Barraza if there are presently other clubs in the area. Mr. Barraza informed that there are none at this time. The Boston Avenue Market has been closed for several months. Nine of Cups is not in the near vicinity, and Louisianne has recently reopened, but has parking on their lot. Mr. Victor questioned how Mr. Barraza can determine whether his patrons are the ones parking in the provided areas, should another club open in the area. Mr.

11.15.84:426(32)

Case No. 13348 (continued)

Mr. Smith asked if there was a certain time Ms. Hausam would like to be restricted to . She stated that one year would be sufficient, and that if the economy is good, she might need even less time to get set up in a commercial location.

Mr. Jackere informed that by adding the employee variance to her request, Ms. Hausam is, in effect, asking for a principal use variance, while she just happens to live on the property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Purser, "abstaining"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1205) to allow a home occupation to permit a real estate office in an RS-2 zoned district; and to **DENY** a **Variance** (Section 440.6--Special Exception Uses in Residential Districts--Requirements) to allow a non-resident to be employed; subject to a one-year time limitation; on the following described property:

Lot 22, Block 1, Wells-Heath Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13349

Action Requested:

Special Exception--Section 610--Principal Uses Permitted in the Office Districts--Use Unit 1219--Request an exception to permit a hotel/motel in an OMH (pending) zoned district; and a

Variance--Section 930--Bulk and Area requirements in the Industrial Districts--Request a variance of the required frontage in an IL zoned district; and a

Variance--Section 1219.4--Off-Street Parking and Loading Requirements--Request a variance of the off-street parking requirements for a hotel/motel, located S. of SE/c of 79th East Avenue and 31st Court.

Presentation:

Attorney Roy Johnsen represented the Landmark Land Company in their application to permit a hotel/motel in an OMH zoned district. His clients own approximately 50 acres of land west of Memorial Drive between I-44 and the Broken Arrow Expressway, which is presently under development. Most of the land is zoned CS, while some of it is zoned IL. In the Comprehensive Plan it is designated for high intensity use, potential Corridor. Approximately one year ago, a portion of the 50 acres was zoned OMH by the TMAPC and the City Commission, and was brought before this Board, which granted a special exception for hotel/motel use. This use is presently under construction. Hotel/motel-type uses often exceed the floor area

10.18.84:424(22)

Case No. 13349 (continued)

ratio of .5 percent, which is what CS zoning permits. OMH zoning permits a higher floor area ratio, but requires Board of Adjustment approval. OMH zoning has been recommended to the City Commission by the TMAPC for the subject tract (a portion of the 50 acres) and is pending, thus this request before the Board of Adjustment. The subject property will be composed of two zoning classifications. Mr. Johnsen presented an area map and described those classifications to the Board. The present CS zoning is adjacent to the IL zoning to the south. Some of the parking for the hotel will be on the IL zoned tract, and the variance request for off-street parking on the IL property is to allow his clients to include the OMH zoned tract and the IL zoned tract as one property in order to meet the parking requirements designated in the Ordinance. The other variance request for the frontage is to allow the lot-split request before the Planning Commission so that the IL zoned property can be tied to the OMH property. This will prevent the IL zoned property from being conveyed separately from the OMH property. Mr. Johnsen informed that the area to the east of the hotel is an access (pedestrianway) to the pancake house. A site plan was submitted (Exhibit G-1).

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Johnsen if Landmark owns all of the IL tract which was formerly a mobile home park. Mr. Johnsen answered that Landmark does own all of that property, except the Memorial Drive frontage.

