AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, December 11, 2018, 1:00 P.M.

Meeting No. 1218

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of November 13, 2018 (Meeting No. 1217).

UNFINISHED BUSINESS

2. 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)

3. 22536—Gerardo Campos
   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-F2). LOCATION: 13100 East 11th Street South (CD 6)

4. 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 25th Street South (CD 4)
   Discussion and possible vote to continue to January 8, 2019 and possible vote to reconsider Case BOA-22538.

5. 22531—Gant Hinkle (Reconsideration from 11/13/2018)
   Variance of the minimum lot width to allow for a lot split (Section 5.030-A). LOCATION: 4687 South Columbia Avenue East (CD 9)

NEW APPLICATIONS

6. 22542—Agustin Guzam
   Special Exception to permit a dynamic display sign to be located within 200 feet of an R District (Section 60.100-F); Special Exception to allow a dynamic display sign to be located in an AG District (Section 60.050-C). LOCATION: 2720 South 129th Avenue East (CD 6)

7. 22543—Mark Bahlinger
   Special Exception to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G); 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 feet from an R-zoned lot (Section 40.050); Variance of the screening requirements (Section 4.050-C & Section 65.060-C.2). **LOCATION:** 8101 South Harvard Avenue East (CD 8)

8. **22544—Phillip Doyle**  
Variance to reduce the required rear setback from 25 feet to 20 feet (Section 5.030-A). **LOCATION:** 4320 South Victor Avenue East (CD 9)

9. **22545—Jenifer Korte**  
Special Exception to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G); 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 feet from an R-zoned lot (Section 40.050). **LOCATION:** 8281 South Harvard Avenue East (CD 8)

10. **22546—Miguel Sotelo**  
Special Exception to allow a carport in a street setback in an RS-3 District (Section 90.090-C1). **LOCATION:** 1524 East 49th Street South (CD 9)  
*Staff requests a continuance to January 8, 2019 to allow time to receive more information from the applicant.*

11. **22547—Chase & Erica Healy**  
Variance of the required rear setback in an RS-2 District (Section 5.030-A). **LOCATION:** 105 East 26th Place South (CD 4)

12. **22548—Kurt Barron**  
Variance of the street (front) setback requirement in an RS-2 District to permit the expansion of a house (Section 5.030-A). **LOCATION:** 1261 East 25th Street South (CD 4)

13. **22549—Jason Gibson**  
Special Exception to permit an office use in a RM-2 District (Table 5-2); Variance of the screening requirements (Sections 40.260-D & 65.060-C.2); Variance of the required 25-foot setback from an adjacent R District for special exception uses (Table 5-3). **LOCATION:** 114 South Trenton East (CD 4)

14. **22550—Tulsa Habitat for Humanity**  
Variance to reduce the required minimum lot width (Section 5.030-A); Variance of the street setback requirement in an RM-1 District (Section 5.030-A). **LOCATION:** 1231 North Rockford Avenue East (CD 1)

15. **22551—Eller & Detrich – Andrew Shank**  
Variance to permit a free-standing sign to exceed the maximum permitted height of 50 feet (abutting a freeway) to be installed 75 feet above grade with a 15 foot setback from the freeway right-of-way (Sections 60.080-D & 60.040-B). **LOCATION:** SE/c of South Sheridan Road East & East Broken Arrow Frontage Road South (CD 5)  
The applicant requests a continuance to January 8, 2019.

16. **22552—U. S. Sign & Screen Printing**  
Variance to increase the permitted display surface area of a wall sign to exceed 32 square feet in an AG District (Section 60.050). **LOCATION:** 4001 East 101st Street South (CD 8)
17. **22553—Wallace Engineering – Mike Thedford**  
Special Exception to permit a school use to allow for an outdoor lighted stadium/locker room/ pressbox (Section 40.350-A); Modification of a previously approved site plan (BOA-21111-A) to permit the addition of the Fine Arts Center; Variance of the required number of parking spaces (Table 55-1). **LOCATION:** 6636 South Mingo Road East (CD 7)

18. **22554—Tom Neal**  
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 & 40.210-A); Variance to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3); Special Exception to permit a carport in the street setback and street yard (Section 90.090-C.1). **LOCATION:** 406 South 55th Avenue West (CD 1)

19. **22557—Josh Miller**  
Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area. **LOCATION:** South of the SE/c of East 31st Street South & Riverside Drive (CD 9)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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

CD = Council District

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

NOTE: This agenda is for informational purposes only and is not an official posting. Please contact the INCOG Office at (918) 584-7526 if you require an official posted agenda.
STR: 9321  
CZM: 47  
CD: 9  
A-P#:  

HEARING DATE:  12/11/18 1:00 PM (continued from 11/13/18)  

APPLICANT:  Christopher Parle  

ACTION REQUESTED:  Special Exception to exceed the allowable driveway width in the street right of way and in the street setback. (Sec. 55.090-F3)  

LOCATION:  3318 S. Jamestown Ave. E.  

ZONED:  RS-3  

PRESENT USE:  residential  

TRACT SIZE:  8250 sq. ft.  

LEGAL DESCRIPTION:  N60 S180 E137.5, LT 23, ALBERT PIKE SUB, City of Tulsa, Tulsa County, State of Oklahoma  

RELEVANT PREVIOUS ACTIONS:  

Subject Property:  
BOA-13758; on 9.26.85, the Board approved a special exception to allow an existing day care center; denied a variance to expand a nonconforming use.  

Surrounding Properties:  
BOA-13792; on 10.10.85, the Board approved a special exception to all a children's nursery; approved a special exception to allow an existing day care center. Located: 3322 S. Jamestown Ave. & 3410 E. 33rd St. (immediately south and west of the subject property)  

BOA-2944; on 5.8.57, the Board granted permission to allow a nursery and dance school. Located: immediately north of the subject site.  

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

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

ANALYSIS OF SURROUNDING AREA: The subject property abuts RM-1 zoned properties to the west; RS-3 zoned properties to the north, south, and east.

STAFF COMMENTS:

On September 18, 2018 the below driveway width amendment to the City of Tulsa Zoning Code became effective:

55.090-F Surfacing
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.123, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-l.2. (Refer to City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>75'</th>
<th>60' - 74'</th>
<th>46' - 59'</th>
<th>30' - 45'</th>
<th>Less than 30' [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Within Right-of-Way (feet) [1]</td>
<td>27' 26'</td>
<td>22'</td>
<td>20'</td>
<td>12'</td>
<td></td>
</tr>
<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>30'</td>
<td>30'</td>
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</tbody>
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[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

[2] Provided that for lot frontages less than 24 feet, a driveway up to 12 feet in width is permitted.

Maximum Driveway Width

It appears that the lot has 60 feet of frontage on S. Jamestown Ave. As shown on the attached aerials and pictures, it appears the driveway covers the entire front portion of the lot. The codes states, the applicant is allowed by right a driveway width of 26' within the right-of-way and 30 ft. within the street setback. The street setback requirement for an RS-3 zoned lot is 25 ft. The applicant is before the Board requesting a Special Exception to exceed the allowable driveway width in the street right of way and in the street setback.

Sample Motion

Move to _________ (approve/deny) a Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback. (Sec. 55.090-F.3)

- 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.
Ms. Ulmer stated for a point of information that the first lot split did not go through the official lot split process but was split by deed. The first lot split has been a deed of record for longer than five years.

Comments and Questions:
Ms. Back stated she cannot support this request because she cannot see where the hardship is not a self-imposed hardship. There is nothing to say this needs to be done to better the neighborhood, and she thinks it would be detrimental to the neighborhood.

Ms. Ross agreed with Ms. Back. The large lot sizes are a huge characteristic of the neighborhood.

Board Action:
On MOTION of BACK, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to DENY the request for a Variance of the minimum lot width in an RS-1 District to permit a lot split (Section 5.030, Table 5-3) finding the hardship to be self-imposed and not in keeping with the character of the existing neighborhood; for the following property:

WI2 LT 3 LESS S5 THEREOF BLK 5, VILLA GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

22528—Christopher Parle

Action Requested:
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)

Presentation:
Christopher Parle, 3318 South Jamestown, Tulsa, OK; stated there are a number of driveways in the area that exceed the width and/or have right-of-way problems. This is a problem in the neighborhood because the structures were once businesses and are now rezoned as residential. His house and the neighbors to the north and to the south once belonged to Linda Wilco, and his house was once a daycare. The house was successfully rezoned as residential and sold in 1999. The existing driveway has been in place for an excess of 30 years, and there has never been an issue with the driveway. Mr. Parle stated that he does see how this causes any property values to fall because it is a very common issue in the area; 25% of the people on the mailing list have driveways similar to this.

Mr. Van De Wiele asked Mr. Parle how many years the existing driveway had been there. Mr. Parle stated the driveway has been there 30 years to his knowledge and according to the neighborhood, and all files he has been able to pull on the address itself.
Mr. Van De Wiele asked staff why this driveway is needing a Special Exception if it has been in existence for 30 years. Ms. Miller stated the applicant received a violation on September 6, 2018, and she does not know the inspector makes his decisions in the field.

Ms. Back asked staff if the business that had been allowed on the subject property had been allowed by Special Exception and never rezoned but stayed in the residential district. Ms. Ulmer answered affirmatively and stated it was a Board of Adjustment case in the 1980s.

Mr. Van De Wiele asked Mr. Parle when the house had been converted back to residential use. Mr. Parle stated that he has not been able to find anything about when it was converted back to residential use, but it was sold by the person who converted it to a business to another party as residential in 1999. The house has changed hands five times since 1999.

Interested Parties:
John Walker, 4221 East 40th Place, Tulsa, OK; stated he owns the property south of the subject property and has owned it about 20 years. His issue is that people enter onto the subject driveway, drive through the property and use his driveway as an exit. Over the years he has had issues with his renters; he has placed barriers on the driveway to protect his driveway. Mr. Walker stated that there is now a sump pump on the property and it drains down his driveway. The parking lot is deteriorated, and the asphalt is crumbling. The parking lot does not fit that block because the area is residential houses. It is not a business, there is lack of maintenance, and the driveway does look bad.

Mr. Van De Wiele asked Mr. Walker if his problems with people using his driveway as an exit has continued with Mr. Parle new ownership or is it a problem with prior ownership. Mr. Walker stated that it continues, and it continues to be his responsibility to block people from driving through the property.

Mr. Van De Wiele stated this is a zoning and land use Board and the members are not here to enforce good behavior between neighbors, but he understands the concern.

Rebuttal:
Christopher Parle came forward and stated he has placed a PCV pipe on the ground to catch the sump pump runoff. Mr. Parle stated that no vehicle since he has purchased the house has passed between the properties because it is basically impassable with anything but a truck because of the railroad ties and it would completely destroy the PCV pipe.

Mr. Van De Wiele asked Mr. Parle if he had any conversation with the inspector that issued the citation, or anyone else with the City. Mr. Parle stated that he never had a conversation with anyone.
Comments and Questions:
Mr. Van De Wiele stated he still questions why this is before the Board. If this were a gravel driveway and had been in existence for 30 years it would be grandfathered in. Ms. Miller stated she does not know how the inspector looks at the issue. This particular inspector may see an issue with the gravel driveway, but she does not know.

Mr. Bond stated that it is clear that it is a non-conforming structure, it is a parking lot for the house. He cannot vote for the Special Exception; he does not think the applicant needs one if he does nothing other than rent a jackhammer.

Mr. Van De Wiele stated that the Board of Adjustment matters do not set precedents in neighborhoods, and he is not inclined to do something that suggests that the Board of Adjustment wants this type of thing being built in this neighborhood or any neighborhood, but he is more inclined to find that this has been in existence for a sufficient time that it does need a Special Exception. Ms. Miller stated that she and Ms. Blank would feel more comfortable if the Board were to continue this so staff can go to Working In Neighborhoods to see how they classified this, because she does not want to place the applicant in a bad situation. Ms. Miller stated that if the Board were to continue this staff will have the case on the next agenda or the applicant can withdraw his application based upon what is found.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to CONTINUE the request for a Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3) to the November 13, 2018 Board of Adjustment meeting; for the following property:

N60 S180 E137.5, LT 23, ALBERT PIKE SUB, City of Tulsa, Tulsa County, State of Oklahoma

22529—Hall Estill – Chris Carter

Action Requested:
Variance of the frontage requirement in a RS-3 District (Section 5.020); Special Exception to exceed the allowable driveway width in the street right-of-way and in the street setback (Section 55.090-F3). LOCATION: West of the NW/c of South Sheridan Road East & East 67th Place South (CD 9)

Mr. Van De Wiele recused and left the meeting at 4:22 P.M.
Ms. Miller left the meeting at 4:22 P.M.
Case No. 13791 (continued)

to a point; thence, with a right deflection angle of 90° 20′ to
the point of beginning of said parking lot containing 75,449
sq. ft. more or less.

Case No. 13792

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in
Residential Districts - Use Unit 1205 - Request a special exception
to allow a children's nursery in an R zoned district, located at
3322 South Jamestown Avenue and 3410 East 33rd Street.

Presentation:
The applicant, W. C. Jones, was represented by Attorney Bob Nichols,
115 West 5th Street, Tulsa, Oklahoma, who submitted a plot plan
(Exhibit L-1) and informed that his client has property on 33rd
Street where a day care center has been operating since the 1950's,
and also, is proposing a child care facility on Jamestown. Mr.
Nichols informed that Mr. Jones has owned the property in question
for approximately 1 year.

Comments and Questions:
Ms. Wilson informed that when she viewed the area she counted 7
homes that have been converted to day care facilities.

Ms. Bradley asked Mr. Nichols to clarify the request for the
property on 33rd Street. He replied that his client is asking for a
special exception to allow a day care center at 3410 East 33rd.

Ms. Bradley asked if the day care center is in operation at this
time, and Mr. Nichols informed that it has been there since 1956
and evidently was overlooked.

Mr. Clugston asked if the two day care facilities are two different
businesses. Mr. Nichols replied that they will both be run by the
same business, but the operation on Jamestown will be a mother's day
out program.

W. C. Jones, 331 South 185th East Avenue, Tulsa, Oklahoma, informed
that the Jamestown facility will not be in competition with the
other 5 buildings, but will be open from approximately 9 a.m. to
2:30 p.m. and is for mothers that need to leave their children for a
short period of time. He pointed out that if this center is
approved there will be 6 buildings for child care in the area. Mr.
Jones noted that the Wingo family previously owned all of the child
care centers, and after selling him 3 of the buildings, continue to
operate the remaining two. Photographs and a petition of support
were submitted (Exhibit L-2).

Mr. Clugston asked if the mother's day out program is required to be
licensed, and Mr. Jones replied that the center does not need a
license if the hours of operation are less than 8 hours each day.

10.10.85:449(26)
Ms. Bradley asked how many employees would be on duty to care for the 28 children whose ages are from 3 to 4 years. Mr. Nichols informed that there will be 3 employees at the center.

Mr. Chappelle informed that Code Enforcement received a complaint (Exhibit L-3). Mr. Nichols pointed out that an open house was held to talk with the mothers in the neighborhood before attempting to open the center, and that, evidently, some of the residents thought the business was in operation and reported the owner.

Protestants:
Linda and Gary Wingo, 5919 East 87th Street, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit L-4) and stated that they are owners of the property at 3311 South Indianapolis and 3318 South Jamestown. Ms. Wingo stated a concern that the clients of the proposed center will park on her parking lot and cause an inconvenience for her customers. She pointed out that there are no regulations for the number of children and believes the added traffic will be injurious to the neighborhood. Mr. Wingo added that the surrounding neighbors are opposed to another child care center in the area.

Applicant's Rebuttal:
Mr. Nichols stated that the neighbors are in support of the mother's day out center and that the house would retain its residential character and would be harmonious with the area.

Additional Comments:
Ms. Wilson stated that she is concerned with the growing number of nursery centers concentrated in the area and the traffic problem they may create.

Board Action:
On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, Clugston, White, "aye"; Wilson, "nay"; no abstentions; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a children's nursery in an R zoned district;per plot plan; subject to the number of children being 25 and the hours of operation being from 9 a.m. to 2:30 p.m.; subject to Fire Marshall, Building Inspector and Health Department approval; and to APPROVE a Special Exception to allow an existing day care center in an R zoned district, located at 3410 East 33rd Street; on the following described property:

3322 South Jamestown
The north 60' of the south 120', Lot 23, Albert Pike Addition to the City of Tulsa, Tulsa County, Oklahoma.
Case No. 13757 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"), to APPROVE a Special Exception (Section 440.2 - Special Exception Uses In the Residential Districts - Use Unit 1205) to allow a mobile home in an RS-3 zoned district; and to DENY a Variance (Section 440.6 (a, b, c) - Special Exception Uses In the Residential Districts) of the one year time limit, removal bond and contract for a mobile home; subject to removal bond; finding that there are other mobiles in the area and that the granting of the special exception request will not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 6 and 7, Block "E", Joe's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13758

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205 - Request a special exception to allow an existing day care center in an RS-3 zoned district.

Variance - Section 1420(a) - Nonconforming Use of Buildings and Land In Combination - Use Unit 1205 - Request a variance to expand a nonconforming use, located on the SE/c of 32nd and Indianapolis.

Presentation:

The applicant, Jess Stout, was represented by Gary Wingo, 5919 East 87th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit F-1) for an addition to an existing day care center which is a part of Miss Helen's Private Schools. Mr. Wingo informed that he has owned the center since 1974. He pointed out that his mother previously operated three other schools adjacent to his center and they are now called Helen's Schools. Mr. Wingo informed that he is proposing to build on 400 sq. ft. to the east of the existing structure.

Comments and Questions:

Ms. White asked why the addition is being constructed and the applicant replied that increased enrollment necessitates the adding on of the 400 sq. ft.

Ms. Wilson asked Mr. Wingo to state the number of children enrolled at this time and the number expected after expansion. He answered that there are 20 students enrolled at this time and a maximum of 38 can be served after construction is complete. Mr. Wingo stated that the school will operate from 7:30 a.m. to 6:00 p.m.

9.26.85:448(23)
Case No. 13756 (continued)

Ms. Wilson asked Ms. Hubbard if there is sufficient land to accommodate the new addition. Ms. Hubbard informed that a corrected set of plans has been submitted and she would need additional time to review the corrections and make that determination.

Mr. Jackere informed that the applicant is not in need of the variance requested.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205) to allow an existing day care center in an RS-3 zoned district; and to DENY a Variance (Section 1420(a) - Nonconforming Use of Buildings and Land in Combination - Use Unit 1205) to expand a nonconforming use; per plot plan submitted; subject to approval by the Building inspector; finding that the day care center has been in operation for a long period of time and is compatible with the neighborhood and the surrounding area; on the following described property:

The north 60', south 180', east 137.5' of Lot 23, and north 60', south 180', east 137.5' of the west 162.5', Lot 23, Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13759

Action Requested:

Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance of the required number of parking spaces from 657 to 610, located on the SW/c of 31st Street and 93rd East Avenue.

Presentation:

The applicant, Alfred Osborn, 3100 Wilcrest, Houston, Texas, submitted a plot plan (Exhibit Q-1). He stated that the owner of the property is expanding a shopping center and adding additional lease space at the above stated location. Mr. Osborn pointed out that the addition will close off a back portion of the property that was proposed for parking, but is now considered to be too remote to be utilized for this purpose. He informed that after the construction is complete the center will have 610 parking spaces instead of the required 659. Mr. Osborn pointed out that much of the leased area will be for office use.

Comments and Questions:

Ms. Wilson asked Mr. Osborn why he doesn't just put in the required parking since it is proposed and the space is available. Mr. Osborn replied that he would like to leave the area open.
Subject Tract BOA-22528

Aerial Photo Date: February 2912

Note: Graphic overlays may not precisely align with physical features on the ground.
Looking west towards site on S. Jamestown Ave.

Looking northwest towards site on S. Jamestown Ave.
Looking southwest towards site on S. Jamestown Ave.

Looking west towards site on S. Jamestown Ave.
ZONING NOTICE OF VIOLATION

The City of Tulsa
PARLE, CHRISTOPHER JAKE
3318 S JAMESTOWN AVE
TULSA, OK 74135-1825

Date: September 6, 2018

You hereby notified that the violation(s) maintained, operated or permitted to exist
by you at N60° 51' 18" W108° 23', ALBERT PIKE ST. addition to the City of Tulsa,
Tulsa County, State of Oklahoma.

And located at the address of: 3318 S JAMESTOWN AVE TULSA 74135-1825

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

Title 42, Chapter 55, Section 55.090-F-3

This Violation requires:

In an RS-3 District, residential driveway widths may not exceed twenty feet (20') within
the right-of-way and thirty feet (30') on other portions of the lot, unless a Special
Exception has been granted by the Board of Adjustment. Reduce the driveway size or
seek a Special Exception to approve/allow the oversized driveway width.

To be in compliance with Municipal Codes, you will need to comply with this notice
within 10 days. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A
CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED $1,000.00 PER
DAY. You may appeal the administrative official's decision within 10 DAYS by filing
a complete appeal application with the administrative official and INCOG located at
Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate
fees must accompany your appeal application to INCOG. In addition, you may want to
contact INCOG at 918-596-9878 to obtain information on filing an application for a special
exception or variance related to your violation instead of appealing the decision.

