# 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, November 13, 2018, 1:00 P.M.

Meeting No. 1217

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

1. Approval of **Minutes** of October 23, 2018 (Meeting No. 1216).

### UNFINISHED BUSINESS

2. 22515—Linda Rollins

Special Exception to permit a carport in the street setback and street yard (Sec. 90.090-C.1); Variance to permit a structure to be located within City of Tulsa street right-of-way/planned street right-of-way (Section 90.090-A). LOCATION: 903 South Urbana Avenue East (CD 4)

3. 22528—Christopher Parle

Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). LOCATION: 3318 South Jamestown East (CD 9)

Staff requests a continuance to 12/11/2018.

### **NEW APPLICATIONS**

4. 22533—Tresa Camp

Special Exception to allow a manufactured housing unit on an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than 1 year (Section 5.020 & Section 40.210-A); Variance to allow a non-all-weather parking surface material (Section 55.090-F). LOCATION: 5473 North Peoria Avenue East (CD 1)

5. 22527—Ron M. Barnes

Special Exception to allow a fence/wall to exceed 8 feet in height within the required building and street setbacks (Section 45.080-A). LOCATION: 2660 South Boston Avenue East (CD 4)

6. 22532—Justin Pickard

Special Exception to allow a duplex in the RS-3 District (Table 5-2.5); <u>Variance</u> to reduce the required lot area and lot area per unit requirement; <u>Variance</u> to reduce the lot width requirement for a duplex use in the RS-3 District (Table 5-3); <u>Variance</u> of the required 25-foot setback from an adjacent R-District for special exception uses (Table 5-3). <u>LOCATION:</u> 3184 North Iroquois Avenue East (CD 1)

7. 22535—Maureen Johnson

<u>Special Exception</u> to allow a fence to exceed 8 feet in height within the required building setbacks and exceed 4 feet in height within the required street setbacks (Section 45.080-A). **LOCATION:** 3151 East 38<sup>th</sup> Place South **(CD 9)** 

8. 22536—Gerardo Campos

<u>Special Exception</u> to allow a commercial/commercial service/building service use in a CS District (Table 15-2); <u>Variance</u> of the dustless, all-weather surface requirement to permit gravel drive and parking area (Section 55.090-F2). **LOCATION:** 13100 East 11<sup>th</sup> Street South **(CD 6)** 

9. 22537—Cliff Beam

<u>Special Exception</u> to allow a Commercial/Assembly & Entertainment/Outdoor Use in the CBD District (Table 15-2, Section 70.120). <u>LOCATION:</u> 304 East 2<sup>nd</sup> Street South (CD 4)

10. 22538—AAB Engineering, LLC - CBC Builds, LLC

Variance to reduce the rear setback requirement in an RS-2 District to permit an existing structure (Table 5-3). LOCATION: 2824 East 25<sup>th</sup> Street South (CD 4)

11. 22539—Wallace Engineering – Mike Thedford

<u>Special Exception</u> to permit an outdoor assembly & entertainment use; <u>Special Exception</u> to permit a hotel; <u>Special Exception</u> to permit a bar and brewpub in an IM District (Table 15-2); <u>Variance</u> to reduce the required number of parking spaces (Section 55.020, Table 55-1). <u>LOCATION:</u> SW/c of East Independence Street North & North Lansing Avenue East (CD 1)

12. 22540—Wallace Engineering

Special Exception to permit a school use to allow for a stadium and locker room (Section 40.350-A); <u>Variance</u> of the required number of parking spaces (Table 55-1). <u>LOCATION:</u> 3909 East 5<sup>th</sup> Place South **(CD 4)** 

### OTHER BUSINESS

#### 13. 22531—Gant Hinkle

Possible Reconsideration of a Variance of the minimum lot width to allow for a lot split. (sec 5.030-A). LOCATION: 4687 S. Columbia Ave. (CD 9)

### **NEW BUSINESS**

### BOARD MEMBER COMMENTS

### **ADJOURNMENT**

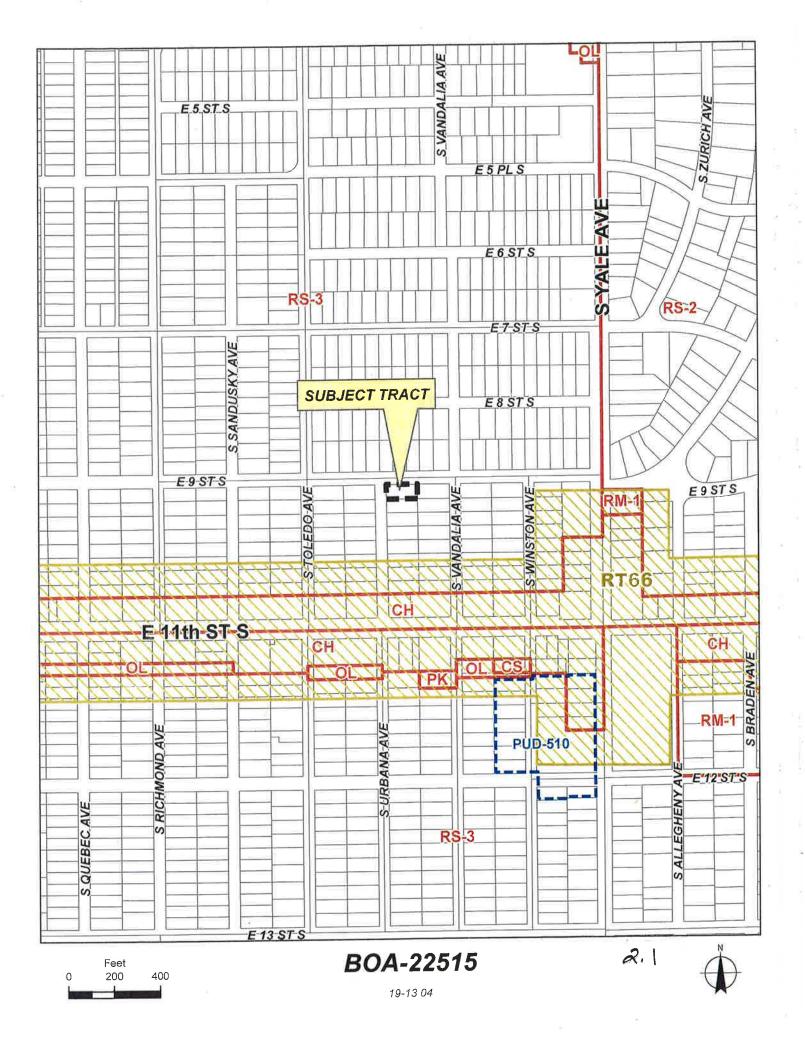
Website: www.cityoftulsa-boa.org

E-mail: esubmit@incog.org

#### **CD = Council District**

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



### BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9304

Case Number: BOA-22515

**CZM:** 37

CD: 4 A-P#:

**HEARING DATE:** 11/13/2018 1:00 PM (continued from 10/09/2018)

**APPLICANT:** Linda Rollins

<u>ACTION REQUESTED</u>: Special Exception to permit a carport in the street (side) setback and street yard (Sec. 90.090-C.1). <u>Variance to permit a structure to be located within City of Tulsa street right-of-way/planned street right-of-way (Section 90.090-A).</u>

**LOCATION: 903 S URBANA AV E** 

**ZONED**: RS-3

PRESENT USE: residential

TRACT SIZE: 8398.4 SQ FT

**LEGAL DESCRIPTION: LT 18 BLK 1, RIDGELAWN** 

### **RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

#### **CURRENT STAFF COMMENTS:**

At the Board hearing on 10/09/18 it was brought to staff's attention that the carport would extend into the City of Tulsa street right-of-way/planned street right-of-way. The Board continued the case to allow time for staff to re-notice the case as additional relief was needed.

The applicant has requested a **Variance** to permit a carport to be located within the City of Tulsa 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 submitted two site plans with two different options regarding the placement of the posts of the carport. The applicant has stated that, "One of our vehicles is a Ford Expedition which is 17' long. We would like to have a 20'x20' carport. This would have 2 support posts sitting 1'6" into the right-of-way with a 3'6" overhang, making a total of 5' in the right-of-way. We can shorten the length by 1'6", and move the support posts out of the right-of-way. There would still be an overhang of 3'6" in the right-of-way area."

The applicant has since applied for a license agreement from Engineering Services.

#### PREVIOUS STAFF COMMENTS:

The applicant is requesting a **Special Exception** to allow a 20' x 20' carport to be located in the required street (side) setback and street yard in an RS-3 zoned dsitrict (Section 90.090-C.1). As shown on the attached plans, the applicant is proposing to construct a carport along E. 9<sup>th</sup> St. S., within the required street (side) setback and street yard of the site.

Per the Code, <u>Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures</u>. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- A carport may be a detached accessory building or an integral part of the principal building.
- The area of a carport may not exceed 20 feet in length by 20 feet in width.
- A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

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

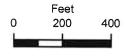
Sample	Motion	for S	pecial	<b>Exception:</b>
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Move to (approve/deny) a <b>Special Exception</b> to permit a carport in the street (side setback and street yard (Sec. 90.090-C.1).
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions (including time limitation, if any):
The Board finds that the requested Special Exception will be in harmony with the spirit and intent the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare
Sample Motion for a Variance
Move to (approve/deny) Variance to permit a carport to be located within City of Tuls street right-of-way/planned street right-of-way (Sec. 90.090-A)
Finding the hardship(s) to be
<ul> <li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li> </ul>
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."





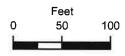


BOA-22515

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









BOA-22515

19-13 04

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

Aerial Photo Date: February 2018



October 26, 2018

Linda and Ron Rollins 903 South Urbana Ave Tulsa OK. 74112

Christopher J Kovac Utilities Coordinator City of Tulsa Engineering Services

Mr Kovac,

We have applied for a building permit with the City of Tulsa, to have a metal carport installed over our driveway in our side yard. Application no: ZCO-009738-2018

One of our vehicles is a Ford Expedition which is 17' long. We would like to have a 20' by 20' carport. This would have 2 support posts sitting 1' 6" into the right of way with a 3'6" overhang, making a total of 5' in the right of way.

We can shorten the length by 1'6", and move the support posts out of the right of way. There would still be an overhang of 3'6" in the right of way area.

INCOG (case number BOA-22515) has informed me that we need to get a Removal Agreement with the City of Tulsa.

I have enclosed our site plan with 2 different options for the length and post placements in the right of way area. I also enclosed the contractors drawing and specs, and the Review comments from the permit application.

I appreciate any consideration you could give us on this project. Please let me know if there is any other information you might need.

Respectfully.

Linda Rollins 918-838-2984

rollinsr@att.net

Linda Kollins

left with Jenna 10/26

# APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN PRIVATE IMPROVEMENTS UPON PUBLIC WAY

APPLICANT NAME AND ADDRESS (THIS PERSON WILL RECEIVE A COPY OF THE FILED AGREEMENT.)	
Linda Rollins	DATE OF APPLICATION
ADDRESS OF THE PUBLIC WAY	10-26-18
903 South Urbana Au	2 918-838-2984
NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)	TELEPHONE NUMBER
Same	EMAIL
ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCC	CUPIED.
903 South Urbana Ar	le
Lot 18, block 1, Rid	
Tulsa 74112	0
Explanation of purpose or need to occupy Public Way (relate to Criteria 1	or Consideration).
1) 1st choice - Anstall a 20'x 20' m	tal carport with 2 support pasts
1'6" in right of way with a 3'6" or	verhang making a total right of way 5' out posts in right of way with a 3'6'
DA 20'x 18'6" carport, (NO Supp	ort pasts in right of way with a 31/1
Type of Improvement requested for License Agreement CULTAG	ing
Motal carport over driveway	in Side unra
	3333
tat of Survey or representative sketch or drawing has been attached deli reporty e.g. distance bearings and encreachments.	neuting the described request showing all data pertinent to the
Submitted by: OWNER SIGNATURE  Linda Rellins	PERSON SUBMITTING ON BEHALF OF OWNER BY (SIGNATURE)

Revised 11/13

REGISTERED LAND SURVEYOR'S INSPECTION PLAT AND CERTIFICATE FOR MORTGAGE LOAN PURPOSES GA 93-1041 LEGEND DIESTY EASEMENT OUTBUILDING SETENCY LINE BUILDING SETENCY WHITE BEC TULSA, OKLANO (310) 663-6924 CUSTOMER: GUARANTY ABSTRACT COMPANY/ FIRST FINANCIAL BANK NOTE: THIS PROPERTY LIES IN FLOOD ZONE "C", PER F.1.R.H. COMMUNITY PANEL NO. 405381 0040E, REVISED 10-15-82. Rolling . LINDA HARLENE 9TH ST SIDE YARD URBANA 20.0 1-STY BRKEHA 7.0 24,0 22.3 LYDA M. Bolling 903 So. LIKESAHA AVE 81.1 Lot 12 Block PIDGE LANN ADDITION 6/20/95 PENTSED 10/51/48

THIS PUT IS MADE FOR AND AT THE REQUEST OF .- GUARANTY ABSTRACT COMPANY/FIRST FINANCIAL BANK

FOR MORTGAGE LOAN PURPOSES ONLY COVERING PROPERTY DESCRIBED AS POLICIAS:

Lot Eighteen (18), Block One (1); RIDGELAVN; an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according

CERTIFICATE

· PLAT # 1/57

ID SURVEYOR'S INSPECTION PLAT AND CERTIFICATE FOR MORTGAGE LOAN PURPOSES GA 93-1041 LECEND UTELTY EXSENSIT OUTBUILDING SETENCY TIME BUILDING SETENCY 30 WHITE MELLING EARAGE SURVEYING COMPANY CUSTOMER: GUARANTY ABSTRACT COMPANY/ FIRST FINANCIAL BANK BOTE: THIS PROPERTY LIES IN FLOOD ZONE "C", PER F.1.R.M. BORROWER: COMMUNITY PAWEL NO. 405381 0040E, REVISED 10-15-82. Rolling LINDA MARLENE NEW YORK 9TH ST IDE YARD 15'B.L. 1-STY BRKEFRM BLE 7.0 40 C 22.3 L'UDA M. Bollino 903 to LIKE SAHA AVE 81.7

Lot 12 Block 1 RIDGE LANG ADDITION

6/20/98

Parisep 10/51/98 · PLAT # //57

GUARANTY ABSTRACT COMPANY/FIRST FINANCIAL BANK

POSES ONLY COVERING PROPERTY DESCRIBED AS FOLLOWS:

Lot Eighteen (18); Block One (1); RIDGELAWN; an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according

CERTIFICATE



210 North State St. Concord, NH 03301 P - 603.856.0193 Date: 8/20/2018

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Job Name: Rollins

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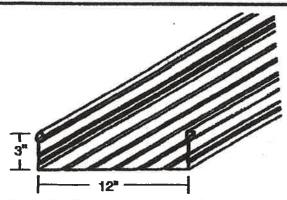
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Customer: Linda Rollins
Job Name: Rollins

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# **BALLEW'S**

Office (864) 272-4453 Toll Free (800) 231-6666 Fax (864) 272-4456

2 Shelter Drive Greer, SC 29650



High Rise Flat Pans are cut to length up to 40 feet.

Item No.	Description	Gauge
40-25BZ	Bronze 12" x 3" High Rise Pans	.025
40-25IV	Ivory 12" x 3" High Rise Pans	.025
40-25WW	White 12" x 3" High Rise Pans	.025
40-32BR	Brown 12" x 3" High Rise Pans	.032
40-32BZ	Bronze 12" x 3" High Rise Pans	.032
40-32IV	Ivory 12" x 3" High Rise Pans	.032
40-32WW	White 12" x 3" High Rise Pans	.032
40-32GR	Gray 12" x 3" High Rise Pans	.032
40-32BL	Black 12" x 3" High Rise Pans	032
40-32CL	Clay 12" x 3" High Rise Pans	.032
40-32CA	Clear Anodized 12" x 3" High Rise Pans	.032
39-26WW 39-26W	White 12" x 3" 26 Ga. Steel High Rise Pans	
40-40XX	lvory 12" x 3" 26 Ga. Steel High Rise Pans White, Bronze, Ivory 12" x 3" High Rise Pans	.040
70-0098	Styrofoam Plugs for High Rise Pans	·
70-2100	Gutter Hangers	
70-8001	Leaf Guard for High Rise Pans	.032
72-2002	10' Gutter Clip for High Rise Pans	.002
51-12BZ	12' Brakeform Header Bronze 8"	.032
51-12IV	12' Brakeform Header Ivory 3"	.032
51-12WW	12' Brakeform Header White	.032
52-XXBZ	24' & 30' Extruded Header Bronze 3" 3" Extruded	
52-XXWW	24' & 30' Extruded Header White 3' Extruded	
52-24IV	24' Extruded Header Ivory 2"	*1

# **BALLEW'S**

Office (864) 272-4453

Toli Free (800) 231-6666

Fax (864) 272-4456

2 Shelter Drive Greer, SC 29650

0 K	Item	Item No.	Item Description	Gauge	Ler
EXTRUDED		43-80WW	Extruded White Gutter 6" x 3"	.080	
ĔB		43-808Z	Extruded Bronze Gutter 6" x 3"	.080	2
ш	7	43-80CA 431-125	Extruded Clear Annodized 6" x 3"  Extruded White 8" x 3"	.080	2 2
. 145 - 145		433-125	Extruded Write 8" x 3"  Extruded Bronze 8" x 3"	.125	2
14.19		43-50IV	7° ivory Rollform Guitter	.050	
Æ		43-50BZ	7" Bronze Rollform Gutter	.050	
5/		49-50BR	7" Brown Rollform Gutter	.050	
9		43-50WW	7" White Rollform Gutter	.050	
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_	L	47-32GR	7º Gray Rollionn Side Pascia	.032	
		44-50WW	White Gutter Corners		
		44-50BZ	Bronze Gutter Corners	.050	
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# **BALLEW'S**

Office (864) 272-4453 Toll Free (800) 231-6666

Fax (864) 272-4456

2 Shelter Drive Greer, SC 29650

SUPPORT PACKAGES							
item	Item No.	Description	Material	Finish	Leng		
BEAMS	53-24XX	2" x 4" Slanted Box Beam	Aluminum	Bronze White	24' 24'		
	61-24XX	2" x 4" Self Mating Beam	Aluminum	Bronze White	24'-3		
	61-24XX	2" x 7" Self Mating Beam	Aluminum	White Ivory	24'-3 24'		
	630-30X	2" x 9" Self Mating Beam	Aluminum	Bronze White Bronze	30		
	55-20XX	7" I Beam	Aluminum	Bronze White Ivory	20 24 30		
( III	550-30X	10" i Beam	Aluminum	White	24 30		
	54-20XX	7ª C Beam	Aluminum	Bronze Ivory White	20 24		
	54-54 XX	10" C Beam	Aluminum	Bronze Ivory White	20 24 30		
BEAM SLICE KIT	54-00MF 55-0000 55-0001 55-00WW	Splice Kit for 10" C Beam Splice Kit for 7" I Beam Splice Kit for 7" I Beam Splice Kit for 10" I Beam		Anodized Bronze White Anodized	24 24 24 24		

Office (864) 272-4453 loll Free (800) 231-6666 Fax (864) 272-4456

2 Shelter Drive Greer, SC 29650

SUPPORT PACKAGES								
Item	Item No.	Description	Material	Finish	Length			
POSTS	56-10XX	3" x 3" Extruded Fluted Post	Aluminum	Bronze Ivory White	8', 10' 12', 20' 24'			
	57-10XX	3" x 3" Clover Post Extruded	Aluminum	Bronze White	10' 24'			
	60-20XX	3" .110 Post Extruded Square	Aluminum	Bronze White Ivory Clay	20' 24' <b>24'</b>			
	93-10XX	3" Lockseam Steel Post	Steel	Bronze White Ivory Brown Gray Black Clay	10' 12' 14' 24'			
	65-20XX 065-24W	4" .125 Post Extruded Square 6" .180 Smooth Post	Aluminum Aluminum	Bronze White Ivory Clr Anodized White	20' 24' 24' 24'			
	70-3006 70-3007 70-3008 70-3009	Chair Bracket for 3" Square Post Chair Bracket for 3" Chair Bracket for 3" Chair Bracket for 4" Square Post	Aluminum	White Bronze Ivory Anodized	3			
dah	70-3001	3" Bracket for Lock Seam Steel and Clover Leaf Posts	Aluminum	Mill				
	70-3005	3" Universal Bracket for all 3" Square Posts	Aluminum	Mill	*			
	70-3004	3" Hidden Bracket	Aluminum	Mill	¥1			
	70-3014	4" Universal Bracket	Aluminum	Mill				
B	70-9200	Overhead Rod Component Kit (1 1/2 tubing not included)	Aluminum	Mill				
00	70-9100	Wall Mount Bracket for 1 1/2" tube	Aluminum	Mill	51			
	99-HBRK	Saddle Bracket	Aluminum	Mili				
	70-9170	1 1/2" Overhead Bracket	Aluminum	Mill				
	70-3030	3" Cast Brackets with ears	Aluminum	Mill				

Jeff S. Taylor Zoning Official Plans Examiner

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



### DEVELOPMENT SERVICES

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

# **ZONING CLEARANCE PLAN REVIEW**

8/27/2018

Linda Rollins 903 S Urbana Ave Tulsa, OK. 74112

APPLICATION NO: BLDR-009738-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

Project Location: 903 S Urbana Ave E

Description: Carport

## 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601, OR YOU

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE

# 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
- 2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 3. A COPY OF A "RECORD SEARCH" [ ]IS [ x ]IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.). (continued)

#### **REVIEW COMMENTS**

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

Application No. ZCO-009738-2018

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

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

#### Special exception approval required; see §90.090-C1.

- 1. Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:
- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

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

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

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

#### END -ZONING CODE REVIEW

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.





Di amy, A have applied for a permit to install a carport over our driveway on our side yard at 903 So Urbana ave. It have an appointmnt with the Board of adjustment on 10/9 at 1:00. Thy case number to BOA-22515. A have enclosed 22 pictures of carports within a 4 Block radius of dur house with the address. Hope this kelps: Please call with any questions 918-838-2984 9# 4733 1-932 So Winston 18-E 9th 4719 2-928 So Winston 19-& 9th & 8th 4507 3-904 So Winston 20-4528 21-4-938 So Webana 4524 5-907 Lo Urbana 22 6-904 So Tolodo 7- 822 So Joledo Thank you for your keep! 8- 712 So Joledo 9- 928 So Sandusky 924 So Sandusky Lenda Rollins 145 So Landusky 11-738 So Sandusky 703 So Sandusky 13-Would you email me when you get this please? rellinor att. net 925 So Richmond

Thanks 2:22

922 So Richmond

915 So Richmond

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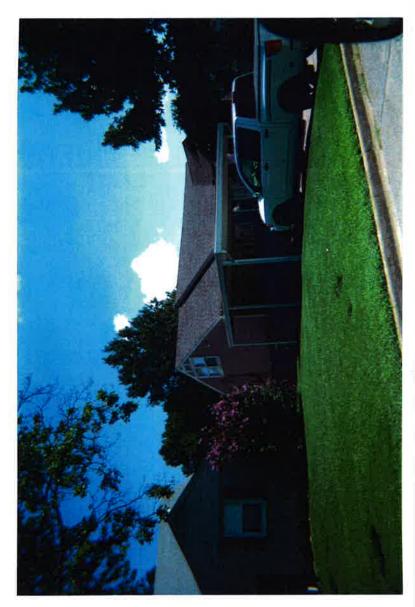




































## Ulmer, Amy

From:

Travis Eslick <traviseslick@gmail.com>

Sent:

Monday, October 22, 2018 4:33 PM

To:

Ulmer, Amy

Subject:

Fwd: Case Number BOA-22515

## Amy Ulmer,

After reviewing the application for exception I would like to point out that the plan submitted calls for a 20x20 carport and the house is only 15 feet to the property line. The side yard set back is required to be 3 or 5 foot off the property line. Making the buildable area only 10-12 feet from property line to house. The standard parking space by code is 9'x18' which would cause vehicles to project into the right-of-way. Also the only "existing" carports shown on the map are front yard carports that appear to be out of compliance within the setback requirements and are possibly unpermitted structures. As well as the photos provided in the application seem to be non conforming structures that would be unpermitted since INCOG had not received applications for exception on the listed carports. Please forward all of these concerns to Board of Adjustments.

Travis

----- Forwarded message -----

From: Travis Eslick < traviseslick@gmail.com >

Date: Mon, Oct 8, 2018 at 3:22 PM Subject: Case Number BOA-22515

To: <aulmer@incog.org>

#### Amy Ulmer,

My name is Travis Eslick and I was sent a notice for the special exception hearing to permit a carport in the street setback and street yard. I cannot attend the meeting because of previous commitments and would <u>ask that you deny</u> the exception because of the precedent it would set for the neighborhood and setback ordinance. Also, it could be a negative aesthetic for the neighborhood. Carports are usually constructed of less desirable metal construction giving the appearance of "temporary" looking architecture. When nicer wood posts and beams are used with substantially structured roofs carports can be a nice addition to a home but I am concerned a lesser construction will be used and approval could allow for the lesser construction of carports in the neighborhood. The proposed carport is 20 foot by 20 foot which is the maximum allowed by code. This would create a very large visual obstruction to the street and would be permitting construction of a large structure in flood zone "C". Lastly the application sketch shows the structure on the property line and there is a required 3 or 5 foot setback that is also not addressed. Thank you for presenting my concerns to Board of Adjustments.

**Travis Eslick** 

## Ulmer, Amy

From:

Ulmer, Amy

Sent:

Tuesday, October 09, 2018 9:11 AM

To:

Blank, Audrey; Miller, Susan

Subject:

**BOA-22515 Comments** 

Attachments:

BOA-22515 comments.pdf

Susan,

I received the attached email from a neighbor concerning a carport that will be heard today (BOA-22515). The last sentence states, "Lastly the application sketch shows the structure on the property line and there is a required 3 or 5 foot setback that is also not addressed".

## Here is the code language:

Per the Code, <u>Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures</u>. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

• The carport structure must be setback from **side lot lines** by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the **side lot line**.

The code defines side lot lines as any boundary of a lot that is not a street lot line or a rear lot line, see the sketch below. It is my understanding that because the property is on a corner lot, the carport is along a street lot line and therefore would not be subject to that requirement. I just thought I would give you a heads up.

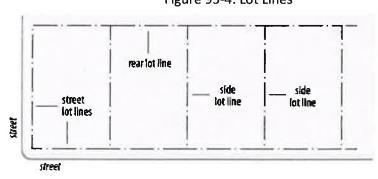


Figure 95-4: Lot Lines

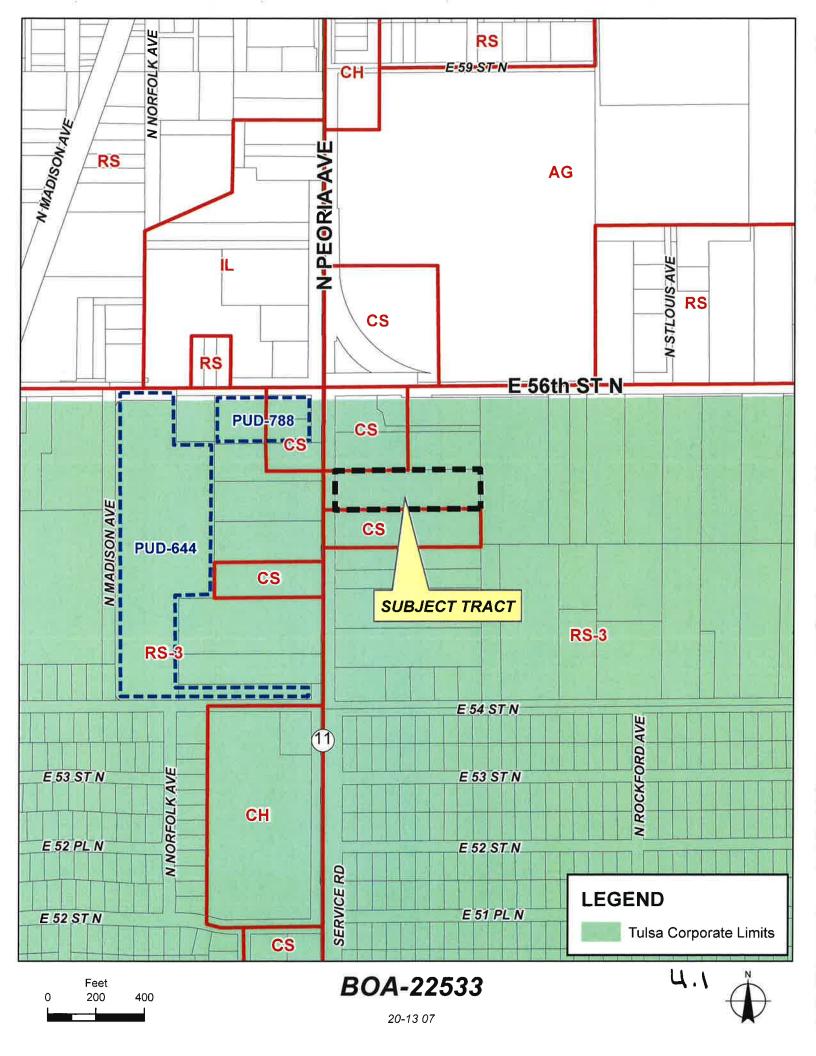
I'm not sure if I should forward my reasoning to the Board members or not.

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



## **BOA-22528 – CHRISTOPHER PARLE**

# STAFF REQUESTS A CONTINUANCE TO 12/11/2018



## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 199 Case Number: **BOA-22533** 

CZM: 22 CD: 1 A-P#:

**HEARING DATE:** 10/23/2018 1:00 PM

APPLICANT: Tresa Camp

<u>ACTION REQUESTED</u>: Special Exception to allow a manufactured housing unit on an RS-3 zoned lot; Special Exception to extend the time limit to allow a manufactured home on the site for more than 1 year (Sections 5.020; Section 40.210-A); Variance to allow a non-all-weather parking surface material (Section 55.090-F).

**LOCATION**: 5473 N PEORIA AV E **ZONED**: RS-3

PRESENT USE: vacant TRACT SIZE: 98123.66 SQ FT

**LEGAL DESCRIPTION:** LT 6 BLK 2, GRIMES HGTS

## **RELEVANT PREVIOUS ACTIONS:**

## Surrounding properties:

**BOA-14048**; on 5.15.86, the Board **denied** a *use variance* to permit an existing trash maintenance business. Located: immediately east of the subject site.

**BOA-5489**; on 7.6.67, the Board **granted** an *exception* to permit an extension to a nonconforming sheet metal business. Located: immediately east of the subject site.

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

**Neighborhood Centers** are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract abuts a CS and RS-3 zoned parcel to the north; to the south is a large CS zoned lot; N. Peoria Ave. is west; a large RS-3 zoned tract abuts the subject lot to the east.

## **STAFF COMMENTS:**

The applicant is requesting a special exception to permit a 32'Wx80'L manufactured housing unit. A special exception is required as a manufactured home is a use which is not permitted by right in the RS-3 district because of potential adverse effect.

The Code requires that a manufactured housing unit in an R district be removed from the lot within one year of the special exception approval (Section 40.120-A). The applicant has requested a special exception to extend the time limit and permit a manufactured housing unit on the site for a period of more than 1-year.

The Code requires that all off-street parking areas and driveways be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel driveway and parking area as shown on the attached plan.

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

As the writing of this case report staff has not received any comments from the surrounding neighbors or property owners.

## Sample Motion for a Special Exception

Move to (approve/deny) a <b>Special Exception</b> to allow a manufactured housing unit or an RS-3 zoned lot; <b>Special Exception</b> to extend the time limit to allow a manufactured home on the site for more than 1-year (Sections 5.020; Section 40.210-A)
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions (including time limitation, if any):
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Sample Motion for a Variance
Move to (approve/deny) a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway and parking area in the RS-3 district (Section 55.090-F).
Finding the hardship(s) to be
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions

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;

"a. That the physical surroundings, shape, or topographical conditions of the subject property

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

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 selfimposed 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."

Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-1 zoned district; to APPROVE a Variance (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) to waive the 1 year time limit to 3 years; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to permit one dwelling and a portion of another on one lot of record; subject to Health Department approval and execution of a Removal Bond; finding that there are other mobile homes in the area and finding a hardship demonstrated by the size of the tract; on the following described property:

North 165' of Lot 4, Block 9, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 14048

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 17 or 23 - Request a use variance to permit an existing trash truck maintenance business in an RS-3 zoned district, located at 1402 East 56th Street North.

### Presentation:

The applicant, Glenn Haynes, 6308 West 36th Street, Tulsa, Oklahoma, stated that he is the owner of the buildings located at the above stated address and asked that Andy's Trash Service be allowed to continue to use the property as a maintenance shop, office and storage area for steel trash containers. Mr. Haynes informed that the business has been operating at the present location for 2 years and that it is a one man operation, with 1 trash truck and 1 spare truck. Mr. Haynes informed that the building has 2,600 sq. ft. of usable space and is located on the west 2 1/2 acres of a 4-acre tract, with a house located on the remaining 1 1/2 acres. The applicant informed that an 80-acre pasture is north of the subject tract, commercial buildings to the west and houses to the north (fronting on 54th Street North). He stated that the subject property was open land outside the City limits in 1949, in 1950 a shop was constructed on the lot, in 1957 a steel fabricating business operated on the land, in 1967 the property was annexed to the City and the Board granted permission for the business that was operating on the property at that time to continue.

Joe Sheilnight, 503 East 3rd Street, Owasso, Oklahoma, stated that he is the owner of the land in question and owner of the rent house on the property, while Mr. Haynes owns the building that houses the trash service. He pointed out that the surrounding homes are on 2 1/2-acre tracts which are deep and are not close to the maintenance building.

## Case No. 14048 (continued)

## Comments and Questions:

Mr. Jackere asked the applicant to describe in detail what is involved in a trash truck maintenance business.

Mr. Haynes informed that the trash service has an office on the premises, maintenance is performed inside the building, and trash containers and 1 truck are stored outside.

Mr. Jackere asked the applicant how many trash containers are stored on the property and Mr. Haynes replied that he is not sure.

Mr. Jackere inquired if the trucks are washed out on the property and the applicant stated that he does not know.

Ms. White asked Mr. Haynes to state the days and hours of operation for the business. The applicant informed that the business operates 6 days each week and the owner probably starts on his route about 3 a.m.

## Protestants: None.

### Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Wilson, Clugston, "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 17 or 23) to permit an existing trash truck maintenance business in an RS-3 zoned district; finding that a trash truck maintenance business would not be in harmony with the neighborhood or the Code and the Comprehensive Plan; on the following described property:

Lot 9, Block 2, Grimes Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 14049

#### Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from 50' to 34' to allow for the construction of a garage, located on the SE/c of 32nd Street and South Irvington Avenue.

## Presentation:

The applicant, Ms. John Duchan, 3201 E. 32nd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1) and requested permission to construct an attached garage on an existing house.

#### Comments and Questions:

Ms. Bradley asked the applicant if the garage will protrude farther toward the street than other buildings along the street. Ms. Duchan replied that she thinks it will be closer to the street than the surrounding houses.

5.15.86:465(4)

Lot 26, Block 3, Cherry Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

\*\*\*\*

5489

Action Requiested:

Exception under the provisions of Section 8 (b) to permit a 34 by 40 foot extension to a non-conforming sheet metal business at 1402 East 56th Street N., zoned U-1C

Presentation:

William E. Norman, applicant, stated that the building expansion would allow him to enclose a greater portion of the operation than was now possible.

Protests:

Earl Anderson, 1611 East 56th Street North, presented a protest petition (Exhibit "B-1"). He stated that the present operation was very limited and asked the Board to preserve it in the same status.

Board Action:

On MOTION of SUBLETT, the Board of Adjustment (5-0) granted an exception to permit a 34 by 40 foot extension to a nonconforming sheet metal business on the following property, subject to installation of a decorative masonry or wood fence on the front of the property, not less than 25 feet from the property line, and subject to the applicant's maintenance of the area in front of the fence in a condition similar to the residential area (mowing and landscaping):

Lot 9, Block 2, Grimes Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

\*\*\*\*\*

5491

1

Action Requested:

Exception under the provisions of Section 8 (e) to permit a duplex at 4103 South Detroit, zoned U-1C.

Presentation:

W. T. Dickson, applicant, stated that two units of 2,600 square feet each were planned.

Protests:

None.

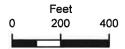
Board Action:

On MOTION of AVERY, the Board of Adjustment (5-0) granted an exception under Section 8 (e) to permit duplexes on the following property:

7.6.67

Page 4





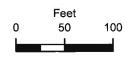


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





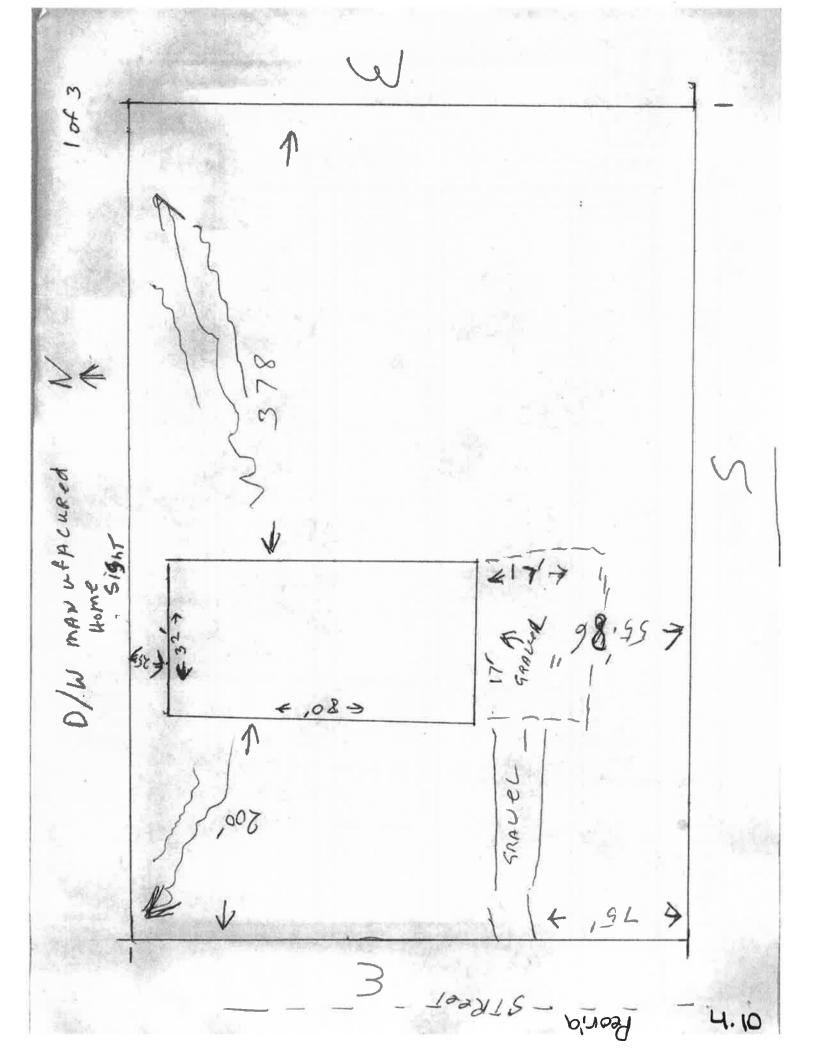


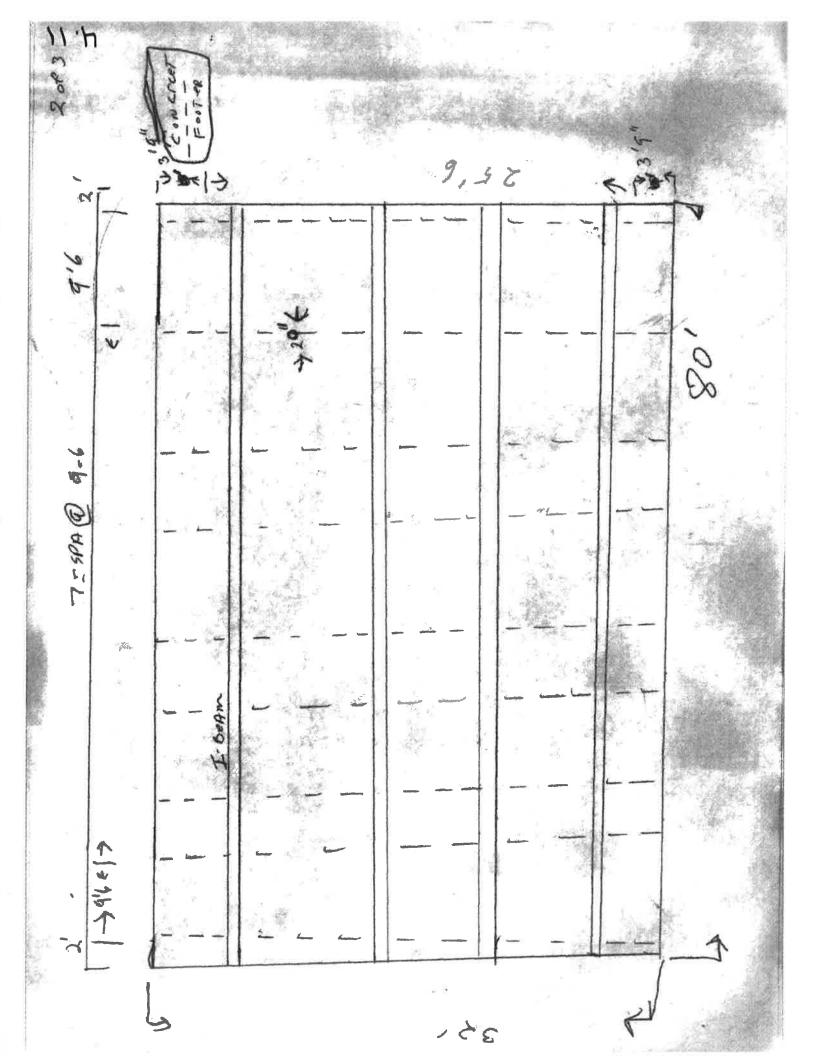


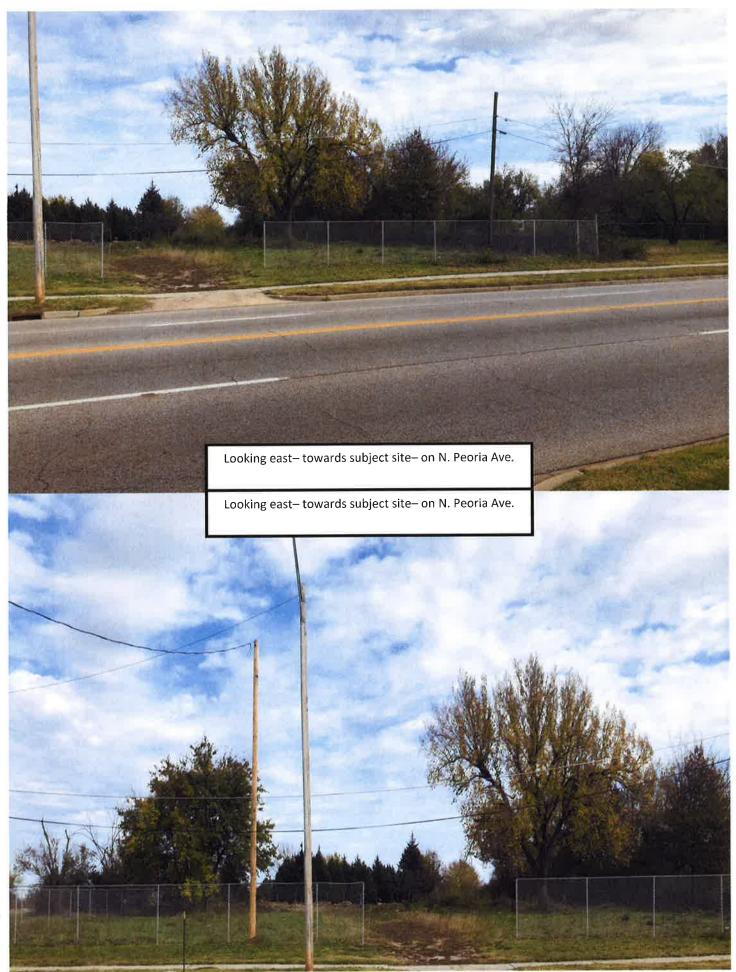
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

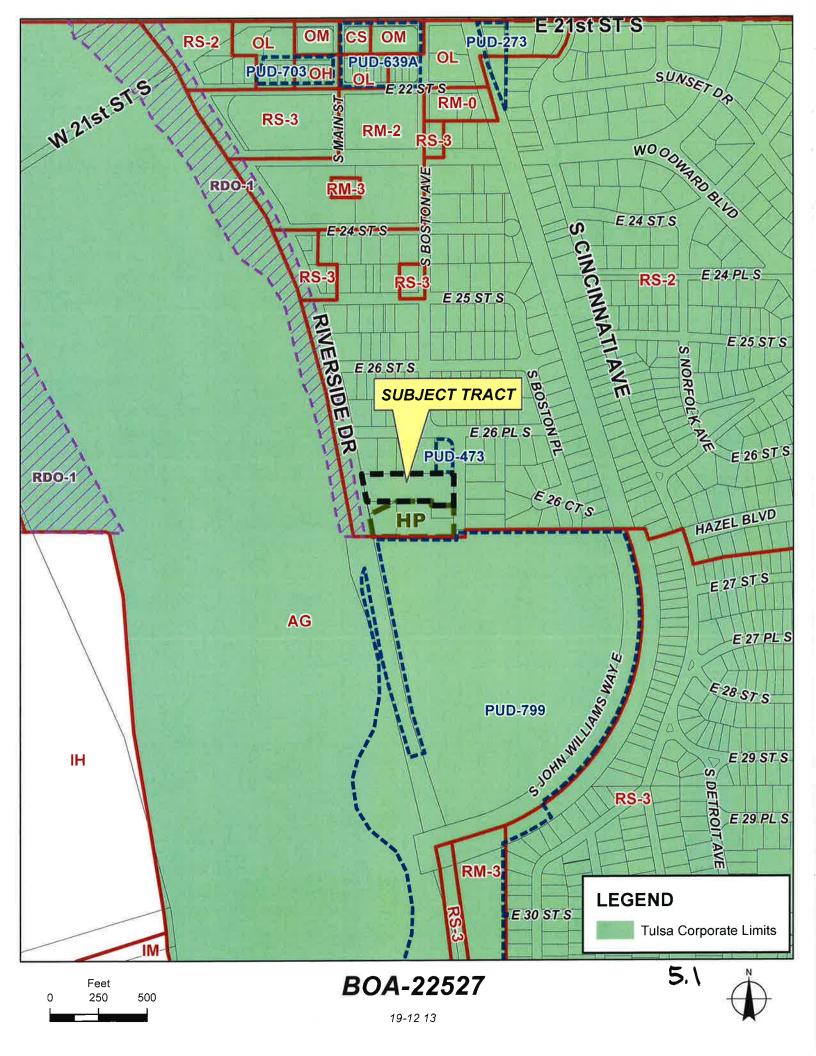








4.12



## BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9213

Case Number: BOA-22527

**CZM:** 36

CD: 4 A-P#:

HEARING DATE: 11/13/2018 1:00 PM

**APPLICANT**: Ron Barnes

ACTION REQUESTED: Special Exception to allow a fence/wall to exceed 8 ft. in height within the

required building and street setbacks. (Section 45.080-A)

LOCATION: 2660 S BOSTON AV E

**ZONED: RS-2** 

PRESENT USE: residential

TRACT SIZE: + 1.56 acres

**LEGAL DESCRIPTION:** BEG NEC BLK 17 TH S159.69 W120 N19.14 W336.53 NW143.83 E482.67 POB LESS BEG 112.45S NWC BLK 17 TH SE29.32 W0.85 NW29.16 POB BLK 17, RIVERSIDE DRIVE ADDN THIRD AMD

## **RELEVANT PREVIOUS ACTIONS:**

## **Subject Property:**

**BOA-19475**; on 11.26.01, the Board **approved** a *Variance* to allow two dwelling units on one lot of record (zoned RS-2); and a *Variance* of the allowable 500 square feet for an accessory building to 2,399 square feet, per plan; **continue** this case for additional relief for the maximum height (further relief was later found not to be needed).

## Surrounding Properties:

**BOA-22455**; on , the Board **approved** a *Variance* of the minimum required front setback from 30 feet to 25 feet. Located: 1 E. 26<sup>th</sup> PI S.

**BOA-20111**; on 9.13.05 the Board **denied** a *Variance* of the rear yard setback from 25 ft to 15 ft for the construction of a new dwelling. Located: 1 E. 26<sup>th</sup> PI S.

**BOA-15607**; on 2.12.91 the Board **denied** a *Variance* to reduce the lot area requirement from 9,000 sq. ft. to 8,964 sq. ft. and **denied** a *Variance* to reduce the rear yard from 25' to 20' finding that the proposed structures will not align with the existing homes along Boston Ave. and 26<sup>th</sup> Pl. and that granting of the requests will be detrimental to the neighborhood. Located: SW/c of E. 26<sup>th</sup> Pl. and S. Boston Ave.

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

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the

REVISED11/5/2018

zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

<u>ANALYSIS OF SURROUNDING AREA:</u> The subject tract is surrounded by RS-2 residential to the north, south, and east. Riverside Drive and River Park Trails are located immediately to the west.

## **STAFF COMMENTS:**

As shown on the attached plan the existing wall has a section that is 8'-6" in height within the required building setback along the west rear yard of the property along Riverside Drive. Per the code, fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setback fences may not exceed 4 feet in height (Section 45.080-A). However, in R zoned districts, fences and walls up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots

The Code permits the Board of Adjustment to increase the permitted height through special exception approval. The applicant has requested a **Special Exception** to allow a section of the new fence to exceed 8 feet in height within the required building and street setback to 8'-6" ft.

## **Sample Motion**

Move to (approve/deny) a <b>Special Exception</b> to allow a wall to exceed 8 ft. in heigh within the required building and street setbacks.(Section 45.080-A)
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions:

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

contributing apartment buildings. The other areas are almost entirely single-family or duplex type construction. He covered information the TPC reviewed to decide on the COA.

## Comments and Questions:

Mr. Dunham asked if any of the Swan Lake Neighborhood Association were present at that meeting. Mr. Simmons replied that he did not remember and representatives for Swan Lake being present that night.

Mr. Breed explained the process to the Board regarding the complaint of the person who was not a legitimate member of the TPC.

## Applicant's Rebuttal:

Mr. Atkins repeated the complaint that TPC did not follow the zoning ordinances and the Comprehensive Plan on review of this project in approving a COA.