Mr. Smith asked Mr. Gardner if the OMH zoning has been approved by the Planning Commission. Mr. Gardner informed that it has been approved by the Planning Commission, but has not been before the City Commission. Any motion would need to be subject to the approval of the zoning, and subject to the lot split and the property tie. There is no hardship necessary for hotel use in OMH.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 610--Principal Uses Permitted in the Office Districts--Under the Provisions of Use Unit 1219) to permit a hotel/motel in an OMH (pending) zoned district; and a Variance (Section 930--Bulk and Area Requirements in the Industrial Districts) of the required frontage in an IL zoned district; and a Variance (Section 1219.4--Off-Street Parking and Loading Requirements) of the off-street parking requirements for a hotel/motel; subject to zoning and lot split approval, and subject to a property tie, per site plan submitted; on the following described property:

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa

10.16.84:53(23)

Case No. 13349 (continued)

County, Oklahoma: More particularly described as follows, to-wit: Beginning at a point in the South boundary of said Lot 3 (the North boundary of N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E) 710.00 feet from the Southeast corner thereof (760.00 feet from the Northeast corner of the N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E); thence $N0^{\circ}01'30''$ East a distance of 340.39 feet to a point in the South right-of-way of S. 79th East Avenue; thence $S89^{\circ}56'27''$ E along the south right-of-way a distance of 19.76 feet; thence along the right-of-way on a curve to the left having a radius of 190.00 feet a distance of 136.18 feet; thence $N48^{\circ}59'32''$ E. a distance of 0.00 feet; thence $S60^{\circ}00'00''$ East a distance of 80.92 feet; thence $S0^{\circ}01'30''$ East a distance of 346.63 feet to a point in the south boundary of said lot 3 (the North boundary of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E) 495.00 feet from the southeast corner thereof; thence $N89^{\circ}58'30''$ West along the common boundary of said lot 3, and the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, a distance of 215.00 feet to the point of beginning, containing 76,820 square feet or 1.763538 acres, more or less.

and

All that part of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof, more particularly described as follows, to-wit:

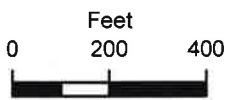
Beginning at a point in the north boundary of said N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E, (south boundary of lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma) 760.00 feet from the northeast corner thereof; thence $N89^{\circ}58'30''$ East ($N89^{\circ}58'08''$ East Deed) along the common boundary of said N/2, SE/4, NE/4 and lot 3, Interchange Center, a distance of 460.00 feet to a point 300.00 feet from the northeast corner of said N/2, SE/4, NE/4; thence $S0^{\circ}01'52''$ East ($S0^{\circ}01'30''$ East Deed) a distance of 10.00 feet; thence $N89^{\circ}58'30''$ West ($N89^{\circ}58'08''$ West Deed) parallel to and 10.00 feet from the north boundary of said N/2, SE/4, NE/4 a distance of 180.01 feet; thence $S0^{\circ}01'30''$ West ($S0^{\circ}01'52''$ West Deed) a distance of 50.00 feet; thence $N89^{\circ}58'30''$ West ($N89^{\circ}53'08''$ West Deed) parallel to and 60.00 feet from the north boundary of said N/2, SE/4, NE/4 a distance of 280.00 feet; thence $N0^{\circ}01'30''$ E ($N0^{\circ}01'52''$ East Deed) a distance of 60.00 feet to the point of beginning; containing 18,600 square feet or 0.426998 acres, more or less.

Case No. 13350

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to permit

10.16.84:53(24)