Complaint No: NUZO-004640-2018

MICHEAL RIDER
Zoning Official
918-596-9878 Office phone
918-576-5468 Fax
mrider@cityoftulsa.org

Meetings with Inspectors require a scheduled appointment.

A copy of this notice has also been sent to (If applicable):
Section 55.090-F-3 Surfacing

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 55.120, or, if in a PUD, in accordance with the amendment procedures of Section 55.019-A.

<table>
<thead>
<tr>
<th>Maximum Driveway Width</th>
<th>RE</th>
<th>RS-1</th>
<th>RS-2</th>
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<td>Within Right-of-Way (Feet)</td>
<td>20</td>
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<td>12</td>
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<td>On the Lot (Outside ROW) (Feet)</td>
<td>30</td>
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For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.
HEARING DATE: 12/11/2018 1:00 PM (continued from 11/13/18)

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 1.71 ACS,

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. 11th St. & 131st 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. 11th St. & 129th 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. 11th St. & 129th 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. 11th St. & 129th 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. 11th St. & 129th E. Ave. (immediately west of the subject site).
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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. 11th St. S. to the north.

CURRENT STAFF COMMENTS:
On 11/13/18, the Board continued the BOA-22536 as neither the applicant nor a representative was present. The Board also requested a more detailed site plan and explanation regarding the proposed use.

At the time this report was written, staff had not received any updated site plans.

PREVIOUS 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 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

3.3

REVISED:12/4/2019
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 to __________ (approve/deny) a Special Exception to permit Commercial/Building Service Use in a CS zoned district. (Section 15.020)

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

- Subject to the following conditions (including time limitation, if any): ______________________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
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. BULK 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. 11th St. & 131st E. Ave.

Presentation:
Ken Boone, 1424 S. 75th 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 the request for relief for church and accessory uses and exception to the screening requirement.

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, Dunnam, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to APPROVE 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. 16642. No Board action is needed.

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. 11th St. & 129th E. Ave.

Presentation
Randy Pickard, 10961 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. 17506. 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 129th 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
Case No. 18655 (continued)

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 2nd, 3rd, 4th, she had to pump water again, and on December 9th 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. 126th E. Ave., stated that she lives to the south of Mary Hill. She represents herself and the owner of Pattern Concrete at 1116 S. 126th 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 equalled $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. 120th 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. 12th 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 "abstentions") to DENY the Special
Case No. 18655 (continued)

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. 21st 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 requirement for all weather parking surface. SECTION 1303.d. DESIGN 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.
Case No. 18028 (continued)

**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 long-term 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.
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.
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 area. Neighbors have complained of escaped dogs on several occasions. This 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).
Case No. 18028 (continued)

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. 129th 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 DEC 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 While "aye"; no "nays", no "abstentions"; no "absent") to DENY 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 NW, 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 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.B. 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 128th 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 leasee 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.
Case No. 17508 (continued)

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

Aerial Photo Date: February 2018
MORTGAGE INSPECTION PLAT

LEGAL DESCRIPTION AS PROVIDED:

The north 120 feet of the east half, 40 of the north half of the northwest quarter of the northeast quarter of section nine, Township, the north half, section ten, of the range four west of the 4th principal meridian, State of Oklahoma, according to the U.S. Government Survey thereof; less a strip of land from the east side of the above described property, also subject to the 11th street right of way and an adjoining easement.

SURVEYOR'S STATEMENT

Edward Harden, by certified copy of the surveyor's statement and the registered surveyor's certificate, prepared by Edward Harden & Associates, is hereby submitted for inspection purposes only. The survey and plat have been prepared in accordance with the laws and regulations governing such matters. The survey and plat are not intended for use in any subsequent loan closing, refinance, or other purposes and are not to be used for such purposes without the consent of the mortgagee. This inspection plat is prepared for identification and reference purposes only and is not to be relied upon for the establishment of boundary lines or for the purpose of conveying title. The surveyor在此声明该测量图和图则仅用于参考目的，不得用于任何后续贷款关闭、再融资或其他目的，不得依赖于该图则确定界线或转让所有权。
Yes, that is correct.

On Wed, Oct 10, 2018 at 2:05 PM Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

This is regarding your Board of Adjustment application. I wanted to confirm that you were proposing a construction business with an offices and containers to store equipment on the site. I also wanted to confirm that there would be no sales made on site. Let me know if you have any questions.

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

September 15th, 2018

Phone: 918.407.7992

Gerardo Campos
4317 E 76th ST
Tulsa, OK 74136

APPLICATION NO: \textbf{ZCO-10946-2018} (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: \textit{13100 E 11th ST}

Description: \textit{New Construction company}

\section*{INFORMATION ABOUT SUBMITTING REVISIONS}

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

Revisions need to include the following:

1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)
4. Board of Adjustment approval documents, if relevant

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103. Phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

\textbf{Submittals Faxed/Emailed to Plans Examiners Will Not Be Accepted.}

\section*{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.

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 \url{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 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. ZC)-010966-2018 13100 E 11th ST September 15th, 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 INCOC 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. INCOC 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 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 provide 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.
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. Frater Hill, co-owner

DeShane Kennels, Inc.

1115 S. 129 E. Ave.

Tulsa, OK 74108

918-437-3343
This BOA is in two parts: Special Exception and a Variance.

Special Exception to allow a Commercial/Commercial, Service/Building Service in a CS District.

Applicants Action:

The applicant purchased the property, a 1.71 acre unplanted property located at the southwest corner of E 11th ST S and S 131st Ave E, Tulsa. Tulsa County Assessor shows this transaction with a date of May 22, 2018.

A 311 report was create July 22, 2018 to report improper use of CS Zoned property. There appeared to be a lot for storage of material and heavy construction vehicles. The land had tall grass, vehicles parked on grass and construction waste. There was gravel placed for parking and driveways. This report was closed on August 2, 2018 and replaced with NUZO-003999-2018, a complaint report created by Mike Rider, Zoning and Sign Official. He passed on the case to a Development Service Inspector. The property owner made an application for a Zoning Clearance Permit as he was instructed by Mike Rider. The application is under review. Mike Rider advised him that he should not be working until his permit has been approved and that continuing the un-permitted work could end up costing him heavily. At that time prior to August 2, the fence was up and gates were placed.

Susan Miller, Director Land Services Development Services - INCOG suggested around August 24, 2018, that the owner should be reported for operating without a permit.

Specific Violations are:

1. Use of land for parking and storage without using all weather service.
2. No screening fence abutting residential area.
3. Outdoor storage of material within 300' of a residential area and in a CS Zoned District.
4. Dumping of construction debris and waste.

Any questions of violations should be discussed with Chuck Lange, City of Tulsa Permit Office, 918 596-9688.

Zone Violation Case NUZO-003999-2018 was created. It was noted as “FAILED” upon field visits on 8-01-2018, 8-20-2018, 8-23-2018, and 9-04-2018. On 9-12-2018 a “NOTICE TO ABATE NUISANCE” was posted at the property. The property continues to be used by employees leaving and arriving with personal and construction vehicles.

The applicant is required to declare a land use to receive a Zoning Clearance Permit. His first Zoning Clearance Permit application submitted was ZCO-007893-2018 dated 7-30-2018 where he declare the land use was “Retail Sale of Hardscape Material” and stated on the application, “planning change of use”. The Zoning Clearance Permit is held pending a review.
Variance Request to the all-weather surface requirement in a CS District.

Applicants Action:

Applicant is using grassy areas for employee parking and the outdoor storage of materials. A gravel surface has been placed off of S 131st Ave E entering through a gated access point, onto the property in a curved pattern to a gated access point exiting the property. The gravel continues to meet a hard surface defined as E 11th St S. The gravel is placed in a pattern as to be considered a driveway. Gravel is utilized in some areas in the vicinity of the Mobile Storage Units for a truck and heavy equipment parking area. From the area around the storage unit is gravel extended to a gated access point of off E 11th St S. This gravel extends toward the edge of E 11th St S.

The applicant must prove an unnecessary hardship to the property exists that does not include financial hardship to the applicant.

Variance Request to the all-weather surface requirement in a CS District.

Objections or Arguments:

Title 42 Tulsa Revised Ordinance Zoning and Property:
Chapter 55 | Parking:
The parking regulations of this chapter apply to all new building constructed (includes Mobile Storage) and all new uses established in all zoning districts.
Section 55.090-B Ingress and Egress, All parking areas must be designed to allow vehicles to enter and exit a street in a forward motion.
Section 55.090-F Surfacing, all off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise stated in this zoning code.

Summary

The conclusion for this BOA is in two parts: Special Exception and a Variance. We recommend the Special Exception to the land use and the Variance of the dustless all-weather surface requirement be denied.
The City of Tulsa Board of Adjustment policies require that an official “Letter of Deficiency” (“LOD”) issued to the Applicant from the City of Tulsa accompany each application to the Board for a Variance, Special Exception or other relief. The applicant has not met this requirement as required prior to a public hearing and additional BOA action may be required resulting in significant delays during any building permit process.

The Commercial-Building Service land use category was selected by the applicant with the intent to select a use that vaguely represents his current operation. Observations indicates this property is used as a staging area for a construction company. The land includes the storage of construction material and debris. As equipment, material and employees leave, the gates are closed to restrict the public access clearing indicating there is no retail operations. All structures appear to be temporary and/or mobile containers with no setback from the property line.

The property is visibility from E 11th St S 131 E Ave., and RS Zoned property to the east and south as there is not a screening fence. This property is not consistent with the land use visioned in the Tulsa Comprehensive Plan. This property also not compatible with the East Tulsa Neighborhood Detailed Implementation Plan. Ignoring the relationship of both of these accepted plans is not consistence with the future development of the existing surrounding properties or residential areas.

Area of Growth are found throughout Tulsa. Those areas have different characteristics but some of the more common traits are the close proximity to arterial streets such as E 11th St and S 129 E Ave. Areas of Growth are parts of the city where we can have a general agreement that development or redevelopment is beneficial to a community ensuring that existing residents will not be displaced or will chose to move. We need to take the opportunity to focus in a way that benefits the community and Tulsa as a whole.

The City of Tulsa has a large investment in development of Route 66 which 11th Street is part of the Route 66 Overlay Zoning District. The property being reviewed in this hearing will distract from the Route 66 Experience.

Use of gravel is prohibited for driveways and parking and it is not adequate when heavy equipment and vehicles travel on it. The existing gravel driveway that exits onto S 131st E Ave has failed on occasions due to rain. It failed to provide the surface required to prevent the accumulation of both gravel and soil both from being tracked from the driveway north to the intersection of E 11th St S and S 131st E Ave.

Most of vehicle traffic entering the property is using S 131st ST E. As there is no setback of the gate on the east side of this property, arriving construction trucks have been parking on the grassy right-a-way to keep from blocking the street while unlocking and opening the gate.

To deviate from our recommendation to deny will send the wrong message. There already are nearby property on E 11th where there is a trucking operations utilizing gravel on RS Zoned property and on the 400 block of S 129 E Ave where there is a Dump Truck Sales where gravel is used for the driveway and parking and the use of shipping containers for storage or offices.

Sincerely,
Willard Koch
1709 S 141 E Ave S

3.33
Our children are like mirrors—they reflect our attitudes in life.
*The just man walketh in his integrity: his children are blessed after him.* Proverbs 20:7

----- Forwarded Message -----  
**From:** Marcæ Hilton <hiltonmarcae@yahoo.com>  
**To:** ulmer@incog.org  
**Sent:** Tuesday, November 13, 2018, 12:28:02 PM CST  
**Subject:** DENY BOA-22536 Today

BOA-22536

TULSA STAFF COMMENTS: IN BLACK

TULSA CODE: IN BLACK

MY OPINION: IN RED

TULSA CODE RELEVANT IN YELLOW

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. I would argue the Board cannot find that the requested Special Exception to be in harmony with the spirit and intent of the Code, and in fact it will be injurious to the neighborhood or otherwise detrimental to the public welfare.

- Since the site has been occupied by the new tenant, it is overgrown with weeds and has mounds of construction debris.
- The yard and containers are full of rubbish, waste, and tall, dry vegetation. It appears they are collecting gravel, rock, construction lumber and other materials which are not an appropriate use for the site or neighborhood.
- The areas adjacent to the site are residually zoned (CHURCH USE) and therefore does not meet the City Code "screening requireent", the tenant recently added a poorly constructed and unsightly chain link fence.
  
  Section 40.410 Wholesale, Distribution & Storage Uses Whenever any wholesale, distribution & storage 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 §65.060.C2
  
  Chapter 65 | Landscaping, Screening and Lighting
  
  Section 65.060 | Screening
  
  2. F1, Screening Fence or Wall
  
  a. Purpose: An F1 screening fence or wall is required in those instances where a complete visual barrier is needed.
  
  b. Options: F1 screening requirements may be met by either of the following options.
This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows.

35.060-A Equipment and Materials Storage, Outdoor
Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

I believe the business brings an injurious nature to the neighborhood and would be a good fit for an industrial site per the Tulsa Code as seen below:

Section 35.070 Industrial Use Category
This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.

I believe it is potentially detrimental to the public welfare for this business to exists at this site.

- The weight and bulkiness of objects is dangerous and objectionable for CS zoning
- The display and stacking of outdoor materials and various commercial equipment is inappropriate for a commercial corner
- There is inadequate screening
- Easy access for adolescents
- Dust particles
- This use is offensive to senses, the large, low concrete block walls were placed on site without a zoning clearance permit, without meeting the zoning code and act as containers for debris which is dusty
- The lot is within the ROUTE 66 Overlay district. As a nation we recognize Route 66 landmarks such as monuments, places significant to U.S. History; battlefields, forts, churches and cemeteries, old trails and bridges as well as places or buildings listed in the National Register of Historic Places. This use us contrary to the

Section 70.080 Zoning Clearance and Permits 70.080-A Applicability Property owners or their authorized agent must obtain a zoning clearance permit from the development administrator before constructing, moving, or structurally altering any building or structure or establishing or changing the use of any building or lot. 70.080-B Compliance with Development Regulations

1. Purpose, The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place and adequate to serve proposed developments in accordance with applicable regulations.

2. Rezonings, Special Exceptions and Residential Uses Except as expressly stated in Section 70.080-B3, 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. This requirement applies to any property for which:

The applicant has confirmed that no retail sales will be made on the site.

- Keep the allowed use to Commercial Shopping.

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. DENY The applicant cannot prove a hardship, the site is not appropriate for this outdoor storage use.
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 effects.

- As a resident of east Tulsa, I drive past this site multiple times a day. East Tulsa is already blighted by uses which have been grandfathered in and other uses which have been approved by special exception and variances.
- I believe firmly the Board should find that the requested Special Exception IS NOT in harmony with the spirit and intent of the Code; this site is zoned Commercial Shopping.

6. CS District: The CS district is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses.

- The intended use has not been clearly defined by the applicant it is a chaotic high intensity storage lot along with the warehousing of dusty unsightly construction materials. It should be in an Industrial zoned area.

11. IM District
The IM district is primarily intended to group together a wide range of industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance. Section 35.060 Wholesale, Distribution & Storage Use Category
If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion for a Variance

Move to (approve/deny) a Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway 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

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

8.3 REVISED 1/5/2018

"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 to (approve/deny) a Special Exception to permit Commercial/Building Service Use in a CS zoned district. (Section 15.020)

Per the Conceptual Plan(s) shown on page(s) _ of the agenda packet

Subject to the following conditions (including time limitation, if any):

Our children are like mirrors—they reflect our attitudes in life.

*The just man walketh in his integrity: his children are blessed after him.* Proverbs 20:7
From: Connie Dodson  
Tulsa City Councilor  
District 6  

To: Stuart Van De Wiele, Chair,  
Briana Ross, Secretary,  
Burlinda Radney,  
Carolyn Back, Vice Chair,  
Austin Bond,  
Amy Ulmer,  
Janet Sparger,  
and other interested parties.

Re: BOA - 22536 - 13100 E. 11th St. Hearing Date: Tuesday, 11/13/2018 1:00 PM  

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)

To Whom It May Concern,

I will be unable to attend this hearing due to a scheduling conflict, but I humbly request that the board deny this application in its entirety.

In this situation, even though the property in question is located in an Area of Growth, and a major goal of an Area of Growth is to increase economic activity, I respectfully submit that the proposed, Special Exception and Variance is not in harmony with the spirit and intent of the code and would be injurious to the neighborhood and otherwise detrimental to public welfare.

The proposed Special Exception and Variance would not significantly increase economic activity, and would not provide a stimulus to redevelopment, it could, however, negatively impact future retail and housing development. It would offer little to no benefit for existing residents, other than to lesson their property value more, and hinder future retail development, which is badly needed in this area of town. It also would not offer substantial additional employment opportunities.

The applicant/owner is not a first time land owner or a new business owner. According to land records, the applicant/owner purchased the referenced property in May 2018. He currently also owns a residential property purchased in 2014 at 4317 E. 76th St. (Exhibit A) which is the mailing address for both the subject property (Exhibit B) and his business, Camps Hardscape, LLC., established in 2016, (Exhibit C). Appropriate land uses should be verified prior to purchase, (or the purchase pending the necessary zoning changes, prior to closing the sale.) Purchasing a location that does not already allow for the planned business should not be rewarded with a Special Exception, after
the fact. One could also reason as a previous land and business owner that risk assessment would be part of the process for any sizable purchase, including land. Regardless, buyer beware is not only relevant with residential, but more so with development or commercial property. These warnings, and potential problems associated with ignoring the process, are part of every property sale for a reason.

The owner has already used the property for purposes outside the allowed use and has had code violations called in related to that use. The situation has also resulted in numerous e-mails to my office because of concerns from area residents and businesses. It is my understanding that many of these residents will be in attendance to voice their concerns and provide additional evidence of grievances. The trucks coming and going distribute mud and debris as they enter and exit the property, and the property has not maintained an acceptable appearance. High grass is common on the property and construction materials have been dispersed in a haphazard manner.

Additionally, there is no hardship noted for the variance. The variance would only increase the detrimental impact to future development and add to the undesired nature of the business.

Further, the City of Tulsa is currently working on improving the Route 66 corridor, in fact this area has a small area plan that includes improving commercial retail development, and appearance. A decision of the BOA related to exceptions and variances on a historically significant corridor, and on this property specifically, would prove detrimental to the future commercial development of the region, and be counterproductive to the small area plan.

Route 66 is already designated as a historic highway and in 1999 Public Law 106-45, enacted by the 106th Congress, created the Route 66 Corridor Preservation Program under the National Parks Service.

In conjunction with recent zoning code changes, a number of councilors have worked on overlays and TIFF districts for this corridor. It is in our best interest as a city to look to the future in addressing the current conditions that exist along this historic path and have a vision for the future. Allowing this historic stretch of road to be over burdened by inappropriate uses, most of which were likely allowed through special exceptions and variances, (such as the proliferation of used car lots), has in my opinion, seriously diminished the current economic benefit and value associated with Route 66. This must stop. Our Tulsa wants this corridor to reach it's full potential, and we need your help.

Route 66 was home to unique treasures, mom & pop stores, small motels and grand hotels, theaters, diners and drive-in burger joints. Many of those once outstanding places of business have been swallowed up by undesirable replacements and has created a less than appealing stretch of the limited miles that Tulsa claims. It is my hope that we can develop an Eastside Route 66 Main Street that will begin the process of
rebuilding and developing this underutilized stretch of the historic highway. Appropriate
development is very important to the future of this goal.

Oklahoma has more living miles of the original Route 66 than any other state, and Tulsa holds the distinction of being its birth place. I urge you the Board of Adjustments, to guard what is left of this historic highway, and treat it like the treasure it is. Visitors to Route 66 do not come here to see miles of decay. They come to see the history and travel, however briefly, back in time.

Connie Dodson
Councilor, District 6
City of Tulsa
Property Search

Disclaimer

The Tulsa County Assessor's Office has made every effort to ensure the accuracy of the data contained on this website; however, this material may be slightly delayed which could have an impact on its accuracy.

The information must be accepted and used by the recipient with the understanding that the data was developed and collected only for the purpose of establishing fair cash (market) value for ad valorem taxation. Although changes may be made periodically to the tax laws, administrative rules and similar directives, these changes may not always be incorporated in the material on this website.

The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this website or by any use of this website.
Property Search

Disclaimer

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The Tulsa County Assessor's Office assumes no liability for any damages incurred, whether directly or indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this website or by any use of this website.