## **Board Action:**

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the Appeal of Certificate of Appropriateness on apartments, and **APPROVE** the Certificate of Appropriateness from the TPC.

Lot 8, Block 23, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

## \* \* \* \* \* \* \* \* \* \* \* \*

## Case No. 19475

## Action Requested:

Variance to allow two dwelling units on one lot of record (zoned RS-2). SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD — Use Unit 6; and a Variance of the allowable 500 square feet for an accessory building to 2,399 square feet. SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions, located 2660 S. Boston.

#### Presentation

Ron Barnes, 2660 S. Boston, stated he is the owner of the property and Mr. Seward is the builder. He referred to the site plan (Exhibit C-1) that was provided in the application. He stated the property is about two acres. They propose to build a garage with an apartment upstairs for elderly parents. The plans include full bathroom and kitchen facilities. The garage/apartment would be detached from the house because of a storm sewer on the south. The garage would be narrow on the front because of the limitation of the property line and storm sewer right-of-way and deeper for access to the apartment. He added that he would be back for more relief for added height of the structure.

## Interested Parties:

There were no interested parties who wished to speak.

## **Board Action:**

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance to allow two dwelling units on one lot of record (zoned RS-2); and a Variance of the allowable 500 square feet for an accessory building to 2,399 square feet, per plan, on condition that no rental separate from the house, finding the lot is substantially larger than other lots in the area, storm sewer line making attaching the dwelling units impossible; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; and to CONTINUE this case for additional relief, regarding the following described property:

Portions of Block 17, Third Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Beg. at point on the Wly boundary of said Block 17, 143.38' from the NW/c thereof; thence N 89°50'42" E a distance of 156.53'; thence S 64°16'51" W a distance of 159'58" to a point on the Wly boundary of said Block 17, 87.57' from the SW/c thereof; thence N 10°30'20" W along the Wly boundary of said Block 17 a distance of 70.00' to the POB and Beg. at the NE/c of said Block 17; thence due S along the Ely boundary of said Block 17 a distance of 159.69' to a point 134.54' from the SE/c thereof; thence N 89°31'25" W a distance of 120.00'; thence due N a distance of 19.14'; thence S 89°50'42" W a distance of 336.53' to a point on the Wly boundary of said Block 17, 157.57' from the SW/c thereof; thence N 10°30'20" W along the W boundary of said Block 17, a distance of 143.38' to the NW/c thereof; thence S 89°56'19" E along the Nly boundary of said Block 17, a distance of 482.67' to the POB.

## \* \* \* \* \* \* \* \* \* \* \*

#### Case No. 19476

## **Action Requested:**

Special Exception to allow a manufactured home in an RS-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS—Use Unit 6, 9; a Special Exception to extend one year time limit indefinitely. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; and a Variance to allow three dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD and SECTION 404.E.2. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 17420 E. 11<sup>th</sup> St.

### Presentation:

Nury Rivera, 17420 E. 11<sup>th</sup> St., stated to the Board that she purchased a new mobile home to replace an old one on the property. She admitted that she did not

CACE NO. 9475

OFFICIAL RECORDS EXHIBIT

ENTERED IN THE 11-2652

MINUTES OF THE TULSA BOARD OF

ADJUSTMENT.

## Presentation:

Staff requests a continuance to July 10, 2018 due to additional relief needed.

## Interested Parties:

There were no interested parties present.

## Comments and Questions:

## **Board Action:**

On **MOTION** of **BOND**, the Board voted 3-0-1 (Bond, Ross, Van De Wiele "aye"; no "nays"; Back "abstaining"; none absent) to **CONTINUE** the request for a <u>Special Exception</u> to allow a dynamic display in an RS-4 District (Section 60-050.B) to the July 10, 2018 Board of Adjustment meeting; for the following property:

ALL BLKS 19 & 20 & W/2 VAC BOSTON AVE ADJ BLKS 19 & 20 & VAC KING ST ADJ BLK 19 & 20 & N/2 VAC JASPER ST ADJ ON S BLK 20; LTS 17 THRU 22 & S/2 VAC JASPER ST ADJ ON N & E7 PRT ADJ TO ALLEY LESS S29.5 LT 17 FOR ST BLK 21; ALL BLK 2 & E/2 VAC BOSTON AVE ADJ BLKS 2 & 3 & VAC KING ST ADJ BLKS 2 & 3 LESS E40 THEREOF & ALL BLK 3 LESS E40 LT 1 & LESS LT 24 BLK 3 & N/2 VAC JASPER ADJ ON S BLK 3; LTS 1 THRU 6 & S/2 VAC JASPER ST ADJ ON N & W/2 VAC BOSTON AVE ADJ ON E & W7 PRT ADJ TO ALLEY LESS S29.5 LT 6 FOR ST BLK 21; LTS 1 - 24 & S/2 VAC JASPER ST ADJ ON N LESS E12 BLK 4, KIRKPATRICK HGTS, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## 22455—Laquinnia Lawson

FILE COPY

## Action Requested:

Variance to reduce minimum required front street setback from 30 feet to 25 feet (Section 5.030-A). LOCATION: 1 East 26<sup>th</sup> Place South (CD 4)

## Presentation:

Thea and Laquinnia Lawson, 1 East 26<sup>th</sup> Place, Tulsa, OK; stated they purchased the subject property from the Kaiser Foundation in 2012. The information from the survey they had performed does not match the current City Code setbacks. The lot is unusual as it is the corner of 26<sup>th</sup> Place and Riverside Drive, which means there is an additional setback requirement on the west side of the property. The proposed house is planned to be oriented toward Riverside Drive even though the address reflects 26<sup>th</sup> Place. There are no plans to erect any other fencing other than the one along Riverside Drive so the space will be open to the neighborhood. The only portion of the house that will be over the original 20-foot setback will be an area that is 17 feet long and one story.

Mr. Van De Wiele asked Ms. Lawson what that structure will be. Ms. Lawson stated that it is a master closet.

## FILE COPY

## BOA-22455

The main portion of the house will have a setback of 33 feet. Current tree placement was taken into consideration when designing the house; six mature trees will remain. Today's request is identical to a Minor Special Exception requested for a front yard setback, which was approved for a house located at 32 East 26<sup>th</sup> Street; BOA-22178.

**Interested Parties:** 

Roberta Clark, 16 East 26th Place, Tulsa, OK; stated she lives across from the subject property, and she owns the property located at 20 East 26th Place. She has lived in the neighborhood for 30 years. There was a historic house on the subject property that was built approximately 1924. The house was purchased by Kaiser through Peter Walters and because of the lack of proper maintenance the house was razed. Several years later Mr. Walters organized the sale of the property at an auction and it was purchased by a contractor. That contractor was going to build a house that was outside of the setbacks and he came to the Board of Adjustment requesting a Variance that was denied. The contractor sold the subject property and the current owners now have the lot. Ms. Clark stated that she knows the current owners fully investigated widening of Riverside Drive prior to their purchase therefore they understood the setbacks. Ms. Clark stated that each setback should remain as the current setbacks because the Board of Adjustment should be consistent. The prior owners were not entitled to a Variance. There are three or four houses on the same side of the street that will be razed and become new construction in the future. By changing the setback, the Board will be affecting the historic neighborhood. The current owners were well aware of the setbacks, and she feels as a landowner and someone who has lived in Maple Ridge for 30 years setbacks should not be changed because of what it will do in the future to other properties. Ms. Clark stated that the Board of Adjustment should be consistent for the benefit of the neighborhood. The previous Board recognized the impact and denied a request. If the rules are broken on this lot, then the neighborhood is possibly looking at breaking the rules on two lots a few doors down. Changing the rules destroys the integrity of this historic neighborhood forever. Ms. Clark respectively requests the Board honor the previous Board's decision and not allow this Variance.

**Barbara Cox,** 10 East 26<sup>th</sup> Street, Tulsa, OK; stated her property backs up to the subject property. Ms. Cox stated the neighborhood is on the register of National Historic Places and she asks the Board to look out for the neighborhood. This house will stick out in front of all the other neighborhood houses and they will no longer be in a straight line. Ms. Cox is against the Board changing the rules in the neighborhood.

Mr. Van De Wiele asked staff what the setbacks are for RS-2 zoning. Ms. Miller stated with the new code it is street setbacks not front or side setbacks, so it no longer matters what is designated as the front. Ms. Ulmer stated that it is 30 feet from a non-arterial street and 35 feet from an arterial street.

Rebuttal:

Laquinnia Lawson came forward and stated that he purchased the subject property six years ago. Anything that is built on the lot will change the character of the



neighborhood simply because the lot has been empty for so long. This request is for a five-foot allowance which is allowed by Code for an area that is 17 feet wide. The primary main portion of the house is 30 feet back in spite of an error in the original plans. Mr. Lawson stated that he always intended to push the house back as far as possible. There are a lot of things happening in the City and he believes what is happening at the river and the park are all positive. This Minor Special Exception will not change the character of the neighborhood, and this neighborhood is in transition. This will not be a detriment to the neighborhood. It will not impair the use of the neighborhood. This house will be built in the spirit of Maple Ridge.

Ms. Miller stated there is a section in the new zoning code that allows the Development Administrator can assign the front or the side of a property.

## **Comments and Questions:**

Ms. Ross stated that she believes this should be approved, because the zoning code has changed since the survey was done. As far as the contractor that was previously denied she believes it was a larger setback being sought instead of the subject five feet. Ms. Ross stated that history proves the Board has approved several setbacks before, ranging from 20 feet to 1.6 feet, so she does not see any reason to deny this request.

Ms. Back agreed with Ms. Ross. Ms. Back stated that it is a little frustrating to see that the master bedroom closet is what is causing the challenge; it could have been placed to the other side. Ms. Back stated she will support the request if someone can come up with a hardship.

Mr. Bond stated that he is the former President of the neighborhood association, and he does not believe this will impair his judgement in looking at this subjectively. Mr. Bond stated that the Board does this regularly and he agrees with Ms. Clark that the Board has to be consistent. This is what the Board consistently does. Mr. Bond stated that he is inclined to support this request.

Mr. Van De Wiele stated this is not a circumstance of the mass of the building being brought forward. The Variance request that was previously mentioned was in 2005, and it was a request to go from 25 feet to 15 feet. Mr. Van De Wiele stated that he does not see this being intrusive on the neighborhood.

## **Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a <u>Variance</u> to reduce minimum required front street setback from 30 feet to 25 feet along East 26<sup>th</sup> Place South (Section 5.030-A), subject to conceptual submitted today, sheet A-100. The Board finds the hardship to be the shape of the lot, being a corner lot bordering a major arterial and a minor arterial, and the front of the house being established on 26<sup>th</sup> Place. The approval is conditioned upon the structure that encroaches into the setback being 17'-0" wide x 5'-0" deep and one story in height as disclosed by the applicant



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

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

b. That literal enforcement of the subject zoning code provision is not necessary

to achieve the provision's intended purpose;

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

d. That the alleged practical difficulty or unnecessary hardship was not created or

self-imposed by the current property owner;

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

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

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

comprehensive plan; for the following property:

LT 8 BLK 13, RIVERSIDE DRIVE ADDN THIRD AMD, City of Tulsa, Tulsa County, State of Oklahoma

## 22456—KKT Architects - Nicole Watts

Action Requested:

Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050-A). LOCATION: 112 South Elgin Avenue East (CD 4)

Ms. Back recused and left the meeting at 1:31 P.M.

Presentation:

Nicole Watts, KKT Architects, 2200 South Utica Place, Tulsa, OK; stated the subject property is in the CBD District downtown, and there is not R District within 300 feet of the location.

Mr. Van De Wiele stated the Board is possession of the revised spacing verification that was presented today.

**Interested Parties:** 

There were no interested parties present.

**Board Action:** 

On **Motion** of **Henke**, the Board voted 3-1-0 (Stephens, Henke, Stead "aye"; Dunham "nay"; no "abstentions"; no "absences") to **APPROVE** a **Special exception** to permit a temporary construction facility - Use Unit 2 - adjacent to the Oklahoma Dept of Transportation Hwy 75 & 71st Street construction project - Section 801, with conditions: for the temporary batch plant to operate until May 31, 2006, limited to the 71<sup>st</sup> and Yale project, and the Highway 75 - 71<sup>st</sup> Street ODOT project, to include reclamation of the subject property with vegetation be strictly followed, per plan, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

PRT NW BEG 243.38W & 75S NEC NW TH S2565 W208.39 N TO SL R/W NELY TO PT E194.62 POB SEC 11 18 12 12.27AC, W251.46 SW NE & E243.38 NW LESS N75 THEREOF FOR RD SEC 11 18 12 21.95AC, BEG 2310W & 75S SEC NEC NE TH S1245 W330 N1245 E330 POB SEC 11 18 12 9.43AC, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

## Case No. 20111

## **Action Requested:**

Variance of the rear yard setback from 25 ft to 15 ft for the construction of a new dwelling - Section 403, located: 1 East 26<sup>th</sup> Place South.

#### Presentation:

Bill Thrutchley, 605 East Quinton Street, Broken Arrow, Oklahoma, stated he is co-owner of Alpha and Omega Homes and Restoration. They remodel or restore older homes and build new homes. He submitted a packet, including a site plan, photographs and artist sketches (Exhibits C-1 through C-3). They purchased an older home on the subject property. They determined the integrity was too poor to remodel and they removed it. They proposed to build a new home to capture the charm and beauty of the neighborhood and the view of the city. He introduced Jimmy Johnson, the designer they chose.

Mr. Stephens out at 3:10 p.m.

#### Comments and Questions:

Mr. Dunham asked for a hardship that was not self-imposed. Mr. Thrutchley replied the hardship is due to the irregular shape of the lot and the setbacks on all three sides. They are having difficulty building a structure that would adequately replace the old structure.

Mr. Thrutchley continued his presentation stating they attempted to contact all the neighbors in a 300' radius. They found support from the neighbors and some officers of the neighborhood association.

## Mr. Stephens returned and Mr. Henke stepped out at 3:14 p.m.

Mr. Thrutchley stated they would rebuild the privacy fence but they had not decided on the materials. They proposed to face the house on Riverside and change the driveway to enter from 26<sup>th</sup> Place.

## Mr. Henke returned at 3:17 p.m.

Mr. Thrutchley reiterated that this is a large corner lot with an irregular shape and unusual setbacks for a City corner lot.

## Interested Parties:

**Greg Jennings**, 2260 South Troost, objected to the scale of this house. He showed photographs (Exhibit C-4) that show the inappropriateness of this proposed house compared to the smaller homes surrounding it. He pointed out the drawings cut into the site distance triangle. He stated that they bought the property with the current setbacks and this is a self-imposed hardship. He spoke with some of the neighbors and some did not care for it.

## Applicant's Rebuttal

The applicant had provided new plans showing 5,400 square feet. The original house plan had 6,000 square feet. The house that was removed from the property was 4,800 square feet.

## **Board Action:**

On Motion of Stead, the Board voted 4-0-0 (Dunham, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Variance of the rear yard setback from 25 ft to 15 ft for the construction of a new dwelling - Section 403, finding a lack of hardship, on the following described property:

LT 8 BLK 13, RIVERSIDE DRIVE ADDN THIRD AMD, City of Tulsa, Tulsa County, State of Oklahoma

## \* \* \* \* \* \* \* \* \* \* \* \*

## Case No. 20112

## Action Requested:

Special Exception to permit tent sales not to exceed 180 days per calendar year for a period of five years -- Section 1202.B. -- Use Unit 2, located: 4909 East 41<sup>st</sup> Street South.

#### Presentation:

**Kelly Jones**, 8998 South Sheridan, submitted a copy of the building permit (Exhibit D-1).

### Case No. 15607

### Action Requested:

Variance to reduce the lot area requirement from 9000 sq ft to 8500 sq ft; and variance to reduce the rear yard from 25' to 20' - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6. Both variances to permit Lot Split L-17328, located SW/c East 26th Place South and South Boston Avenue.

### Presentation:

The applicant, Ted Sack, 110 South Hartford, Suite 131, Tulsa, Oklahoma, stated that the property in question was purchased in 1990, and a lot split was subsequently approved by the Planning Commission A plat (Exhibit A-4) was submitted. The applicant informed that the sanitary sewer (Exhibit A-3) was relocated around the newly created lot to the south after the lot split approval. Mr. Sack pointed out that the garage of the existing duplex, which was removed from the property, was located near the rear boundary line, as are other existing garages in the area. He explained that the curvature of the street at the northeast corner of the property causes the entire tract to be 36 sq ft short of the Code requirement for two 9000 sq ft lots. He pointed out that the radius on the corner would only have to be reduced by 1.7' to acquire the needed lot area. A plot plan (Exhibit A-2) for two proposed dwellings was submitted. Mr. Sack informed that the south lot compiles with the iot area requirement if the lot line is moved 5' further to the north, and asked the Board to approve a reduction of 36 sq ft for the north lot, along with a 5' reduction of the rear yard setback for each lot. He pointed out that the 100' depth of the lots, and the curvature of the street on the north lot constitute a hardship for the variance requests.

## Protestants:

Pierre Anderson, 2661 South Boston Avenue, Tulsa, Oklahoma, stated that the only change in the plans that were originally submitted were minor architectural changes. He stated that the neighborhood is concerned with the distance between the two proposed structures, and the fact that they will be too close to the lot lines. Mr. Anderson stated that the houses will have garages in front and will be completely out of character with the Boston Avenue homes. He pointed out that the proposed homes are too large to place on the small lots; however, the plans could have been revised to address some of the issues that concern the neighborhood. Photographs (Exhibit A-5) of the surrounding area were submitted.

Ms. White noted that there are a variety of lot sizes on Boston Avenue, and asked Mr. Anderson if his main objection to the project is the architecture of the houses and the placement of the garages.

Mr. Anderson stated that he is not concerned with the architecture, but the placement of the garage is a definite concern.

### Action Requested:

Variance to reduce the lot area requirement from 9000 sq ft to 8500 sq ft; and variance to reduce the rear yard from 25' to 20' - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6. Both variances to permit Lot Split L-17328, located SW/c East 26th Place South and South Boston Avenue.

## Presentation:

The applicant, Ted Sack, 110 South Hartford, Suite 131, Tulsa, Oklahoma, stated that the property in question was purchased in 1990, and a lot split was subsequently approved by the Planning Commission A plat (Exhibit A-4) was submitted. The applicant informed that the sanitary sewer (Exhibit A-3) was relocated around the newly created lot to the south after the lot split approval. Mr. Sack pointed out that the garage of the existing duplex, which was removed from the property, was located near the rear boundary line, as are other existing garages in the area. He explained that the curvature of the street at the northeast corner of the property causes the entire tract to be 36 sq ft short of the Code requirement for two 9000 sq ft lots. He pointed out that the radius on the corner would only have to be reduced by 1.7' to acquire the needed lot area. A plot plan (Exhibit A-2) for two proposed dwellings was submitted. Mr. Sack informed that the south lot complies with the lot area requirement if the lot line is moved 5' further to the north, and asked the Board to approve a reduction of 36 sq ft for the north lot, along with a 5' reduction of the rear yard setback for each lot. He pointed out that the 100' depth of the lots, and the curvature of the street on the north lot constitute a hardship for the variance requests.

## Protestants:

Pierre Anderson, 2661 South Boston Avenue, Tulsa, Oklahoma, stated that the only change in the plans that were originally submitted were minor architectural changes. He stated that the neighborhood is concerned with the distance between the two proposed structures, and the fact that they will be too close to the lot lines. Mr. Anderson stated that the houses will have garages in front and will be completely out of character with the Boston Avenue homes. He pointed out that the proposed homes are too large to place on the small lots; however, the plans could have been revised to address some of the issues that concern the neighborhood. Photographs (Exhibit A-5) of the surrounding area were submitted.

Ms. White noted that there are a variety of lot sizes on Boston Avenue, and asked Mr. Anderson if his main objection to the project is the architecture of the houses and the placement of the garages.

Mr. Anderson stated that he is not concerned with the architecture, but the placement of the garage is a definite concern.

Case No. 15607 (continued)

Ms. Bradley pointed out that there are 50° lots across the street on 26th Place.

Pat Foxx, 116 East 26th Place, Tulsa, Oklahoma, who submitted a layout of the area (Exhibit A-1), stated that he lives to the east of the subject property and feels the architectural design of the homes is appropriate for the neighborhood. He informed that he is in the business of shoehorning developments on small lots; however, the variances requested in this case will make the property comparable to RS-3 zoning. He pointed out that the existing houses on the south side of 26th Place, on an average, are approximately 40' from the property line, and the houses in question will be constructed at a 25' setback.

Daniel Hitzman, 32 East 26th Place, Tuisa, Oklahoma, stated that he lives to the west of the property in question, and the two proposed dwellings will be immediately adjacent to his lot. He pointed out that, in the past, only the garage for the duplex was less than 20' from the boundary line; however, the character of the lot would greatly change if two dwellings were constructed within 20' of his property.

Ms. Bradley remarked that the proposed construction will not align with the houses on Boston Avenue or 26th Place.

Mr. Gardner noted that a house could be constructed on the north lot to within 5' of Mr. Hitzman's property, with the western portion of the lot being designated as the side yard.

In response to Mr. Bolzle, Mr. Hitzman stated that he would be opposed to similar construction if it was taking place on the northeast corner of Boston Avenue and 26th Place.

Mr. Fuller remarked that the proposed construction will be closer to the street than other homes in the area.

Ms. White pointed out that the homes can be constructed 25' from the property line by right.

Mr. Gardner advised that the applicant would have two residential lots that comply with Code requirements, except for the curvature of the street on the north lot. In regard to the rear yard setback, he pointed out that the lots are only 100' deep, which is exceptionally shallow for a residential area.

## Case No. 15607 (continued)

Mr. Sack pointed out that the front yard setback complies with Code requirements, and the actual distance from the curb to the house will be consistent with RS-2 zoning. He stated that the sewer was relocated in good faith, and the house on the south lot could be moved 5' to the north, which would be up to the sewer easement.

In response to Mr. Bolzie, Mr. Sack stated that the house on the north lot could face 26th Place and extend to within 5' of the west property line.

Ms. Hubbard noted that a detached garage like those in the neighborhood would require a longer driveway, and a variance of livability space would probably be needed.

Mr. Bolzle inquired as to the size of the proposed dwellings, and Mr. Sack replied that they will contain approximately 3000 sq ft of floor space.

### Protestants:

Margaret Pray, 105 East 26th Place, Tulsa, Oklahoma, stated that the location of the garage is a neighborhood concern, and suggested that the garage be moved to the rear of the lot. She pointed out that the house could then be moved further back on the lot.

Bob Duenner, PO Box 701500, Tulsa, Oklahoma, stated that he previously lived in the area, and the area has nice houses and large lots. He pointed out that, regardless of the required zoning, the proposed project will be detrimental to the neighborhood.

#### Applicant's Rebuttal:

Mr. Sack stated that the rearrangement of the house on the lot would not allow the installation of a small pool next to the patio. He informed that a 11' utility easement is also required, which would also prevent any change in the placement of the house.

Mr. Jackere pointed out that there are two variances to be considered in this issue and, if the curvature of the street is found to be a hardship for granting a variance on the north lot, one part of the application can be approved and the other denied.

## Board Action:

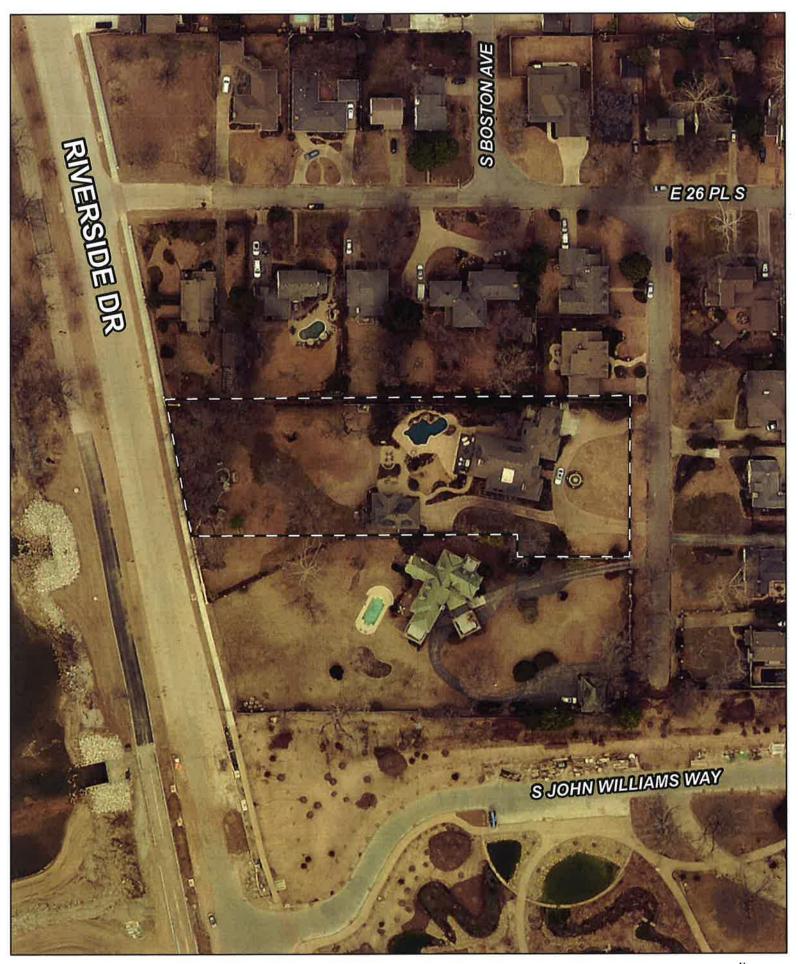
On MOTION of FULLER, the Board voted 3-1-0 (Bradley, Fuller, White, "aye"; Bolzle, "nay"; no "abstentions"; Chappelle, "absent") to DENY a Variance to reduce the lot area requirement from 9000 sq ft to 8964 sq ft; and to DENY a Variance to reduce the rear yard from 25' to 20' - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; finding that the proposed structures will not align with the existing homes along Boston Avenue and 26th Place, and the granting of the requests will be detrimental to the neighborhood; on the following described property:

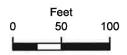
Lot 5, Block 16, Third Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, Oklahoma.





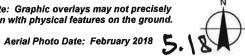
Note: Graphic overlays may not precisely align with physical features on the ground.







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



## LOD 975865-1 Apl # 408222



My Copy

December 30, 2016

Mr. Ron Barnes 1648 South Boston Avenue Tulsa, Oklahoma 74119

RE:

2660 South Boston Avenue; Sound Barrier Wallace Project No. 1611772

valiace i Toject No. 1011/72

Mr. Barnes:

## Summary

Wallace Engineering has analyzed the sound barrier on the Riverside Drive side of the referenced property in accordance with the requirements of AASHTO's Guide Specifications for Structural Design of Sound Barriers and have found the as-built construction to be adequate to resist the required loads.

Wallace Engineering's scope of services was limited to structural analysis of the as-built sound barrier and did not include any planning, zoning, surveying, or other site or civil engineering services.

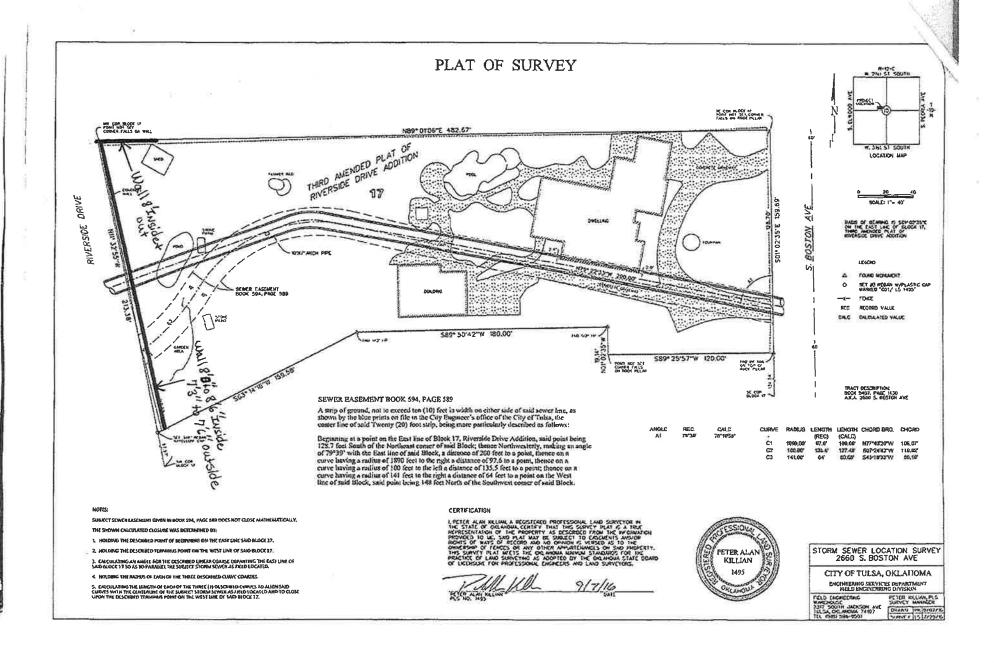
#### Analysis

As you know, Wallace Engineering did not design and detail the sound barrier, did not observe the construction, and has not performed an inspection/investigation of the as-built sound barrier. Our analysis is based solely on the description of the as-built configuration and components of the sound barrier that you provided to us. Our understanding of the as-built configuration and components is given below and as shown on the accompanying sketches. The analysis is not valid if the sound barrier as-built configuration and components vary from that described below and as shown on the attached sketches. Notarized affidavits from the contractor confirming the as-built construction is consistent with the following description and accompanying sketches must be provided for the analysis to be considered valid.

As stated above, the sound barrier was analyzed in accordance with the requirements of AASHTO's Guide Specifications for Structural Design of Sound Barriers. The wind pressure for the sound barrier was determined to be 17.23 pounds per square foot. The sound barrier wall, pilasters and foundation have the capacity to resist this wind pressure with little to no excess capacity.

No geotechnical investigation was done for this project, so the requirements of table 1806.2 of the 2015 edition of the International Building Code were used. Because the soil prevalent in this area is a mix of clay, sand and silt, the bearing pressure for the footings was determined to be in the range of

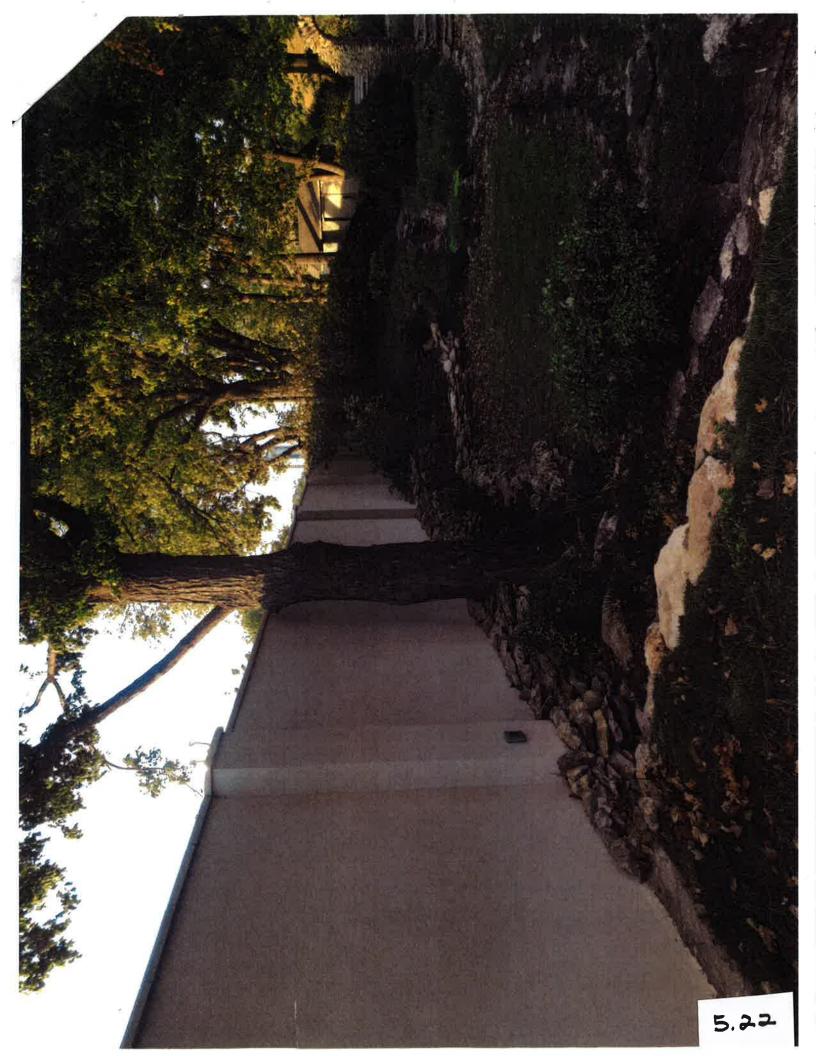
Wallace Engineering Structural Consultants, Inc. 200 East Brady Street Tulsa, Oklahoma 74103 918.584.5858, Fax 918.584.8689 www.wallacesc.com



#### PLAT OF SURVEY NE COR. BLOCK 17 POINT NOT SET, CORNER FALLS ON ROCK PRILAR NW COR, BLOCK 17 POINT NOT SET CORNER FALLS ON WALL N89\* 01'06"E 482.67" THIRD AMENDED PLAT OF ADDITION RIVERSIDE DRIVE ADDITION W. 31st ST SOUTH LOCATION MAP SCALE: 1"= 40" DRIVE AVE I BASIS OF BEARING IS SON 02'35'E ON THE EAST LINE OF BLOCK 17, 1MRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION DWELLING BOSTON RIVERSIDE NOVY 7' ARCH PIPE LEGEND N79" 22"33"W. 200,00 FOUND MONUMENT SET #3 REBAR W/PLASTIC CAP MARKED "COT/ LS 1495" RECORD VALUE CALCULATED VALUE 589\* 50'42"W 180.00" FND:1/2117 GARDEN AREA S89\* 25:57"W 120.00" SE COR. SEWER EASEMENT BOOK 594, PAGE 589 A strip of ground, not to exceed ten (10) feet in width on either side of said sewer line, as shown by the blue prints on file in the City Engineer's office of the City of Tulsa, the center line of said Twenty (20) foot strip, being more particularly described as follows: RADIUS LENGTH LENGTH CHORD BRG. CHORD ANGLE REC CALC. CURVE Beginning at a point on the East line of Block 17, Riverside Drive Addition, said point being 128.7 feet South of the Northeast corner of said Block; thence Northwesterly, making an angle of 79°39' with the East line of said Block, a distance of 200 feet to a point, thence on a curve having a radius of 1890 feet to the right a distance of 97.6 to a point, thence on a curve having a radius of 100 feet to the left a distance of 135.5 feet to a point; thence on a curve having a radius of 141 feet to the right a distance of 64 feet to a point on the West line of said Block, said point being 148 feet North of the Southwest corner of said Block. 79\*39 78\*19'58" (BEC) (CALC) C1 1890.00 97.6 169,09 C2 135,5' 127.48 S67-24'43"W 119.02 109.00 СЗ S43\*18'33"W 60.19 CERTIFICATION NOTES: I, PETER ALAN MILIAM, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ONL HOMA CERTEY. THAT THIS SURVEY PLAT IS A TRUE REPRESENTATION OF THE PROPERTY AS DESCRIBED FROM THE IN ORMATION PROVIDED TO ME, SAD PLAT MAY BE SUBJECT TO EASEMENTS AND/OR RIGHTS OF MAYS OF RECORD AND NO PROVIDE IS MERSED AS TO THE OWNERSHIP OF FENCES OR ANY OTHER APPLIETENANCES ON SUP PROPERTY. THIS SURVEY PLAT MEETS THE ORLANDIA MINIMAL STATE BOARD OF LICENSURE FOR PROFESSIONAL EMBRERS FOR THE ORLANDIA STATE BOARD OF LICENSURE FOR PROFESSIONAL EMBRERS AND LAND SURVEYORS. SUBJECT SEWER EASEMENT GIVEN IN BOOK 594, PAGE 589 DOES NOT CLOSE MATHEMATICALLY. THE SHOWN CALCULATED CLOSURE WAS DETERMINED BY: 1. HOLDING THE DESCRIBED POINT OF BEGINNING ON THE EAST LINE SAID BLOCK 17. STORM SEWER LOCATION SURVEY 2660 S. BOSTON AVE PETER ALAN 2. HOLDING THE DESCRIBED TERMINUS POINT ON THE WEST LINE OF SAID BLOCK 17. KILLIAN 3. CALCULATING AN ANGLE FOR THE DISCRIBED LINEAR COARSE DEPARTING THE EAST LINE OF SAID BLOCK 1750 AS TO PARALLEL THE SUBJECT STORM SEWER AS FIELD LOCATED. CITY OF TULSA, OKLAHOMA 4. NOLDING THE RADIUS OF EACH OF THE THREE DESCRIBED CURVE COARSES. ENGINEERING SERVICES DEPARTMENT FIELD ENGINEERING DIVISION

FIELD ENGINEERING
WAREHOUSE
2317 SOUTH JACKSON AVE.
TULSA, OKLAHOMA 74107
TEL (1918) 396-9591
SWEYEY ILS 17/28/16

 CALCULATING THE LENGTH OF EACH OF THE THREE (B) DESCRIBED CURVES TO ALIGN SAID CHINES WITH THE CENTERLINE OF THE SUBSECT STORM SEWER AS FIELD LOCATED AND TO CLOSE UPON THE DESCRIBED TERMINIS FORM OF THE WEST LINE OF SAID ROCK 2T.



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



# **DEVELOPMENT SERVICES**

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

# **ZONING CLEARANCE PLAN REVIEW**

LOD Number: 975867-1

November 21, 2016

RON BARNES HOMEOWNER 1648 S BOSTON AV TULSA, OK 74119 Phone: (918)629-8686

**APPLICATION NO:** 

**408222** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

2660 S BOSTON AV E

Description:

**NEW** 

### INFORMATION ABOUT SUBMITTING REVISIONS

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

### **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

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

### **REVIEW COMMENTS**

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

Application No. 408222

2660 S BOSTON AV E

November 21, 2016

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

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

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

**Review Comments-** The proposed masonry fence appears to be 8 feet 6 inches in overall height. You may pursue a special exception per 70.120 from the Board of Adjustment to permit a masonry fence to exceed 8 feet in height from 8 feet to 8 feet 6 inches.

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.

# Ulmer, Amy

From:

Ron Barnes < Ron@barneslawtulsa.com>

Sent:

Sunday, October 14, 2018 5:00 PM

To:

Ulmer, Amy

Subject:

RE: BOA-22527

**Attachments:** 

20181014164729503.pdf

Ms. Ulmer,

I have marked the location of the wall and shown its height both inside and outside. Please note the interior wall height measures from 8' to 8'6". Because the sidewalk and street elevation was raised, the outside height or street side is between 7'3" and 7'6". On the North end it is 8'0" inside and out.

I will be at the meeting 11/13. Let me know if you need anything else?

Thanks,

Ron

**From:** Ulmer, Amy [mailto:aulmer@incog.org] **Sent:** Wednesday, October 10, 2018 1:55 PM **To:** Ron Barnes <Ron@barneslawtulsa.com>

Subject: BOA-22527

Mr. Barnes,

This is regarding your Board of Adjustment application. Will you indicate on the attached exhibit where the wall is located and how tall the wall will be? Thank you.

Amy Ulmer | Land Development Planner

2 West Second Street, Suite 800 Tulsa, OK 74103 918.579.9437 918.579.9537 fax





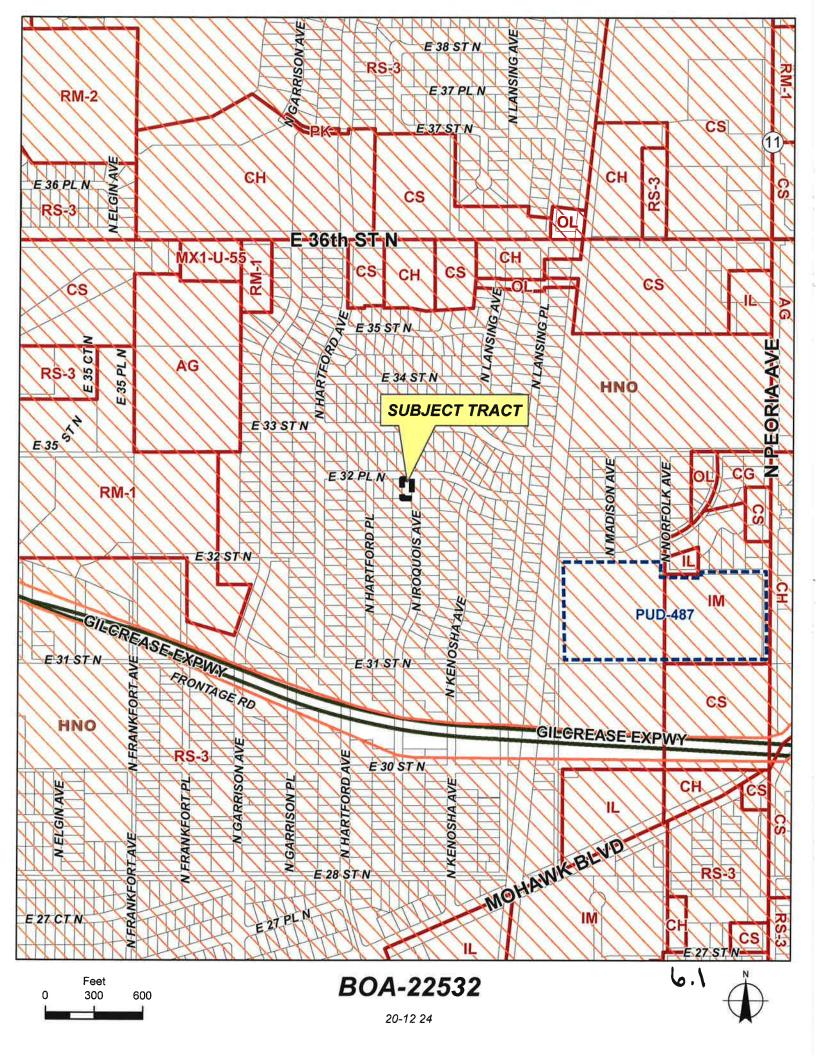
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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 148

Case Number: BOA-22532

**CZM**: 28

CD: 1 A-P#:

**HEARING DATE: 11/13/2018 1:00 PM** 

**APPLICANT:** Justin Pickard

<u>ACTION REQUESTED</u>: Special Exception to allow a duplex in the RS-3 District (Table 5-2.5); Variance to reduce the required lot area and lot area per unit requirement; Variance to reduce the lot width requirement for a duplex use in the RS-3 District (Table 5-3); Variance of the required 25' setback from an adjacent R-district for special exception uses (Table 5-3)

**LOCATION**: 3184 N IROQUOIS AV E **ZONED**: RS-3

PRESENT USE: residential TRACT SIZE: 7440.08 SQ FT

**LEGAL DESCRIPTION:** LT 1 BLK 5, HARTFORD HILLS ADDN

# **RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

An **Existing Neighborhood** 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.

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

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

# **STAFF COMMENTS:**

The applicant is before the Board requesting a special exception to allow a proposed duplex on the subject site. Per the Code, a duplex is defined as a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal

residential buildings. The two dwelling units are attached and may be located on separate floors or side-by-side. A duplex use is by permitted by special exception only in the RS-3 district.

The existing lot is 7440 sq. ft. For a duplex use in the RS-3 district the Code requires a lot area of 9000 sq. ft. and a lot area per unit of 4500 sq. ft. The applicant has requested a variance to reduce the required lot area of a duplex use to 7440 sq. ft. and a variance to reduce the lot area per unit requirement as the duplex has two dwelling units.

For a duplex use, by special exception, in the RS-3 district the Code requires a lot width of 100 ft. The applicant has requested a variance to reduce the lot width requirement for a duplex use in the RS-3 district to 62 ft. as shown on the attached site plan.

The proposed building is on an RS-3 zoned lot and the setback from the south RS-3 zoned lot line is 18' and the west RS-3 zoned lot line is 5'. Per the Code, any uses requiring special exception approval in R zoning districts require a minimum 25' building setback from R-zoned lots occupied by residential uses. The applicant has requested a variance of the required 25' setback from an adjacent R-district for special exception uses (Section 5.030).

The applicant stated that the attached photo of an existing duplex is an example of the type of design/structure they would want to model their proposed duplex after.

# **Sample Motion**

Move	to (approve/deny) a <u>Special Exception</u> to allow a duplex in the RS-3 District (Table
5-2.5	); Variance to reduce the required lot area and lot area per unit requirement; Variance to reduce
the lo	ot width requirement for a duplex use in the RS-3 District (Table 5-3); Variance of the required
25' se	etback from an adjacent R-district for special exception uses (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

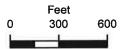
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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."





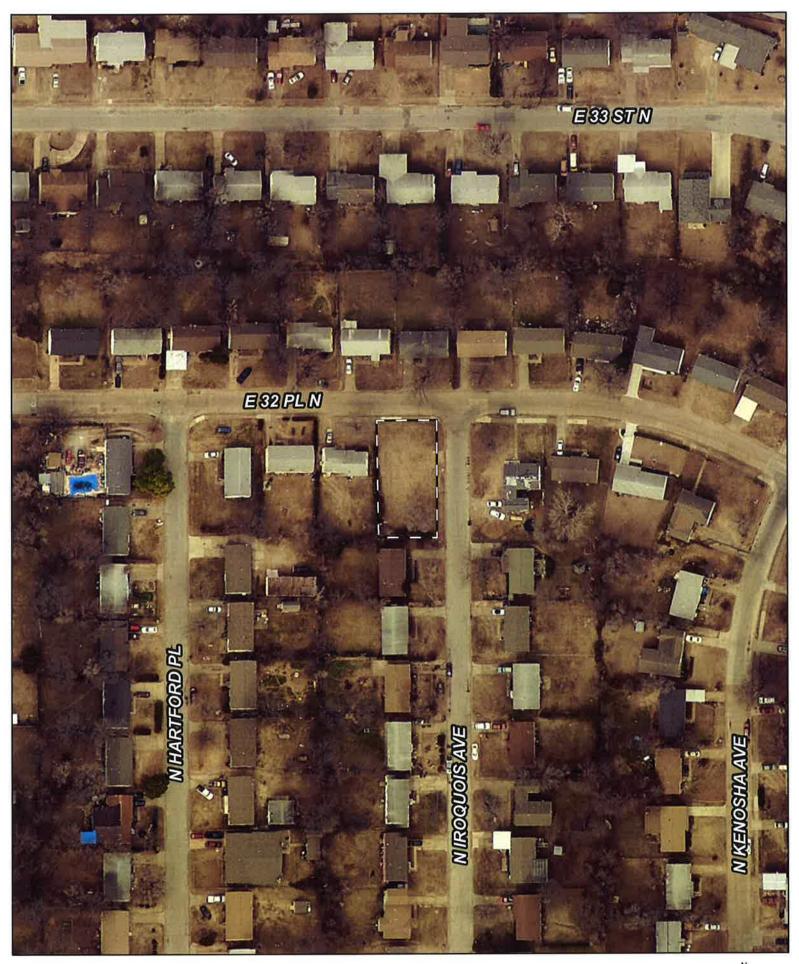


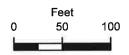
BOA-22532

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









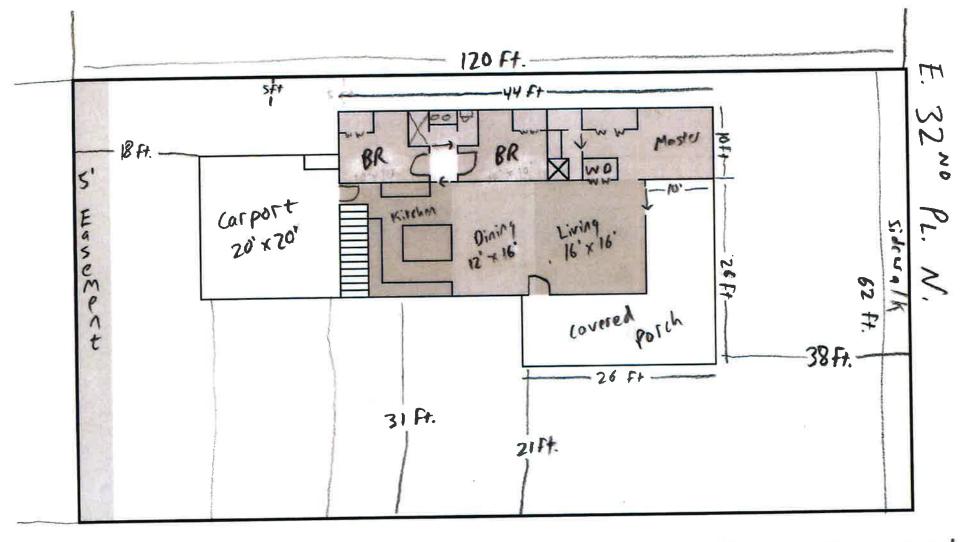


BOA-22532

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

Aerial Photo Date: February 2018





N. IROQUOIS AVE.

**シ**Z

Site Plan For Hart Ford Hills Addn Lot 1, Block 5. 120' x 62'. Downstairs: 1244 Ft.<sup>2</sup> Upstairs: 1144 Ft.<sup>2</sup> Covered Porch: 420 Ft.<sup>2</sup> (asport: 400 ft.<sup>2</sup> 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**

9/12/2018

Justin Pickard Crossover Development

APPLICATION NO: ZCO-008670-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE)

Project Location: 3184 N Iroquois Ave E

**Description:** Duplex

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

(continued)

#### **REVIEW COMMENTS**

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

Application No. ZCO-008670-2018

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. 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:** The proposed duplex requires a special exception in an RS-3 zoned area. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Duplex to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office.

### 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: Per table 15-3 a Duplex by special exception in an RS-3 zoning district is required to have a Minimum lot area 12,000 square feet. You are proposing 7440 sq ft of lot area for this duplex. If you are unable to meet the Minimum lot area requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot area requirements.

**3. 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:** Per table 15-3 a Duplex by special exception in an RS-3 zoning district is required to have a Minimum lot width of 100 feet. You are proposing 62' of lot width for this duplex. If you are unable to meet the Minimum lot area requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required Minimum lot width requirements.

**4. Table 5-3, Footnote [4].** Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.

**Review Comments:** Provide a 25' setback from the south and west property lines or you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required setback requirements abutting an R zoned district.