Subject
Tract

BOA-22454

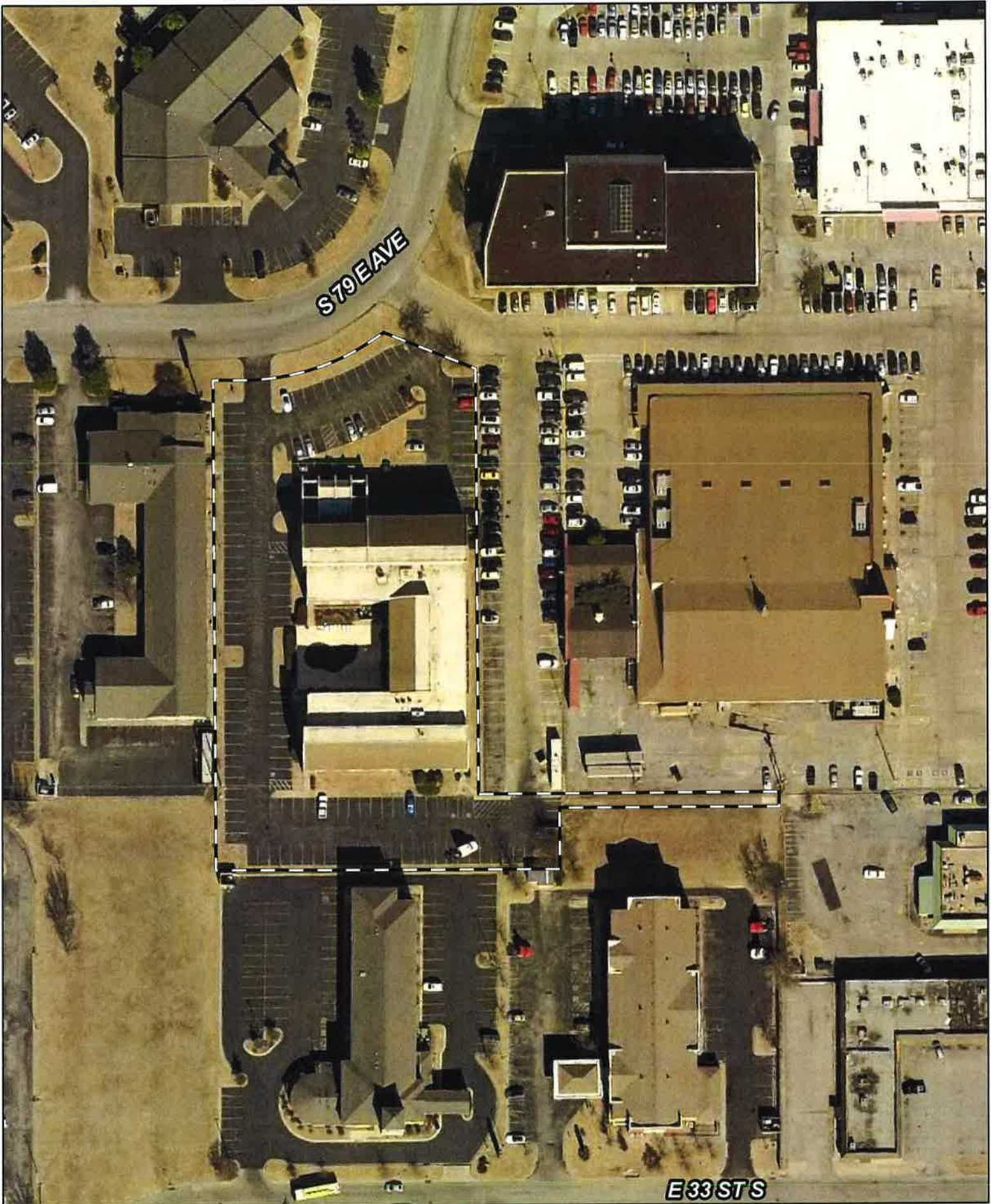
19-13 23

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

Aerial Photo Date: February 2018

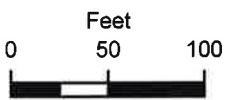
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S79 EAVE