Quick Facts

Account: #R9940940907330
Parcel: #99409-94-09-07330
Situs address: 13100 E 11 ST S
Owner name: CAMPOS-ARIZMENDI, GERARDO
Fair cash (market) value: $111,500
Last year's taxes: $1,501

Legal description: Legal: N250 E/2 NW NW LESS N24.75 FOR ST SEC 9 19 14 L71ACS
Section: 09 Township: 19 Range: 14

General Information

Owner name: CAMPOS-ARIZMENDI, GERARDO
Owner mailing: 317 N 76TH ST
Address: TULSA, OK 74136-8118
Land area: 1.71 acres / 74,433 sq ft
Tax rate: T-1A (TULSA)
Subdivision: UNPLATTED

Legal description: Legal: N250 E/2 NW NW LESS N24.75 FOR ST SEC 9 19 14 L71ACs
Section: 09 Township: 19 Range: 14

Zoning: SHOPPING CENTER DISTRICT (Cs)

Tax Information

2017  2018
Fair cash (market) value $111,500 $111,500
Total taxable value (capped) $99,592 $104,549
Assessment ratio 11% 11%
Gross assessed value $10,952 $11,500
Exemptions $0 $0
Net assessed value $10,952 $11,500
Tax rate T-1A (TULSA)
Tax rate dist. 137.08 137.08
Estimated taxes $1,501 $1,579
Most recent NAV March 6, 2018

Values

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<tr>
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</table>

(continued on next page)
CAMPS HARDSCAPE, LLC

Details

Filing Number: 3512545116
Name Type: Legal Name
Status: In Existence
Corp Type: Domestic Limited Liability Company
Jurisdiction: Oklahoma
Formation Date: 4 Mar 2016

Registered Agent Information:

Name: GERARDO CAMPOS
Effective: 14 Dec 2016
Address: 4317 E 76TH ST
City, State, Zip Code: TULSA, OK 74136

Entity Summary Information

Select the buttons below to filter or place an order.

To view Entity Details there will be a $5.00 charge and you will need to click on the VIEW ENTITY PAYMENTS button at the bottom of the page.

If you are ordering a document such as a "Certificate of Good Standing" or "copies" you will need to click on the ORDER DOCUMENTS button at the bottom of the page.

If you are filing a legal document such as a limited name, amendment, annual certificate, etc., you will need to click on FILE A DOCUMENT button at the bottom of the page.
The mission of the Planning Department is to help Tulsans shape the kind of city they want in the future in accordance with PLANiTULSA, the City's Comprehensive Plan.

This statement was taken from cityoftulsa.org and its Planning Division.

That statement should read "The mission of the Planning Department is to ensure Tulsans achieve the kind of city they want in the future in accordance with PLANiTULSA, the City's Comprehensive Plan and the components amended to it.

SHOW PHOTO # 1

The Comprehensive Plan for the City was changed to include East Tulsa Neighborhood Detailed Implementation Plan. We cannot ignore the relationship of these plans with the future development and redevelopment of the existing surrounding properties.

Our community has been stressed due to the decline of retail sales centers and the rapid suburban developments of the surrounding communities.

East Tulsa Neighborhood Detailed Implementation Plan includes Image or Identity Zones. This property is located near an Arterial street intersection, that provides an opportunity to create a positive appearance for this area. Its high visibility and accessibility allows a
message, “brand”, through public and private building and site improvements.

SHOW PHOTO # 2

The East Tulsa plan also includes Special Treatment Corridors. It is intended that 11th St from U.S. Highway 169 to 145th East Ave be improved and enhanced. Special Treatment Corridors improvements are to be people-friendly and include special landscape, streetscape, and similar enhancements. These corridors are to provide for safe and efficient vehicular movement linking the various components of the community and to help organize the metropolitan structure. It is intended that the Route 66 Plan will be included as components of future roadway improvements and enhancements. East 11th Street is officially part of the U.S. Bicycle Route System and is designated as Bicycle Route 66. Tulsa has generously funded projects to provide the Route 66 experience. While we continue to enhance the attractiveness of the 66 corridor we find land use contrary to Route 66 development.

There are sites in East Tulsa that are considered to be vacant, undeveloped, or under-developed. It is recommended that these sites be developed in a manner that will support the goals and recommended policies of Planning Guidelines. These lands are recognized as opportunity sites for development. Important considerations should be taken into account before these sites are developed.

SHOW PHOTO # 3

The owner, upon advise from Code Enforcement has applied for the required Zoning Clearance Permit. He has changed his initial selected Land Use to a Land Use that closely defines his current use, a “construction yard for equipment, material and debris. He has provided a generalized plan for this property. I understand the Clearance Zoning Permit is on hold and the Letter of Deficiency has not been completed.
The **Special Exception should be denied**, for the following reasons.

1. Required screening fencing for separations for any RS property within 300' and required screening fencing along any public streets does not exist. Outdoor storage of any kind should not be seen from ground level.
2. Shipping container type buildings that have been in place for over ninety days are considered permanent. They should require a building permit to remain. There are no building setbacks from the property line.
3. Business activity on this property is not restricted and could be intrusive to the residential areas and nearby church. It appears there are no set hours of operation.

SHOW PHOTO # 4

4. The east entrance gate does not have a setback. Arriving trucks are parking in the street and on the grassy right-a-way while the gate is being opened. This should not be allowed to affect traffic.

SHOW PHOTO # 5

The **Variance should be denied**. The existing gravel driveway that exits onto S 131st E Ave has failed to provide the surface required to prevent the accumulation of gravel or soil from being tracked from the driveway north to the intersection of E 11th St S and S 131st E Ave.

We ask for a commitment by the City of Tulsa to East Tulsa residents, businesses and citizens to support quality growth and redevelopment in the developed and undeveloped areas of our community.

SHOW PHOTO # 6
To deviate from our recommendation to deny will send the wrong message.
EAST TULSA NEIGHBORHOOD

DETAILED IMPLEMENTATION PLAN – PHASE 1

Prepared by the:
East Tulsa Community Planning Team

In cooperation with:
Planning and Economic Development Section
Urban Development Division
Public Works and Development Department
City of Tulsa

November 30, 2005
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:21:29 PM
To: wgkoch@att.net

---Original Message-----
From: Cathy <cianthonv9OSt@aol.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Sun, Nov 11, 2018 8:52 am
Subject: Re: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

Our part of East Tulsa needs less industrial type businesses and more beautification. It is, after all travelers on Route 66's first view of Tulsa. It's bad enough that it has been overcome by used car lots but add the industrial businesses such as the one on the SE corner of 129th and 11th and it becomes less and less attractive to out of town visitors.

Many of us have lived in the Tower Heights area for years. We work hard toward the goal of keeping our land and homes in great condition. This particular new business certainly is detrimental to our efforts. Please do not allow this business to continue to degrade our area.

Thank you.
Cathy and Jimmy Anthony
908 S. 156th E. Ave.
Tulsa, OK 74108

---

On Nov 9, 2018, at 6:58 PM, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values,

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will
From: **Tower Heights** tower.heights@aol.com  
Subject: **Fwd: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street**  
Date: Nov 12, 2018 at 5:18:13 PM  
To: wgkoch@att.net

---Original Message---  
From: Dave Dewell <ddggfm@tulsacoxmail.com>  
To: tower.heights <tower.heights@aol.com>  
Cc: conniedodson <conniedodson@gmail.com>  
Sent: Sun, Nov 11, 2018 6:33 pm  
Subject: **Re: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street**

A "Special Exception" should not be granted for BOA-22536. This property at 13100 E 11th St South looks like a junk yard and no way should the city allow this to continue. Also, this outfit should be MADE to clear off their junk, till up the compacted soil, lay down sod and return the area back to Bermuda grass like it was. Do not allow them to clear out and leave it like it is.

There is also some very sketchy things going on just across the fence to the west of this place. Junk cars being torn apart. Has anyone looked into that?

Dave Dewell  
740 S 142nd east Ave  
Tulsa, OK 74108

---End of Original Message---

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values,

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to **Tower.heights@aol.com**. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this
We do not want a construction material storage yard at 129 East Ave and 11th Street as it messes up the great life we have out in East Tulsa on Route 66. We want pasture land in this area. This should be put in another location.

The Peugh Family

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:17:05 PM
To: wgkoch@att.net

---Original Message---
From: don porter <d44pgd@sbccglobal.net>
To: Tower Heights <tower.heights@aol.com>
Sent: Sun, Nov 11, 2018 8:24 pm
Subject: Re: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

I agree with Connie Dobson this is a eyesore on route 66, I was under the impression the city was trying to clean up route 66. As a resident of Tower Heights I have passed this construction material site for months and months under the impression they were building something, but no Connie is right it's a storage area. Move it down by the gathering place and see how long it stays there. don porter

On Friday, November 9, 2018 6:58 PM, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values,

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
From: Tower Heights tower.heights@aol.com
Subject: Fwd: Your attendance is requested at an important BOA meeting this coming Tuesday

Date: Nov 12, 2018 at 5:20:20 PM
To: wgkoch@att.net

---Original Message---

From: Jane Wiley <janewiley@icloud.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Sun, Nov 11, 2018 12:39 pm
Subject: Re: Your attendance is requested at an important BOA meeting this coming Tuesday

That business should either clean up their area & abide by all laws and/or standards or move. It is a junky disgrace to our area. I drive by it twice daily & each time I pray for something to happen to make it not be an eyesore. Sincerely, Jane Wiley, 14690 E 12th St.

Jane Wiley

On Nov 9, 2018, at 6:24 PM, Tower Heights <tower.heights@aol.com> wrote:

We have neighbors in our community who regularly attend District 6 Town-hall meeting where we share ideas and concerns. Frequently there is a discussion among those attending about the lack of Commercial development that we need to create the full potential to grow. Our community has been tested in part by the decline of retail sale centers and the rapid suburban development in surrounding communities. We are further challenged by mis-use of zoned property throughout our area. We are working in East Tulsa to achieve the full potential in a vision for our community as outlined in the "East Tulsa Neighborhood Detailed Implementation Plan." It is for this purpose that I am informing you of a Board of Adjustment Hearing schedule Tuesday, 11/13/2018 1:00 PM at City Hall, City Council Chambers on the 2nd level of 175 East 2nd St.

The hearing is for the property at 13100 E 11th St S., to allow a Special Exception for commercial building service in a CS (Commercial Sales) District and a Variance of the dustless, all-weather surface requirement to permit gravel drive and parking.

This property has been cited by Code Enforcement for numerous violations and has received a Notice to Abate a Nuisance. There are numerous observations by the City of Tulsa and East Tulsa residents that this property is being used as a construction yard by Campos Construction for staging and the storing of construction material and waste. This land use is the reason for the Special Exception request which would allow the property owner to continue. There are no indications of any retail sales as this property is fenced and gates locked during the day. This property is not maintained as required by code.

We are asking neighbors to attend this meeting to stand and show support for those who have offered to speak against this BOA application and request that it be denied. We do not want another construction "junk yard" in East Tulsa.
From: Tower Heights tower.heights@aol.com  
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street  
Date: Nov 12, 2018 at 5:23:36 PM  
To: wgkoch@att.net

---Original Message---
From: Marv C. Erb <momo1@bsbglobal.net>  
To: Tower Heights <tower.heights@aol.com>  
Sent: Fri, Nov 9, 2018 9:52 pm  
Subject: Re: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

Hello Counselor, City of Tulsa & neighbors,

We live on Historic Route 66. We work hard to maintain & keep this area beautiful. We are so thankful for the Market on 11st & Lewis. It is a BIG draw for all the people that travel down the “mother road”.

Let’s do our best in creating beauty. Not another abandoned site. We do NOT support BOA 22536.

Thank you,  
Jeff & Mary Erb  
15520 E 11 St

TULSA CITY BOARD OF ADJUSTMENT  
CASE NO. 22536  
OFFICIAL RECORD EXHIBIT. 86.1  
ENTERED IN THE  
MINUTES OF THE TULSA CITY BOARD  
OF ADJUSTMENT

The Mannatech products based on Real Food Technology are absolutely the best, most cutting-edge nutritional products available. They are backed by solid scientific validation and everyone can benefit from them. Because of the benefits they provide, these products are a tremendous value. Our bodies deserve the highest quality we can give them...and that's Mannatech!

http://www.myErbGarden.com

On Nov 9, 2018, at 6:58 PM, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.
Let me know if this prints ok. Thanks

-----Original Message-----
From: James <ilawson54TtOaol.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Mon, Nov 12, 2018 2:34 pm
Subject: Re: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

I think it is currently a sad situation that I can not understand the city allowing and I would not allow any kind of exception for this activity.

James lawson
712 S 142nd E Ave.

Get Outlook for iOS

On Fri, Nov 9, 2018 at 6:58 PM -0600, "Tower Heights" <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.

Anyone who thinks a "Special Exception " should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
---Original Message---
From: JIM ROUSE JR <jrouse1017@sbcglobal.net>
To: Tower Heights <tower.heights@aol.com>
Sent: Mon, Nov 12, 2018 1:12 pm
Subject: Re: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

Eck,

Totally against this Special Exception. Do not need another one in our area that looks like this one already does.

Won't be at meeting, but do appreciate all your work on this.

Thanks,
Beverly

---

On Friday, November 9, 2018, 6:58:31 PM CST, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values,

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
This should be definitely denied. It has a very badly constructed fence around the area. This now has the appearance of a salvage yard. The yard to the west has also begun to have the same issues. Other areas are being cleaned up and are now in a very good shape. Please do not approve this exception.
Thank you for passing on the BOA meeting for the property on East 11th St. So.

The referenced lot has become overgrown and unkept. This is a new blot on our area of town not to mention an open invitation to rats.

Efforts have been made to improve 11th St and additional cleanup east of that location is ongoing.

I am unable to attend the meeting but I appreciate your efforts.

Sincerely,
Jeannine Moore
13717 East 12th St
Tulsa, OK. 74108-4101
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:28:19 PM
To: wgkoch@att.net

---Original Message---
From: JEANNINE MOORE <j974115@hotmail.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Fri, Nov 9, 2018 7:05 pm
Subject: Re: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

I agree that lot is a nuisance and should not be granted the exception by the city. Thank you for the notification.
Sincerely, Jeannine Moore.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message ----- 
From: Tower Heights <tower.heights@aol.com>
Date: 11/9/18 6:58 PM (GMT-06:00)
To: tower.heights@aol.com
Cc: conniedodson@gmail.com
Subject: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values,

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heads@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
Unfortunately we are unable to attend the BOA hearing on Tuesday but would like to voice our opinion:

Please do not grant a Special Exception for BOA-22536 for the property located at 13100 East 11th Street. The property has become an eyesore recently.

Ralph and Paula Gray
1055 South 156th East Avenue
Tulsa OK 74108

Ralph - Paula GRAY
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:27:37 PM
To: wgkoch@att.net

---Original Message---
From: Christy Kellerhals <ck1tpd@gmail.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Fri, Nov 9, 2018 7:18 pm
Subject: Re: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

I will be unable to attend the meeting on Tues afternoon; however, I request the "special exception" not be granted for BOA-22536.

Christy Kellerhals

On Nov 9, 2018, at 18:56, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
I support the denial of BOA 22536

Alicia Roberts
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:25:31 PM
To: wgkoch@att.net

---Original Message---
From: Tanya Pepin <tanyajoy3@hotmail.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Fri, Nov 9, 2018 8:08 pm
Subject: Re: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

Joel and Tanya Pepin are against this Special Exception

Thank you for always keeping us informed of what is going on in our neighborhood!

Warmly,

Tanya Pepin

On Nov 9, 2018, at 6:58 PM, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:23:08 PM
To: wgkoch@att.net

---Original Message---
From: brian engles <double5nickel5@gmail.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Sat, Nov 10, 2018 1:43 pm
Subject: Re: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

I do not want the special exemption granted. Brian Engles, 14660 E. 11th Pl, Tulsa 74108

On Fri, Nov 9, 2018 at 18:58 Tower Heights <tower.heights@aol.com> wrote:
This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.

Anyone who thinks a "Special Exception " should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22536
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
---Original Message---
From: Sarah Justice <sjustice75@gmail.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Sat, Nov 10, 2018 5:26 pm
Subject: Re: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

To whom it may concern,

My husband, Andy and I would like to request that the exception not be granted. Thank you for your consideration!

Sarah Justice
918.640.1001

On Fri, Nov 9, 2018, 6:58 PM Tower Heights <tower.heights@aol.com> wrote:
This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values,

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
From: Tower Heights <tower.heights@aol.com>
Subject: Fwd: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:18:43 PM
To: wgkoch@att.net

--- Original Message ---
From: Carol <spalmour@cox.net>
To: 'Tower Heights' <tower.heights@aol.com>
Sent: Sun, Nov 11, 2018 1:14 pm
Subject: RE: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

No Special Exception wanted. If this one is granted, how many others will follow?

Carol Palmour

From: Tower Heights [mailto:tower.heights@aol.com]
Sent: Friday, November 09, 2018 6:58 PM
To: tower.heights@aol.com
Cc: conniegodson@gmail.com
Subject: BOA-22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.

Anyone who thinks a "Special Exception" should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.
From: Tower Heights tower.heights@aol.com
Subject: Fwd: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street
Date: Nov 12, 2018 at 5:26:25 PM
To: wgkoch@att.net

---Original Message---
From: Jerry Wiley <wiley50_2000@yahoo.com>
To: Tower Heights <tower.heights@aol.com>
Sent: Fri, Nov 9, 2018 7:51 pm
Subject: Re: BOA -22536 "Special Exception for a construction material storage yard" at SE corner of 129 east ave and 11th street

I agree, we do not need another storage (junk) lot on our area

Jerry Wiley

Sent from my iPhone

On Nov 9, 2018, at 6:58 PM, Tower Heights <tower.heights@aol.com> wrote:

This involves negatively affecting the ambiance of Historic Route 66, our quality of life and our property values.

Anyone who thinks a "Special Exception " should not be granted for BOA-22536 can send an email to Tower.heights@aol.com. Or simply reply to this email. I will print and present it at the hearing as a request to deny. We need you help to protect our area. Please reply to this email.

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. [STAMP]
OFFICIAL RECORD EXHIBIT [STAMP]
ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

3.92
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 12/11/2018 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: 22699.02 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 11.05.02, 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. 23rd St. S. & S. Delaware Pl.

LS-19768; on 1.12.05, the Planning Commission approved a lot-split, located at 2823 E. 25th 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. 25th 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. 26th 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.
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. 25th 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 the 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 street setback; a Variance of the required 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 26th St. & Delaware Pl.

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

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

Sample Motion

Move to _______ (approve/deny) a Variance to reduce the rear setback requirement in an RS-2 district (Table 5-3).

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

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

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

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

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

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

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

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

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

REVISED 2/6/20
**NEW APPLICATIONS**

**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.

**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 25th 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 25th 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.
PROJECT NO: 04853
CLIENT: Patterson Realtors
Bungalow Homes

Note: Improvements to be removed.

Street R/W Vacated By
Ordinance No. 7045,
Approved 9/14/54

Plat No. 375

E. 25th ST.
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 all 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.
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. Tumbo 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. Tumbo 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. Tumbo 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 x 20' 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' x 20', 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 25th 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. 35th 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. Bolzie 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 37.5' 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 37.5' 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, Tumbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to APPROVE a Variance of the required 45' setback from the centerline of East 25th Street to 37' to permit construction of a new garage - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; finding that the 37' 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 Johnsen, 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
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.

Case No. 17225

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 8, located 2506 South Evanston Avenue.
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 APPROVE 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, Turnbo, "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.
Case No. 13880 (continued)

CS districts 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.
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

Number: 1  Author: ah0ldman  Subject: Note  Date: 11/6/2017 8:04:31 AM
LS 21078 Water - OK 11/6/2017 A Holdman Each tract has access to an existing 6-inch water main line along E. 25th St S for A-1 and S Delaware Place for tract A-2.

Number: 2  Author: rrender  Subject: Note  Date: 10/30/2017 2:01:58 PM -05'00'
LS 21078 Sanitary Sewer 10/27/2017 OKNQE

Number: 3  Author: rrender  Subject: Note  Date: 11/14/2017 12:45:07 PM
R Render - Transportation

11/8/2017

Approved

Number: 4  Author: egarn er  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
LOT-SPLIT APPLICATION

Tulsa Metropolitan Area Planning Commission
201 West 5th Street, Suite 600, Tulsa, Oklahoma 74103

(918) 587-3161 Fax: (918) 743-0546

NAME OF RECORD OWNER: William B. Benton
ADDRESS OF PROPERTY BEING SPLIT: 1284 E. 25th St., So.
WHAT IS THE PRESENT USE OF THE TRACT: Residential
LEGAL DESCRIPTION OF EXISTING UNDIVIDED TRACT THAT YOU DESIRE TO SPLIT AS SHOWN ON THE RECORDS OF THE COUNTY CLERK:

Lot 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, known as 2824 East 25th Street South,

LEGAL DESCRIPTION OF PROPOSED TRACT #1:

Lot One (1) and the North 25 feet of Lot 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, less and except a portion of Lot One, Block Eight, Bryn-Mawr Addition, Tulsa County, Oklahoma, being more particularly described as follows:

Beginning at the Northeast corner of said Lot One, thence West along the North line of said lot to the Northwest corner of said lot; 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 North along the East line of said lot a distance of 3.9 feet to the point of beginning.

Lot Two (2), Block Eight (8), less the North 25 feet thereof, Bryn-Mawr Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Signature: Kenneth M. Smith
Date: 9-25-02

Bill Bankley
President
(918) 587-3161

FOR STAFF USE

Other Departments for Review/Requirements and Approvals:

Water: Sent 10-21-02 Action OK Date 10-21-02
Sewer: Sent 10-21-02 Action OK Date 10-21-02
Septic: Sent 10-21-02 Action OK Date 10-21-02

Approval Sent County City 2-18-02

PS-2 57 37 9-26-02 PER 2500 REZ-83 84-21-02

CASE NO. 19440
S-T-R 17-19-13 (NE)
PD 6 CD 4

Print Kenneth M. Smith
Address: 4554 South Harvard, Suite 200
City State Zip: Tulsa, Oklahoma 74135
Phone: (918) 587-3161 Fax: (918) 743-0546 Email: psmith@riggsabney.com

Signature Kenneth M. Smith
Date 9-25-02

OK

4-19
October 22, 2002

Mr. Bill Benton
2531 E. 22nd Pl.
Tulsa, OK 74114

SUBJECT: Lot-Split Application #19440

Dear Mr. Benton:

Your application for a lot-split, located at 2824 East 25th 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 County 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
To: Allen Holdman

From: Janet Chesniser
Lot Split Administrator

Phone: 596-2369
Fax: 699-2600 3724

Phone: 584-7526
Fax phone: 583-1024

Remarks: □ Urgent □ For your review □ Reply ASAP □ Please comment

Please review Lot Split Number 19480

Address 9824 E 25th St.

