

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, September 25, 2018, 1:00 P.M.**

**Meeting No. 1214**

**CONSIDER, DISCUSS AND/OR TAKE ACTION ON:**

1. Approval of **Minutes** of August 28, 2018 (Meeting No. 1212).

**UNFINISHED BUSINESS**

2. **22505—Mark Capron**  
Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Section 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Section 90.090-A). **LOCATION:** 1202 & 1206 East 3<sup>rd</sup> Street South **(CD 4)**

**NEW APPLICATIONS**

3. **22509—John Berry**  
Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-1 District (Section 5.020). **LOCATION:** 2630 East 67<sup>th</sup> Street South **(CD 2)**
4. **22510—Robert Briley**  
Variance of the minimum open space per unit requirement; Variance of the rear setback requirement in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 204 East 27<sup>th</sup> Street South **(CD 4)**
5. **22512—Bryan Adams**  
Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-A). **LOCATION:** 14710 East 15<sup>th</sup> Place South **(CD 6)**
6. **22513—Richard Flaming**  
Variance to reduce the side setback in an RS-2 District (Section 5.030-A). **LOCATION:** 5344 South Toledo Avenue East **(CD 9)**



**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

**CD = Council District**

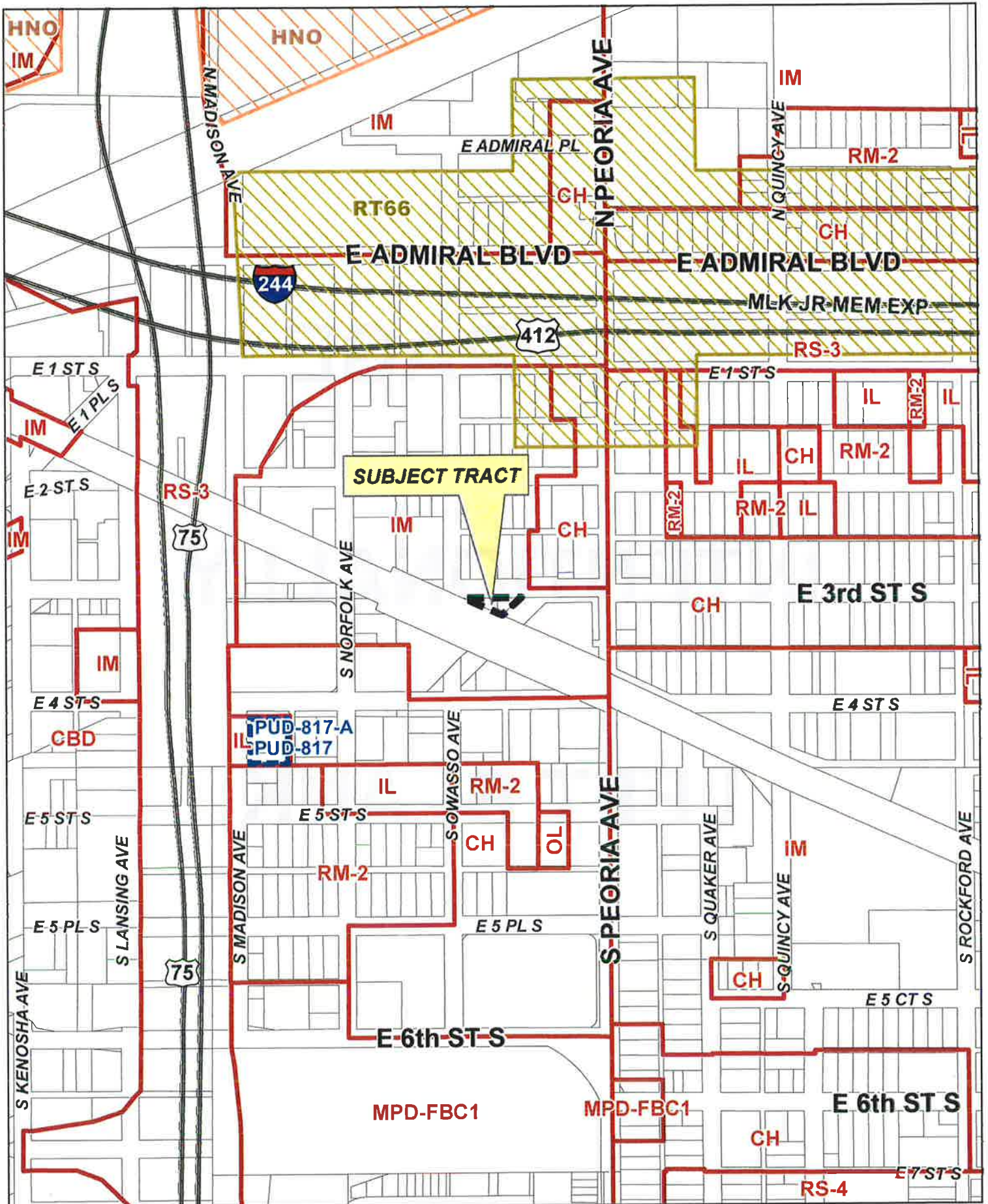
**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Land Development Services, INCOG.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



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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22505**

CZM: 36

CD: 4

A-P#:

**HEARING DATE:** 09/25/2018 1:00 PM (continued from 9/11/18)

**APPLICANT:** Mark Capron

**ACTION REQUESTED:** Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A)

**LOCATION:** 1206 E 3 ST S; 1202 E 3 ST S

**ZONED:** IM

**PRESENT USE:** vacant

**TRACT SIZE:** 5871.91 SQ FT

**LEGAL DESCRIPTION:** LOTS FOURTEEN (14) AND FIFTEEN (15), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.  
AND

THAT PART OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK EIGHTEEN (18), BERRY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE EAST ON THE NORTH LINE OF LOTS THIRTEEN (13), TWELVE (12), AND ELEVEN (11) TO THE NORTHEAST CORNER OF SAID LOT ELEVEN (11); THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE M.K.T. RAILWAY, SAID POINT BEING FIVE AND FIVE-TENTHS (5.5) FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTHWESTERLY ON SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID LOT THIRTEEN (13); THENCE NORTH ON THE WEST LINE OF LOT THIRTEEN (13) TO THE POINT OF BEGINNING.

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Property:**

**BOA-21942;** on 01.26.84, the Board **denied** a special exception to permit a soup kitchen and grocery pantry (Use Unit 5) in an IM district (Sec.901); Special Exception to permit required parking on a lot other than the lot containing the principal use (Sec.1301.D); Variance to reduce the required building setback (Sec.903). LOCATED: 302 S. Peoria Ave. E.

**BOA-17710;** on 05.13.97, the Board **denied** a variance to the required spacing between adult entertainment establishments from 300' to 18'. LOCATED: 11114 East Admiral Place (Tenant Space: 11118 East Admiral Place)

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown



Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 E. 3<sup>rd</sup> St. S. to the north; E. 4<sup>th</sup> St. S. to the east; vacant union pacific railroad property to the south and west.

**STAFF COMMENTS:**

The total planned right-of-way along E. 3<sup>rd</sup> St. S. is 80 ft.; therefore, the required building and/or structure setback along S. Peoria Ave. is 40 ft. from the centerline of the street. Based on the proposed site plan it appears that the proposed building along E. 3<sup>rd</sup> st. S. will extend into the planned street right-of-way (R-O-W).

The applicant has requested a **Variance** to permit to permit a structure to be located within the City of Tulsa planned street right-of-way (Sec. 90.090-A).

Per the code, structures are not allowed to project into the right-of-way or planned right-of-way of a public street, unless a license agreement has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way (Sec. 90.090-A).

The applicant has requested a **Variance** of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-A).

**Sample Motion for a Variance**

Move to \_\_\_\_\_ (approve/deny) Variance to permit a structure to be located within City of Tulsa planned street right-of-way (Sec. 90.090-A); Variance of the removal agreement requirement with the City of Tulsa for structures in the planned street right-of-way (Sec. 90.090-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. 17710 (continued)

Ms. Turnbo asked the applicant if the subject property is opened to the public? He stated it is opened to the public. Mr. Irom commented he did not know about the spacing ordinance.

In response to Ms. Turnbo, Mr. Irom stated that if the renter has a band or dance it is opened to the public and that anyone can buy beer or sodas.

Ms. Turnbo asked the applicant if the club is private? He stated it is not a private club.

Ms. Turnbo asked the applicant if the renter opens his establishment to the public? He answered affirmatively.

Mr. Beach stated that if the public can buy beer or receive beer free, it qualifies as a beer bar.

Mr. Gardner stated he understands that the subject property is not open on a regular basis, but when it is open it qualifies as a beer bar.

Mr. Ballentine informed the Board that the advertisement on the door of the subject property gives the hours of operation, which are Friday through Sunday. He stated that the renter is charging an admission charge which is plainly posted on the subject property. Mr. Ballentine stated that it is his understanding that if a customer pays the \$5.00 cover charge they can go in and purchase a drink. He commented that security is provided when it is opened. He stated the subject property is a bar, which is opened regularly on Friday through Sunday.

**Protestants:**

**Harold Pittenger**, 11448 East 6th Street, representing the East Tulsa Mingo Valley Association and the Western Village Homeowners Association, stated that the two associations comprise of Planning District 5 and Council District 6, which have approximately 80,000 residents. Mr. Pittenger stated that the current business in the subject area that are adult entertainment businesses include the Magic Bottle, Pattie's Place, the Down Under and Francine's. He further stated that in the same subject area there are several private clubs. He explained that the sign posted at La Hacienda is a homemade wood sign with Christmas Lights to identify the area. Mr. Pittenger detailed that the shopping center is unkempt with an outside storage on the east end of the strip center which is an unsightly view for the residents. He stated the strip center is encompassed by residential areas. He informed the Board that Code Enforcement has been called regarding the subject area and have asked the owners to clean up the shopping center. He detailed that there have been a total of six (6) 911 emergency calls to the subject business. Prior to La Hacienda moving into the subject property there were a total of six (6) 911 emergency calls for burglary, shots being fired, etc. Mr. Pittenger stated that there are nine (9) tenant spaces located in

05:13:97:726(14)



Case No. 17710 (continued)

the subject shopping center and one is currently occupied by Pattie's Place. He explained that if La Hacienda's variance is approved, then 1/3 of the subject shopping center will be adult entertainment businesses. He stated that La Hacienda occupies two (2) tenant spaces. Within 1/4 mile there are four (4) bars, three (3) private clubs and an adult gift shop, which is a sexually oriented gift shop. Mr. Pittenger stated that due to the physical condition of the area, emergency calls and the element that the subject business attracts, the homeowners request the variance be denied.

**Julia Beckwar**, stated she owns the Wagon Wheel Mobile Home Park. She commented that she has had constant complaints from her tenants regarding the loud music, gun shots, etc. She requested the Board to deny the applicant's request.

**Leslie Davie**, 9134 East Newton Place, representing Kerr Elementary PTA, stated that Kerr Elementary is approximately 1/6 mile from La Hacienda. She commented that keeping the business open is not in the best interest of the children of the school.

**The following names represent protestants who did not speak:**

**Richard Brazier**, 2331 South 99th East Avenue, representing St. Mark's United Methodist Church, **Lou Stackler**, 6736 East 20th Place, **Marcene Tennyson**, 10925 East 4th Street, **Virginia Tennyson**, 408 South 109th East Avenue, **Marilynn Shiever**, 435 South 108th East Avenue, **J. La Vern Flint**, 445 South 108th East Avenue, **Adele Hargland**, 510 South 108th East Avenue, **John & Gretchen Battaglia**, 341 South 117th East Place, **Barbara Norris**, 16 South 120th East Place, **Dianne Hyiubaugh**, 11350 East 3rd Street, **Barbara Fiszal**, 10 South 120th East Place, **Nancy Crayton**, 245 South 120th East Avenue, **Rae J. & Oleg Gable**, 11902 East 7th Street, **John & Sharon Kadel**, 327 South 119th East Avenue, **Ned Mayrath**, 10909 East 3rd Street, **Andrew Greenwood**, 11812 East 7th, **Marjorie Owen**, 240 South 118th East Avenue, **Bobbie Gray**, 2465 South 141st, **Mr. Sharp**, 10906 East 3rd.

**Applicant's Rebuttal:**

**Mr. Irom** stated he did not own the whole place. He explained that he has promised to fix the parking lot. Mr. Irom stated he did not realize that there was so much opposition regarding the subject property. He commented that the issue is not about closing the La Hacienda, because he can close the other bar that is not causing any problems. Mr. Irom expressed the opinion that the subject property is not a detriment to anyone in the surrounding area. He explained that the La Hacienda occupies 9,000 SF and Pattie's Place is approximately 1,000 SF. Mr. Irom indicated that he will close down Pattie's Place in order for the La Hacienda to continue business.

**Comments and Questions:**

Mr. Dunham stated he can appreciate the owners problems with leasing the subject shopping center, but there is no hardship to base the variance on.



Case No. 17710 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **DENY** a Variance of the required spacing between adult entertainment establishments from 300' to 18'. **SECTION 1212a.C.3.c. ADULT ENTERTAINMENT ESTABLISHMENTS**; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:

W 216.4', E 584.8', N 427', Gov., Lot 8, LESS N 75' for Street, Sec. 6, T-19-N, R-14-E, unplatted, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17711**

**Action Requested:**

Variance of the required setback from the centerline of Harvard from 100' to 50' to permit an addition to an existing building. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**, located 1545 South Harvard.

**Presentation:**

The applicant, **Gene Shaw**, 1503 East 53rd Street, submitted a site plan (Exhibit J-1) and stated the surveyor indicated he had a 50' setback from the centerline of Harvard, but he only has 40'. He requested the variance to allow the addition to the existing building. Mr. Shaw indicated that the addition will not be any closer to Harvard than the property to the south of the subject property.

**Comments and Questions:**

Mr. Beach informed the Board that the subject property had been approved previously, however the site plan that was submitted reflected a 50' right-of-way on Harvard and it is actually 40'. The applicant needs more relief than what the previous action granted.

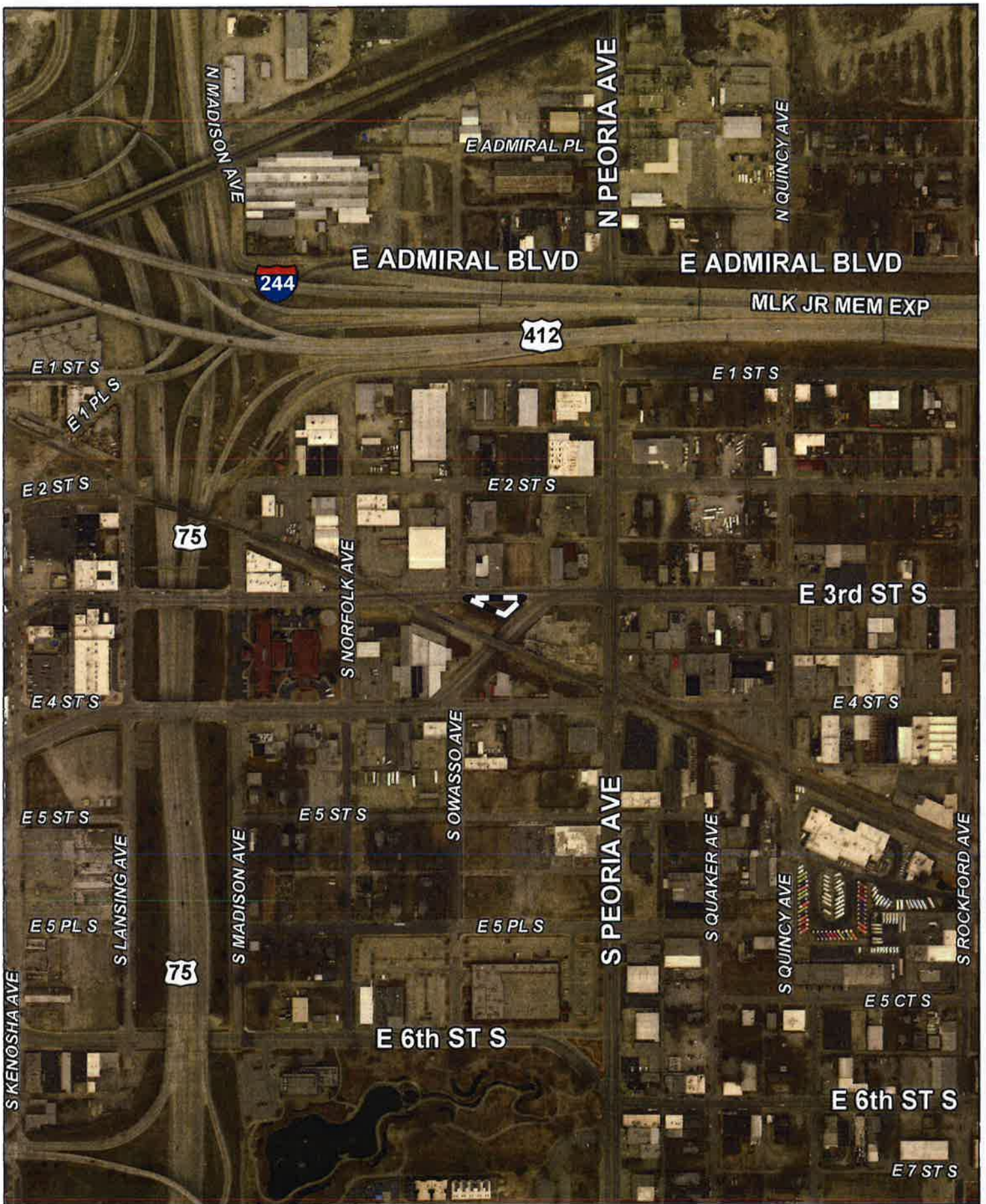
**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to **APPROVE** a Variance of the required setback from the centerline of Harvard from 100' to 50' to permit an addition to an existing building. **SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS**; per plan submitted; finding that the requirements for a variance in Sec. 1605.C. has been met, on the following described property:

Lot 9, Block 1, Less W 10', Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

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Subject  
Tract

**BOA-22505**

19-12 01

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

Aerial Photo Date: February 2016



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0 Feet 50 100



Subject  
Tract

**BOA-22505**

19-12 01

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

Aerial Photo Date: February 2018

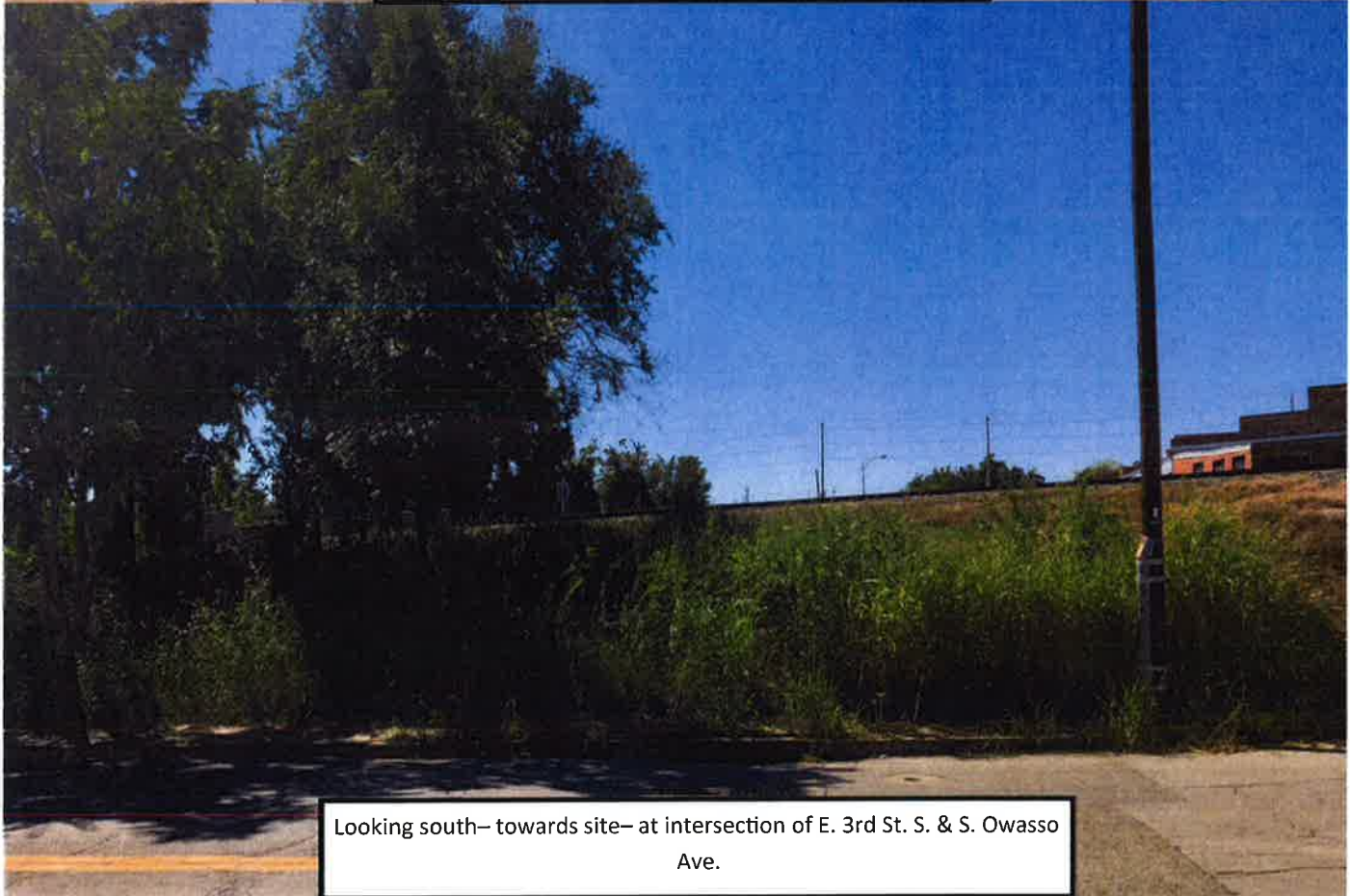


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Looking southeast— towards site— on E. 3rd St. S.