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

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

### **END -ZONING CODE REVIEW**

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

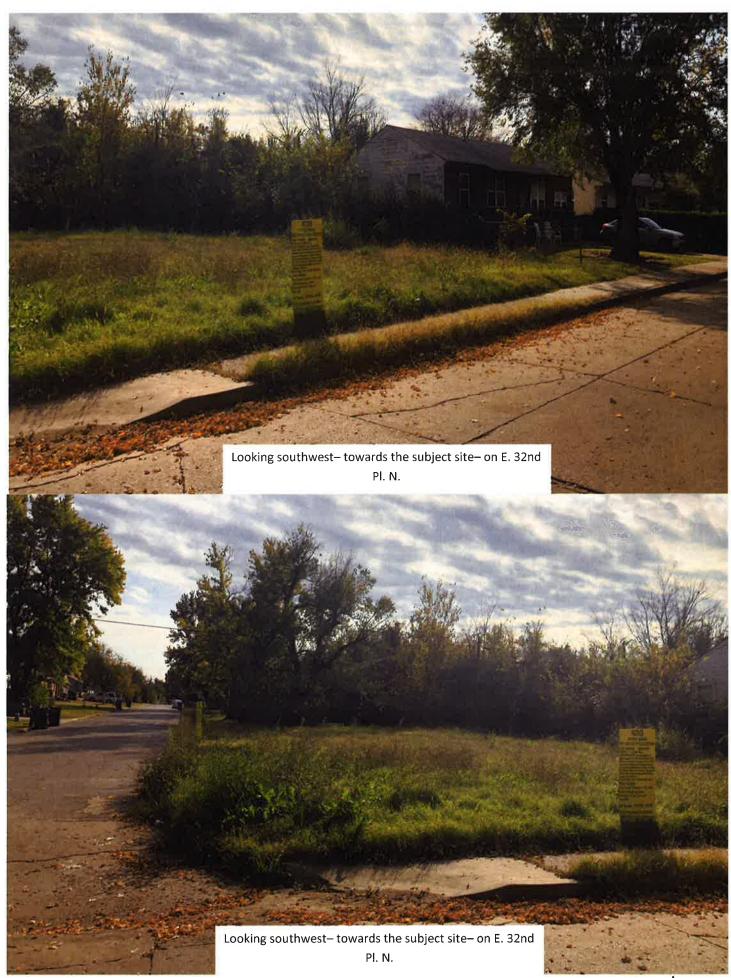
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



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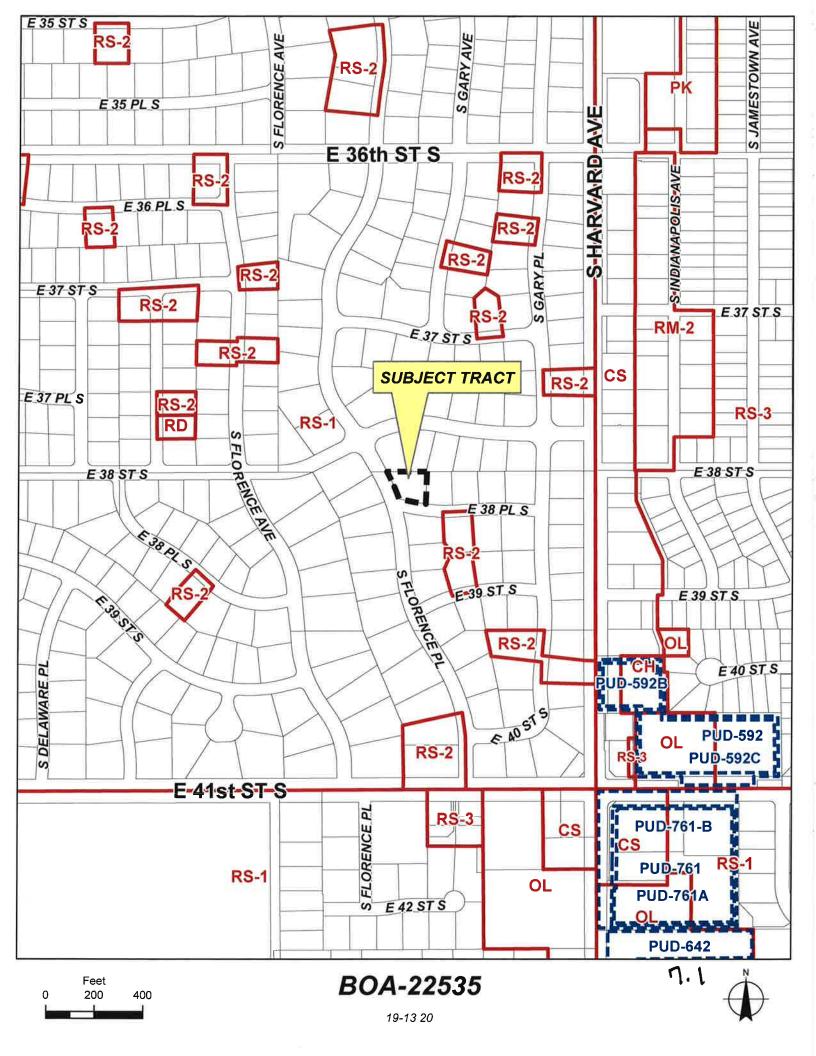
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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9320

Case Number: BOA-22535

**CZM**: 47 **CD**: 9

A-P#:

**HEARING DATE:** 11/13/2018 1:00 PM

**APPLICANT:** Maureen Johnson

<u>ACTION REQUESTED</u>: Special Exception to allow a fence to exceed 8 ft. in height within the required building setbacks and exceed 4 ft. in height within the required street setbacks.(Section 45.080-A)

**LOCATION**: 3151 E 38 PL S

**ZONED**: RS-1

**PRESENT USE:** Residential

**TRACT SIZE**: 16896.99 SQ FT

**LEGAL DESCRIPTION:** LT 5 BK 29, RANCH ACRES B28-35

# **RELEVANT PREVIOUS ACTIONS:**

# **Surrounding Properties:**

**BOA-17297;** on 3.26.96, the Board **approved** a *variance* of the required street setback. Located: 3818 S. Florence Pl.

BOA-15060; on 2.16.89, the Board approved a *variance* of the front setback. Located: 3153 E. 38<sup>th</sup> St

**BOA-6938**; on 3.4.78, the Board **approved** a *variance* of the front setback to permit a porte-cochere. Located: 3860 S. Florene Pl.

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

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

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

REVISED11/7/2018

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is abutting S. Florence Pl. to the south and west; RS-1 zoned residences are located immediately east and north of the site.

# **STAFF COMMENTS:**

As shown in the attached plan the property owner is proposing to build a new privacy fence with a section to be 9 ½ ft in height within the required building and street setback along the northwest side yard of the property. Per the code, fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setback fences may not exceed 4 feet in height (Section 45.080-A). However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots

The Code permits the Board of Adjustment to increase the permitted height through special exception approval. The side (interior) building setback requirement is 5 feet and the street setback requirement is 35 feet for RS-1 zoned lots. The applicant has requested a **Special Exception** to allow a section of the existing fence to exceed 8 feet in height within the required building and side street setback to 9 ½ ft.

# Sample Motion

Move to (approve/deny) a <b>Special Exception</b> to allow a fence to exceed 8 ft. in height within the required building setbacks and exceed 4 ft. in height within the required streed setbacks.(Section 45.080-A)
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions:

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



# Comments and Questions:

Jim Beach asked the applicant if parking space 16 is wider than the standard, applicant answered affirmatively.

Bob Gardner states if the space is wider you can begin your turning movements sooner.

In response to Mr. Gardner, the applicant stated the 16 spaces originally provided 3 spaces at the southwest corner of the site, with the revised plan it will be a single parking space.

Responding to Mr. Beach, the applicant stated the remaining paved area to the north of space 16 will be striped to prevent parking.

Ms. Abbott asked if applicant needed a variance of 24' to 16' with the configuration for the parking space 16, applicant responded affirmatively.

Protestants: None.

# **Board Action:**

On MOTION of ABBOTT, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Variance of the required aisle width for 90° parking spaces from 24′ to 16′ on parking space 16 only. SECTION 1303.A.2.d.(Figure 4) DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 14: per plan submitted with parking area to the north of number 16 being striped to designate no parking; finding slot 16 provides additional turning space and the variance will not be injurious to the area or violate the spirit or intent of the Code; on the following described property:

Lot 1, Block 1, Garnett Place, City of Tulsa, Tulsa County, Oklahoma.

# **NEW APPLICATIONS**

# Case No. 17297

# Action Requested:

Variance of the required setback from the centerline of South Florence Place. from 35' to 22.5' to permit an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; located 3818 South Florence Place.

# Case No. 17297 (continued)

# Presentation:

The applicant, **Jaunita Satterfield**, 1424 Terrace Drive, submitted a plot plan (Exhibit B-1) and requested a front setback from 25' to 22 1/2' to permit an encroachment of the existing dwelling. She stated the building corner encroaches 2 1/2' over the 25' building line. The applicant further stated this is not an alteration, the house was built in 1960 and the encroachment is due to the curve of the street.

# Comments and Questions:

Mr. Gardner stated that this is an example of when the structure was originally built there was a 25' setback on the plat and that was the zoning requirement at that time. He further stated that since that time the requirements have changed, so technically the amount of the variance is whatever the ordinance requires at this point and time. He explained the structure barely encroaches the setback line that was on the plat at the time and she is asking that the title be cleared up to allow this property to remain as it was originally built.

#### Protestants:

None.

# **Board Action:**

On MOTION of WHITE, the Board voted 4-0-0 (Abbott, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to <u>APPROVE</u> a Variance of the required setback from the centerline of South Florence Place. from 35' to 22.5' to permit an existing dwelling. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted, finding the structure was built in 1960 and that approval of the request will not be detrimental to the neighborhood or violate the spirit or intent of the Code; on the following described property:

Lot 12, Block 32, Blocks 28-35 Ranch Acres Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

# Case No. 17323

# **Action Requested:**

Special Exemption to permit a temporary tent for a 7 day period in July or August each year for five years to permit the Gatesway International Balloon Festival. **SECTION 851. PRINCIPAL USES PERMITTED IN THE SCIENTIFIC RESEARCH DISTRICT** - Use Unit 2; located SW/c East 41st Street and South 129th East Avenue.

#### Case No. 15050 (continued)

the Skelly Drive service road; thence S 49°05'00" W along said right-of-way line a distance of 331.31' to a point; thence N 38°02'00" W along said right-of-way line a distance of 47.37' to a point; thence S 51°58'00" W along said right-of-way line a distance of 25.0' to a point, said point being the intersection of the northeasterly right-of-way line of the M K & T Railroad Company and the northeasterly right-of-way line of the Skelly Drive service road; thence N 38°02'00" W along said northeasterly right-of-way line of the M K & T Railroad Company, a distance of 195.0' to a point; thence N 55°34'13" E a distance of 215.01' to a point; thence due east a distance of 215.0' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

# MINOR VARIANCES AND EXCEPTIONS

#### Case No. 15060

#### Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 35' to 23.5' to allow for an existing dwelling in order to clear the title, located 3153 East 38th Street.

### Presentation:

The applicant, Ida Williams, 6550 East 51st Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit D-1) and asked the Board to grant the variance request in order to clear the title for an existing dwelling.

#### Comments and Questions:

Mr. Chappelle asked Ms. Williams if there is to be new construction on the subject property, and she replied that no construction is planned.

#### Protestants: None.

#### Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 23.5' to allow for an existing dwelling in order to clear the title; per survey submitted; on the following described property:

Lot 11, Block 15, Ranch Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

#### 6937 (continued)

Protests:

None.

Board Action:

On MOTION of REEDS, the Board of Adjustment (3-0) granted a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) to waive the height requirements of RM-2 to permit building 78'8" in height as per plot plan exhibited above, on the following described tract:

Commencing at the NE corner of the SE/4 of Section 22, Township 19 North, Range 13 East; thence South along the East line of said Section 22 a distance of 921.81'; thence West a distanct of 50' to the point of beginning; from said point of beginning South a distance of 50'; thence West a distance of 150'; thence South a distance of 330.16'; thence in a Southwesterly direction a distance of 443.59'; thence in a Northwesterly direction a distance of 599.27'; thence North a distance of 218.27'; thence East a distance of 877.64' to the point of beginning.

#### 6938

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the provisions of Section 1470) to waive the front setback requirements of RS-2 to permit the erection of a porte-cochere that will be 24 feet from the front property line, on a tract located at 3860 South Florence Place.

Presentation:

Gene Hoefling stated that this request is to vary the setback approximately one foot and the structure is an open structure.

Protests:

None.

Board Action:

On MOTION of LANGAN, the Board of Adjustment (3-0) granted a Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the provisions of Section 1470) waiving the front setback requirements of RS-2 to permit the erection of a porte-cochere that will be 24' from the front property line, on the following described tract:

Lot 8, Block 32, Ranch Acres Addition to the City of Tulsa, Oklahoma.

3.4.71:78(16)







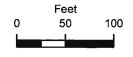
BOA-22535

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

Aerial Photo Date: February 2018









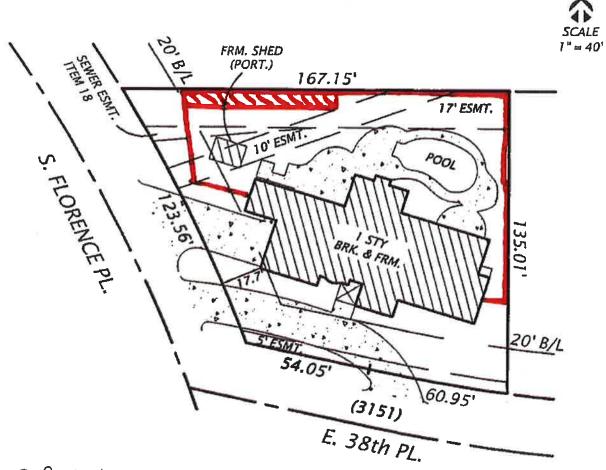
BOA-22535

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

Aerial Photo Date: February 2018 7,9

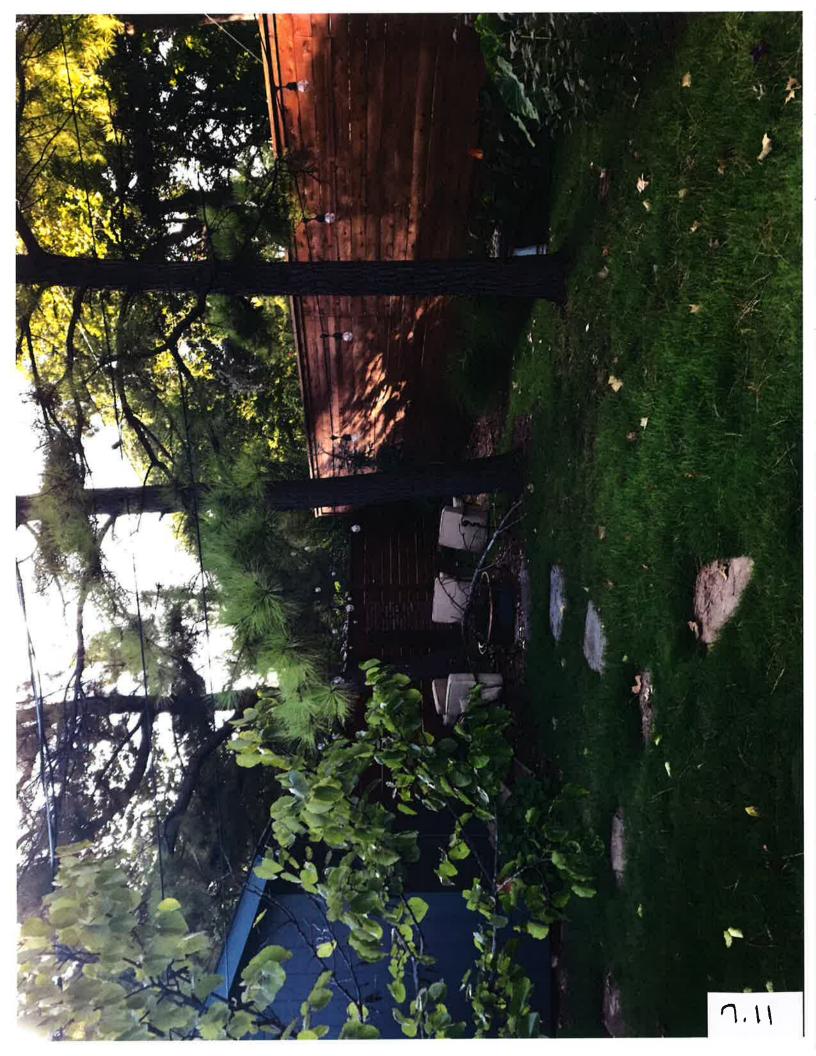


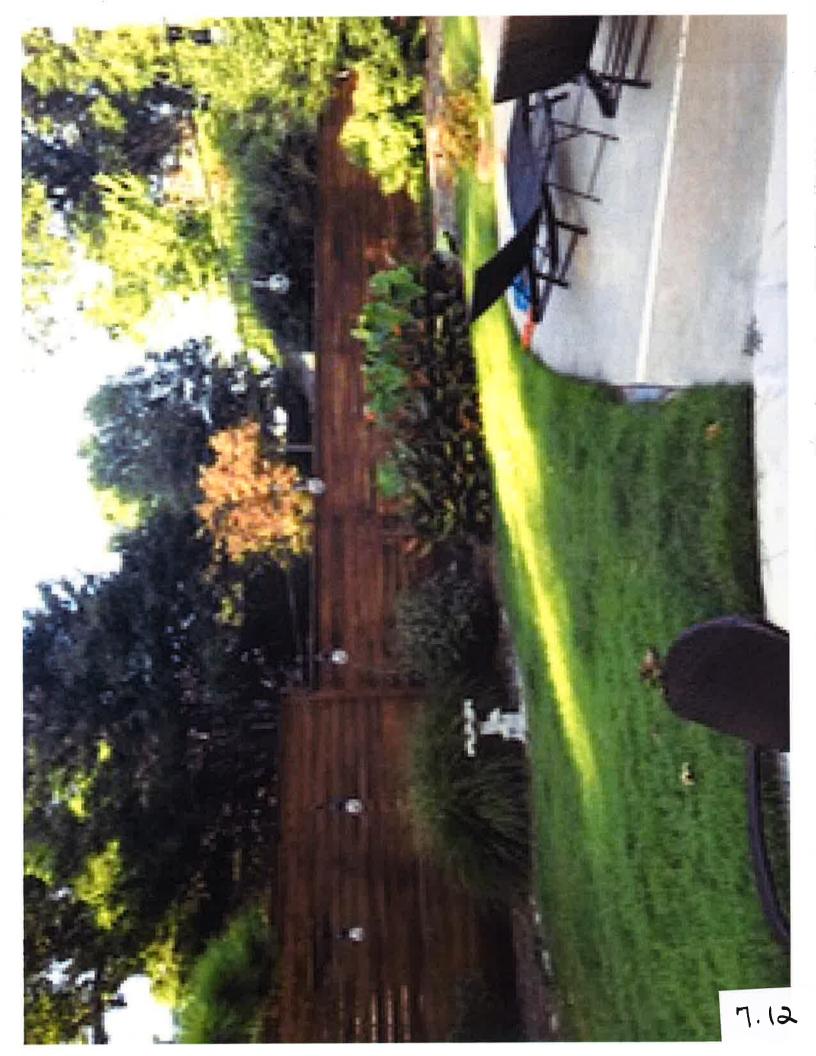
State of Oklahoma, according to the Recorded Plat No. 2111.

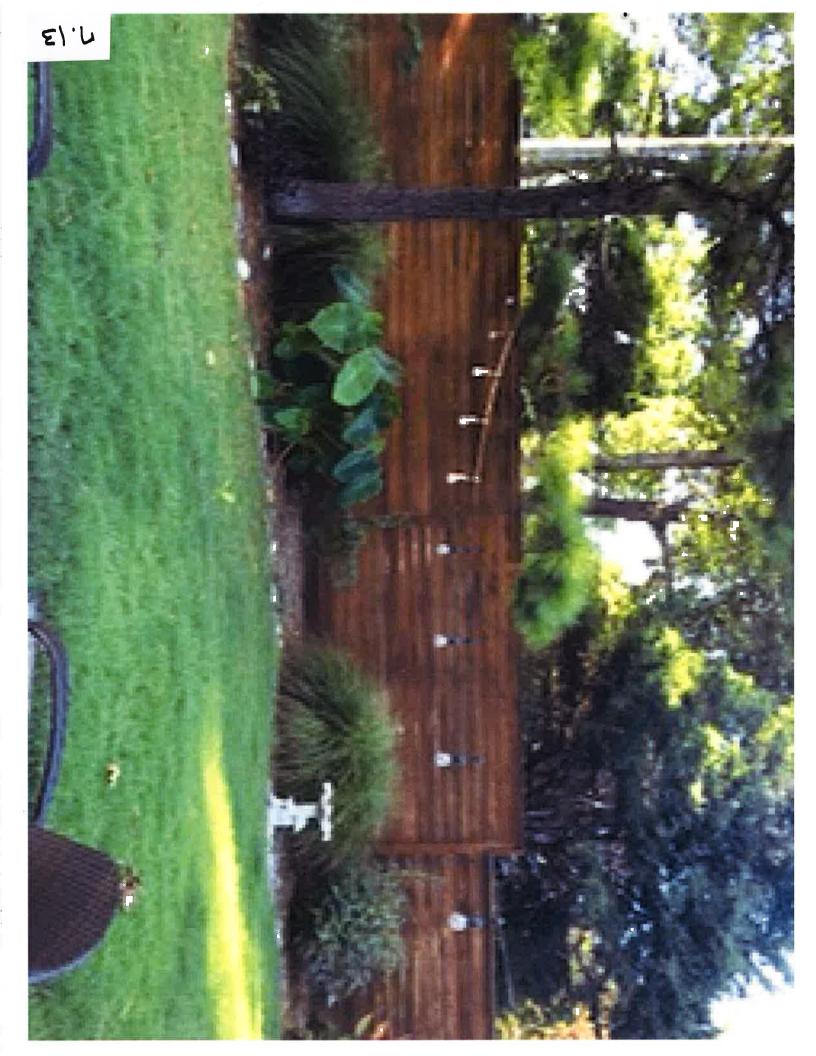


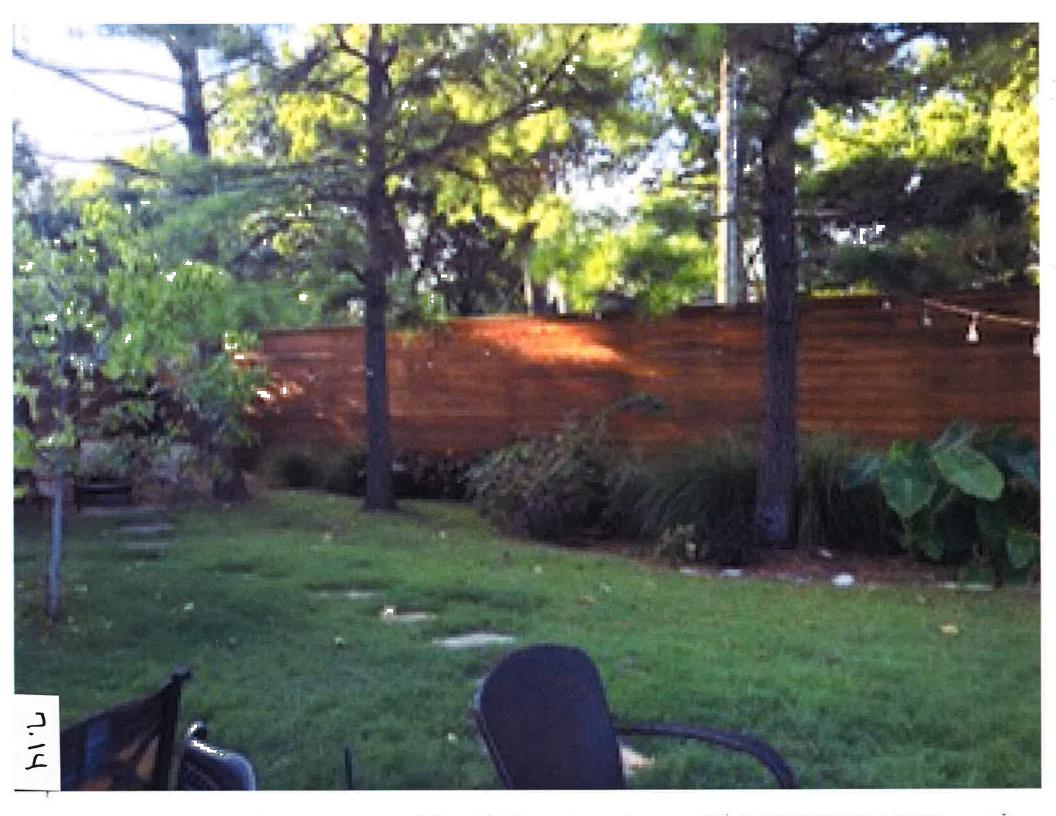
- 8 feet tall

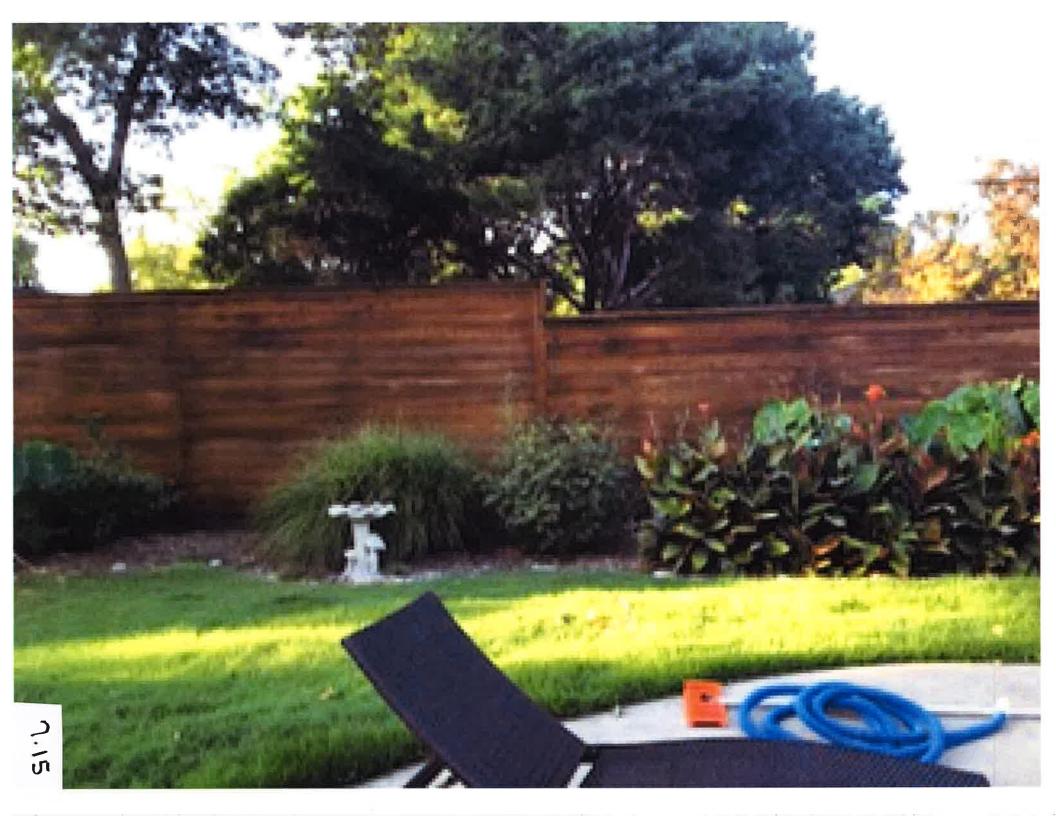
91/2 feet tall



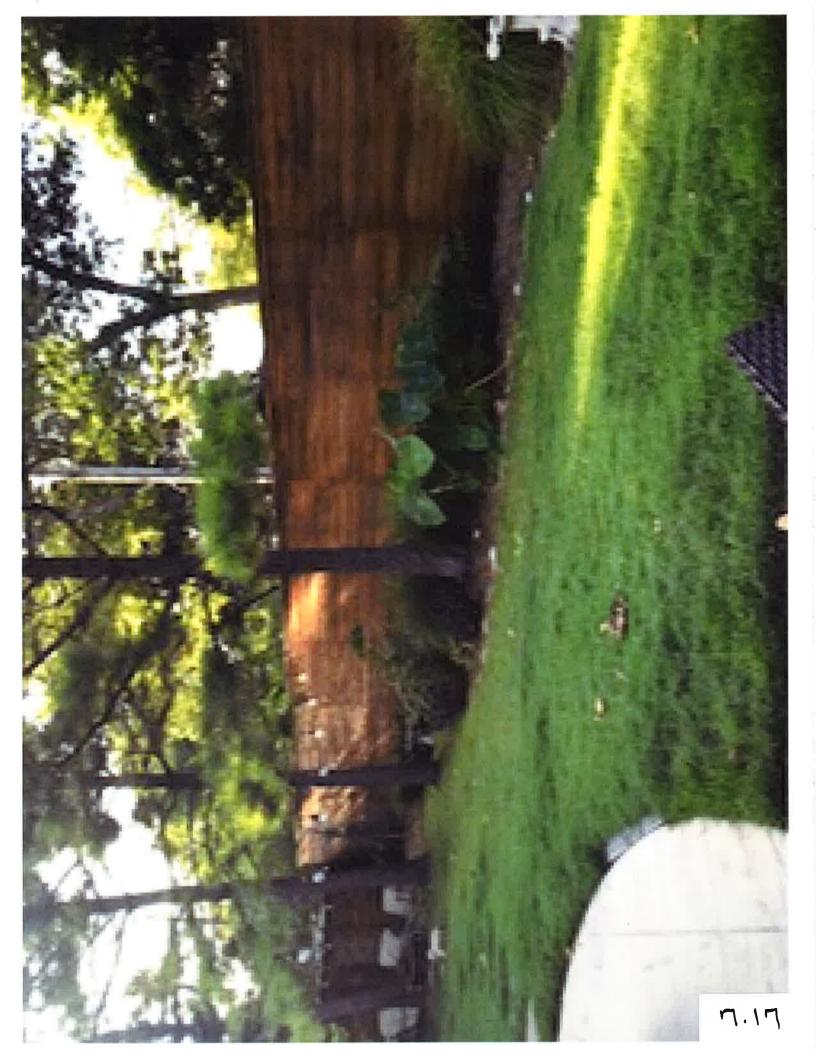


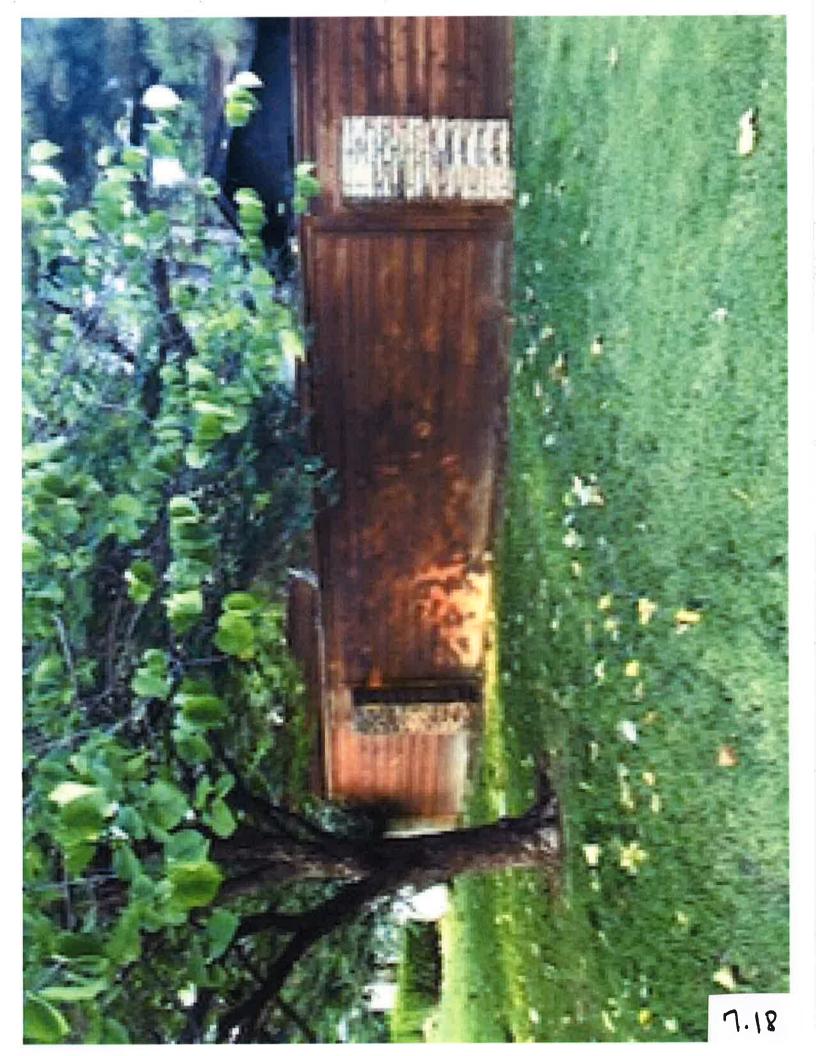


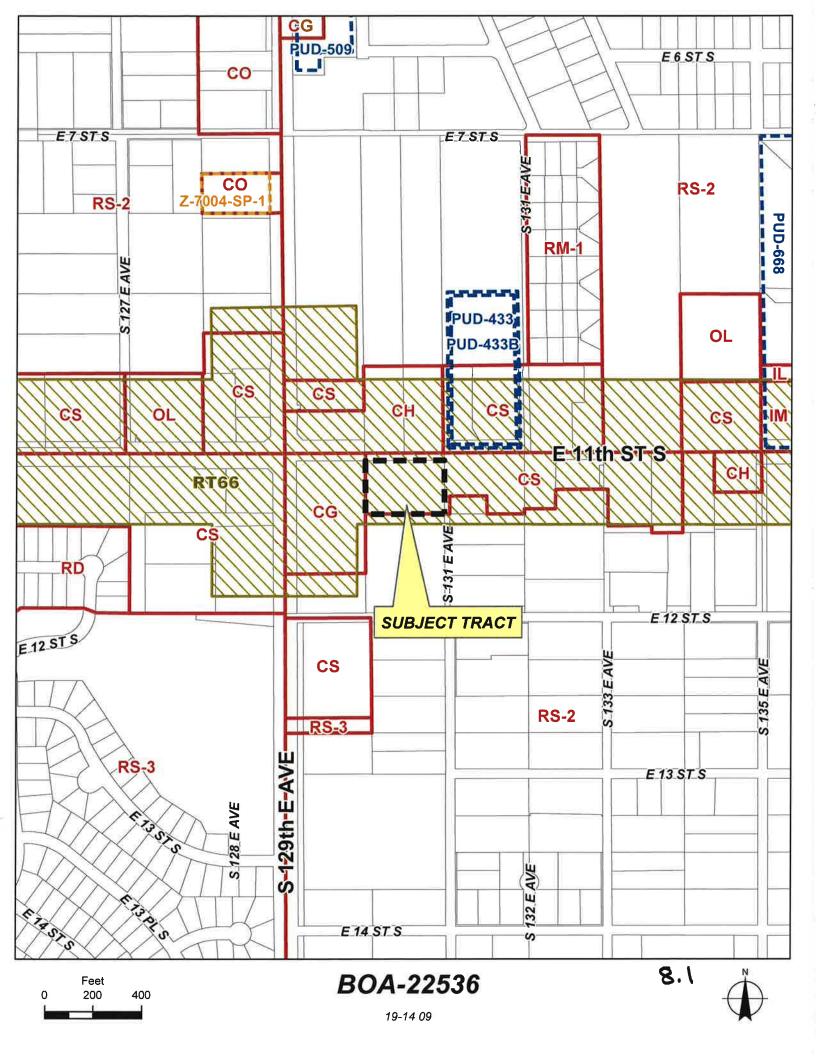












## BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9409

Case Number: BOA-22536

**CZM**: 39

A-P#:

HEARING DATE: 11/13/2018 1:00 PM

**APPLICANT**: Gerardo Campos

ACTION REQUESTED: Special exception to allow a commercial/commercial service/building service use in a CS district (Table 15-2); Variance of the dustless, all-weather surface requirement to permit gravel drive and parking area (Section 55.090-F.2)

**LOCATION**: 13100 E 11 ST S **ZONED**: CS

PRESENT USE: commercial TRACT SIZE: ± 1.71 acres

LEGAL DESCRIPTION: N250 E/2 NW NW NW LESS N24.75 FOR ST SEC 9 19 14 1.71ACS,

#### **RELEVANT PREVIOUS ACTIONS:**

## **Surrounding Properties:**

**BOA-19146**; on 7.24.01, the Board **approved** a *special exception* to allow a church and accessory church uses in an R zoned district, per plan; a *special exception* to remove the screening fence requirement on the southwest side of the tract. Located: S of SW/c of E. 11<sup>th</sup> St. & 131<sup>st</sup> E. Ave. (immediately south of the subject site).

**BOA-18655**; on 3.14.00, the Board **denied** a *special exception* to permit storage of cars, trucks, boats, and other motor vehicles excluding mobile homes, garbage trucks, gas and oil supply trucks, *special exception* of the required hard surface parking to allow gravel behind the building setback line; a *special exception* to allow a 6' screening fence. Located: southeast corner of E. 11<sup>th</sup> St. & 129<sup>th</sup> E. Ave. (immediately west of the subject site).

**BOA-18028**; on 5.12.98, the Board **denied** a *special exception* to permit RV, boat, auto storage and parking in a CG district. Located: southeast corner of E. 11<sup>th</sup> St. & 129<sup>th</sup> E. Ave. (immediately west of the subject site).

**BOA-18028**; on 2.09.99, the Board **denied** a *special exception* to permit 3 manufactured housing units. Through District Court appeal and various circumstances surrounding this application, it was remanded back before the Board with changes to the original request. Located: southeast corner of E. 11<sup>th</sup> St. & 129<sup>th</sup> E. Ave. (immediately west of the subject site).

**BOA-17508**; on 0.22,96, the Board **approved** a *special exception* of the required hard surface parking to allow a gravel parking lot; a *variance* of the screening requirements to permit a chain link fence; a *special exception* to permit Use Unit 23, a temporary storage yard for an automobile towing business. Located: southeast corner of E. 11<sup>th</sup> St. & 129<sup>th</sup> E. Ave. (immediately west of the subject site).

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<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 commercial zoned tracts to the east and west; an RS-2 zoned lots to the south; and E. 11st St. S. to the north.

#### **STAFF COMMENTS:**

The applicant has stated that the proposed site will be used for a construction business with an office and containers to store equipment on the site. The applicant is requesting a Special Exception as the proposed Commercial/Building Service is a use only allowed by a special exception in the CS district due to the potential adverse affects. The applicant has confirmed that no retail sales will be made on the site.

The Code requires that all off-street parking areas and drives be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel driveway and parking area as shown on the attached plan.

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

## Sample Motion for a Variance

Move	
permi	t a gravel driveway and parking area in the RS-3 district (Section 55.090-F).
(( <b></b> )	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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

## **Sample Motion for Special Exception**

Move in a C	e to (approve/deny) a Special Exception to permit Commercial/Building Service UCS zoned district. (Section 15.020)	se
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.	
•	Subject to the following conditions (including time limitation, if any):	

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

The N/2 of SE/4, Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma, less and except the part thereof dedicated to the State of Oklahoma for highway purposes.

\* \* \* \* \* \* \* \* \* \*

#### Case No. 19145

#### **Action Requested:**

Special Exception to permit a children's nursery in an RS-3 district for six months. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 5; and a Variance of required parking from one space per 500 sq. ft. to two total spaces. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements, located 314 E. Young.

#### Presentation

**Samico Morgan**, 2667 N. Peoria, the owner/director of Morgan's Little Learning Cadets, proposes to open a nursery in an RS-3 district. She now would like to get relief for a permanent facility.

Mr. Cooper out at 6:24 p.m.

#### Comments and Questions:

Mr. Jackere commented the lot would need to be a minimum of 12,000 square feet, and a minimum frontage of 100'. Mr. Dunham responded that she does not meet these requirements.

Mr. Cooper returned at 6:26 p.m.

#### **Interested Parties:**

There were no interested parties present who wished to speak.

#### **Board Action:**

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to **DENY** a **Special Exception** to permit a children's nursery in an RS-3 district for six months; and a Variance of required parking from one space per 500 sq. ft. to two total spaces, finding the property does not meet the basic requirements.

\* \* \* \* \* \* \* \* \* \*

#### Case No. 19146

#### Action Requested:

Special Exception to allow a church and accessory church uses in an R zoned district. SECTION 403. BUILD AND AREA REQUIREMENTS IN THE

RESIDENTIAL DISTRICTS -- Use Unit 5; and a Special Exception to remove the screening fence requirement on the southwest side of the tract. SECTION 212. SCREENING WALL OR FENCE, located S of SW/c E. 11<sup>th</sup> St. & 131<sup>st</sup> E. Ave.

## Presentation:

Ken Boone, 1424 S. 75<sup>th</sup> E. Ave., submitted site plans and traffic count (Exhibits O-1, O-2 and O-3) to the Board. He stated the request for relief for church and accessory uses and exception to the screening requirement.

#### **Comments and Questions:**

Mr. Dunham asked why they object to the screening fence. He stated that the kennel business on the abutting property does not object to the absence of a screening fence on the west from the southwest corner to the north 180', and it is heavily treed. Mr. White asked if the trees were removed if the church would install a screening fence. Mr. Boone responded they would put up a screening fence.

## **Board Action:**

On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to <u>APPROVE</u> a *Special Exception* to allow a church and accessory church uses in an R zoned district, per plan; and a *Special Exception* to remove the screening fence requirement on the southwest side of the tract, with condition that should the trees be destroyed or die that the church would erect a screening fence 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:

The E/2 NW/4 NW/4 NW/4 of Section 9, T-19-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, less a strip of land 25' wide from the S side and a strip of land 20' wide from the E side of the above described property, less and except the N 250' of the above described property.

\*\*\*\*\*\*

Mr. White stated he would abstain from Case No. 19147. Mr. White stepped out.

#### Case No. 19147

#### Action Requested:

Special Exception of required screening where purposes of screening cannot be achieved as adjoining properties have screening fences or alternative landscaping to provide sufficient screening. SECTION 212.A. SCREENING WALL OR FENCE, Specifications and SECTION 212.B. SCREENING WALL OR FENCE, Maintenance -- Use Unit 8 & 10, located 6330 S. Owasso Ave.



#### **Board Action:**

The applicant has withdrawn the request in Case No. 18642. No Board action is needed.

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#### Case No. 18655

#### Action Requested:

Special Exception to permit storage of cars, trucks, boats, and other motor vehicles excluding mobile homes, garbage trucks, gas and oil supply trucks. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS — Use Unit 23; a Special Exception of required hard surface parking to allow gravel parking behind building setback line. SECTION 222. MOTORIZED VEHICLES; and a Special Exception to allow a 6' screening fence. SECTION 212.A. SCREENING WALL OR FENCE, Specifications, located in the Southeast corner E. 11<sup>th</sup> St. & 129<sup>th</sup> E. Ave.

#### Presentation

Randy Pickard, 10051 South Yale, Suite 203, represented the applicant. The owners are Mr. and Mrs. Hamm. This case came before the Board in 1996 for a nearly identical application for Special Exception, in Board of Adjustment Case No. 17508. On October 22, 1996, the Board approved each of the same requests as in this case. Mr. Pickard indicated there was a lack of clarity in the minutes from the prior Board of Adjustment action in that previous case, as to whether the approval for uses requested and the gravel parking pertained to the entirety of the 3.7 acres or to only part of the property, which was to be used for an automobile towing/storage business. He stated that they are requesting an expansion of the former approval to permit the use unit requested and to allow for gravel parking. He stated that the owners and predecessors have used the gravel parking for at least twenty-five years. He added that in the last several months, additional gravel was placed over the hard packed gravel in the south area of the 3.7 acre tract, which has resulted in a drainage problem. The neighbor to the south, owners of a kennel operation, has made a significant complaint. Cecil Cotner of the City of Tulsa has reviewed this complaint and he has stated to Mr. and Mrs. Hamm that in his opinion, the placement of additional gravel over the hard packed gravel did not increase the impervious surface of the parking on the property. However, he did state that there appears to be a drainage problem as a result of water getting under the loose gravel that has not been packed down and the kennel has received water from the subject property. Mr. Cotner recommended that Mr. Hamm hire a civil engineer to address the problem, in a letter dated December 14, 1999. Mr. Hamm did hire Jack Spradling for the job. Mr. Spradling wrote a letter dated February 3, 2000 to Mr. Cotner enclosing the letter of agreement. The surveying company has done the field survey of the property and the civil engineering plans have been completed. The plan is to construct a curbing system on the south side of the property to direct the water west to South 129th East Avenue to drain properly into the storm drainage system. Mr. Pickard stated that in order for them to begin construction

of the curb system, they would need the special exception to be approved. Mr. Pickard offered photos of the subject property; the letter dated December 14, 1999 from Mr. Cotner, stating the impervious surface has not been increased; and the February 3, 2000 letter to Mr. Cotner from Mr. Spradling to the Board for exhibits.

## Comments and Questions:

Ms. Turnbo stated that her understanding is that the 1996 approval was tied to the towing of cars with a 30-day limit for owners to pick them up, and a temporary one-year approval for this use. Mr. Pickard replied that he reviewed the minutes of the 1996 approval, and it states that the lease between the Hamm's and the towing company was a one-year lease, which has been renewed on one-year terms since 1996. He stated that he did not believe that there was a representation made that it would only be there for one year and that it was to be a temporary use. He stated that there was discussion of the temporary nature of it, but a one-year lease is common in the industry for such use. He agreed that it was stated at the Board meeting that the reason for approval of gravel parking was that it was not desirable to put in a hard surface for a use that might be changed later. Mr. Pickard stated he found only one statement regarding 'one year', and that stated it was simply a one-year lease, and that lease has been renewed on one-year terms since then.

Mr. Cooper asked Mr. Pickard if Mr. Spradling's report calls for a curbing system which includes a hard surface or curbing with gravel. Mr. Pickard responded that Mr. Spradling agreed with Mr. Cotner that there is no change in the impervious surface, that the gravel is sufficient, and the curbing will handle the drainage going south across the property line directing the drainage flow to the west. Mr. White, asked if the preliminary plan has not been submitted for the drainage. Mr. Pickard replied that it has not been submitted to the city. The plan will be submitted subject to the approval of this Board. The city will want to know if zoning has been approved first.

#### Protestants:

Mary Prater Hill, stated she resides and operates a business at 1115 South 129<sup>th</sup> East Avenue. She stated that she and her husband have owned the kennel since about May 1991. Ms. Hill expressed extreme opposition to the Special Exception. She stated that there have been drainage problems since last summer, when Mr. Hamm put thirteen loads of additional gravel directly adjacent to her property. Last summer there was no rain, and then on Tuesday, September 7, 1999 around 09:30 or 10:00 p.m. there was an extremely hard downpour. She stated that within ten to fifteen minutes, the north wing of the kennel had approximately four to five inches of water in the building. She had not had a flooding problem since they purchased the property in 1991, until then. The DeShane Kennels' mission statement in essence states that they will provide

a safe, competent, caring and loving environment for the pets that are there for boarding and grooming. Ms. Hill described her efforts to get help to correct the emergency situation by digging ditches and setting up small pumps. She borrowed a sump pump and set it up to be ready 24 hours a day for another emergency. On December 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, she had to pump water again, and on December 9<sup>th</sup> due to an electrical problem, they could not start pump fast enough to prevent flooding in the kennel once again. The pump cannot be left on without someone checking it about every thirty minutes. Ms. Hill asked the Board not to grant this request, stating she has heard a lot of talk about engineering studies and plans, but it has gone on long enough. She stated she is filing a civil suit. Ms. Hill submitted photos and a letter from her attorney.

Mr. Cooper asked Ms. Hill if the curbing would solve the drainage problem, what would be the objection. Ms. Hill stated that the problem has gone on too long, and she does not trust that the problem will be corrected. The applicant's actions have caused a false perception the kennel as an unsafe facility. Mr. Cooper stated that it seems that the approval of this relief would be a help to her and a denial would definitely not help.

Ms. Perkins asked Ms. Hill when she said the applicant put in the thirteen loads of gravel. Ms. Hill stated the gravel was poured in June or July, and that there may have been gravel under the grass, but previously there was grass growing there for nine years.

Carolyn Harter, 1217 S. 129<sup>th</sup> E. Ave., stated that she lives to the south of Mary Hill. She represents herself and the owner of Pattern Concrete at 1116 S. 129<sup>th</sup> E. Ave. They both built their buildings within the last two years and they were asked to do PFPI's on drainage. Their total expenditures equaled \$43,000.00. They also used concrete, because it was required. She suggested that the Board require the applicant to pave the property and do a PFPI. Ms. Harter added that people can see through the fence, and she understood that it was supposed to be a solid fence.

Nancy Craten, 245 S. 120<sup>th</sup> E. Ave., came to represent the East Tulsa Mingo Valley Neighborhood Association and Western Village Association. These two associations' concerns go beyond this case. The corner where the subject property is located looks like a salvage yard and is not conducive to the intent of the Code. She stated that the neighborhood associations are pleased with the new businesses that have moved into the area. The association members request relief for the neighborhood from the applicant's non-compliance.

James Mautino, 14628 E. 12<sup>th</sup> St., representing the Tower Heights Association, stated that he understood that when the relief was approved in 1996 to allow gravel and the fence, it was approved as a one-year operation. The one-year

limit weighed heavily in the determination of the Board to allow gravel and a chain link fence with slats. Mr. Mautino submitted photographs of the subject property and the various trucks, cars, equipment and fencing that give the appearance of a salvage yard.

Art Justice, City Councilman, stated that the business on the subject property is not attractive to look at. There has been continual Code enforcement problems on that part of the property and the one behind it. He asked the Board to deny the Special Exceptions requested until the flooding problems are fixed.

Eck Ruddick, a member of the Tower Heights Neighborhood Association, stated that the former case in 1996 was approved only for one year. He asked the Board to consider this in making a decision.

#### Applicant's Rebuttal:

Mr. Pickard stated that applicant has submitted a solution to the drainage problem with a plan to use the curbing system. The applicant would request that approval be conditioned on the completion of those improvements. Mr. Pickard stated that the existing fencing is the one that was specifically approved by the Board and required by ordinance. He reminded the Board that the area is zoned CG not CS, and the area is in transition. This zoning does provide accommodation for the grouping of certain commercial and light industrial uses, which are compatible with one another.

#### Comments and Questions:

Ms. Perkins asked Mr. Pickard why they brought in thirteen additional loads of gravel. He responded that it was added on top of gravel that was already hard packed into the ground.