E33 STS



Subject
Tract

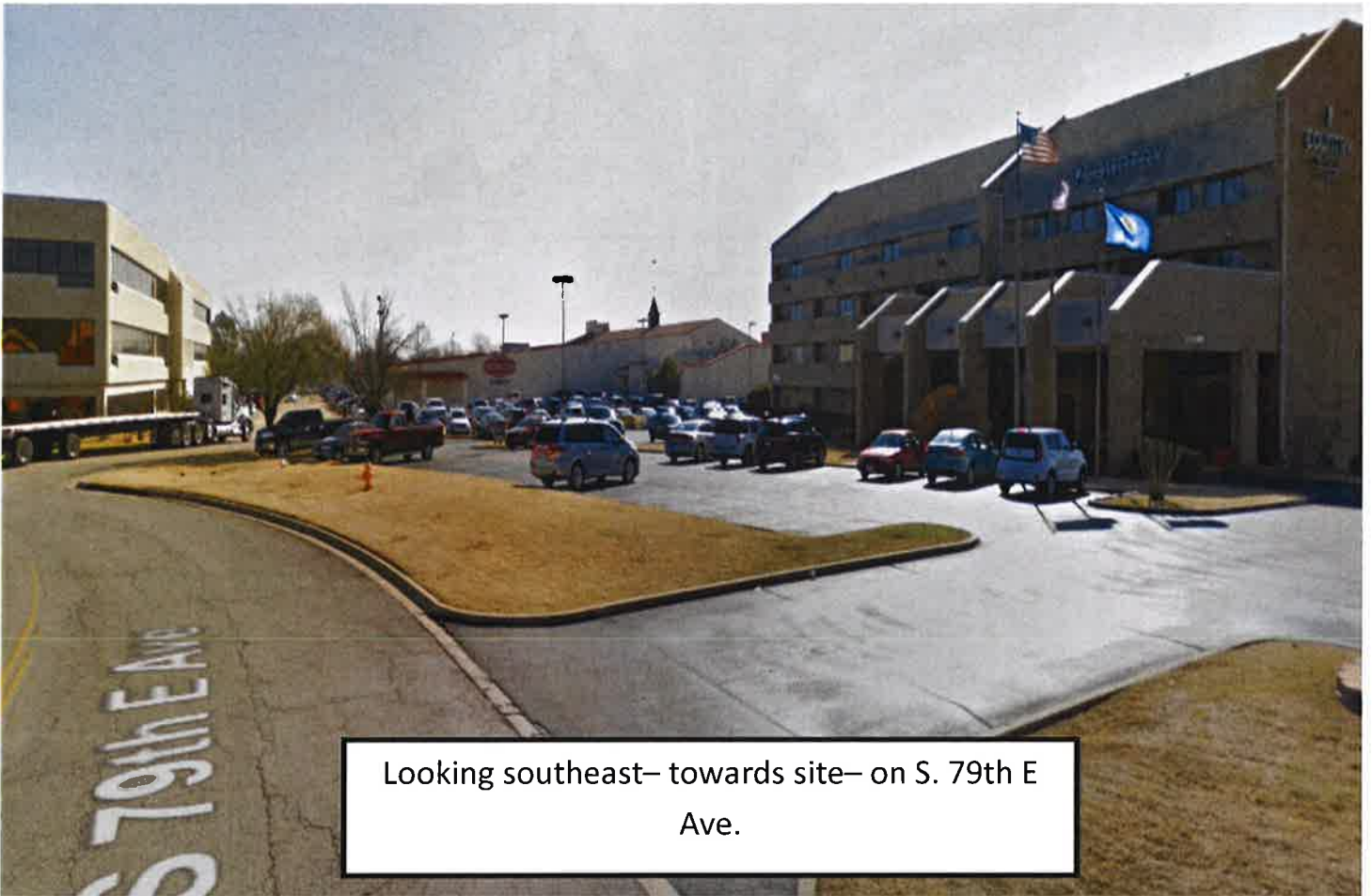
BOA-22454

19-13 23

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

Aerial Photo Date: February 2018





Looking southeast— towards site— on S. 79th E
Ave.