Looking south— towards site— at intersection of E. 3rd St. S. & S. Owasso Ave.





Looking southeast- towards site- on E. 3rd St. S.



## request for variance

**REQUEST FOR VARIANCE TO CITY OF TULSA BOARD OF ADJUSTMENT****THIRD STREET DEVELOPMENT**

Tulsa's downtown has seen unprecedented growth over the past few years, spurred by an increasing demand for live/ work/ play in close proximity and walkable neighborhoods. One of the natural trajectory for expansion is into the Pearl District which is designated as a downtown neighborhood in the Comprehensive Plan.

Medium density developments in this area, characterized by walkability, smaller footprints, well-designed units, lesser off-street parking, will provide the "missing middle" while aligning with the neighborhood scale. This is the type of development we propose to build on our 5060 sf triangular piece of property located on East Third Street South, west of Owasso Avenue.

This mixed-use development will have a compact footprint with mostly commercial and one or two residential units on the first level. The second level will be all residential lofts, ideal for young professionals that the Pearl District is aiming to attract. The property sits at the nexus of bike routes and bus rapid transit networks which make it an ideal urban location, well connected to downtown. Developing this small tract of forgotten land will contribute to the tax base and invest in the neighborhood's revitalization.

**Hardship:**

The triangular site is inaccessible on two sides, the southwest boundary being the railroad, and the southeast boundary is the 4th Street railroad underpass, making the north boundary the only direction available for public access. The north property line is also the longest at 181.75 feet. Setting back 10 feet from this line disproportionately reduces the buildable footage from 5060 sf to 2833 sf, which falls under the minimum lot requirement for MX1-P zoning. This creates hardship to development on the site.

August 8 2018

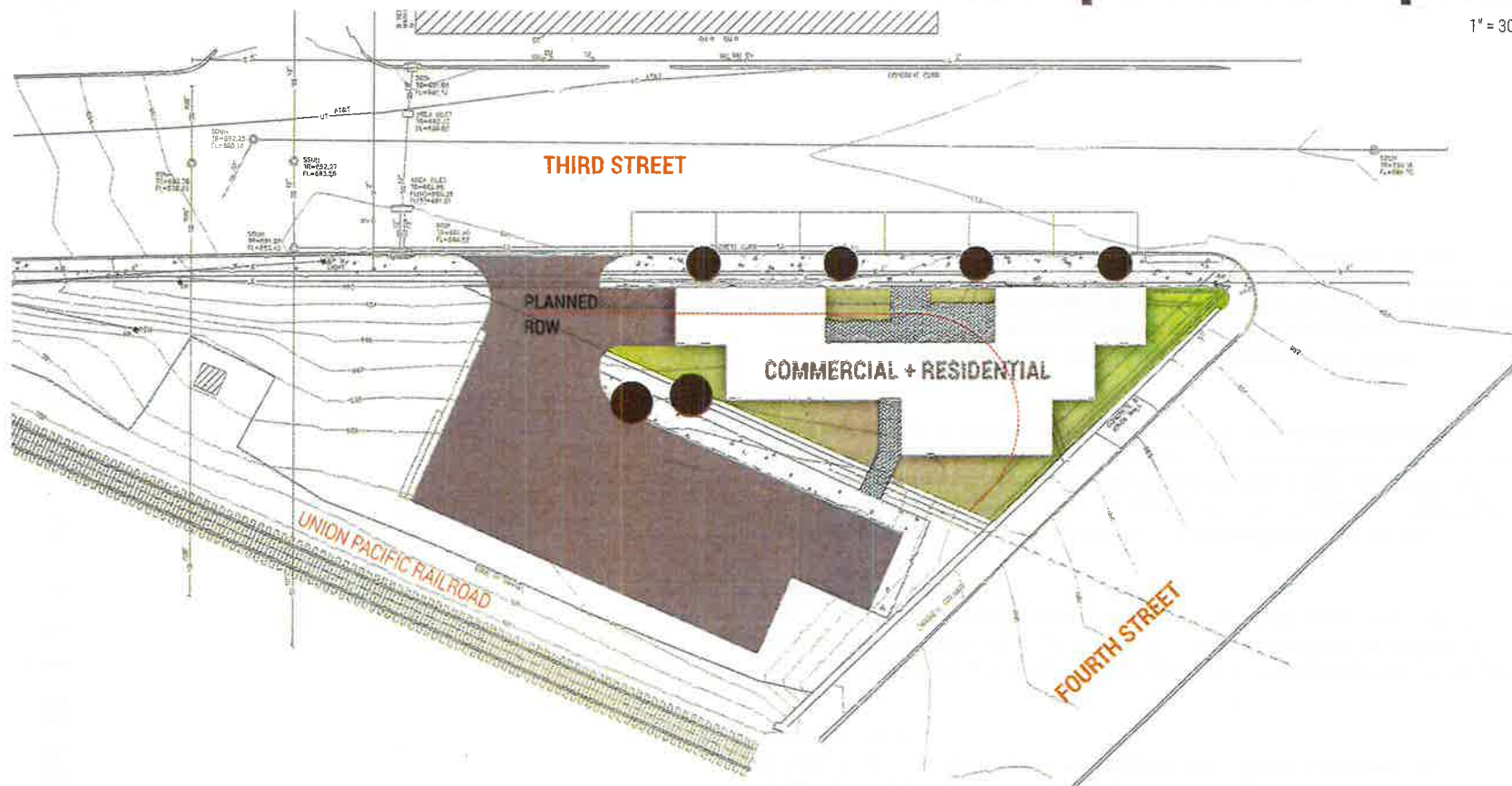
**RUST, LLC**  
 Tulsa Oklahoma 74114

**THIRD STREET DEVELOPMENT**  
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# conceptual site plan

1" = 30'-0"



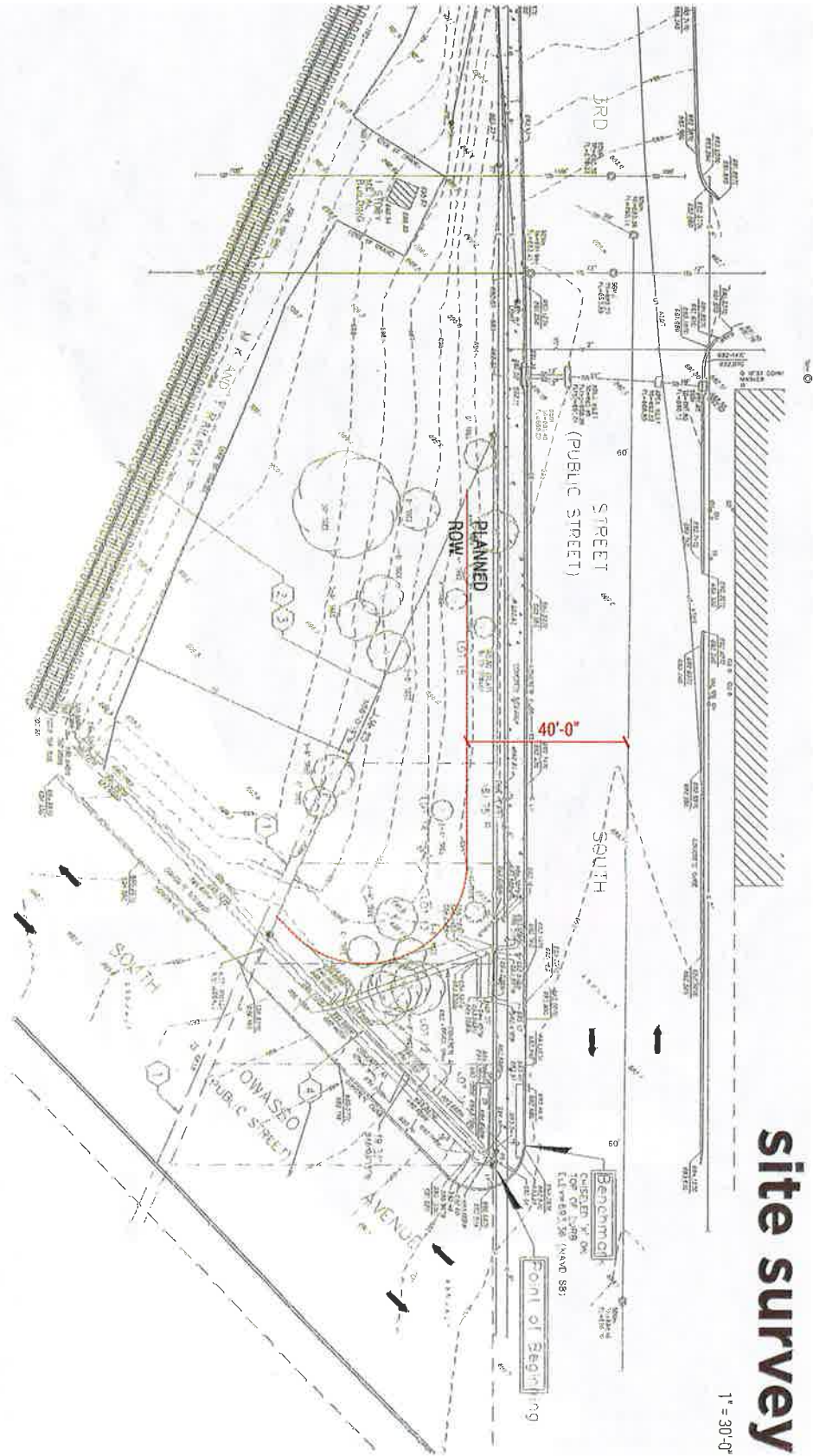
August 8 2018

**RUST, LLC**  
Tulsa Oklahoma 74114

**THIRD STREET DEVELOPMENT**  
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August 8 2018

**RUST, LLC**  
Tulsa Oklahoma 74114

**THIRD STREET DEVELOPMENT**

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**RUST, llc**  
Tulsa Oklahoma 74114

## THIRD STREET DEVELOPMENT

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**Ulmer, Amy**

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**From:** Bill Glossen <glossenb@gmail.com>  
**Sent:** Thursday, September 13, 2018 1:13 PM  
**To:** Ulmer, Amy  
**Subject:** Proposed Development at Third & Peoria in The Pearl District

Dear Amy Ulmer,

My name is Bill Glossen. I am a resident in The Village at Central Park, in the Pearl District. A couple days ago I attended the Pearl District Association monthly meeting and had the pleasure of meeting Subha Sridharan. She attended to present her company's proposed development to the association members.

I'd like to express my support for the mixed-use development that Forest for the Trees is proposing. It seems to me this is the type of medium density development that should be welcome in The Pearl District as development continues to spread east from downtown.

As I understand it, this mixed-use development will have a compact footprint with mostly commercial and one or two residential units on the first level. The second level will be all residential lofts, ideal for young professionals that the Pearl District is aiming to attract. The property sits at the nexus of bike routes and bus rapid transit networks which make it an ideal urban location, well connected to downtown. Developing this small tract of forgotten land will contribute to the tax base and invest in the neighborhood's revitalization.

Thank you for your consideration.

Regards,

Bill Glossen  
[glossenb@gmail.com](mailto:glossenb@gmail.com)  
405-996-6903



**Ulmer, Amy**

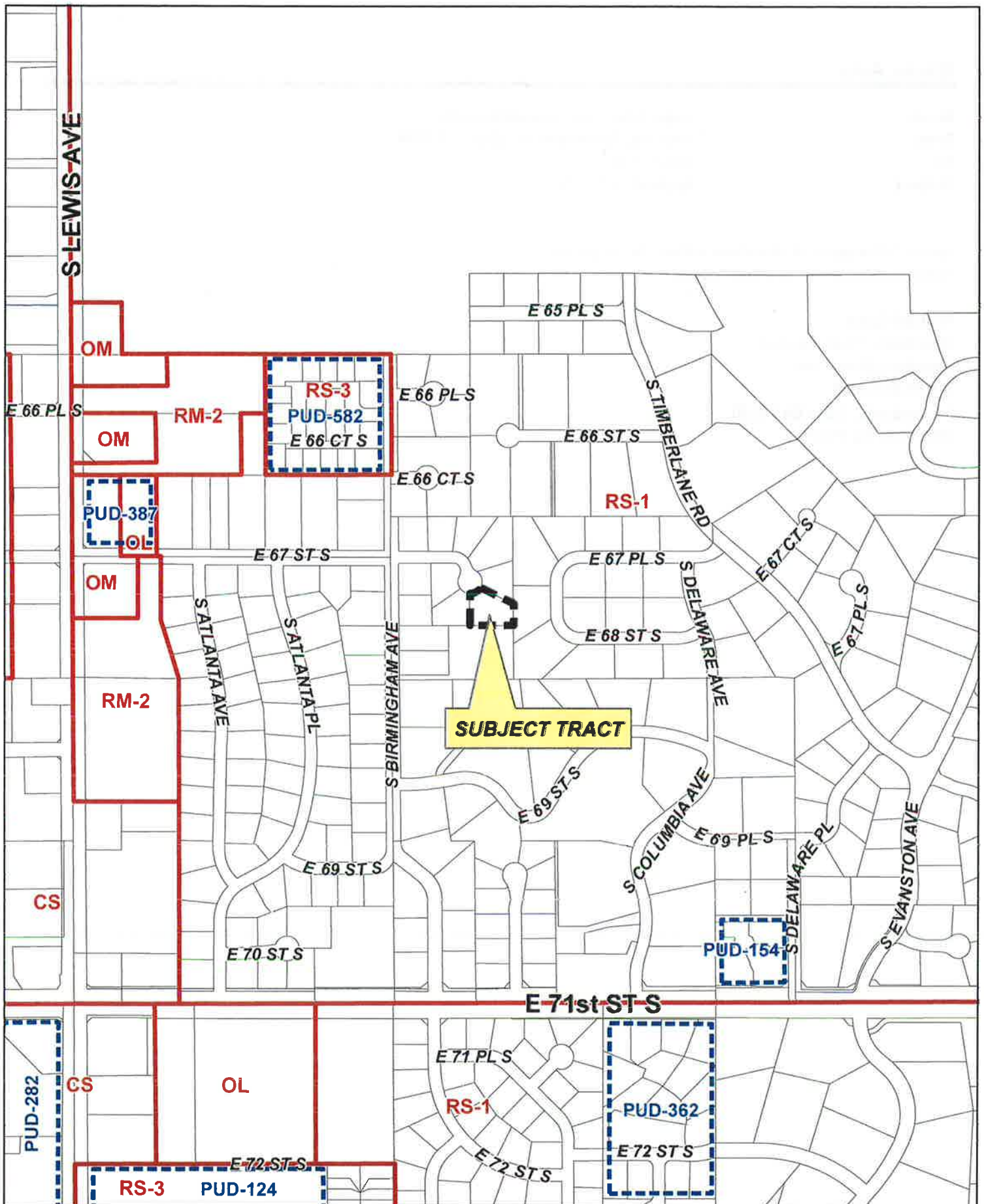
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**From:** Sager Tulsa <sagertulsa@aol.com>  
**Sent:** Thursday, September 06, 2018 12:17 PM  
**To:** Ulmer, Amy  
**Subject:** Application 22505

I am in full support of the above action . Great project .  
I own the SW corner of 3 and Peoria .

Michael Sager  
Blue Dome Properties LLC  
Sagertulsa@Aol.Com  
T: 918.361.3085  
5 S. Iroquois , Tulsa Ok 74120  
Sent from my iPhone





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Feet

BOA-22509

18-13 05

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 8305

Case Number: **BOA-22509**

CZM: 52

CD: 2

A-P#:

HEARING DATE: 09/25/2018 1:00 PM

APPLICANT: John Berry

ACTION REQUESTED: Special Exception to allow a Bed and Breakfast (short-term rental) in a RS-1 District (Section 5.020).

LOCATION: 2630 E 67 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 22346.37 SQ FT

LEGAL DESCRIPTION: LOT 6, OAKWOOD

RELEVANT PREVIOUS ACTIONS:

Subject Property:

**BOA-12485:** on 3.10.83, the Board **approved** a *variance* of the required 25 feet rear yard in a RS-1 zoned district to 20 feet to allow for the expansion to a dwelling.

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 residential uses on all sides.



**STAFF COMMENTS:**

The applicant is before the Board requesting a Special Exception to permit a Bed & Breakfast in the existing house on the subject site. The request is to permit short-term (less than 30 days) lodging/rental on the site. The applicant has stated that there will be no parties/events.

The following supplemental use regulations in **Section 40.060** apply to all bed and breakfast uses.

- Bed and breakfast are limited to a maximum of 12 guest rooms unless a lower limit is established by the board of adjustment as a condition of an approved special exception.
- The maximum length of stay for any guest is limited to 30 consecutive days.
- The owner/operator must maintain a register of bed and breakfast guests and on-site events for each calendar year and make the register available to city code enforcement upon request.
- Cooking facilities are prohibited in guest rooms.
- Signs are allowed in accordance with the sign regulations of the subject zoning district unless the board of adjustment establishes stricter conditions at the time of special exception approval.
- Public restaurants are prohibited. Meals may be served only to overnight guests and for on-site events expressly authorized by the board of adjustment at the time of special exception approval. The board of adjustment may authorize bed and breakfasts to be rented for events, such as weddings, receptions, anniversaries, private dinner parties, business seminars, etc. The use of bed and breakfasts for on-site events requires ex-press authorization of the board of adjustment, in accordance with the special exception procedures of Section 70.120. As part of approval of the special exception, the board of adjustment is authorized to establish the maximum number of on-site events per year and the maximum number of guests per any single event, based on the availability of off-street parking and the facility's likely impacts on the area.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Special Exception to allow a Bed and Breakfast (short-term rental) in an RS-1 district. (Section 5.020).

- 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.



Case No. 12475 (continued)

"abstentions"; none, "absent") to continue this item to the March 24, 1983 meeting.

Case No. 12476

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback requirements for 50' to 43' from 27th Street located at 2703 South 120th East Avenue.

Presentation:

John R. New, 2703 South 120th East Avenue, submitted a plot plan (Exhibit "B-1") and an elevation and floor plan (Exhibit "B-2"). Mr. New advised that his residence is presently located approximately 40' from the center-line of the street. The proposed addition will line up with the house and the applicant is requesting the 7' variance for the addition. The proposal is in violation on 27th Street.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback requirement for 50' to 43' per plot plan, on the following described property:

Lot 1, Block 2 Shannon Park Addition in Tulsa County, Oklahoma.

Case No. 12477

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a Variance of the side yard requirement from 5' to 0' to permit a lot split of 5 existing duplexes located at 1143-1167 South 79th East Avenue.

Presentation:

The Staff advised that the case needs to be readvertised because the advertisement was incorrect.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this case to the March 24, 1983 meeting.

Case No. 12485

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 25' to 20' to permit the expansion of an existing house located at 2630 East 67th Street.

3.10.83:382(2)



Case No. 12485 (continued)

Presentation:

John Robertson, 2233 South Louisville Avenue, was present on behalf of the applicant, Neil Worsham, and submitted a plot plan (Exhibit "C-1"). The applicant proposes to construct an addition to his present house located on the subject property. The Zoning Code requires a 25' rear yard setback and the addition will come within 20' of the property line at one point.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 25' to 20' to permit the expansion of an existing house, per plot plan submitted, on the following described property:

Lot 6, Oakwood Addition in the City of Tulsa, Tulsa County, Okla.

Case No. 12492

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from Birmingham Court from 35' to 29' located at 7000 South Birmingham Court.