Mr. Dunham asked Mr. Pickard if it was his contention that the approval granted in 1996 was temporary or permanent. Mr. Pickard replied that it was not temporary. Mr. Dunham asked him why he is applying for the same relief today if it was permanent. Mr. Pickard stated he interprets in light of the case report that was presented to the Board by staff. Mr. Pickard stated the permanent relief applied to only part of the 3.76 acres. He added that the towing company's lease applies to about one and a half acres, and the use that is being requested now is the same use on the same 3.76 acres for the area to the south of the towing company.

Mr. Beach asked Mr. Pickard if the towing company located on the property is the same company that was there in 1996. Mr. Pickard stated that it is the same company. Mr. Pickard stated that if the Board, would approve this for a period of time to allow applicant to construct the curbing system, the owners would be willing to build it prior to the grant of the Special Exception.

#### Comments and Questions:

Mr. Dunham asked for staff interpretation of the temporary approval. Mr. Dunham stated that he remembered the relief was supposed to be temporary but the minutes that were submitted do not say temporary. Mr. White stated that those minutes were of the meeting prior to the final vote because the balance of the case was heard in the following meeting. Mr. White specifically remembered that the woman who presented for the towing company stated it was a temporary need because they were going to relocate.

Mr. Beach stated that the legal description used in the 1996 case covered more property than they intended for the use. Now they are asking for the same relief on the rest of the property.

Ms. Turnbo stated she remembers that the approval was for temporary relief. She stated that Mr. Bolzle talked about it as a good use since the Board does not like to waiver from the hard surface requirement, unless the use would damage the hard surface, and that temporary use of towing would not damage the hard surface. She stated it was just for towing cars not all of the other activities. Mr. Dunham agreed that this is what he remembers also. His concern is that it was not in the motion. Mr. Dunham stated that regardless of what was decided in 1996, the applicant is asking for additional land to be included in the Special Exception. Mr. Beach agreed that was his understanding, as well. Mr. Beach stated that the Board was presented with information that led them to believe that this business would be there for about a year, and with that information the Board approved gravel parking and tied it to the user, and the user happens to be there four years later.

Mr. White reminded the Board that the six-foot screening fence is required, but the existing chain link fence with slats was supposed to be temporary for not more than a year. Mr. White agreed with Ms. Turnbo and stated the area has improved significantly in the last four years, and what was intended to be temporary has long since passed.

Mr. Cooper asked Mr. Beach to read the uses permitted in a CG zoned district. Mr. Beach stated the CG zoning allows uses by right, to have off-street parking, offices, studios, and support services, eating establishments other than drive-ins, adult entertainment establishments unless within 150' of an R district, in which case they need a Special Exception, convenience goods and services, other trades and services, mini-storages, automobile repair and allied activities, drive-in restaurants, and hotel-motel and recreation facilities.

#### **Board Action:**

On **MOTION** of **Dunham**, the Board voted (White, Dunham, Turnbo, Cooper, Perkins "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** the **Special** 

**Exception** to permit storage of cars, trucks, boats, and other motor vehicles excluding mobile homes, garbage trucks, gas and oil supply trucks, a **Special Exception** of required hard surface parking to allow gravel parking behind building setback line, and a **Special Exception** to allow a 6' screening fence on the following described property:

Beginning at the NW/c of Section 9, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma; thence E a distance of 330.26' to a point; thence S a distance of 495.65' to a point; thence W a distance of 330.26' to a point; thence N a distance of 495.65' to the POB containing 3.76 acres more or less

\*\*\*\*\*

## Case No. 18658

## **Action Requested:**

Special Exception or alternatively Variance to modify parking area setback to 55 feet from centerline of Yale Avenue as applied to change of use previously nonconforming. SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES; a Variance of building setback from a residential district from 22 feet to 10 feet. SECTION 1302. SETBACKS; a Variance of building setback from centerline of Yale Avenue from 108 feet to 102 feet. SECTION 703. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS, located at 4910 E. 21<sup>st</sup> St.

## **Presentation**

Roy Johnsen, represented the applicant, Honda of Tulsa. He stated that at the last hearing the Board approved a Special Exception to permit the sale of motorcycles on Lots 1 and 2. The applicant requests relief from the parking setback requirement from Yale, remaining in alignment with the parking previously provided, considering the lack of depth of the property for a commercial use. Mr. Johnsen stated the applicant also requests relief from the building setback requirements from Yale and the residential district. He stated that the applicant has removed two old dilapidated buildings to replace with an attractive new one. He stated that they also request relief of the setback from Yale for the building, from 108' to 102', considering the shallow depth of the lots.

## Comments and Questions:

None.

## Interested Parties/Protestants:

None.

Discussion by the Board ensued.

Mr. White mentioned that the particular corner of Yale and Admiral has been upgraded significantly with some newer businesses lately and the general perceived appearance of a salvage yard is a concern. Mr. White suggested that a screening fence along Yale may help the look of the area.

Ms. Parnell stated that from the conversations she has had with Ms. Davis, she doesn't feel that Ms. Davis would have a problem with the screening from Yale. The problem is that the owner of the property may not do it. Ms. Davis would have to move her business because she can't afford to put up the screening. Ms. Parnell suggested that the owner be required to put up the fencing.

Mr. Dunham asked the applicant how many years she has been at this location. Ms. Davis answered 2 years.

Ms. Davis stated that most people do not notice her lot because the gate is off of Yale and everything sits farther back on the lot.

Mr. Dunham asked Staff if the only thing before them today was the Variance for all weather parking. Mr. Stump answered yes.

**Board Action:** 

On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE Variance of SECTION 1303.d. requirement for all weather parking surface. STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 23 finding that the hardship is the surrounding area on the following described property:

A tract of land beginning 400' N and 30' E of the SW/c of Lot 4; thence N 120'; thence E 190'; thence N 125'; thence E 100.67'; thence S 362.77'; thence W 100.67'; thence N 100'; thence W 190' to Point of Beginning in Section 3, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma.

## NEW APPLICATIONS

## Case No. 18028

Action Requested:

Special Exception to permit RV, boat, auto storage and parking in a CG district. SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES SECTION 1223. USE UNIT 23. WAREHOUSING AND WHOLESALING, located 12906 E. 11th St.

Presentation:

The applicant, Walt Aaron, 12906 E. 11th St., stated on the request he had asked for a home dwelling. Mr. Aaron also has a kennel license on the property and must take care of the dogs. Mr. Aaron said that it would create a hardship for them to have to give that up. Mr. Aaron stated that the only surrounding properties are an abandoned motel and Metro Portable Buildings and Allied Towing. The owner of the property has owned the property for 31 years and there have been people living there and a dog kennel has been there for a number of years. Mr. Aaron stated that everything is hooked up to septic tanks and there are seven or eight on the property. Mr. Aaron mentioned that there are several disabled people who live on the property and work on the property doing maintenance, etc.

Comments and Questions:

Mr. White asked the applicant if Allied Towing still works out of that property. The applicant answered yes, out of one end of the property. Mr. Aaron mentioned that there is a privacy fence there and one on his property on the 129th St. side. Mr. Aaron stated that the 11th St. side would have a privacy fence soon.

Mr. White asked Mr. Aaron how many RV's on the property are being used as residences. Mr. Aaron answered 4, the RV parts are removed and are hooked up to sewer, and they are more like a mobile home.

Mr. Dunham mentioned that Staff comments say that all the RV's are hooked up to one septic system. Mr. Aaron stated that they are hooked up to three septic systems.

Ms. Turnbo asked Staff if this is considered a storage area, is it allowed to have dwellings in a storage area. Mr. Stump stated that it would be allowed if it was an RV campground. Ms. Turnbo stated that storage is not an RV campground. Mr. Stump stated that Staff did not put mobile home into the request because that is not really what he is doing. They are not mobile homes by definition of the Code but recreational vehicles. In the CG district, campgrounds are allowed by right. Mr. Aaron needs to make it an RV campground or get rid of them.

Ms. Turnbo asked if a dog kennel was allowed. Mr. Aaron stated that there was a dog kennel there 30 years ago. Mr. Stump stated that it was allowed by right in a CG district.

Mr. Dunham asked if Use Unit 23 is permitted by right in the CG district. Mr. Beach answered no, only by special exception.

Ms. Turnbo asked Staff about Allied Towing also using the property. Can you have that many uses on that property?

Mr. Beach asked Mr. Ballentine about his concerns pertaining to this property. Mr. Ballentine stated that this was brought to his attention by the Tulsa County Health Department, and that they said when they went to inspect the property they knew of only one septic system and that these units were all hooked into that. Mr. Ballentine stated that he has not been able to gain entry to the property. When you approach the gates, there are a large number of dogs. Mr. Dunham asked if the County Health Department had a right to check those things, the Board does not. Mr. Ballentine agreed.

Mr. Romig stated that several years ago he was involved with the eminent domain side of their office and this happens to be one of the properties that he was involved with. Mr. Romig stated that one of the issues that was brought up in that case was the fact that there was only one septic system on the property. If any more have gone in, they are obviously without health department approval. The other thing that concerns him is the ability of that section to perk.

Mr. Dunham stated that he understands everything that has been said but believes that it is a health department issue and not a Board of Adjustment issue.

Ms. Turnbo asked if the kennel, four dwellings, storage and the towing company were permitted by right in a CG district. Mr. Stump answered that the storage is not permitted and that is what is before the Board today and the dwellings may have been there prior to any restrictions or zoning. The only way the RV's could be there is if it was part of an RV campground. Mr. Stump said that it appears that they are randomly scattered around and it would be hard to say that the area is an RV campground. The wrecker service, a Use Unit 17, would be allowed by right in a CG district. The longterm storage of wrecked vehicles, a Use Unit 28, could not be allowed in a CG district by any approval. Mr. Stump stated that there are several things here that make the area look like a junkyard.

Ms. Turnbo stated that she was having a hard time finding favor with this application because there is so much else going on.

Board Action:

On MOTION of TURNBO the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to DENY a Special Exception to permit RV, boat, auto storage and parking in a CG district. SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES SECTION 1223. USE UNIT 23. WAREHOUSING AND WHOLESALING on the following described property:

N/2, W/2 NW NW NW & N/2, S/2, W/2 NW NW NW less N 24.75' and W 50' S 470.25' for ST Section 9 T-19-N R-14-E for 3.023 acres.

## UNFINISHED BUSINESS

Case No. 18028

Action Requested:

Special Exception to permit three manufactured home dwellings in a CG zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -Use Unit 9, located 12906 E. 11th Street.

Comments and Questions:

Mr. Beach informed the Board that this case came before the Board in May of 1998 and was denied. The case was appealed to the District Court and through a variety of circumstances that happened with the application and the notice, the Judge remanded it back before the Board in its original form except that the action requested has changed slightly. Notice has been properly given. The Board should treat the case as if it has never been before them.

Presentation:

The applicant, Walt Aaron, 12906 E. 11th St., stated that Mr. Ballentine has been out several times to look at the property and DEQ has already looked at the property. Mr. Aaron mentioned that there are handicapped people living in the dwellings including himself. Mr. Aaron stated that he has some recreational vehicles that have been converted to manufactured homes by rendering them unable to travel on the road and they are hooked up to a septic system. He also has a hobby breeder's license and operates a kennel on the property. The people who live on the property help with the cleaning and feeding of the animals and with the maintenance of the property. Mr. Aaron mentioned that it would be a great hardship if anyone had to move.

Comments and Questions:

Mr. White asked Mr. Aaron what the other businesses on the property are. Mr. Aaron replied that on the total 3.023 acres there is Metro Portable Buildings and they construct storage sheds. Allied Towing is also located on the property which stores vehicles that they have towed.

Ms. Turnbo asked Mr. Aaron what the purpose is of the North American Van Line truck that is parked on the property. Mr. Aaron responded that there is no purpose unless it is stored on Allied's side.

Ms. Turnbo asked the applicant if he sells cars and Mr. Aaron replied that he does not sell cars but there is a gentleman who lives on the property that does take cars on occasion to the flea market to sell.

Ms. Perkins mentioned that when she drove by the property on the previous day she noticed several semi truck cabs and she asked what they are for. Mr. Aaron stated that they are for Allied Towing. Ms. Perkins asked how long the vehicles are stored when they are towed in and Mr. Aaron replied about 30 days.

2-09:99:766 (2)

Ms. Turnbo asked Mr. Aaron if there is any hard surface parking or is it all dirt and he responded that it is a hard surface with gravel.

Mr. Dunham questioned Neighborhood Inspections if there are any present violations that they are aware of. Mr. Ballentine submitted photos (Exhibit A-2) and answered that the condition of the property is the same as it has been for the last year. The applicant does have a kennel license for all of the dogs and the dog feces are picked up occasionally. There are some vehicles on the property that are advertised for sale. Mr. Ballentine mentioned that there are three or four uses on the property right now, Allied Towing, a storage facility, portable buildings and the tract that Mr. Aaron is staying on.

Ms. Turnbo mentioned that there were a lot of cars (around 15) and dogs running around on the tract that Mr. Aaron occupies.

Ms. Turnbo asked Staff if the towing business should be on a hard surface. Mr. Beach replied that in 1996, the Board approved a special exception of the required hard surface parking to allow a gravel parking lot behind the building setback line only and tied to that use - which was Allied Towing. They also approved a variance to permit a chain link fence with slats to satisfy the screening requirement and a special exception to permit temporary storage yard for the auto towing business. That was applied to Allied Towing as long as Allied Towing occupies the property. Ms. Turnbo asked if the area in the front where the portable buildings are sitting should be paved. Mr. Beach replied yes, where it serves as a parking lot, it should be paved. If it serves as a yard for constructing portable buildings, it does not have to be paved.

#### Interested Parties:

Mr. White mentioned to the Board that he is in receipt of three letters of opposition to this application.

Nancy Craten, 245 W. 129th E. Ave., stated that she represents Western Village Neighborhood Association which is an association located north and west of the subject property. They have also spoken with several other associations in the area who are also concerned about the property. Ms. Craten mentioned that this area is an eyesore and the screening fence is not adequate to shield from view the mess behind it. The slat fence does not comply with current Codes. Property values are being affected by the unkempt property. There is no protection for the residences in the Neighbors have complained of escaped dogs on several occasions. property has the appearance of a salvage yard. Ms. Craten asked the Board to deny this application. Ms. Craten submitted copies of emails sent to her concerning the property (Exhibit A-1).

Sandra Nightingale, represents the East Tulsa Mingo Valley Association. Ms. Nightingale submitted letters from surrounding businesses and people who oppose this business who were unable to be present today (Exhibit A-1). Ms. Nightingale stated that the association is comprised of homeowners and business owners and they want to see East Tulsa grow and this property is a negative impact on the area.

Councilor Art Justis, stated that he agrees with the neighborhood. Councilor Justis mentioned to the Board that he does not like the "venetian" fence that the Board allows. Councilor Justis asked the Board to deny this application.

Rose Higdon, 1116 S. 129<sup>th</sup> St., mentioned that she is new to this area and is not fully involved in the association yet. Ms. Higdon said that this property is not an asset to the other businesses in the area.

Applicant's Rebuttal:

Mr. Aaron stated that he has nothing to do with Allied Towing and Metro Portable Buildings. The mobile homes on the property are hooked up to three septic tanks and DEQ has inspected the property and said that it is okay. Mr. Aaron said that there are over three acres associated with this property and that is plenty of room for the businesses and the homes. To Mr. Aaron's knowledge there were only two or three other cars than his on the property today. It would be a hardship to move all the people who live in the mobile homes.

Comments and Questions:

Mr. White mentioned that from previous discussions that only one septic tank was licensed by the Health Department. Mr. Aaron stated that one has been filled with gravel many years ago.

Ms. Turnbo asked Staff the definition of a mobile home. Staff read the definition from the Zoning Code.

Ms. Perkins asked the applicant how many RV's are being used for residences? Mr. Aaron responded that there are three being used for residences.

Mr. Stump asked Mr. Aaron if he has three septic tank permits from the Health Department or did they do an onsite inspection. Mr. Aaron responded that he did not put them in. They were in place when he moved onto the property.

Mr. Dunham stated to the Board that RV's do not meet the definition of a mobile home.

#### **Board Action:**

On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins White "aye"; no "nays", no "abstentions"; no "absent") to <u>DENY</u> Special Exception to permit three manufactured home dwellings in a CG zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 9,on the following described property:

N/2, W/2, NW, NW, NW and N/2 S/2 W/2 NW NW NW less the N 24.75' W 50' S 470.25' W 50' S 470.25' for street of Section 9, T-19-N, R-14-E, containing 3.023 acres, unplatted, addition to the City of Tulsa, Tulsa County, State of Oklahoma.

## **NEW APPLICATIONS**

## Case No. 18294

Action Requested:

Special Exception to allow a cosmetology school (beauty school) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15, located 4561 N. Peoria Ave.

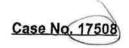
#### Presentation:

The applicant, Eddie L. Cleveland, 1707 S. Sheridan, submitted a site plan (Exhibit B-1) and stated that he and his wife own a cosmetology school on Sheridan and it has a capacity of 80 students. Right now the facility has 45 students and is still growing. Mr. Cleveland said that it is time for them to expand the school. Mr. Cleveland believes that this school would benefit the patrons, the students and may possibly help bring more businesses to the north side. Right now the school will hold 23 students and 2 instructors and also has a bus route to bring students back and forth to school.

#### Comments and Questions:

Mr. Dunham asked Mr. Cleveland what the proposed days and hours of operation will be. Mr. Cleveland responded Monday through Friday, 1:00 p.m. to 9:30 p.m.

Mr. Dunham questioned the applicant if the school will be operated in combination with a beauty supply store. Mr. Cleveland replied that there will be no retail beauty supply.



**Action Requested:** 

Variance of the required hard surface parking to allow a gravel parking lot. SECTION 222. MOTORIZED VEHICLES, a Variance to permit a 6' chain link fence with inserts to satisfy the screening requirement. SECTION 212.A.8. SCREENING WALL OR FENCE and a Special Exception to permit Use Unit 23 in a CG district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 23, located 1111 South 129th East Avenue.

#### Presentation

The applicant, Paula Hamm, represented by David Scott, stated that there were two neighbors at last month's meeting and if the Board recalls they stated that they had no objections to the application. He further stated the reason for the continuance is because the original application only listed the surface variance and it needed a fence variance plus a special exception to permit the Use Unit 23 in a CG district.

#### Comments and Questions

Mr. Dunham asked the applicant if he needed to extend over the building setback line as the site plan indicates? He stated that Allied Towing Service has leased the subject property and that was their current purpose, but he didn't think they would have to go over the building setback.

Mr. Dunham stated he didn't have any problem with this application as long as the applicant stays behind the building setback line.

Mr. Gardner stated the setback from the center of the streets would be 100' on the subject property.

Mr. White asked the applicant if the provision to stay behind the building setback line is all right with Ms. Hamm? Mr. Scott stated it would be acceptable with Ms. Hamm.

Ms. Abbott asked the applicant if the variance for the hard surface parking to allow gravel parking is for an indefinite period of time? Mr. Scott stated the lease is short term and the property owner did not want to pave the parking in case the lease moves out at the end of the lease.

Ms. Abbott asked the applicant what the term of the lease is? Mr. Scott stated the lease is for one year.

Ms. Abbott stated she would not have a problem with granting this variance for one year.

Mr. Beach stated the point in the Staff comments is that the Board can grant the request for the gravel parking as long as all of the parking occurs behind the building setback line. Mr. Beach further stated that if the Board is inclined to grant the request it can be by a special exception rather than by a variance as long as it is behind the building setback line.

In response to Mr. Dunham, Ms. Abbott stated that if the use changed the applicant would be back before the Board because the Board would be granting a special exception for a different use.

Mr. Bolzle stated that in the past the Legal Department has advised the Board to be real careful about granting temporary approvals. He further stated that generally if the Board found the variance to be satisfactory than it should be satisfactory permanently, except in special circumstances.

Mr. Bolzle asked the Board if it was the use that they are concerned about being on the subject property or the lack of hard surface parking? Ms. Abbott stated it would be the use that is temporary, which means that if the Board granted a permanent variance then some other use would have the advantage of the variance when in reality the Board might not want the new use to have the advantage of the variance.

Mr. Gardner stated the Board can tie the action to this specific use. He further stated the reason behind allowing gravel surface behind the building setback line were for those uses where they have storage of vehicles where you do not have a lot of movement in and out. He informed the Board that the gravel surface behind the building line can be approved by special exception and tie it specifically for the temporary storage of the vehicles until picked up for auction.

Mr. Bolzle stated the application is a temporary storage yard for an automobile towing business and that is how the Use Unit 23 should be defined.

#### **Board Action:**

On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; no "absent") to APPROVE a Special Exception of the required hard surface parking to allow a gravel parking lot. SECTION 222. MOTORIZED VEHICLES; subject to the gravel parking occurring behind the building setback line and is tied to this approved use; APPROVE a Variance to permit a 6' chain link fence with inserts to satisfy the screening requirement. SECTION 212.A.8. SCREENING WALL OR FENCE; and to APPROVE a Special Exception to permit Use Unit 23 a temporary storage yard for an automobile towing business in a CG district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 23; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

10:22:96:714(7)

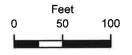




BOA-22536

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





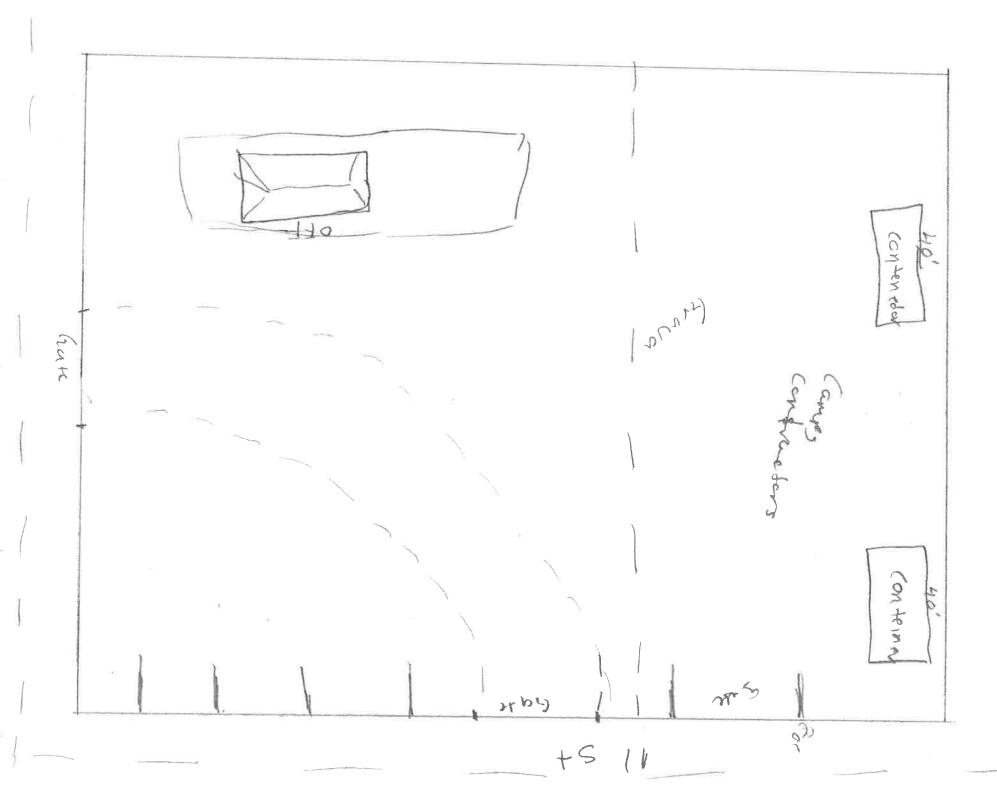


BOA-22536

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

Aerial Photo Date: February 2018 8.23





## **MORTGAGE INSPECTION PLAT**

#### **LEGAL DESCRIPTION AS PROVIDED:**

PROJECT NO: MORTGAGOR:

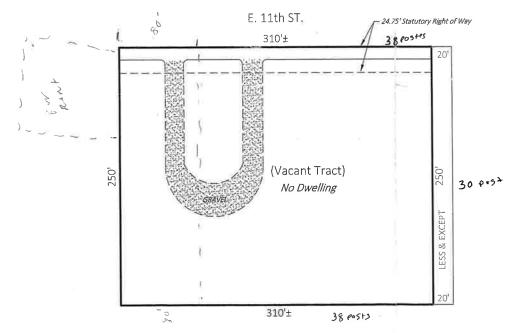
CLIENT:

183863-560 Gerardo Campos

Executives Title & Escrow Company, LLC

Security Bank File No.: 18040387 THE NORTH 250 FEET OF THE EAST HALF (E/2) OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION NINE (9), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S GOVERNMENT SURVEY THEREOF, LESS A STRIP 20 FEET WIDE FROM THE EAST SIDE OF THE ABOVE DESCRIBED PROPERTY, ALSO SUBJECT TO THE 11th STREET RIGHT OF WAY, AND KNOWN AS 13100 EAST 11th STREET.

Sewer Easement, Book 4058, Page 118, does not affect this property.



SERVICE CABLE ESMT
(APPROX LOCATION)
(APPROX LOC

LEGEND

BURIED ELECTRIC

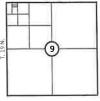
ELECTRIC METER

13100 € 11th St TUISA OR 74106

48 HOURS BEFORE YOU DIG. CALL

48 HOURS BEFORE YOU DIG. CALL OKIE 1-800-522-6543





#### LOCATION MAP

#### SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, P.C., an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4656 renewal date: June 30, 2013, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat thous all Rended Plat seasements and other such assements which have been disclosed by a current rittle Opinion or by Commitment for Futle Insurance and copies thereof provided to us; that this Inspection Plat was pressred for Identification purposes only for the mortgage and is not a land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client tisted hereon as of this date and may not be used for any subsequent loan dosing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.



5807 S Garnett Roed, Sull Tulsa, Oklahoma 74146	te K	ASSOCIATES SURVEYING AND MAPPING, PC			(918) 234-4859 Office (918) 437-5551 Fax
MEVISIONS	81	DATE	Certificate of Author	isation No. 4654	Expires June 30, 2019
	-		MORTGAGE INSPECTION P		ION PLAT
			Drawn By: ACG	Checked By: JEH	Proj. No : 183863
			Date: 05/21/2018	Center 1 -60'	Sheet 1 of 1

CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



## **DEVELOPMENT SERVICES**

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

## ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

September 15<sup>th</sup>, 2018

Gerardo Campos 4317 E 76<sup>th</sup> ST Tulsa, OK 74136 Phone: 918.407.7992

APPLICATION NO:

ZCO-10946-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

13100 E 11th ST

**Description:** 

**New Construction company** 

#### 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 OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISION ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 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 <u>WWW.INCOG.ORG</u> 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" [X IIS [ ] 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  $\underline{WWW.CITYOFTULSA-BOA.ORG}$ 

Application No. ZC)-010986-2018

13100 E 11<sup>th</sup> ST

September 15<sup>th</sup>, 2018

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

- Sec.15.020 Table 15-2: The proposed construction business is designated a Commercial/Commercial
  Services/Building Service Use and is located in a CS zoned district. This will require a Special
  Exception approved by the BOA.
  - **Review comment:** Submit an approved BOA Special Exception, reviewed and approved per *Sec.70.120*, to allow a Commercial/Commercial Services/Building Service Use and is located in a CS zoned district.
- 2. Sec.15.040: Your proposed retail sales of hardscape material is designated a Commercial/Retail Sales/Building Supplies and Equipment sales. It is located in a CS zoning district that abuts an R zoned district to the south. In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R district.
  - **Review comment:** A Variance reviewed and approved per Sec.70.130 is required for you to display outdoor merchandise within 300 feet of an abutting R district. Submit the approved Variance as a revision to this application.
- 3. Sec.40.340-A: Whenever a retail sales use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Sec.65.060-C2.
  - **Review comment:** Your proposed retail sales of hardscape material is designated a Commercial/Retail Sales/Building Supplies and Equipment sales. It is located in a CS zoning district that abuts an R zoned district to the south. Submit a site plan providing screening compliant with Sec.65.060-C2 (listed below).
    - Sec.65.060-C2b: F1 screening requirements may be met by either of the following options.
      - (1) The installation of an opaque fence at least 6 feet in height and at least one tree per 25 linear feet of fence; or
      - (2) The installation of a masonry wall with a minimum height of 6 feet.
    - Sec.65.060-C2c: When located in the required street setback, fences and walls may not exceed 4 feet in height.

- Sec.65.060-C3: Fences and walls provided to meet the screening standards of this section must:
  - a. Be constructed with customarily used fencing materials;
  - **b.** Be designed and arranged to provide visual separation of uses irrespective of vegetation;
  - **c.** Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
  - **d.** Be erected prior to the occupancy of the building or initiation of the use required to be screened;
  - e. Be uniform in height, except for significant changes in topography;
  - f. If painted, be earth-tone in color when abutting an R district boundary; and
  - g. Not be a chain link fence that utilizes inserts of metal or other materials.
- Sec.65.060-C4: Fences and walls provided to meet the screening standards of this section must be maintained by the owner of the lot containing the use or feature required to be screened from view.
- Sec.65.060-C5: Applicable screening requirements may be eliminated or modified through the alternative compliance approval process (see Sec.65.080-D) or through the special exception approval process when existing physical features pro-vide at least as effective visual screening as would strict compliance or when the screening requirement cannot be achieved or is prohibited by other ordinances and/or regulations. An extension of time to install required screening may be approved through the special exception approval process when the properties benefited by the screening are undeveloped.
  - Sec.65.080-D1: In order to accommodate creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, the land use administrator is authorized to approve alternative compliance landscape plans prepared by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma.
- **4. Sec.55.090-F2:** The access to your merchandise is a gravel drive. All motorized vehicles designed for travel upon public streets must be parked on dustless, all-weather surface.
  - **Review comment:** Revise and resubmit your site plan providing a dustless, all-weather surface drive to access your merchandise and for any employee or customer parking. (Note: employee and/or customer parking shall conform to the design standards listed in *Sec.55.090*) You may consider a Variance, reviewed and approved per Sec.70.130, to the dustless all-weather surface for the access drive and any employee or customer parking.
- 5. Sec.65.020-A1g: Landscaping is required if you decide to pave your gravel drive and employee or customer parking area

**Review comment:** Provide landscaping that is in compliance with the following:

Sec.65.030-B: At least 20% of the required street setback area must be established and maintained as landscaped area. At least one tree must be preserved or planted and maintained or replaced in required street yard landscape areas for each 1,200 square feet of area, or fraction thereof. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular or pedestrian access. This area may be counted towards satisfying the minimum landscaped area requirements of Sec.65.030-B1.

## Ulmer, Amy

From:

keeper@deshanekennels.com

Sent:

Thursday, November 01, 2018 8:17 AM

To:

Ulmer, Amy

Cc:

campsllc82@gmail.com

Subject:

BOA - 22536

Ms.Amy Ulmer

City of Tulsa Board of Adjustment

RE: BOA - 22536

Ms. Ulmer:

I am the co-owner of DeShane Kennels, Inc. and have received notice of the above captioned BOA case.

Please be advised that we have no objections to this Special Exception as listed in the notice. If you have any further questions, please feel free to contact me.

Sincerely,

Mary E. Prater Hill, co-owner

Deshane Kennels, Inc.

1115 S. 129 E. Ave.

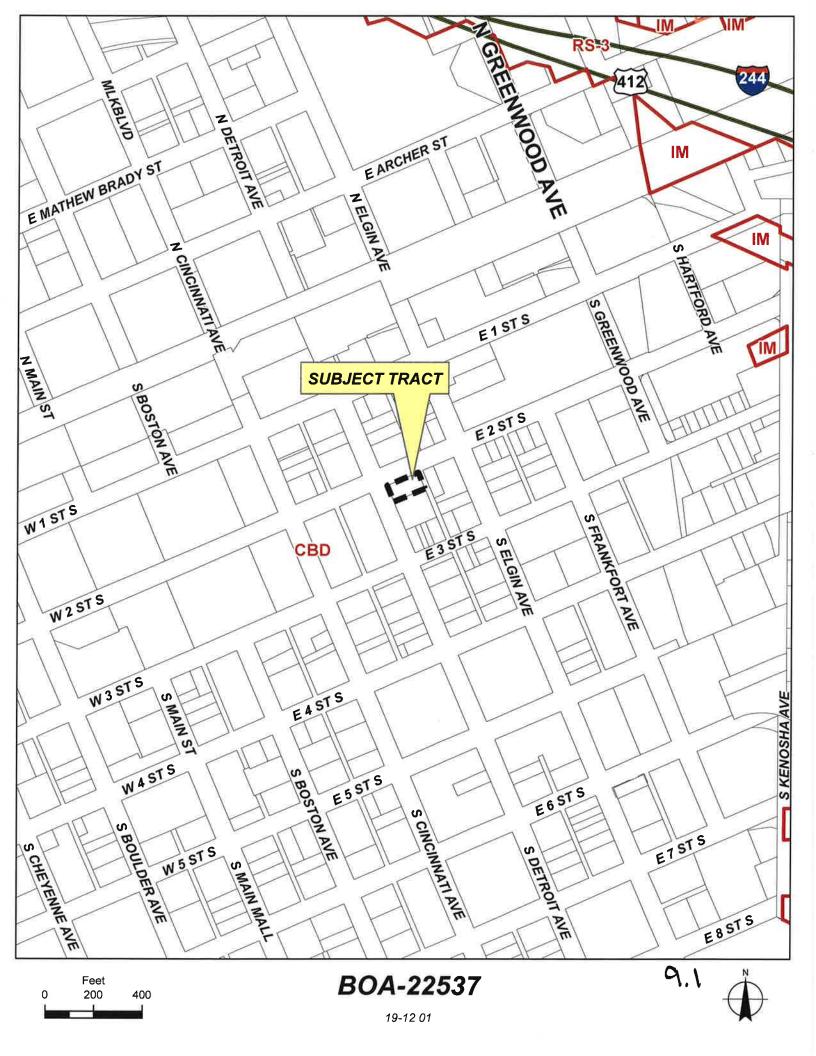
Tulsa, OK 74108

918-437-3343

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## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9201 Case Number: **BOA-22537** 

CZM: 36 CD: 4 A-P#:

**HEARING DATE:** 11/13/2018 1:00 PM

**APPLICANT**: Cliff Beam

ACTION REQUESTED: Special Exception to allow a Commercial/Assembly &

Entertainment/Outdoor Use in the CBD zoning District (Table 15-2;Sec. 70.120)

**LOCATION**: 304 E 2 ST S **ZONED**: CBD

PRESENT USE: Commercial TRACT SIZE: 10498 SQ FT

LEGAL DESCRIPTION: N75 LT 8 BLK 108, TULSA-ORIGINAL TOWN

#### **RELEVANT PREVIOUS ACTIONS:**

#### Subject Site & Surrounding Property:

**BOA-20544**; on 7.10.07, the Board approved a *special exception* to permit open air activities and activities which utilize tents in the CBD district (Section 701) to permit a music and arts festival. (see location in attached map).

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

**Downtown Core** is Tulsa's most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space and plazas.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by CBD zoning and a variety of uses including commercial/retail, restaurants and bars.

#### STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow an outdoor commercial assembly and entertainment use in a CBD district (Section 15.020). As indicated on the attached statement, the applicant is proposing to construct a stage at the northwest corner of the site to allow for musical performances.

The proposed street performer stage use as a principal use is regulated as an outdoor entertainment and assembly use. An outdoor assembly and entertainment use is defined as a use that provides gathering places for participant or spectator recreation, entertainment or other assembly acitvities. The proposed outdoor assembly and entertainment use is only permitted by special exception in the CBD district.

Sample Motion:	
Move to (approve/deny) a Special Exception to allow a Commercial/Assembly & Entertainment/Outdoor Use in the CBD zoning District (Table 15-2;Sec. 70.120)	ž
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.	
Subject to the following conditions (including time limitation, if any):	

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

RS-1 district from 750 sq. ft. to 986.25 sq. ft. (Section 402.B.1.d), with the conditions: the existing shed in the northwest corner of the property would be removed after the new 750 sq. ft. structure is built; the existing structure to the south of the proposed structure will stay in place; no commercial activities, per plan on page 7.6 of the agend a packet, finding the hardship to be the unusual size of the lot, being 3.34 times the minimum permitted lot size for an RS-1 lot; and by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LOT-12-BLK-4, JOHANSEN ACRES AMD, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*\*\*

# Case No. 20544

#### Action Requested:

Special Exception to permit open air activities and activities which utilize tents in the CBD district (Section 701) to permit a music and arts festival, located: At and near the intersection of South Detroit Avenue and East 2<sup>nd</sup> Street.

Mr. Cuthbertson informed the Board that the City Council and the Mayor approved the special events application for this event. There were security plans both public and private. There is an incident report from last year's event at 18<sup>th</sup> and Boston. A code change was initiated, which will be reviewed by the planning commission in August. It would allow special events such as the proposed event in the CBD district by right.

#### Presentation:

**Tom Green**, 1435 East 50<sup>th</sup> Street, stated they have obtained an agreement with Central Parking and the Performing Arts Center for staging on private property for four days. Those days are July 26<sup>th</sup> through July 28<sup>th</sup>. They also obtained permission for another stage on Arnie's parking lot at 3<sup>rd</sup> and Elgin. He worked with the Fire Department regarding emergency exists, lighting and fire extinguishers. He planned for an Artist's Registration to be set up near Detroit between 1<sup>st</sup> and 2<sup>nd</sup> in an alleyway. He commented there will be forty-four security officers and numerous police and others. He provided a large exhibit of all the plans and preparations for this event (Exhibit F-1).

### **Interested Parties:**

**Jim Norton, President of the Downtown Tulsa Unlimited, 321 South Boston, Suite** 101, stated DTU is in support of this application.

**Michael Saeger**, 320 East 1<sup>st</sup> Street, stated he is the owner of Blue Dome, LLC. He added they have worked with Mr. Green on this project and are in support. He informed the Board that he has 1,300+ ft. of street front that is affected by this event. This involves nine buildings, three parking lots, two are the special event locations. He was open to approval for a multi-year term for this event.

Suzanne Stewart, 132 East 26th Place, expressed strong support.

**Josh Robbie**, 919 South Winston, stated his support for this application to promote young artists.

Mary Beth Babcock, 1119 South Detroit, owner of Dwelling Spaces, was in support, stating it is good for business.

**Nate Lopez,** 2217 East 59<sup>th</sup> Street, Commissioner on Tulsa Hispanics Commission, stated it would be good for the community.

**Sergeant Skipper Bain**, 5963 East 13<sup>th</sup> Street, Tulsa Police Special Events Coordinator, was in support. He stated that everything is in order for public safety, trash collection and communications with the surrounding businesses.

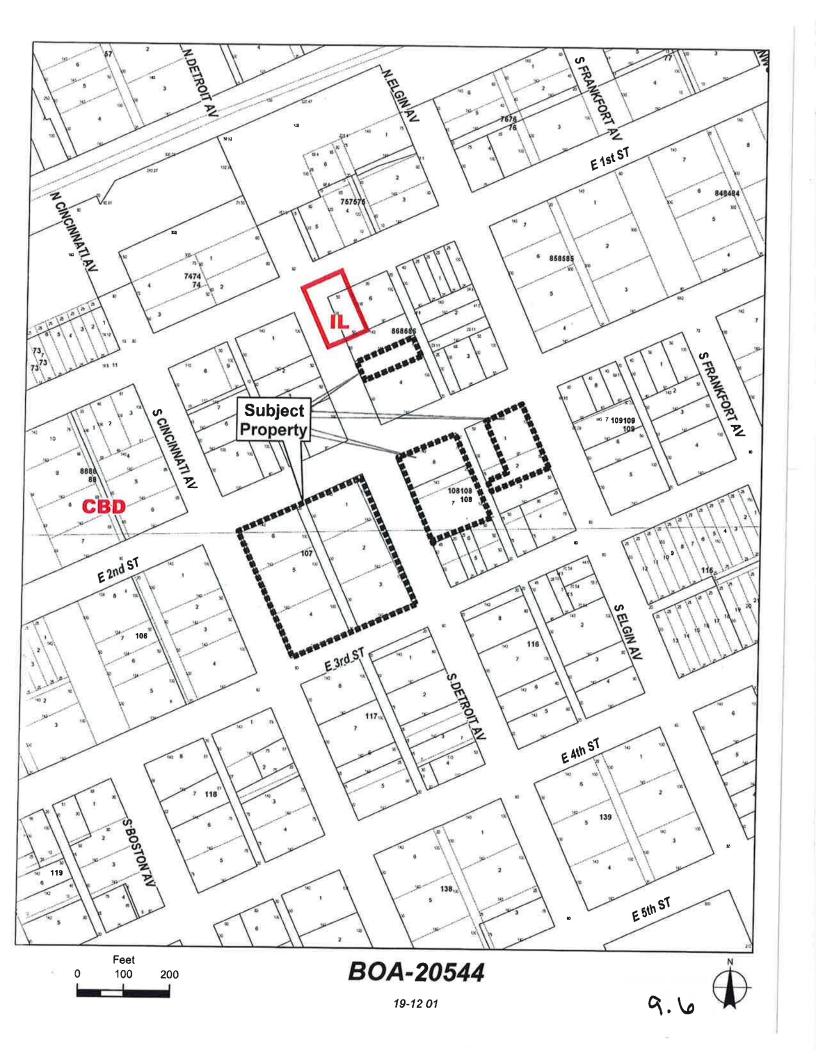
# Comments and Questions:

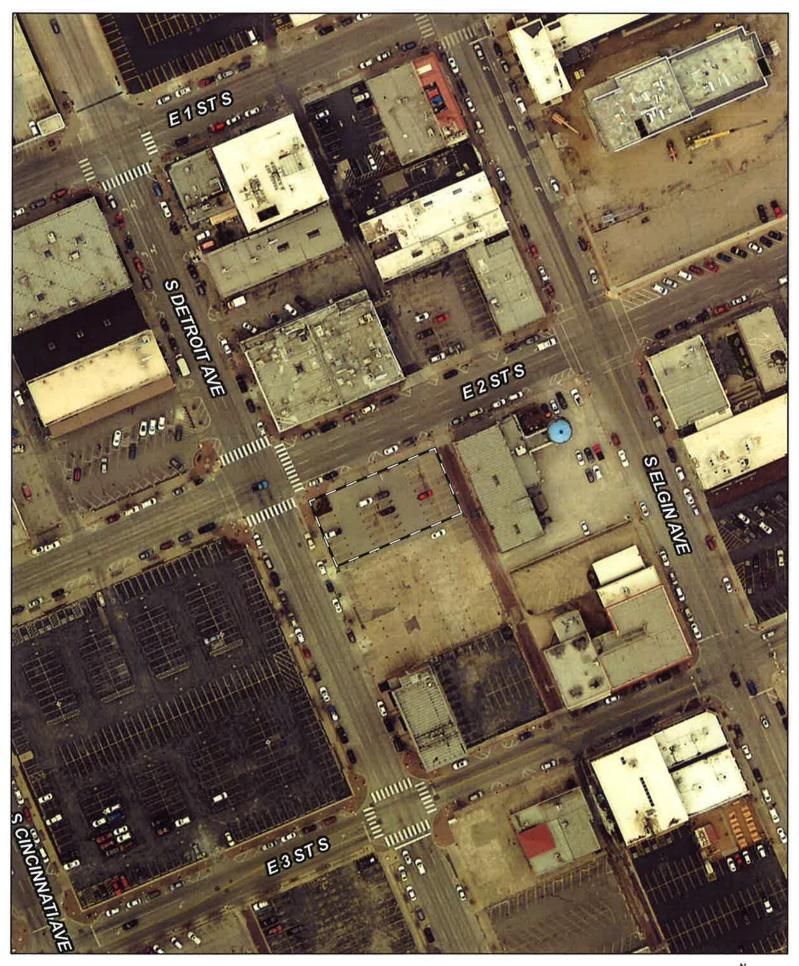
The general comments from Board members were in support of this well-organized plan for the event. Mr. White suggested that the conditions in the plans made for D-Fest could be included in the motion to set a precedent for future events to follow, for thorough preparation in advance of those events. Sergeant Bain informed the Board there will be a workshop on July 27<sup>th</sup> and 28<sup>th</sup> to revise the special event applications to provide more detail regarding security, trash, health, tent permits, alcohol permits and other issues.

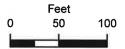
#### **Board Action:**

On **Motion** of **White**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Special Exception to permit open air activities and activities which utilize tents in the CBD district (Section 701) to permit a music and arts festival for a period of three years from this date, July 10, 2007; with the conditions that prior to the event that all considerations for security, public safety in general, health, and anything else relevant to the safe operation of the proposed event be dealt with the appropriate agencies and approval of those agencies, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

S1/2 LT 5 BLK 86, ALL BLK 107, E90 LTS 1 & 2 & S25 W50 LT 2 BLK 108, LT 7 S25 LT 8 BLK 108, N75 LT 8 BLK 108, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma









BOA-22537

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

Aerial Photo Date: February 2018







BOA-22537

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





# **Ulmer, Amy**

From:

Jeff Scott <jeffscott@scottrealty.net>

Sent:

Thursday, November 01, 2018 5:05 PM

To:

Ulmer, Amy

Subject:

2nd & Detroit/BOA

Amy - You requested that I provide you a brief summary of the entertainment venue that is proposed for the southeast corner of 2nd & Detroit. I hope the following description will help.

The southeast corner of 2nd & Detroit is private property, owned by Southbridge Equities, LLC, which is an entity that I own. The area currently has a park bench, an outdated way-finding sign, and some overgrown landscaping. If my application is approved, all of this will be removed, and where the landscaping exists today, an approximately 6 inch high stage for musical performers will be built. It is the intent to give legitimate, local musicians a means to gain exposure to the public, and hopefully earn a bit of money by way of contributions tossed into their instrument cases and selling their CDs. It is also hoped that good music being played in this environment will bring energy to the street scene in downtown Tulsa.

The performers will all be vetted by The Tulsa Artery (<a href="www.tulsaartery.com">www.tulsaartery.com</a>) and Tulsa Little Jam (<a href="www.tulsalittlejam.com">www.tulsalittlejam.com</a>) before they can use the stage. The performers will all have specific times to use the stage, and the area will be cleaned at the end of each day. There will be a sign indicating that the stage can only be used by invited guests, in order to keep it from becoming a place where street preachers or political activists try to take control of the stage. There will be instructions indicating whom to contact to become an invited guest.

If you have any questions, please feel free to contact me.

Thanks,

Jeff Scott

# Ulmer, Amy

From:

Jeff Scott <jeffscott@scottrealty.net>

Sent:

Tuesday, November 06, 2018 2:33 PM

To:

Ulmer, Amy

**Subject:** 

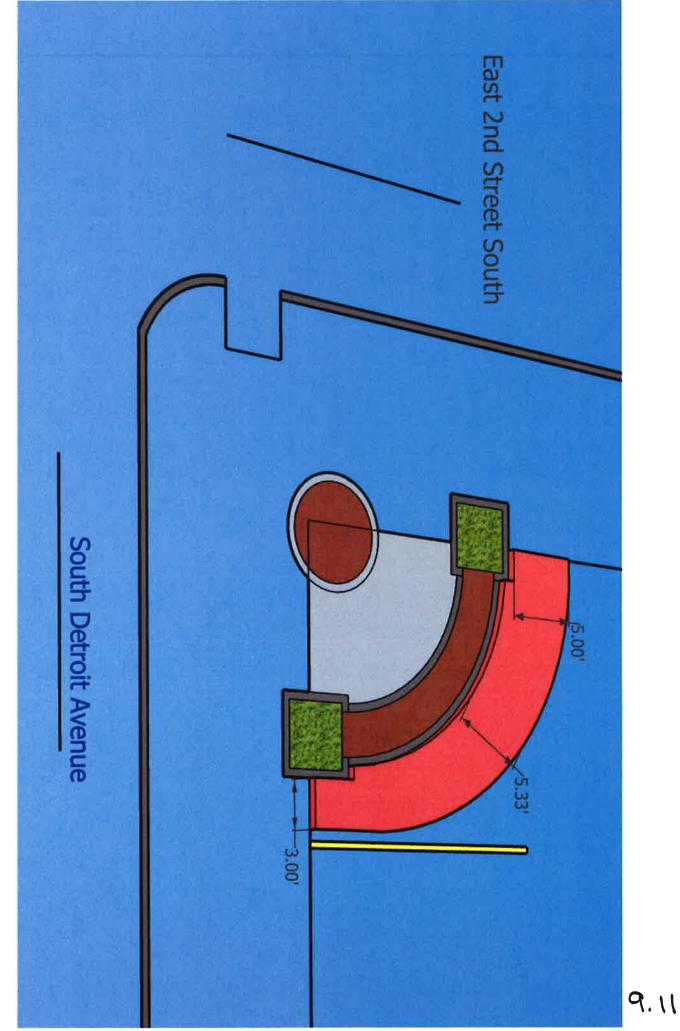
Re: 2nd & Detroit/BOA

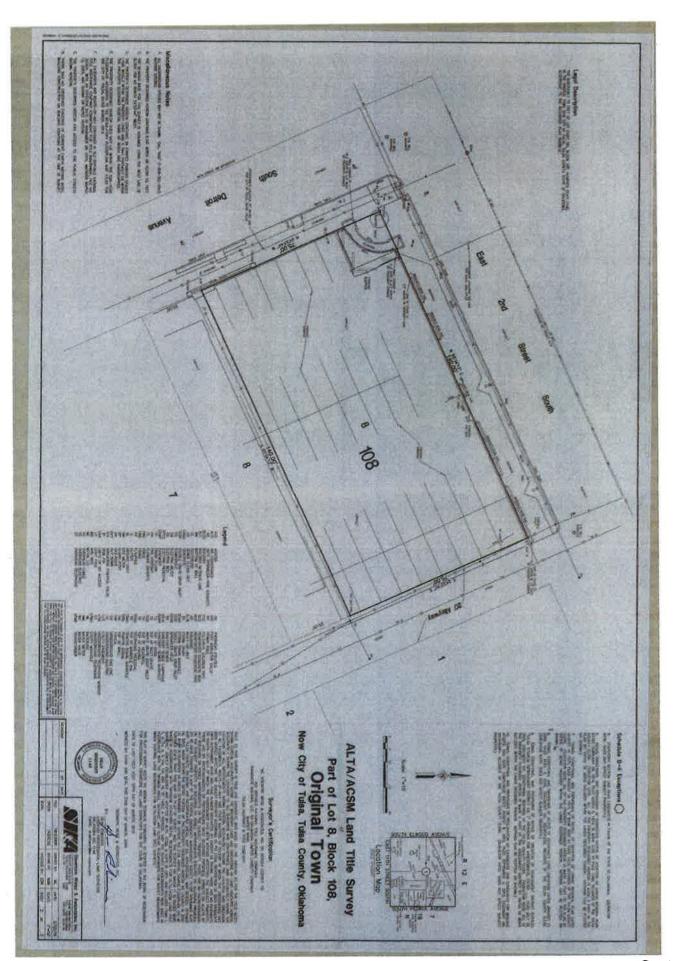
Amy - I have attached a preliminary sketch of the platform/stage we intend to build at the southeast corner of 2nd & Detroit. It will be built of colored concrete (terra cotta colored), and will be roughly 5 feet deep, 6 inches high, and semicircular in shape. I don't intend to add electrical outlets to the location, so any lighting and/or amplification would be battery powered.