X Water OK - A. Holdman 10/18/02

X Sewer OK - C. Colos 10/18/02

AP 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.
PROPOSED TRACT A
0.519 ACRES ±

PROPOSED TRACT B
0.254 ACRES ±
Facsimile Cover Sheet

To: Quiter
Company:
Phone:
Fax:

From: Jack
Company: INCOG
Phone: 918-584-7526
Fax: 918-583-1024

Date: 10-31-02
Pages including this cover page: 4

IF ANY PART OF THIS TRANSMISSION IS MISSING OR UNCLEAR, PLEASE CONTACT THE PERSON WHO SENT THE FACSIMILE AT THE ABOVE PHONE NUMBER. THANK YOU.

Comments:

Tstruct, this lot split has been approved; however, you will not stage grades until the existing garage is demolished.

Grant
CITY OF TULSA
RESIDENTIAL BUILDING & ZONING
CLEARANCE PERMIT APPLICATION

Note: Please print or type all data.

- CONSTRUCTION ADDRESS: 2824 E. 25th ST. Tulsa, OK, SUITE NO. N/A
- ACCOUNT NO. (IF APPLICABLE): N/A
- NO. OF PLANS: 2
- NO. OF PAGES OF ONE SET OF PLANS & SPECIFICATIONS: 5
- CONTRACTOR: Bill Benton
- ADDRESS: 2531 E. 22nd P!
- CITY: Tulsa
- STATE: OK
- ZIP: 74114
- PHONE NO.: 918-755-7357
- TYPE OF WORK: [ ] New Residence [X] Residence Addition [ ] Accessory Building [ ] Remodel [ ] Repair Only
- [ ] Pool [ ] Fire Sprinkler [ ] Reroofing/Redecking [ ] Mobile Home Outside Park [ Other:
- DECLARED VALUATION FOR WORK TO BE DONE (VALUATION TO INCLUDE ALL FIXED EQUIPMENT TO OPERATE AND BE USED): $35,000
- IS THE PROPERTY SERVED WITH A SEPTIC SYSTEM? [ ] Yes [X] No
- OWNER: Bill Benton
- ADDRESS: 2531 E. 22nd P!
- CITY: Tulsa
- STATE: OK
- ZIP: 74114
- PHONE NO.: 918-755-7357
- DAY/TIME CONTACT PERSON: [ ]
- PHONE NO.: [ ]
- IS THE CITY OF TULSA TAKING ANY ENFORCEMENT ACTION ON THIS PROPERTY? [ ] Yes [X] No
- IF YES, PLEASE EXPLAIN:
- LEGAL DESCRIPTION OF CONSTRUCTION PROPERTY:
- LOT: [ ]
- BLOCK: [ ]
- ADDITION: [ ]
- FRONT ADDITION TO THE CITY OF TULSA:
- HAS THERE BEEN ANY SPECIAL ZONING ACTION IN RELATION TO THIS PROPERTY? [ ] Yes [X] No
- IF YES PLEASE EXPLAIN IN DETAIL:
- BOARD OF ADJUSTMENT NO.: [ ]
- LOT SPLIT REFERENCE NO.: 19440
- Variance: [ ] Yes [X] No

EXHIBIT THE FOLLOWING DETAILS (WHEN APPLICABLE) ON THE PLAN'S: USE OF ADJACENT SPACES, KEY PLAN OR OVERALL FLOOR PLAN WITH WORK CLEARLY IDENTIFIED.
- STAIRS, FIREPLACE AND/OR HEADER DETAILS; SCALE, DIMENSIONS, & NORTH ARROW
- A SEPARATE PERMIT IS REQUIRED FOR DRIVES

ALL ELECTRICAL, PLUMBING, & MECHANICAL WORK MUST BE DONE BY A LICENSED CONTRACTOR IN EACH TRADE WITH THE EXCEPTION THAT A HOMEOWNER MAY RECEIVE A PLUMBING PERMIT AND DO THE WORK IN THEIR RESIDENCE.

91 = 2686
R4-A = 5414
RA-R3 = 2161
33.83 x 32.5 = 89
574 75 26
4.25
Building Permit Certification

I certify that I am one of the following:

1. Owner or lessee of the property on which permit work is to be performed.
2. Agent of the property owner or lessee for which permit work is to be performed.
3. Authorized representative of the architect or engineer 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:

1. I have attached an affidavit of the property owner for which permit work is to be performed.
2. I have elected to provide this witnessed, signed statement.

Name of Owner: [Blank]  
Last Name: [Blank]  
First Name: [Blank]  
Address of Owner: [Blank]  
City: [Blank]  
State: [Blank]  
ZIP: [Blank]  
Phone: [Blank]  

Name of Lessee: [Blank]  
Last Name: [Blank]  
First Name: [Blank]  
Address of Lessee: [Blank]  
City: [Blank]  
State: [Blank]  
ZIP: [Blank]  
Phone: [Blank]  

Name of Corporate Officer: [Blank]  
Last Name: [Blank]  
First Name: [Blank]  
Address of Corporate Officer: [Blank]  
City: [Blank]  
State: [Blank]  
ZIP: [Blank]  
Phone: [Blank]  

Name of Applicant: (Print) [Blank]  
Signature: [Signature]  
City Building Official: [Blank]  

Affidavit as to Easements, Dedications and Rights of Way

I, [Name], being duly sworn upon oath, state that I have researched and examined or caused to be researched and examined all recorded documents and instruments relating to said real property and that all recorded easements, 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 permit for new construction and/or enlargements of an existing building. I am well aware that issuance of such building permit does not authorize or permit construction of a permanent structure over or upon any easement, dedication or right of way.

Subscribed and sworn before me this [Date] Day of Oct. 2021.

[Signature]  
Notary Public

My Commission Expires: [Date]

[Commission Number]  
[Notary Public Number]
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**Days to Complete**

- Assigned to: [Signature]
- 10/30/02
- 10/25/02

**Received**

OCT 25 2002
General Warranty Deed
(With Survivorship Clause)

THIS INDEBTURE, Made the 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 to the survivor, the heirs and assigns of the survivor, together with all and singular the aforesaid, 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 waive lawfully set aside an absolute and indefeasible estate of inheritance in fee simple, or 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, encumbrances, 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 with 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 whatsoever lawfully claiming, or to claim the same.

IN WITNESS WHEREOF, parties of the first part have executed or caused to be executed, this instrument the day and year first above written.

William B. Benton

Carrie M. Benton

STATE OF Oklahoma

COUNTY OF Tulsa

Before me, the undersigned, a Notary Public, in and for said County and State, on this 31st day of October, 2002, personally appeared William B. Benton and Carrie M. Benton, husband and wife, to me known to be the identical persons 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 use and purposes therein set forth.

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

My commission expires: 5-14-2017

Notary Public
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 0/100 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, or the estate 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 thereto belonging or in any wise appertaining forever.

AND said parties of the first part, their heirs, successors, grantee, 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 unencumbered of and from all former and other grants, liens, 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 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, parties of the first part have executed or caused to be executed, this instrument the day and year first above written.

William B. Benton

Carrie M. Benton

STATE OF Oklahoma

COUNTY OF Tulsa

Before me, the undersigned, a Notary Public, in and for said County and State, on the 31st day of October, 2002, personally appeared William B. Benton and Carrie M. Benton, Husband and Wife, (to me known to be the identical persons) 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: 5-14-2014

Notary Public

[Seal]

4.29
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 more 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 to 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)
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: March 2014
LOT SPLIT
EXHIBIT

PROJECT NO: 04830
CLIENT: Patterson Realtors
         Bungalow Homes

Note: Improvements to be removed.

Street R/W vacated by
Ordinance No. 7045,
Approved 9/14/54

REGISTERED PROFESSIONAL LAND SURVEYOR

WITNESS MY HAND AND SEAL THIS DATE:
Sheet 1 of 2
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 for 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 hereby 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, of the above granted and 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 25th 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 Northeastly a distance of 81.09 feet; thence North a distance of 77.7 feet to the South line of said Lot Six (6); thence 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.

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 thereto 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, Premises 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
THIS INDENTURE made this day of ________, 2006, between Rick B. Fugles and Kathy L. Fugles, husband and wife, Parties of the First Part, and Rick B. Fugles and Kathy L. Fugles, husband and wife, Parties of the Second Part.

WITNESS: That in the consideration of the sum of TEN AND NO 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 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 23rd Street adjacent to the South side of said partial lot as vacated by the City of Tulsa Ordinance No. 70942, 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 84 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 777 feet, thence Northwesterly a distance of 84 feet to a point 3.9 feet South of the Southeast corner of said Lot Six (6), thence North 7.9 feet to the Southeast corner of said Lot Six (6), thence continuing North 140 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.

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 understood 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 determination of the said Premises as to the Second Part, and forever defend the same unto said Parties of the Second Part, their heirs, successors and assigns, and all and every person or persons whatsoever 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.

[Signatures]
Rick B. Fugles
Kathy L. Fugles
Existing Undivided Tract

LOT ONE (1), BLOCK THREE (3), BRYN-MAIR, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, according to the recorded plat thereof, and SOUTH HALF (S/2) OF THAT PORTION OF VACATED 22ND STREET Lying ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3), and THAT PORTION OF VACATED EVANSTON AVENUE Lying ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3), and KNOWN AS 22ND SOUTH DELAWARE PLACE.

Proposed Tract No. 1

THE WEST 118 FEET OF LOT ONE (1), BLOCK THREE (3), BRYN-MAIR, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, according to the recorded plat thereof, and the WEST 118 FEET OF THE SOUTH 1 1/2 FEET OF THAT PORTION OF VACATED 22ND STREET Lying ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3).

Proposed Tract No. 2

LOT ONE (1), BLOCK THREE (3), BRYN-MAIR, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, according to the recorded plat thereof, less and except THE WEST 118 FEET THEREOF, and SOUTH HALF (S/2) OF THAT PORTION OF VACATED 22ND STREET Lying ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3), less and except THE WEST 118 FEET OF THE SOUTH 1 1/2 FEET THEREOF, and THAT PORTION OF VACATED EVANSTON AVENUE Lying ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3).

LOT SPLIT EXHIBIT

WHITE Surveying
COMPANY
5236 E. 56th Place • Tulsa, OK 74145 • 918.562.0627 • 918.563.8014 • 918.563.8365 fax

LOT SPLIT EXHIBIT
DATE PREPARED: AUGUST 2012

PROPOSED TRACT NO. 1
11,923 SQUARE FEET

PROPOSED TRACT NO. 2
19,106 SQUARE FEET

PROPOSED TRACTS

EXISTING

PROPOSED

Existing

Proposed
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 55th 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, Homer, 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.

************
**TULSA METROPOLITAN AREA PLANNING COMMISSION**

**APPLICANT**

**NAME OF RECORD OWNER**

**ADDRESS**

**LEGAL DESCRIPTION OF EXISTING HOMOGENE TRACT, THAT YOU PROPOSE TO SPLIT, AS SHOWN ON THE RECORD OF THE COUNTY CLERK**

<table>
<thead>
<tr>
<th>Lot</th>
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<tr>
<td>1</td>
<td>86.7</td>
<td>25th St</td>
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<td>78.3</td>
<td>South St</td>
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**LEGAL DESCRIPTION OF PROPOSED TRACT #1**

- **W. 86.7\'**
- **E. 78.3\'**

**LEGAL DESCRIPTION OF PROPOSED TRACT #2**

- **W. 86.7\'**
- **E. 78.3\'**

**LEGAL DESCRIPTION OF PROPOSED TRACT #3**

- **X**

**LEGAL DESCRIPTION OF PROPOSED TRACT #4**

- **X**

**SOURCE OF WATER SUPPLY FOR THIS TRACT**

- **CITY**
- **WELL**
- **OTHER**

**TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT**

- **SEWER**
- **SEPTIC**
- **OTHER**

**PROPOSED USE OF THIS TRACT**

- **RESIDENCE**

**LOT SIZE OF PROPOSED TRACT**

- **86.7 x 115**

**FOR COMMISSION USE**

- **Water and SEWER - OK PER FDI 6-12-90**

**SIGNATURES**

- **RICHARD A. ELIISON, PRINCIPAL**
- **DATE**

---

**APPLICATION - LOT SPLIT**

**NAME OF RECORD OWNER**

**ADDRESS**

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- **Water and SEWER - OK PER FDI 6-12-90**

**SIGNATURES**

- **RICHARD A. ELIISON, PRINCIPAL**
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**SIGNATURES**

- **RICHARD A. ELIISON, PRINCIPAL**
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**APPLICATION - LOT SPLIT**

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**FOR COMMISSION USE**

- **Water and SEWER - OK PER FDI 6-12-90**

**SIGNATURES**

- **RICHARD A. ELIISON, PRINCIPAL**
- **DATE**
General Warranty Deed

This instrument made this __________ day of June 1990.

between NORMA LEE VESLEY, a single person,

and

DAVID P. REYNOLDS and MARGARET G. REYNOLDS,
husband and wife,

with the right to use, possess, enjoy and convey part 1/2 of the second part

WITHIN THE TERRITORY OF THE STATE OF OKLAHOMA, in and for

To have and to hold the same as hereinafter set forth,

AND TO NORMA LEE VESLEY, for herself and for her

successors, assigns, executors, and administrators, the

within premises and appurtenances, and all and singular the persons and

parties to whom the said David P. Reynolds and Margaret G. Reynolds

may be bound, and to the possession and enjoyment thereof, in law and

equity, forever.

IN WITNESS WHEREOF, the parties set forth and severally sign their names

this the day and year above written.

NORMA LEE VESLEY

STATE OF OKLAHOMA,

County of __________

On this __________ day of June 1990 before me, a Notary Public in and for said County and State, in and by virtue of

the power of said State and of the office of Notary Public, did personally appear NORMA LEE VESLEY, a single person,

and acknowledged the execution of the within instrument and the other and further facts set forth in the said instrument.

IN WITNESS WHEREOF, the party or parties set forth and severally sign their names in the presence of the said Notary Public.

Notary Public

August 5, 1990

M.A. THRELKELD

Notary Public
STATE OF OKLAHOMA,

Before me, the undersigned, a Notary Public, in and for said County and State, on the — day of — , 19—, personally appeared

as the person known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that [executed the document], here and now in my office and together, did so do for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto affix my official signature and affix my seal this day and year last above written.

My commission expires

__________________________
Notary Public

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.
MAILING ADDRESS:
Foil
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¡987 by
sul¡MRfs
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distance of 86.7'
to a
point;

distance of 86.7'
to a
point;

distance of 115'
to the
point of
beginning.

APPROVED:

Signed:

IN VITNESS WHEREOF I have hereunto signed my name this 19th day of June, A.D. 1980.

NORMA LEE VESLEY

STATE OF OKLAHOMA
County of Tulsa

Before me, the undersigned, a Notary Public, in and for said County and the State of Oklahoma, personally appeared
NORMA LEE VESLEY, a single person,

and acknowledged the instrument to be a free and voluntary act and deed of the said party grantor.

IN WITNESS WHEREOF I have hereunto signed my name this 19th day of June, A.D. 1980.

My commission expires

4.47
16951

This goes back to Lot 1

Remainder
Quit Claim Deed

THE INDIAN TRACT, West Part...16th - day of October...1987

Chris Hooper, a married man

before me, the undersigned, a Notary Public, in and for Said County and State...A.D. 1987

and

Brad & Rhonda L. Ball husband & wife

of the second part,

upon his honor, and for the sum of one dollar...paying therefor, the receipt of which

is hereby acknowledged, to have and to hold the said

Part of Lot 1, Block 3, BRIN-MAWR, being an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; Said partial being more particularly described as follows: Beginning at the SE corner of said Lot 1; Thence Southwesterly 127.1 feet to the SW corner of said Lot 1; Thence West 74.06 feet to the NW corner of said Lot 10, Block 3; Thence North 100 feet to a point on the North line of said Lot 1; Thence East 13.14 feet to the Point of Beginning.

This Part of said Lot 1 to be attached to the remainder of said Lot 1, thereby reverting to the original Lot 1 as Platted.

This restores both Lots 1 and 10, Block 3 to their original Platted Boundaries.

Chri Hooper

STATE OF OKLAHOMA

Before me, the undersigned, a Notary Public, in and for Said County and State above

16th day of OCTOBER, A.D. 1987,

personally appeared...Chris Hooper...

and

thereunto subscribed his hand and Acknowledged to me that he

executed the same as...his own and voluntary act and deed for the use and payment of the consideration.

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

My commission expires...

[Stamp]

Oklahoma Acknowledgment

[Stamp]

[Stamp]
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.

<table>
<thead>
<tr>
<th>Lot split #</th>
<th>Name</th>
<th>STR</th>
<th>Location</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>16573</td>
<td>Baumgarten</td>
<td>1793</td>
<td>Northeast corner of 26th St. &amp; Delaware Pl.</td>
<td>RS-Z</td>
</tr>
</tbody>
</table>

![Diagram of lot splits]
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.
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 Waiver 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-16584 (2903) Harney
L-16587 (3691) Cantrell
L-16589 (1312) Sperry
L-16590 (1711) Gregory
L-16591 (3402) Gilcrease
L-16593 (2493) Spicer
L-16594 (1923) Eller

Mr. Wilmeth 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.
This had previously been submitted as a "waiver", 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. Ralph 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

01.22.65:1588(13)
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, reluctantly, 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 (RS-3)

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 Split for L-16592 Vrooman, as recommended by Staff.
BOA-22538

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

Aerial Photo Date: February 2018
Looking west—towards subject site—on S. Delaware Pl.
Looking west—towards subject site—on S. Delaware Ave.
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°15′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°15′33″ EAST ALONG THE EAST LINE OF SAID LOTS ONE (1) AND TWO (2) A DISTANCE OF 141.16 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.

[Signature]

ERIC ROLLSTON
OKLAHOMA PLS NO. 1761
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°51'14" WEST A DISTANCE OF 32.30; THENCE SOUTH 00°15'18" EAST A DISTANCE OF 51.78 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.

ERIE ROLLSTON
OKLAHOMA PLS NO. 1761

ERIC ROLLSTON
OKLAHOMA PL NO. 1761

AAB Engineering, LLC
Engineering Surveying Land Planning
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 I 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
- 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.
City of Tulsa Board of Adjustment
c/o INCOG
Attn: Susan Miller
2 West Second Street, Ste. 800
Tulsa, OK 74103

Re: BOA-22538 at 2824 East 25th Street (the “Property”)

Dear Members of the Board:

On November 13, 2018, BOA-22538 came before this Board, where the Applicant requested a variance from the bulk and area requirements of the Tulsa Zoning Code (the “Code”) to reduce the rear setback in an RS-2 district from 25 feet to 5 feet. At the conclusion of the presentation of the case, a motion to approve the variance was made and seconded. The Board voted 2-2-1 (2 yes, 2 no, and 1 abstention). Under Section 70.130-G.1 of the Code, “Approval of a variance requires an affirmative vote of at least 3 members of the board of adjustment.” The motion to approve the variance received only 2 affirmative votes and thus failed, resulting in a denial of the variance. The subsequent motions and votes made by the Board have no effect on the denial of the variance. No appeal of the Board’s denial has been made by the Applicant within the requisite 10-day appeal deadline and therefore, the denial of the variance stands.

Nonetheless, in anticipation of this case being before the Board again on December 11, 2018, this letter serves to supplement the record of BOA-22538. Our clients and their neighbors ask this Board to deny the requested variance in BOA-22538 and not compound the problems the Applicant created with the illegal lot split in 2017.
SUMMARY

- The Applicant has failed to meet its burden and demonstrate any facts to warrant a variance. The Applicant has not demonstrated any hardship. Furthermore, any purported hardship is entirely self-imposed.

- The applicant owns both parcels created by the Second Lot Split in 2017. Forced removal of the garage on the south side of the property is NOT the only alternative in the event that this variance is denied. The property owner simply needs to recombine the parcels.

- The First Lot Split in 2002 resulted in a structure and lot that complied with the Code by establishing a new South Property line 28 feet from the existing structure. The First Lot Split identified Delaware as the front yard and the West yard as the rear yard for the Property.

- The 2003 garage addition again resulted in a structure and lot that complied with the Code, with a 5-foot side yard setback from the new addition to the South property line.

- The applicant improperly asserts that 25th Street is the front yard and that the South yard is the rear yard under a theory of lawful nonconformity established by the First Lot Split. However, there has never been a lawful nonconformity of the required rear yard on the Property. The First Lot Split clearly established Delaware as the front yard. Even assuming for the sake of argument that the South property line was the rear yard and that the garage addition was built in the rear yard, the result is simply an illegal structure in the required rear yard. The garage addition was built without any permits and the rear yard requirements of the Code predate the garage addition — therefore the garage addition is not a lawful nonconformity. Accordingly, the Applicant’s reliance on a lawful nonconforming rear yard must fail.