Presentation:

Max Heidenreich, 7002 South Birmingham Court, was present and submitted a site plan (Exhibit "E-1"). The applicant proposes to construct a house on the subject property which requires a variance of 6' in the front yard. The residence will be constructed on a cal-de-sac.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from Birmingham Court from 35' to 29', per site plan submitted, on the following described property:

Lot 8, Block 1, South Oak Addition in the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

Case No. 12408

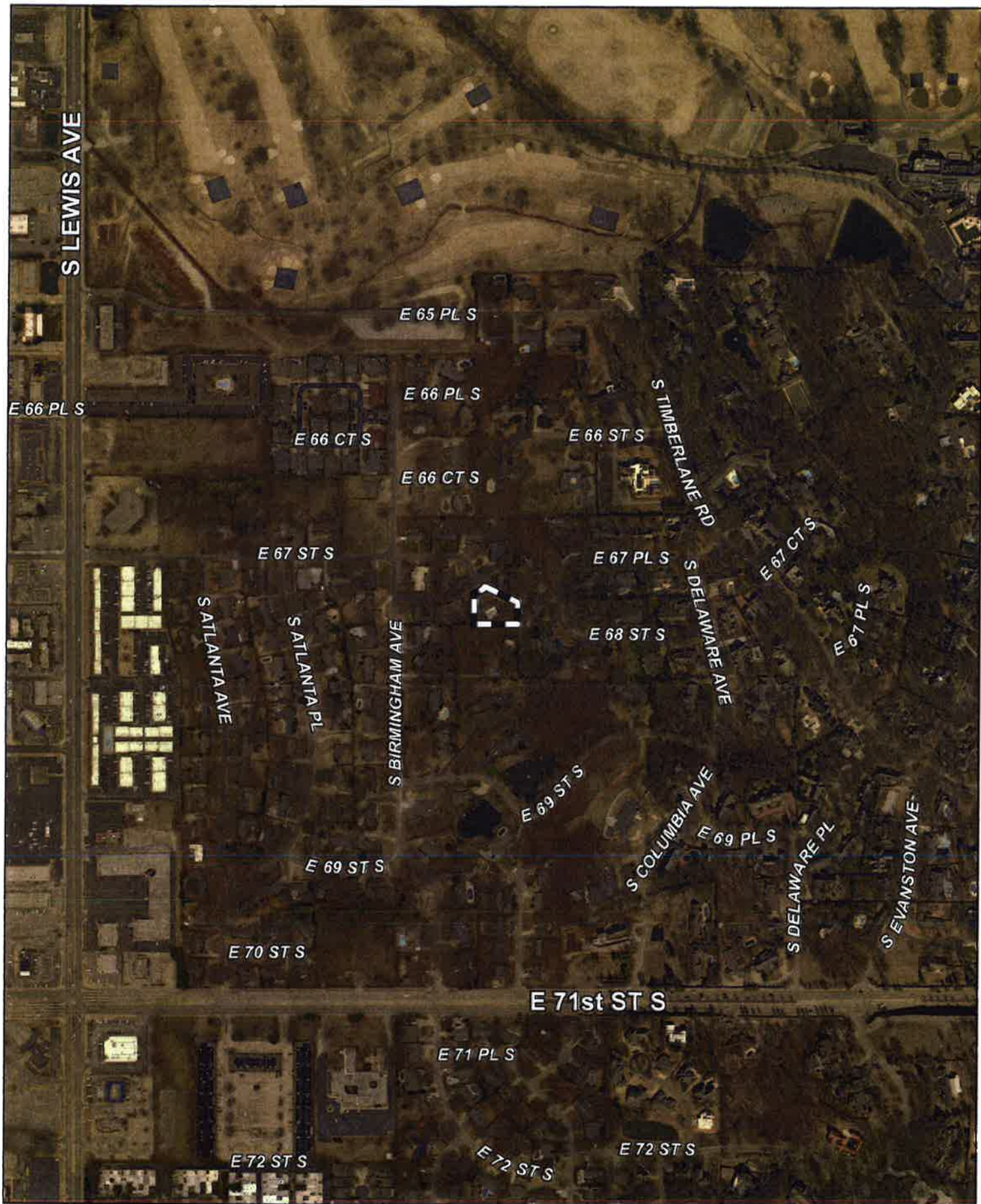
Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home occupation (fund raising consulting) in an RS-3 District located at 2207 East 18th Street.

Presentation:

Bern Gentry, 2207 East 18th Street, was present requesting permission to operate a home occupation at the subject location. Mr. Gentry, who  
3.10.83:382(3)





0 250 500  
Feet



Subject  
Tract

**BOA-22509**

18-13 05

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

Aerial Photo Date: February 2018

3.6







E 67 ST S

E 67 PL S

S COLUMBIA AVE

E 68 ST S



Subject  
Tract

**BOA-22509**

18-13 05

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

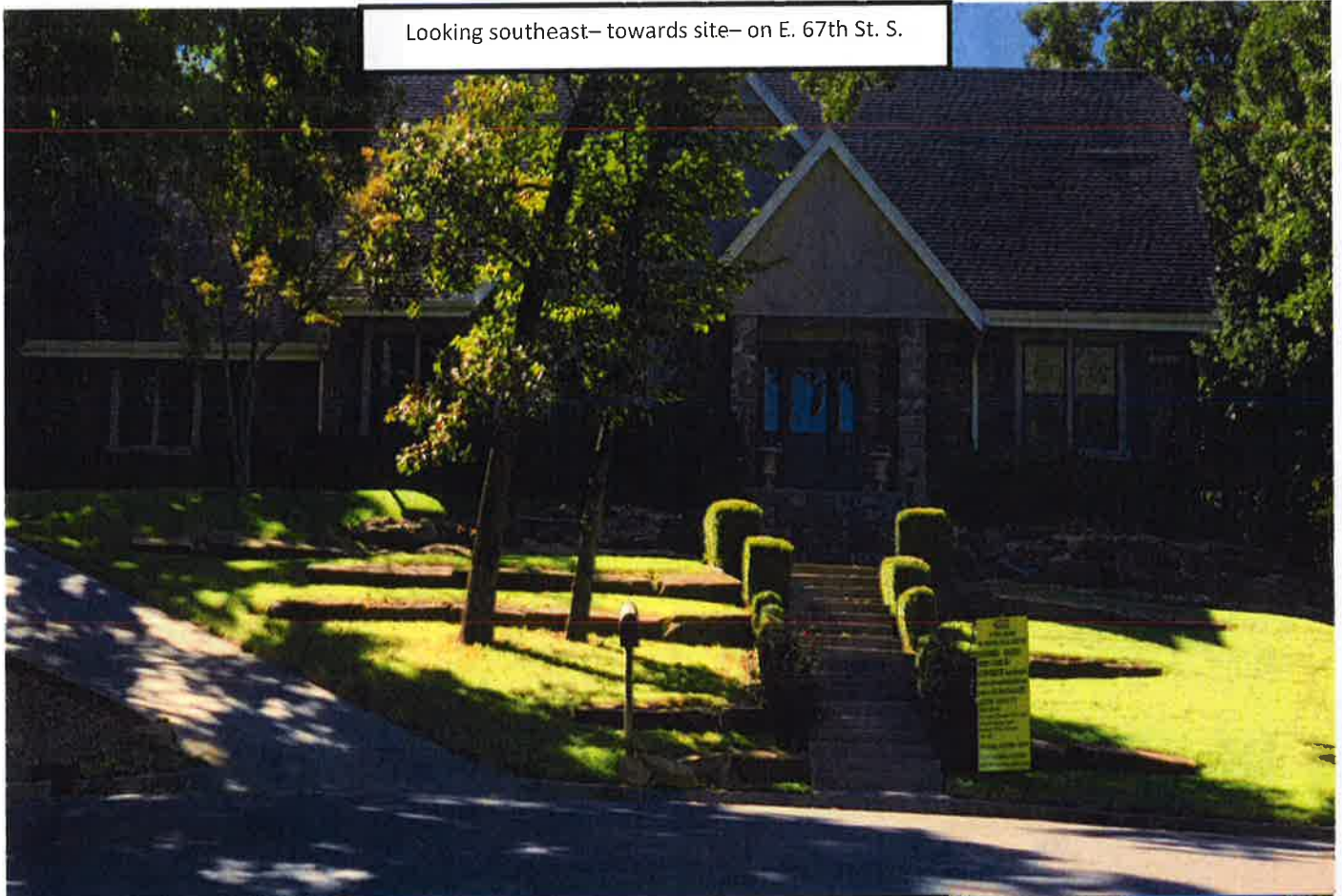
Aerial Photo Date: February 2018



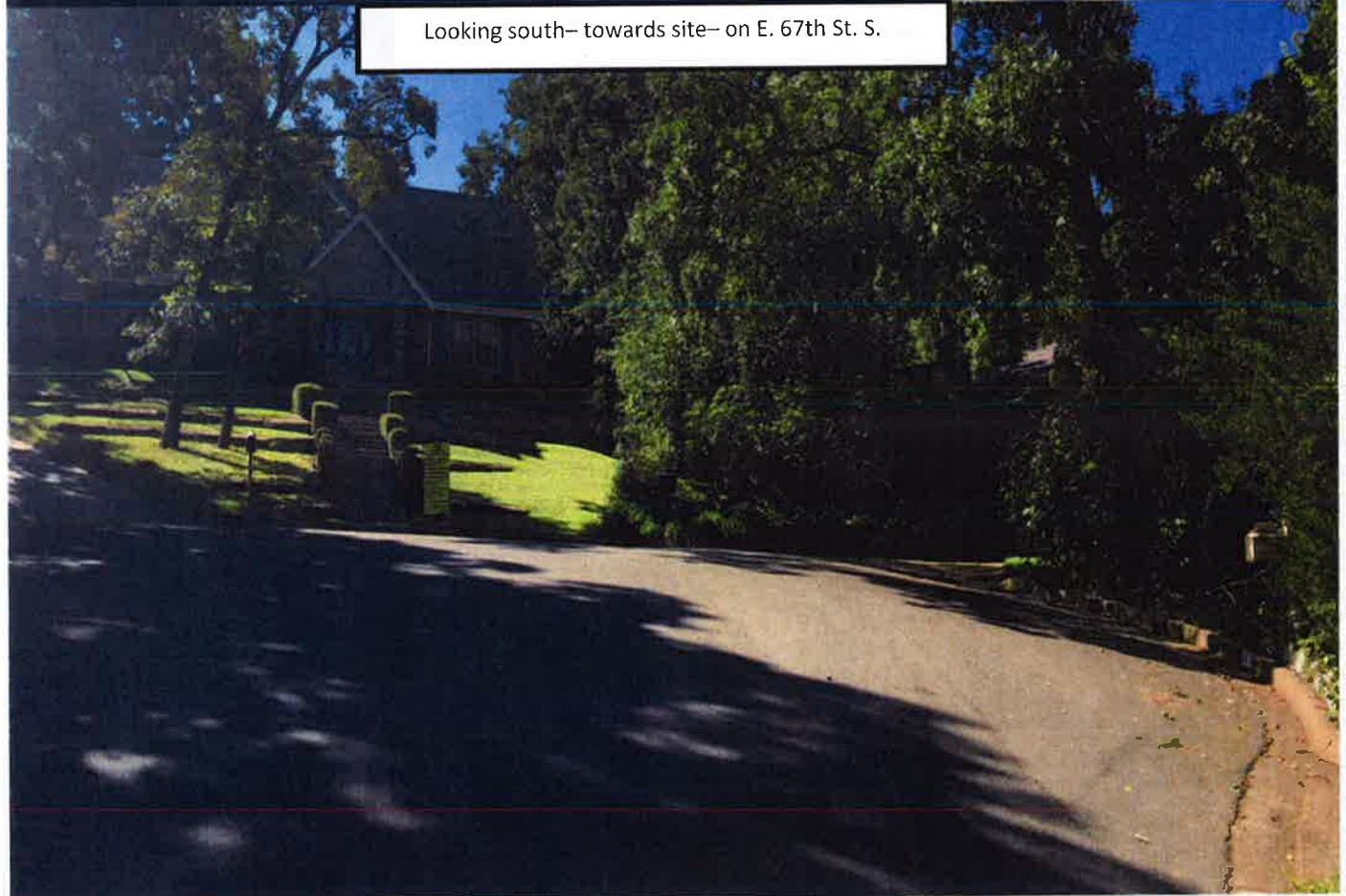
3.7



Looking southeast— towards site— on E. 67th St. S.

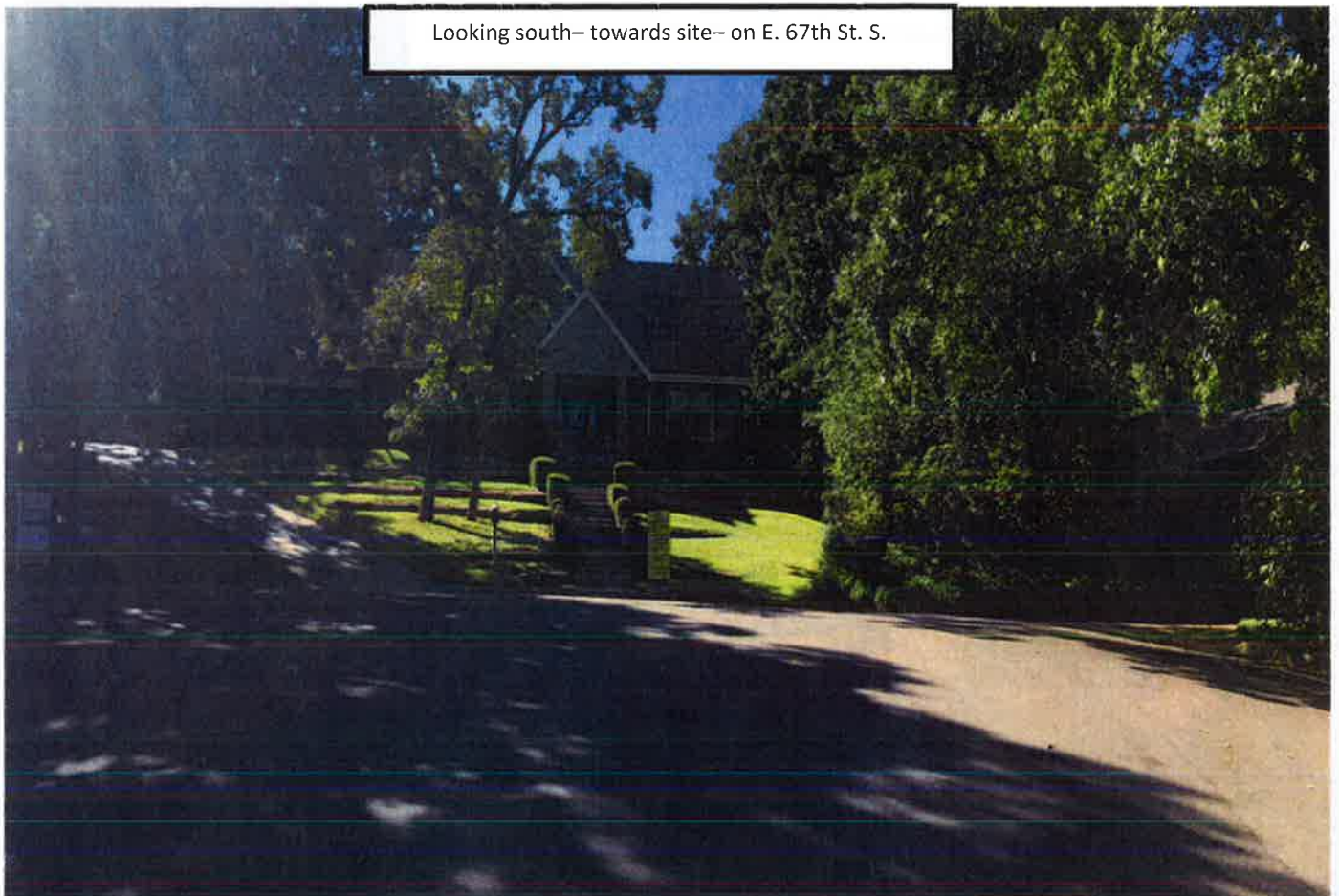


Looking south— towards site— on E. 67th St. S.

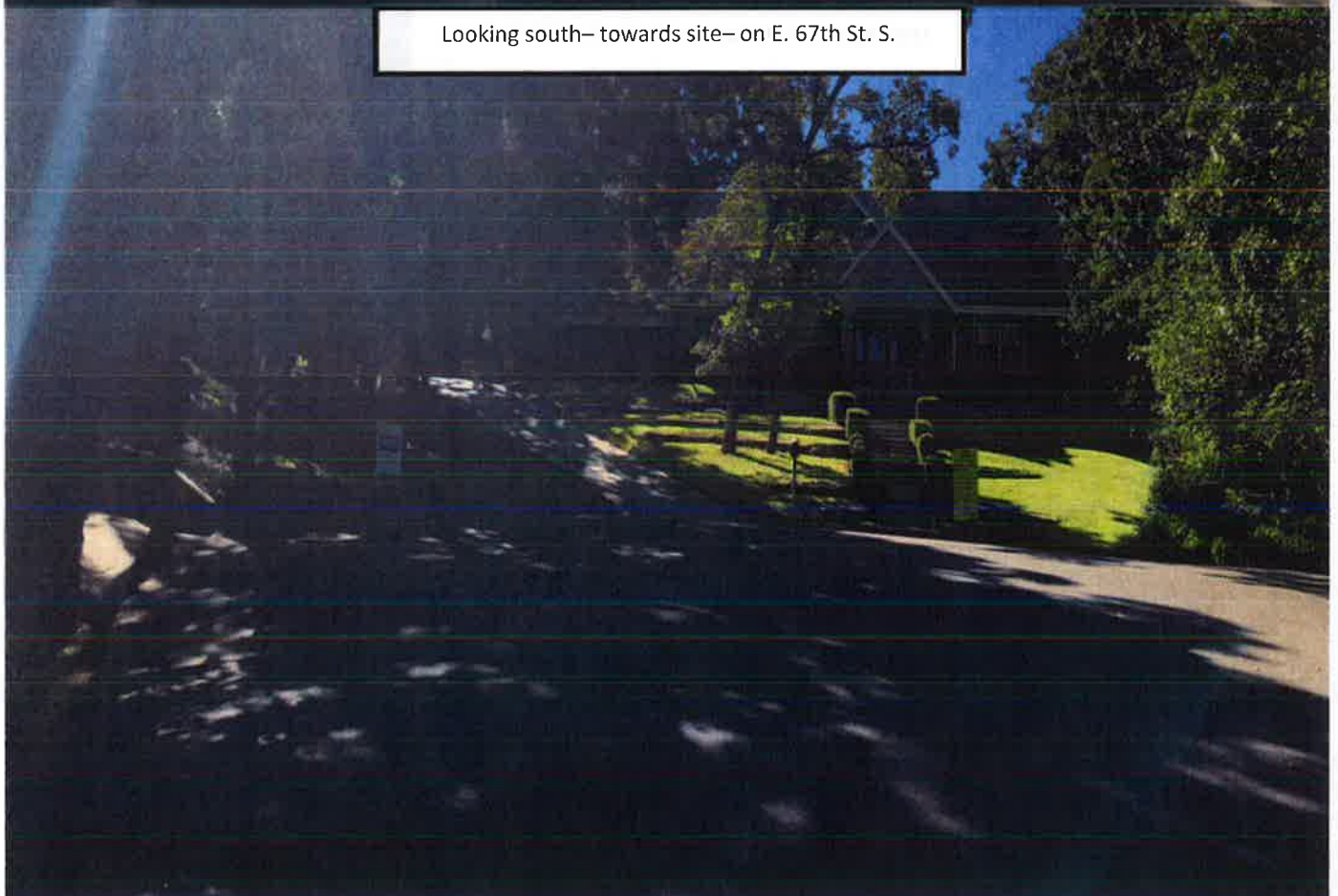




Looking south— towards site— on E. 67th St. S.



Looking south— towards site— on E. 67th St. S.







Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

ZONING NOTICE OF VIOLATION

The City of Tulsa To:

Date: June 5, 2018

2630 E 67TH ST TRUST  
SAFE INVESTMENT GROUP INC TTEE  
8177 S HARVARD AVE STE 231  
TULSA, OK 741371612

You are hereby notified that the violation (s) maintained, operated or permitted to exist by you at **LT 6, OAKWOOD ADDN**, addition to the City of Tulsa, TULSA County, State of Oklahoma.

And located at the address of: **2630 E 067 ST S**

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

Title 42, Chap. 05, Sect. 020,  
Title 42, Chap. 40, Sect. 060,  
Title 42, Chap. 85, Sect. 020,  
Title 42, Chap. 35, Sect. 050-G

This Violation requires:

This Notice requires compliance to Use Restriction of Title 42 (Lodging less than 30 days). The Use in the RS-3 Zoned District is prohibited without a Special Exception from the Board of Adjustment. All commercial use and advertisement associated with the Lodging less than 30 Days/VRBO-B&B Rental is required to be removed until a Zoning Clearance Permit is issued and Special Exception is granted by the Board of Adjustment.

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

Complaint No: NUZO-000741-2018

MICHAEL RIDER  
Zoning & Sign Official  
(918)596-9878 Office phone  
918-576-5468 Fax

Meetings with Inspectors require a scheduled appointment.

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



## Ulmer, Amy

---

**From:** Audrey Sevenoaks <Audrey@leakecar.net>  
**Sent:** Monday, September 17, 2018 8:43 AM  
**To:** Ulmer, Amy  
**Subject:** Special Exception for 2630 E 67th St  
**Attachments:** 2630 east 67th st AirBNB.png

Good Morning Amy,

I got a notice in the mail regarding a zoning request change for John Berry's property. I reside at 2716 East 68<sup>th</sup> Street. I am doubtful I will be able to make the hearing but want to know what options I have to stand up against this proposed change. We are a quiet residential neighborhood and don't need people in and out in an AirBNB or VRBO situation. Attached I found a current listing for an AirBNB rental for the property despite seeing the Zoning Notice Violation preventing such listings.

Please advise any options I have.