There are two crepe myrtle trees in the green colored squares on the drawing. They will remain, which will soften the look and feel of the location. The two brown colored areas are currently dirt, which will be bricked.

I hope this information will help.

Jeff Scott





CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



# **DEVELOPMENT SERVICES**

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

# **ZONING CLEARANCE PLAN REVIEW**

LOD Number: 1

September 29th, 2018

Jeff Scott 401 S Boston Ave Tulsa, OK 74103 Phone:

APPLICATION NO:

ZCO-011274-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

304 E 2<sup>nd</sup> ST

Description:

Street performer

#### INFORMATION ABOUT SUBMITTING REVISIONS

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- 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

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

(continued)

#### **REVIEW COMMENTS**

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

Application No. ZCO-011274-2018

304 E 2<sup>nd</sup> ST

September 29th, 2018

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

1. Sec.15.020 Table 15-2: The proposed street performer is designated a Commercial/Assembly & Entertainment/Outdoor, Other Use and is located in the CBD zoned district. This will require a Special Exception approved by the BOA.

**Review comment:** Submit an approved BOA Special Exception, reviewed and approved per *Sec. 70.120*, to allow a Commercial/Assembly & Entertainment/Outdoor, Other Use in the CBD zoned district.

- **2. 70.080-C:** Submit a site plan that has been approved as a condition of the Special Exception. Providing the following:
  - North arrow
  - Appropriate drawing scale;
  - Legal description of the lot;
  - Actual shape and dimensions of the lot;
  - Lot lines and names of abutting streets;
  - Public rights-of-way;
  - The location and dimensions of existing buildings or structures, including distances to lot lines;
  - The location, dimensions and height of proposed buildings or structures including distances to lot lines;
  - Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
  - The intended use of the proposed buildings, structures or portion of the lot;
  - The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: <a href="http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf">http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf</a>

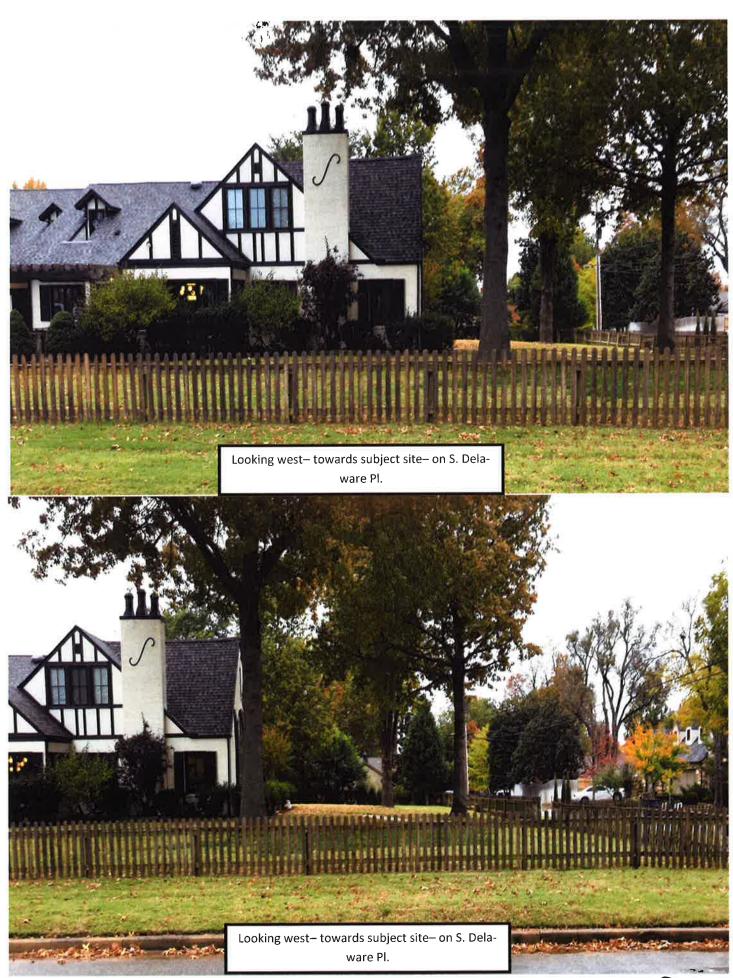
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

# **END - ZONING CODE REVIEW**

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

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

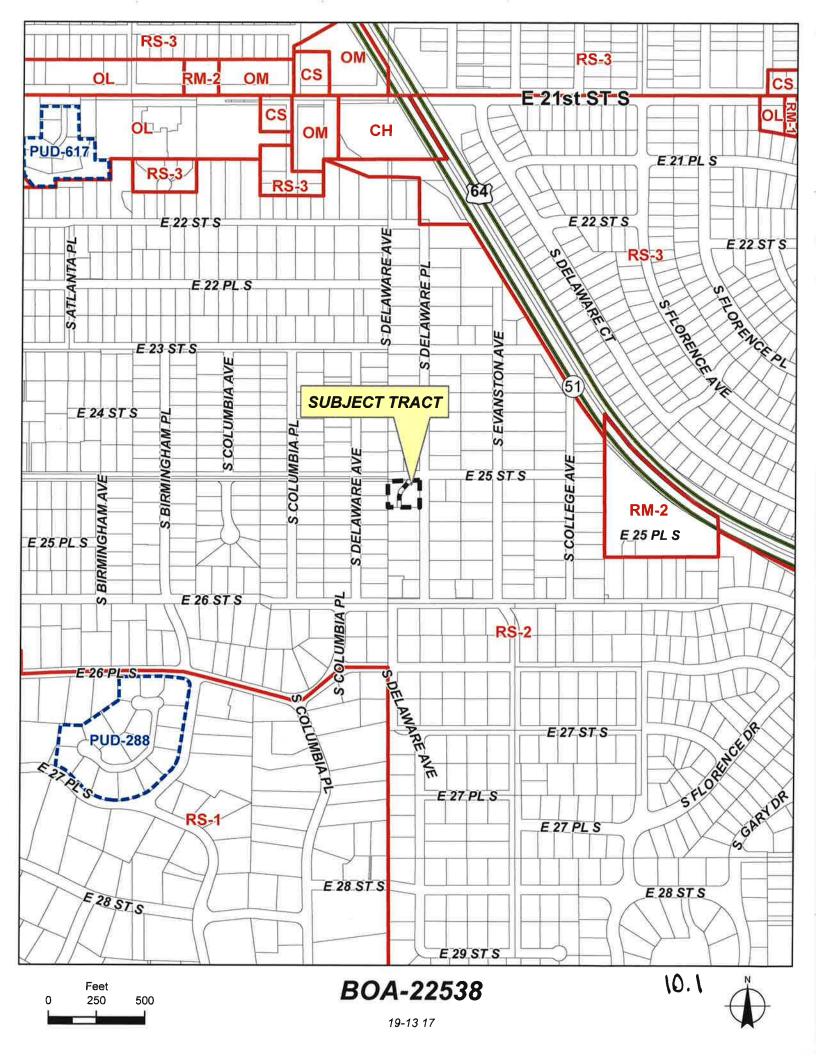




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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9317

Case Number: BOA-22538

**CZM**: 37 **CD**: 4

A-P#:

**HEARING DATE:** 11/13/2018 1:00 PM

APPLICANT: CBC Builds LLC c/o AAB Engineering

ACTION REQUESTED: Variance to reduce the rear setback requirement in an RS-2 district (Table

5-3).

**LOCATION**: 2824 E 25 ST S

**ZONED: RS-2** 

**PRESENT USE:** Residential

**TRACT SIZE: 22599.02 SQ FT** 

LEGAL DESCRIPTION: LT 1 & N25 LT 2 LESS BEG NEC LT 1 TH W TO NWC S12.2 E TO PT ON

EL LT 1 N3.9 POB BLK 8, BRYN-MAWR

# **RELEVANT PREVIOUS ACTIONS:**

# **Subject Property Lot-Split History:**

LS-21078; on 11.15.17, the Planning Commission approved a lot-split at the subject property.

LS-19440; on 11.06.02, the Planning Commission approved a lot-split at the subject property.

# Surrounding Properties Lot-Split/ Lot-Combo History:

LS-20794/ LC-680; on 7.15.15, the Planning Commission approved a lot-split and lot-combination, located at the NE/c of E. 23<sup>rd</sup> St. S. & S. Delaware Pl.

LS-19768; on 1.12.05, the Planning Commission approved a lot-split, located at 2823 E. 25<sup>th</sup> St.

**LS-19425**; on 10.02.02, the Planning Commission approved a lot-split, located at 2205 S. Delaware Pl.

LS-17325; on 6.20.90, the Planning Commission approved a lot-split, located at 2828 & 2830 E. 25<sup>th</sup> St

**LS-16951;** on 10.16.87, the Planning Commission approved a lot-split, located at 2205 S. Delaware Pl. & 2212 S. Evanston Ave.

**LS-16573-A**; on 1.22.86, the Planning Commission approved a lot-split, located at NE/c of E. 26<sup>th</sup> St. & Delaware Pl.

#### Surrounding Properties BOA History:

**BOA-20148**; on 11.22.05, the Board **approved** a *Variance* of the required 25 ft. rear yard setback to 6 feet for the addition of a new garage, located at 2350 S. Delaware Ave. E.

REVISED11/6/2018

**BOA-19951;** on 12.14.04, the Board **approved** a *Variance* of the required lot area to permit a lot-split (LS-19768), located at 2823 E. 25<sup>th</sup> St.

**BOA-18029**; on 6.9.98 the Board **approved** a *Variance* of the 20' required setback for a garage from a non-arterial street to 7' for a new garage subject to there remaining three off-street parking spaces, which will be two in the garage and one beside the garage and that the applicant put mirrors up to aid in the viewing of cars pulling out of the driveway, per plan submitted, located at 2347 S. Columbia Pl.

**BOA-17226**; on 11.14.95, the Board **approved** a *Variance* of the required 45' setback from the centerline of East 25th Street to 37-1/2' to permit construction of a new garage, located at 2507 S. Evanston Ave.

**BOA-17225**; on 11.14.95 the Board **approved** a *Variance* of the required side setback; a *Variance* of the required street setback, located at 2506 S. Evanston Ave.

**BOA-13892**; on 1.23.86, the Board **withdrew** a Minor Variance request to reduce the lot area to allow for a lot-split, located at the NE/c of 26<sup>th</sup> St. & Delaware Pl.

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

An **Existing Neighborhood** 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.

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

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

# **STAFF COMMENTS:**

As shown on the attached exhibit, the applicant is requesting a **Variance** to reduce the rear setback requirement from 20 ft. to 5 ft. in and RS-2 district.

Listed below is the history the subject properties current configuration;

- A Lot Split (LS-19440) was approved in 2002, establishing the southern property line and maintaining the rear setback requirement. At that time, the house appears to be 28 feet from the rear property line.
- A Building permit application (#306769) for an expansion, applied for in 2002, but was cancelled. There is no permit on record that was issued for the expansion of the house into the rear setback.
- A Lot Split (LS- 21078) was approved in 2017, splitting the lot, maintaining the side setback requirement.

10.3

It appears that the structure on the lot does not currently conform with rear setback requirements in the Zoning Code.

Samp	ole l	Mo	tion
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Move to (approve/deny) a Variance to reduce the rear setback requirement in an R district (Table 5-3).	S-2
Finding the hardship(s) to be	
<ul> <li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li> </ul>	
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."

S20.5 LT 19 N30 LT 20 LESS E25 THEREOF FOR ST BLK1, E 66 LT 21 BLK 1, W66 LT 21 BLK 1, BURGESS ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

# **NEW APPLICATIONS**

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# Case No. 20148

#### **Action Requested:**

Variance of the required 25 ft. rear yard to 6 feet for the addition of a new garage; (Section 403), located: 2350 South Delaware Avenue East.

#### Presentation:

Mark Weber, 2350 South Delaware Avenue, came to present his case. A site plan was provided (Exhibit C-1).

Mr. Stephens out at 2:33 p.m.

#### Comments and Questions:

Ms. Stead asked if the proposed garage would be built to the east. Mr. Dunham did not see any problem with the request.

Mr. Stephens returned at 2:35 p.m.

#### **Interested Parties:**

There were no interested parties who wished to speak.

FILE COPY

#### **Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required 25 ft. rear yard to 6 feet for the addition of a new garage; (Section 403), per plan, finding the orientation of the corner lot makes it difficult to maintain side yards; and literal enforcement of the code would result in an unnecessary hardship, that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, that the variance to be granted would not cause substantial detriment to the public good or impair the purpose, spirit and intent of the code or Comprehensive Plan, on the following described property:

LT 8 BLK 2, SOUTH EAST HIGH RIDGE, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*\*

\* \* \* \* \* \* \* \* \* \*

# Case No. 19951

# **Action Requested:**

Variance of Lot Area from the required 9,000 sq ft to 8,880 sq ft and 8,890 sq ft to permit splitting a lot zoned RS-2. – SECTION 403.A., located: 2823 East 25<sup>th</sup> Street South.

# Presentation:

Mike Marrara, 10759 East Admiral Place, stated he represented the agent on the property, for a variance to permit a lot split into two tracts. They proposed to remove the existing dwelling and accessory building; and sell the property to a builder that plans to build a home on each lot. He pointed out two fairly new homes at the southeast corner of the intersection of 25<sup>th</sup> and Delaware. A site plan was provided (Exhibit G-1).

# Comments and Questions:

Mr. White asked when the existing structure was built. Mr. Marrara suggested the late thirties or early forties.

#### **Interested Parties:**

There were no interested parties present who wished to speak.

# **Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of Lot Area from the required 9,000 sq ft to 8,880 sq ft and 8,890 sq ft to permit splitting a lot zoned RS-2, per plan, finding it would be consistent with other lots platted to the west of this area, and a new development on the southeast corner of the same intersection; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

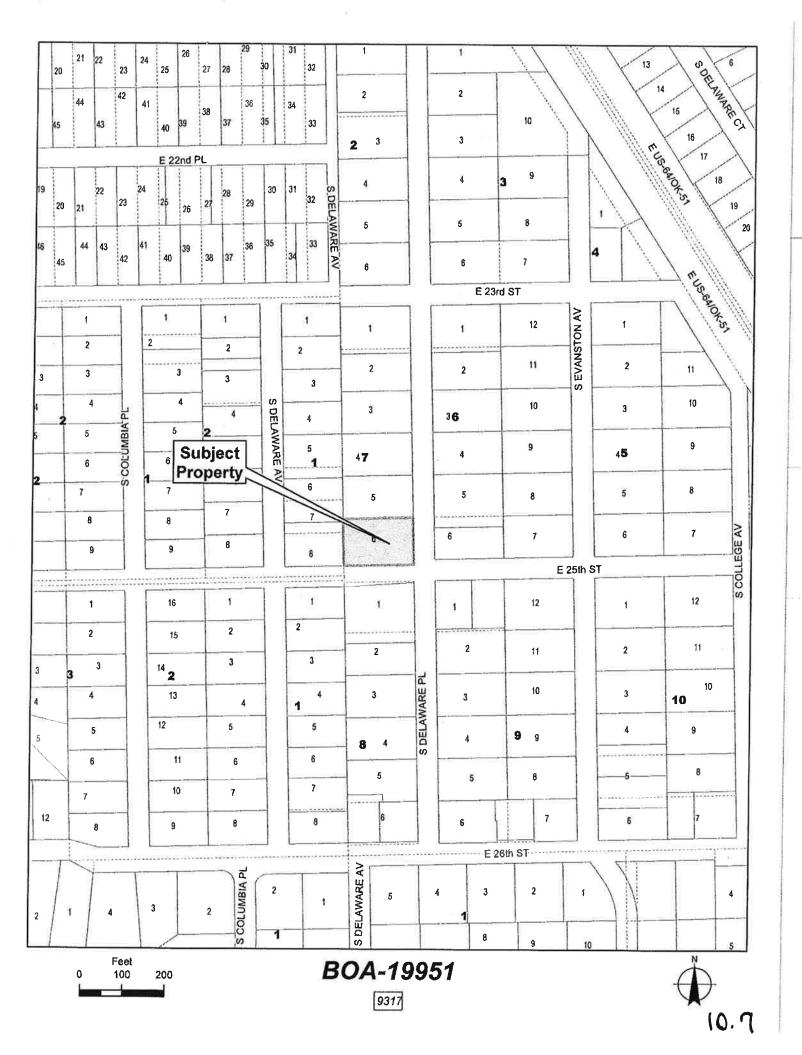
LT 6 BLK 7, BRYN-MAWR, and part of vacated street, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*\*

# Case No. 19952

#### Action Requested:

Variance of average lot width from 60 ft to 58 ft Tract A and 55 ft Tract B for lot split (L-19535). – SECTION 403, located: 3121 South Rockford Drive.





HARDEN & ASSOCIATES Surveying and Mapping, PLLC 10759 EAST ADMIRAL PLACE TULSA, OKLAHOMA 74116 (918)234-4859

# LOT SPLIT EXHIBIT

PROJECT NO:

04830

CLIENT:

Patterson Realtors

Bungalow Homes

### LEGEND

U/E UTILITY ESMT

D/E DRAINAGE ESMT

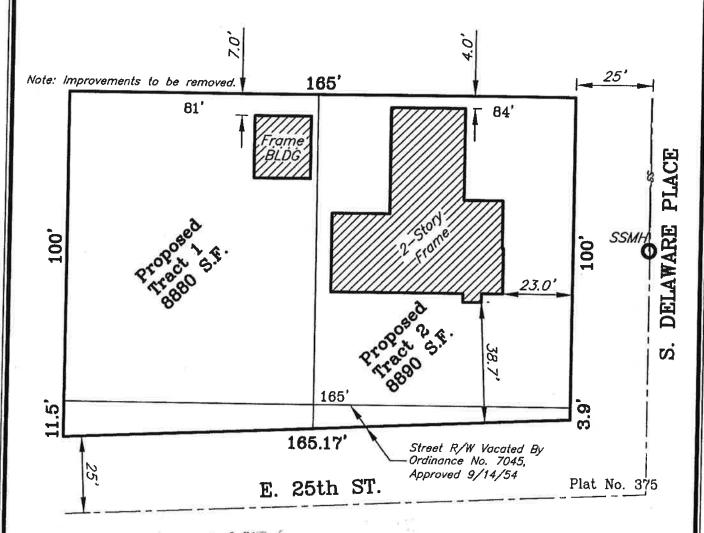
B/L BUILDING LINE

EM ELECTRIC METER

B/E BURIED ELECTRIC SERVICE CABLE

EASEMENT

(APPROXIMATE LOCATION)



CASE NO.

OFFICIAL RECORDS EXHIBIT.

MINUTES OF THE TULSA BOARD OF

ADJUSTMENT.

Case No. 18025 (continued)

Comments and Questions:

Mr. White asked Mr. Beach if the Planning Commission has reviewed this. Mr. Beach answered yes, the Planning Commission has reviewed a site plan (Exhibit A-1) for the entire property which includes this tract. Mr. Stump stated that the Planning Commission approved the site plan but it was contingent upon a Variance from the Board to allow this narrow a lot, with 120' of frontage. The access would be limited to a single access for both lots so they did not have additional access points created by the narrower lot.

Mr. White asked Mr. Dodson if the conditions that Mr. Stump mentioned are in accordance with what he had in mind. Mr. Dodson replied that they were acceptable and they are basically providing mutual access easements between the two properties and that the site plan does provide for those access points.

**Board Action:** 

On MOTION of DUNHAM, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", Cooper "abstentions"; no "absent") to APPROVE Variance of required frontage of 150' to 125' in a CS District to permit a lot split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 14, per plan submitted on the following described property:

Lot 2, Block 1, River Creek Village, City of Tulsa, Tulsa County, State of Oklahoma.

# Case No. 18029

**Action Requested:** 

Variance of the 20' required setback for a garage from a non-arterial street to 7' for a new garage. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6, located 2347 S. Columbia Pl.

Presentation:

The applicant, Scott Heller, 2347 S. Columbia Pl., submitted a site plan (Exhibit B-1) and stated that the reason for having to do the garage in this manner is that the way the drainage flows with the house it would cause him to make it higher than the house. The west and east view has trees blocking any views from oncoming traffic. There will be a drive on the left side of the garage so a third car could be parked there. Mr. Heller stated that there are several houses within the neighborhood with similar garages.

Comments and Questions:

Mr. White asked Mr. Heller if he is enclosing the existing garage. Mr. Heller answered that they are turning it into a master bed and bath.

06:09:98:751(2)

# Case No. 18029 (continued)

Mr. Cooper asked the applicant to explain the drainage issue. Mr. Heller stated that if he turned the garage around it slopes down on the west side. He would have to raise it up 4' off the ground so the water would not flow into the garage.

Ms. Turnbo asked if the other driveway would be a turn around so one does not have to back into the street. Mr. Heller said possibly, but right now there is no plan to. Mr. Heller does plan to set mirrors on the drive to make it easier for someone in the road and someone in the drive to see each other. Ms. Turnbo asked if there were any sidewalks in the neighborhood. Mr. Heller said no.

Mr. White pointed out the Staff comments pertaining to the 20' required setback, which would be 32' from the curb so cars parked in the drive will not extend into the right-of-way.

Mr. Beach pointed out that there is only 7' from the face of the garage to the property line. Only 7' of his car could be parked on his property. His site plan does show a sidewalk, Mr. Beach does not know for a fact if there is one there. Ms. Turnbo stated that when she drove by there was not one there. Mr. Beach mentioned that there is a City Ordinance against blocking sidewalks.

Mr. Beach mentioned that the new addition looked pretty deep, he asked the applicant how deep it actually is. Mr. Heller answered that he is planning to add 30' from north to south onto the existing area. Mr. Stump stated that it is 10' longer than a minimal garage. A double garage would normally be 20'x20' at a minimum size. Mr. Beach is concerned about allowing this and only providing 7' to park a car off the City right-of-way. Mr. Heller stated that is his reason for the side parking on the west side of the garage for a third car.

Ms. Perkins asked Mr. Heller if there was a particular reason why the garage had to be 30' deep. Mr. Heller answered that he was wanting to put storage inside the garage area and the closets for the master bed would come into the area. The current garage is 20'x20', when you add a master bed and bath, it shrinks the space, actually 5' of it will be used for the master bedroom. So it will actually be a 25' x 20' garage with 5' used for storage.

Mr. White asked Mr. Heller what the distance is from the south side of the house to the south property line. Mr. Heller answered 47'. Mr. Dunham asked how far in front of the existing property line along 25<sup>th</sup> St. is the addition to the garage. Mr. Heller said it is extending 7' further.

Mr. Cooper suggested requiring the applicant to have a third parking space and mirrors.

# Case No. 18029 (continued)

# Interested Parties:

None.

**Board Action**:

On MOTION of COOPER, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to APPROVE Variance of the 20' required setback for a garage from a non-arterial street to 7' for a new garage. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS – Use Unit 6 subject to there remain three off-street parking spaces, which will be two in the garage and one beside the garage and that the applicant put mirrors up to aid in the viewing of cars pulling out of the driveway, per plan submitted, on the following described property:

Lot 9, Block 1, Quinlin III Addition in the City of Tulsa, Tulsa County, State of Oklahoma.

#### Case No. 18031

**Action Requested:** 

Variance of required side yard from 5' to 0' and a Variance of the required land area per dwelling unit. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 7, located 1332 E. 35<sup>th</sup> St.

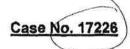
#### Interested Parties

None.

**Board Action:** 

On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to APPROVE Variance of required side yard from 5' to 0' and a Variance of the required land area per dwelling unit. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS — Use Unit 7, per plan submitted on the following described property:

Lot 7, Block 3, Olivers Addition, City of Tulsa, Tulsa County, State of Oklahoma.



**Action Requested:** 

Variance of the required 45' setback from the centerline of East 25th Street to 33' to permit construction of a new garage - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 2507 South Evanston Avenue.

Presentation:

The applicant, **David Weber**, 2507 South Evanston Avenue, submitted a plot plan (Exhibit J-1) and requested permission to construct a new garage 33' from the centerline of the street. He explained that the existing garage is to be converted to a master bedroom and the new structure will be constructed over an existing driveway and parking area. The applicant stated that the garage cannot be moved farther back because of an existing swimming pool.

Comments and Questions:

Mr. Bolzle asked Mr. White if the existing structure is 5.1' from the property line, and he answered in the affirmative.

At the conclusion of Board discussion concerning averaging, it was determined that the applicant would be permitted to construct the garage 37½' from the centerline of the street by right.

Ms. Abbott inquired as to the distance from the pool to the rear of the proposed garage, and Mr. Weber replied that there will be approximately 12' from the garage to the pool deck.

Ms. Turnbo stated that she viewed the site and is concerned that there will not be sufficient space to park a car between the garage and the street right-of-way.

Ms. Abbott stated that she would be supportive of a 37½' setback, which was determined by averaging.

# Protestants:

None.

# Case No. 17226 (continued)

# **Board Action**

On MOTION of WHITE, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to <u>APPROVE</u> a Variance of the required 45' setback from the centerline of East 25th Street to 37½' to permit construction of a new garage - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; finding that the 37½' setback, which was determined by averaging; would allow sufficient space to park a vehicle in front of the garage without overhanging the street right-of-way; on the following described property:

Lot 1, Block 10, Bryn-Mawr Addition, City of Tulsa, Tulsa County, Oklahoma.

# Case No. 17229

#### Action Requested:

Variance of the floor area limitations, and a variance of the setback requirements - SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 19.

Variance of the parking requirements, and a special exception to modify the screening requirements - SECTION 1219.D. HOTEL, MOTEL AND RECREATION FACILITIES - Use Unit 19.

Determination of the extent of nonconformity of improvements lawfully constructed prior to July 1, 1992, located east of southeast corner I-44 and Yale Avenue.

#### Presentation:

The applicant, Roy Johnson, 201 West 5th Street, submitted a plat of survey (Exhibit K-4) and informed that this application involves the Ramada Hotel, which is located on a six-acre tract. He stated that, prior to 1970, the applicant sought a modification of the floor area limitations, which was approved by the Board. Mr. Johnsen noted that there was a 65' residentially zoned access strip along the east boundary and another Board application was filed to permit hotel construction to extend into this residential district. He informed that a building permit was issued for the first phase of the hotel and it was completed. Mr. Johnsen stated that a new Tulsa Zoning Code was adopted July 1, 1970 and any permits issued before that time could be used within two years after its adoption. He pointed out that the second phase of hotel construction (75 rooms and 107 parking spaces) did not begin until eight years later and the zoning officer, apparently overlooking the fact that more than two years had lapsed, issued the building permit in error. Mr. Johnsen noted that there were no parking or screening requirements before 1970. He stated that he finds the project to be nonconforming as to parking, screening and floor area. The applicant advised that additional off-site parking is leased; however, these spaces could become

11:14:95:692(14)

# Case No. 17224 (continued)

#### Comments and Questions:

Mr. Doverspike asked if the only repair work will be minor repairs to prepare the automobiles for sale, and Ms. Varnado answered in the affirmative.

In response to Mr. Doverspike, Ms. Varnado advised that all vehicles on the lot will be operable.

In response to Mr. White, Ms. Varnado informed that the storage building on the property is not included in the lease and parking for the storage is not indicated. She pointed out that the owner of the property will reserve the storage facility for his use.

Mr. Bolzle asked Mr. Beach if parking is the only Staff concern, and he answered in the affirmative.

# **Protestants:**

None.

#### **Board Action**

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit automobile sales in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; per plan submitted; subject to no automobile repairs except for minor repairs to prepare them for sale; subject to no storage of inoperable vehicles; and subject to Board approval of parking necessitated by future use of the existing storage building; finding that an existing car lot abuts the subject property; and finding the use, per conditions, to be compatible with the area; on the following described property:

Lot 2, Block 1, John Calvin Addition, a Resub of Lot 4, Block 4, O'Connor Park Addition, City of Tulsa, Tulsa County, Oklahoma.



#### **Action Requested:**

Variance of the required 15' side setback from a public street to 10' to permit expansion of an existing nonconforming garage, and a variance of the required 15' setback from a public street to permit a new accessory building - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 2506 South Evanston Avenue.

# Case No. 17225 (continued)

# Presentation:

The applicant, Gary Gould, 2506 South Evanston Avenue, submitted a plot plan and photographs (Exhibit H-1) and informed that he is proposing to convert an existing breezeway and garage to additional living space. He stated that a new three-bay garage with an 8' storage area will be constructed on the northwest corner of the property. Mr. Gould requested that the required setback be reduced to 10' for the existing garage and the new garage.

#### Comments and Questions:

Mr. Doverspike asked the applicant why he cannot comply with the required 15' setback requirement, and he replied that one garage is existing and bringing it into compliance would require removal of a portion of the structure. He noted that there are trees and shrubbery along the lot line abutting the neighbor's property to the west-

Mr. Gardner advised that the required setback for the garage would be 20° if access is from East 25th Street.

The applicant stated that there is an existing 15' street easement, and additional setbacks result in a large side yard, which is not needed. He noted that there are other accessory buildings in the area that have been constructed on the property line.

There was discussion concerning averaging and whether or not the applicant would be permitted to construct the new garage at the 15' setback by using this process.

#### **Board Action:**

On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to <u>APPROVE</u> a Variance of the required 15' side setback from a public street to 10' to permit expansion of the existing residence - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; finding that the existing structure does not comply with current setback requirements and the building wall of the proposed expansion will align with the current wall.

On MOTION of BOLZLE, the Board voted 3-0-2 (Abbott, Bolzle, Tumbo, "aye"; Doverspike, White, "nay"; no "abstentions"; none "absent") to APPROVE a Variance of the required setback from a public street from 20' to 15' to permit a new accessory building - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; finding that the new garage will not extend as close to the street as the existing dwelling; finding that the 15' setback will not obstruct the view of the house to the west; and finding that there are other buildings in the area that are closer to the street than the proposed structure; on the following described property:

Lot 12, Block 9, Bryn-Mawr Addition, City of Tulsa, Tulsa County, Oklahoma,

11:14:95:692(12)

# Case No. 13880 (continued)

CS district as set out in the Comprehensive Plan and with this zoning a setback would not be required on the north; finding that a hardship was not demonstrated which would warrant the granting of a 75' setback from the centerline of 101st Street; on the following described property:

A tract or parcel of land in the SW/c of the E/2 of the SE/4 of the SE/4 of Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma more particularly described as beginning at a point 660' west of the SE/c of Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma to the point of beginning, thence north a distance of 175'; thence east a distance of 100'; thence south a distance of 175'; thence west a distance of 100' to the point of beginning.

# Case No. 13892

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the lot area from 9,000 to 7,845 sq. ft. in order to allow a lot-split, located on the NE/c of 26th Street and Delaware Place.

#### Presentation:

The applicant, Ray Baumgarten, requested by letter (Exhibit C-1) that Case No. 13892 be withdrawn.

#### Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to WITHDRAW Case No. 13892.

#### Case No.13900

Action Requested:

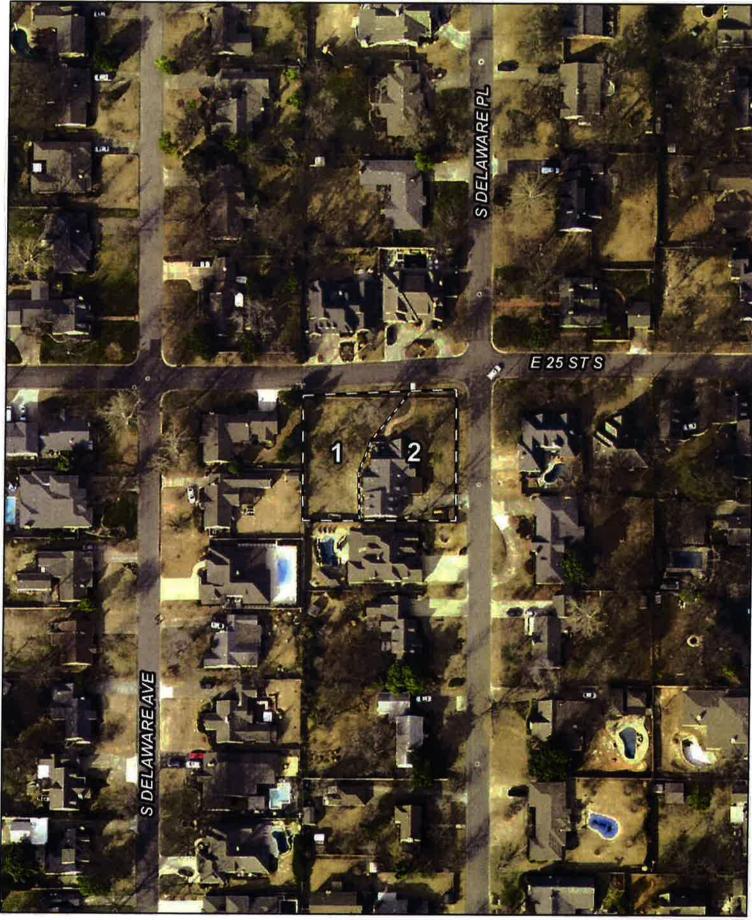
Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 1211 - Request a special exception to allow a home occupation for photographing purposes, located south of the SE/c of Sheridan Road and East 76th Street.

Variance requested to allow one person, other than a family member, to answer the phone since Mr. Huff is a bachelor.

#### Presentation:

The applicant, David Huff, 7601 South Sheridan Road, Tulsa, Oklahoma, submitted photographs (Exhibit D-1) of his home and the surrounding area, and asked the Board to allow him to work out of his home. He informed that he is a wedding photographer and does approximately 95% of his business in churches, having about 2 customers each day. Mr. Huff pointed out that the land is a unique piece of property, with the house setting off the street 132' and the nearest neighbor being 135' away.

1.23.86:456(5)







LS-21078

19-13 17

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

Aerial Photo Date: February 2016



# Summary of Comments on LS-21078.pdf

# Page: 1

Author: aholdman Subject: Note

Date: 11/6/2017 8:04:31 AM

LS 21078Water - Ok -11/6/2017AHoldmanEach tract has access to an existing 6-inch water main line along E. 25th St S for A-1and S Delware Place for tract A-2.

Number: 2

Author: negan

Subject: Note LS 21078Sanitary Sewer 10/27/2017OKNQE

Date: 10/30/2017 2:01:58 PM -05'00'

Number: 3

Author: rrender

Subject: Note

Date: 11/14/2017 12:45:07 PM

RRender - Transportation

11/8/2017

Approved

Number: 4

Author: egarner Subject: Note Date: 10/30/2017 2:04:08 PM -05'00'

October 30, 2017 AR

LS 21078

2824 E 25 ST S

Okay. Existing structure greater

than 3 ft from new property line.

E Garner

Number: 5

Author: ssilman

Subject: Note

Date: 11/1/2017 1:02:17 PM -05'00'

SSilman - Stormwater

11/1/2017

No known stormwater issues

#### CASE NO. 19440 LOT-SPLIT APPLICATION S-T-R 17-19-13 (NE) Tulsa Metropolitan Area Planning Commission 201 West 5th Street, Suite 600, Tuisa, Oklahoma 74103 (918) 584-7526 THE FOLLOWING INFORMATION IS TO BE SUPPLIED BY APPLICANT AT IS THE PRESENT USE OF THE TRACT? Benton William B. 2824 E. 25th St., So. residential Lots One (1) and Two (2), Block Eight (8), Bryn-Mawr Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and known as 2824 East 25th Street South. Lot One (1) and the North 25 feet of Lot Two XXCITY [] WELL [] OTHER (2), Block Eight (8), Bryn-Mawr Addition, an 1-14-02 TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT SEWER [] SEPTIC: PERC. TEST# addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded street or streets tract will face So. Delaware Avenue PROPOSED USE OF THIS TRACT Residential plat thereof, less and except a portion of AVERAGE LOT WIDTH AVERAGE LOT DEPTH Lot 1, Block 8, Bryn-Mawr Addition, Tulsa 136.95 ft 165 ft 22,607.64 sq. ft. County, Oklahome, -QUACE OF WATER SUPPLY FOR THIS TRAC being more particularly described as follows: [] CITY [] WELL [] OTHE Beginning at the Northeast corner of said TYPE OF SEWAGE DISPOSITION OF AVAILABLE Lot 1; thence West along the North line of [] SEWER [] SEPTIC: PERO-TE STREET OR STREETS TRACT WILL THE said lot to the Northwest corner of said lot; PROPOSED USE OF THIS TRACT thence South along the West line of said lot, a distance of 12.2 feet to a point; thence Easterly to a point on the East line of said lot; thence JI WELL [] OTHE North along the East line of said lot a [] SEWER [] SEPTIC: PERCHE distance of 3.9 feet to the point of STREET OR STREETS TRACT WILL TOTAL SQUARE PAGE LEGAL DESCRIPTION OF PROPOSED TRACT = #2 [] WELL [] OTHER 11-14-03 Lot Two (2), Block Eight (8), less the North TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT 25 feet thereof, Bryn-Mawr Addition, an X | SEWER [] SEPTIC: PERC, TEST # addition to the City of Tulsa, Tulsa County, street or streets tract will face So. Delaware Avenue State of Oklahoma, according to the recorded PROPOSED USE OF THIS TRACT Residential ee Exhibit A plat thereof. 12,371.04 sq. AVERAGE LOT DEPTH 75.0 ft Bill Bowley Kenneth M. Smith 4554 South Harvard, Suite 200 ksmith@riggsabney.com (88-2847 74135 Tulsa, Oklahoma City, State, Zip\_ Phone: (918) 587-3161 Fax: (918) 743-0546 If applicant is other than owner, indicate relationship: Does record owner consent to this application? \[ \mathbb{Y} \] Yes I certify that the information on this application is true and correct. Sign Kenneth M. Smith FOR STAFF USE OTHER DEPARTMENTS FOR REVIEW / REQUIREMENTS AND APPROVALS OK Date 10-21-02 Water: Sent 10-11-02 Action OK Date 10 - 21 -02 Sewer: Sent 10-11-03 Action Septic: Sent Date Action City 2-18-03 Approval Sent County.

TMAPC ACTION

COMMENTS

MAPS RATIFICATION 11-06-00

a Stamped

beginning.



201 Executive Center
Suite 600
201 West 5th Street
Tulsa, Oklahoma 74103-4212
918/584-7526-Fax 918/583-1024

October 22, 2002

Mr. Bill Benton 2531 E. 22<sup>nd</sup> Pl. Tulsa, OK 74114

SUBJECT: Lot-Split Application #19440

Dear Mr. Benton:

Your application for a lot-split, located at 2824 East 25<sup>th</sup> Street South, has been approved. However, we cannot stamp the deeds until the existing garage on Tract B has been demolished. Please notify me once the building has been removed.

After the garage is removed, bring your deed to our office for the approval stamp to be placed on them, prior to filing them at the Tulsa Count Courthouse. Be sure to add the "Rider" text to your deed, stating that the north 25' of Lot 2 cannot be conveyed separate of Lot 1. We will need to stamp the deed for Tract A at the same time or prior to stamping the deed for Tract B.

If you have any questions regarding this lot-split, please give me a call.

Sincerely,

Janet G. Chronister

Land Regulations Analyst

cc: Kenneth M. Smith

INCOG

FAX

Date: 10~11-02 No. of pages including cover sheet: \_ 3

To: Allen Holdman 596-2569 Phone: Fax : 699-3500 3724

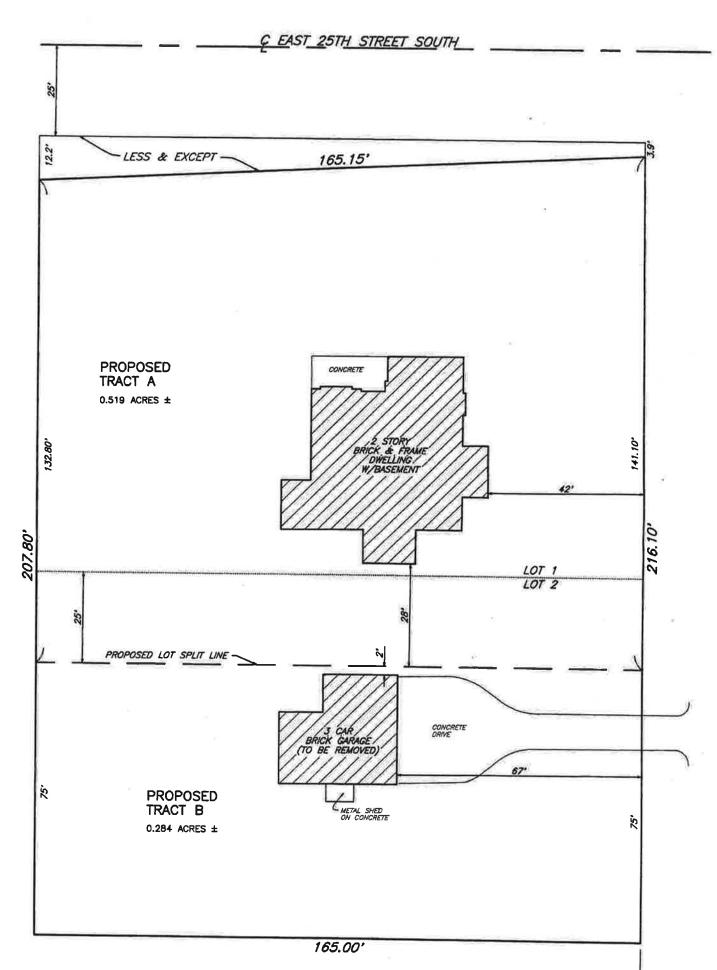
From: Janet Chronister Lot Split Administrator Phone: 584-7526 Fax phone: 583-1024

REMARKS: Urgent For your review Reply ASAP Please comment Please review Lot Split Number 1949 Address 2824 E 25 14 54 X Water OK- AHOLDMAN 10/18/02 X Sewer OK- C. CLOIDE 10/18/02 A-P. 32

### **EXHIBIT "A"**

The three-car brick garage will be removed from Tract 2 and a new residential structure will be constructed on Tract 2.

On Tract 1 future access will be provided by a driveway entering off of South Delaware Avenue. The main entry of the existing dwelling will be facing South Delaware Avenue.



Documentary Stamps 225.00 Mailing Address 11678 S. Hudson Ct., Tulsa, OK74137

# General Warranty Deed (With Survivorship Clause)

THIS INDENTURE, Made this 31st day of October, 2002 between William B. Benton and Carrie M. Benton, husband and wife, parties of the first part, and Steven R. Elliott and Leslie C. Elliott, husband and wife, with the right of survivorship as hereinafter set out, parties of the second part.

WITNESSETH: That in consideration of the sum of Ten and no/100---(\$10.00)---Dollars, and other good and valuable considerations, receipt whereof is hereby acknowledged, said parties of the first part do by these presents grant, bargain, sell and convey unto Steven R. Elliott and Leslie C. Elliott, husband and wife, as joint tenants, and not as tenants in common, on the death of one the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the following described real estate situated in County, State of Oklahoma, to-wit:

Lot Two (2) less the North Twenty-five (25) feet thereof, Block Eight (8), BRYN-MAWR ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said parties of the first part, their heirs, successors, grantees, executors and administrators, do hereby covenant and agree to and with said parties of the second part that, at the delivery of these presents, they is/are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharges and unencumbered of and from all former and other grants, titles, charges, judgements, estates, taxes assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements and building restrictions of record and special assessments not yet due:

AND that parties grantor will WARRANT AND FOREVER DEFEND the same unto said parties of the second part, their heirs, successors and assigns against said parties of the first part, their heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

and year first above written.	7.1	part have executed or caused to be executed, this instrument the day
LOS WITHOUT		
William B. Benton Carrie M. Benton	4	
		: Colit L- 19440 - eporawo.
	4	in accordance with TMAPC Resolution
STATE OF Oklahoma	)	1337;530 approves this conveyance
	)ss.	Date 11 14 02 14 DE
COUNTY OF Tulsa	j	TMAPC Official
Before me, the unde	ersigned, a Notary Public, i	in and for said County and State, on this 31st day of October, 2002,
personally appeared William	B. Benton and Carrie M. E	Benton, husband and wife, to me known to be the identical person(s)

personally appeared William B. Benton and Carrie M. Benton, husband and wife, to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above written

My commission expires:

5-14-2004 #6617

Notary Public



Documentary Stamps

Mailing Address: 2824-East 25th Street Tulsa, Oklahoma 74112 2531 E. 22 Pl., Tulso, ac 74114

# General Warranty Deed (With Survivorship Clause)

THIS INDENTURE, Made this 31st day of October, 2002 between William B. Benton and Carrie M. Benton, Husband and Wife, parties of the first part, and William B. Benton and Carrie M. Benton, Husband and Wife, with the right of survivorship as hereinafter set out, parties of the second part,

WITNESSETH: That in consideration of the sum of Ten and no/100---(\$10.00)---Dollars, and other good and valuable considerations, receipt whereof is hereby acknowledged, said parties of the first part do by these presents grant, bargain, sell and convey unto William B. Benton and Carrie M. Benton, Husband and Wife, as joint tenants, and not as tenants in common, on the death of one the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the following described real estate situated in Tulsa County, State of Oklahoma, to-wit:

### See Attached Exhibit "A"

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said parties of the first part, their heirs, successors, grantees, executors and administrators, do hereby covenant and agree to and with said parties of the second part that, at the delivery of these presents, they is/are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharges and unencumbered of and from all former and other grants, titles, charges, judgements, estates, taxes assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements and building restrictions of record and special assessments not yet due:

AND that parties grantor will WARRANT AND FOREVER DEFEND the same unto said parties of the second part, their heirs, successors and assigns against said parties of the first part, their heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, and year first above written.  William B. Benton	parties	of the first part have executed or caused to be executed, this instrument the day
STATE OF Oklahoma	)	
COUNTY OF Tulsa	)ss. )	
Before me, the undersign personally appeared William B.	ned, a Notar Benton and	y Public, in and for said County and State, on this 31st day of October, 2002,  d Carrie M. Benton, Husband and Wife, to me known to be the identical

02, person(s) who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year above writte My commission expires: 5-14-2004 Notary Public OFFICIAL SEAL

### Exhibit "A"

Lot One (1) and Two (2), Block Eight (8), BRYN-MAWR, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, EXCEPT that portion of said Lot 1, which has been deeded to the City of Tulsa, Oklahoma, for street purposes and mor particularly described as follows, to-wit:

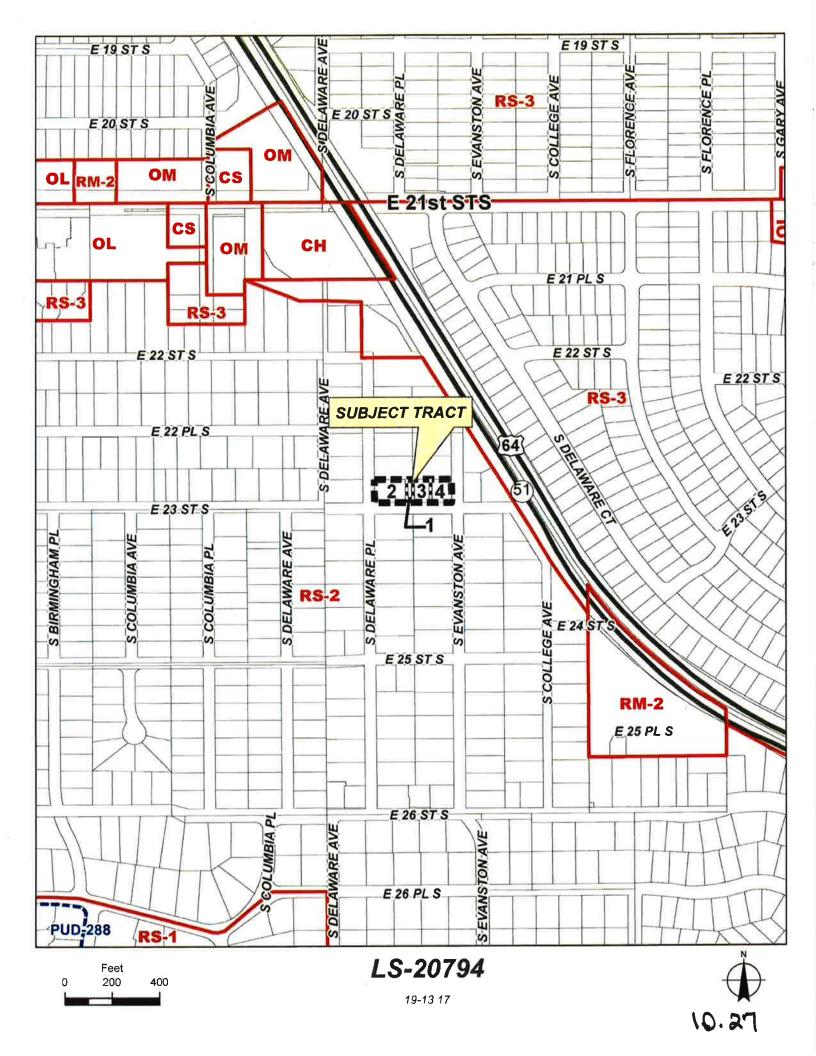
BEGINNING at the Northeast corner of said Lot 1, THENCE West along North Line to Northwest corner of said Lot; THENCE South along West line of said Lot, a distance of Twelve and Two-Tenths (12.2) Feet; THENCE Easterly to a point on the East line of said Lot; THENCE North along East line of said Lot a distance of Three and Nine-Tenths (3.9) Feet of the point of beginning.