- The Second Lot Split is illegal because it violated the Code and the Subdivision Regulations and was presented, without notice to any neighbors, on the Consent Agenda to TMAPC.

- The variance is not de minimus — it is an 80% reduction of the rear yard.

- The Applicant is attempting to use the illegal Second Lot Split and a self-imposed hardship to simply sell the back yard of the Property. If this variance were approved, the existing residence would have no back yard.

As discussed below in greater detail, the Applicant's requested variance is improper and should be denied.
1. October 2002: L.S. 19440 (the "First Lot Split")

In 2002, a lot split was approved for the Property. As part of the First Lot Split, the applicant clearly identified that Delaware would be the front of the Property, with the main entry facing East and the corresponding rear yard to the West. The First Lot Split established a new Property line to the South, set back 28 feet from the existing structure. In other words, the First Lot Split resulted in a structure and lot that complied with the Code.

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.
The owner’s intent for Delaware to be the front of the Property (in spite of the 25th Street address) is also obvious from the application itself, where Delaware is described as the street which both new tracts will face. Additionally, the lot depth (a measurement between the front and rear lot lines) provided for both tracts is 165 feet, a depth that is only achieved by measuring East to West using Delaware as the front yard.
2. 2003 Garage Addition

Following the First Lot Split, an attached garage was added on to the South side of the residence. The 2003 garage was apparently an illegal addition because no building permit issued for the work. The aerial photographs from INCOG help show the timing of the garage addition between 2002 and 2004.

The garage addition was built five feet from the South property line, consistent with the five-foot side yard setback required by the Code in effect at the time. This is further evidence of the
owner's stated intent for the front of the house to face Delaware and TMAPC's approval of the First Lot Split based on that stated intent.

With the orientation of the residence established and the garage add-on, the residence complied with all of the setback requirements of the Code i.e., a five-foot side setback to the South and a rear yard setback exceeding 25 feet to the West. Again, in 2003, the structure and lot complies with the Code. The Applicant mistakenly claims that the 2003 garage addition is a lawful nonconforming structure under the Code. As the evidence from the First Lot Split makes clear, the owner of the Property chose Delaware as the front yard and the yard to the West as the back yard. Even assuming for the sake of argument that the South yard somehow became the rear yard prior to the 2003 garage addition, building the garage to within five feet of the southern property line does not establish a lawful non-conforming structure under the Code. As set forth in more detail below, a structure built after the adoption of Code can never qualify as a lawful non-conforming structure. Further, the 2003 garage addition cannot be a lawful non-conforming structure because the work was done illegally without a permit from the City of Tulsa.


In 2017, new owners of the Property requested the lot split shown below.
The application was incomplete as to the abutting streets for the proposed new lots.

According to the Applicant, the South property line was defined as the rear yard and the residence with a lawfully nonconforming structure with a 5-foot setback in the rear yard. However, as already established herein, up until the point of the Second Lot Split, the residence fully conformed with the Code. It is not, and was never, a lawful nonconforming structure. The Code provisions concerning lawful nonconforming structures provides:

1. The burden of proving a nonconformity exists (as opposed to a zoning code violation) rests entirely with the subject owner.

2. The development administrator is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner.

3. Building permits, zoning clearance reports, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status....

Section 80.010-C (emphasis added).

Under the Code, the Applicant had the burden of providing evidence to INCOG staff of the alleged nonconformity in order for the Second Lot Split application to be processed and approved. Of course, no such evidence existed. In fact, as this letter has already demonstrated, INCOG’s aerial photography, the recorded deeds from the First Lot Split, and the INCOG records of the First Lot Split are conclusive evidence that the residence fully conformed with the Code as it stood. In other words, the lawful nonconformity claimed by the Applicant never existed. For the Applicant to take the position that 25th Street is now the front yard and the rear yard is lawfully nonconforming is a perversion of the Code and the Subdivision Regulations.
Nonetheless, despite the fact that the proposed lot split would clearly result in a violation of the bulk and area requirements of the Code, the Second Lot Split was mistakenly processed by INCOG staff and improperly approved by TMAPC on the November 15, 2017 Consent Agenda without notice to any of the surrounding neighbors. Under Section 6 of the Subdivision Regulations in place at the time of the Second Lot Split, the only lot splits that could be processed and approved on TMAPC’s Consent Agenda were lot splits that comply in all respects with the Code and the Subdivision Regulations. As the evidence discussed above makes clear, the Second Lot Split violates the Code. Further, Section 4.5 of the Subdivision Regulations in place at the time of the Second Lot Split provides that all lots must conform with the requirements of the Code. Thus, by violating the Code, the Second Lot Split also violates the Subdivision Regulations. Accordingly, the Second Lot Split had to be presented to the TMAPC in a full meeting with notice to the surrounding neighbors. Therefore, because the Second Lot Split was not presented in a full hearing to the TMAPC and notice was not provided to the neighbors, it is illegal.

4. The 2018 Variance Request

The Applicant now seeks relief from this Board to eliminate almost all of the required rear yard in order to compound the problems from the illegal Second Lot Split and make the two lots from the Second Lot Split comply with the Code. Notably, by requesting the variance from the Board, the Applicant admits that the house cannot qualify as a lawful non-conforming structure under the Code — if it did, there would be no need for any relief from the Board. This is further evidence that the Second Lot Split is illegal. The requested relief is based on the alleged nonconformity which did not exist but was created entirely by the Second Lot Split. The Code does not offer protection for self-inflicted violations.

In order for the Board to approve a variance, the applicant must demonstrate certain facts.

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.

The Applicant has failed to demonstrate any hardship. The Property has no unique physical surroundings, shape, or topographical conditions. The property owners want to develop the back yard of their corner lot and simply find themselves inconvenienced by the Code requirements.

B. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose.

The enforcement of the rear yard requirement is plainly necessary to achieve its intended purpose, that is, to maintain a back yard in a residential neighborhood and prevent overly dense development patterns.

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.

The Property is a typical, residential corner lot with no unique conditions existing.

8
D. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner.

The purported hardship was created entirely by the current Property owner as a direct result of the Second Lot Split they filed.

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

The requested variance is for an 80% reduction of a residential rear yard. This is far from de minimus relief. Furthermore, the notion that if the variance is not granted, the only remedy for the Property owners would be to tear down the garage is a false narrative. The lots created by the Second Lot Split are both owned by the same owner and need only be recombined to eliminate the Code violation should the Board deny the variance.

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.

The Property is located in a well-established, midtown neighborhood with an established character. If granted, the variance would allow the property owners cut off their existing back yard and re-characterize their 5-foot side yard as their back yard.

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.

The Applicant seeks the Board's permission to actively violate the Code for the sole purpose of economic gain. To allow a property owner to sever their backyard and redefine the side yard as backyard based on a purported lawful nonconformity which does not exist is a blatant impairment of the purposes, spirit and intent of the Code and sets a devastating precedent for residential areas of stability in Tulsa.

The Applicant has failed to demonstrate any of the necessary facts for a variance. For all of the reasons stated above, we respectfully request the Board DENY the variance to reduce the rear yard setback from 25 feet to 5 feet.

Sincerely,

ELLER & DETRICH
A Professional Corporation

Andrew A. Shank

cc: Phil Lakin, Jr., Chairman of City Council
3. The lot is a lot of record for which a recorded instrument of conveyance bears the endorsement of the planning commission.

### Section 80.030 Nonconforming Structures

#### 80.020-8 Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

*Figure 80-1: Detached House on Nonconforming Lot in R District*

A nonconforming structure is a structure, other than a sign, that was lawfully established but that no longer complies with applicable zoning regulations *because of the adoption or amendment of zoning regulations after the structure was established.*

(Emphasis added)

### Section 80.030 Nonconforming Structures

#### 80.030-A Description

A nonconforming structure is a structure, other than a sign, that was lawfully established but that no longer complies with applicable zoning regulations because of the adoption or amendment of zoning regulations after the structure was established.

---

*TULSA CITY BOARD OF ADJUSTMENT CASE NO.*

*OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT*
All lots created or modified must comply with all applicable provisions of this zoning code.

1.070-B A building or structure may not be erected, located, moved, reconstructed, extended or structurally altered except as allowed by this zoning code.

1.070-C Buildings, structures and land may be used and occupied only in compliance with the provisions of this zoning code.

1.070-D All lots created or modified must comply with all applicable provisions of this zoning code.

Section 1.080 Conflicting Provisions

1.080-A Conflict with State or Federal Regulations
If the provisions of this zoning code are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.080-B Conflict with Other City Regulations
If the provisions of this zoning code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

1.080-C Conflict with Private Agreements and Covenants
This zoning code does not interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning code impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning code govern. The city is not responsible for monitoring or enforcing agreements or covenants among private parties.

Section 1.090 Rules of Language and Construction

1.090-A Meanings and Intent
Words and terms expressly defined in this zoning code including those defined in Chapter 55 have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this zoning code have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

1.090-B Computation of Time
1. References to "days" are to calendar days unless otherwise expressly stated.
References to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.
Lot, Corner
A lot abutting 2 or more streets at their intersection or upon 2 segments of the same street, when such segments form an interior angle of less than 135 degrees. The point of intersection of street rights-of-way lines is the corner.

Lot, Double-frontage
An interior lot with frontage on more than one street or a corner lot with frontage on more than 2 streets.

Lot Line, Front
The boundary of a lot that abuts the street. *Unless otherwise expressly stated*, the owner of the subject property may select which lot line is the front lot line on corner lots.

Lot Line, Street
The boundary of a lot that abuts a street. A lot may have more than one street lot line, and a street lot line may also be a front lot line.
October 20, 2018

Ms. Susan Miller
INCOG
2 W 2nd St # 800
Tulsa, OK 74103

RE: BOA # 22538 hearing date – Nov. 13, 2018

Dear Ms. Miller,

We previously talked briefly. I live at 2503 South Delaware Ave—adjacent to the subject property—and have since 2001. The above referenced matter will be the second lot split of the original “estate property”, and will no doubt, soon have a house built on it. That will be the third house, to be now located on the original “estate property”.

With all this impervious land being created—there hasn’t been any attention given to the resulting surface storm water runoff. Being adjacent to this property and at a slightly lower elevation, I am experiencing an ever-increasing amount of surface storm water flooding—especially during heavy seasonal rains. In an effort to mitigate, I have previously installed 3 surface catch basins, as well as roof guttering that all drains underground directly to the street.

I would request the city of Tulsa require the property owner/builder/developer to make improvements to prevent increasing the amount of surface storm water onto my property.

Specifically—
1. A concrete curb and gutter along my east property line (their west property line) to divert and direct surface storm water to east 25th street.
2. Provide guttering on all roof structures, connected with underground plastic pipe, directly to east 25th street.

Without these 2 measures, there’s absolutely no question—my property will be subject to increased flooding due the additional impervious land being created. I’m not a disgruntled neighbor. I have no problem with a house being built there. My problem is solely—the potential flooding created by the development.
I will be out of town on Nov 13, 2018 and unable to personally attend the BOA hearing. Thank you for your time and for your assistance with this matter.

Cordially

Richard H Monaghan
2503 South Delaware Ave, Tulsa OK
918-629-4454

with attachment – Khoury Engineering Inc. – site hydrology report

Copy: Stuart Van De Wiele, Board of Adjustment (via reg mail)
      Dustin Wright, City of Tulsa (via email)
      Michael Holmes City of Tulsa (via email)
      Bob David, McGraw Realtors (via email)
October 19, 2018

Mr. Richard Monagham
2503 S. Delaware Ave.
Tulsa, OK 74114

RE: Site inspection- 2503 S. Delaware Ave., Tulsa, OK

Dear Mr. Monagham,

As requested, I've conducted a site visit at the referenced location in order to review the drainage conditions. This property is currently receiving storm water runoff from the adjacent east lot (2821 E. 25th Street). Water flows along the surface toward the building. Since most of the adjacent property yard is presently covered with grass, a fair amount of the water seeps into the ground and saturates the soil. A catch basin in front of the garage door appears to be conveying some of the captured water to the street via an underground pipe.

When the adjacent property develops, the grass covered yard will be changed to roof and pavement. The additional impervious areas will cause the storm water runoff to increase. Therefore, certain measures must be taken to keep the additional runoff from flooding your property.

One of the most efficient and least expensive measure is to install a standard concrete curb & gutter at the property line to intercept the runoff and divert it to the street. The minimum gutter longitudinal slope should not be less than 0.5%. During construction, a silt fence will be required to keep the dirt and mud off your property. I highly recommend the above measures be installed prior to beginning construction to reduce erosion and water runoff onto your property.

Should you have any questions please do not hesitate to contact me at the number listed below.

Sincerely,

KHOURY ENGINEERING, INC.

MALEK E. ELKHOURY
17588

Malek Elkhoury, P.E.
Civil Engineer

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22S33
OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
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BOARD OF ADJUSTMENT
CASE REPORT

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

HEARING DATE: 12/11/18 1:00PM (Reconsidered from 11/13/18)

APPLICANT: Gant Hinkle

ACTION REQUESTED: Variance of the minimum lot width in a RS-1 District to allow for a lot split, (sec 5.030-A)

LOCATION: 4687 S COLUMBIA AV E
ZONED: RS-1

PRESENT USE: vacant
TRACT SIZE: 46173.79 SQ FT

LEGAL DESCRIPTION: BEG 653.4 E & 1144 N SW COR SE SW TH W 299.2 N 155 E 299.2 S 155 TO BEG SEC 29-19-13,

RELEVANT PREVIOUS ACTIONS: None relevant.

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

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 abutted by RS-1 zoned residences on all sides.

CURRENT STAFF COMMENTS: On 10/23/18, two motions were made by the Board and seconded, both of which failed from a lack of majority, therefore the applicant's request for a Variance of the minimum lot width in a RS-1 District to allow for a lot split was not approved.
The applicant's representative submitted a reconsideration request to staff with additional information regarding the hardship. On 11.13.18, a motion to reconsider was made by a member of one side, and another motion to reconsider was made by a member of the other side, and both motions passed to reconsider #BOA-22531. Please see the attached hardship information provided by the applicant's representative.

PREVIOUS STAFF COMMENTS:
As shown on the attached site plans the applicant is proposing to split the subject lot into two tracts; both proposed tracts will be 23,188 sq. ft. and contain a lot width of 77.50 ft. The Code requires that a RS-1 zoned lot maintain a lot area and lot area per unit of 13,500 sq. ft. and a lot width of 100 ft.

To permit both tracts as proposed the applicant has requested a Variance to reduce the permitted lot width from 100 ft. to 77.50 ft.

Sample Motion
Move to ________ (approve/deny) a Variance of the minimum lot width in a RS-1 District to allow for a lot split. (sec 5.030-A)

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Interested Parties:
Larry Dunham, 4688 South Columbia Avenue, Tulsa, OK; stated he lives directly across the street from the subject property. The house is disrepair and was built in the 1950s. The owner of the property has been deceased for many years and the people who live in the house now are family members and the house has not been taken care of at all. A couple of years ago there was suicide at the house on the subject property, which could be psychologically impacting the property which could be detrimental to a potential buyer. Many of the lots are an acre or bigger and Mr. Dunham stated his lot is 9/10 of an acre. Properties in the neighborhood are being down sized to 1/3 of an acre or 1/2 an acre. At the bend of Columbia there was a 2-1/4-acre lot that has been split into four lots. Mr. Dunham stated that the issue isn't that it is being split, but is concern is where would the curb cuts would be placed. At the intersection of 49th and Columbia Place that lot was divided a couple of years ago and those lots ended up being 6/10 of an acre; one lot access from 49th Street while the other accesses from Columbia Place. The subject property is the second lot in from the corner, both curb cuts would have to be on Columbia and he is afraid that would give the appearance of multi-family.

Rebuttal:
Nathan Cross came forward and stated there are about 23 houses in the neighborhood that are less than 100 feet in width, but the concept that this would not be in keeping with the neighborhood if it were 77'-6" wide is not accurate necessarily. To the point of the curb cuts, he would be happy to have that discussion with the neighbors.

Mr. Cross stated that this lot is extraordinarily large and would be creating two large RE lots of 23,000 square feet each. Thinking about the building and development patterns everything that is being done, generally speaking, with regard to new residential developments is for residential is smaller. This large lot is not the way things are anymore. The neighborhood is very eclectic. The subject property is dragging down property values and the house that exists is probably as big as can be built because of the slope toward the back of the lot. There is a limited building envelope that makes it difficult to build a house that would match with the neighborhood. It would not be inconsistent with the development patterns, both in the neighborhood and in the City of Tulsa.

Comments and Questions:
Mr. Van De Wiele stated that to him this is a self-imposed or financial hardship.

Ms. Back stated the topography brings in a new twist. If the lot were divided from the east to the west and had two narrow lots the possible argument would be that a person could not build on the back of the lot due to the topography, and the lot would become land locked if it were divided north to south.

Board Action:
On MOTION of BOND, the Board voted 2-2-1 (Bond, Radney "aye"; Back, Van De Wiele "nays"; Ross "abstaining"; none absent) to APPROVE the request for a Variance of the minimum lot width to allow for a lot split (Section 5.030-A). The Board has found
the hardship to be the topography limiting the development of the lot and the size of the lot in comparison to the adjacent houses. 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:

BEG 658.4 E & 1144 N SW COR SE SW TH W 299.2 N 155 E 299.2 S 155 TO BEG SEC 29-19-13, City of Tulsa, Tulsa County, State of Oklahoma

MOTION FAILED

On MOTION of VAN DE WIELE, the Board voted 2-2-1 (Back, Van De Wiele "aye"; Bond, Radney "nays"; Ross "abstaining"; none absent) to DENY the request for a Variance of the minimum lot width to allow for a lot split (Section 5.030-A) for lack of hardship; for the following property:

BEG 658.4 E & 1144 N SW COR SE SW TH W 299.2 N 155 E 299.2 S 155 TO BEG SEC 29-19-13, City of Tulsa, Tulsa County, State of Oklahoma

MOTION FAILED

Ms. Ross re-entered the meeting at 5:18 P.M.
Ms. Miller left the meeting at 5:18 P.M.
Subject Tract

BOA-22531

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
Subject Tract BOA-22531

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

Aerial Photo Date: February 2018
Looking east—towards the north portion of the lot—on S. Columbia Ave.

Looking southeast—towards the south portion of the lot—on S. Columbia Ave.
Looking southeast—towards the south portion of the lot—on S. Columbia Ave.

Looking east—towards the north portion of the lot—on S. Columbia Ave.
LOT SPLIT EXHIBIT

1.065 ACRES PART OF NEW GSN SEC 29, T19N, R19E

NORTHERLY TRACT "A"
23.1880 SF/0.53 ACRES
N 90"00'00" E 299.20'
S 90"00'00" W 299.20'

SOUTHERLY TRACT "B"
23.1880 SF/0.53 ACRES
N 90"00'00" E 299.20'
S 90"00'00" W 299.20'

UN-PLATTED

SOUTH LEWIS VIEW ADDN.

E. 45TH ST. S.

POINT OF COMMENCEMENT
FOR SOUTHERLY TRACT "B"

NORTHERLY TRACT "A"

LOCATION MAP

SCALE: 1" = 50'
Ulmer, Amy

From: Cross, Nathan S. <ncross@dsda.com>
Sent: Tuesday, November 06, 2018 3:34 PM
To: Ulmer, Amy
Subject: RE: BOA-22531 Reconsideration Request [IWOV-ACTIVE.FID425635]

Yes. We will be presenting a more detailed analysis on an allowed lot split by right that is impracticable due to the geography of the property. Specifically, we can split the lot into east and west tracts and have sufficient lot sizes in all respects to meet requirements as long as we make the east lot a flag lot with a 30 frontage onto Columbia. This proposal is impracticable because the property drops so significantly to from west to east. The east lot would be well below street level and many if not all of the trees would need to be removed. Although this was touched on in the previous discussion, I did not present information relative the ability to split the lot in other ways by right and without BOA approval.

Nathan

From: Ulmer, Amy <aulmer@incog.org>
Sent: Tuesday, November 6, 2018 3:01 PM
To: Cross, Nathan S. <ncross@dsda.com>
Subject: RE: BOA-22531 Reconsideration Request [IWOV-ACTIVE.FID425635]

Nathan,

I just wanted to confirm that new information would be presented for the reconsideration request? I just need to let the Board members know. Thank you.

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.4437
918.579.9537 fax
aulmer@incog.org

From: Cross, Nathan S. <ncross@dsda.com>
Sent: Friday, November 02, 2018 9:22 AM
To: Ulmer, Amy <aulmer@incog.org>
Subject: RE: BOA-22531 Reconsideration Request [IWOV-ACTIVE.FID425635]

Thanks Amy.

From: Ulmer, Amy <aulmer@incog.org>
Sent: Friday, November 2, 2018 8:58 AM
To: Cross, Nathan S. <ncross@dsda.com>
Subject: BCA-22531 Reconsideration Request

Nathan,

I have received comments back from the Board members regarding your reconsideration request. The two Board members who originally denied the request would be willing to reconsider if there were new information relevant to the hardship presented and a full Board present at the meeting, due to the original 2-2 split vote. I will make inquiries regarding the Board member's attendance.