Audrey Sevenoaks

Marketing Specialist

[audrey@leakecar.com](mailto:audrey@leakecar.com)

918.254.7077

800.722.9942

877.599.1563 Fax

[www.leakecar.com](http://www.leakecar.com)

<https://www.facebook.com/LeakeCar>

<https://twitter.com/LeakeCar>




8:30

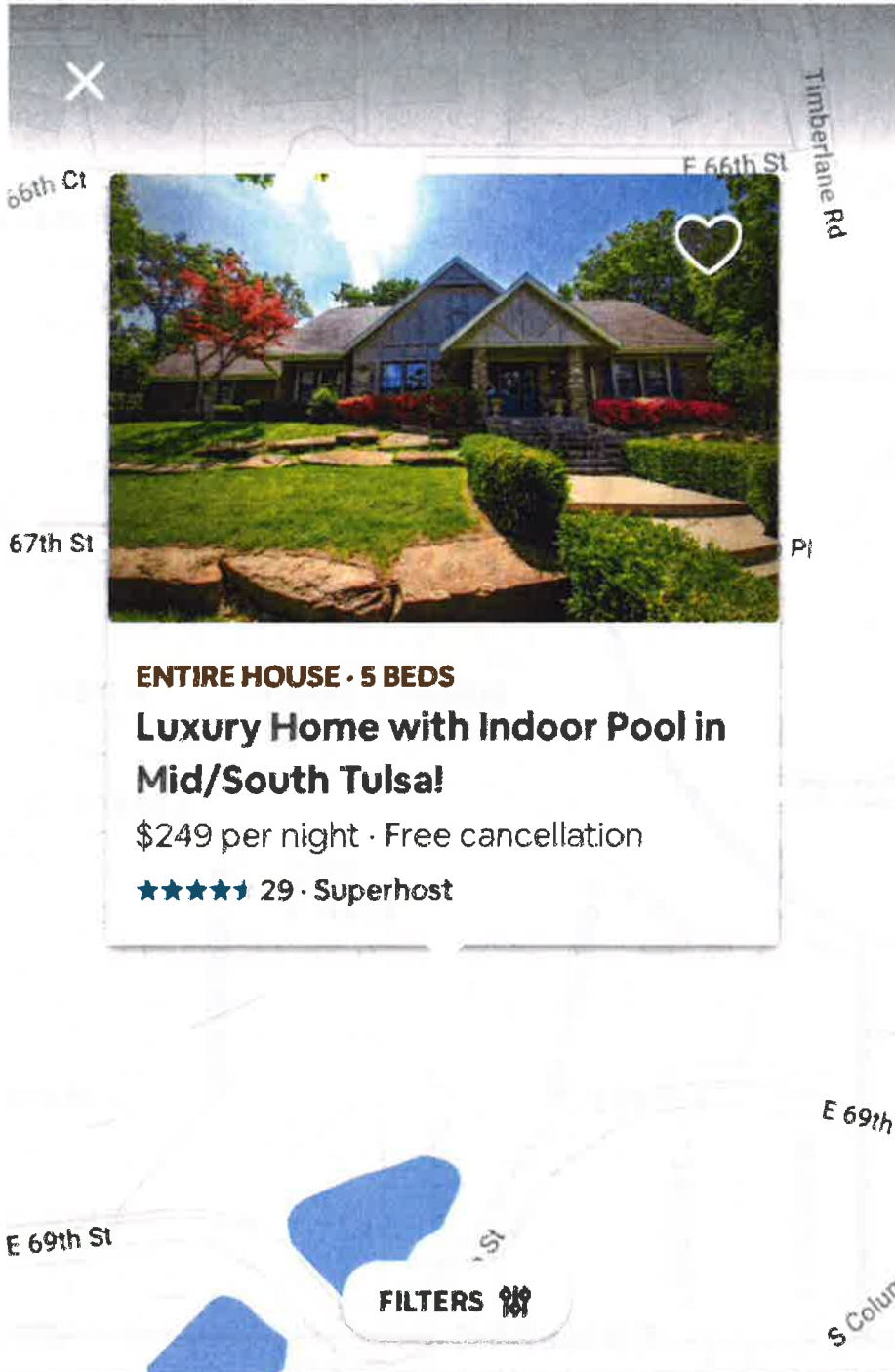


 Airbnb, Inc.



 Tulsa, OK, United States





**ENTIRE HOUSE · 5 BEDS**

**Luxury Home with Indoor Pool in Mid/South Tulsa!**

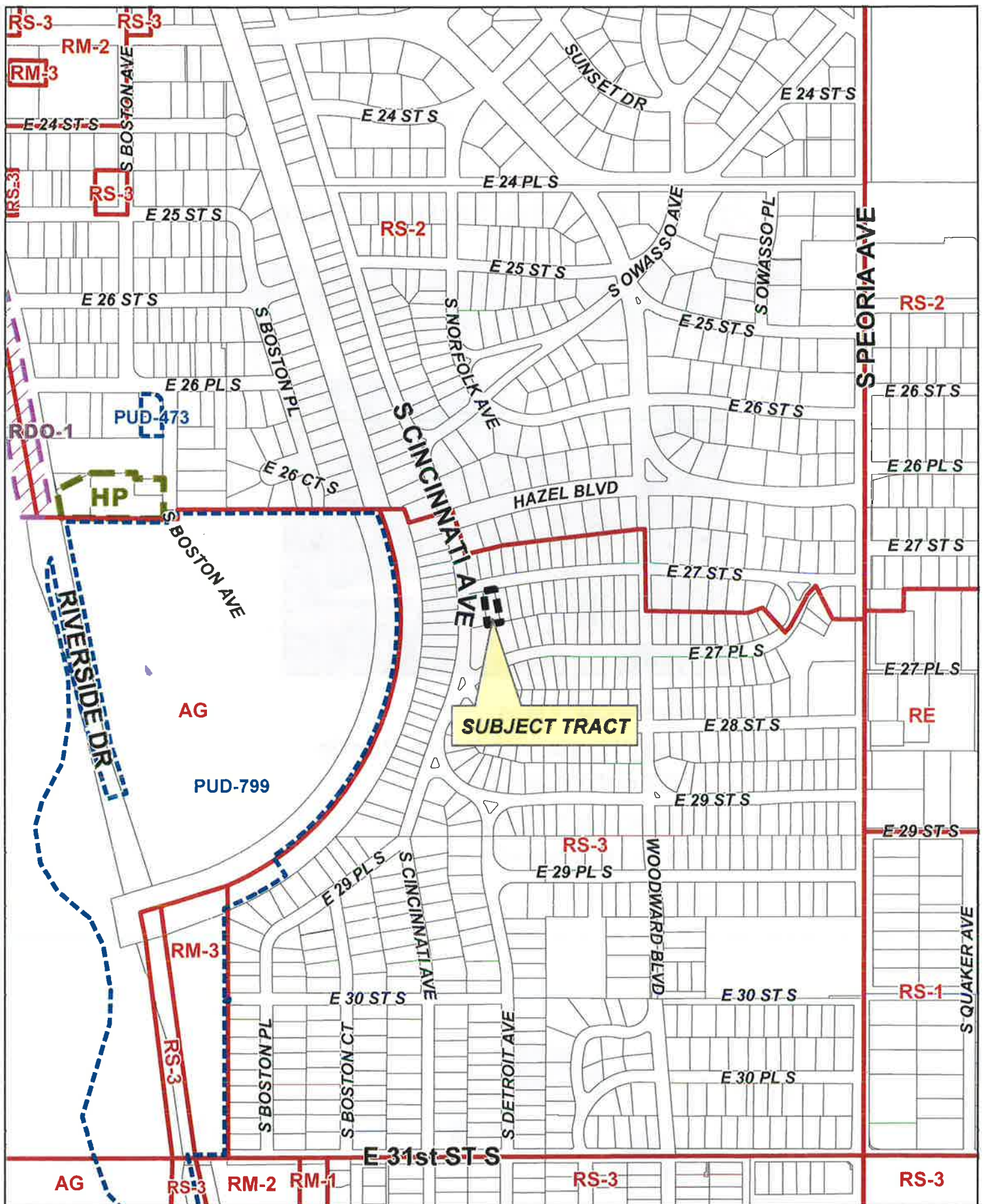
\$249 per night · Free cancellation

★★★★★ 29 · Superhost



3.12





**BOA-22510**

19-12 13

4.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: **BOA-22510**

CZM: 36

CD: 4

A-P#:

**HEARING DATE:** 09/25/2018 1:00 PM

**APPLICANT:** Robert Briley

**ACTION REQUESTED:** Variance of the minimum open space per unit requirement; Variance of the rear setback requirement in an RS-3 district (Section 5.030, Table 5-3)

**LOCATION:** 204 E 27 ST S

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 6943.49 SQ FT

**LEGAL DESCRIPTION:** LT 13 BLK 17, SUNSET TERRACE

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 22345;** on 10.24.17, the Board **approved** a *Variance* to allow more than 30% coverage in the rear setback (Sec. 90.090-C-2); *Variance* to allow a two-story accessory structure that exceeds 18 ft. in height to allow 29 ft. and exceed 10' to the top of the top plate to allow 17'10"(Sec. 90.90.C); *Variance* to allow a detached accessory structure to exceed 500 sq. ft. in floor area to allow 1574 sq. ft; located on the SW/c of S. Cincinnati Ave. & E. 27<sup>th</sup> St. S. ( 2704 S. Cincinnati Ave. E.)

**BOA 22117;** on 8.23.16, the Board **approved** a *Special exception* to allow a non-conforming two-story detached garage to be reconstructed; *Variance* to allow an accessory building to exceed 40% of the floor area of the principal structure; *Variance* to increase the footprint of a non-conforming structure; *Variance* to allow a detached accessory building to exceed 10 ft. at the top of the top plate; located East of the SE/c of S. Cincinnati Ave. and E. 27<sup>th</sup> Street S ( 216 E. 27<sup>th</sup> St. S.)

**BOA-21494;** on 11.13.12, the Board **approved** a *Variance* of the side yard setback requirement from 20 ft to 5 ft in the RS-3 District; located N of the NW/c of S. Cincinnati Ave. & E. 27<sup>th</sup> St. S. (2626 S. Cincinnati Ave.)

**BOA-21208;** on 01.25.11, the Board **approved** a *Variance* of the rear yard requirement in the RS-3 district from 20 ft to 8.5 ft to permit an addition to an existing dwelling; located E of the NE/c of S. Cincinnati Ave. & E. 27<sup>th</sup> St. S. (207 E 27<sup>th</sup> 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-3 zoned residences.

#### **STAFF COMMENTS:**

The applicant is proposing to construct an outdoor patio to the rear (south) of the existing house on the site. The applicant is requesting a **Variance** of the required 20' rear setback in the RS-3 district on the south property line to permit construction of the outdoor patio as proposed on the attached site plan.

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

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

The applicant has requested a **Variance** to reduce total open space on the site to 3394 sq. ft. to permit the outdoor patio as shown on the conceptual plan.

#### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a Variance of the minimum open space per unit requirement; Variance of the rear setback requirement in an RS-3 district (Section 5.030, Table 5-3).

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

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

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

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



- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- e. That the variance to be granted is the minimum variance that will afford relief;*
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."*



BOA-22345

FILE COPY

Mr. Van De Wiele asked Mr. Moran if his site-plan will be changed now that he knows he will be losing the building on the northwest corner of the subject property. Mr. Moran stated that it may change a little bit, but it depends on the calculations of the runoff water. At this point, maybe the building on the upper north portion of the property will become an ell shaped building.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; White "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to permit Wholesale Distribution and Storage in the CS District (Section 15.020), per the conceptual architectural site plan shown on page 5.13 of the agenda packet. The approval is subject to the following conditions, that the total square footage on site not exceed the total square footage depicted on 5.13, understanding the site plan will move due to storm water requirements. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**E305 S360 E/2 E/2 SW SW LESS TR BEG SECR SW SW TH N359.69 W80 S159.76 W52 S200 E132 POB SEC 4 19 14 1.62ACS, City of Tulsa, Tulsa County, State of Oklahoma**

**22345—Josh Friesenhahn**

FILE COPY

**Action Requested:**

Variance to allow more than 30% coverage in the rear setback (Section 90.090-C-2); Variance to allow a two-story accessory structure that exceeds 18 feet in height and exceeds 10 feet to the top of the top plate (Section 90.90.C); Variance to allow a detached accessory structure to exceed 500 square feet in floor area (Section 45.030-B). **LOCATION:** 2704 South Cincinnati Avenue East (**CD 4**)

**Presentation:**

**Josh Friesenhahn**, 36 East Cameron Street, Tulsa, OK; stated the plans depict a garage apartment, but it is not an apartment nor is it living quarters. Currently behind the house there is a deteriorated garage that has washer and dryer hook ups. He is proposing a garage with a laundry room and upstairs would be an area with a kitchen and living room.



BOA- 22345

FILE COPY

Mr. Van De Wiele asked Mr. Friesenhahn how big the existing building is versus what is proposed to be built. Mr. Friesenhahn stated that currently the roof height is about 16 feet and it is a single-story building. He is proposing a two-story building that has top roof pitch of 28 feet. Mr. Van De Wiele asked Mr. Friesenhahn what the square footage will be. Mr. Friesenhahn stated the top floor will be 650 square feet and the same with the bottom. Mr. Friesenhahn what is in the existing structure. Mr. Friesenhahn stated it is a garage with washer and dryer and it is about 700 square feet.

Mr. Van De Wiele asked Mr. Friesenhahn if the new structure will have parking. Mr. Friesenhahn answered affirmatively.

Mr. Van De Wiele asked Mr. Friesenhahn if what he is proposing to build will be approximately the same height, size and scale as the other detached structures in the area. Mr. Friesenhahn stated that his proposed building will actually be smaller than the one next door. Mr. Friesenhahn stated there are many houses in the area that have two-story structures.

Mr. Van De Wiele asked Mr. Friesenhahn if he had any contact from any of the neighbors. Mr. Friesenhahn stated that he has not.

Mr. Flanagan asked Mr. Friesenhahn if had any plans on using the proposed structure as an apartment to lease out. Mr. Friesenhahn answered no.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION of BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow more than 30% coverage in the rear setback (Section 90.090-C-2); Variance to allow a two-story accessory structure that exceeds 18 feet in height to allow 29 feet and exceeds 10 feet to allow 17'-10" to the top of the top plate (Section 90.90.C); Variance to allow a detached accessory structure to exceed 500 square feet in floor area to allow 1,574 square feet (Section 45.030-B), subject to the conceptual plan submitted today, October 24, 2017. The Board has found the hardship to be the narrowness of the lot, adjoining park property, and that the house and neighborhood predate the existence of the City Zoning Code. 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;



BDA-22345

FILE COPY

- 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 6 BLK 13, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma**

**22346—Eller & Detrich – Nathalie Cornett**

**Action Requested:**

Variance of the permitted lot area, lot width, and land area per dwelling unit to permit a lot-split; Variance to reduce the required building setback from an interior lot line (Section 5.030-A). **LOCATION:** 3114 West 48<sup>th</sup> Street South (CD 2)

**Presentation:**

**Nathalie Cornett**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, #200, Tulsa, OK; stated today's requests are for small Variances of the bulk and area requirements for the subject property which is in a RS-3 District. Currently the lot is a non-conforming lot. The adjacent property to the west was put up for sale and when that happened it was discovered that the house on the subject property encroaches onto the other lot. To fix the encroachment the plans are to split off part of the adjoining lot to the west and combine it under Tract 1.

Mr. Van De Wiele asked Ms. Cornett if it was the twelve-and-a-half-foot strip was the piece of land getting split. Ms. Cornett answered affirmatively.

Ms. Cornett stated that even with the split and the combination the property will still not meet the bulk and area requirements in RS-3. The width is being increased from 45 feet to 57.6 feet and the Code requires 60 feet. Essentially, the lot will still be non-conforming but less so.

**Interested Parties:**

There were no interested parties present.



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:

**LOT-3-BLK-2, TIMBERLAND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22117—Matt Bayne**

FILE COPY

**Action Requested:**

**Special Exception** to allow a non-conforming two-story detached garage to be reconstructed (Section 80.030); **Variance** to allow a accessory building to exceed 40% of the floor area of the principal structure (Section 45.030); **Variance** to increase the footprint of a non-conforming structure (Section 80.030); **Variance** to allow a detached **accessory** building to exceed 10 feet at the top of the top plate (Section 90.090). **LOCATION:** 216 East 27<sup>th</sup> Street South (CD 4)

**Mr. White recused at 2:33 P.M.**

**Presentation:**

**Matt Bayne**, 216 East 27<sup>th</sup> Street, Tulsa, OK; stated there is an existing detached garage on the subject property that is at least 60 years old. The existing structure is deep but not wide and will not allow for two modern automobiles. The survey indicated that the southeast corner was approximately 6" into the utility easement. So he proposes to tear down the existing structure and build a new structure moving it out of the utility easement and far enough toward the front property line to get out of the 30% square foot usage in the rear setback zoning requirement. To be able to mimic the architectural design of the house there is a need for a Variance for the top plate requirement. In the neighborhood there is a preponderance of this type of structure so the proposal is in character for the neighborhood.



FILE COPY

BOA-22117

Mr. Van De Wiele asked Mr. Bayne if the existing structure was damaged or needed to be repaired or replaced. Mr. Bayne stated that to his knowledge there is no footing with a slab construction with a brick stem wall which is deteriorated. The roof is sagging significantly and the structure itself is leaning to the east. Mr. Bayne stated that he has had a structural engineer look at the building and it was determined that currently it is safe but it will not last. Where the building sits on the lot it is low so when it rains water gets into the structure, so his plan is to raise the elevation of the proposed structure and channel the rain around the structure.

Mr. Bond asked Mr. Bayne if the new proposed garage would be more in keeping with the neighborhood as opposed to the existing garage. Mr. Bayne answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION of BACK**, the Board voted 4-0-1 (Back, Bond, Flanagan, Van De Wiele, "aye"; no "nays"; White "abstaining"; none absent) to **APPROVE** the request for a **Special Exception** to allow a non-conforming two-story detached garage to be reconstructed (Section 80.030); **Variance** to allow a accessory building to exceed 40% of the floor area of the principal structure (Section 45.030); **Variance** to increase the footprint of a non-conforming structure (Section 80.030); **Variance** to allow a detached accessory building to exceed 10 feet at the top of the top plate (Section 90.090). The Board has found that per Section 80.030-E.2 the Code states that if any nonconforming structure is damaged or partially destroyed by any means to the extent of more than 50% of its replacement cost at time of damage, the Board by Special Exception may approve it to be restored or re-established as a nonconforming structure and the Board has found that to be a fact. In order to approve a special exception for re-establishment of a the nonconforming two-story detached structure, the Board of Adjustment must find that restoration as a conforming structure cannot reasonably be made in relation to the nature and extent of the non-conformity and the nature and extent of the damages. In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. 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;



W216.4 E584.8 N427 GOV LT 8 LESS N75 FOR ST SEC 6 19 14 1.748ACS, WAGON WHEEL TRADE CENTER, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21494—Tim Carrigg

FILE COPY

**Action Requested:**

Variance of the side yard setback requirement from 20 feet to 5 feet in the RS-3 District (Section 403.A, Table 3.5). **LOCATION:** 2626 South Cincinnati Avenue East (CD 4)

**Presentation:**

**Matt Means**, 10865 South 94<sup>th</sup> East Place, Tulsa, OK; stated he is a contractor that has been hired to remodel Mr. Carrigg's home. There is a detached garage with a covered walkway between the house and the garage. This remodel will be as simple as attaching the house to the garage. Nothing major is changing, but the building line is changing slightly because of attaching the two structures together.