Looking southwest— towards site— on S. 79th E
Ave.

not to scale

DOUBLE-FACED CUSTOM MONUMENT



SETBACK =
 5' from property line
 25' from curb
 45' from Right-Of-Way (center of road)



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CUSTOMER APPROVAL

DATE

DATE
 1-18-18 MSH
 1-23-18 MSH
 1-30-18 MSH

DATE
 1-14-18 AAAJ
 1-16-18 AAAJ
 03-22-18 MSH
 04-04-18 MSH

CLARION INN & SUITES
 32095 S 79TH E AVE
 TULSA, OK 74145

DRAWING NO.
 092088.06

DATE 10-27-18
 SCALE 1" = 1'-0"

11.19

CUT SHEET - DOUBLE-FACED CUSTOM MONUMENT

3



REGENT CABINET

Construction Aluminum
Face Material Flat PCB with Vinyl Overlay (2nd Surface)
Retainer Aluminum
Lumination 4 100K White LEDs
Exterior Finish Paint to match Pantone® Black C
Interior Finish Paint Reflective White
Face Construction Flat PCB
Face Decoration 3M 3630 2085 Burgundy
3M 3630 4068 Gold, and
3M 3630 22 Black translucent films

"BISTRO C" SECONDARY SIGN

Construction	Aluminum
Face Material	Flat PCB with Vinyl Overlay (2nd Surface) Vinyl color PMS 403 UP and either PMS Orange 021 UP / PMS 7703 UP (TBD)

SOLE COVER

Construction Aluminum angle frame with 0.63" aluminum skins

[illegible]

CUSTOMER APPLICATION

CASE

	DATE
Hans AP	1-15-18
Hans AP	1-23-18
Hans AP	1-30-28

	Case 8	REV
Phase 1B	1 14 2H	
Phase 1B	1 16 2H	
Phase 1B	1 15 2J 18	MSH
	04 04 2H	MSH

CLARION INN & SUITES
32095 S 79TH E AVE
TULSA, OK 74145

DRAWING NO:
092088.06

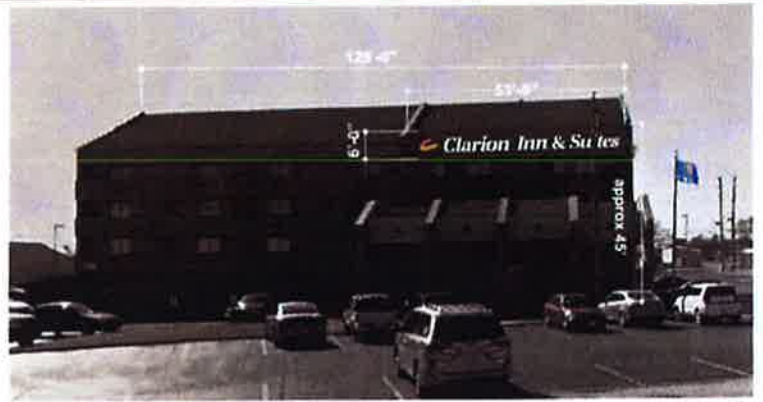
WEEK 1	10/10	10/10	10/10
WEEK 2	10/10	10/10	10/10

11.20

NORTH ELEVATION - FRONT ENTRANCE

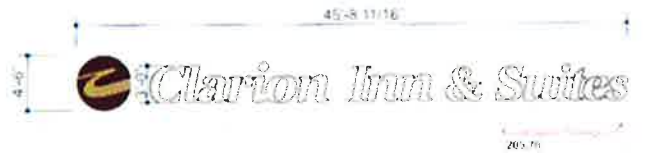


EXISTING



PROPOSED

NEW LINEAR CHANNEL LETTERS TO REPLACE EXISTING AS SHOWN
CENTERED WITHIN FACIA



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CUSTOMER APPROVAL

DATE

DATE	BY
1-12-18	MSH
1-23-18	MSH
1-30-18	MSH

DATE	BY
1-12-18	AAJ
1-16-18	AAJ
03-22-18	MSH
07-01-18	MSH

CLARION INN & SUITES
5209 S 79TH E AVE
TULSA, OK 74145

DRAWING NO.
092088.09

DATE
07-01-18

SIGN - 20576 1/4
100' x 40' 78
110' x 159 1/2 ft

SCALE: 1/4" = 1'-0"