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

INCOG
Regional Partner - Regional Solutions
Amy:

I see from the agenda that we are up for discussion of reconsideration today. My client and I will be there. My client met at length with Larry Dunham, the neighbor who attended the last hearing, yesterday and discussed the matter. After that discussion, Mr. Dunham sent my client the attached letter and asked that it be forwarded to the Board. Please share with the Board.

Nathan

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November 12, 2018

Gant Hinkle  
True North Home LLC

Dear Mr. Hinkle,

I have reviewed lot split exhibits you provided for the proposed splits at 4687 S. Columbia Ave.

I certainly agree that the side by side North South split would be the most advantageous for the neighborhood. I am opposed to the “flag” lot split, creating an interior lot with unequal lot size.

The proposed Tudor design will fit well into this neighborhood. The fact that the side by side split allows much of the natural woodland to remain intact on the east end of the lots is in keeping with the neighborhood. Our wooded lots provide natural habitat for a variety of wildlife. Our large trees are homes to Kites, and a large variety of birds. In addition, the woodland on the lots provides privacy and a natural sound barrier.

Sincerely,

Larry Dunham  
4688 S. Columbia Ave.  
Tulsa OK 74105  
dunhamlgd@cox.net

Feel free to share this with the Board of Adjustment.
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<thead>
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<th>Frontage</th>
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<tr>
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<td>4608 S Evanston Ave</td>
<td>79</td>
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<tr>
<td>4615 S Birmingham Ave</td>
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<td>2626 E 46th Pl</td>
<td>98</td>
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<tr>
<td>GreenHill</td>
<td></td>
</tr>
</tbody>
</table>
All,

Please see the below email regarding BOA-22531. Thank you.

---

Amy Ulmer | Land Development Planner
2 West Second Street, Suite 800
Tulsa, OK 74103
918.579.8437
918.579.8537 fax
aulmer@incog.org

TULSA CITY BOARD OF ADJUSTMENT
CASE NO.
OFFICIAL RECORD EXHIBIT ENTERED IN THE
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

From: Cross, Nathan S. <ncross@csda.com>
Sent: Tuesday, October 23, 2018 9:54 AM
To: Ulmer, Amy <aulmer@incog.org>
Subject: BOA 22531 - Email [IWOV-ACTIVE,FID425635]

Amy,

I was forwarded the below email from a Larry Battaglia who owns property in the neighborhood. Please forward to the Board.

Nathan

From: Larry Battaglia <tag@puma-tag.com>
Date: October 22, 2018 at 10:05:25 AM CDT
To: "'connell.curran@gmail.com" <connell.curran@gmail.com>
Subject: 4687 S Columbia Ave

King Woods Law,

As a Developer and Home Builder in the area of this property, we believe that the split and development of this property can greatly improve the value of the existing properties.

This area has been ripe for this type of development for a long time and we greatly encourage and endorse that this project go forward.
We accomplished a lot split around the corner three years ago and built two custom homes which have broadened the tax base and lifted surrounding property values.

Good Luck and best regards.

Larry Battaglia
Managing Partner
The Tulsa Development Group
5420 S 99 East Ave
Tulsa, Oklahoma
74146
918-630-3423
918-640-9058

DOERNER SAUNDERS DANIEL & ANDERSON  Nathan S. Cross | attorney
Two West Second Street, Suite 700 | Tulsa, OK 74103-3117 | p: 918.591.5252 | f: 918.925.5252
cross@dsda.com | www.dsga.com

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BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22542

STR: 9417
CZM: 39
CD: 6
A-P#: 

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Agustin Guzam

ACTION REQUESTED: Special Exception to permit a dynamic display sign to be located within 200 ft of an R district (60.100-F); Special Exception to allow a dynamic display sign to be located in an AG district (Sec. 60.050-C)

LOCATION: 2720 S 129 AV E
ZONED: AG

PRESENT USE: Church
TRACT SIZE: 393348.41 SQ FT

LEGAL DESCRIPTION: BEG 290S & 50W NEC NE SE TH S304 W49.94 TH ON SWLY CRV LF341.27 SW189.54 SWLY CRV RT 251.32 W93.86 N671.61 E802.91 POB SEC 17 19 14 9.03ACS, WHISPERING MEADOWS, SHANNON PARK

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-9495; on 5.19.77, the Board approved an exception to allow a day care center and preschool operate in conjunction with St. Thomas More Church.

BOA-8060; on 10.08.73, the Board approved an exception to allow for a church use.

Surrounding Property:
BOA-18981-A; on 8.11.09, the Board approved an Amendment to a previously approved site plan to permit an expansion of an existing church in the RM-1 district. Located; immediately south of the subject site.

BOA-18981; on 2.13.01, the Board approved a Minor Special Exception to modify site plan, including the increase of square footage from 10,000 to 10,500 square feet, per plan. Located; immediately south of the subject site.

BOA-18629; on 1.11.00, the Board approved a Special Exception for a church and church uses in an RM-1 district on condition that the phase one building will not exceed 10,000 square feet, it will be on approximately the location as shown on the plan but can be moved south. Located; immediately south of the subject site.

BOA-10231; on 11.16.78, the Board approved an Exception and Variances to permit a tennis club facility. Located; immediately south of the subject site.
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Residential Neighborhood" and an "Area of Growth".

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

ANALYSIS OF SURROUNDING AREA: The subject tract is abutting single-family residential on the west, north, and east. Multifamily residential zoning abuts the subject tract on the south with an existing church use.

STAFF COMMENTS:
According to the submitted site plan and drawings the proposed freestanding sign along S. 129th East Avenue will contain a 32 sq. ft. dynamic display sign.

Dynamic displays are prohibited in AG districts except on a lot occupied by an allowed public, civic or institutional use; the Board is authorized to approve a special exception for the allowed freestanding sign to include a dynamic display. If approved the permitted dynamic display in an AG district is subject to the following regulations:

1. The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
2. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
3. Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. The applicant has requested a special exception to permit a dynamic display located within 200 ft. of an R district. The proposed sign falls within 200 ft. of the RS-3 district to the east, as well as the RM-1 district to the south. The sign would have adequate distance from the R-districts to the north and west.

Sample Motion
Move to _______ (approve/deny) a **Special Exception** to permit a dynamic display located within 200 ft. of an R district (Section 60.100-F); **Special Exception** to permit a dynamic display in an AG zoned district (Section 60.050-).

- 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 Exceptions will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
non-conforming lot of only 140 ft. in width, tapering to 105 ft. at the rear property line, the addition will encroach into the side yard by 3 ft. 10 in. and this is per plan, as shown on page 11.6 with the explanation on 11.7; finding the 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:

LT 16, BLK 1, ROCKBRIDGE PARK, City of Tulsa, Tulsa County, State of Oklahoma

**********

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

**Case No. 18981-A**

**Action Requested:**
Amendment to a previously approved site plan to permit an expansion of an existing church in the RM-1 district, located: 2828 South 129th East Avenue.

**Presentation:**
Danny Hall, 1602 South 161st East Avenue, Tulsa, Oklahoma, 74108, stated he is the contractor for this project. They proposed to build a family life center, as an addition to an existing building (Exhibit E-1). They have 129 parking spaces. The property is about ten feet from the flood plain boundary on the west. The building will be about 450 ft. from the rear property line.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
Ms. Stead verified this would be a one-story structure. It was discussed that this building is located far away from any R district.

**Board Action:**
On Motion of Stead, the Board voted 4-0-0 (White, Stephens, Henke, Stead, "aye": no "nays": no "abstentions”; Tidwell "absent") to APPROVE an Amendment to a previously approved site plan to permit an expansion of an existing church in the RM-1 district, per plan as shown on page 13.6 of the agenda packet, for a one-story 120 ft. by 85 ft. building, if there is any lighting involved it shall be shielded down and away from residential properties; finding the amended site plan will be in harmony with the spirit and intent of the original special exception, and will not be

98:11:09:1007(13)
injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 1 LESS BEG NEC TH W29.92 CRV RT 47.05 N28.92 POB BLK 1, COVENTRY, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20959

Action Requested:
Verification of the spacing requirement for a liquor store from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), located: 9899 South Mingo Road.

Presentation:
Bill Haddock, 6450 South Lewis, Tulsa, Oklahoma, represented Mark Fairchild and Tommy Williams. They proposed to build a liquor store on the subject property. He stated there are no businesses within the 300 ft. radius that would make this application invalid. This is the first business in the developing shopping center.

Interested Parties:
There were no interested parties.

Board Action:
On Motion of White, the Board voted 4-0-0 (White, Stephens, Henke, Stead, "aye"; no "nays"; no "abstentions"; Tidwell "absent") to ACCEPT the Verification of the spacing requirement for a liquor store from blood banks, plasma centers, day labor hiring centers, bail bond offices, pawn shops, and other liquor stores (Section 1214.C.3), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another above referenced conflicting use be established prior to this liquor store, on the following described property:

Lot 1, Block 1, PLAZA DEL SOL, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20960

Action Requested:
Variance to permit access to an accessory parking space through another parking space (Section 1301.F) - to permit stacked parking in a multi-family townhouse development, located: 1408 South Cheyenne Avenue West.

Presentation:
Ryan Strode, 6434 South 28th West Avenue, Tulsa, Oklahoma, 74132, represented Kevin Stevens. He responded to Ms. Stead regarding the reason for
Case No. 18980 (continued)

described as follows: Beg. at the SW/c of Blk 5, Osage Hills Apartments; thence N 00°07'01" E along the W line of Blk 5, a distance of 705.00'; S 89°23'10" E a distance of 542.37'; S 00°01'43" W a distance of 115.00'; S 89°23'10" E a distance of 195.01' to the E line; S 00°01'43" W along the E line a distance of 716.86' to a bend in the E line; S 00°00'06" W along the E line a distance of 25.00' to the NE/c of Blk 3; N 89°41'25" W along the N line of Blk 3 a distance of 154.00'; S 00°05'07" W a distance of 454.00'; N 89°23'10" W a distance of 444.62' to the W right-of-way of Country Club Dr. in South Osage Hills Addition; N 00°05'07" E along the W right-of-way of Country Club Dr. a distance of 606.67' to the most Sly SE/c of Blk 5, Osage Hills Apartments; N 89°23'10" W along the S line of Blk 5, a distance of 140.00' to the SW/c of Blk 5, to the POB; less and except any public dedicated streets or roadways within the above description, and a tract Beg. at the NE/c of Blk 3, Osage Hills Apartments; thence S 00°00'00" W along the S line a distance of 1281.55' to the SE/c of Blk 2; S 89°56'50" W along the S line of Blk 2 and across Osage Dr. a distance of 296.33' to the W right-of-way of Osage Dr. in South Osage Hills Addition; N 00°05'07"E along the W right-of-way of Osage Dr. a distance of 406.98' to the SE/c of Blk 1, Osage Hills Apartments; N 89°23'10" W along the S line of Blk 1, and across Country Club Dr. a distance of 334.18' to the W right-of-way of Country Club Dr. in South Osage Hills Addition; N 00°05'07" E along the W right-of-way of Country Club Dr. a distance of 423.73; S 89°23'10" E a distance of 444.62'; N 00°05'07" E a distance of 454.00' to the N line of Blk 3, Osage Hills Apartments; S 89°41'25" E along the N line of Blk 3, a distance of 154.00' to the NE/c of Blk 3, the POB; less and except any public dedicated streets of roadways within the above description, all located within the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18981

Action Requested:

Minor Special Exception to modify site plan. SECTION 410 PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS. – Use Unit 5, located SW/c E. 18th Pl. & S. 129th E. Ave.

Presentation:

Roy Johnsen, 201 W. 5th St., Ste. 501, stated that this property is located in a multi-family residential zoned district. The First Four Square Gospel church came before the Board a few months ago, and received approval for church use. The Board told them they could come back with minor changes in a revised site plan. They desire to move the structure further to the south and to increase floor area from 10,000 to 10,340. He asked for approval of the revised site plan (Exhibit K-1).
Case No. 18981 (continued)

Comments and Questions:
Chair White asked if this plan could be considered the final site plan. Mr. Johnsen replied in the affirmative.

Board Action:
On MOTION of Dunham, the Board voted 3-0-0 (White, Dunham, Turnbo "aye"; no "nays"; no "abstentions"; Perkins, Cooper "absent") to APPROVE a Minor Special Exception to modify site plan, including the increase of square footage from 10,000 to 10,500 square feet, per plan, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

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

************

Case No. 18982

Action Requested:
Special Exception to permit Use Unit 14, Retail Electrical Supply, and General retail store in an IL district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 14; and a Variance of Section 1303.D requirement for an all-weather material in parking areas to permit the existing gravel lot. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 8136 E. 48th St.

Presentation:
Perry Schauville, 2109 Chyne St., Ponca City, OK, stated he is an architect on behalf of William G. Allen. The structure on the subject property is an existing two-story facility built in 1971. He stated that they desire approval of a Use Unit 14, for the businesses, which are already in place.

Comments and Questions:
Mr. Dunham noted that they are also requesting a variance of the all-weather surface on the parking lot. Mr. Schauville responded in the affirmative, stating part of the surface is hard surface and some gravel.

Interested Parties:
Mike Hillsabeck, 2615 E. 15th St., stated he was an attorney representing the property owners across 48th St. of Lots 1 and 2, Block 2, of the subdivision. They object to the variance for a gravel parking lot because it is an eyesore. He stated that large tractor-trailer trucks use it frequently and kick up dust. There are no properties in the area that have gravel parking lots.

[Signature]
21301812(15)
Case No. 18628 (continued)

a part of the NW of SE of Section 31, T-20-N, R-13-E, described as follows: Beg. 558.5' N of a point where the E line of Wheeling Ave. intersects the N line of the St. Louis & San Francisco Railroad, thence N 89°28' E 285'; thence N 250'; thence N 90°32' W 285'; thence S 250' to POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18629

Action Requested:
Special Exception for a church and church uses in a RM-1 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 5, located SW/SE 28th Pl. & S. 120th E. Ave.

Presentation:
Roy Johnson, 201 W. 5th St., Ste. 501, is representing the First Four-Square Gospel Church (the contract purchaser of the property).

Comments and Questions:
Mr. White asked about the two future buildings, sanctuary and multi-purpose. Mr. Johnson stated that he would come back before the Board for those structures. They request to proceed with the first phase building, not to exceed 10,000 square feet in size. Mr. Johnson stated he requests to build in accord with the site plan, but build it more on the south of their property. Mr. Beach commented that from the standpoint of traffic, moving it south would allow for the driveway to be moved further south which would be a better arrangement.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (Cooper, Tumbo, Perkins, White, and Dunham "aye"); no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception for a church and church uses in a RM-1 district, on condition that the phase one building will not exceed 10,000 square feet, it will be on approximately the location as shown on the plan but can be moved south, and any further expansions beyond phase one will require site plan review, on the following described property:

Lot 1, Block 1, Coventry Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18633

Action Requested:
Minor Variance of rear yard requirement of 25' down to 20' for addition of covered structure. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located at 3041 S. Peoria.

BOA: 18981-A
thence East 275'; thence South 470'; thence West 275'; thence North 470' to the point of beginning.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) and; Variances (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a tennis club facility, including clubhouse, pool and customary accessory facilities in an RM-1 District located north and west of 31st Street and 129th East Avenue.

Presentation:
Roy Johnsen, attorney representing the contract purchasers of the subject property, presented a plot plan (Exhibit "J-1") and a site plan (Exhibit "J-2") and advised the proposed use was a tennis club facility. This would be a private club; the inside facility would be metal with rock on the outside facade, earth tones will be used. The outside sign will be within the 32 square foot restriction.

Protests: None.

Board Action:
On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Lewis, Purser and Smith voting "aye"; no "nays"; Wait "abstaining") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) and; Variances (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a tennis club facility, including clubhouse, pool and customary accessory facilities in an RM-1 District, per plot plan submitted, development plans as submitted, with the understanding that this approval covers the entire property as legally described and subject to the applicant returning to the Board with plans for the clubhouse building as presented (phase I) prior to a building permit, and subject to review and approval of plans on the vacant portion of the property (phase II) prior to construction, on the following described tract:

A tract of land situated in the NE/4 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being described as follows, to-wit: Beginning at a point on the east line of said NE/4, SE/4, 619.00' South of the northeast corner thereof; thence South 89°59'47" West for 100.00'; thence along a curve to the left with a radius of 392.03' for 320.81'; thence South 43°06'31" West for 189.54'; thence along a curve to the right with a radius of 392.03' for 320.81'; thence South 89°59'-47" West for 50.00'; thence South 00°09'-07" East for 142.89'; thence South 89°50'-53" West for 305.39'; thence South 00°09'-07" East for 195.39'; thence South 84°56'-02" East for 549.80' to a point on the east line of said NE/4, SE/4; thence North 00°09'-07" West and along the east line of said NE/4, SE/4, for 772.56' to the point of beginning and containing 9.5517 acres, more or less.

11.16.78:273(10)
requirements of the State would be met. Upon further questioning, the Board was advised that the Church is located in the northeast corner of its 10-acre ownership, that there would be a separate entrance from the parking lot to the center, and that adequate parking was available to accommodate the center.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center and preschool in conjunction with St. Thomas More Church as presented, in an AG District on the following described tract:

A tract of land situated in the NE/4 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Beginning at a point on the East Line of Said NE/4, SE/4, 290.00' South of the Northeast corner thereof; thence South 0°-9'-7" East and along the East Line of Said NE/4, SE/4 for 329.00'; thence South 89°-59'-47" West for 100.00'; thence along a curve to the left with a radius of 392.03' for 320.81'; thence South 43°-6'-31" West for 189.54'; thence along a curve to the right with a radius of 392.03' for 320.81'; thence South 89°-59'-47" West for 50.00'; thence North 0°-9'-7" West for 715.58' to a point on the South Line of "Shannon Park Addition"; thence North 89°-59'-47" East and along the South Line of "Shannon Park Addition" for 852.91' to the point of beginning and containing 10.00 acres, more or less.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) to operate a restaurant and permit an extension of the existing restaurant; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 12' from an R District and a variance of the frontage requirements from 150' to 83' in an IL District located at 4220 North Mingo Road.

Presentation:

Roy Johnson, Jr. presented a plot plan (Exhibit "G-I"), advising the Board that the property under application is his own property and the property to the north is owned by his mother. He advised of the service station on the northern portion of his property that is closed and outdated, noting that he is proposing to raze that structure and build a new structure to be used as an extension of the existing restaurant. Mr. Johnson noted that the property to the south of the subject property contains a nonconforming body shop and garage and he would like to build within 12' of that R District as opposed to the 75' required by the Zoning Code.
9493 (continued)

Board Action:
On MOTION of SMITH, the Board (3-0) continued application 9493 to June 2, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and directed that the question of notice be studied during this time and proper notice given if it has not already been accomplished.

9494

Action Requested:
Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670) for a variance to permit the erection of a building to be used for the assembly of electrical components and equipment in an AG District located in the 7300 block of West 7th Street.

Presentation:
Charles Sublett, the applicant, was not present. The Staff submitted a written request (Exhibit "D-1") from Mr. Sublett that the subject application be continued to June 2 as he was serving in the Air National Guard and was unable to attend this date.

Protests: None.

Board Action:
On MOTION of SMITH, the Board (3-0) continued application 9494 to June 2, 1977, 1:30 p.m. Langenheim Auditorium, City Hall, Tulsa Civic Center.

9495

Action Requested:
Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center and preschool in conjunction with St. Thomas More Church in an AG District located at 2720 South 129th East Avenue.

Presentation:
T. Austin Cavin, attorney representing St. Thomas More Church and Sister Sylvia Schmidt, advised that the Board had granted approval of the Church in October, 1974, and now the Church is requesting permission to operate a day care center and preschool in conjunction with the Church on the Church property.

Jack Gates, 10704 East 30th Street, also speaking on behalf of the Church, advised that a day care center had been operated at St. Matthew's but would be closed and St. Thomas More was approached with regard to operating a center and preschool as there is a need within the community for such a service. An addition to the existing structure is proposed in order that the center might have sufficient room in which to operate. Upon questioning, Mr. Gates advised that the center would be in operation between the hours of 7 a.m. and 6 p.m., five days per week (Monday through Friday), and that all

5.19.77:236(4)

6.12
has been established and the Church wishes to use the subject property for the construction of the Church. There are presently 83 families within the Parish with an anticipated membership of some 300 families. Mr. Gavin advised that all Code requirements will be met when the construction takes place.

Protests: None.

Board Action: On MOTION of HENDRICKS, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to use property for the new Roman Catholic Parish, St. Thomas More of Tulsa, in an AG District on the following described tract:

A tract of land situated in the NE/4 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point on the East line of Said NE/4, SE/4, 299.00 feet South of the Northeast corner thereof; thence South 0°-9'-7" East and along the East line of Said NE/4, SE/4 for 329.00 feet; thence South 89°-59'-47" West for 100.00 feet; thence along a curve to the left with a radius of 392.03 feet for 320.81 feet; thence South 43°-6'-31" West for 189.54 feet; thence along a curve to the right with a radius of 392.03 feet for 320.81 feet; thence South 89°-59'-47" West for 100.00 feet; thence North 0°-9'-7" West for 715.58 feet to a point on the South line of "Shannon Park Addition"; thence North 89°-59'-47" East and along the South line of "Shannon Park Addition" for 852.91 feet to the point of beginning and containing 10.00 acres more or less.