### Less and except

Lot Two (2), Less the North Twenty-Five (25) Feet thereof, Block Eight (8), BRYN-MAWR ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

The North 25 feet of Lot Two (2) cannot be conveyed separate of Lot One (1)

Lot Split L- 19440 approved in accordance with TMAPC Resolution 1337;530 approves this conveyance Date 11442 by TMAPC Official





Feet 0 50 100



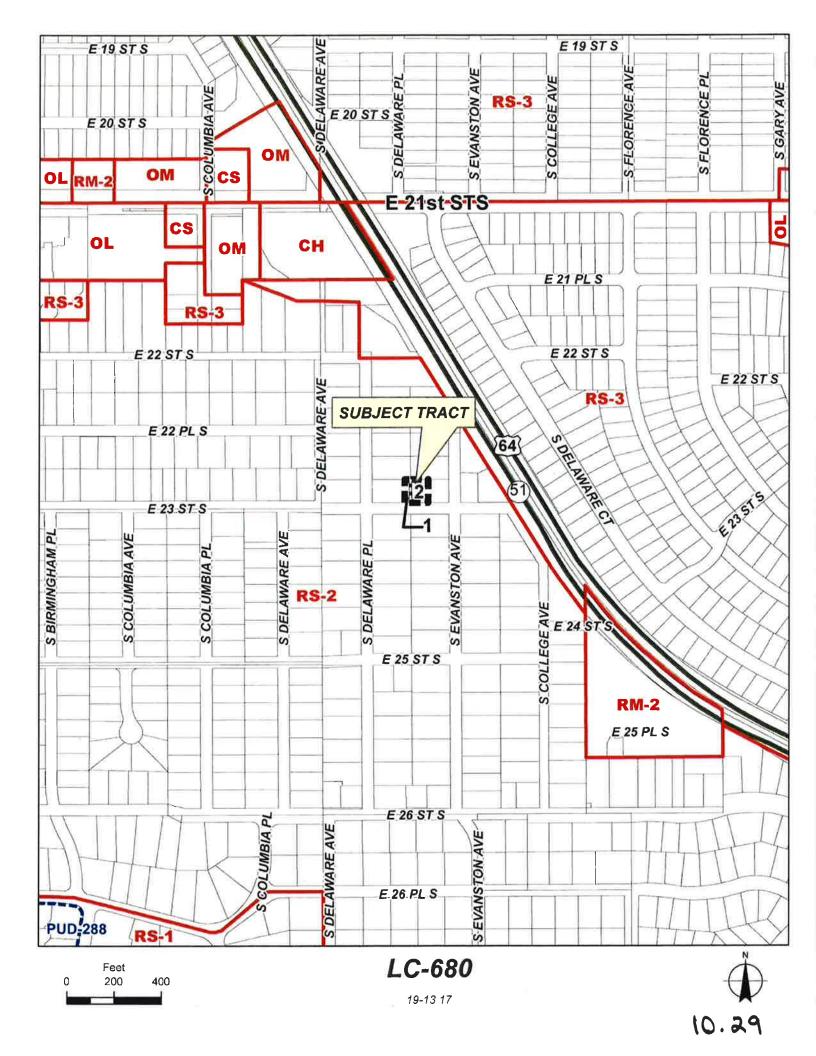
LS-20794

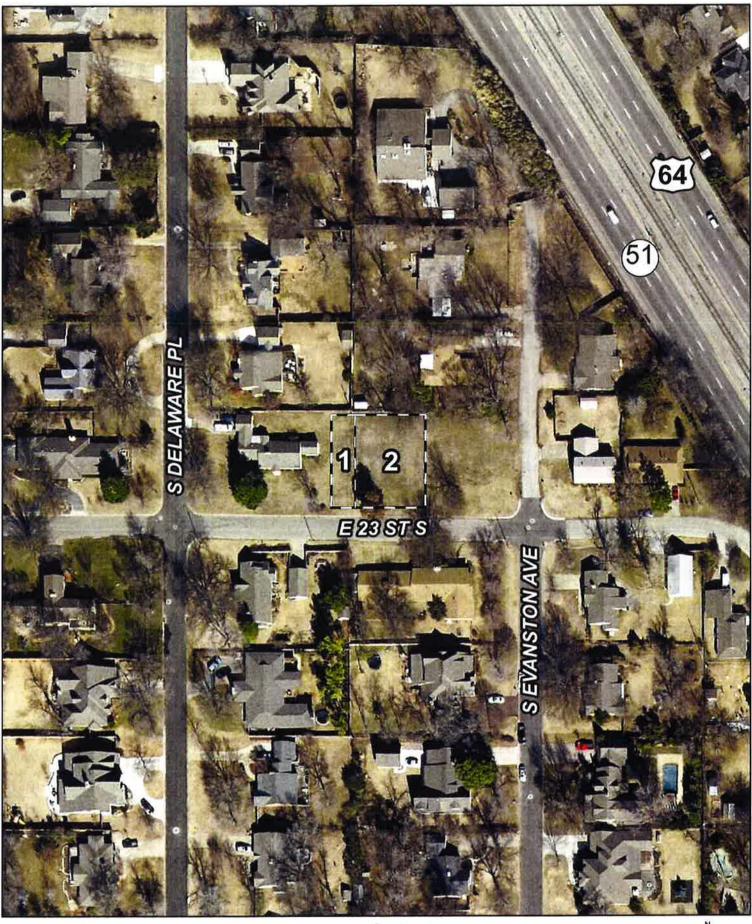
19-13 17

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

Aerial Photo Date: March 2014







Feet 0 50 100



LC-680

19-13 17

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

Aerial Photo Date: March 2014



HARDEN & ASSOCIATES Surveying and Mapping, PLLC 10759 EAST ADMIRAL PLACE TULSA, OKLAHOMA 74116



PROJECT NO: 04830 CLIENT:

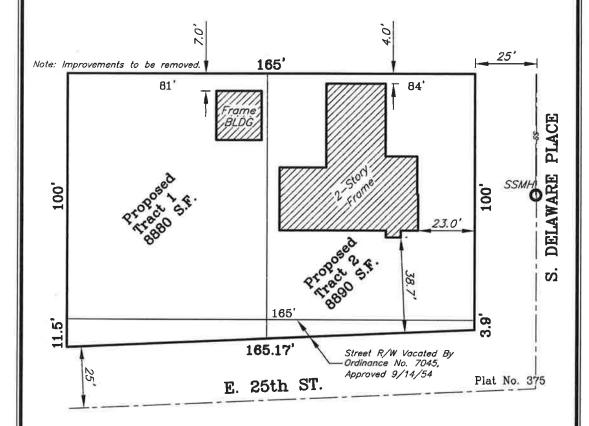
Patterson Realtors

Bungalow Homes

### **LEGEND**

U/E UTILITY ESMT D/E DRAINAGE ESMT B/L BUILDING LINE

ELECTRIC METER B/E BURIED ELECTRIC SERVICE CABLE EASEMENT
(APPROXIMATE LOCATION)



WITNESS MY HAND AND SEAL THIS DATE:

Sheet: 1 of 2

REGISTERED PROFESSIONAL LAND SURVEYOR

Mailing Address:	
	Cananal Wannanty Dage

the Second Part.

General Warranty Deed
(Joint Tenancy with Right of Survivorship)

THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between Rick B. Engles and Kathy L. Engles, husband and wife, Parties of the First Part, and Rick B. Engles and Kathy L. Engles, husband and wife, with the right of survivorship as hereinafter set out, Parties of

WITNESS: That in the consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, said Parties of the First Part do by these presents grant, bargain, sell and convey unto Parties of the Second Part, as joint tenants, and not as tenants in common, on the death of one, the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the hereinafter described real estate situated in Tulsa County, State of Oklahoma, to-wit:

That part of LOT. Six (6), Block Seven (7), BRYN MAWR, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and that Part of 25<sup>th</sup> Street adjacent to the South side of said partial lot as vacated by the City of Tulsa Ordinance No. 70045, all of which is more particularly described as follows, to-wit:

Beginning at the Northwest Corner of said Lot Six (6); thence South along the West line thereof, a distance of 100 feet to the Southwest Corner and continuing South a distance of 11.5 feet, thence Northeasterly a distance of 81.09 feet; thence North a distance of 7.77 feet to the South line of said Lot Six (6), being a distance 81 feet East of the Southwest corner of Lot Six (6), as measured along the South lot line of Lot Six (6), thence continuing North and parallel to the West line of Lot Six (6), a distance of 100 feet to the North lot line of said Lot Six (6), thence West along the North lot line a distance of 81 feet to the Point of Beginning



# NO DOCUMENTARY STAMPS REQUIRED PURSUANT TO 68 3202 #3

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said Parties of the First Part, their heirs, successors, grantees, executors, and administrators do hereby covenant and agree to and with said Parties of the Second Part that, at the delivery of these presents they are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, judgments, estates, taxes, assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements and building restrictions of record and special assessments not yet due, and that Parties of the First Part will WARRANT AND FOREVER DEFEND the same unto said Parties of the Second Party, their heirs, successors and assigns against said Parties of the First Part, their heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, Parties of the First Part has executed or caused to be executed, this instrument the day and year first above written.

Rick B. Engles

Kathy L. Engles

10.32

Mailing Address:	

### General Warranty Deed

(Joint Tenancy with Right of Survivorship)

THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, between Rick B. Engles and Kathy L. Engles, husband and wife, Parties of the First Part, and Rick B. Engles and Kathy L. Engles, husband and wife, with the right of survivorship as hereinafter set out, Parties of the Second Part.

WITNESS: That in the consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, said Parties of the First Part do by these presents grant, bargain, sell and convey unto Parties of the Second Part, as joint tenants, and not as tenants in common, on the death of one, the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the hereinafter described real estate situated in Tulsa County, State of Oklahoma, to-wit:

That part of \*LOT. Six (6), Block Seven (7), BRYN MAWR, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and that Part of 25<sup>th</sup> Street adjacent to the South side of said partial lot as vacated by the City of Tulsa Ordinance No. 70045, all of which is more particularly described as follows, to-wit:

Commencing at the Northwest corner of said Lot Six (6), thence East along the North lot line of said Lot Six (6), a distance of 81 feet to the true Point of Beginning, thence South and parallel to the West line of said Lot Six (6), a distance of 100 feet to a point on the South lot line of said Lot Six (6), thence continuing South a distance of 7.77 feet, thence Northeasterly a distance of 84.09 feet to a point 3.9 feet South of the Southeast corner of said Lot Six (6), thence North 3.9 feet to the Southeast corner of said Lot Six (6), thence continuing North 100 feet along the East line of said Lot Six (6) to the Northeast corner thereof, thence West along the North lot line of said Lot Six (6) a distance of 84 feet to the Point of Beginning.



# NO DOCUMENTARY STAMPS REQUIRED PURSUANT TO 68 3202 #3

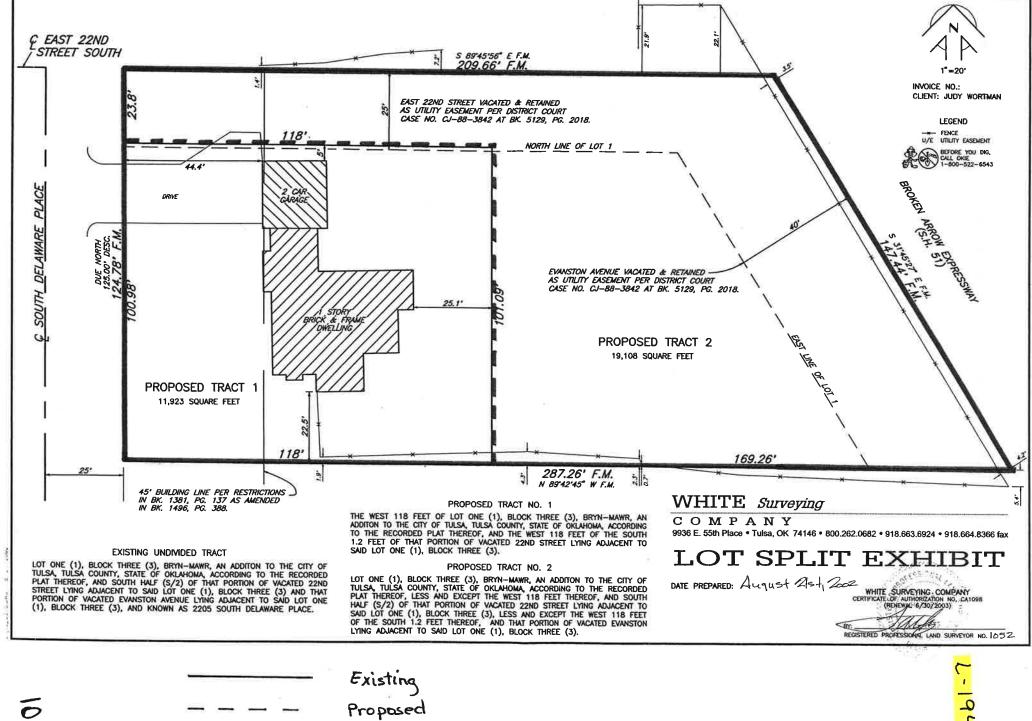
TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common, with the fee simple title in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

AND said Parties of the First Part, their heirs, successors, grantees, executors, and administrators do hereby covenant and agree to and with said Parties of the Second Part that, at the delivery of these presents they are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharged and unencumbered of and from all former and other grants, titles, charges, judgments, estates, taxes, assessments and encumbrances of whatsoever nature and kind, EXCEPT: Easements and building restrictions of record and special assessments not yet due, and that Parties of the First Part will WARRANT AND FOREVER DEFEND the same unto said Parties of the Second Party, their heirs, successors and assigns against said Parties of the First Part, their heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, Parties of the First Part has executed or caused to be executed, this instrument the day and year first above written.

Rick B. Engles

Kathy L. Engles





### L-19425 White Surveying, Co. (1793) (RS-2) (PD-6) (CD-9)

Located: 2205 South Delaware Place

### Staff Recommendation:

With the building of the Broken Arrow Expressway, the owner acquired part of two streets that were vacated and required to be retained as utility easements by district court. They are now asking to split their property into two tracts, as reflected on their plot plan. Both resulting tracts meet the RS-2 bulk and area requirements, and the City of Tulsa Board of Adjustment approved a variance of the 30' street frontage to 23.8' on Tract 2. A waiver of the Subdivision Regulations is being requested because Tract 2 would have more than three side-lot lines.

The Technical Advisory Committee had no concerns regarding this lot-split. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

The applicant indicated his agreement with staff's recommendation.

### Interested Parties:

James Malone, 812 West Utica, Broken Arrow, Oklahoma, 74012, stated that he owns the adjacent property on the north side and opposes this proposal. He explained that he owns the duplex adjacent to the subject property and he opposes the three sides being removed in the restrictions. He expressed concerns that this would lower the value of his property.

### Applicant's Rebuttal:

**Tom Haynes**, 9936 East 55<sup>th</sup> Place, Tulsa, Oklahoma, 74146, stated that this proposal is for single-family residences and it meets all of the other requirements. He indicated that he was granted a variance from the Board of Adjustment.

### TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted 7-0-0 (Coutant, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Westervelt "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19425 as recommended by staff.

\* \* \* \* \* \* \* \* \* \* \*

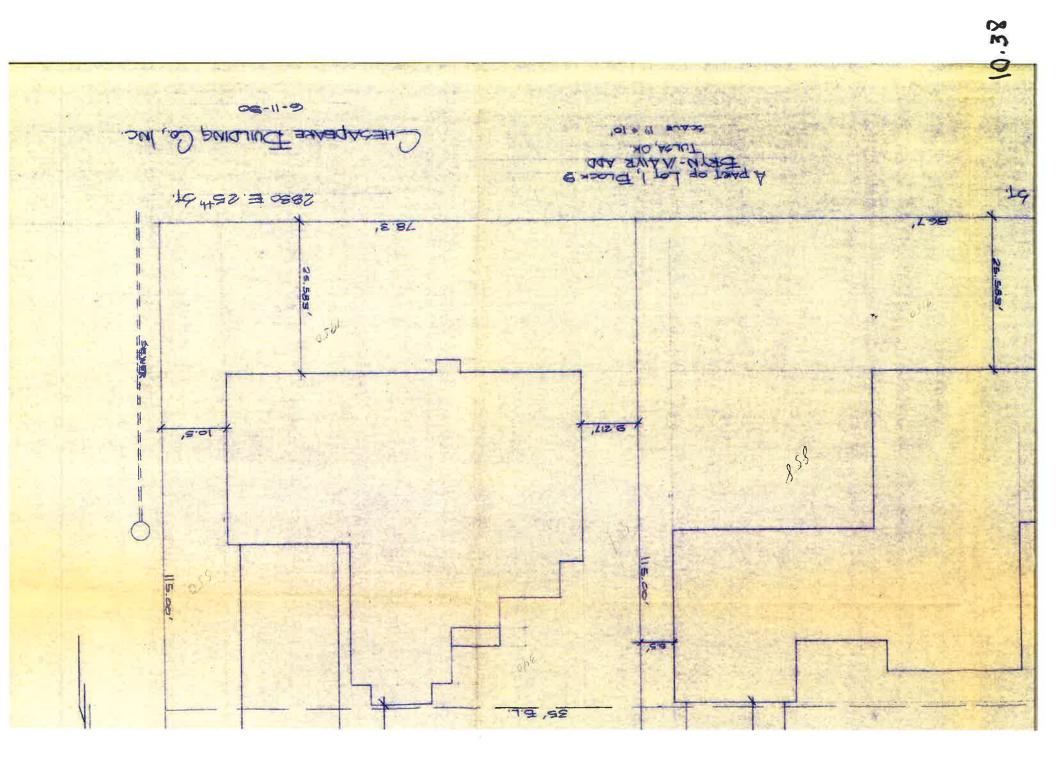
### APPLICATION — LOT SPLIT

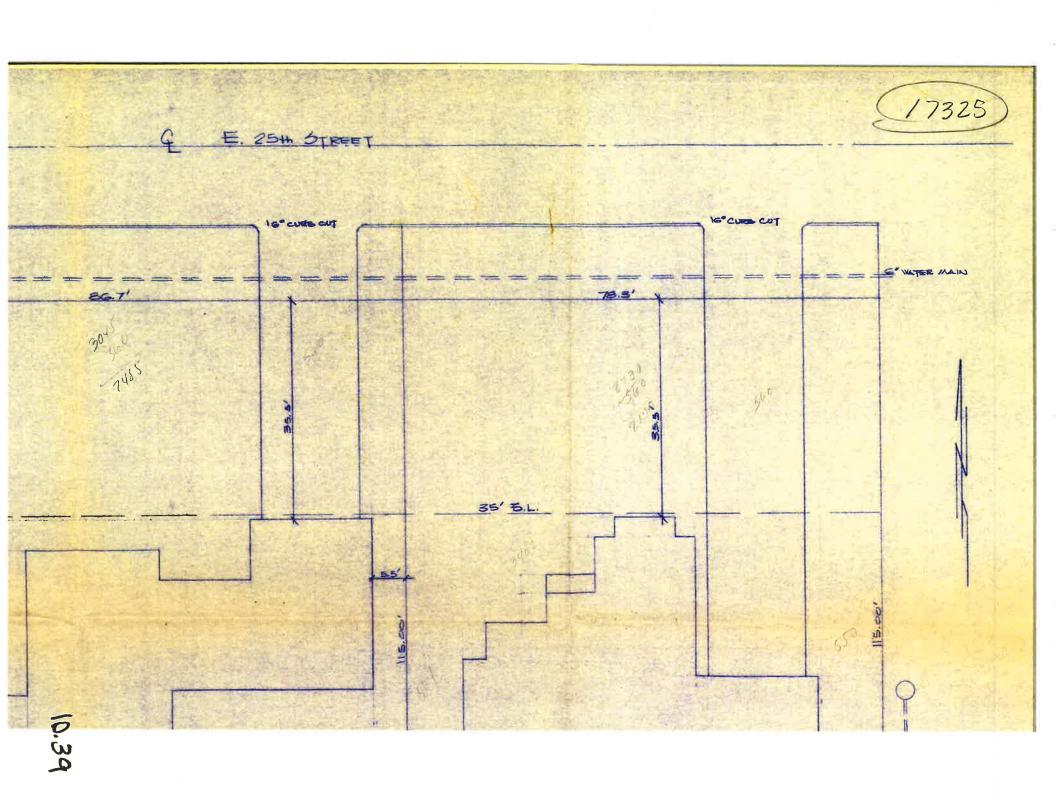
TULSA METROPOLITAN AREA PLANNING COMMISSION 201 West 5th Street, Suite 600 Tuisa, Okiahoma 74103 (918) 584-7526

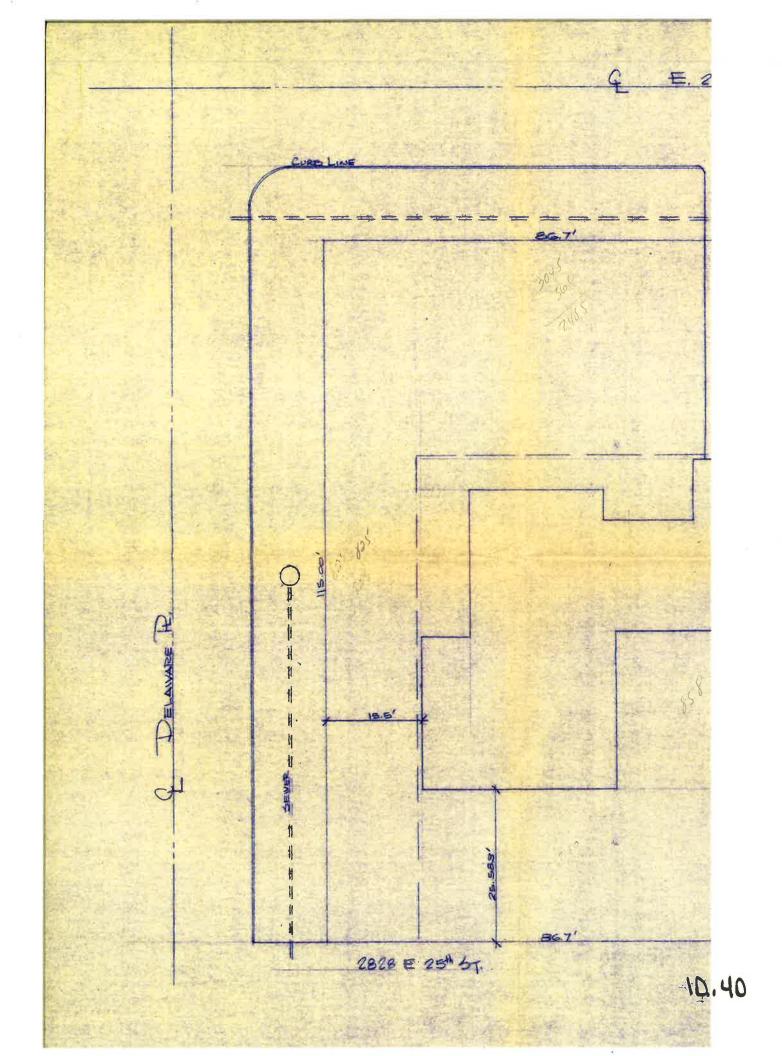
STR	1703	LNO	ノフスフロ

(918) 384-73		3.1.n. /	
	INFORMATION IS TO B	E SUPPLIED BY APPLICANT	WHAT IS THE PRESENT USE OF THE TRAC
NAME OF RECORD OWNER			
NORMA LEE VESLEY LEGAL DESCRIPTION OF EXISTING UNDIVIDED TRACT, THAT YOU	BOODOSE TO SOUT AS SHOW	N ON THE RECORD OF THE COUNTY	CLERK
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CERTIFY THAT THIS INFORMATION IS TRUE AND CORF	7	VUMUX UCUS M	77
SERTIF 1 THAT THIS INFORMATION IS THUS AND COMP	Signature K	HARD A. ELLI	SUN PRES Date
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	FOR COMMISSIO	ON USE	
THER DEPARTMENTS FOR REVIEW/REQUIREMENTS AN	ND APPROVALS	- 11	( 17 0.
other departments for review.requirements and Water and SEWER	P - NK P	ER I-elix	6-12-78
Water and SLOCK	<u> </u>	- ~	

20NING ESZ	57	CZM 37	RECEIVED 6 12-90	75°°	RECEIPT # 39763	BRYN-	MAWR		
PRIOR APPROVAL DISCUSSION		6/20	ACTION P	PPROVED FO	R WAIVER: TAC PC	ACTIO			
PUD No.	W/S Dep	t. DP	so to	ONG		City/County Engr.	□ DSM	Dratting	10.37
		t. DP	so to	ONG			□ DSM	55-90	10.







	IART'S Legal Forms - Tulsa, OK		(For Filing Only)
MAILING ADDRESS:			
	Beneral H	Barranty Bee	4
		IRVIVORSHIP CLAUSE)	
THIS INDENTURE, Made th			10 90
		)	
Between NORMA LEE	visiti, a single p	erson,	
Part _V of the first part, and	DAVID P. REYNOLDS	and MARGARET G. RE	YNOLDS,
	husband and wil	fe.	
with the right of survivorship as			
WITNESSETH: That in consi	ideration of the sum of Te	en and no/100	· · · · · · · · · · · · · · · · · · ·
	(\$10.00)		DOLLARS
and other good and valuable con by these presents great because	siderations, receipt whereof	is hereby acknowledged, said p	d MARGARET G. REYNOLDS,
	husband and	wite	
and not as tenants in common, o	in the death of one the survis	or the heirs and assigns of the	survivor, to take the entire fee simple
of Oklahoma, according	, block wine (9), i	Plat thereof more n	county, State of Oklahoma, to-wite sion in Tulsa County, Sta articularly described as
follows:	o	and controlly more b	arcicularly described as
Beginning at a point	on the North bounds	ry line of Lot 1 R	lock 9, said point being
oo. / East of the Nor	towest corner of se	ifd Lot 1. Block Q.	thouse South a distance of
113 to a point; then	ce East a distance	of 78.3' to a point	on the Regterly boundary
TO HAVE AND TO HOLD	the same as WON TINUEL	ON REVERSE SIDE HE	REOF)
thereunto belocolog or in our mil	Mar and a section to the section of	h all and singular the tenemer	its, hereditaments and appurtenances
and belonging of in ally wi	se apperaining forever.	ii an and singular the tenemer	on, with the fee simple title in the its, hereditaments and appurtenances
AND saidNORMA_LER	E VESLEY for herea	If and for her	its, nereditaments and appurtenances
AND said NORMA LEE successors, grantees, executors, an that, at the delivery of these presents.	VESLEY, for herse	If and for her , , , , , , , , , , , , , , , , , , ,	heirs, and with said parties of the second part
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STATE OF OKIAHOMA,  County of ss ss (Individual Acknowledgment)  Before me, the undersigned, a Notary Public, in and for said County and State, on this day of  to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that exessame as free and voluntary act and deed for the uses and purposes therein set forth.  IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.	Notary Public
Before me, the undersigned, a Notary Public, in and for said County and State, on this day of  personally appeared who executed the within and foregoing instrument, and acknowledged to me that exessame as free and voluntary act and deed for the uses and purposes therein set forth.	
o me known to be the Identical person	
irce and voluntary act and deed for the uses and purposes therein set forth.	19
IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.	executed the
My commission expires	30 Occ

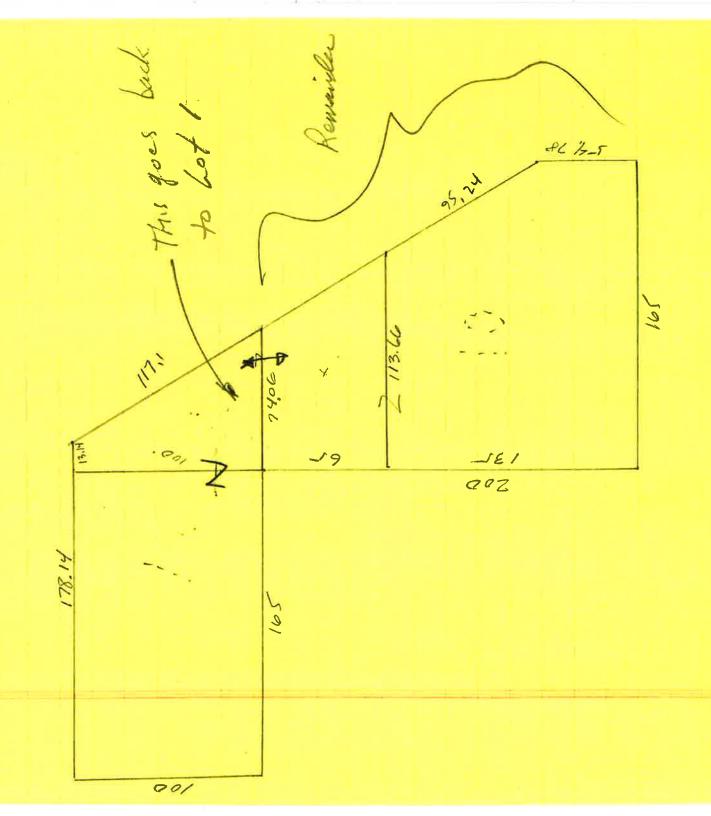
General Marrandy Aeed	FROM	ТО	STATE OF OKLAHOMA,  Councy of  This instrument was filed for record on the day	of 19	County Clerk—Registrar of Deeds By Deputy	RECORD AND RETURN TO	
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## LEGAL DESCRIPTION CONTINUED:

distance of 115' to the Northeast corner of said Lot 1, Block 9; thence West a distance of 78.3' to the point of beginning.

	(For Filling Only)
MAILING ADDRESS:	
(Bonoral Marranta T	Ana l
(OKIAHOMA STATITTOPY CORUS	Been
THE INTERITURE MELLEL	
day of June	, 19 <u>90</u>
NORMA LEE VESLEY, a single person,	
of motors	
called party grantor (whether one or more)	na, party of the first part, bereinafter
andCHESAPEAKE BUILDING CO., INC., an Oklahoma corporal	ion,
WITNESSETH: That in consideration of the sum of Ten_ and_ no/100	party of the second part, party grantee.
receipt of which is hereby acknowledged and only	DOLLARS,
party grantee, its successors, heirs and assigns, all of the following des	grant, bargain, sell and convey unto said
A part of Lot One (1) Block Nine (0) Payri Mark	States in the County of
FORM 5 - Copyrighte 1987 by BURKHART'S Legal Forms - Tuba, OK  MAILING ADDRESS:    General Herranty   Goklahoma Statuttory Form)    THIS INDENTURE, Made this   day of   June    between   NORMA LEE VESLEY, a single person,    of Tulsa   County, in the State of Oklahoma called party grantor (whether one or more)   and CHESAPEAKE BUILDING CO., INC., an Oklahoma corporal    WITNESSETH: That in consideration of the sum of   Ten and no/100    receipt of which is bereby acknowledged, said party granter does, by these present party grantee, its successors, heirs and assigns, all of the following des    Tulsa   State of Oklahoma, to-wit    A part of Lot One (1), Block Nine (9), BRYN-MAWR, a subc of Oklahoma, according to the recorded Plat thereof, mor follows:  Beginming at the Northwest corner of Lot 1, Block 9; the line of said Lot 1, Block 9, a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po Westerly boundary line of Lot 1, Block 9, a distance of 86.7' to a po Westerly boundary line of Lot 1, Block 9, a distance of 87' to a po Westerly boundary line of Lot 1, Block 9, a distance of 86.7' to a po Westerly boundary line of Lot 1, Block 9, a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po Westerly boundary line of Lot 1, Block 9, a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a po 115' to a point; thence West a distance of 86.7' to a point; thence West a dista	ivision in Tulsa County, State re particularly described as
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	accordance with TMAPC Resolution of
	August 5, 1980 By Control Date 5 12-70
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The state of the s	appurtenances
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And said party grantor NORMA LEE VESLEY, a single person fo heirs, executors and administrators does hereby covenant, promise and agree to and with presents that She 1s lawfully seized in her own ri inheritance in fee simple, of and in all and singular the above granted and described p same are free, clear, and discharged and unencumbered of and from all former and other taxes, assessments and encumbrances, of whatsoever nature and kind, EXCEPT Easen and special assessments not yet due;	r herself and for her said party grantee, at the delivery of these ght of an absolute and indefeasible estate of remises, with the appurtenances; that the grants, titles, charges, estates, judgments, nents and building restrictions of record
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(18891)



(FILING STAMP HERE

# Quit Claim Deed

THIS INDENTURE, Made this 16th day of October A.D., 19.87	
Chris Hooper, a married man	
Pand & Phondo F. Poll hunband & wife	
and Brad & Rhonda K. Ball husband & wife	DC.
of the second part,	
WITNESSETH, That the said partof the first part, in consideration of the sum ofOne	dollar
DOLLARS to the second s	
is hereby acknowledged, dohereby quit claim, grant, bargain, sell and convey unto the said part.,	
heirs and assigns, forever, all right, title, interest, and estate, both at law and in equity, of, in	
situated in County of Tulsa State of Oklahoma	to-wit:
Part of Lot 1, Block 3, BRYN-MAWR, being an Addition to the County, State of Oklahoma, according to the Recorded Plat t being more particularly described as follows: Beginning at Lot 1; Thence Southeasterly 117.1 feet to the SE corner of West 74.06 feet to the NW corner of Lot 10, Block 3; Thenc on the North line of said Lot 1; Thence East 13.14 feet to	hereof; Said partial the NE corner of said said Lot 1; Thence e North 100' to a point
This Part of said Lot ${\bf 1}$ to be attached to the remainder of reverting to the original Lot ${\bf 1}$ as Platted.	said Lot 1, thereby
This restores both Lots 1 and 10, Block 3 to their original	Platted Boundaries.
	Application (L./LGS/) Processed and Cleared. This conveyance is APPROVED in accordance with TMAPC Resolution of August 5, 1980 By TMAPC OFFICIAL
unto the said part	and to hold the above granted premises
STATE OF OKLAHOMA,  County of SS.  Before me, the undersigned, a Notary Public, in and for said County and State on this OCTOBER A.D., 1987, personally appeared. CHRS H	
to me known to be the identical person	owledged to me that. HE
executed the same asHISfree and voluntary act and deed for the uses and purposes therein	
Given under my hand and seal of office the day and year last above written.	P. 2
MY COMMISSION EXPIRES JANUARY 16, 1968	tat
My commission expires.	Notary Public

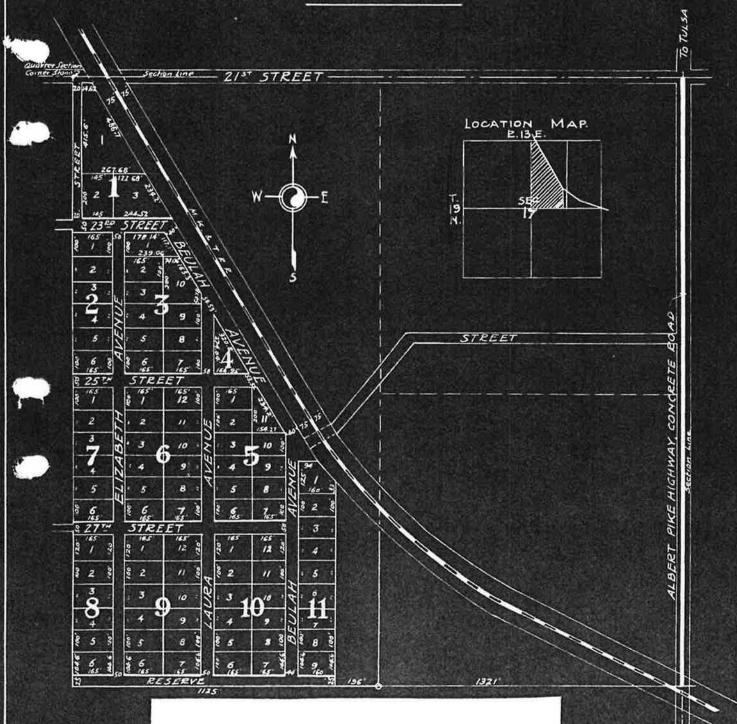
NOTICE - This form is supplied by GUARANTY ABSTRACT COMPANY, Tulsa, Oklahoma, for the convenience of ATTORNEYS-AT-LAW. No legal document should ever be made or form filled in by other than an Attorney.

# Bryn-Mawr

TULSA COUNTY.

OKLAHOMA

SCALE 1" - 400'

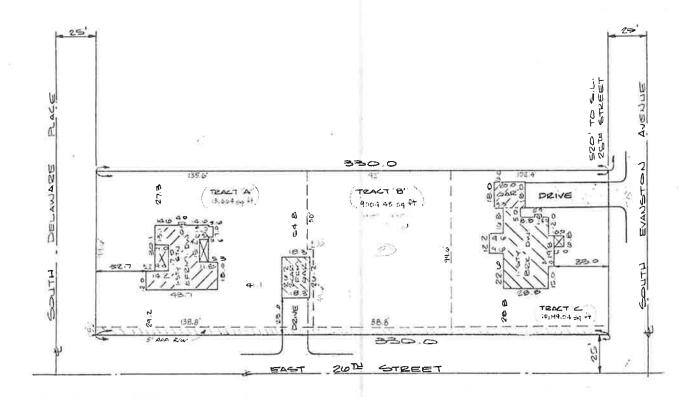


PLAT FILED

### LOT SPLIT FOR DISCUSSION:

In the opinion of the Staff, the lot split(s) listed below meet the subdivision and zoning regulations, but since the lot(s) may be irregular in shape, notice has been given to the abutting owner(s) so that property owners in the area may be aware of the application. (Auth: PC Meeting #1505, page 1; 5/9/84) Approval is recommended.

16573 Baumgarten (1793) Northeast corner of 26th St. & Delaware Pl. (RS-2)
(Lot split #) (Name) (STR) (Location) (Zoning)



### TRACT "A"

Part of Lot 6, Block 9 Bryn-Mawr Addition, being more particularly described as follows: Beginning at the Northwest corner of Lot 6, Block 9 Bryn-Mawr Addition, thence East a distance of 135.6 feet, thence South a distance of 50 feet, thence East a distance of 3.2 feet, thence South a distance of 49.6 feet, thence West a distance of 138.8 feet, thence North a distance of 99.6 feet to the point of beginning containing approximately 13,664.48 square feet.

### TRACT "B"

Part of Lots 6 AND 7 Block 9 Bryn-Mawr Addition, being more particularly described as follows: Beginning 135.6 feet East of the Northwest corner of Lot 6, Block 9 Bryn-Mawr Addition, thence South a distance of 50 feet, thence East a distance of 3.2 feet, thence South a distance of 49.6 feet, thence East a distance of 88.8 feet, thence North a distance of 99.6 feet, thence West a distance of 92 feet to the point of beginning containing approximately 9004.48 square feet.

### TRACT :"C"

Part of lot 7, Block 9 Bryn-Mawr Addition, being more particularly described as follows: Beginning at the Northeast corner of Lot 7, Block 9 Bryn-Mawr Addition, thence West a distance of 102.4 feet, thence South a distance of 99.6 feet, thence East a distance of 102.4 feet, thence North a distance of 99.6 feet to the point of beginning containing approximately 10,199.04 square feet.

### TRACT "D"

The South 5 feet of Lots 6 & 7 Block 9 Bryn-Mawr Addition to the city of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof:



### L-16588 General Telephone - Cont'd

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to APPROVE the Lot Split Walver for L-16588 General Telephone, subject to the following conditions:

- 1 ) Approval from the City Board of Adjustment for a variance of the Bulk and Area requirements.
- 2) Right-of-way dedicated to the City of Tulsa for the total of 60 feet of right-of-way required for 101st street.
- 3) Approval from the City/County Health Department for water and sewer disposal, if required.
- 4) Grading and drainage plan approval by Stormwater Management through the permit process, Class B Permit, If required by the Ordinance.
- 5) 17 1/2' utility easement on west side of tract.

### LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-16589	(3691) (1312)	Cantrell Sperry	L-16591 L-16593 L-16594	(2493)	•
L-16590					

Mr. Wilmoth advised all was in order for the above lot split applications and Staff recommended APPROVAL.

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to APPROVE the above listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

### LOT SPLITS FOR DISCUSSION:

L-16573 Baumgarten (1793) NE/c East 26th Street & Delaware Place (RS-2)

:

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

### L-16573 Baumgarten - Cont'd

This had previously been submitted as a "walver", however, the applicant has redesigned his lot. With the applicant agreeing to dedicate an additional 5' of right-of-way on 26th and the split now meets all the zoning requirements and Subdivision Regulations. An existing sewer line crosses the property, but a building can either be designed to go around it or the applicant can relocate at his expense.

### Comments & Discussion:

Mr. Draughon inquired as to what agency follows up to see if a building is, in fact, redesigned around the sewer lines or if the sewer line is relocated, and assures that the abstract is updated. Mr. Wilmoth stated that a case such as this would not go on an abstract, because to design around a sewer line, all a person has to do is get a building permit. If the sewer line is relocated, then an easement will have to be replaced, which would have to go through the Water and Sewer Department, and would be recorded. When a sewer line and an easement is relocated it is processed through the City Commission, City Engineering Department and the Water and Sewer Department with notices being given to surrounding property owners. After processing, it is recorded on an abstract.

### Applicant's Comments:

Mr. Ray Baumgarten, 6321 East 76th Place, advised the TAC recommended he meet the 9,000 square foot requirement, and to do this he added the section on the northwest end of the lot (3' x 50' approximately). Mr. Baumgarten stated he had discussed the sewer line location with PSO and the City concerning the easement.

## Interested Parties:

Mr. Raiph Smith Jr., 2844 East 26th Street, stated his house faces north, across from the subject property. Mr. Smith submitted a drawing showing the building lines and easements, as well as the setbacks. Mr. Smith stated the average size lot in the neighborhood is 16,000 plus square feet with most of the homes being larger homes, and the maximum the applicant's house could be is 40' wide. Mr. Smith contacted the Sewer Department and was advised the possibility of moving a sewer line was nil. Also submitted by Mr. Smith was a petition asking for denial and letters of protest. Mr. Smith stated it would be impractical to build a house on this lot, as it would be in the backyard of another house, it would face differently than the other houses, and would look very much out of context with the neighborhood.

Mr. VanFossen commented he had driven by this property and there were houses on block west and the block east of this tract that had houses facing south. In reply to Ms. Wilson, Mr. Gardner advised there were lots comparable to this lot on the west side of Delaware, north of 26th Street. Mr. Gardner stated the problem appeared to be that most of the lots were developed to RS-1 standards, yet the area is zoned RS-2. In response to Mr. Doherty, Mr. Gardner commented this area has several new

### L-16573 Baumgarten - Cont'd

homes caused by In-fill development of these larger lots. Mr. Gardner continued by stating that, if the garage building were moved forward three feet, the applicant would meet the zoning and would not even be here. Mr. Paddock stated that, when a proposed lot split meets all the Subdivision Regulations and the Zoning Code, he believed the Planning Commission has no choice but to approve the request. Mr. Linker pointed out the Statute only says you apply the Subdivision Regulations, and if the Commission goes beyond that, it should be something pretty exceptional for it to stand up legally.

Mr. Cadwell Ray, 2541 South Delaware Place, stated his objection to the application due to the fact that whatever structure is built, it would have to be odd shaped due to the sewer line, and would not fit the character of the neighborhood.

### Additional Comments & Discussion:

Mr. VanFossen moved for approval as there appeared to be no basis, legally, to not approve. As requested by Ms. Wilson, Mr. Gardner advised the ruling in effect states that as long as a lot has more than three side yards, regardless of the shape, it must be reviewed to determine if it meets the Subdivision Regulations and if there is anything unique about it to indicate it may not meet the Regulations. Mr. Doherty agreed that, legally, it should probably be approved, but he did not feel it fit the character of the neighborhood. Mr. Paddock stated he would, rejuctantly, be voting for the motion.

On MOTION of VANFOSSEN, the Planning Commission voted 6-1-1 (Carnes, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; Doherty, "nays"; Draughon, "abstentions"; (Kempe, Selph, Young, "absent") to APPROVE the Lot Split for L-16573 Baumgarten, as recommended by Staff.

\* \* \* \* \* \* \* \*

# L-16592 Vrooman (1783)

SW/c East 89th & South College Place

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

On MOTION of CARNES, the Planning Commission voted 7-0-1 (Carnes, Doherty, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstentions"; (Kempe, Selph, Young, "absent") to APPROVE the Lot Spiit for L-16592 Vrooman, as

(RS-3)

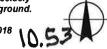




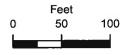
BOA-22538

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

Aerial Photo Date: February 2018





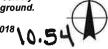


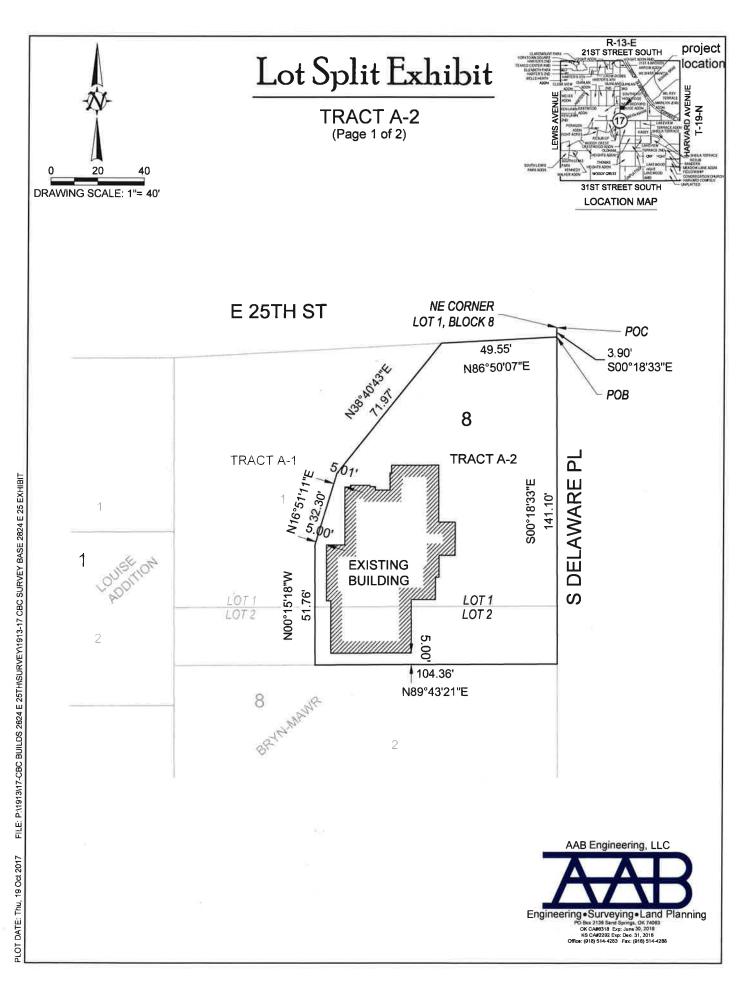


BOA-22538

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

Aerial Photo Date: February 2018 10.54





# 9 Oct 2017 FILE: P:11913117-CBC BUILDS 2824 E 25THISURVEY11913-17 CBC SURVEY BASE 2824 E 25 EXHIBIT

# Lot Split Exhibit

TRACT A-2 (Page 2 of 2)

A PART OF LOTS ONE (1) AND TWO (2), BLOCK EIGHT (8), BRYN-MAWR, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 375, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT ONE (1), THENCE SOUTH 00°18'33" EAST ALONG THE EAST LINE OF SAID LOT ONE (1) A DISTANCE OF 3.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°18'33" EAST ALONG THE EAST LINE OF SAID LOTS ONE (1) AND TWO (2) A DISTANCE OF 141.10 FEET TO A POINT THAT IS 25.00 FEET SOUTH OF THE SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE SOUTH 89°43'21" WEST AND 25 FEET SOUTH AND PARALLEL TO THE SOUTH LINE OF SAID LOT ONE (1) A DISTANCE OF 104.36 FEET; THENCE NORTH 00°15'18' WEST A DISTANCE OF 51.76 FEET; THENCE NORTH 16°51'57" EAST A DISTANCE OF 32.30 FEET; THENCE NORTH 38°40'43" EAST A DISTANCE OF 71.97 FEET; THENCE NORTH 86°50'07" EAST A DISTANCE OF 49.55 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 12,572.72 SQUARE FEET / 0.29 ACRES MORE OR LESS.

### REAL PROPERTY CERTIFICATION

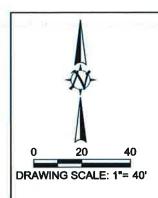
I, ERIC ROLLSTON, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

EN Bollow 10/19/2017

ERIC ROLLSTON
OKLAHOMA PLS NO. 1761





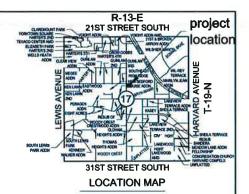


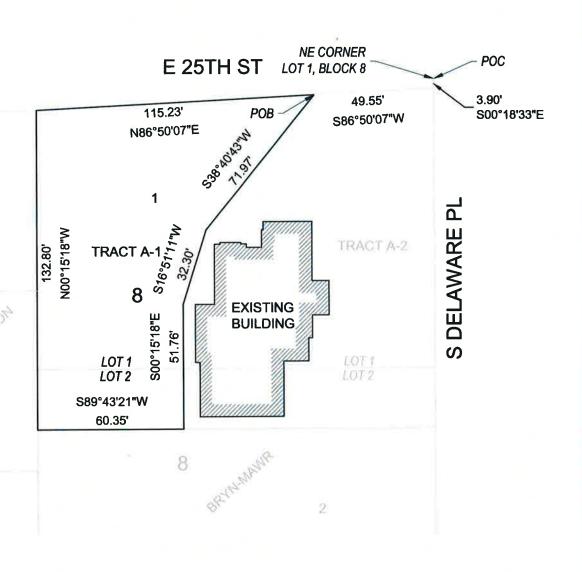
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PLOT DATE: Thu, 19 Oct 2017

# Lot Split Exhibit

TRACT A-1 (Page 1 of 2)







# PLOT DATE: Thu, 19 Oct 2017 FILE: P

# Lot Split Exhibit

#### TRACT A-1 (Page 2 of 2)

A PART OF LOT ONE (1) AND THE NORTH TWENTY-FIVE (25) FEET OF THE WEST 60.35 FEET OF LOT TWO (2), BLOCK EIGHT (8), BRYN-MAWR, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 375, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT ONE (1), THENCE SOUTH 00°18'33" EAST ALONG THE EAST LINE OF SAID LOT ONE (1) A DISTANCE OF 3.90 FEET; THENCE SOUTH 86°50'07" WEST A DISTANCE OF 49.55 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 38°40'43" WEST A DISTANCE OF 71.97 FEET; THENCE SOUTH 16°51'11" WEST A DISTANCE OF 32.30; THENCE SOUTH 00°15'18" EAST A DISTANCE OF 51.76 FEET TO A POINT THAT IS 25 FEET SOUTH OF THE SOUTH LINE OF SAID LOT ONE (1); THENCE SOUTH 89°43'21" WEST AND 25 FEET SOUTH AND PARALLEL TO THE SOUTH LINE OF SAID LOT ONE (1) A DISTANCE OF 60.35 FEET TO A POINT THAT IS ON THE WEST LINE OF SAID LOT TWO (2) AND 25 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 00°15'18" WEST ALONG THE WEST LINE OF SAID LOTS ONE (1) AND TWO (2) A DISTANCE OF 132.80 FEET TO A POINT THAT IS 12.2 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 86°50'07" EAST A DISTANCE OF 115.23 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9,974.56 SQUARE FEET / 0.23 ACRES MORE OR LESS

#### **REAL PROPERTY CERTIFICATION**

I, ERIC ROLLSTON, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORDANCE WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE REAL PROPERTY AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.