**Interested Parties:**

**Jim Beach**, 7830 South Louisville, Tulsa, OK; stated he is in support of the application and wants to lend any support the Carrigg's may need in this request. The area they want to enclose is already constructed but now it will be enclosed. The garage was built in its current position in 1930, which is prior to today's zoning code.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the side yard setback requirement from 20 feet to 5 feet in the RS-3 District (Section 403.A, Table 3.5). This approval is subject to conceptual site plan on page 8.7. Finding that the proposed addition to the house actually is filling in between an existing garage and an existing residence and will not intrude any further in any direction away from the current structures. On the north, the five feet setback of the garage is to a street that is, while dedicated, not open. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:



**Case No. 21208-Sean Pendley**

**Action Requested:**

Variance of the rear yard requirement in the RS-3 district from 20 ft. to 8.5 ft. (Section 403) to permit an addition to an existing dwelling. **Location:** 207 East 27<sup>th</sup> Street South

**Presentation:**

**Kay Sheehan**, 207 East 27<sup>th</sup> Street, Tulsa, OK;

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the rear yard requirement in the RS-3 district from 20 ft. to 8.5 ft. (Section 403) to permit an addition to an existing dwelling, per conceptual plan on page 5.7, noting that after the existing garage structure is demolished, the driveway, if and when it is extended to the proposed outdoor covered parking and patio area, must be of concrete or asphalt. In granting the variance the Board finds the lot is fairly shallow for an RS-3 zoned lot containing only 112 to 114 feet of depth, as the lot is legal non conforming with regard to lot area the required livability space is equal to 50% of the lot area. These are extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 12 BLK 14, SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

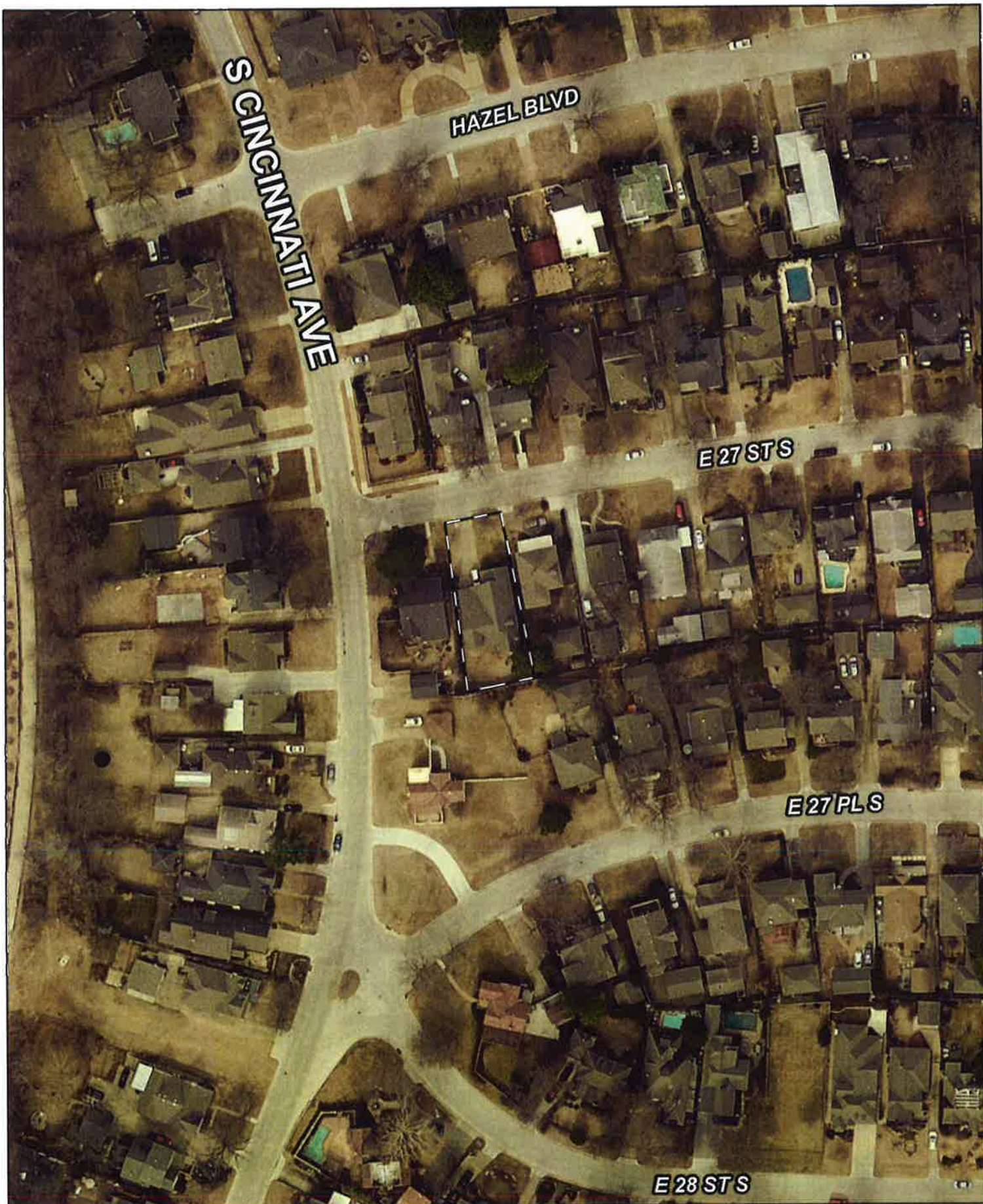
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**Case No. 21209-Gail Fair**

**Action Requested:**

Variance of the required parking from 59 spaces to the existing 53 spaces to permit the addition of a restaurant use (Sections 1200) in an existing multi-tenant shopping center in the CS district. **Location:** 7101 South Memorial Drive





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Subject  
Tract

**BOA-22510**

19-12 13

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

Aerial Photo Date: February 2018

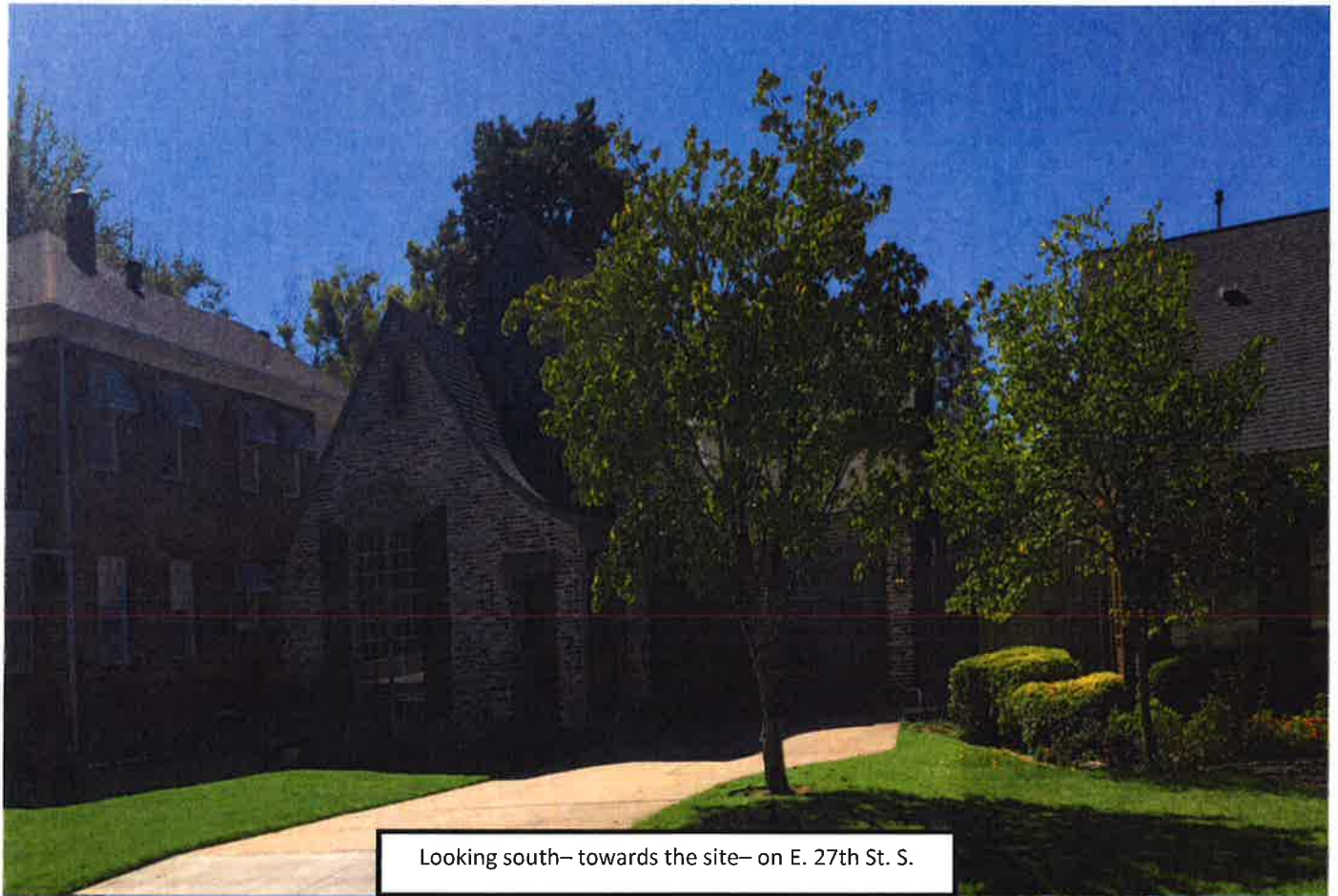
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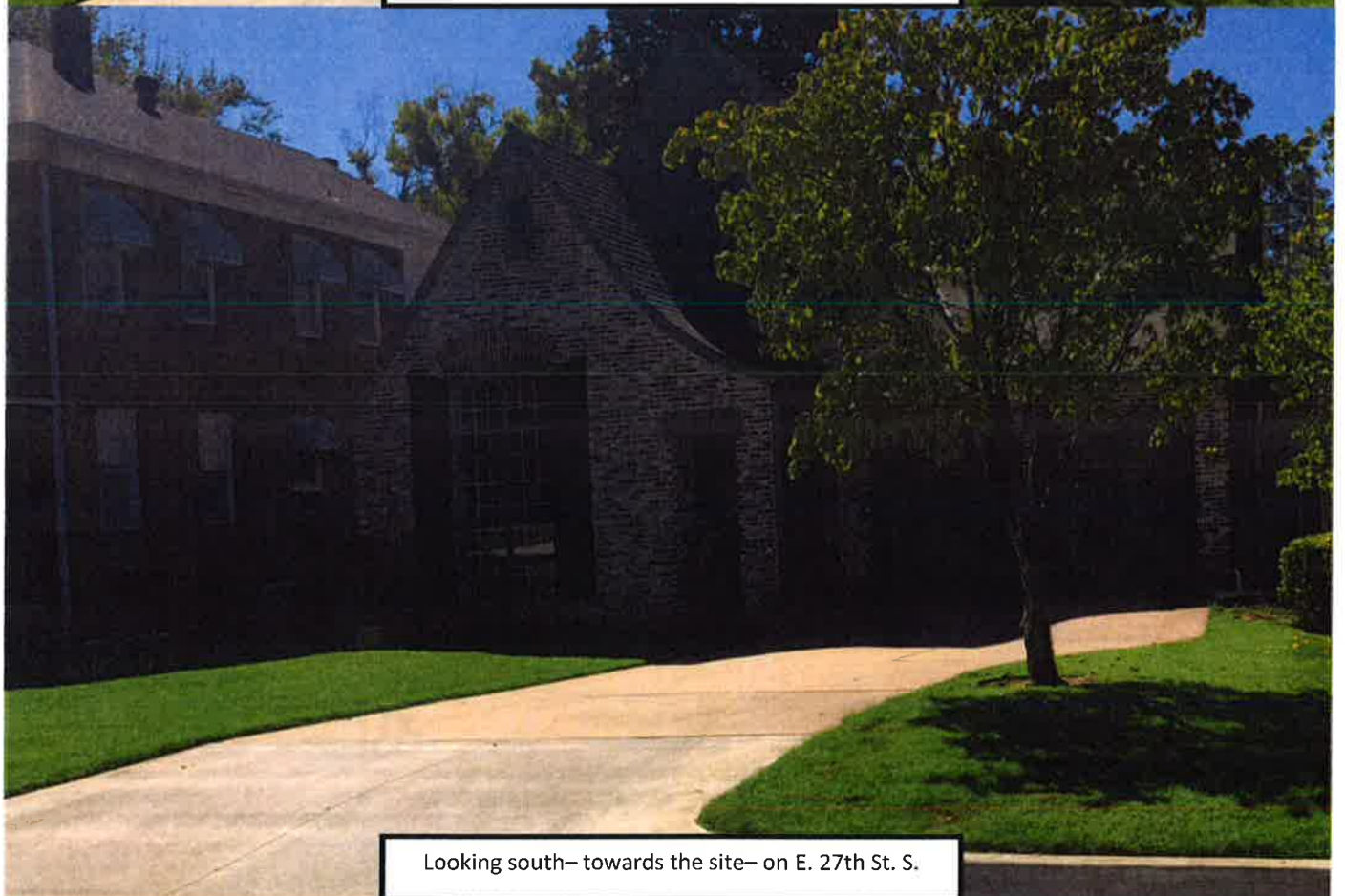






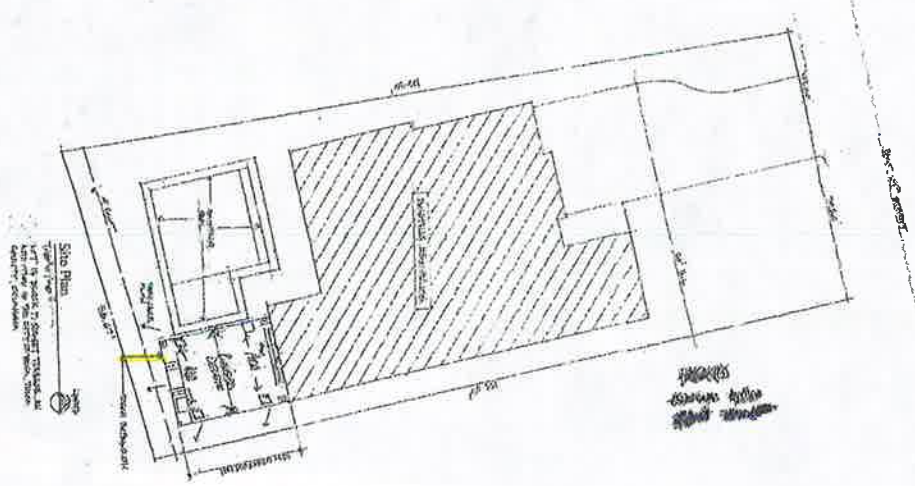


Looking south— towards the site— on E. 27th St. S.



Looking south— towards the site— on E. 27th St. S.






**Site Plan**  
 This plan shows the location of the proposed expansion on the site. The expansion is shown in hatching. The existing house is shown in solid lines. The lot is shown in dashed lines. The north arrow is located in the bottom left corner of the plan area.


Phil and Aye Bashaw  
 204 E 21st St.  
 Tulsa 74114

**Bashaw Residence**  
 Outdoor Living Expansion



**Donald Wayne King**  
 ARCHITECT

11111 South 10th Avenue  
 Suite 100  
 Tulsa, Oklahoma 74114











## PERMIT CORRECTIONS REPORT (BLDR-005268-2018) FOR CITY OF TULSA

**PERMIT ADDRESS:** 204 E 27TH ST S  
Tulsa, OK 74114

**PARCEL:** 41575921307340

**APPLICATION DATE:** 06/28/2018

**SQUARE FEET:** 328.86

**DESCRIPTION:**

**EXPIRATION DATE:**

**VALUATION:** \$3,979.21

CONTACTS	NAME	COMPANY	ADDRESS
Owner/Builder	phil bashaw		204 27th st tulsa, OK 74114

### Building Review (Residential)

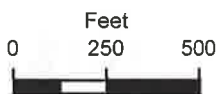
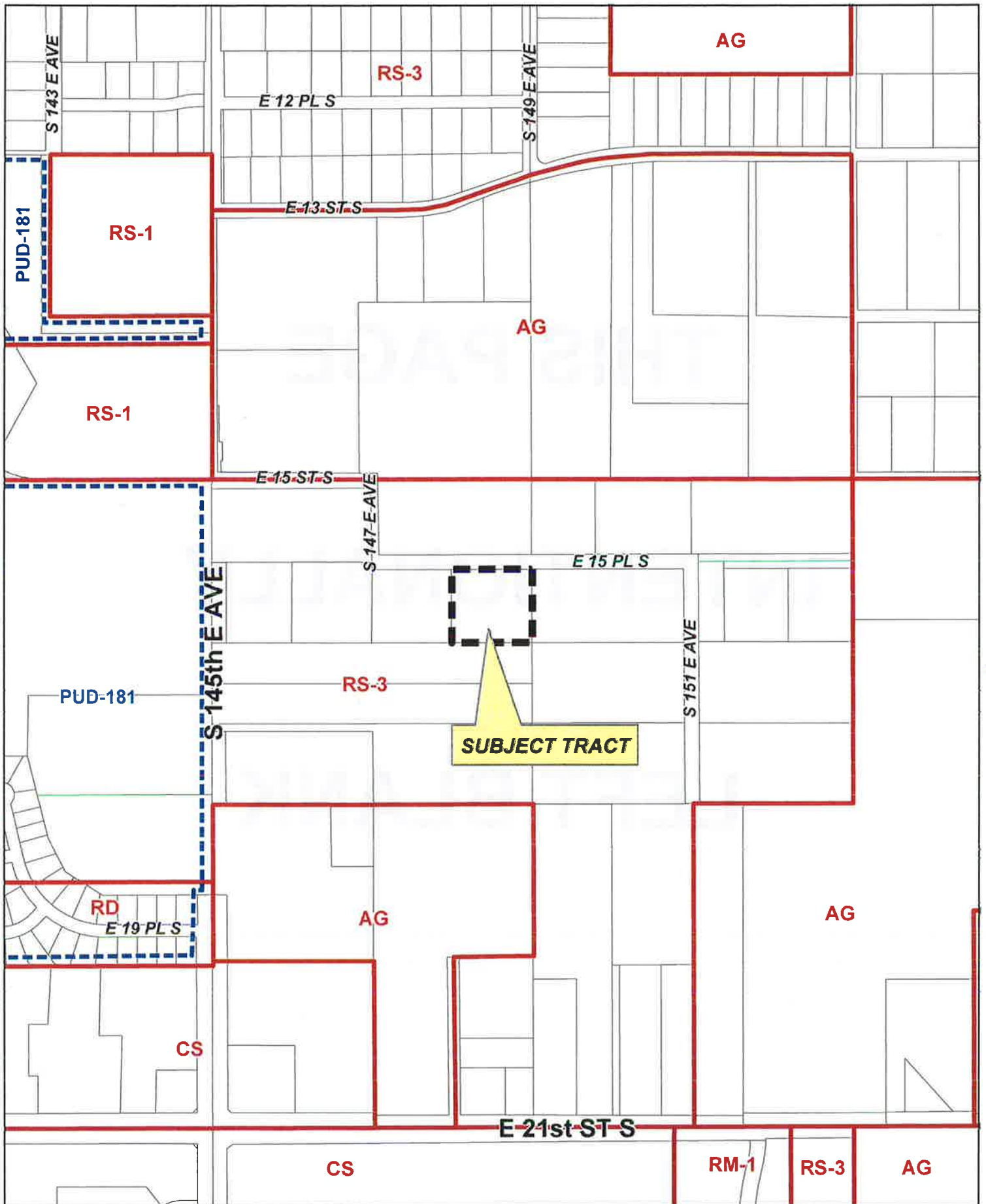
- | REVIEW ITEM  | STATUS                | REVIEWER   |
|--|-----------------------|--|
| 1. Building<br>Review item used to allow building to comment during a plan review<br>v.1 - No Correction   | Approved              | Roger Larkey Ph: 918-596-9671 email: rlarkey@cityoftulsa.org           |
| 2. Planning/Zoning<br>Review conducted by the planning and zoning department<br>v.1 - Not Resolved<br>Correction: General<br>Comments: 5.030-A: In the RS-3 zoned district the minimum rear yard setback shall be 20 feet from the rear property line.<br>Corrective Action: Review Comments: Revise your plans to indicate a 20' rear setback to the property line, or apply to INCOG for a variance to allow less than a 20' rear setback.<br>Correction: General<br>Comments: 5.030-A Table of Regulations<br>The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.<br>Corrective Action: Review Comments: RS-3 zoned lots require a minimum open space of 4000 square feet on this lot. You are proposing 3394 sq ft which is less than the required amount. Revise plans to show compliance or apply to BOA for a variance to allow less than 4000 sq ft of open space on this lot. | Requires<br>Re-submit | Jeff Taylor Ph: 918-596-7637 email: jstaylor@cityoftulsa.org           |
| 3. Water/Sewer/Drainage<br>Review item used to allow WSD to comment during a plan review<br>v.1 - No Correction  | Approved              | Cindy Ferrendelli Ph: 918-596-9616 email: cferrendelli@cityoftulsa.org |

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**BOA-22512**

19-14 10

**5.1**





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9410

Case Number: **BOA-22512**

CZM: 40

CD: 6

A-P#:

**HEARING DATE:** 09/25/2018 1:00 PM

**APPLICANT:** Bryan Adams

**ACTION REQUESTED:** Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-A).

**LOCATION:** 14710 E 15 PL S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** +2.273 acres

**LEGAL DESCRIPTION:** S/2 NE NW SW LESS W330 & LESS N30 E330 FOR RD SEC 10 19 14 2.273ACS,

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Property:**

**BOA-22235:** on 5.23.17, the Board **approved** a *Special Exception* to allow for 2 carports in the street setback area in an R zoning District; a *Variance* to allow a fence and structures within the street right-of-way; **denied** a *Special Exception* to allow a non-all-weather off-street parking surface. Located; 1615 S. 151<sup>st</sup> Ave. E.

**BOA-18721:** on 4.25.00, the Board **approved** a *Variance* of the minimum 750 square feet for detached accessory building to 2520 square feet. Located; 14919 E. 15<sup>th</sup> Pl. S. (immediately northeast of the subject property).

**BOA-18182:** on 9.22.98, the Board **denied** a *Special Exception* to allow an office and dispatch for a heat and air conditioning business as a home occupation in an RS-3 district; a *Variance* to permit 2 employees; a *Variance* to permit more than the maximum 750 SF of detached accessory buildings. Located; 1727 S. 145<sup>th</sup> E. Ave. (immediately south of the subject property).

**BOA-14688:** on 12.17.87, the Board **approved** a *Variance* to permit a detached accessory building in the side yard. Located; 7804 South 28th West Avenue.

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

The **New Neighborhood** 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 RS-3 residential to the north, south, east, and west.

**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 1124 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 1,124 sq. ft. to 1,440 sq. ft (30'x40').

**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-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."***



**Action Requested:**

Special Exception to allow two carports in the street setback area in the R District (Section 90.090-C.1); Variance to allow a non-all-weather off-street parking area (Section 55.090-F); Variance to allow a fence and structures within the street right-of-way (Section 90.090). **LOCATION:** 1615 South 151<sup>st</sup> Avenue East (CD 6)

**Mr. Bond re-entered the meeting at 2:45 P.M.**

**Presentation:**

**Brandon Bickle**, Gable Gotwals, 100 West 5<sup>th</sup> Street, Suite 1100, Tulsa, OK; stated he is representing his mother. What they want to do is correct a mistake. There are two carports with the house located in between the two.

**Mr. Flanagan left the meeting at 2:46 P.M.**

The house is on a non-arterial street. The street is two lanes and dead ends and the area is unplatted. The area is very rural and there are four houses that are served by the road. This is a very minor encroachment into the setback area. His parents have owned the property since 1994 and the carports have been in existence about seven years. The carports are cut out of the steel pipe fence that is buttressed by large brick pillars. His parents operate a small business and the work vehicles would set on the driveway so they built the carports to protect those vehicles and to get them off the driveway. There is a good distance between the carports and the road but they are in the setback thus the Special Exception request. He does not believe the carports present any issues that could deny the Special Exception so he asks for approval of the carports. Mr. Bickle stated that his parents have agreed should the carports create an issue for the City at any time the City will not be responsible for rebuilding anything or they will address any issue at the time it arises. Mr. Bickle stated that he does not see the road changing in the future; it is a two lane road that serves just a few houses in an unplatted subdivision. The house is not a shop because what his parents do is service and take care of swimming pools. It is a family business and several people in the family do it so there may be three work trucks under the carports. The only part of the business within the house is a small office where his father takes telephone calls.