NORTH ELEVATION - FRONT ENTRANCE

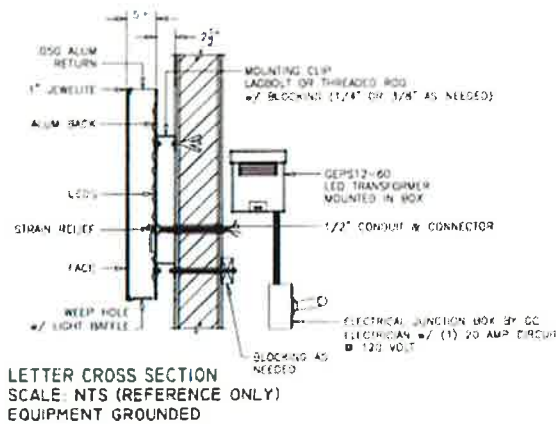
SPECIFICATIONS

LOGO

Construction 5" deep aluminum channel letter
Face Material 3/16" 2447 white acrylic
Trim Cap 1" Black
Illumination 4100K White LEDs
Exterior Finish Paint to match Pantone® Black C
Interior Finish Paint Reflective White
Face Decoration 3M 3630-2085 burgundy, and
3M 3630-4066 (self translucent film,
applied to first surface

CHANNEL LETTERS

Construction 5" deep aluminum channel letter
Face Material 3/16" 732B White Acrylic
Trim Cap 1" Black
Illumination 4100K White LEDs
Exterior Finish Paint to match Pantone® Black C
Interior Finish Paint Reflective White



THIS PLAN OR PART THEREOF IS THE PROPERTY OF CUMMINGS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CUMMINGS.

CUSTOMER APPROVAL

DATE

DATE 1-15-18 BY MSH
DATE 1-23-18 BY MSH
DATE 1-30-18 BY MSH

DATE 3-19-18 BY AAAJ
DATE 3-16-18 BY AAAJ
DATE 03-22-18 BY MSH
04-09-18 MSH

CLARION INN & SUITES
52095 S 79TH E AVE
TULSA, OK 74145

DRAWING NO
092088.06

APPROVE DATE 2-21-18
BY

11.22



 <p>THIS IS AN ORIGINAL CUMMINS-ISSUED DOCUMENT CREATED BY A CUMMINS PERSONNEL. USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINS. IT IS NOT TO BE SHOWN OFFSITE. YOUR CUMMINS PERSONNEL WILL BE RE-IMPRESSED. CUMMINS IS A DIVISION OF AARON CUMMINS AUTHORITY CORP. OWNED BY AARON CUMMINS.</p> <p>THIS DESIGN REMAINS THE EXCLUSIVE PROPERTY AND CANNOT BE REPRODUCED WITHOUT CUMMINS CONSENT.</p>	<p>THIS IS AN ORIGINAL CUMMINS-ISSUED DOCUMENT CREATED BY A CUMMINS PERSONNEL. USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINS. IT IS NOT TO BE SHOWN OFFSITE. YOUR CUMMINS PERSONNEL WILL BE RE-IMPRESSED. CUMMINS IS A DIVISION OF AARON CUMMINS AUTHORITY CORP. OWNED BY AARON CUMMINS.</p>	CUSTOMER APPROVAL		<table border="1"> <thead> <tr> <th></th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>Rev. #1</td> <td>1-18-18</td> <td>MSH</td> </tr> <tr> <td>Rev. #2</td> <td>1-23-18</td> <td>MSH</td> </tr> <tr> <td>Rev. #3</td> <td>1-30-18</td> <td>MSH</td> </tr> </tbody> </table>			DATE	BY	Rev. #1	1-18-18	MSH	Rev. #2	1-23-18	MSH	Rev. #3	1-30-18	MSH	<table border="1"> <thead> <tr> <th></th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>Rev. #1</td> <td>3-19-18</td> <td>AAAJ</td> </tr> <tr> <td>Rev. #2</td> <td>3-16-18</td> <td>AAAJ</td> </tr> <tr> <td>Rev. #3</td> <td>03-22-18</td> <td>MSH</td> </tr> <tr> <td></td> <td>04-04-18</td> <td>MSH</td> </tr> </tbody> </table>			DATE	BY	Rev. #1	3-19-18	AAAJ	Rev. #2	3-16-18	AAAJ	Rev. #3	03-22-18	MSH		04-04-18	MSH	<p>CLARION INN & SUITES 32095 S 79TH E AVE TULSA, OK 74145</p>	<p>DRAWING NO: 092088.06</p> <p>ARTIST: AAAJ DATE: 12-27-18 SHEET: 2 OF 10</p>
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BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