EN Rollin 10/19/2017

ERIC ROLLSTON
OKLAHOMA PLS NO. 1761



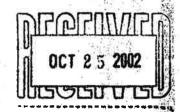


#### City of Tuisa

### PALS Plan Review Routing



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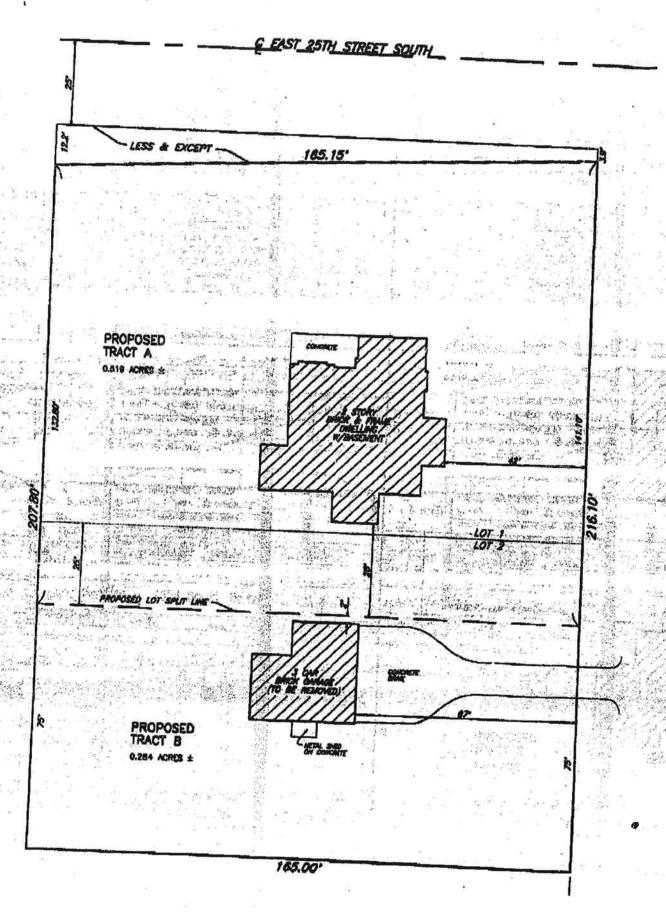
# INCOG a voluntary association of local governments serving creek, osage, rogers, tulsa and wagoner counties 201 west 5th street, suite 600-tulsa, oklahoma 74103-4236-918/584-7526

# **Facsimile Cover Sheet**

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Date record owner consent to this application? 50 Yes 1) A cortly that the information on the application is true and correct. St	
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201 Executive Center Sulta 600 201 West 5th Street Tulsa, Oklahoma 74103-4212

October 22, 2002

Mr. Bill Benton 2531 E. 22<sup>nd</sup> Pl Tulsa, OK 74114

SUBJECT: Lot-Split Application #19440

Dear Mr. Benton:

Oear Mr. Benton:
Your application for a lot-split, located at 2824 East 25<sup>th</sup> Street South, has been approved. However, we cannot stamp the deeds until the existing garage on Tract B has been demolished. Please notify me once the building has been removed.

After the garage is removed, bring your deed to our office for the approval stamp to be 180 700 approval. placed on them, prior to filing them at the Tulsa Count Courthouse. Be sure to add the "Rider" text to your deed, stating that the north 25' of Lot 2 cannot be conveyed separate of Lot 1. We will need to stamp the deed for Tract A at the same time or prior

If you have any questions regarding this lot-split, please give me a call.

Janet G. Chronister Land Regulations Analyst

cc: Kenneth M. Smith



#### CITY OF TULSA RESIDENTIAL BUILDING & ZONING CLEARANCE PERMIT APPLICATION

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#### **Building Permit Certification**

I Certify That I Am One of the Fellowing: Owner or Lessee of the Property on Which Permit Work Is to Be Performed. [ | Agent of the Property Owner or Lessee for Which Permit Work Is to Be Performed. [ ] Licensed Engineer or Architect Employed in Connection with the Work. If the Application is made by a Person Other than the Owner, One of the Following must Be Provided: [X] I Have Attached an Affidavit of the Property Owner for Which Permit Work Is to Be Performed. [ ] I Have Elected to Provide this Witnessed, Signed Statement. Name of Owner: Last Name ddress of Owner: Last Name 性。他的现在分词下之次。 First Name \$1.55 MA Address of Lessee: Name of Corporate Officer First Name Address of Lessee: Name of Applicant: (Print) Filmski i dee ski i diwanki Affidavit as to Easements, Dedications and Rights of Way I. Being Duly Sworn upon Oath, State That I Have Researched and Examined or Caused to Be Researched and Examined Documents and Instruments Relating to Said Real Property, and That All Recorded Examinets. Dedications and Rights of Way Are Known to Me and Are Delineated on the Plot Plan Which is a Part of the Application for Building Period for It is Understood That Issuance of Such Building Permit Does Not Authorize or Permit Construction of a Permanent Structure over or upon Any Subscribed and Sworn to Before Me this

#### Ulmer, Amy

From:

Annie Drewry <annie.drewry@gmail.com>

Sent:

Saturday, November 03, 2018 9:24 AM

To:

Ulmer, Amy

Subject:

**Attachments:** 

Case Number: BOA-22538 Drewry\_A-Exhibit A.pptx

Amy,

Thanks again for taking the time to chat with me the other day regarding the upcoming hearing for Case Number - BOA - 22538 on Tuesday, November 13th, 2018 at 1pm. I am incredibly concerned about this case but as it happens will be out of the country during the hearing and was unable to rearrange my plans to be present.

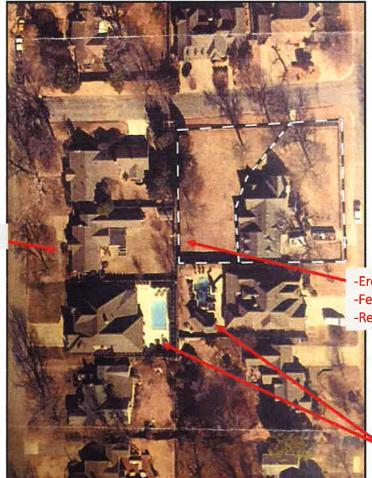
As my property backs up to the property in question (see Exhibit A) my primary concern is how another impermeable structure will affect my property. As you can see from the exhibit the neighbors immediately to the south and southeast of me both have pools and/or cement or water features (impermeable structures) in their backyards will little to no grass/soil. Currently, I'm worried at the rate at which the retaining wall which is on my property, but backs up to the applicants property, is eroding. I moved in about a year ago and in the past year the cement is starting to crack at an exponential rate and I fear it and the fence before too long at the current rate will need to be replaced. If, another structured is approved to be built on the applicants property it will no doubt have significant consequences on my property.

Lastly, as the applicant, CBC Builds LLC has been building in this neighborhood for the last few years and has tried to split lots just a block or so from my residence, unsuccessfully in the recent past it concerns me that they had a "Lot For Sale" sign posted about a month or so ago without notifying the neighbors. It took Mr. Richard Monaghan to bring it to the attention of the City Of Tulsa. At best this is a gross oversight on the applicant CBC Builds LLC and at worst this is poor business practice and illegal. Given the familiarity the applicant has with the neighborhood and the attempts in the recent past to split lots just a block or so away with no success leads me to believe it is the latter case.

I appreciate your willingness to hear my concerns and I hope that this application will be denied on the grounds that it will cause significant property damage to surrounding neighbors.

Concerned Neighbor,

**Annie Drewry** 



My Residence

-Erosion affecting my property.

-Fence is starting to lean.

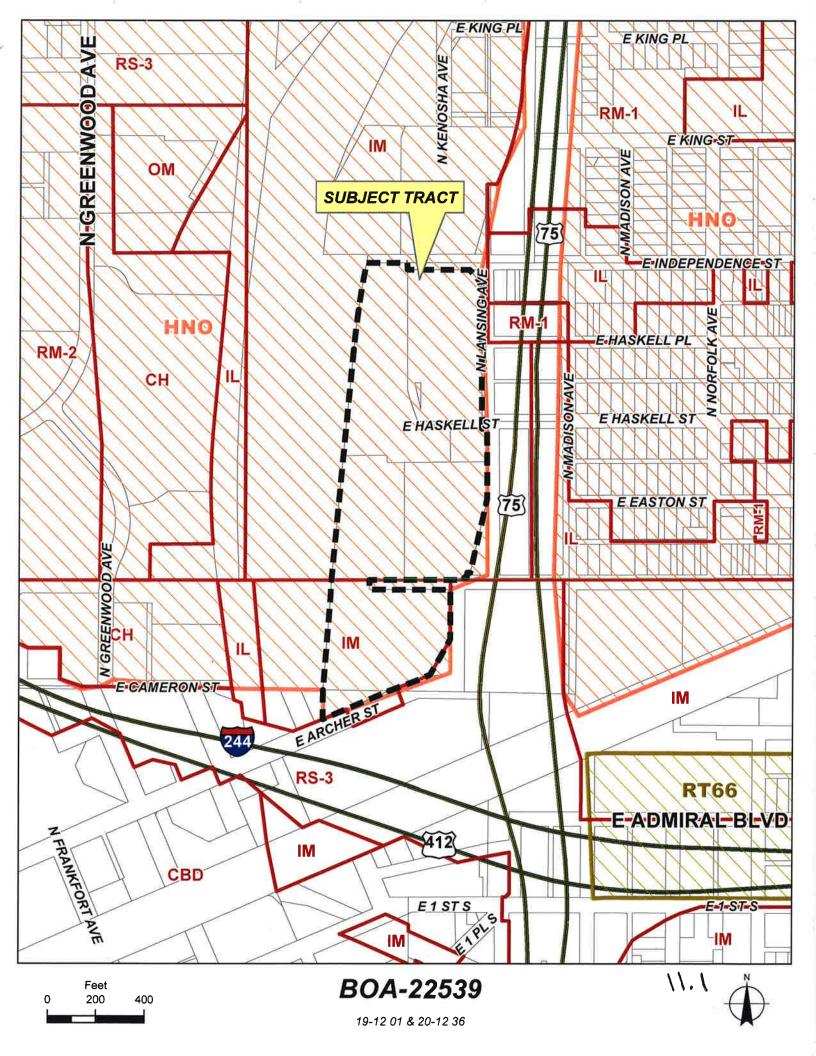
-Retaining wall beginning to collapse.

Due to impermeable land surrounding my property. I am concerned another structure would most definitely result in advancing erosion on my property and additional property damage.

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## BOARD OF ADJUSTMENT CASE REPORT

STR: 158 Case Number: BOA-22539

**CZM:** 28, 36

CD: 1 A-P#:

**HEARING DATE:** 11/13/2018 1:00 PM

**APPLICANT**: Mike Thedford

<u>ACTION REQUESTED</u>: Special exception to permit an outdoor assembly & entertainment use; Special Exception to permit a hotel; Special Exception to permit a bar and brewpub in an IM district (Table 15-2); Variance to reduce the required number of parking spaces (Section 55.020, Table 55-1).

**LOCATION:** 118 N LANSING AV E; 186 N LANSING AV E; 741 E ARCHER ST N (SW/c of E.

Independence St. & N. Lansing Ave)

ZONED: IM

PRESENT USE: Industrial

TRACT SIZE: + 22.43 acres

LEGAL DESCRIPTION: PRT SW SE 36 20 12 & LT 2 1 19 12 & RSVY BLK 5 SLOAN ADD & VAC ALY BLK 3 BG 3.9N SECR LT 13 & NLY471.57 TO PT 14.53S NEC LT 4 BLK 5 TH W350.46 S535.47 E201.99 NELY ON CRV RT111.29 N10.10 E15 NE332.52 N148.10 POB SEC 36 20 12 3.93 AC; PRT SW SE BEG NWC BLK 3 SLOAN ADDN TH E149.54 N385.47 W68 N30 W201.5 TO RR RW SLY TO SL SE TH E154.2 N110 POB SEC 36 20 12 & W149.54 BLK 3 3.55AC; ALL BLKS 2 & 3 & VAC ALLEYS & PRT VAC ST BEG NEC LT 3 BLK 2 TH W255 S467.7 SLY168.7 E159.6 S30 E110 N610 NW70.68 POB LESS PRT LT 12 BEG NWC LT 12 TH E25 S110 NW130 POB BLK 3; BEG NWC BLK 5 SLOAN ADD N30 W159.6 NW168.7 N497.7 TO NEC NW SW SE W180 SWLY803.45 E201.5 S30 E260.1 N134.53 E TO POB SEC 36 20 12 4.99ACS; LT 12 BLK 3 BG NWC E 25' S 110' NW TO BEG; N 134.53' BLK 5 & VAC ALLEY ON W; PRT GOV LT 2 BEG 79.3S INT EL RR & NL GOV LT 2 TH N79.3 E154.2 S40 E342 S368 SW141.2 SW115.7 W266.3 N391.85 POB LESS BEG 212.78S SECR BLK 3 SLOAN ADDN TH S145 SW136.28 NE35.71 NE169.78 POB SEC 1 19 12 4.75ACS; LT 1 & E27 VAC KENOSHA AVE & 20 VAC ALLEY & PRT LTS 2 & 3 BEG SECR LT 2 TH SWLY105.06 N119.52 E61.7 SE84 POB BLK 49, FAIRVIEW ADDN, TULSA-ORIGINAL TOWN, SLOAN ADDN, SKIDMORE ADDN

#### **RELEVANT PREVIOUS ACTIONS:**

#### Subject Property:

**BOA-16676;** on 5.24.94, the Board **approved** a *variance* to permit a roof sign. Located: southeast portion of the overall site.

**BOA-8942**; on 2.19.76, the Board **approved** a variance of the setback requirements; exception to remove the screening requirements. Located: northwest portion of the overall site.

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

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

**Regional Centers** are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile

parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

ANALYSIS OF SURROUNDING AREA: The overall subject tract abuts HWY 75 to the east and south; IM zoned railroad tracks west; IM zoned lots are immediately to the north. The subject tract is within the Healthy Neighborhood Overlay.

#### **STAFF RECOMMENDATIONS:**

The applicant is before the Board requesting a **Variance** to reduce the required on-site parking spaces from 542 spaces to 294 spaces. The original Letter of Deficiency parking requirements review was for the proposed Assembly & Entertainment/ stadium and office use only. The parking calculations shown in detail on the attached site plan have been updated to include other uses.

The applicant provided the following hardsphip statement: "For the primary use of Phase I, a proposed BMX track with support facilities, the needs for daily and typical event parking are much lower than the code requirements. In the IM district, Assembly and Entertainment use category, "Stadium" subcategory, the required parking of 400 (.20 spaces per seat) is based on 2,000 bleacher seats. The number of proposed bleacher seats is being programmed to accommodate for the "large" events which will occur only 3 or 4 times a year. The "Daily Use" of this facility is projected to only use 50 spaces and the "Typical Events" is projected to only use 150 spaces for up to 3 times per week. (250 seats for "Daily" and 750 seats for "Typical Events"). Additionally, the owner seeks relief in order to avoid limitations to parking needs of future development of the southern portion of the site".

In conjunction with the variance request, the applicant is also requesting a **Special Exception** to permit an outdoor assembly & entertainment use; a **Special Exception** to permit a hotel; a **Special Exception** to permit a bar and brewpub in an IM district. The applicant is proposing a BMX arena and headquarters with possible future development to include a hotel, bar, brewpub.

An outdoor assembly and entertainment use is defined as a use that provides gathering places for participant or spectator recreation, entertainment or other assembly acitvities. The proposed outdoor assembly and entertainment use is only permitted by special exception in the IM district.

A hotel is a type of lodging defined as an establishment, other than a bed and breakfast or rural retreat, in which short-term lodging is offered for compensation. A hotel/motel may include an accessory use bar. The future development of a hotel would only permitted by special exception in the IM district.

A brewpub is a specific bar use type defined as an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant and/or bar and where (1) less than 5,000 barrels (155,000 gallons) of beer and malt beverages are produced per calendar year and (2) at least 33% of the beer and malt beverages produced on site are sold on site. Where allowed by law, brewpubs may sell beer and malt beverages "to go" and /or distribute to off-site accounts. The future development of a bar and/or brewpub would only permitted by special exception in the IM district.

The future bar and/or brewpub would be subject to the verification of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments; and the public entrance doors 50 ft. from an R-zoned lot. (Sec. 40.050). The Board may add the requirement that the bar/ brewpub comes back for a spacing verification when a location is identified.

Sample Motion for Special Exception:
Move to (approve/deny) a <b>Special Exception</b> to permit an outdoor assembly 8 entertainment use; a <b>Special Exception</b> to permit a hotel;
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Move to (approve/deny) a <b>Special Exception</b> to permit bar and brewpub use in an IM district (Table 15-2);
<ul><li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li></ul>
Subject to the following conditions
<ul> <li>A spacing and separation distance verification (Section 70.110) is required prior to the issuance of a building permit for <u>each</u> bar or brewpub location</li> <li></li> </ul>
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.
Sample Motion for Variance:
Move to (approve/deny) a <b>Variance</b> of the required number of parking spaces (Table 55-1).
Finding the hardship(s) to be
<ul> <li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li> </ul>
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;
<ul> <li>b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;</li> </ul>

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."

# FILE COPY

Case No. 16675 (continued)

#### Board Action

On **MOTION** of **S. WHITE**, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16675 to June 28, 1994 to permit the applicant to meet with the neighborhood in regard to their concerns.

#### Case No. 16676

Action Requested:

Variance to permit a roof sign - SECTION 1221.C.11. General Use Conditions for Business Signs - Use Unit 21, located 116 North Lansing.

#### Presentation:

The applicant, **Scott Sanford**, 7940 East 41st Street, submitted a photograph (Exhibit J-1) and a plot plan (Exhibit J-2), and informed that the proposed roof sign will be installed on a sloping roof surface. He noted that the installation of the sign at the proposed location will permit visibility from the expressway.

#### Comments and Ouestions:

Mr. Bolzle asked if the sign would be permitted if located on the wall of the building, and Mr. Sanford answered in the affirmative.

Mr. Sanford stated that there will be no sign structure involved, because the sign will be painted directly on the roof.

In reply to Mr. Bolzle, the applicant stated that the sign will not have internal lighting, and he is not sure if pole lights will be directed toward the sign.

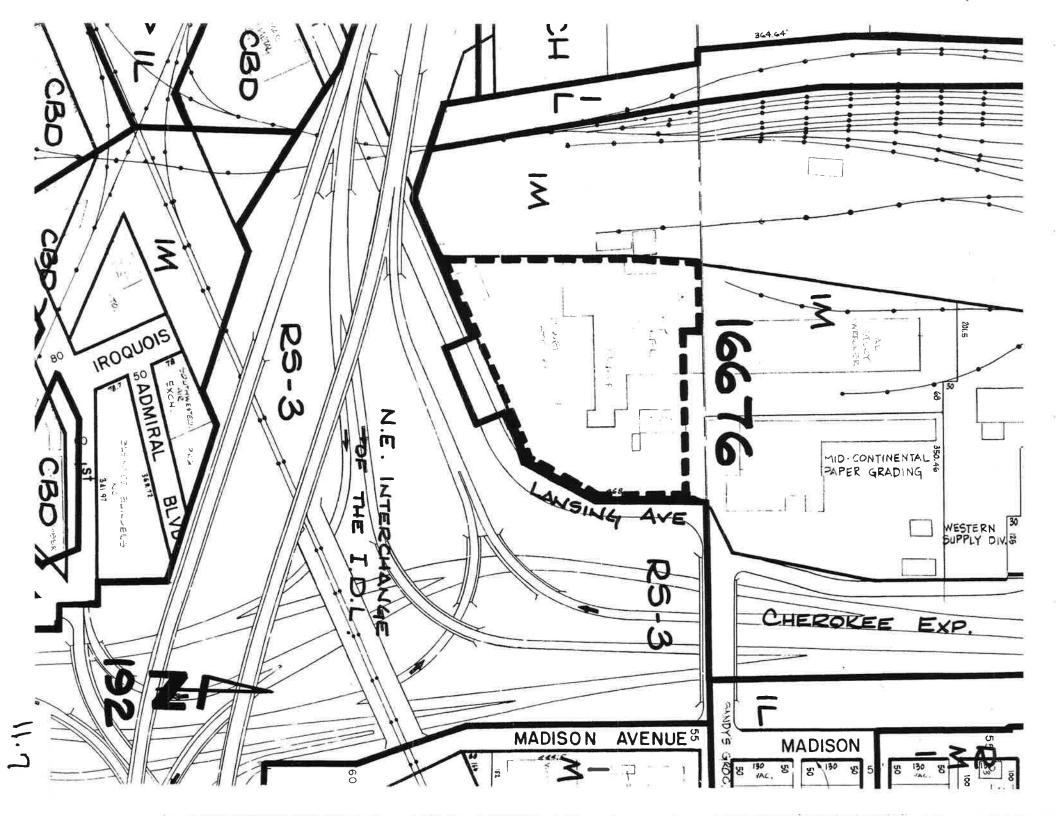
#### **Protestants:**

None.

#### Board Action

On MOTION of BOLZLE, the Board voted 4-1-0 (Bolzle, Chappelle, S. White, T. White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to APPROVE a Variance to permit a roof sign - SECTION 1221.C.11. General Use Conditions for Business Signs - Use Unit 21; per plan; subject to the sign being painted directly on the sloping roof surface; finding that the proposed sign is not a separate structure on the roof, and is not a typical roof sign that extends above the top of the building; and finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Government Lot 2, beginning 79..3' south of east intersection of railroad on north line of Government Lot 2, thence north 79.3', east 154.2', south 40', east 342', south 368', southwest 141.2' southwest 115.7', west 266.3', north 391.85' to POB, less beginning 212.78' south SE/c of Block 3, Sloan Addition, thence south 145', southwest 136.28', northeast 35.71', northeast 169.78' to POB, Section 1, T-19-N. R-12-E, City of Tulsa, Tulsa County, Oklahoma.



#### 8941 (continued)

Board Action:

On MOTION of BLESSING, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the frontage and lot area requirements, and a variance of the side yard requirements from 10' to 5', per plat, in an RM-2 District on the following described tract:

Fordway Addition to the City of Tulsa, Oklahoma.

8942

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 20'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purposes of the screening requirement cannot be achieved in an IM District located at 186 North Lansing Avenue.

Presentation:

Bob Lukken, representing Western Supply Division, advised the Board that the property under application is the former Bethlehem Steel Plant and the existing plant is some 30 years old. Mr. Lukken submitted a plot plan (Exhibit "G-1"), advising that Western Supply Division is proposing to expand to the north in order that a heat exchanger operation might be added to the plant grounds. He submitted a photograph (Exhibit "G-2") of the plant and surrounding area, noting that the existing structures are closer to the RM-1 District than the required 75' setback. Mr. Lukken pointed out that due to the expansion a solid screening fence is required on the east boundary; however, due to the large size of the structures he felt that the screening would serve no purpose.

David Loop, representing the Tulsa Urban Renewal Authority, advised that the property in question is within that area of the Urban Renewal Plan for industrial redevelopment.

Lou Diamond, also representing the Company, advised that the property between Independence and Haskell to the east is under contract for purchase from TURA--a portion of which is industrial.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Variance (Section 930-Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 20'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purposes of the screening requirements cannot be achieved, per plot plan, in an IM District on the following described tract:

2.19.76:206(13)

#### 8942 (continued)

All of the following described tract of land situated in the S/2 of the SW/4 of the SE/4 and the NW/4 of the SW/4 of the SE/4of Section 36, Township 20 North, Range 12 East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, described as follows, to-wit: Beginning at a point 14.53' South of the NE corner of Lot 4, Block 5, Sloan Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof; thence North along the East line of said Block 5, Sloan Addition, a distance of 134.53' to the NE corner of Lot 1, Block 5, said Sloan Addition; thence West along the North line of said Block 5, Sloan Addition, a distance of 120' to the NW corner of Lot 1, Block 5, said Sloan Addition; thence North 30' to the North line of said S/2 of the SW/4 of the SE/4 of Section 36; thence West along the North line of said S/2 of the SW/4 of the SE/4 of Section 36, a distance of 159.6' to a point; thence Northwesterly along the Westerly line of a street easement dedicated thereover on July 8, 1946, recorded in Book 1746, Page 522, a distance of 168.7 to a point on the East line of said NW/4 of the SW/4 of the SE/4 of Section 36; thence North along the East line of said NW/4 of the SW/4 of the SE/4 a distance of 497.7° to the NE corner of the NW/4 of the SW/4 of the SE/4 of Section 36' thence West along the North line of said NW/4 of the SW/4 of the SE/4 a distance of 180' to the East line of The Atchison, Topeka and Santa Fe Railroad right-of-way; thence Southerly along the Easterly line of said The Atchison, Topeka and Santa Fe Railroad right-of-way a distance of 803.45' to a point; thence East a distance of 201.5' to a point; thence South at an angle to the right of 890-54'-20" a distance of 30' to a point; thence East at an angle to the left of 89°-54'-20" a distance of 395.1' to the point of beginning.

#### 8945

#### Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 85' to 70' from the centerline of Mingo Road in an RS-3 District located south and east of 37th Street and Mingo Road.

#### Presentation:

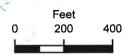
George Rackleff submitted the plot plans (Exhibit "H-1") for the three properties in question, advising that he has sold homes for two of the lots, but due to the lot configuration and minimum square footage requirement, the variance will be required in order that the homes might be constructed on the property.

Mr. Gardner noted that the Board has previously waived the setback requirements on other corner lots in the area.

Protests: None.

2.19.76:206(14)







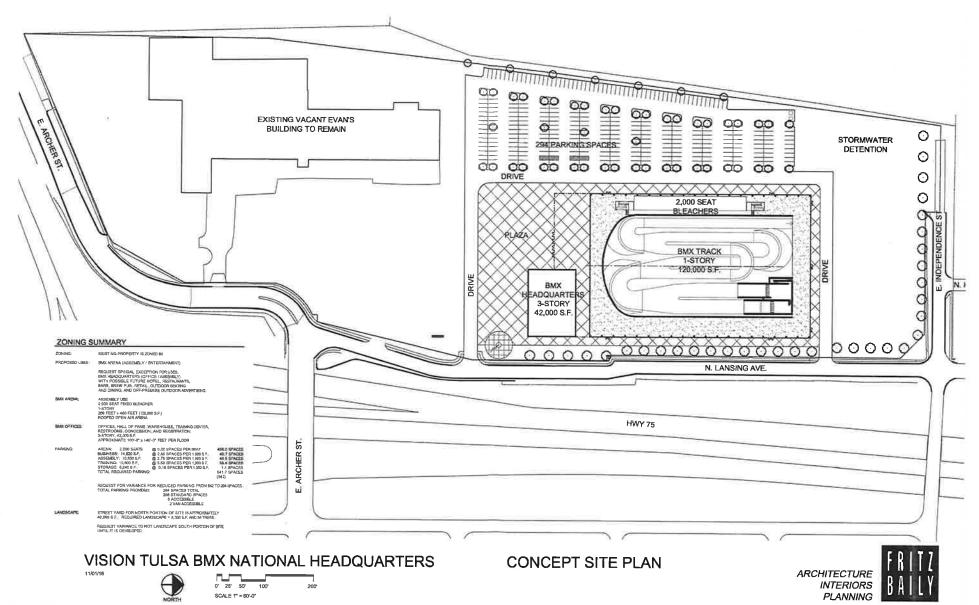
BOA-22539

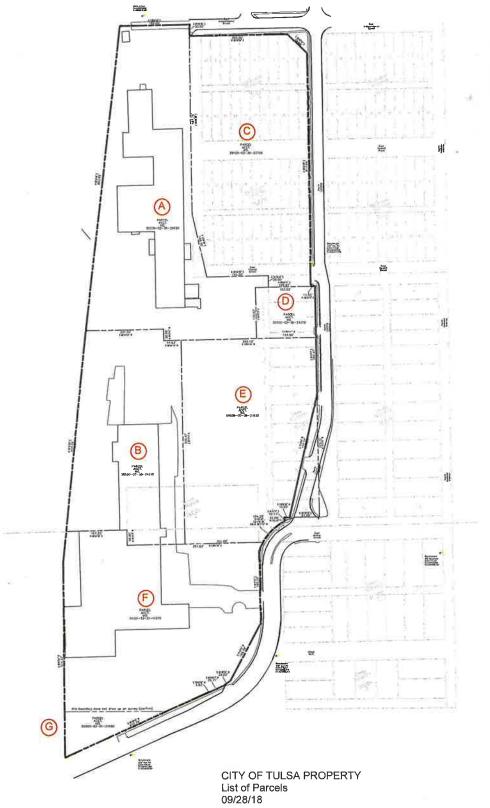
19-12 01 & 20-12 36

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

Aerial Photo Date: February 2018







This project involves multiple parcels, all Owned by the City of Tulsa. The intent is to replat. The following list of the parcels with info from the Assessor's website.

A. Parcel #: 90236-02-36-30930

Address: 186 N LANSING AV E TULSA 74106

Legal Description: Subdivision: UNPLATTED

BEG NWC BLK 5 SLOAN ADD N30 W159.6 NW168.7 N497.7 TO NEC NW SW SE W180 SWLY803.45 E201.5 S30 E260.1 N134.53 E TO POB SEC 36

20 12 4.99ACS; Section: 36 Township: 20 Range: 12

Area: 4.99 acres / 217,364 sq ft

B. Parcel #: 38550-02-36-24210

Address: 118 N LANSING AV E TULSA 74106

Legal Description: Subdivision: SLOAN ADDN

PRT SW SE BEG NWC BLK 3 SLOAN ADDN TH E149.54 N385.47 W68 N30 W201.5 TO RR R/W SLY TO SL SE TH E154.2 N110 POB SEC 36 20 12 &

W149.54 BLK 3 3.55AC; Section: 36 Township: 20 Range: 12

Area: 3.55 acres / 154,552 sq ft

C. Parcel #: 38425-02-36-23750

Address: Tulsa

Area:

Legal: Subdivision: SKIDMORE ADDN

ALL BLKS 2 & 3 & VAC ALLEYS & PRT VAC ST BEG NEC LT 3 BLK 2 TH W255 S467.7 SLY168.7 E159.6 S30 E110 N610 NW70.68 POB LESS PRT

LT 12 BEG NWC LT 12 TH E25 S110 NW130 POB BLK 3; Section:

36 Township: 20 Range: 12 4.40 acres / 191,614 sq ft

D. Parcel #: 38550-02-36-24270

Address: TULSA 74106

Legal Description: Subdivision: SLOAN ADDN

N 134.53' BLK 5 & VAC ALLEY ON W

Section: 36 Township: 20 Range: 12

Area: 0.42 acres / 18,162 sq ft

E. Parcel #: 90236-02-36-31830

Address: Tulsa 74106

Legal Description: Subdivision: UNPLATTED

PRT SW SE 36 20 12 & LT 2 1 19 12 & RSVY BLK 5 SLOAN ADD & VAC ALY BLK 3 BG 3.9N SECR LT 13 & NLY471.57 TO PT 14.53S NEC LT 4 BLK 5 TH W350.46 S535.47 E201.99 NELY ON CRV RT111.29 N10.10 E15 NE332.52

N148.10 POB SEC 36 20 12 3.93 AC; Section: 36 Township: 20 Range:

12

Area: 3.55 acres / 154,525 sq ft

F. Parcel #:

99201-92-01-11270

Address:

118 N LANSING AV E TULSA 74106

Legal Description:

Subdivision: UNPLATTED

PRT GOV LT 2 BEG 79.3S INT EL RR & NL GOV LT 2 TH N79.3 E154.2 S40 E342 S368 SW141.2 SW115.7 W266.3 N391.85 POB LESS BEG 212.78S SECR BLK 3 SLOAN ADDN TH S145 SW136.28 NE35.71 NE169.78 POB

SEC 1 19 12 4.75ACS

Section: 01 Township: 19 Range: 12

Area:

4.75 acres / 206,910 sq ft

G. Parcel #:

00500-92-01-30680

Address:

741 E ARCHER ST N TULSA 74106

Legal Description:

Subdivision: TULSA-ORIGINAL TOWN

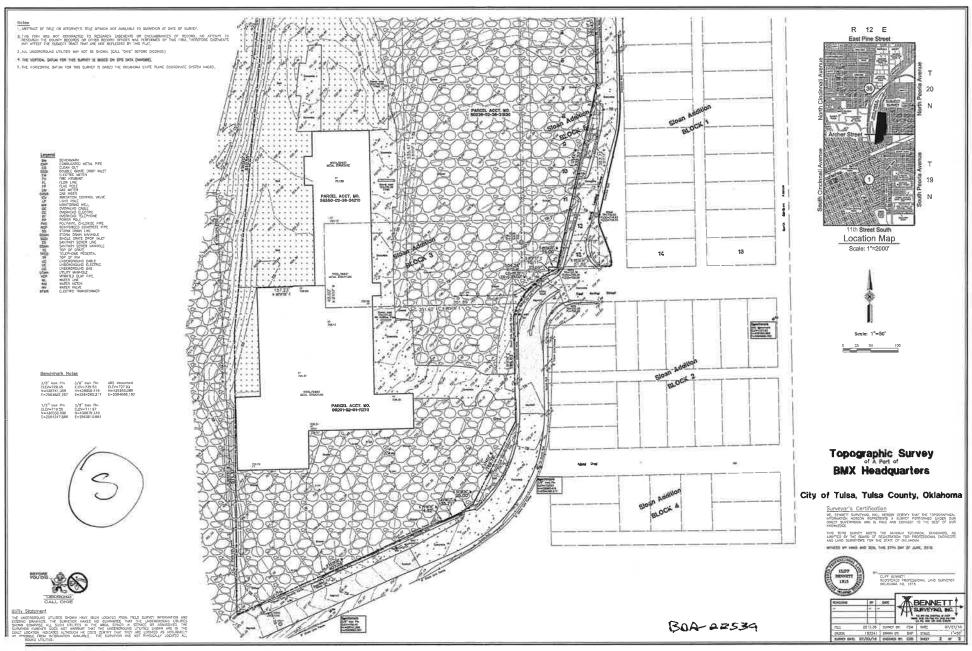
LT 1 & E27 VAC KENOSHA AVE & 20 VAC ALLEY & PRT LTS 2 & 3 BEG

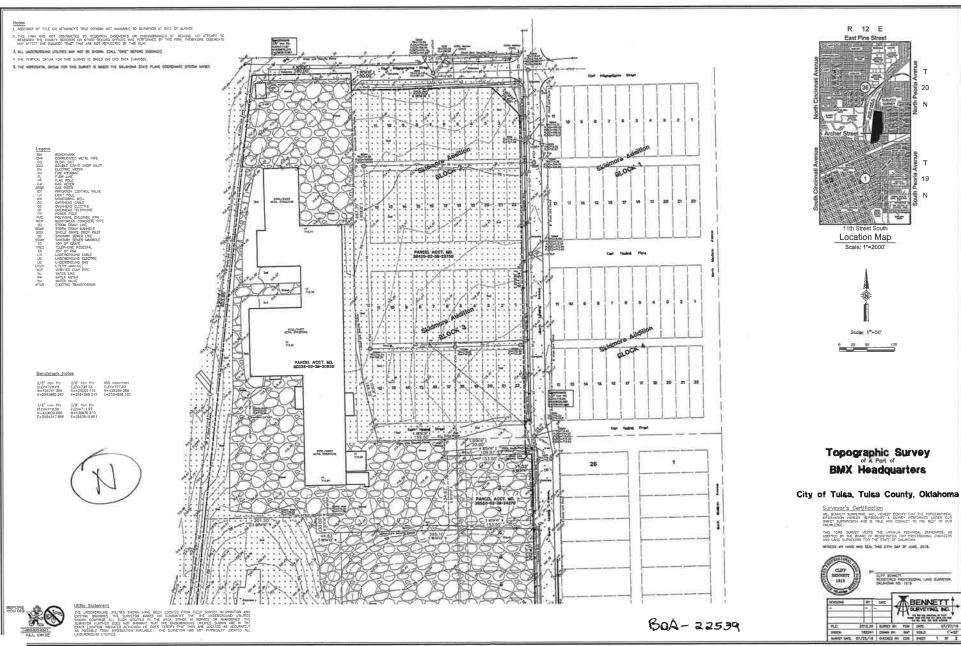
SECR LT 2 TH SWLY105.06 N119.52 E61.7 SE84 POB BLK 49

Section: 01 Township: 19 Range: 12

Area:

0.36 acres / 15,896 sq ft





CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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



#### **DEVELOPMENT SERVICES**

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

#### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

October 5, 2018

Richard Say 1836 S Baltimore Ave Tulsa, OK 74119 Phone: 918.495.3993

APPLICATION NO:

ZCO-013138-2018

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

550 N Lansing

Stadium & Offices

#### **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  $2^{\rm nd}$  STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

- 1. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 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 <u>WWW.INCOG.ORG</u> 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" [X]IS []IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

Application No. ZCO-013138-2018

550 N Lansing

October 5, 2018

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

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

- 1. Sec.70.080-C: The site plan you submitted is insufficient to complete the zoning clearance permit review. Submit a site plan for zoning review providing the following (IDP plans will not be accepted):
  - North arrow
  - Appropriate drawing scale;
  - Legal description of the lot;
  - Actual shape and dimensions of the lot;
  - Lot lines and names of abutting streets;
  - Public rights-of-way;
  - The location and dimensions of existing buildings or structures, including distances to lot lines:
  - The location, dimensions and height of proposed buildings or structures;
  - Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
  - The intended use of existing and proposed buildings, structures or portion of the lot;
  - The setbacks from the proposed new buildings or structures and alterations of existing buildings or structures to the centerline of abutting Right-of-Way;
  - Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.
- 2. Sec.15.020 Table 15-2: This facility is located in an IM zoning district. You are proposing a variety of uses. The following uses require a Special Exception:
  - a. Outdoor Assembly & Entertainment
  - **b.** Hotel
  - c. Bar
  - d. Brewpub

- Submit an approved BOA Special Exception to allow a Commercial/ Outdoor Assembly & Entertainment, Lodging/Hotel and Bar/Brewpub Use in an IM zoned district. **NOTE:** Office, Restaurant and Retail use are permitted in this District
- 3. Sec.55.020 Table 55-1: For parking requirements this review is limited to the proposed Assembly & Entertainment/Stadium and Office use. The parking requirement for the stadium is 2000 seats X .2 spaces per seat, which equals 400spaces. The parking requirement for the Office is 33,048 ft<sup>2</sup> X 2.8 spaces per 1000 ft<sup>2</sup> of floor area, which equals 92 spaces. The total parking requirement is 492. There are 268 parking spaces. Revise and resubmit your site plan providing 492 parking spaces. You may wish to consider a Variance to reduce the parking requirement to 268. Submit a copy of the BOA approved Variance.
- **4. Sec.55.090-A**: The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.
  - 1) Sec.55.090-B: All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.
  - 2) Sec.55.090-C: Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.
  - 3) Sec.55.090-D Figure & Table 55-5: Parking areas which include the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas must be designed in accordance with the standards of Figure & Table 55-5.
  - **4) Sec.55.080-A:** Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the building or use they are required to serve.
  - **5) Sec.55.110**: Accessible parking facilities must be provided in accordance with the building code.
- 5. Sec.55.130: A pedestrian circulation system that provide safe, direct and convenient pedestrian access connecting main entrances of buildings and uses with all other such entrances and with available access points including parking, streets, sidewalks and transit stops. Pedestrian access must consist of an accessible, easily-discernible walkway or multi-use path with a minimum width of 5 feet. The pedestrian access surface located on private property must be constructed of concrete, asphalt or other fixed, firm and nonslip material, approved by the development administrator. Pedestrian access routes that cross parking lots drive aisles or other vehicular use areas must be clearly differentiated from the vehicle surface through the use of physical separation or by durable, low-maintenance materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to de-fine places of pedestrian movement. Revise and resubmit your site plan providing pedestrian circulation that is compliant with this section.
- 6. Sec.65.030-B1 & 3: At least 20% of the required street setback area must be established and maintained as landscaped area. At least one tree must be preserved or planted and maintained or replaced in required street yard landscape areas for each 1,200 square feet of area, or fraction thereof. The landscaped area must be at least 5 feet in width and extend along the entirety of abutting street right-of-way, except at points of vehicular or pedestrian access. This area may be counted towards satisfying the minimum landscaped area requirements of §65.030-B1.

- 7. **65.040-B1b:** All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.
- **8. 65.080-B:** Required landscape plans for sites that have an area of more than 50,000 square feet and that are occupied by buildings with a combined gross floor area of more than 15,000 square feet must be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. All other required landscape plans must meet the same requirement or be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.
- 9. 65.080-D1: The land use administrator is authorized to approve alternative compliance landscape plans prepared by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. In order to approve such alternative compliance landscape plans, the land use administrator must determine that one or more of the following conditions or opportunities are present.
- **10. Sec.65.070-C:** Required landscaping must be installed in accordance with an approved landscape plan that includes at least the following information:
  - 1. The date, scale, north arrow, and name of the owner;
  - 2. The location of property lines and dimensions of the site;
  - 3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing and pro-posed streets and alleys, existing and proposed utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
  - **4.** The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
  - 5. Planting details and/or specifications;
  - **6.** The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
  - 7. The proposed irrigation plan for each required landscape area;
  - 8. The schedule of installation of required trees, landscaping and appurtenances;
  - **9.** The location of al proposed drives, alleys, parking and other site improvements;
  - **10.** The location of all existing and proposed structures on the site;
  - 11. The existing topography and proposed grading;
  - 12. The area in which grading and vegetation removal will occur; and
  - **13.** The area and dimensions of each landscape area and the total landscape area provided on the site.
- **11. 65.090-C1**: Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided.
- 12. Sec.70.080-B2b (3): A plat requirement applies to a special exception approved for Outdoor Assembly and Entertainment use. No building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable design and improvement requirements of the Tulsa Metropolitan Area Subdivision and Development Regulations, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments.

#### Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf

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.



5848 E 15<sup>th</sup> St Tulsa, OK 74112 oklahomanaturalgas.com

November 7, 2018

Amy Ulmer 2 West 2<sup>nd</sup> St, Suite 800 Tulsa, OK 74103

RE: 1189 N Lansing Ave E; 186 N Lansing Av E; 741 E Archer St, Tulsa, OK

#### LETTER OF OBJECTION

Dear Ms. Ulmer,

Oklahoma Natural Gas Company, a division of ONE Gas, Inc. ("ONG") wishes to notify the City of Tulsa the proposal requested by Mike Thedford will encroach the easement at 118 N Lansing, Tulsa, OK. Please be advised that ONG has underground/aboveground facilities in the area. If you need our facilities relocated to accommodate your excavation or construction, ONG will provide you a cost estimate.

Prior to any excavation, please contact OKIE-ONE 1-800-522-6543 a minimum of forty-eight (48) hours for exact location of our facilities. ONG will hold the damaging party responsible for any repairs to our facilities. If any repairs are necessary, ONG is not responsible for any damage to any structures or landscaping on or in the utility easement.

Sincerely,

Robert Rielly

Robert Rielly Manager of Engineering



#### ONE Gas Map



#### Legend

Transmission Main

Unknown Status

- Transmission, Gathering Active
- High Pressure Distribution Active
- High Pressure Distribution All othe
- Transmission Inactive

Street Centerlines

Parcel Boundary

Draft Service Line

Proposed

Proposed

In Service (Contains Gas)

Pressure Monitoring Device

Exceptionally Deep Main

Cast Iron Sample

Marker Ball

Placard

Inactive Well Head

Pipe Line Marker

Squeeze Off

World Boundaries and Places



752.3

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere © Latitude Geographics Group Ltd.

752.3

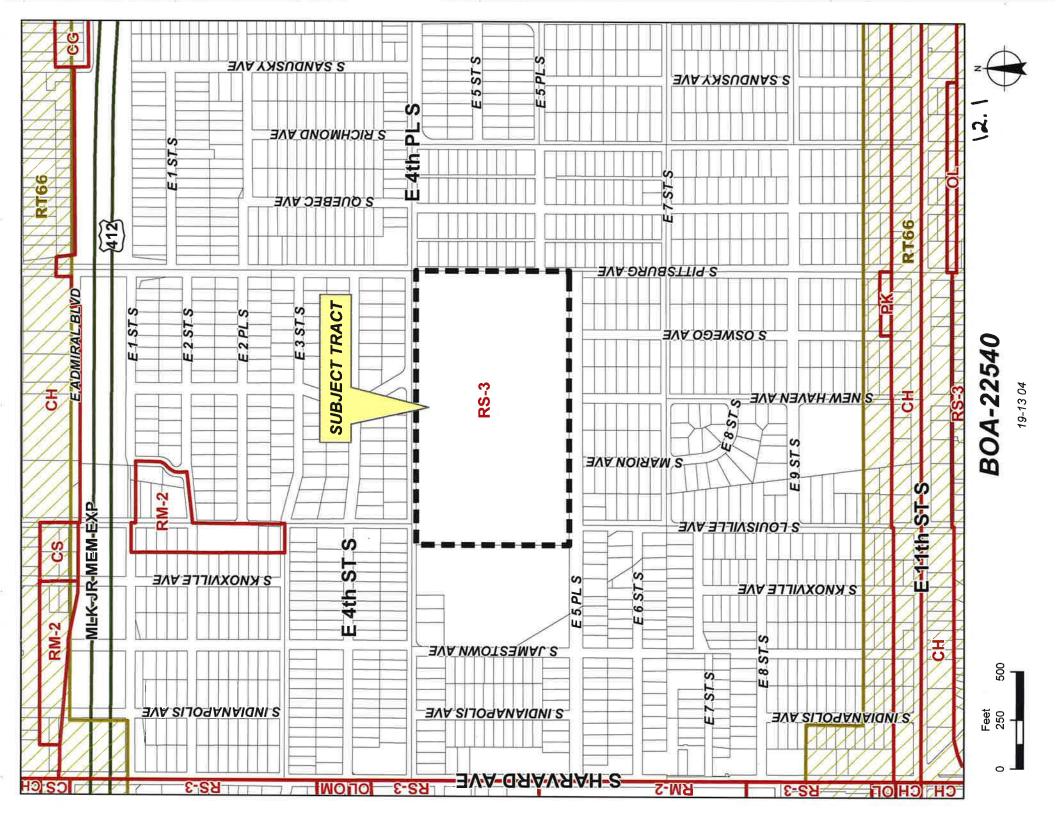
376.17

DISCLAIMER: This document and information herein is a visual representation and approximation of ONE Gas facilities and is subject to revision at any time without notice. It is an informational Feet tool and is not guaranteed, warranted, or represented to be to scale complete, accurate, or depicting depth. ONE Gas disclaims any and all liability for same. Call 811 by dialing 811 prior to and excavation.

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#### BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9304

Case Number: BOA-22540

**CZM**: 37 **CD**: 4

A-P#:

**HEARING DATE:** 11/13/2018 1:00 PM

**APPLICANT**: Rodehaver Scott

ACTION REQUESTED: Special Exception to permit a school use to allow for a stadium and locker

room (Sec. 40.350-A); Variance of the required number of parking spaces (Table 55-1)

LOCATION: 3909 E 5 PL S

**ZONED: RS-3** 

PRESENT USE: school

TRACT SIZE: + 25.88 acres

**LEGAL DESCRIPTION: BEG 1219.4E & 25S NWC OF SW TH S791 SW40.03 E1437.1 N826 TH** 

W1417.08 POB LESS S35 FOR ST SEC 4 19 13,

#### **RELEVANT PREVIOUS ACTIONS:**

#### Subject site:

**BOA- 19797;** on 4.13.04, the Board **approved** a Variance of maximum height allowed for RS-3 from 35' to 63'; Variance of minimum setback for parking lots from 25' to 13'(east side of parking), and 17'6" (south side of parking) for a new lot on corner of Pittsburg and 5th Place.

#### Surrounding properties:

**BOA-17111-A**; on 5.22.12, the Board **approved** a *modification* to a previously approved site plan (BOA-17111). Located: 3503 E. 5<sup>th</sup> PI. (Turner Park; immediately west of the subject site).

**BOA-17111;** on 8.8.95, the Board **approved** an *amendment* to a previously approved site plan (BOA-8649). Located: 3503 E. 5<sup>th</sup> Pl. (Turner Park; immediately west of the subject site).

**BOA-8649;** on 2.6.75, the Board **approved** an *exception* to use property as a public park, per plan. Located: 3503 E. 5<sup>th</sup> Pl. (Turner Park; immediately west of the subject site).

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

An **Existing Neighborhood** 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.

The ideal for the **Area 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.

REVISED11/6/2018

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract abuts RS-3 zoned residences to the north, south and east; Turner Park is immediately west of the subject property.

#### **PREVIOUS STAFF COMMENTS:**

Per Section 40.350-A, schools established before January 1, 1998 have the following supplemental use and building regulations:

Day care uses and community centers may be allowed as accessory uses to a school.
 Outdoor stadiums, lighted athletic fields, unlighted athletic fields that have bleachers for non-student spectators and buildings and structures accessory to these types of stadiums or fields may not be approved as accessory uses to a school.

Will Rogers Highschool was established before January 1<sup>st</sup>, 1998 and is before the Board requesting a special exception to permit a school use to allow for a stadium and locker room. A school use is permitted in the R district only by special exception. A special exception is required as the proposed use is not permitted by right due to potential adverse effect, but if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

If inclined to approve staff request that the Board approve the stadium and locker room per the submitted site plan to ensure that any future expansion of school facilities on the site would require additional review and approval by the Board.

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

The applicant is before the Board requesting a Variance to reduce the required on-site parking spaces from 408 to 373 spaces. The Code states the parking requirement for a high school is 1.1 spaces per 1,000 sq. ft. of floor space for the locker rooms plus .2 spaces per stadium seat. The parking calculations are shown in detail on the attached parking calculations exhibit.

The Code attempts to ensure that all uses provide adequate on-site parking to make certain that peak vehicle parking demand is accommodated.

#### **Sample Motion for Special Exception:**

Move and	e to (approve/deny) Special Exception to permit a school use to allow for a stadium locker room ( Sec. 40.350-A).
	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
	Subject to the following conditions (including time limitation, if any):

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

Samp	DIE MIOTION FOR VARIANCE:
Move 1).	to (approve/deny) a <b>Variance</b> of the required number of parking spaces (Table 55
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.

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

Subject to the following conditions

- "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."

assured the first house would be temporary; maintained well; and removed upon completion of the new home.

Earnest Moody, 11455 S. Winston, stated his property abuts the subject property. He was not in objection to a temporary variance to allow the applicant to build a house.