**Mr. Flanagan re-entered the meeting 2:48 P.M.**

Mr. Van De Wiele asked Mr. Bickle if his parents had visited with any of the neighbors. Mr. Bickle stated they had. The neighbor to the south and north do not have a problem.



BOA - 22235

FILE COPY

The neighbors across the street have a problem with almost everything but he cannot articulate any reason. Mr. Bickle stated that he is not aware of any specific objections to this request.

Mr. Van De Wiele asked Mr. Bickle if the neighbors to the south have a fence in front of their property. Mr. Bickle answered affirmatively and offered a picture of that fence. Mr. Van De Wiele asked Mr. Bickle how long his parent's fence has been in existence. Mr. Bickle thinks it has been there for 24 years.

Mr. Van De Wiele asked Mr. Bickle if the parking surface under the carports is gravel. Mr. Bickle stated there is no gravel, but if they need to lay down something they will do it. Mr. Bickle stated that the City advised his mother to seek the Special Exception and if it is denied they will do whatever they need to do.

Mr. Van De Wiele stated that if the Board grants the Variance regarding the right-of-way the applicant will need to go through the process of getting a license agreement with the City. Mr. Bickle stated that his mother has started that process and she was told to come before the Board of Adjustment.

Ms. Back asked Mr. Bickle to explain the complaint about the large trucks making deliveries to the house. Mr. Bickle stated the trucks would be UPS or FedEx. Mr. Bickle stated that he read the complaint and his mother disputes that it actually happens.

**Interested Parties:**

**Pam Bickle**, 1615 South 151<sup>st</sup> East Avenue, Tulsa, OK; stated that if she cannot find a pool part locally she will have the part shipped to her house. Ms. Bickle stated that the same drivers for UPS and FedEx make her deliveries and she has explained to them about the neighbor across the road, and they drive down the road to turn around. Ms. Bickle stated that she does not get deliveries two and three times a day as stated, and she has installed a chain link fence with an electric gate to keep her dogs in the yard to make that neighbor happy. Ms. Bickle stated that her pool business works out of the back of the subject trucks year round so they erected the carports for the coverage from the elements. Ms. Bickle stated that the fence has been in place for 24 years and all they did was put a fence in where the old fence had been.

**Comments and Questions:**

Ms. Back stated that she does not have a problem with the fence and the carports, but she cannot find a hardship for the gravel.

Mr. Van De Wiele agreed with Ms. Back. Mr. Van De Wiele stated that he would be in favor of the carports and the right-of-way request but he cannot support not having an all weather surface.



BOA-22235

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**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van Dè Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a Special Exception to allow two carports in the street setback area in the R District (Section 90.090-C.1) and a Variance to allow a fence and structures within the street right-of-way (Section 90.090) and to **DENY** the request for a Variance to allow a non-all-weather off-street parking area (Section 55.090-F). Finding the hardship to be the fence and structures have existed for many years. The fence and structures are subject to an application for a license agreement to construct and maintain private improvements upon public way approved through the City of Tulsa, and the approved license agreement is to be taken to INCOG for the case file. 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. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

**N/2 SE NE SW LESS W30 FOR ST SEC 10 19 14 4.77ACS, FAMILY WORSHIP CENTER EXT, City of Tulsa, Tulsa County, State of Oklahoma**

\*\*\*\*\*

**NEW APPLICATIONS**



Case No. 18720 (continued)

of the lot; that it does adjoin a commercial district on the east; that it was built in 1929 before the zoning codes; and would not be detrimental to the neighborhood, on the following described property:

Lot 17, Block 1, Florence Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 18721**

**Action Requested:**

Variance of minimum 750 square feet for detached accessory building to 2520 square feet on a tract of two acres zoned RS-3. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions - Use Unit 6, located at 14919 E. 15<sup>th</sup> Pl.

**Presentation:**

The applicant, Paul Wood, 145 S. 145<sup>th</sup> E. Ave., stated that he is building a new home on the subject property. He stated that he wants to build a large, detached garage adjacent to the property, to store classic cars. He stated the garage would be constructed with the same brick used for the house, as close as possible. He described the area as rural, stating one neighbor has cows, and all of the lots are near 2-5 acres or more. He submitted photos showing there are a number of other detached garages in the neighborhood.

**Comments and Questions:**

Mr. Dunham asked if the applicant would object to a condition that it be used for personal use only with no commercial activities. The applicant stated that he has no objection. Mr. Beach asked how many square feet would be in the new house. Mr. Wood stated there would be approximately 3,000 square feet.

**Interested Parties:**

Eck Ruddick, 14673 E. 11<sup>th</sup> Pl., stated that as a member of the Board of Directors of Tower Heights Neighborhood Association, this particular property is within their confines. He stated that they believe the home will be an asset to the neighborhood, they believe he will not use it for commercial uses, and the association is in favor of the application.

James Mautino, 14628 E. 12<sup>th</sup> St., stated that he is familiar with Mr. Woods present home, and the good care he gives to his property.

**Board Action:**

On **MOTION of Cooper**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of minimum 750 square feet for detached accessory building to 2520



Case No. 18721 (continued)

square feet on a tract of two acres zoned RS-3, with no commercial use, and the architectural style of the garage will be similar to the house, per plan, finding the hardship to be the size of the lot is exceptionally large, on the following described property:

W 264' of N/2 NW SW Section 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

Mr. Cooper stated he would abstain from the following case.

**Case No. 18722**

**Action Requested:**

Special Exception to allow Use Unit 5 (children's nursery) in an OL zoned district. SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS – Use Unit 5, located at 5700 E. 61<sup>st</sup> St.

**Presentation:**

Roy Johnsen, came as the attorney for the applicant, St. Francis Hospital, owner of the subject property. The property is located at the corner of 61<sup>st</sup> Street and Hudson, currently zoned OL and the structure has been previously used as an office building. He stated that a daycare in that facility would require a Special Exception by Board of Adjustment approval. He explained that the facility is intended to provide before and after school daycare for employees of St. Francis Health System.

**Protestants:**

None.

**Board Action:**

On **MOTION** of Turnbo, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstains"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 5 (children's nursery) in an OL zoned district, per plan, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 1, amended Plat of Warren Center East, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

04:25:00:794(9)



**Case No. 18182**

**Action Requested:**

Special Exception to allow an office and dispatch for a heat and air conditioning business as a home occupation in an RS-3 district. **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 11;** Variance to permit two employees. **SECTION 404.B.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS;** and Variance to permit more than the maximum 750 SF of detached accessory buildings. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, 1727 S. 145<sup>th</sup> E. Ave.**

Ms. Turnbo asked for clarification that Use Unit 15 is not allowed in an RS-3 district, that Board cannot give a Special Exception except for a home office. Mr. Beach stated that that was correct and noted that he would consider the application's activity to fall under Use Unit 15. Should the storage of all trucks, equipment, parts, etc. be moved to another location and operate only the office business at this site, it could be considered as Use Unit 11, Home Occupation.

**Presentation:**

David Luper, 1725 S. 145<sup>th</sup> E. Ave., stated that they have had a home-based operation for 15 years, and have been at this location since 1990. They have a warehouse with approximately 1200 SF in which they store everything that is not in use. Their business is small and they basically run it by dispatch.

**Comments and Questions:**

Ms. Turnbo asked if the applicant understood that his business is a use in Use Unit 15 and that the Board cannot approve a Special Exception for his request. The Board cannot allow any trucks, parts, repair or storage on his property. She noted that the dispatch could be used out of the house.

**Interested Parties:**

Steve Schuller, 100 W. 5<sup>th</sup> St., Suite 550, representing the neighbors, Raymond and Audrey Rose, concurred with Ms. Turnbo's comments that the Board cannot act on the requested exception, which would make the requested variance moot. He explained that the applicant is proposing to operate the business out of a barn, not in the home, which is not permitted by the Zoning Code. A concrete slab has already been poured and the frame erected next to the barn, and the barn is approximately the same size as the house. He added that there is also a 10' X 12' storage building, a 10' X 10' pole shed, and another shed near the back of the property. They typically park four or five vans on the property, two cranes, at least one duct cleaning truck in addition to various personal vehicles that are stored on the property, some of which are non-operable at times. Mr. Schuller added that parts are stored outside, which is prohibited. He submitted photographs, Exhibit C-1, and noted the large amount of firewood, presumed to be from a previous fire wood business. One neighbor has complained that the wood has created an increase in mice and snakes. He added that the hardship has not been shown.



Case No. 18182 (continued)

Applicant's Rebuttal:

Mr. Luper stated that the property has been cleaned up, and that all the trucks, cranes, and equipment have been relocated. Occasionally, equipment would have been hauled to the site, but they now have a warehouse and the equipment is taken to it. Mr. Luper stated that the barn is 1800 SF; they had two businesses at one time, but have had only the one for the past two years. He has three service trucks, but are currently running only two, and he has only one office employee at the time, which is his wife.

Comments and Questions:

Mr. Beach clarified a previous statement made by a protester that the home occupation activity could take place in an accessory building.

Mr. White asked who the two employees were. Mr. Luper responded that at the time of application, his sister was also working in the office, and one technician. Mr. White asked if he hired another technician that he would have three employees. Mr. Luper responded affirmatively.

In response to Mr. White's question, Mr. Schuller stated that the photographs from his client's property were taken last year, and the remainder was taken a few days prior to this hearing.

Ms. Turnbo stated that she was inclined to deny all three requests, noting that it is inappropriate for the neighborhood. Mr. White stated that if the special exception were denied, the remaining two would be moot, and added that he felt this request stretches the bounds of home occupancy.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **DENY** a Special Exception to allow an office and dispatch for a heat and air conditioning business as a home occupation in an RS-3 district. **SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 11**; Variance to permit two employees. **SECTION 404.B.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; and Variance to permit more than the maximum 750 SF of detached accessory buildings. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** on the following described property:

S/2 N/2 S/2 NW SW Section 10, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*



**Case No. 14688**

**Action Requested:**

Variance - Section 420.2 (a2) - Accessory Use Conditions - Use Unit 1206 - Request a variance to allow for a detached accessory building to be located in a side yard, 7804 South 28th West Avenue.

**Presentation:**

The applicant, Terry Cearley, 2525 South 111th East Avenue, Tulsa, Oklahoma, stated that he has been employed to construct a storage building on the property at the above stated location. He explained that the proposed 18' by 24' building will be used for storage and will be placed in the side yard because the house is set to the rear of the tract, with a steep ridge running along the back property line. Mr. Cearley informed that there is a similar building on the property next door. A plot plan (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

**Protestants:** None.

**Comments and Questions:**

Ms. White asked if there will be a business operating in the building, and Mr. Cearley replied that the owner raises pecans and has some farming tools to store.

Ms. White asked if the owner sells pecans, and the applicant replied that he has not sold pecans to him and he is not aware of any pecan sales.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 420.2 (a2) - Accessory Use Conditions - Use Unit 1206) to allow for a detached accessory building to be located in a side yard; per plot plan; subject to the accessory building being used for storage only; finding that the small size and steep incline of the lot prevents the construction of the building in the back yard; and finding that there are similar structures in the area; on the following described property:

The SW/4, SW/4, NE/4, SW/4, less the north 25' and the east 25' for right-of-way, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14689**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and church related uses in an RS-3 zoned district, located 1/4 mile north of NE/c 145th East Avenue and 21st Street.

**Presentation:**

The applicant, Leroy Veale, was not present.

12.17.87:505(9)

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**E15 PLS**

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**Subject  
Tract**

**BOA-22512**

19-14 10

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

*Aerial Photo Date: February 2018*



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Subject  
Tract

**BOA-22512**

19-14 10

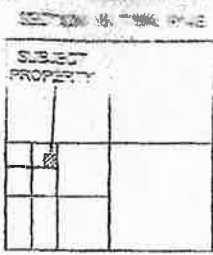
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.14







# BAKER SURVEYING, LLC

1766 SOUTH UTICA AVENUE  
TULSA, OKLA. 74104

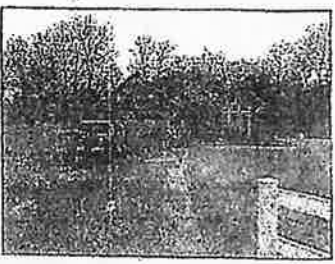
## MORTGAGE INSPECTION REPORT

SCALE: 1"=100'

**SELLER:** Schorer, Kim Marie

**BUYER:** Higginbotham, Warren & Kristina R.

**CLIENT:** FirstTitle

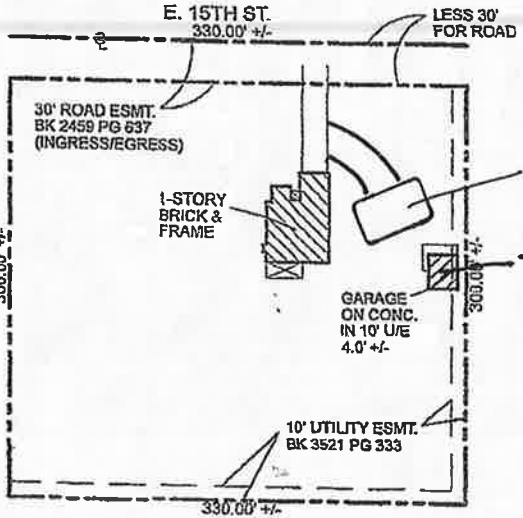


### FLOOD PLAIN STATEMENT:

THIS PROPERTY IS LOCATED IN ZONE "AE" PER FLOOD INSURANCE RATE MAP 40143C0270M EFFECTIVE SEPTEMBER 30, 2016. ZONE "AE" DEFINED AS AREA OF 1% ANNUAL CHANCE OF FLOOD HAZARD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD THAT HAS A 1% CHANCE OF BEING EQUAL OR EXCEEDED IN ANY GIVEN YEAR. BASE FLOOD ELEVATIONS DETERMINED. AND  
THIS PROPERTY IS LOCATED IN ZONE X (SHADED AREAS) PER FLOOD INSURANCE RATE MAP 40143C0270M EFFECTIVE SEPTEMBER 30, 2016. ZONE X (SHADED) DEFINED AS AREA OF 0.2% ANNUAL CHANCE OF FLOOD HAZARD; AREAS OF 1% CHANCE OF FLOOD HAZARD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; ALSO INCLUDES AREAS PROTECTED BY LEVEES FROM THE 1% CHANCE ANNUAL FLOOD. AND  
THIS PROPERTY IS LOCATED IN ZONE X (UNSHADED AREAS) PER FLOOD INSURANCE RATE MAP 40143C0270M EFFECTIVE SEPTEMBER 30, 2016. ZONE X (UNSHADED) DEFINED AS AREA OF MINIMAL CHANCE OF FLOOD HAZARD.

(HOWEVER, SUBJECT DWELLING LIES WHOLLY WITH FLOOD ZONE X (UNSHADED AREAS).

**SURVEYOR'S NOTE:**  
THE FOLLOWING FOUND IN TITLE COMMITMENT #501299, DATED 12/13/17:  
DOES AFFECT THE PROPERTY:  
• #10 BK 2459 PG 637  
• #11 BK 2458 PG 530 (COMBINES WITH BK 2459 PG 637 TO PROVIDE INGRESS/EGRESS)  
• #12 BK 2458 PG 531 (COMBINES WITH BK 2459 PG 637 TO PROVIDE INGRESS/EGRESS)  
• #13 BK 3521 PG 333



Propose One at 30' x 48'  
To be removed

**DATE OF FIELD INSPECTION:**  
DECEMBER 16TH, 2017

### LEGAL DESCRIPTION:

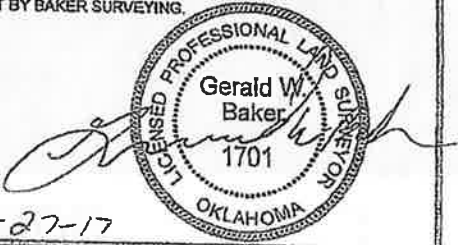
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (S/2 NE/4 NW/4 SW/4) OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS THE WEST THREE HUNDRED THIRTY (330) FEET THEREOF AND LESS THE NORTH THIRTY (30) FEET OF THE EAST THREE HUNDRED THIRTY (330) FEET FOR ROAD. ALSO KNOWN AS:  
14710 EAST 15TH PLACE, TULSA, OK 74108

### CERTIFICATION:

THIS MORTGAGE INSPECTION REPORT WAS PREPARED FOR FIRSTTITLE/ FIRSTAMERICAN TITLE INSURANCE COMPANY. IT IS NOT A LAND OR BOUNDARY SURVEY PLAT, AND IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THE ACCOMPANYING SKETCH IS A TRUE REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE INSPECTION, AND THE LINEAR AND ANGULAR VALUES SHOWN ON THE SKETCH, IF ANY, ARE BASED ON RECORD OR DEED INFORMATION AND HAVE NOT BEEN VERIFIED UNLESS NOTED. THE DWELLING LIES WHOLLY WITHIN THE BOUNDARIES OF THE DESCRIBED LOT UNLESS OTHERWISE NOTED. NO PROPERTY CORNERS WERE SET BY BAKER SURVEYING.

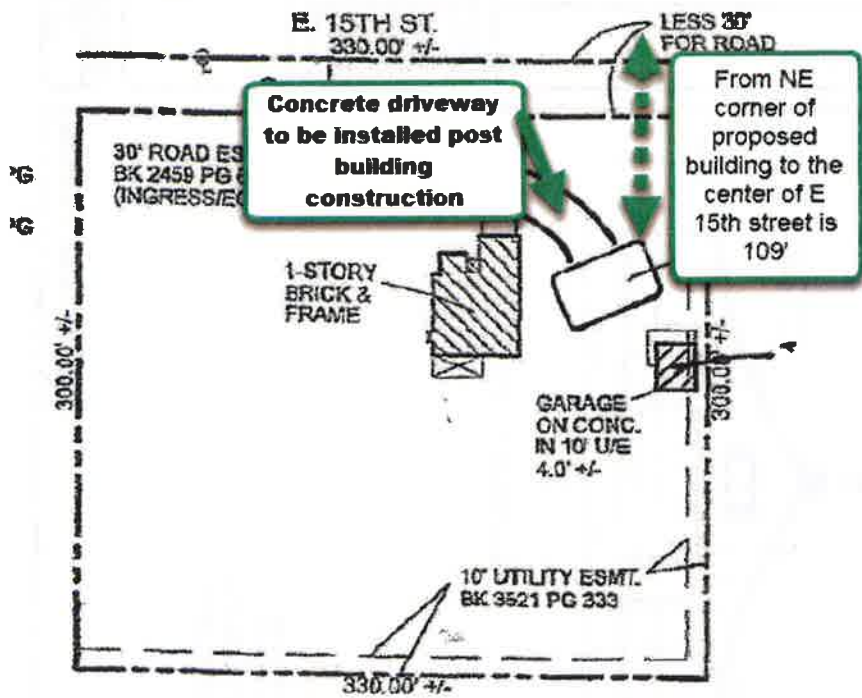
SIGNED DECEMBER 27TH, 2017

BAKER SURVEYING, LLC  
1766 SOUTH UTICA AVENUE  
TULSA, OKLAHOMA 74104  
OKLAHOMA CA #5816 EXPIRES 6/30/18



12-27-17



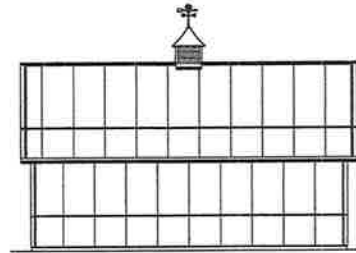




1.5

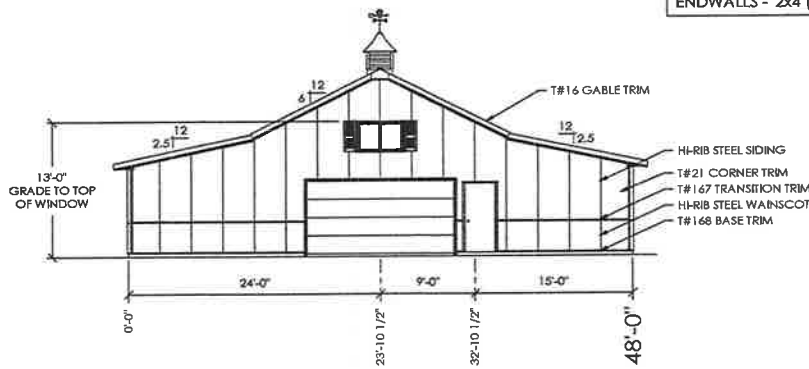
## DESIGN AND EXPLANATORY NOTES

1.) EXTERIOR DOOR AND WINDOW LOCATIONS ARE TAKEN FROM THE EXTERIOR FACE OF THE NAILERS AND ARE TO THE CENTER OF THE DOOR AND WINDOW UNITS. VERIFY ALL DOOR, WINDOW, SKYLIGHT AND SIDEWALL LOCATIONS WITH THE OWNER.