Presentation: Mrs. James Corbett advised that she presently operates a nursery at 5742 South Quincy and is requesting permission to expand her operation to

10.8.73:169(6)
Mr. Tanner advised that an application was filed and approved two years ago to permit the applicant to maintain the mobile home on the subject property, during which time he would also build his home on the property. The residents in the area advised Mr. Tanner that during this two-year period the applicant had made no effort to even begin the construction proposed for the tract. He advised that when the original application was filed, the area residents signed a petition approving the mobile home on the tract, but since no development has taken place, they now wish to protest the present application. The area residents, Mr. Tanner stated, feel that the mobile home will devalue their properties which they have been improving during this two-year period. Mr. Tanner pointed out to the Board that a rezoning application was filed on a tract located at 81st and Elwood and denied by the Planning Commission. Upon the denial, the property owner was allowed a certain number of days to remove his mobile home from his property. He pointed out that the only mobile homes in the area are located to the north of the 81st and Elwood intersection.

Bob Blackley, 8210 South Elwood, requested that the subject application be denied and again pointed out that the owner of the mobile home at the intersection was instructed to remove the mobile home from the property.

Mr. Meek again advised the Board that she and her husband have been financially unable to begin the construction of their home due to the rise in the cost of living and the family’s ill health.

On MOTION of HENDRICKS, the Board (3-0) denied application 8069 and advised the applicant that she has one year in which to remove the mobile home from the present site.

Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to use property for the new Roman Catholic Parish, St. Thomas More of Tulsa, in an AG District located southwest of 27th Street and 129th East Avenue.

T. Austin Gavin advised that the subject property was purchased three years ago and held for future church development. The St. Thomas More Parish
OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2ND STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.
THE CITY OF TULSA WILL ASSESS A $55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.
For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

1.) Section 60.050 Signs in R and AG Zoning Districts

2. Nonresidential Uses

The following regulations apply to all principal nonresidential uses in R districts and AG districts.

c. Dynamic Displays

Dynamic displays are prohibited in R districts and AG districts except that on a lot occupied by an allowed public, civic or institutional use, the board of adjustment is authorized to approve a special exception for the allowed wall sign or the allowed freestanding sign to include a dynamic display.

(1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.

(2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.

(3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.

(4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Review Comments: The proposed freestanding sign with a 32 sq. ft. dynamic display is located in an AG zoning district and requires a special exception from the BOA prior to issuance of a sign permit.

2.) Section 60.100 Dynamic Displays

1. 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way), (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process.

Review Comments: The proposed dynamic display sign appears to be located within 200 feet of an RS-3 and RM-1 Residential zoning district to the west and South. You may pursue a special exception from the BOA to permit a digital sign (dynamic display) to be located within 200 feet of an RS-3 and RM-1 zoning district.

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

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

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

STR: 8316                        Case Number: BOA-22543
CZM: 52
CD:  8
A-P#: 

HEARING DATE:  12/11/2018 1:00 PM

APPLICANT:  Mark Bahlinger

ACTION REQUESTED: Special Exception to permit a bar on a lot within 150 ft of an R-zoned lot (Sec. 15.020-G). 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); Variance of the screening requirements (Sec.40.050-C; Sec.65.050-C.2)

LOCATION: 8101 S HARVARD AV E (overall parcel and tenant space address)

ZONED: PUD-168 (CS,RS-2,OL)

PRESENT USE: vacant

TRACT SIZE: 391680.06 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG SWC TH N550.10 E5 N215 E5 N145 NE28.34 E40 N10 E224.31 S170 W35.81 S165.56 E241.5 S606.86 NW CRV LF 35.41 W464.65 POB BLK 1, FOREST CREEK CENTER

RELEVANT PREVIOUS ACTIONS:

Subject Property:
None.

Surrounding Property:
None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: 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.
ANALYSIS OF SURROUNDING AREA: The large PUD zoned (PUD-168) subject tract abuts RS-2 zoned lots to the east and south; S. Harvard is immediately to the west; E. 81st St. S. is to the north.

STAFF COMMENTS:
The subject site is located within a large PUD (PUD-168) zoned commercial center. There is a separate applicant (BOA-22545) on today's agenda, 12/11/18, requesting a spacing verification for a bar within the same commercial center and on the same lot. However, as shown on the exhibits they do not appear to be within 300 ft. of each other.

A bar is permitted in the development standards of PUD-168 – subject to complying with the spacing requirements provided in Sections 15.020-G and 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CH district:

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

2. **Bars may not be located within 300 feet of a public park, school or religious assembly use, the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.**

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

The public entrance door of the bar appears to be 50 ft. from the R zoned district to the south of the site, which meets the stated spacing requirement in Section 40.050-A. The applicant has requested a **special exception** as Section 15.020-G of Code requires special exception approval for a bar if intoxicating beverages or low-point beer are sold or served and **the subject lot** is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Per Section 40.050-C, when a bar 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 Section 65.060-C.2. As shown on the attached exhibits, the common lot line that abuts the building with the proposed bar is a commercial use but with RS-2 zoning. The applicant is requesting a **variance** of the screening requirements (Sec 40.050-C, Sec 65.060-C.2).

Attached is a map indicating a spacing radius of 300 ft. from the perimeter walls of the proposed bar. The attached exhibit from the applicant list uses within the 300 ft. spacing radius. There do not appear to be any bars, public parks, churches, schools, or sexually oriented business establishments within 300 ft. of the proposed bar.

Sample Motions:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.
Move to _______ (approve/deny) a Special Exception to allow a bar within 150 feet of an R-zoned district (Section 15.020-G); a Variance of the screening requirements (Sec.40.050-C; Sec.85.060-C.2).

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

The Board finds that the 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."
Note: Graphic overlays may not precisely align with physical features on the ground.
EXHIBIT "A" - SITE PLAN
<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Street</th>
<th>Hours</th>
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SUBJECT TRACT

BOA-22544
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9330
CZM: 47
CD: 9
A-P#: Case Number: BOA-22544

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Phillip Doyle

ACTION REQUESTED: Variance to reduce the required rear setback from 25ft. To 20 ft. (Section 5.030-A)

LOCATION: 4320 S VICTOR AV E
ZONED: RE

PRESENT USE: Residential
TRACT SIZE: 36760.43 SQ FT

LEGAL DESCRIPTION: PRT LT 2 BEG SECRT TH W160.28 N204.39 NL ELY198.34 NEC SLY CRV
RT 154.67 SLY45.33 POB BLK 8, BOLEWOOD ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property:
None relevant.

Surrounding Property:
BOA-21962; on 9.8.15, the Board approved a minor special exception to reduce the required front yard from 35 feet to 31.2 feet to permit a covered porch in the RE district, per conceptual plans. Located; immediately northwest of the subject site.

BOA-20125; on 10.11.05, the Board denied a minor variance of the required rear yard setback from 20 feet to 16 feet for addition to the garage in an R zoned district. Located; southwest of the subject site.

BOA-20006; on 3.22.05, the Board approved a variance of required structure height from 35 feet to 43 feet to allow the construction of a residential dwelling, per plan. Located; south of the subject site.

BOA-19935; on 10.26.04, the Board approved a variance of the required side setback from 15 feet to 6 feet for an addition to the dwelling, per plan. Located; east of the subject site.

BOA-17212; on 10.24.95, the Board approved a variance of livability space on each of two lots to 7500 square feet to permit construction of two new dwellings. Located; immediately west of the subject site.

BOA-12667; on 7.14.83, the Board approved a variance to allow a detached accessory building (3-car garage) in the front yard, garage to be attached to the house with covered portico, per conditions. Located; immediately northwest of the subject site.
BOA-11635: on 10.1.81, the Board approved a variance of the setback requirements from 35 feet to 26.6 feet in an RS-3 district. Located northwest of the subject site.

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

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

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

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

STAFF COMMENTS:
This application was originally submitted as an Administrative Adjustment. Due to the response from interested parties, staff referred the application to the Board of Adjustment for consideration as a variance. The application was placed on a public agenda and an updated notice was sent to property owners within 300 ft.

The applicant is proposing an addition to the existing house. The code requires that detached houses maintain a rear setback of 25ft in an RE zoned district (Sec. 5.030-A). As shown on the submitted site plan, the proposed addition would encroach 5ft. into the required rear setback. Per the code, a Variance to reduce the rear setback from 25ft. To 20 ft. (Section 5.030-A) is required to construct the proposed garage and living space addition as proposed.

Sample Motion
Move to ________ (approve/deny) a Variance to reduce the required rear setback from 25ft. to 20ft. (Section 5.030-A)

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

The Board finds that the following facts, favorable to the property owner, have been established:
“a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Mr. Van De Wiele asked Mr. Carter if the new sign would be the same height, size and location as the old sign. Mr. Carter stated the same pole will be used but the new signs will be smaller. Mr. Van De Wiele asked if the top sign was internally lit. Mr. Carter stated that both old signs were internally lit.

Mr. Carter stated that he is supposed to contact Tim White and he has been attempting to contact him for over 6 weeks, then he found out that Mr. White retired two weeks ago. Mr. Carter stated that while he was sitting in this meeting, about four hours ago, Mr. White’s boss called to discuss what would need to be done to be able to obtain the signs.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance to allow a digital sign within 200 feet of an R District (Section 1221.C.2); Variance to allow a digital sign within 20 feet of the driving surface of a public street (Section 1221.C.2); Variance to allow construction of a sign in the City right-of-way (Section 1221.C.14), subject to conceptual plan 14.15. The last Variance will be subject to approval of a license agreement by the City of Tulsa and submission of an approved copy to Ms. Nikita Moye at INCOG. The second Variance is a replacement of a long standing sign that was destroyed in a storm. For the digital aspect, it is to convey messages to the membership of the church and any other messages for the general public. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LTS 1 THRU 6 BLK 8, CENTRAL PARK PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21962—Spirit Homes – Justin Haddock

Action Requested:
Minor Special Exception to reduce the required front yard from 35 feet to 31.2 feet to permit a covered porch in the RE District (Section 403). LOCATION: 1708 East 43rd Street South (CD 9)
Presentation:
Justin Haddock, 1055 North Owasso Avenue, Tulsa, OK; stated this request is for a Minor Special Exception because of a front porch extension on an existing house remodel.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Minor Special Exception to reduce the required front yard from 35 feet to 31.2 feet to permit a covered porch in the RE District (Section 403), subject to conceptual plans 16.11 and 16.12. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

PRT LT 1 BEG NWC TH E113 S105 SW83.28 W107.50 N183.05 POB BLK 8, BOLEWOOD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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UNFINISHED BUSINESS

21937—Barrick Rosenbaum

Action Requested:
Variance of all Bulk and Area Requirements in the RS-1 District to permit a lot-split (Section 403, Table 3). LOCATION: 3908 South Evanston Avenue (CD 9)

Presentation:
The applicant was not present. The Board moved this case to the end of the agenda to allow for the applicant's arrival.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.
NEW APPLICATIONS

Case No. 20124

Action Requested:
Approval of an amendment to a previously approved plot plan (BOA-16712) to add an addition to the existing office building, located: 12752 East 49th Street South.

Presentation:
Jim Schwers, 3605 North Narcissus, stated they have met the requirements for the application. A site plan was provided (Exhibit C-1).

Mr. Stephens out at 2:20 p.m.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Henke, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE an amendment to a previously approved plot plan (BOA-17024) to add an addition to the existing office building, finding the plan is in keeping with the previously approved site plan for minimum storage, per plan, and the proposed changes would not be detrimental to the surrounding neighborhood, and on the following described property:

ALL LTS 6 THRU 9 & LT 10 & W121.03 LT 1 LESS BEG SWC LT 10 TH N40 E271.03 S190 W121.03 SWC LT 1 N150 W150 POB BLK 1, PARK PLAZA SQUARE, City of Tulsa, Tulsa County, State of Oklahoma

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Mr. Stephens returned at 2:23 p.m.

Case No. 20125

Action Requested:
Minor variance of the required rear yard setback from 20 feet to 16 feet for addition to garage in an R zoned district - (Section 403); located: 1648 East 44th Street South.

Ms. Stead noted this is a minor variance and yet they need to have a hardship. Mr. Cuthbertson replied that a minor variance is considered one most likely to be approved and to expedite them, nevertheless they require a hardship.

Mr. Tidwell recused himself and left the room at 2:25 p.m.
Presentation:
Steve Olsen, 324 East 3rd Street, stated he was the architect for this project. The existing house was to be razed and a new structure built. The existing house was approximately 171/2 feet off the property line. They were asking for about 1 1/2 feet from that. He was informed that a minor variance was within 20% of the required setback. The applicant was going to designate South Utica for the front yard.

Comments and Questions:
Ms. Stead asked for the hardship. Mr. Olsen replied they are building a mother-in-law suite and a three-car garage. Ms. Stead noted the lot was 14,000 square feet and asked if this was not self-imposed.

Interested Parties:
Mike Schooling, 1622 East 45th Street, stated the restrictive covenants are for single-story houses in Forest Grove. Mr. Dunham informed him the Board cannot consider restrictive covenants. He added that the neighborhood could notify the applicant.

Applicant's Rebuttal:
He stated the applicant would accept the existing setback if the Board would allow.

Board Action:
On Motion of Stead, the Board voted 4-0-1 (Dunham, Stephens, Henke, Stead, "aye"; no "nays"; Tidwell "abstained"; no "absences") to DENY a Minor Variance of the required rear yard setback from 20 feet to 16 feet for addition to garage in an R zoned district - (Section 403), finding a lack of hardship, on the following described property:

LT 11 BLK 2, FOREST GROVE, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20126
Action Requested:
Special exception to allow an automobile wash (Use Unit 17) in a CS zoned district (Section 701), located: 1724 South Harvard.

Presentation:
Melinda Johnson-Ryan, 16 North Park, Sapulpa, Oklahoma, represented Mr. Les Gregg. She submitted photographs of the site (Exhibit D-1). A True Value Hardware Store was located here. The applicant proposed to open a carwash. She pointed out the surrounding neighbors are a school across the street, a church and parking lot on one side, and other side a parking lot and pizza delivery site. She added there are numerous vacancies in the area. Ms. Ryan described the aesthetics of the proposed carwash with six bays covered with ceramic tiles, and an office on the end. The vacuums would be to the front. The two existing
Applicant's Rebuttal:
Mr. Coutant responded that this facility is not on the proposed, unfunded Centennial Walk in the Vision 2025 Plans. He stated it is not inconsistent with downtown redevelopment.

Board Action:
On Motion of Paddock, the Board voted 3-1-0 (Dunham, Paddock, Stead, "aye"; Henke "nay"; no "abstentions"; Stephens "absent") to APPROVE a Special Exception for Use Unit 2 use (convict pre-release center). SECTION 701. Principal Uses Permitted in Commercial Districts -- Use Unit 2, with conditions: a limit of 35 non-violent, non-sexual offenders for drug and alcohol treatment only; have a contract with the Dept. of Corrections allowing 12 X 12 to refuse admission to any individual being convicted of sex crimes, assault and battery or any violent criminal activities; with continual lighting during the nighttime hours; approval for five years; and daily trash pickup of the grounds; 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 Amended Motion of Paddock, the Board voted 3-1-0 (Dunham, Paddock, Stead, "aye"; Henke "nay"; no "abstentions"; Stephens "absent") to include APPROVAL of the second Special Exception for spacing from other similar uses, SECTION 1202.C.7.-- Use Unit 2 Area-wide Special Exception Uses, Use Conditions, on the following described property:

S35 LT 1 & ALL LT 2 & 8 VAC ALLEY ADJ ON W BLK 3, HORNER ADDN AMD, OAK GROVE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

Case No. 20006

Action Requested:
Variance of required structure height from 35 ft to 43 ft to allow the construction of a residential dwelling on the subject lot, located: 4354 South Victor Avenue East.

Presentation:
Roger Coffey, with Olsen-Coffey Architects, requested a height variance to the proposed residence. The site plan was provided (Exhibit B-1). The houses face more toward Victor Avenue. The finished floor of the house would be about ten feet below the level of the street. The plans are for a two-story house with about 7,000 sq. ft., and the ground floor would have ten foot ceilings. Neighboring houses appear to be above the required 35' height, some of which are three-story structures.
Comments and Questions:
Ms. Stead asked for the hardship. Mr. Coffey replied that it was not possible to build a 7,000 sq. ft. house in this style with the pitched roof at 35 ft. Mr. Ackermann commented that the hardship will need to be tied to the condition or circumstance peculiar to the land, structure of the building involved or show that the literal enforcement of the code would be a hardship. He remembered that Mr. Coffey mentioned the steep change in topography of the property.

Interested Parties:
Herb Beattle, 3474 South Zunis Avenue, represented the Brookside Neighborhood Association. They had no objection to the application and he noted the substantial drop in elevation of the property from the street.

Board Action:
On Motion of Stead, the Board voted 4-0-0 (Dunham, Paddock, Stead, Henke "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Variance of required structure height from 35 ft to 43 ft to allow the construction of a residential dwelling on the subject lot, finding the hardship is the topography of the lot is lower than the adjoining street, per plan, 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 4 BLK 8, BOLEWOOD ACRES, BOLEWOOD CIRCLE RESUB L5 BB
BOLEWOOD ACRES, City of Tulsa, Tulsa County, State of Oklahoma

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Case No. 20008
Action Requested:
Special Exception to allow used automobile sales in a CS zoned district (Section 701), located: 5809 South Peoria Avenue East.

Presentation:
Ophi Seimore, 2651 East 21st Street, stated she is the realtor for the applicant and his interpreter. He had a contract pending to purchase the property. He owns two other clean and successful car lots. She provided photographs (Exhibit C-1). When they discussed the application with the neighborhood they received their support (Exhibit C-2). She stated it would be an improvement to the property.

Comments and Questions:
Ms. Stead noted a commercial semi-truck trailer was on the property and she asked if that business has moved out. Ms. Seimore replied the home improvement company was the current owner and they planned to be out by the closing date, March 31, 2005.
Mr. Boulden was trying to determine where the drainage would be directed. Mr. Ellisor stated the drainage from the hip roof will be directed by the guttering on the north side.

**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, Tumbo, Stephens "aye"; no "nays"; no "abstentions"; Paddock "absent") to APPROVE a Variance of required side yard from 5 ft. to 1 ft. to permit a new attached carport, per plan, with conditions for guttering on the north side of the carport, finding an existing house and driveway on the following described property:

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ALL LT 10 & N25 LT 11 BLK 8, BEVERLY HILL ADDN
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**Case No. 19935**

**Action Requested:**
Variance of required side setback from 15 ft to 6 ft for an addition to the dwelling.

**SECTION 403 BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, 4319 South Victor Avenue East.**

**Presentation:**
Bill Powers, 6910 South Lewis Avenue, stated he represented the new owners of the residence. They propose to update this old home. He added that the home and the property have been carved up extensively. The original address was 4319 South Victor Avenue East, but the current address is 1810 East 43rd Street. The property to the east, west and south were sold over time from the original estate. The house has been remodeled numerous times to accommodate land sales and possible other reasons. The last changes made it non-conforming with the requirements for 15' side yard setbacks in RE zoning. He pointed out the bedroom area they want to improve by extending back to the rear side by 12'. He indicated it would have no impact on the surrounding neighbors. A site plan was provided (Exhibit H-1).

**Interested Parties:**
Fred Donnelly, 4335 South Victor, stated he came for information rather than opposition. He noted that a previous owner ran an electric line across the property without an easement. He added that he gets a considerable washout from the property when it rains.
Applicant's Rebuttal:
Mr. Powers understood that the existing house is encroaching by zoning standards. He indicated the current owners would be willing to consider some terracing of the property. He informed the Board that he has a permit for a cabana.

Board Action:
On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays", no "abstentions"; Paddock "absent") to APPROVE a Variance of required side setback from 15 ft to 6 ft for an addition to the dwelling, per plan, finding this is just a short extension of the existing encroachment and the shape of the lot makes the encroachment of six feet necessary as it narrows toward to the back; 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:

PRT LT 7 BEG 171.10NW SECR TH NW138.02 NELY 115.22 N125 TH ON CRV LF 150.92 TH ON CRV RT 245.50 POB BLK 6, BOLEWOOD ACRES

There being no further business, the meeting was adjourned at 2:39 p.m.

Date approved: November 9, 2004

Chair
Case No. 17210 (continued)

**Board Action:**
On MOTION of DOVERSPIKE the Board voted 3-0-0 (Doverspike, Tumbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to APPROVE a Variance of the maximum allowable square footage for a detached accessory building (horse barn) from 750 sq ft to 1728 sq ft - SECTION 402.B.1.d.  ACCESSORY USES IN RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding a hardship demonstrated by the size of the tract; and finding that the area is predominately agricultural in nature, with numerous large accessory buildings in place; and finding that approval of the variance request will not be detrimental to the area or impair the spirit and intent of the Code; on the following described property:

N/2, N/2, SE/4, SE/4, Section 11, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17212**

**Action Requested:**
Variance of livability space on two lots to permit construction of two new dwellings - SECTION 403.  BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located south of southeast corner of South Utica Avenue and East 43rd Street South.