#### **Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to <u>APPROVE</u> a *Variance* to allow two single-family dwellings on one lot for a period of three years, with the condition the existing house is removed within 30 days of the completion of the new house, finding the size of the property; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 4, Block 3, Country Squire Estates, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*.\*.\*.\*.\*.\*.\*.

#### Case No. 19797

#### Action Requested:

Variance of maximum height allowed for RS-3 from 35' to 63' –SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of minimum setback for parking lots from 25' to 13' (east side of parking), and 17' 6" (south side of parking) for a new lot on corner of Pittsburg and 5<sup>th</sup> Place - SECTION 1201.C.2.d., located: 3909 East 5<sup>th</sup> Place.

#### Presentation:

Wit Todd, architect for Tulsa Public Schools, stated the project is a new gymnasium for Rogers High School. He submitted a map of the property.

#### Mr. Dunham out at 4:11 p.m.

He pointed out the area for a detention pond, which the school system gave up and limited the amount of room left for expansion. Mr. Todd stated that the new gym would approximately double the size of the old gym. It would allow the high school to have assemblies of the whole student body at one time. He commented that the locker rooms are on the lower level and does not work very well. The new gym would be to the north of the main building. They would increase parking by 68 spaces, which would be 30+ spaces more than the required parking. The plans include a small parking lot on the southeast corner for faculty and visitor parking only. He supplied site plans and other exhibits (Exhibits H-1 and H-2). The new building architecture would be close to the same level of detail as the original building. It would be free-standing and would not be attached to the existing

building. It will include 1200 seats in the gym, locker rooms, weight room, cheerleading room, and a running track.

#### Mr. Dunham returned at 4:17 p.m.

They plan for additional landscaping to meet the code requirements.

**Interested Parties:** 

Bill Kumpe, 519 S. Pittsburg, stated he spoke for himself, his wife, and other neighbors in opposition to the parking lot at the corner of 5<sup>th</sup> and Pittsburg. They oppose a variance to any change in the setback for the parking lot and they oppose construction of a gymnasium. They are concerned about the heavy volume of traffic, and high speed traffic at this corner at times. He added that when the school buses are parked at the school, it causes a blind corner. He stated the proposed construction is incompatible with the residential neighborhood.

Russell McDaris, 439 S. Pittsburg, stated he is an architect, submitted photographs (Exhibits H-3 and H-4) to show existing and proposed views. He indicated the mature trees would be removed. He added that the current parking lot does not meet the parking needs.

Bruce Beldon, 439 S. Pittsburg, Joyce Rhienke, 708 S. Oswego, and Robert Rhienke expressed some of the same objections to the application as mentioned previously. An aerial photos and letters of support and opposition were provided (Exhibits H-5 through H-9).

Applicant's Rebuttal:

Mr. Todd responded that this project was approved with the 2001 bond issue and was advertised in the newspapers. The plans were reviewed by Kurt Ackermann and meet the required parking spaces. When they apply for the building permit it will be reviewed again. He stated that this will not increase enrollment, or the number of cars coming to the school. It is an amenity for the existing school population. They will not bulldoze all of the trees as the plans were drawn to preserve numerous mature trees. The faculty would use the new parking lot and faculty leaves after the buses run.

Board discussion ensued.

**Board Action:** 

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to <u>APPROVE</u> a *Variance* of maximum height allowed for RS-3 from 35' to 63'; and a *Variance* of minimum setback for parking lots from 25' to 13' (east side of parking), and 17' 6" (south side of parking) for a new lot on corner of Pittsburg and 5<sup>th</sup> Place, per plan, finding they are meeting the parking requirement; there is limited space to provide these facilities; finding the restraints of the existing building and the flood plain that lies to

the west of the facility these are logical locations to make these improvements, on the following described property:

NW/c of the SW/4 Section 4, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma; thence S 0°08' W a distance of 791.00'; thence S 28°45' W a distance of 40.03' to the center line of Fifth Place projected; thence E along said center line a distance of 1,437.10' to the E boundary line of said line a distance of 1,437.1' to the E boundary line of said SW/4; thence N 0°3.50' E a distance of 826.00' to a point on said E boundary line 25.00' S of the NE/c of saidSW/4; thence W and parallel to the N line of said SW/4 a distance of 1,417.08' to the POB and containing 26.894 acres.

Case No. 19798

Action Requested:

Variance of the required 25' setback from 3<sup>rd</sup> Street to 18' 8" for an existing non-conforming building, located: 220 South Sheridan Rd.

\*\*\*\*\*\*

Presentation:

Cory Crockett, 6380 E. 31<sup>st</sup> St., Ste. A, represented the applicant, John Bradley. This application is to correct an existing condition.

Interested Parties

There were no interested parties present who wished to speak.

**Board Action:** 

On **Motion** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a **Variance** of the required 25' setback from 3<sup>rd</sup> Street to 18' 8" for an existing non-conforming building, finding the building has existed for a number of years, and this is to approve an existing condition, on the following described property:

Lot 1, Block 1, L&M Center Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

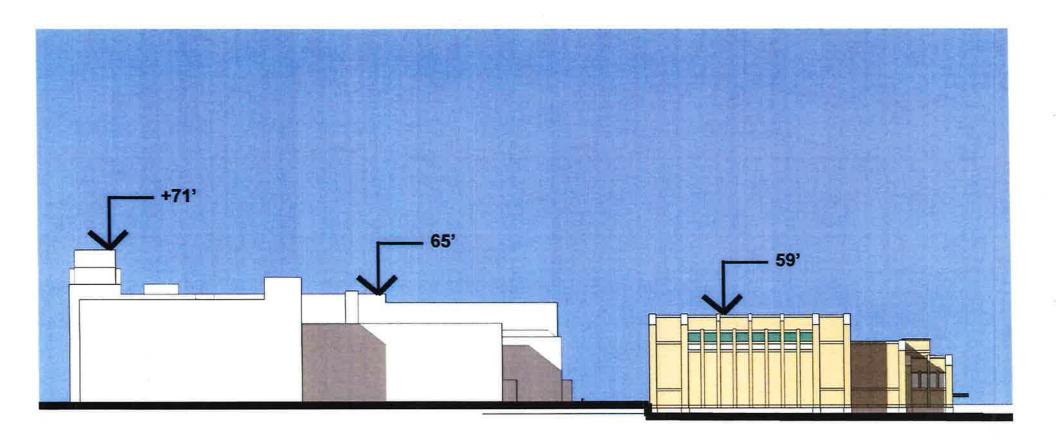
Case No. 19799

Action Requested:

Special Exception to waive the screening requirement along east property lines. SECTION 1216.C.1. USE UNIT 16. MINI-STORAGE, located: 1125 South Peoria.

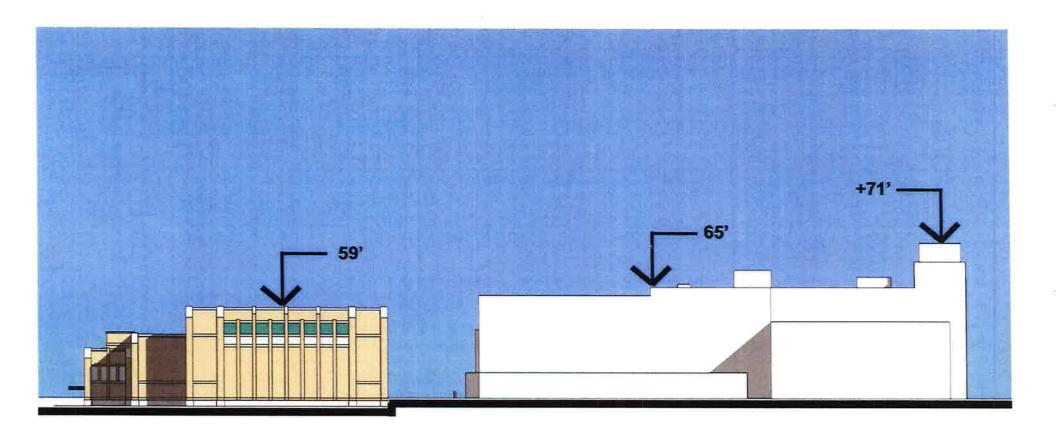
Presentation:

Danny Mitchell, 5110 S. Yale, Ste 510, stated he was the architect and the owner of the project. The zoning code requires a screening fence a commercial property



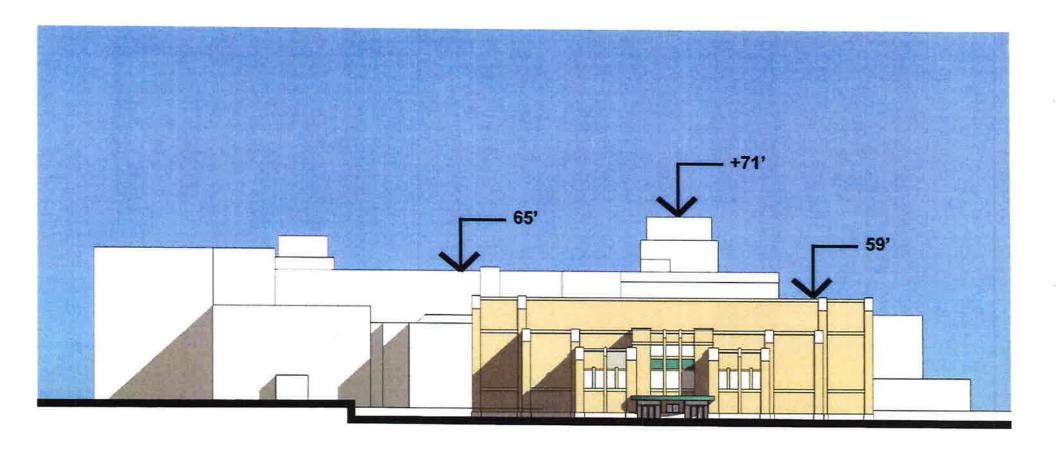


















kinslow, kelih & todd, inc. architecture | Interiors

tel 918,744,4270 fax 918,744,7849 2021 south fews sulle 150 luisa, oktohama, 74104 www.kklarchilacts.com into@kklarchilacts.com

#### TULSA **PUBLIC SCHOOLS**

WILL ROGERS HIGH SCHOOL GYMNASIUM ADDITION

3909 E. 5TH PL. TULSA, OK 74112

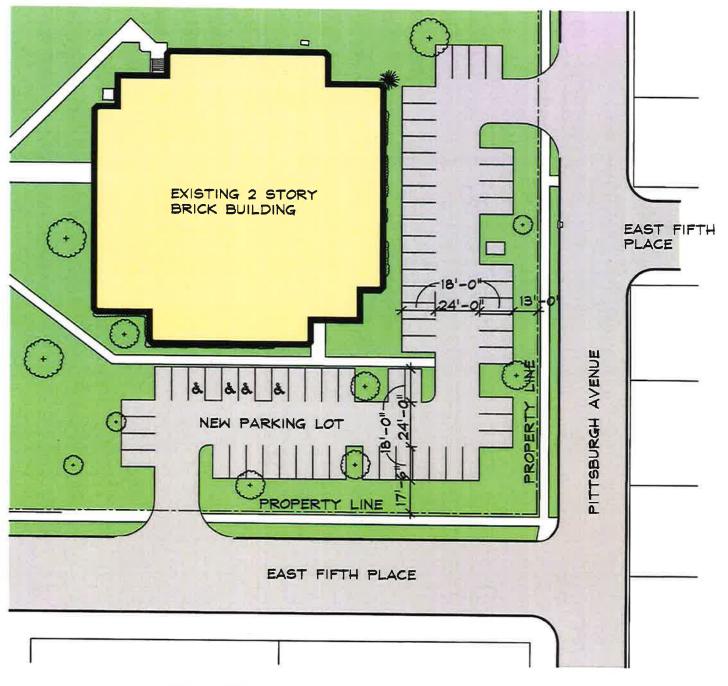
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CREASE IL POSTO CA MENTO CONTRACTOR ACVIL

ENLARGED SITE PLAN

BOA 19797

MINUTES OF THE TULSA BOARD OF ACHUSTMENT.



kinslow, keith & todd, Inc. architecture | Interiors

ENLARGED SITE PLAN
1"=50'-0"

### TULSA PUBLIC SCHOOLS

WILL ROGERS HIGH SCHOOL GYMNASIUM 3909 E. 5TH PL. TULSA, OK 74112

#### 21428—Scott Pohlenz

Action Requested:

<u>Variance</u> of the side yard requirement, on the west side, from 15 feet to 8 feet for an addition to align with existing structure (Section 403). <u>LOCATION</u>: 2685 East 37<sup>th</sup> Street (CD 9)

Presentation:

**Scott Pohlenz,** Architect, 3402 South Peoria Avenue, Tulsa, OK; stated that he is available for any questions the Board might have. He also presented additional information to the Board for their review.

#### **Interested Parties:**

There were no interested parties present.

#### Comments and Questions:

None.

**Board Action:** 

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the side yard requirement, on the west side, from 15 feet to 8 feet for an addition to align with existing structure (Section 403), subject to the conceptual site plan on page 5.24. Finding that this large lot with estate residential zoning is adequate to support the addition. The addition will not protrude further than the existing house. In granting this variance the Board has found that there 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; all for the following property:

PRT LT 2 BEG SWC LT 2 TH N220 E TO PT 237N SECR LT 2 TH S237 W145.88 POB BLK 1, OAKVIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

#### 17111-A—Gary Schellhorn (City of Tulsa)

**Action Requested:** 

<u>Modification</u> to previously approved site plan (BOA-17111) to permit demolition of dilapidated structures and construction of new facilities for Turner Park. **LOCATION:** 3503 East 5<sup>th</sup> Place **(CD 4)** 

BOA-17111-A

FILE COPY

Presentation:

**Gary Schellhorn,** City of Tulsa Parks Department, 2317 South Jackson, Tulsa, OK; stated there will be a future water playground for the park that is not funded and not in the planning stages currently, but is in the master plan for the park.

#### **Interested Parties:**

There were no interested parties present.

#### Comments and Questions:

None.

**Board Action:** 

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Modification to a previously approved site plan (BOA-17111) to permit demolition of dilapidated structures and construction of new facilities for Turner Park, subject to the conceptual site plan on page 6.7 and as described in the status report dated April 20, 2012. This modification of proposed park amenities are compatible with and are non-injurious to surrounding residential area, and meets the previously granted special exception. Subsequent approved modifications meets the current zoning requirements per code; for the following property:

THAT PORTION OF THE E ½ OF THE SW ¼, SEC. 4, T-19-N, R-13-E, AS FOLLOWS: BEGINNING AT A POINT 25' S OF THE NW/C OF SAID QUARTER AND 959.4' E AT AN IRON PIPE; THENCE N81°50'E, 260' TO AN IRON PIPE; THENCE S8°05'E, 791' TO AN IRON PIPE; THENCE S20°35'W, 80.6' TO AN IRON PIPE; THENCE S39°30'E, 280.20'; THENCE S81°20'W, 150.88'; THENCE N39°35'W, 640.47' TO A PC; THENCE CURVING TO THE RIGHT ALONG A CURVE OF RADIUS 716.34' A DISTANCE OF 389.20' TO A POINT; THENCE N7°55'W, 75.16'; THENCE N81°50'E, 234.38'; THENCE N7°55'W, 146.03' TO THE P.O.B. AND ALL OF BLOCK 4, CHULA VISTA 1<sup>ST</sup> AN ADDITION TO THE CITY OF TULSA; AND THAT PORTION OF A STREET VACATED BY ORDINANCE NUMBER 4845 ON MAY 5, 1944, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

#### 21433—Andrew Shank

Action Requested:

Approval of license agreement to locate awnings/signs within right-of-way (Section 1221.C.14). LOCATION: 1523 East 15<sup>th</sup> Street (CD 4)

Mr. White recused himself and left the meeting at 1:33 p.m.

## FILE COPY

#### CITY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 686
Tuesday, August 8, 1995, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

#### **MEMBERS PRESENT**

#### MEMBERS ABSENT STAFF PRESENT OTHERS PRESENT

Abbott

Doverspike

White

Bolzle

Turnbo, Chairman

Gardner

Beach

Moore

Jackere, Legal

Department

Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Thursday, August 3, 1995, at 11:34 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chair Abbott called the meeting to order at 1:00 p.m.

#### MINUTES:

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to **APPROVE** the minutes of July 25, 1995 (No. 685)

#### UNFINISHED BUSINESS

#### Case No. 17111

#### Action Requested:

Approval of an amendment to a previously approved site plan, located 4th Place and South Jamestown Avenue.

#### Comments and Questions:

Ms. Abbott advised that a letter (Exhibit A-1) requesting a continuance has been received from a representative of a newly formed neighborhood association. She stated that the request was not timely and was received just before the meeting.

There were numerous interested parties in the audience and, after discussion, it was the consensus of the Board that the application should be heard as scheduled.

#### Case No. 17111 (continued)

#### Presentation:

The applicant, City of Tulsa, was represented by Ross Weller, 707 South Houston, Suite 201, who advised that the site in question was reconfigured as a stormwater detention facility in 1993 and the parking lot on 5th Place was moved out of the flood area on Jamestown (26 spaces). Mr. Weller noted that the park is in compliance with the Code in regard to parking, and informed that approximately 43,000 individuals visit the park per year. He stated that one tennis court is planned to be converted to basketball use, with no lights being installed on the court.

#### Comments and Questions:

Mr. Doverspike asked if lighting is in place on the tennis courts, and Mr. Weller replied that the courts do not have lights, and the only lights installed in the park are for security purposes.

Mr. Doverspike asked if the recreation center uses are those that generate overflow traffic in the area, and Mr. Weller answered in the affirmative. He replied that parking inside the 100-year floodplain could result in cars being washed away during the rapid rise of water.

In reply to Mr. Doverspike, Mr. Weller informed that the existing parking lot is outside the 100-year flood plain.

In response to Mr. Doverspike, Mr. Weller stated that there will be no expansions of buildings and that the only change is the conversion of the tennis court to a basketball court.

#### Protestants:

Carolyn Ross, 3518 East 4th Place, stated that her back yard abuts the park property and the changes that are proposed will be detrimental to the neighborhood. She pointed out that the basketball court will generate additional noise, and trash will become a greater problem. Ms. Ross suggested that funds allocated for park renovation could be put to better use in the community.

Jack Wall, 3503 East 4th Place, informed that he is opposed to a lighted basketball court, and advised that pedestrian traffic is already a problem in the neighborhood. He pointed out that the existing facilities in the park are poorly maintained, and the wading pool has been closed for two years. Mr. Wall stated that the neighborhood has been poorly informed by the City regarding the park improvements.

Robert Gutherie, 466 South Jamestown, stated that the park does not need the proposed improvements, and requested that the park remain as it currently exists.

#### Case No. 17111 (continued)

#### Applicant's Rebuttal:

Mr. Weller informed that a neighborhood survey regarding the park was mailed to area residents and only 95 of the 3297 letters were returned. He stated that a public viewing was also held (3297 letters mailed) on the site and four individuals attended. Mr. Weller advised that the jogging trail is the main item of interest at this time. He reiterated that the only real change to the site is the conversion of the tennis court to a basketball court.

#### Additional Comments:

In response to Ms. Abbott, Mr. Weller advised that the wading pool has been closed for two years because of a cutback in guard staff.

Ms. Abbott asked if houses will be acquired to build additional parking lots, and Mr. Weller replied that the City does not plan to acquire additional property.

Mr. Doverspike stated that he finds basketball courts to be a natural accessory use to a park facility.

Mr. White pointed out that the basketball court could generate more traffic in the neighborhood.

Ms. Abbott noted that the use complies with Code requirements in regard to parking.

Mr. White stated that he is supportive of the application, except for the conversion of the tennis court.

#### **Board Action:**

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Bolzle, Turnbo, "absent") to APPROVE an amendment to a previously approved site plan; per plan submitted; subject to funded items only, with the exclusion of the conversion of a tennis court to a basketball court; subject to no lighting being installed except for security lights (unfunded items not considered at this hearing); finding the proposed improvements to the park, as amended by the Board, to be compatible with the neighborhood and in harmony with the spirit and intent of the Code; on the following described property:

That portion of the E 1/2 of the SW 1/4, Sec. 4, T-19-N, R-13-E, as follows: beginning at a point 25' S of the NW/c of said quarter and 959.4' E at an iron pipe; thence N81°50'E, 260' to an iron pipe; thence S8°05'E, 791' to an iron pipe; thence S20°35'W, 80.6' to an iron pipe; thence S39°30'E, 280.20'; thence S81°20'W, 150.88'; thence N39°35'W, 640.47' to a PC; thence curving to the right along a curve of radius 716.34' a distance of 389.20' to a point; thence N7°55'W, 75.16'; thence N81°50'E, 234.38'; thence N7°55'W. 146.03' to the P.O.B. and all of Block 4, Chula Vista 1st, an Addition to the City of Tulsa; and that portion of a street vacated by Ordinance Number 4845 on May 5, 1944

والهوية

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park in an RS-3 District located northeast of 5th Street and Jamestown Ave.

Presentation:

Randy Nicholson, representing the City of Tulsa Park Department, submitted a site plan (Exhibit "F-1") of the proposed park facilities to be located on the 8-acre Turner Park adjacent to Will Rogers High School. The facilities to be located at the southwest corner of the tract include a recreation center, junior swimming pool and bathhouse, and a 32-space parking lot. The center will include a basketball gymnasium, office and restaurant facilities, craft rooms, and multi-purpose rooms. In reviewing the proposal on this particular site with various City agencies, the water problems were the main concern. The City Engineer was not able to give any enlightenment upon the flood lines, and the architect personally spoke with several residents in the area who made reference to several high-water marks in the park which have been considered in the development plans. In regard to the facilities to be provided, the recreation facility will be operated five days a week from 9 a.m. to 10 p.m. and the pool will be operated only 2 1/2 months per year from 1 p.m. to 6 p.m. for general public use with private swimming lessons being given before 1 p.m.. The junior pool depth range is from 3 1/2 feet to 5 feet, while the wading pool is 18" deep. Also submitted with the site plan were topography maps, floor plans, and elevations of the facility (Exhibit "F-2"), at which time it was pointed out that the total heighth of the facility is 23' and creates no problem in regard to heighth requirements. Mr. Nicholson advised that the existing spray pool, restrooms, and playground storage area have been removed to prepare for the construction of the proposed facilities. He submitted four letters (Exhibit "F-3") from area residents in support of the proposal.

Protests:

None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park, per plan and as presented, in an RS-3 District on the following described tract:

2.6,75;181(14)

#### 8469 (continued)

A tract of land being a portion of the N/2 of the SW/4 of Section 4, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point 25' South of and 959.58' East of the NW corner of said SW/4; thence East and parallel to the North line of said 1/4 section a distance of 260' to a point; thence South 0'-7' West a distance of 791' to a point on the North line of Fifth Place; thence West and parallel to the North line of said 1/4 section a distance of 524.38' to a point; which point is 50' East of the East line of Block 1, Chula Vista First Addition; thence North along a line parallel to and 50' East of the East line of Block 1, said Chula Vista First Addition to a point, said point being 146.03' South and 50' East of the NE corner of Block 1, said Chula Vista First Addition; thence East and parallel to the North line of said 1/4 section a distance of 264.38' to a point; thence North 0°-34' East a distance of 146.03' to the point of beginning, for park purposes.

#### 8479

#### Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to extend a residence within 8 feet of the north property line, per plot plan, in an RS-2 District located at 1345 South 99th East Avenue.

#### Presentation:

Charles Lee submitted the plot plan (Exhibit "G-1") to the Board requesting permission to extend a residence 7.2' from the north property line, advising that the residence to the north will be located 15' from the property line in question.

#### Protests:

None.

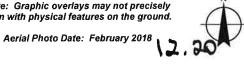
#### Board Action:

On MOTION of GUERRERO, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts) - Under the Provisions of Section 1630) to extend a residence within 7.2' of the north property line, per plot plan, in an RS-2 District on the following described tract:

Lot 16, Block 6, Crescent Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.







# Memo

To: INCOG

From: Wallace Engineering

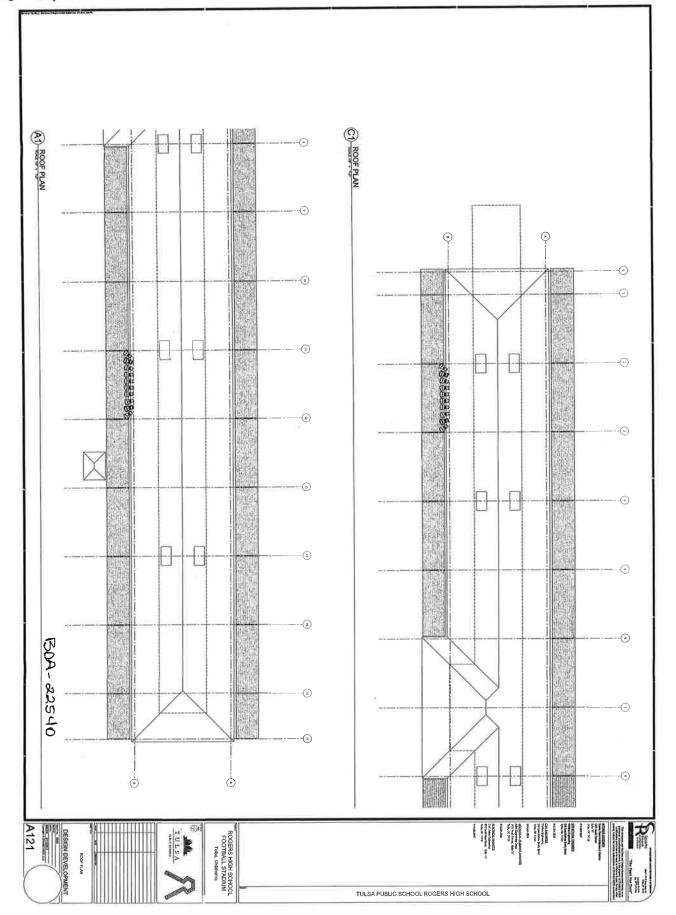
CC:

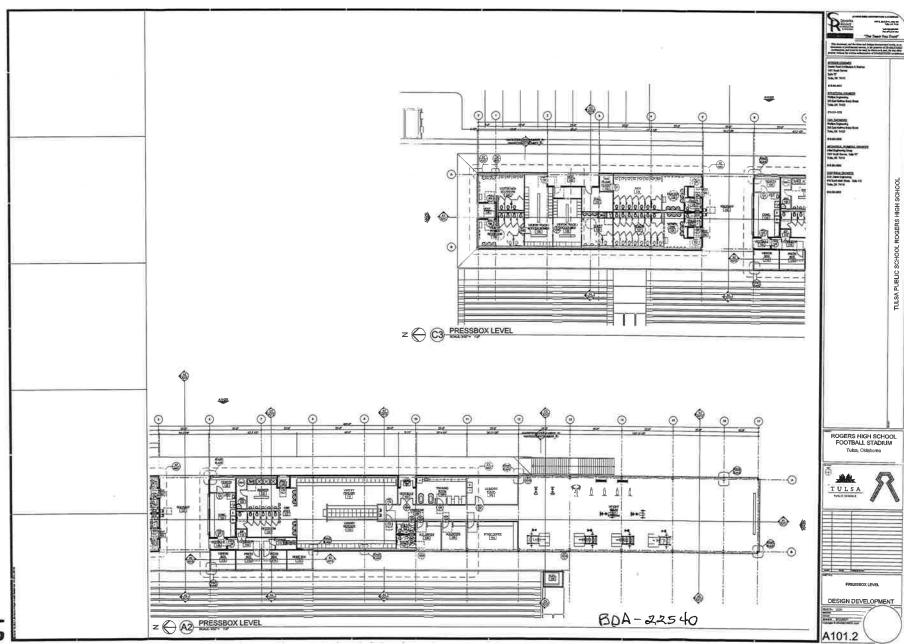
Date: 10/24/18

Re: Response to the LOD associated with Application No ZCO-011737-2018: 3909 E 5<sup>th</sup>

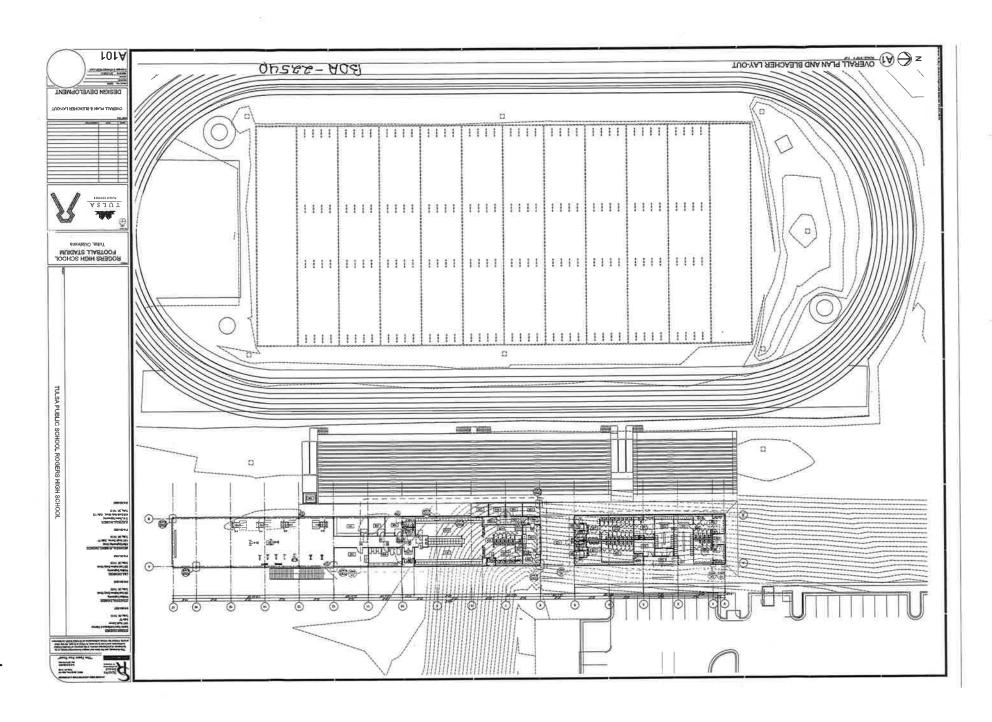
Place, Tulsa Public Schools, Will Rogers High School, Football Stadium

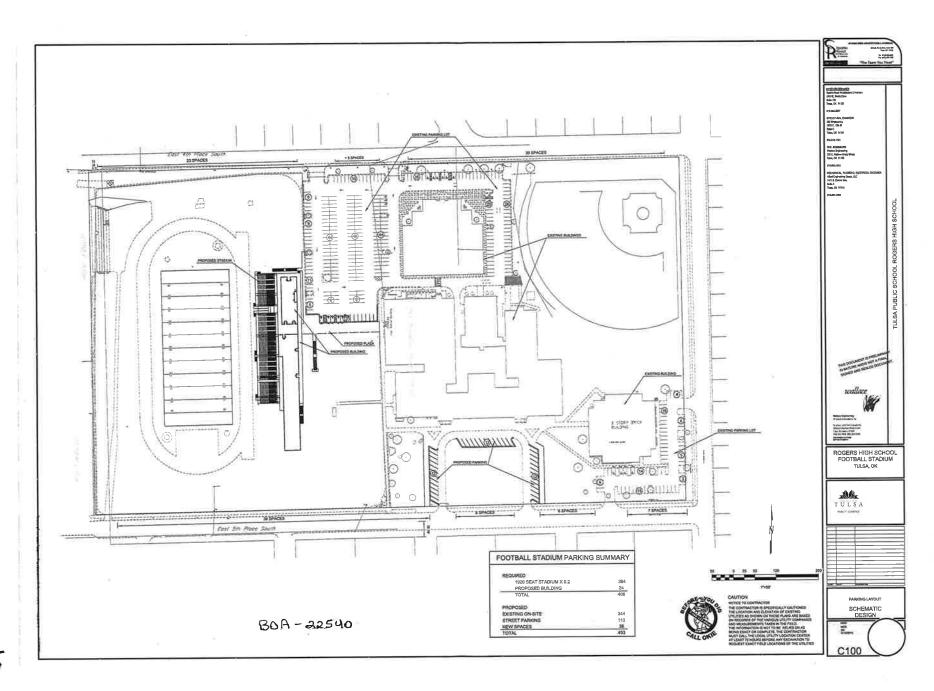
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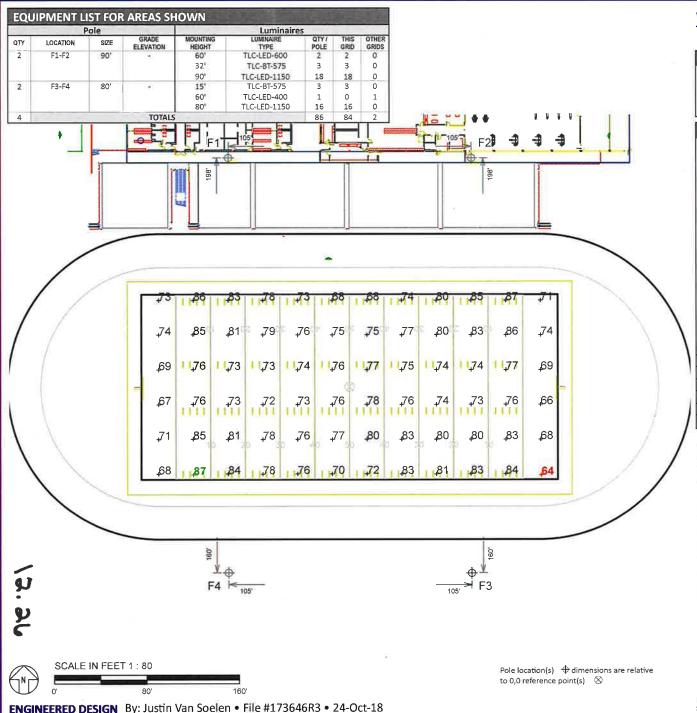




. 23







#### **Will Rogers College High School Football** Tulsa.OK

GRID SUMMARY	6 TANASAN AND AND AND AND AND AND AND AND AND A
Name:	Football
Size:	360' x 160'
Spacing:	30,0' x 30.0'
Height:	3.0' above grade

MAINTAINED HORIZONTA	AL FOOTCANDLE	E.S	
	<b>Entire Grid</b>		
Guaranteed Average:	75		
Scan Average:	76.55		
Maximum:	87		
Minimum:	64		
Avg / Min:	1.20		
Guaranteed Max / Min:	2		
Max / Min:	1.37		
UG (adjacent pts):	1.32		
CU:	0.53		
No. of Points:	72		
LUMINAIRE INFORMATIC	IN		
Color / CRI:	5700K - 75 C	RI	
Luminaire Output:	52,000 / 121	1,000 / 65,600 /	46,500 lumei
No. of Luminaires:	84		
Total Load:	87.42 kW		
		Lum	nen Maintenanc
Luminaire Type	L90 hrs	L80 hrs	L70 hrs
TLC-BT-575	>81,000	>81,000	>81,000
TLC-LED-1150	>81,000	>81,000	>81,000
TLC-LED-600	>81,000	>81,000	>81,000
TLC-LED-400	>81,000	>81.000	>81,000

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

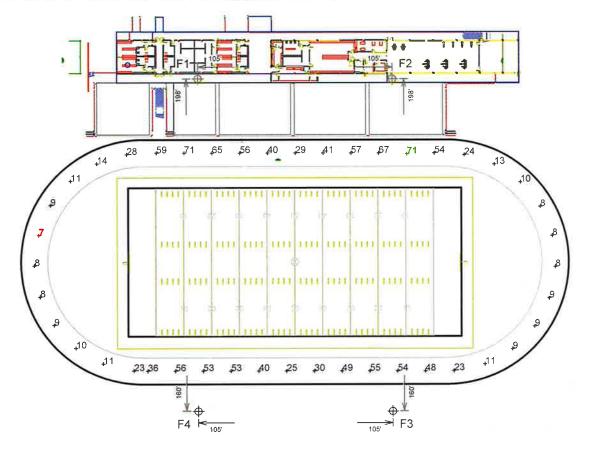
Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within

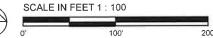


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	P	ole			Luminaire	5		
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	POLE	THIS	OTHER
2	F1-F2	90'		60'	TLC-LED-600	2	2	0
				32'	TLC-BT-575	3	3	0
				90'	TLC-LED-1150	18	18	0
2	F3-F4	80'		15'	TLC-BT-575	3	3	0
				60'	TLC-LED-400	1	0	1
				80'	TLC-LED-1150	16	16	0
4			TOTALS			86	84	2





Pole location(s) + dimensions are relative to 0,0 reference point(s)  $\otimes$ 

#### **ENGINEERED DESIGN** By: Justin Van Soelen • File #173646R3 • 24-Oct-18

#### Will Rogers College High School Football Tulsa,OK

<b>GRID SUMMARY</b>	
Name:	Track
Size:	Irregular
Spacing:	30.0' x 30.0'
Height:	3.0' above grade

MAINTAINED HORIZONTA	AL FOOTCANDLE	S	
	Entire Grid		
Scan Average:	31.33		
Maximum:	71		
Minimum:	7		
Avg / Min:	4.24		
Max / Min:	9.62		
UG (adjacent pts):	0.00		
CU:	0.13		
No. of Points:	44		
UMINAIRE INFORMATIC	N		
Color / CRI:	5700K - 75 CI	RI	
Luminaire Output:	52,000 / 121,	,000 / 65,600 /	46,500 lumens
No. of Luminaires:	84		
Total Load:	87.42 kW		
		Lun	nen Maintenance
Luminaire Type	L90 hrs	L80 hrs	L70 hrs
TLC-BT-575	>81,000	>81,000	>81,000
TLC-LED-1150	>81,000	>81,000	>81,000
I LC-LLD-IIIO		>81,000	>81,000
TLC-LED-600	>81,000	201,000	701,000

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



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#### **EQUIPMENT LIST FOR AREAS SHOWN** Pole Luminaires LUMINAIRE GRADE MOUNTING LOCATION SIZE **ELEVATION** HEIGHT GRID GRIDS 90' F1-F2 TLC-LED-600 32\* TLC-BT-575 0 90" TLC-LED-1150 18 18 0 2 F3-F4 80' 15\* TLC-BT-575 3 3 0 60" TLC-LED-400 1 0 1 80" TLC-LED-1150 16 16 0 TOTALS 86 4 84

SCALE IN FEET 1:50

00

**IGINEERED DESIGN** By: Justin Van Soelen • File #173646R3 • 24-Oct-18

## Will Rogers College High School Football Tulsa,OK

<b>GRID SUMMARY</b>	
Name:	Bleachers
Size:	Irregular
Spacing:	10.0' x 10.0'

ILLUMINATION S	UMMARY	- red (include)	132
MAINTAINED HORIZONTA	L FOOTCANDLE	S	
	Entire Grid		
Scan Average:	27.65		
Maximum:	55		
Minimum:	5		
Avg / Min:	5.75		
Max / Min:	11.54		
UG (adjacent pts):	1.69		
CU:	0.05		
No. of Points:	222		
LUMINAIRE INFORMATIO	N		
Color / CRI:	5700K - 75 CF	RI	
Luminaire Output:	52,000 / 121,	000 / 65,600 /	46,500 lumen
No. of Luminaires:	84		
Total Load:	87.42 kW		
		Lum	en Maintenance
Luminaire Type	L90 hrs	L80 hrs	L70 hrs
TLC-BT-575	>81,000	>81,000	>81,000
TLC-LED-1150	>81,000	>81,000	>81,000
TLC-LED-600	>81,000	>81,000	>81,000
TLC-LED-400	>81,000	>81,000	>81,000
Reported per TM-21-11.	See luminaire da	tasheet for deta	ils.

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco
Warranty document and includes a 0.95

dirt depreciation factor.

Pole location(s)  $\oplus$  dimensions are relative

to 0,0 reference point(s)  $\otimes$ 

**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ± 3%
Installation Results assume ± 3%
Ins



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EQL	EQUIPMENT LIST FOR AREAS SHOWN							
	-	ole			Luminaire	1		
QTY	LOCATION	SIZE	GRADE FLEVATION	MOUNTING HEIGHT	TYPE	POLE	THIS	OTHER
2	F1-F2	90		60	TLC-LED-600	2	3	0
CS.				32'	TLC-8T-575	3	2	0
				50°	TLC-LED-1150	18	18	0
2	F1-F4	80	-	15	TLC-81-575	- 3	3	0
~				60'	TIC-LED-400	- 1	Q.	1
				80'	TLC-LED-1150	16	16	0
4			TOTALS			86	84	2

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#### Will Rogers College High School Football Tulsa,OK

GRID SUMMARY Name: Property Spill Spacing: 30.0' Height: 3.0' above grade

MAINTAINED HORIZONTA		3	
	Entire Grid		
Scan Average:	0.0802		
Maximum:	1.30		
Minimum:	0.00		
No. of Points:	148		
LUMINAIRE INFORMATIC	N		
C-I / CDI-	FRONK RE C		
Color / CRI: Luminaire Output: No of Luminaires: Total Load:	84	RI ,000 / 65,600 /	46,500 lum
Luminaire Output: No. of Luminaires:	52,000 / 121 84	,000 / 65,600 /	46,500 lume
Luminaire Output: No. of Luminaires:	52,000 / 121 84	,000 / 65,600 /	
Luminaire Output: No. of Luminaires: Total Load:	52,000 / 121 84 87 42 kW	,000 / 65,600 /	nen Maintenan
Luminaire Output: No. of Luminaires: Total Load: Luminaire Type	52,000 / 121 84 87 42 kW	,000 / 65,600 /	nen Maintenan L70 hrs
Luminaire Output: No. of Luminaires: Total Load: Luminaire Type TLC-6T-575	52,000 / 121 84 87 42 kW L90 hrs >\$1,000	Lao hrs	L70 hrs

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0,95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations

Pole location(s) + dimensions are relative to 0,0 reference point(s) 🛞

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**ILLUMINATION SUMMARY** 





## **MODEL 7630**

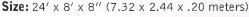
SCOREBORROS











Approximate hanging weight: 570 lbs. (259 kg) with ETNs: 632 lbs. (287 kg)

Digit Size: 24"/18" Digit Color: High Intensity Red, Amber, or Translucent White



## Advanced timing features ideal for combination Football, Baseball, Softball, Soccer, Lacrosse, Field Hockey and Track facilities.

- · Operate wired or wireless.
- Bright, long lasting, energy efficient LEDs.
- · Gasketed digits reduces water intake.
- Large digits easily seen from long distances.
- Designed to withstand wind load speed zones exceeding 150 mph.
- · Includes Possession Indicators and built-in Horn.
- White outline striping separates features for greatest readability.
- Lighted time colon and decimal; automatically adjusts to 1/10th of a second.
- When operating as a track board, the 1/10th of a second displays.
- All 7600 Series models are compatible with third-party timing systems.
- · Flexible mounting. Can mount directly to columns OR on laterals for complex or retro-fit installation.
- \* Translucent White LEDs cannot be intermixed with other digit colors on one scoreboard.

Combine your scoreboard with a Nevco monochrome or full-color message center to create a complete scoring and display system. Team/Sponsor signs also available.





BUILD YOUR OWN DISPLAY AND SCORING SYSTEM ONLINE AT:

WWW.NEVCO.COM

U.S. & CANADA: 800-851-4040 INTERNATIONAL: 618-664-0360

FAX: 618-664-0398 E-MAIL: INFO@NEVCO.COM

## INTEGRATED DISPLAY AND SCORING SOLUTIONS



#### Model 7630 (Outdoor) Football Scoreboard

#### SCOREBOARD/CONTROL OPERATING FEATURES

MODEL 7630	MPC(W)-4/5/6	MPCW-7	MPCX <sub>2</sub> WIRELESS
TIMING 24" High Intensity Red, Amber, or Translucent White LED Digits	Bi-directional UP or DOWN count. Any number can be set between 0:00-99:59.9. 1/10th seconds display during final minute,	Bi-directional UP or DOWN count. Any number can be set between 0:00-99:59.9. 1/10th seconds display during final minute.	Bi-directional UP or DOWN count. Any number can be set between 0:00-99:59.9. 1/10th seconds display during final minute.
TEAM SCORES 24" High Intensity Red, Amber, or Translucent White LED Digits	Displays 0-99	Displays 0-99	Displays 0-99
QUARTER 24" High Intensity Red, Amber, or Translucent White LED Digits	Displays 0-9	Displays 0-9	Displays 0-9
DOWN 24" High Intensity Red, Amber, or Translucent White LED Digits	Displays 0-9	Displays 0-9	Displays 0-9
YARDS TO GO 24" High Intensity Red, Amber, or Translucent White LED Digits	Displays 0-99	Displays 0-99	Displays 0-99
BALL ON 24" High Intensity Red, Amber, or Translucent White LED Digits	Displays 0-99	Displays 0-99	Displays 0-99
TIME OUTS LEFT  18" High Intensity Red,  Amber, or Translucent White  LED Digits	Displays 0-9	Displays 0-9	Displays 0-9
BALL POSSESSION INDICATORS High Intensity Red, Amber, or Translucent White LED	One for each team shaped in the form of a football.	One for each team shaped in the form of a football.	One for each team shaped in the form of a football.
TIME OF DAY	In place of displaying game time on the scoreboard, the "time out" time may be displayed or the "time of day".	In place of displaying game time on the scoreboard, the "time out" time may be displayed or the "time of day".	N/A
HORN	Sounds automatically at 0:00 for a minimum of two (2) seconds. May omit automatic horn. Can sound manually at any time.	Sounds automatically at 0:00 for a minimum of two (2) seconds. May omit automatic horn. Can sound manually at any time.	Sounds automatically at 0:00 for a minimum of two (2) seconds. May omit automatic horn. Can sound manually at any time.
JUNCTION BOX	One (1) 4" x 2 1/8" x 2 1/8" with cover, to be installed in dry location (press box), furnished.	N/A	N/A
CONTROL CABLE	One (1) length required of 2-WIRE (coaxial type) '4" diameter. Order length required.	N/A	N/A
SEGMENT TIMING	Supported.	Supported.	Requires MPCX <sub>2</sub> segment timer control.

In addition to the standard 15 colors, Nevco can match any PMS color. Please contact your local Display and Scoring Consultant for

#103 #73 #102 #99 #142 #74 #120 #72 #140 #121 #141 #104 #70 #95 #76 Cardinal Maroon Team Golden Kelly Forest Teal Elec- Royal Mid- Navy Medium Desert Silver Print

AGENCY APPROVAL: UL/CUL listed, FCC, CE, INDUSTRY CANADA.

**SCOREBOARD:** Size  $24'L \times 8'H \times 8''D$  (7,32 x 2,44 x .20 meters), constructed of aluminum. Scoreboard has 1" white outline striping. Six (6) brackets provided for mounting. Hanging weight approximately 570 lbs. (259 kg) with ETNs 632 lbs, (287 kg).

CAPTIONS: HOME, GUESTS, QTR, BALL ON, DOWN, YDS TO GO, white 15" high. T.O.L. (2) white 6" high. (HOME and GUESTS are omitted when ordered with ETNs.)

LED UNITS: Seven-bar segmented digits with protective aluminum cover.

BUILT-IN LIGHTNING PROTECTION: All models feature fiber-optic isolation circuitry providing additional protection against lightning strikes

POWER WITHOUT ETNS (RED/AMBER): 120 VAC, 3.2 Amps, 50/60 Hz. / 240 VAC, 1.6 Amps, 50/60 Hz.

Requires earth ground.

POWER WITH ETNS (RED/AMBER): 120 VAC, 4.4 Amps, 50/60 Hz, / 240 VAC, 2.2 Amps, 50/60 Hz.
Requires earth ground.

POWER WITHOUT ETNS (TRANSLUCENT WHITE): 120 VAC, 5.4 Amps, 50/60 Hz. / 240 VAC, 2.7 Amps, 50/60 Hz. Requires earth ground.

POWER WITH ETNS (TRANSLUCENT WHITE): 120 VAC, 6.5 Amps, 50/60 Hz. / 240 VAC, 3.2 Amps, 50/60 Hz. Requires earth ground.

GUARANTEE: TO VIEW OR RECEIVE THE MOST RECENT COPY OF OUR GUARANTEE, PLEASE VISIT: NEVCO.COM/WARRANTY-LIMITATION/

U.S. SERVICE: 1-800-851-4040 INTERNATIONAL SERVICE: 1-618-664-0360

CANADA SERVICE: 1-800-461-8550



BUILD YOUR OWN DISPLAY AND SCORING SYSTEM ONLINE AT:

WWW.NEVCO.COM

U.S. & CANADA: 800-851-4040 INTERNATIONAL: 618-664-0360

FAX: 618-664-0398 E-MAIL: INFO@NEVCO.COM

12.31

#### **REVIEW COMMENTS**

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

Application No. ZCO-011737-2018

3909 E 5th PL

October 3 2018

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

1. Sec.40.350-A: This school was established before January 1<sup>st</sup>, 1998. The proposed football stadium and locker rooms cannot be approved as an accessory to the school. This will require a Special Exception reviewed and approved per Sec.70.120 to permit the stadium and locker rooms at this location. Submit a copy of the Special Exception as a revision to this application.

**Sec.55.020 Table 55-1:** The parking requirement for a school for a high school is 1.1 spaces per 1000 ft<sup>2</sup> of floor space for the locker rooms plus .2 spaces per Stadium Street. You are required to calculate the parking requirement using these ratios. There are approximately 430 parking spaces on site. Submit the parking calculations. A variance reviewed and approved per *Sec.70.130* is required if the actual parking does meet the required parking count.

**Sec.65.090-A:** The proposed outdoor lighting is required to meet the General Standards in *Sec.95.090-B*. Submit a lighting plan in conformance with *Sec.65.090-C*.

65 090-C

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: <a href="http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf">http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf</a>

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.



## Ulmer, Amy From: Sent:

Russell McDaris <russell.mcdaris@gmail.com>

Wednesday, October 31, 2018 12:27 PM

To: Ulmer, Amy
Subject: Re: BOA-22540
Attachments: image001.jpg

Do they have any plans to place any stadium / field lighting and is there a cross section to show how tall this will be relative to the current grades?

a condition on the property when the Softball and Baseball fields were constructed that NO field lights were allowed on the property -- meaning no night games. I'm confused how they presume the property will be utilized since most football games are in the evenings and last into the dark. Also what guarantees will the residents have of the non-simultaneous use as proposed... they already have three gyms and an auditorium on campus relying on these same parking spaces.

On Wed, Oct 31, 2018 at 9:21 AM Ulmer, Amy <a href="mailto:aulmer@incog.org">aulmer@incog.org</a> wrote:

Hello,

I have attached the information the applicant submitted. Let me know if you have any questions.

#### **Amy Ulmer | Land Development Planner**

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