April 11, 2018

LOD Number: 1061207-1

Sign contractor:
INSIGNIA SIGNS INC
809 SE 89
OKLAHOMA CITY, OK 73149

Phone: (405)631-5522

APPLICATION NO: **444817** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **3209 S 079 AV E**
Description: **Clarion Inn & Suites Ground sign**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

11.24

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. 444817

3209 S 079 AV E

April 11, 2018

This letter of deficiencies covers Sign Plan Review items only.

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

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

Review comment: Provide a legible site plan with the property lines, length of street frontage of the lot and the setback from the C/L S. 79th E. Avenue to the leading edge of the proposed ground sign. Revise and submit.

Section 60.060 Signs in Office Zoning Districts

2.) 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.

3.) 60.060-C Maximum Area

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

Review Comments: The proposed wall sign for Clarion Inn & Suites appears to have 155.94 feet of street frontage along S. 79th E. Avenue. Based on the street frontage of 155.94 feet times .3 the frontage will enable a total of 46.78 square feet of sign area. The proposed 66.32 square foot ground sign in addition to the proposed 205.78 square foot wall sign (application 444814) exceeds the permitted display surface area by 225.32 square feet. As an option you may reduce the display surface area of the signs to be 46.78 square feet or less or you may pursue a variance from the BOA to permit two signs, one wall sign and one ground sign in an OMH zoning district to exceed the permitted display surface area by 225.32 square feet from 46.78 square feet to 271.21 square feet in an OMH zoning district.

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.

BOB KOLIBAS
SIGN PLANS EXAMINER
918-596-9664



Wall Sign

DEVELOPMENT SERVICES

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

SIGN PLAN REVIEW

April 11, 2018

LOD Number: 1061204-1

Sign contractor:

Phone: (405)631-5522

INSIGNIA SIGNS INC
809 SE 89
OKLAHOMA CITY, OK 73149

APPLICATION NO: **444814** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: **3209 S 079 AV E**
Description: **Clarion Inn & Suites Wall Sign/North Elevation**

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(continued)

11.26

REVIEW COMMENTS

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Application No. 444814

3209 S 079 AV E

April 11, 2018

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60.060 Signs in Office Zoning Districts

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Review Comments: The proposed wall sign for Clarion Inn & Suites appears to have 155.94 feet of street frontage along S. 79th East Avenue. Based on the street frontage of 155.94 feet times .3 the street frontage will enable 46.78 square feet of total sign area. You may reduce the display surface area of the wall sign to be 46.78 square feet or seek a variance from the BOA to permit a wall sign to exceed the permitted display surface area by 159.02 square feet from 46.76 square feet to 205.78 square feet in an OMH zoning district.

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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ITEM #12 – OTHER BUSINESS

ELECTION OF OFFICERS

**SEATS CURRENTLY HELD: STUART VAN DE WIELE – CHAIR
TOM FLANAGAN – VICE CHAIR
CAROLYN BACK – SECRETARY
AUSTIN BOND
BRIANA ROSS**