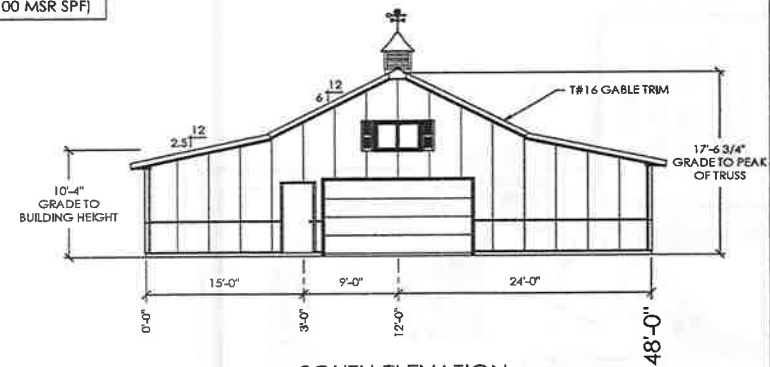


EAST ELEVATION

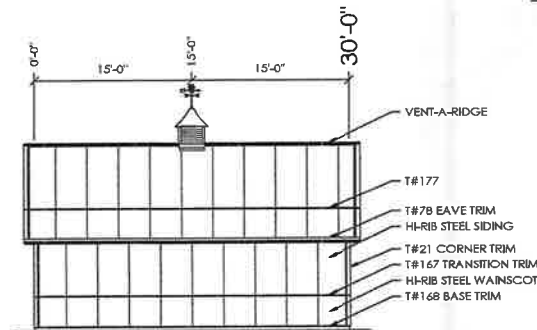
NAILER NOTE:  
SIDEWALLS - 2x6 (2100 MSR SPF)  
ENDWALLS - 2x4 (2100 MSR SPF)



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

SCALE: 1" = 4'

OFFICE:  
MUSKOGEE, OK  
JOB NO.  
070-080057

WARREN HIGGINBOTHAM  
TULSA, OK

**MORTON BUILDINGS, INC.**  
©MORTON BUILDINGS, INC. P.O. BOX 399 MORTON, IL 61550-0399  
309-263-7474

DRAWN BY:	LER
DATE:	6/22/2018
CHECKED BY:	J. GROGAN
DATE:	6/25/2018
REVISED DATE:	—
REVISED DATE:	—
REVISED DATE:	—
REVISED DATE:	—

SCALE: AS NOTED  
SHEET NO.  
S2 OF S4



## Ulmer, Amy

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**From:** Bryan Adams <Bryan.Adams@mortonbuildings.com>  
**Sent:** Wednesday, September 05, 2018 5:48 PM  
**To:** Ulmer, Amy  
**Subject:** RE: [EXTERNAL] BOA-22512  
**Attachments:** WHigg RC and Conc.pdf

Amy,

I have attached a picture that helps to illustrate the two points from below. The corner closest to the street is 109' from the center of the road. The homeowner intends to pour concrete from the existing drive to the new building post construction.

Thanks,

Bryan Adams  
Building Consultant-Morton Buildings  
Cell: 918-685-1246  
Fax: 918-683-4893  
Office: 919-683-6668  
E-mail: [bryan.adams@mortonbuildings.com](mailto:bryan.adams@mortonbuildings.com)  
Please visit our website: [mortonbuildings.com](http://mortonbuildings.com)

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**From:** Ulmer, Amy <aulmer@incog.org>  
**Sent:** Wednesday, September 5, 2018 2:48 PM  
**To:** Bryan Adams <Bryan.Adams@mortonbuildings.com>  
**Subject:** [EXTERNAL] BOA-22512

Hello,

After reviewing your Board of Adjustment application (BOA-22512) I have a couple of questions. The review comments provided by the City of Tulsa state that the accessory building might not meet the 25' front setback requirement from the property line to the building but did not have enough information to determine either way. I will need you to provide me with an exhibit showing the distance from the accessory building to the front property line. The review comments also state that there is an additional variance needed to allow a non-all-weather parking surface material, which is not reflected on your original application. I just need you to confirm that the proposed new driveway will be paved with a dustless, all-weather parking surface. 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](mailto:aulmer@incog.org)

















Jeff S. Taylor  
Zoning Official  
Plans Examiner

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

## ZONING CLEARANCE PLAN REVIEW

8/6/2018

Bryan Adams  
Morton Buildings  
Bryan.adams@mortonbuildings.com  
Click here to enter text.

**APPLICATION NO: BLDR-005517-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 14710 E 15<sup>th</sup> PI**

**Description: Accessory Building**

### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ~~IS~~ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" **ALONG** WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **BLDR-005517-2018**

**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. 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 1440 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 (2812) you are allowed 1124 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 1124 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.

**2. 5.030-A Table of Regulations**

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

**Review Comments:** Provide the height for the proposed accessory building.

**3. 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.

**4. 5.030-A: Setback(s) (Residential):** In the RS-3 zoned district the minimum front setback shall be 25" from the front property line.



**Review Comments:** Revise your plans to indicate what the front setback will be from the proposed accessory building to the front property line and resubmit.

**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.**

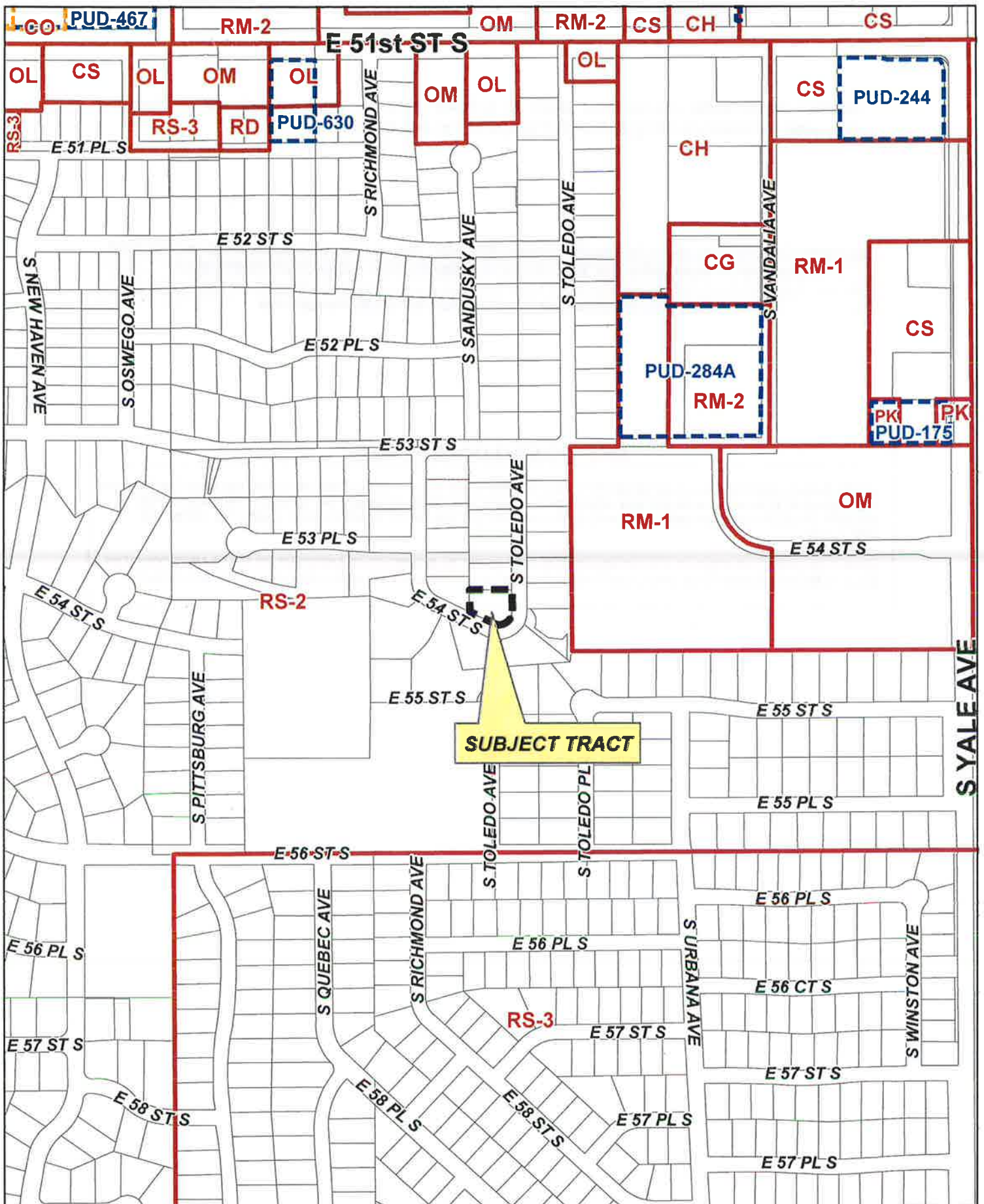
**A hard copy of this letter is available upon request by the applicant.**

#### **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-22513**

19-13 33





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9333

Case Number: **BOA-22513**

CZM: 47

CD: 9

A-P#:

**HEARING DATE:** 09/25/2018 1:00 PM

**APPLICANT:** Richard Flaming

**ACTION REQUESTED:** Variance to reduce the side setback in an RS-2 district (Section 5.030-A)

**LOCATION:** 5344 S TOLEDO AV E

**ZONED:** RS-2

**PRESENT USE:** Residential

**TRACT SIZE:** 13054.99 SQ FT

**LEGAL DESCRIPTION:** LT 6 BLK 3, TANGLEWOOD ADDN

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:**

**BOA-13769;** on 9.26.85, the Board **approved** a *Variance* of the required 55 feet setback from the centerline of East 54th Place South to 42.5 feet and of the required 55 feet setback from the centerline of South Toledo Avenue to 32 feet and of the required 25 feet rear yard to 8.7 to allow an existing dwelling.

**Surrounding Property:**

**BOA-18671;** on 3.14.00, the Board **approved** a *Variance* of the required front yard from 25 ft. to 21.8 ft.; a *Variance* of the required rear yard from 14 ft. to 13.3 ft., per plan; located at 4110 E. 53<sup>rd</sup> Pl.

**BOA-18009;** on 4.14.98, the Board **approved** a *Variance* of the required front yard of 30 ft. to 25 ft.; located at 4136 E. 53<sup>rd</sup> Pl.

**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

6.2

REVISED 09/17/2018



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 applicant has requested a **Variance** to reduce the required side yard setback from 5 ft. to  $\pm$  2.43 ft. in an RS-2 district (Section 5.030-A). The applicant is proposing to build an addition to the existing garage.

The applicant provided the following statement with their application: *"The house was originally placed at an angle on what was then a corner lot. The lot is now at the end of a dead-end street and 54<sup>th</sup> street has been abandoned. The side yard setback in the request is not to the side of a neighbor house but instead is the distance from the PL alongside the abandoned street to the corner of the proposed garage addition. There will still be 16 to 22 feet of yard between the garage corner and the sidewalk/parking so the intent of green space around the house is still very much honored. In the direction of the neighboring house, there will still be over 50' to the property line. Elevations of the garage addition will be built to blend with the existing construction".*

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required setback in an RS-2 district (Section 5.030-A)

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

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

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

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

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

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

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



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

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



Case No. 13769 (continued)

applicant stated that Ms. Hobson purchased the house in the 1970's and is now divorced and would like to sell the property. He informed that the variance is needed for title purposes.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 55' setback from the centerline of 54th Street to 42.5' and of the required 55' setback from the centerline of Toledo Avenue to 32' and of the required 25' rear yard to 8.7' to allow an existing dwelling in an RS-2 zoned district; on the following described property:

Lot 6, Block 3, Tanglewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13770

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request a special exception to allow a Use Unit 17 (mini-storage) in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Use Unit 1217 - Request a variance of screening requirements from an R district, located on the NE/c of 11th Street and Mingo Road.

Presentation:

The applicant, Ken Cox, was not present. Mr. Cox requested by letter (Exhibit Y-1) that Case No. 13770 be continued until October 10, 1985 in order that he could advertise for additional relief.

Protestants:

Dorothy Bennett, 1061 South Mingo, Tulsa, Oklahoma, was in the audience as a protestant.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to CONTINUE Case No. 13770 until October 10, 1985 to allow the applicant sufficient time to advertise for additional relief.

SPECIAL REQUEST

Case No. 13730

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an Exception for a home

9.26.85:448(36)



Case No. 13768 (continued)

310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205) to allow a church and related activities in an AG zoned district; and to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1205) to allow a church and related activities in an RS-3 zoned district, located at 8900 South Union; per plot plan submitted; finding that the church would not be detrimental to the area and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

All that part of the SE/4 of Section 15, Township 18 N, Range 12 E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the west line of said SE/4 238.70 feet north of the SW/c thereof; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 547.47 feet; thence north  $0^{\circ}45'51''$  W a distance of 238.80'; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 365.20 feet; thence south  $0^{\circ}45'51''$  E a distance of 477.40 feet; thence north  $89^{\circ}19'53''$  E along the south line of said SE/4 a distance of 242.78 feet; thence north  $0^{\circ}45'51''$  W a distance of 238.70 feet; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 166.0 feet; thence north  $0^{\circ}33'20''$  W a distance of 1,090.55 feet; thence north  $89^{\circ}28'15''$  E a distance of 553.93 feet; thence north  $0^{\circ}55'28''$  W a distance of 123.02 feet; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 436.82 feet; thence north  $0^{\circ}36'24''$  W and parallel to the east line of said SE/4 a distance of 1,205.27 feet to a point on the north line of said SE/4; thence south  $89^{\circ}12'49''$  W a distance of 2,314.48 feet to the NW/c of said SE/4; thence south  $0^{\circ}39'14''$  E along the west line of said SE/4 a distance of 2,407.73 feet to the Point of Beginning.

Case No. 13769

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 55' setback from the centerline of 54th Street to 42.5' and of the required 55' setback from the centerline of Toledo Avenue to 32' and of the required 25' rear yard to 8.7' to allow an existing dwelling in an RS-2 zoned district, located at 5344 South Toledo Avenue.

Presentation:

The applicant, Byron Todd, 3140 South Winston, represented Rebecca Hobson, owner of the property in question. Mr. Todd submitted a plot plan (Exhibit W-1) and explained to the Board that the house was built in 1955 and was annexed into the City in 1962. The

9.26.85:448(35)

6.6



**Case No. 18671**

**Action Requested:**

Variance of required front yard from 25' to 21.8'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; and a Variance of required rear yard from 14' to 13.3'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located at 4110 E. 53rd Pl.

**Presentation:**

Richard Winfield, the builder and potential homeowner of the subject property came before the Board, stated that the footing was poured when he was away from the site. He stated he did not realize the foundation was over the building line until the later part of January. He submitted a stem wall survey, which shows the error. He stated the foundation was placed on the property crooked. The applicant is asking for approximately three feet, adding that it is one corner of the garage that is over the building line. He submitted a letter in favor of the action requested.

**Comments and Questions:**

Mr. White stated that the stem wall survey shows a different foot print than the site plan approved by the Board, in Case No. 17984. Mr. Winfield replied that they ditched the first house plan, from March 1998, and used a second house plan, approved by the building permit office. Ms. Perkins stated that if the footprint was not the same as approved by this Board, and it was going to cause an encroachment of the building lines, and required rear yard, then the applicant should have come back to the Board. Mr. Winfield stated that there would not have been a problem if the footing man had laid the footing properly. Mr. Beach stated that it would have been a problem because this floor plan is not the same as the one the Board approved per plan. Ms. Turnbo stated that when it is approved per plan, that is the plan you have to build. She added that when the applicant changed his mind, he needed to start all over again, and come before the Board again. Mr. White asked for a copy of the new house plan. Mr. Winfield stated that all he had was the stem wall survey. Ms. Turnbo asked how many homes Mr. Winfield has built. He replied that he had built several homes in north Tulsa. Ms. Turnbo reminded him that when this Board approves a plan, then the applicant has to build what he said he would build. Mr. White stated that from the approved plan and the stem wall survey, that he might have cleared the building lines, but it is a significantly different house than the original plans. Mr. White stated that the northwest and southwest corners cross the building lines. Mr. Dunham stated that the Board is not inclined to approve relief to hardships that are self-imposed, and this is self-imposed. Mr. Dunham added that he would be inclined to approve this plan, because it is a difficult lot and is not going to have a detrimental effect on anyone.

**Interested Parties/Protestants:**

None.



Case No. 18671 (continued)

**Board Action:**

On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of required front yard from 25' to 21.8'; and a **Variance** of required rear yard from 14' to 13.3', per plan, finding the hardship to be the configuration of the lot, on the property described as follows:

All that part of Lots 8 & 9, Novell Woods Addition to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Commencing at the NE/c of said Lot 9 thence along the N boundary of Lot 9 as follows: N 89°56'12" W a distance of 9.39'; thence on a curve to the right having a radius of 388.50' a distance of 63.98'; thence N 80°30'03" W a distance of 10.00'; thence on a curve to the left having a radius of 338.50' a distance of 55.75'; thence N 89°56'12" W a distance of 181.21' to the POB; thence S 00°03'26" W a distance of 109.52'; thence N 78°14'46" W a distance of 0.00'; thence on a curve to the right having a radius of 902.73' a distance of 136.94'; thence N 11°59'14" E a distance of 49.08' to a point on the S right-of-way line of E. 53<sup>rd</sup> Pl. S.; thence S 76°49'07" E a distance of 0.00'; thence on a curve to the left having a radius of 50.00' a distance of 43.63'; thence on a curve to the right having a radius of 75.00' a distance of 48.28'; thence S 89°56'12" E a distance of 34.98' to the POB.

\*\*\*\*\*

**Case No. 18672**

**Action Requested:**

Minor Special Exception to approve an amended site plan for an addition to a Wal-Mart store, located at 7777 E. 42<sup>nd</sup> Pl. S.

**Presentation:**

Chris Parnee, with Perry Butcher and Associate Architects, stated he was representing Walmart Stores, Inc. He stated that Walmart would like to expand their building by creating an interior space of 4,556 square feet of enclosed area, and add a new space of 2,622 square feet to the garden area. He stated that this would impact the existing parking area. The parking ratio is 6.29 per 1,000 square feet, and the addition would decrease the parking to 5.29 per 1,000 square feet.

**Comments and Questions:**

Mr. Beach stated that they are not adding to the parking lot or creating anything new, that would require any additional landscaping. Mr. Parnee stated that there are 695 parking spaces available.

**Protestants:**

None.



Case No. 18008 (continued)

**Comments and Questions:**

Mr. White stated that there is one letter of protest (Exhibit Q-1) stipulating that they have some sort of curb on the alley side of the property. Mr. Stump stated that the only need for that would be if there was a grade change and that he believes there isn't any need for the curbing. Mr. White also pointed out that the letter made reference to screening. Mr. Stump advised that there is no need for screening since it abuts OL.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the off-street parking design standards to permit a 22' drive aisle. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – USE UNIT 10.** Provided that the paving surface of the new parking lot be continued all the way through to the existing paving of the alleyway so that the drive aisle be the maximum possible and subject to per plan submitted on the following described property:

E 40' of Lots 15 & 16, Block 3, Orcutt Addition.

**Case No. 18009**

**Action Requested:**

Variance of required front yard of 30' down to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 4136 E. 53<sup>rd</sup> Pl.

**Presentation:**

The applicant, **Thomas D. Mansur**, 1648 S. Boston, submitted a site plan (R-2) and stated that he was hired as the engineer for Mrs. Edwards who split the lot and last month the Board approved a variance on the other tract, Tract B. The requested variance is similar to the previous one because of the shape of the lot. This property is a smaller lot with a smaller house on it.

**Comments and Questions:**

Mr. White stated for the record there is one letter of support for the application from a neighbor (Exhibit R-1).

Mr. Dunham mentioned that the Staff comments suggested that it would be appropriate to make this a 27½' setback. Mr. Mansur replied that his clients could live with that.

Mr. White stated that the 25' that was approved last time was because of the cul-de-sac and the creek.



Case No. 18009 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of required front yard of 30' down to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** finding that the configuration of the lot and the drainage to the south are the hardships, per plan submitted on the following described property:

Tract A, Lot 9, Norvell Woods.

**Case No. 18010**

**Action Requested:**

Special Exception to amend a previously approved site plan to permit the addition of carports. **SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS** located 1703 S. Jackson Ave. W.

**Presentation:**

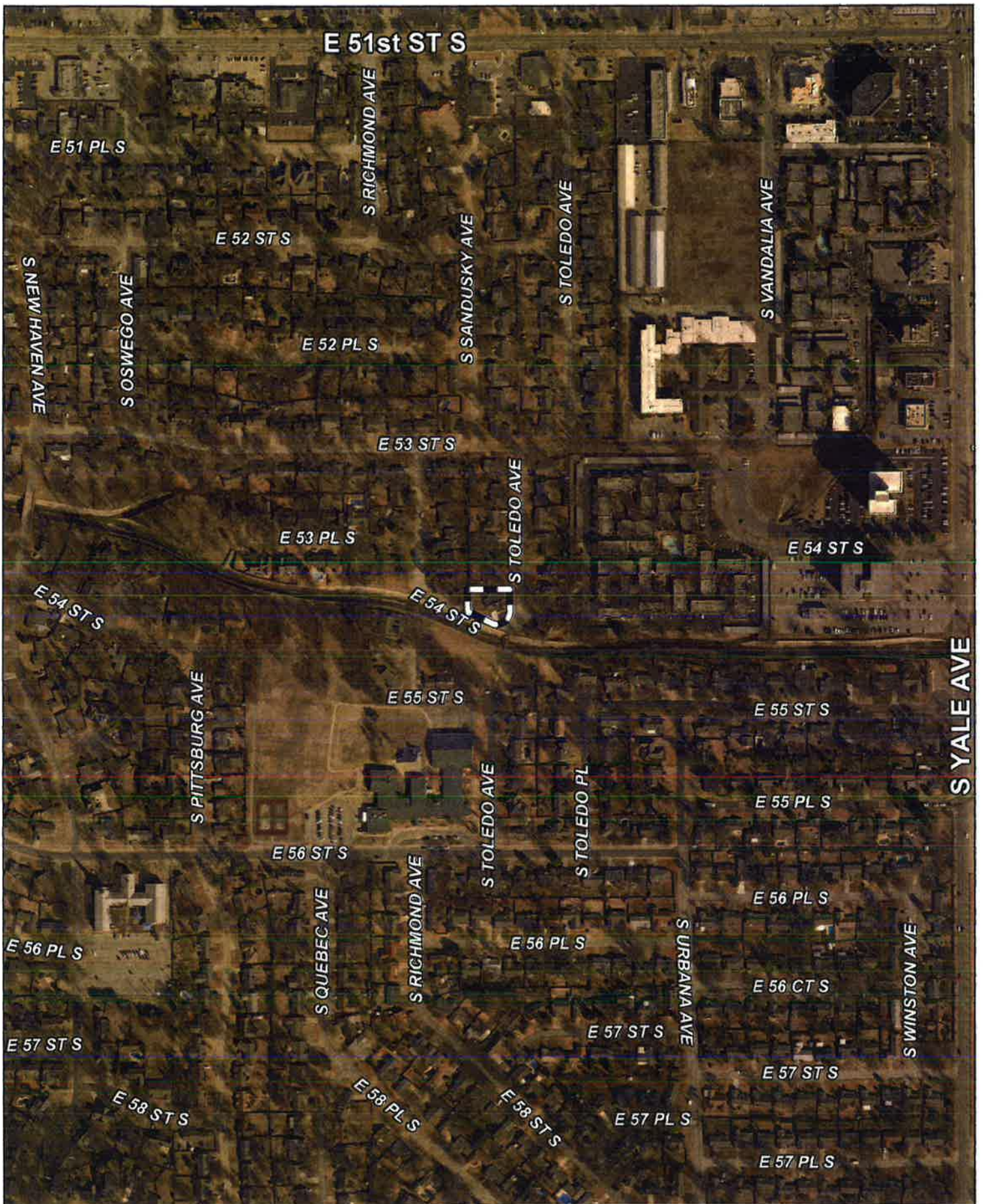
The applicant, **Eldon Peaster**, represented by Lisa Grau, Architects Collective, 4200 E. Skelly Drive, Suite 750, Tulsa, OK 74135, submitted a site plan (Exhibit S-1) and stated that the property they are here about today is the currently existing Westport apartments. It was originally allowed in an OM zoned district by a Special Exception and today they are asking for approval for improvements and renovation to this property including the addition of carports and covered entrances to the apartment buildings and an addition of approximately 400 SF in the clubhouse.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of required front yard of 30' down to 25'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted on the following described property:

Lot 1 and 2, Block 1, Westbank.





0 Feet 200 400



Subject  
Tract

**BOA-22513**

19-13 33

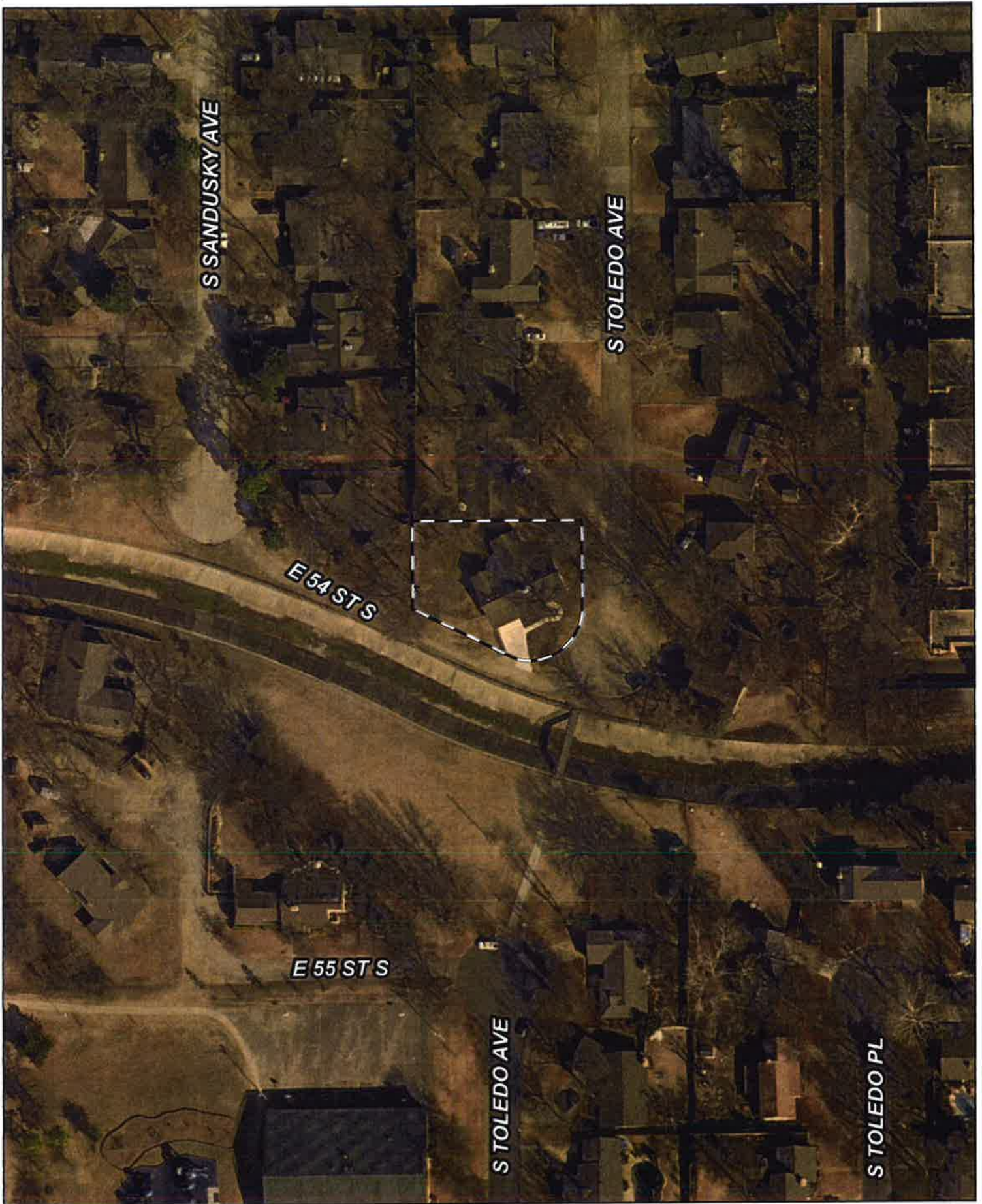
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



6.11





Feet  
0 50 100



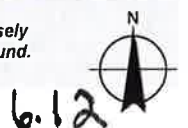
Subject  
Tract

**BOA-22513**

19-13 33

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

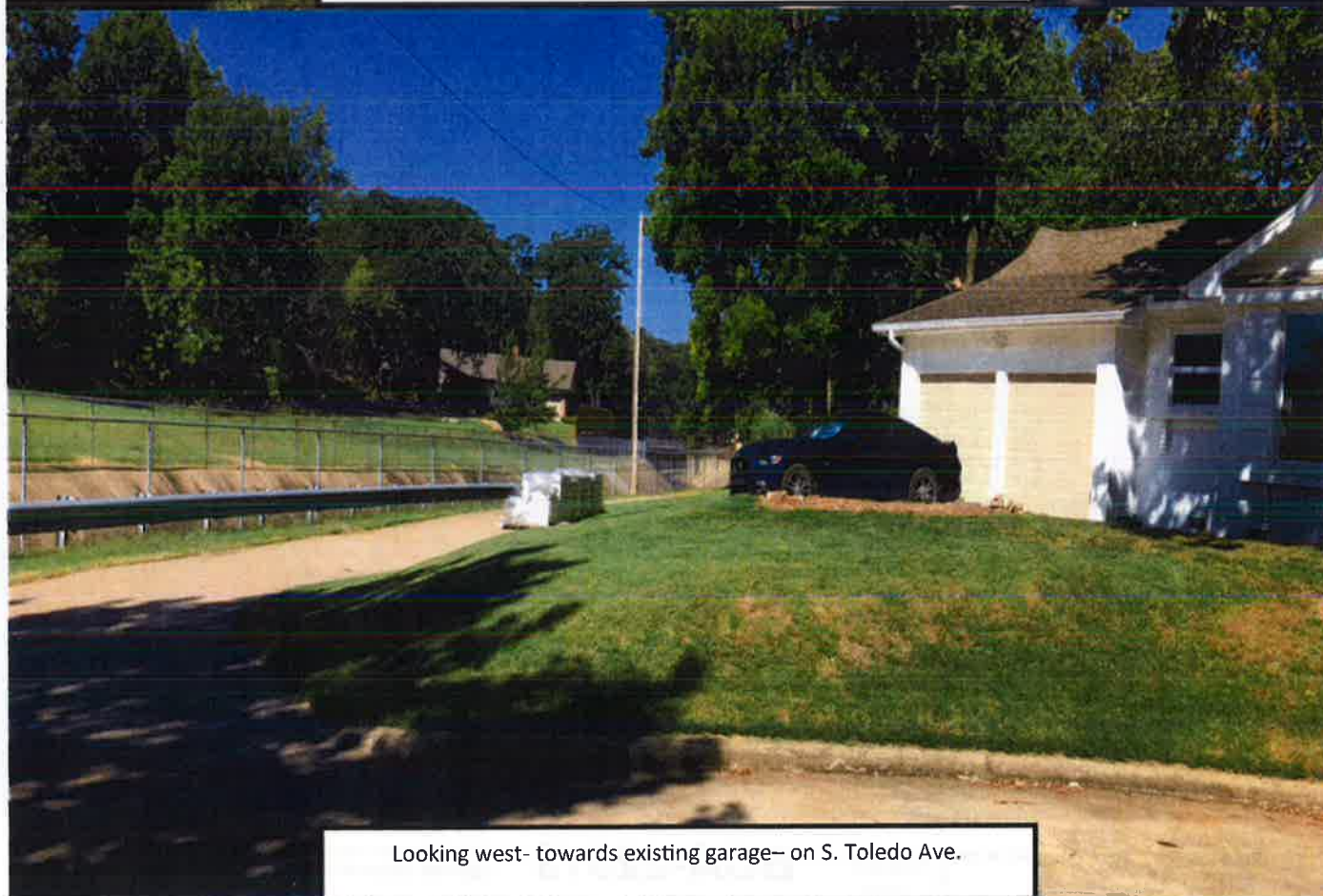
Aerial Photo Date: February 2018





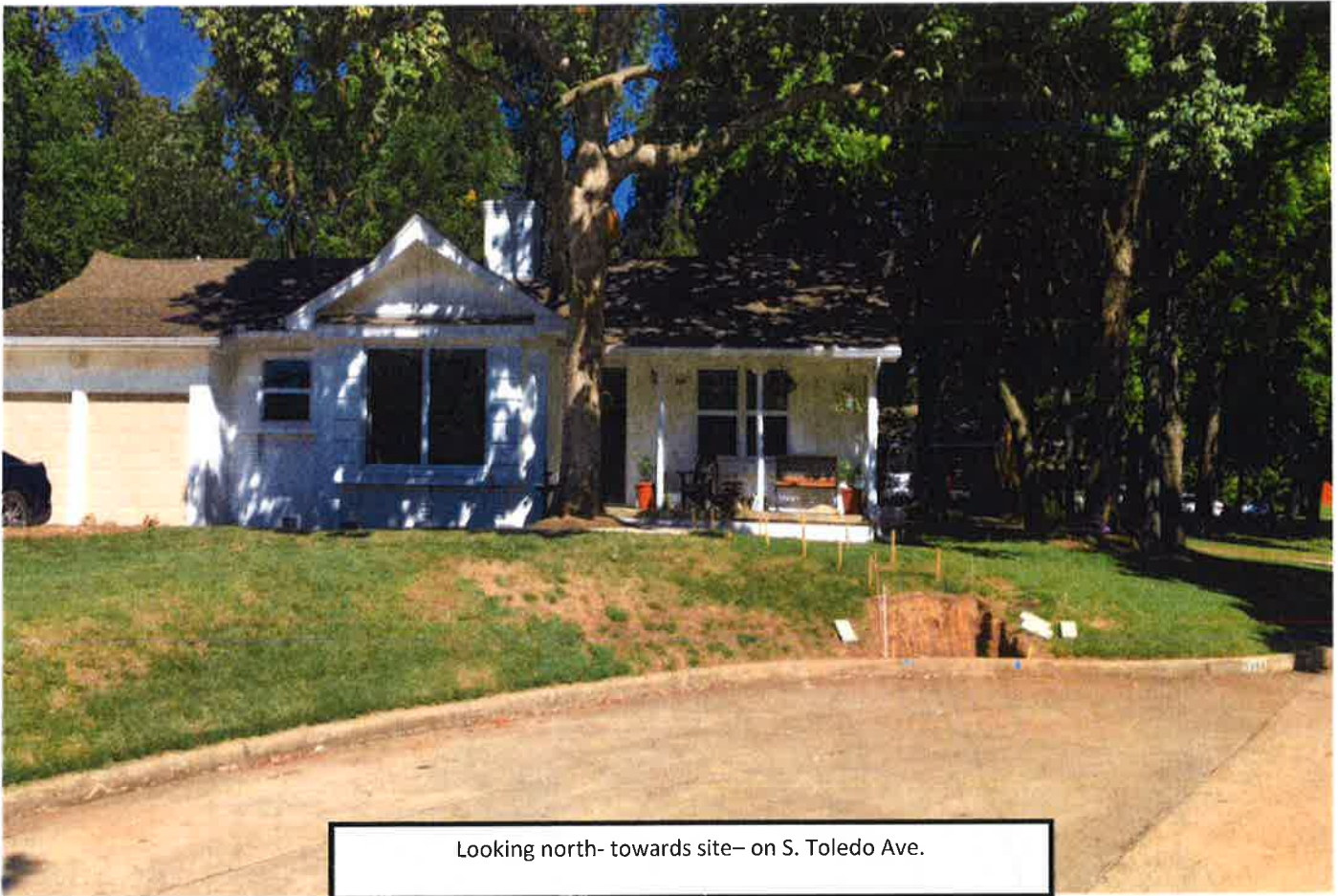


Looking northwest- towards existing garage-- on vacated 54th St.

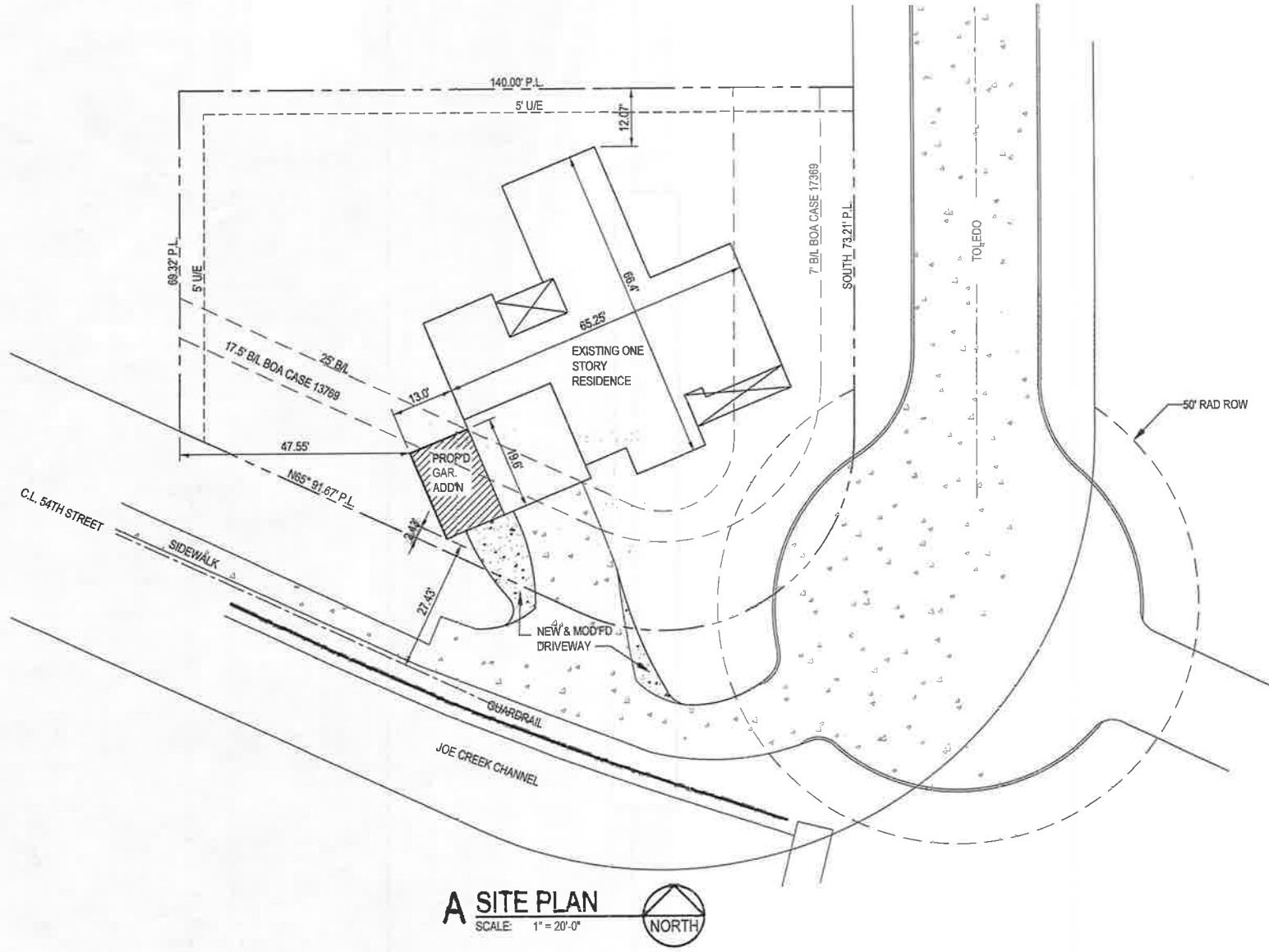


Looking west- towards existing garage-- on S. Toledo Ave.











# PLAT OF SURVEY

BASIS OF BEARINGS: TANGLEWOOD ADDITION PLAT

DESCRIPTION

A LOT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 6 BLOCK 3 TANGLEWOOD ADDITION A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA. SAID LOT CONTAINING 13,563.21 SQUARE FEET OR 0.31 ACRES MORE OR LESS.

CERTIFICATION

I, ROBERT E. BIRD, A REGISTERED LAND SURVEYOR IN THE STATE OF OKLAHOMA DO HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND A CORRECT REPRESENTATION OF THE SURVEY OF THE ABOVE DESCRIBED PROPERTY AND THAT THIS SURVEY MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. WITNESS MY HAND AND SEAL ON THIS 6th DAY OF AUGUST, 2018.

DATE OF LAST SITE VISIT AUGUST 6, 2018.

BIRD SURVEYING & DESIGN, PLLC  
9020 NORTH 175TH EAST AVENUE  
OWASSO, OK 74055  
(918) 645-8392  
CA 4454 EXP 6/30/2020

ROBERT E. BIRD, PE, PLS  
OK PLS 1558  
AUGUST 6, 2018



**Ulmer, Amy**

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**From:** Richard Flaming <raflaming@matrixae.com>  
**Sent:** Friday, August 24, 2018 1:52 PM  
**To:** Ulmer, Amy  
**Cc:** Susy Flaming  
**Subject:** Flaming application for variance case# BOA-22513

Ms. Ulmer – following is my draft for the hardship statement:

The house was originally placed at an angle on what was then a corner lot. The lot is now at the end of a dead-end street and 54<sup>th</sup> street has been abandoned. The side yard setback in the request is not to the side of a neighbor house but instead is the distance from the PL alongside the abandoned street to the corner of the proposed garage addition. There will still be 16 to 22 feet of yard between the garage corner and the sidewalk/parking so the intent of green space around the house is still very much honored. In the direction of the neighboring house, there will still be over 50' to the property line. Elevations of the garage addition will be built to blend with the existing construction.

Thank you for any thoughts or suggestions you may have. Also the next steps I need to take.  
Richard Flaming, home owner.



**Jeff S. Taylor**  
Zoning Official  
Plans Examiner

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



## DEVELOPMENT SERVICES

175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103

### ZONING CLEARANCE PLAN REVIEW

8/22/2018

**Richard Flaming**

**APPLICATION NO: ZCO-008906-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 5344 S Toledo Ave**

**Description: Addition**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601, OR YOU CAN SUBMIT REVISIONS ONLINE.

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 REVISIONS ONLINE OR SUBMIT TWO (2) PAPER SETS OF REVISED OR ADDITIONAL PLANS TO THE PERMIT CENTER. 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)



## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT  
[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

Application No. **ZCO-008906-2018**

**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:** In the RS-2/RS-1 zoned district the minimum side yard setback shall be 5 feet from the property line.

**Review Comments:** Revise your plans to indicate a 5' side setback to the property line, or apply to INCOG for a variance to allow less than a 5' side 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.