**Presentation:**
The applicant, A. L. Larson, 4320 South Victor, informed that the lots in question were split in December 1992, which was before the zoning classification was changed from RS-1 to RE. He informed that the existing lots contain approximately 14,000 sq ft and the livability space requirement is 12,000 sq ft, which would severely restrict any construction on the lots. He requested that the livability space be reduced to 7500 sq ft. (previous RS-1 standard 7000 sq ft) A plot plan (Exhibit J-1) was submitted.

**Comments and Questions:**
Mr. Gardner advised that the lots are nonconforming in all aspects except livability space and building setbacks, according to the current Code requirements.

**Interested Parties:**
Mike Still, 4340 South Victor, informed that he is the resident to the south of the subject property, and was not supportive of the lot split in 1992. He pointed out that his lot and many others are very large and the general area is known for its large trees and spacious lots. Mr. Still pointed out that the addition was zoned RE to prevent RS-1 development in the neighborhood and asked the Board to preserve the character of the area by denying the request.
Case No. 17212 (continued)

Applicant's Rebuttal:

Mr. Larson noted that the property contiguous to the subject tract has been split into three smaller lots. He pointed out that he will be forced to construct small houses on the lots if the variance is not approved.

Mr. Gardner advised that, without Board relief, there will only be 1300 sq ft of construction area for the homes on the lots after adding garages and driveways, which will not be compatible with the existing homes in the neighborhood. He pointed out that the lots are legal nonconforming lots as to size. Mr. Gardner stated that it was determined that it would be better to include some of the smaller lots in the RE zoning than have spot zoned RS-1 lots throughout the area.

Mr. Jackere advised that, if the application is denied, the applicant has the option to build a 1300 sq ft home on each lot, or build one large home on the two lots.

Mr. Doverspike stated that he is in agreement with Mr. Gardner’s explanation that the entire area was zoned RE, recognizing the fact that a hardship would be created for a few existing lots that could not comply with those requirements.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to APPROVE a Variance of livability space on each of two lots to 7500 sq ft to permit construction of two new dwellings - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; finding a hardship demonstrated by the fact that the lots in question were created prior to RE zoning; and finding that approval of the request will permit the construction of dwellings comparable in size to the existing construction in the neighborhood; on the following described property:

Lot 1: Beginning at the SW/c Lot 2, Block 8, Bolewood Acres, an addition to the city of Tulsa County, Oklahoma; thence easterly for 135.10'; thence N00°01'53"W for 101.62'; thence westerly for 135.16'; thence south for 105' to the POB.

Lot 2: Beginning at the NW/c said Lot 2, thence easterly for 135.25'; thence S00°01'53"E for 102.77'; thence westerly for 135.16'; thence northerly for 105' to the POB, City of Tulsa, Tulsa County, Oklahoma.
Presentation:
Chairman Smith advised a letter was submitted by Franklyn Casey, the applicant, requesting that the case be continued as there is litigation pending on this matter (Exhibit "A-1"). A previous decision of the Board was appealed to the District Court and the trial is scheduled for August 10, 1983.

Protestants: None.

Board Action:
On MOTION of PURSER and SECONd by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12379 to the August 25, 1983 meeting.

Case No. 12570

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the lot width from 60' to 30', a variance of the lot area from 6,900 sq. ft. to 3,775.5 sq. ft., a variance of the land area, a variance of the livability space and a request for a variance of the side yard requirement from 5' to 0'; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430 - Request to allow 4 dwellings on two lots of record located west of the NW corner of East 36th Place and New Haven Avenue.

Presentation:
The applicant representing Dimension Properties, Inc., was not present to address the Board.

The Staff suggested that the application be continued to the August 11, 1983 meeting because the applicant is awaiting City Commission action on a PUD and zoning application.

Protestants: None.

Board Action:
On MOTION of CHAPPELLE and SECONd by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12570 to the August 11, 1983 meeting.

Case No. 12657

Action Requested:
Variance - Section 420.2 (a) 2 - Accessory Use Conditions - Request to allow a detached accessory building (3-car garage) in the front yard, garage to be attached to the house with covered portico - Under the Provisions of Section 1670, located at 4310 South Victor Avenue.

Presentation:
Densel Williams, 4845 South Sheridan Road, was present and submitted a plot plan (Exhibit "B-1"). The applicant proposes to completely remodel the existing Y-shaped residence and add space to the house.
for a drive-thru portico attached to the garage. A photograph was presented to the Board showing a similar residence and garage. Mr. Williams advised an extensive amount of landscaping and a circular drive would be added.

Protestants:
Fred Donnelly, 4335 South Victor Avenue, stated that the five contiguous home owners held a meeting to discuss the plan as proposed and requested that the Board consider their thoughts. A letter was submitted from Mr. Donnelly expressing their concerns for adequate drainage (Exhibit "B-2"). Although the zoning restrictions have expired in this subdivision, the character of the Boilewood Subdivision would be enhanced by maintaining proper setback restrictions. The neighborhood was also concerned with the detached garage as they are unique in the area.

The surrounding property owners did not feel the encroachment from the west side should be permitted, but felt that an architectural revision could be made.

Carl Larson, 4320 South Victor Avenue, expressed his concern with the drainage problems existent on the property and advised there is nothing to stop the water from coming from the hill. Mr. Larson was extremely concerned because his property would be greatly affected by the water runoff.

Comments and Questions:
Mrs. Purser inquired as to the hardship concerning the property and Mr. Williams stated if the garage was constructed as proposed or in the side yard the same problem would be in existence. The old garage would have to be removed in order to construct the new detached accessory building (3-car garage).

Ms. Hubbard, Protective Inspections, advised unless there is common living area under the roofline or a common party wall the garage structure would be considered detached.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 420.2 (a) 2 - Accessory Use Conditions) to allow a detached accessory building (3-car garage) in the front yard, garage to be attached to the house with covered portico - Under the Provisions of Section 1670, per plot plan and subject to approval of the drainage plans by the City Engineering Department, on the following described property:

Lot 1, Block 8, Boilewood Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

7.14.83:391(3)
Case No. 11634

Action Requested:
Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplex - Under the Provisions of Section 1680 - Request for an exception to permit duplex use in an RS-3 District; and a
Variance - Section 440.3 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Request for a variance of the minimum lot area from 9,000 square feet to 7,500 square feet in an RS-3 District, located at 1748 South Xanthus Avenue.

Presentation:
Terrence P. Quinn was present to address the Board stating that he owns the property at 1748 South Xanthus Avenue. Due to some extensive remodeling that needs to be done to Mr. Quinn's house, which is now renting, he would like to put up a duplex on the subject property. Mr. Quinn stated that there were 2 garage apartments immediately behind the property, with duplexes on the southwest corner of the block.

Board Comments:
Commissioner Victor asked the size of the proposed duplexes. Mr. Quinn advised the Board that the duplexes would be approximately 3,000 square feet, with one bedroom. Mr. Quinn stated that there was a need for rental property in that area. Commissioner Lewis asked the applicant if there were houses on either side of the property or across the street. Mr. Quinn advised the Board that there were houses surrounding the property and was of the opinion that the duplexes would be an asset to the neighborhood.

Commissioner Purser stated that the applicant is asking for duplex use which requires an exception, but in order for the exception to be granted, a variance would need to be granted because Mr. Quinn does not have the minimum lot size.

Protestants: Robert Carew
Ivan Roark
Address: 1743 South Xanthus Avenue
1738 South Xanthus Avenue

Board Action:
On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to deny an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.3 - Duplex - Under the Provisions of Section 1680) to permit duplex use in an RS-3 District, and to deny a Variance (Section 440.3 (a) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) of the minimum lot area from 9,000 square feet to 7,500 square feet in an RS-3 District, on the following described property:
Lot 4, Block 2, Edgewood Plaza Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11635

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Request for a variance of the setback requirements from 35' to 25.6' (from the property line) in an RS-3 District, located at 4314 South Utica Avenue.

10.1.81:347(10)
Case No. 11635 (continued)

Presentation:
Jack Wellhousen, 7836 East 22nd Place, was present to address the Board and submitted a Plat of Survey (Exhibit "F-1") and a plot plan (Exhibit "F-2"). Mr. Wellhousen plans to build a house on the property at 4314 South Utica Avenue stating that it is a lot-split in an established neighborhood. The reason for the variance is to line up with and match the existing houses which are presently existing in the surrounding area. Mr. Wellhousen stated that the houses on the west side of Utica Avenue have setbacks of approximately 26' with some varying from 20' to 30'.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Walt, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 35' to 26.6' (from the property line) in an RS-3 District, on the following described property:

The South 86' of the North 196.72' of the East 155' of the SE/4 of the NW/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; LESS 30' deeded to the City of Tulsa, and known as 4314 South Utica Avenue.

Case No. 11636

Action Requested:
Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1213 - Convenience Goods and Services - Under the Provisions of Section 1680 - Request for an exception to permit a convenience store in an IL District. This property is located at 3100 East Pine Street.

Presentation:
The applicant, Bob Darby, was not present.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Walt, "absent") to continue to October 15, 1981, to allow for the presence of the applicant.

Case No. 11637

Action Requested:
Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Request for an exception to permit a pre-school use for Head Start in the Seminole Hills Community Center Building, at 1624 East Virgin Street.
Subject Tract BOA-22544 19-13 30

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

Aerial Photo Date: February 2018
Looking west—towards north portion of the subject site—on S. Victor Ave.
Looking west—towards north portion of the subject site—on S. Victor Ave.

Looking west—towards south portion of the subject site—on S. Victor Ave.
LEGAL DESCRIPTION:
Lot 2, Block B
Burlwood Addition
City of Tulsa, Tulsa County
State of Oklahoma

CODE:
2015 International Residential code

ZONING:
Rc district

SQUARE FOOTAGE:
Existing Square Footage (Heated): 4185SF
Proposed Addition: 3452SF
Added Square Footage (Heated): 2600-2900SF

SITE PLAN - PROPOSED
SCALE: 1:20

Roytman Residence
4320 S VICTOR AVE
8.23
ZONING CLEARANCE PLAN REVIEW

10/4/2018

Philip Doyle Design

APPLICATION NO: BLDR-012499-2018  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 4320 S Victor Ave

Description:  Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT
175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

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

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8TH FLOOR, TULSA, OK, 74103, PHONE (918) 594-7526.

3. A COPY OF A "RECORD SEARCH" 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. BLDR-012499-2018

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 Development Districts (MPD), Planned Unit Development (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 564-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

5.030-A: In the RE zoned district the minimum rear yard setback shall be 25 feet from the rear property line.

Review Comments: Revise your plans to indicate a 25' rear setback to the rear property line, or apply to INCOG for an administrative adjustment to reduce the rear setback to allow a 20' rear setback.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.
A hard copy of this letter is available upon request by the applicant.

Please Notify plans examiner by email that you have submitted a revision to this application.

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.
November 20, 2018

TO: City of Tulsa Board of Adjustments

RE: BOA – 22544

Dear Sirs,

I am in receipt of a letter from your office regarding case number BOA – 22544. This correspondence was post marked 11-16-18 and we received it on Saturday November 17, 2018. The date of action (deadline) referenced in this letter is 11-27-18. This gives us only 5 business days to address this issue with counsel and determine what problems or concerns this proposed variance causes. This does not even consider the Thanksgiving Holiday in the middle of this 5 business days. This very short notice is not reasonable, equitable or acceptable and has caused undue hardship on us.

We intend to oppose and do oppose this variance being granted and have significant concerns about the proposed construction of a two story addition in the requested location on the property. Our primary concerns are that the property at 4320 S Victor Avenue requesting the variance is significantly above our property in elevation and we believe the changes will:

1. Create water flow drainage and flooding problems to our property. (without a hydrology study)
2. Create invasion of our privacy by constructing a two story building that close to our property with an existing elevation already significantly higher than ours. This addition in the proposed location will look directly into the back porch, master bedroom and primary living areas of the house.

We believe the proposed variance and construction will greatly diminish our property values and cause other significant financial harm. We insist that the land use administrator, the City of Tulsa and the Board of Adjustments deny this application/request for variance.

I am enclosing a copy of your correspondence as well as the Power of Attorney documents as I have POA for my mother, Judy Miller. She is the property owner.

Regards,

Rob Miller
DURABLE POWER OF ATTORNEY
AND
NOMINATION OF GUARDIAN
Oklahoma (Revocable Trust) Form - Effective Upon Signing

I. DEFINITIONS

For purposes of this document, the following terms shall have the following meaning:

PRINCIPAL shall mean JUDITH MILLER.

AGENT shall mean BRIAN MILLER, SCOTT MILLER and ROBERT MILLER. Any AGENT may act independently on PRINCIPAL's behalf without the necessity of consent or joinder by the other AGENTS.

The TRUST shall mean THE JUDITH MILLER REVOCABLE TRUST DATED NOVEMBER 22, 1991.

TRUSTEE shall mean each acting Trustee of the Trust.

HEALTH CARE PROXY shall mean BRIAN MILLER, SCOTT MILLER and ROBERT MILLER. Any HEALTH CARE PROXY may act independently on my behalf without the consent or joinder of my other HEALTH CARE PROXIES.

II. APPOINTMENT

I, the above named Principal, do hereby make, constitute and appoint AGENT my true and lawful Co-Attorneys-in-Fact for me and for my use and benefit. Any Co-Attorney-in-Fact may act independently on my behalf without the necessity of consent or joinder by the other Co-Attorneys-in-Fact. If AGENT is unwilling or unable to act as Attorney-in-fact, I hereby appoint the acting Trustee or Co-Trustees of the Trust as my true and lawful Attorney-in-fact for me and for my use and benefit. The person or persons designated as Trustee in Article II of the Trust Agreement governing the Trust shall be conclusively presumed to be acting under authority of this Durable Power of Attorney.

My Attorney-In-Fact shall be considered unwilling to act upon presentation of a letter of resignation. Upon the legal incapacity or death of an Attorney-in-Fact, the successor or remaining Attorney-in-Fact shall be authorized to act upon any one of the following: (1) a death certificate for the deceased Attorney-in-fact, (2) a copy of an obituary notice published in a newspaper for the deceased Attorney-in-fact, (3) an order of a court declaring that the Attorney-in-fact is legally incapacitated, or (4) upon the written statement of two (2) medical or osteopathic doctors stating that the Attorney-in-fact is mentally or physically incapable of serving as my Attorney-in-fact.
III. PROPERTY

Attorney-in-fact is hereby expressly authorized:

A. Real Estate.

1. To take possession of any real estate or buildings belonging to me, to receive and take in my name all rents or profits of any real estate belonging to me, and to lease or renew leases as my Attorney-in-fact deems proper;

2. To commence and prosecute in my behalf any legal proceedings for the recovery of lands or real property due or to become due or belonging to me, and to continue, compromise or discontinue the same, as my Attorney-in-fact deems proper;

3. To sign, acknowledge and deliver contracts, deeds, leases, mortgages, assignments of mortgage, extensions of mortgage, satisfactions and releases of mortgage, subordination agreements and any other instrument or agreement of any kind and affecting any real property owned by me at any time, located anywhere;

4. To grant, sell, assign, or acquire oil and gas leases, royalty or overriding royalty interests or any other interest in or with respect to oil, gas or other mineral properties; to enter into farmout agreements, operating agreements, unitization agreements, or any other agreement with respect to the assignment, production or operation of such properties; to sign and execute division orders; to join and participate in ventures for the exploration, drilling, development and operation of such properties; and to operate any oil, gas and mineral or other going business in the manner and for so long as my Attorney-in-fact deems proper;

B. Securities.

1. To effect purchases and sales (including short sales), to subscribe for and trade in stock, bonds, options or other securities, or limited partnership interests or investments and trade units, whether or not in negotiable form, issued or unissued, foreign exchange, commodities, and contracts relating to same (including commodity futures), on margin or otherwise, for my account(s) and risk:

2. To deliver to any brokerage firm any securities for my account(s), and to instruct any brokerage firm to deliver securities from my account(s) to my Attorney-in-fact or to others, and in such name and form as my Attorney-in-fact may direct;
3. To instruct brokerage firms to make payment of monies from my account(s) with any brokerage firm, and to receive and direct payments therefrom payable to my Attorney-in-fact or to others;

4. To sell, assign, endorse and transfer any stocks, bonds options or other securities of any nature, at any time standing in my name and to execute any documents necessary to effectuate the foregoing;

5. To receive statements of transactions made from my account(s);

6. To approve and confirm the same, to receive any and all notices, calls for margin, or other demands with reference to my account(s);

7. To make any and all agreements with any brokerage firm with reference thereto for me and in my behalf;

8. To manage, including the authority to purchase or sell, any securities owned by me and to demand, recover and receive all stock certificates, bonds, and other evidences of indebtedness including interest and dividends thereon, due or to become due and owing, or belonging to me;

9. To vote any stock owned by me, it being my intention to name my Attorney-in-fact as my proxy for any and all purposes relative to any security owned by me.

10. To make, sign, endorse, accept and deliver in my name or in the name of my Attorney-in-fact checks, notes, drafts, warrants, acknowledgments, agreements, stock certificates, bonds and other evidences of indebtedness, and all other written instruments my Attorney-in-fact deems necessary to protect my interests;

C. Cash, Accounts Receivable, Notes Receivable.

1. To make, sign, endorse, accept and deliver in my name or in the name of my Attorney-in-fact checks, notes, drafts, warrants, acknowledgments, agreements, certificates of deposit, promissory notes and other evidences of indebtedness, and all other written instruments my Attorney-in-fact deems necessary to protect my interests;

2. To make deposits to or withdrawals from any financial account owned by me, individually or as a joint tenant.

3. To sell, factor, assign, or transfer any note or accounts receivable owned by me, whether individually or as a joint tenant.

4. To open or establish any financial account for my benefit.
D. Insurance.

1. To manage any insurance policy, including but not limited to life, health, disability, long term care, auto, home, and personal liability policies owned by me; to cancel, borrow against, or pledge any insurance policy owned by me.

E. Trusts.

1. To make transfers to the TRUST at any time. It is my intent and instruction that all my property (except Individual Retirement Accounts, 401(k) accounts and other tax qualified retirement accounts) be titled in the name of the TRUST;

2. Nothing contained in this Power of Attorney shall authorize my Attorney-in-fact to modify or change the dispositive provisions of any revocable trust executed by me. It is my intent that my revocable trust shall only be modified or changed by me.

F. Personal Property.

1. To buy, sell, transfer, encumber and dispose of all personal property, tangible and intangible, and sign all necessary documents to accomplish the foregoing.

G. Tax Qualified Retirement Accounts

1. To exercise any authority granted in paragraphs B (Securities) or C (Cash, Accounts Receivable, Notes Receivable) above as to any asset held by any Individual Retirement Account, 401(K) Plan, other type of tax qualified retirement program or any type of deferred payment annuity ("qualified money") owned by me.

2. To authorize distributions from any Individual Retirement Account, 401(K) Plan, other type of tax qualified retirement program or any type of deferred payment annuity, as long as the authorized distribution is to me or for my benefit. This authorization shall not include the authority to change the beneficiary designation of any of the foregoing.

3. To select the method of calculating any Required Minimum Distribution for each and every Individual Retirement Account, 401(K) Plan, other type of tax qualified retirement program or any type of deferred payment annuity held for my benefit.

4. To rollover or transfer any qualified money to another custodian, broker, or institution; provided the successor or transferee account has the same beneficiary designation as the former or transferor qualified money account.
5. To convert any regular Individual Retirement Account owned by me to a Roth IRA.

6. To complete and execute any beneficiary designation for any new successor or transferee qualified money account, provided the beneficiary designation shall be identical to the beneficiary designation for the former or transferor qualified money account.

7. To split any regular IRA or Roth IRA owned by me into separate regular IRAs or Roth IRAs.

H. Business Interests

1. To operate and manage any sole proprietorship owned by me, to make any decision on my behalf as to any limited partnership, general partnership, limited liability company ownership interest I may own.

I. Qualified Disclaimers

1. To execute and file one or more Qualified Disclaimers as defined by I.R.C. §2518, disclaiming, refusing to accept and renouncing any interest in property, as my Attorney-in-fact deems appropriate, in my Attorney-in-fact's sole and absolute discretion.

J. Limited Gifts.

1. Attorney-in-fact may, but shall not be required to, make gifts to charities and persons as I might have been expected to make, based upon an established pattern of giving made by me.

2. Attorney-in-fact may, but shall not be required to, make gifts to one or more of my ancestors or descendants and the spouse of either in an amount not to exceed the annual exclusion from gifts specified in §2503(b) of the Internal Revenue Code of 1986.

3. The foregoing authority to make gifts shall include the authority to make gifts to Attorney-in-Fact and Attorney-in-Fact's spouse or descendants.

4. The foregoing authority to make gifts may be exercised in the sole discretion of my Attorney-in-Fact and my Attorney-in-Fact shall not be compelled to make any gifts to any person.

5. The foregoing authority to make gifts shall only exist if I have signed in the space immediately following.

[Signature]

JUDITH MILLER - Principal

8.31
IV. REPRESENTATION

Attorney-in-fact is expressly authorized:

A. To sue any person on my behalf;

B. To appear, answer, defend, settle and compromise all legal actions which shall be commenced against me as my Attorney-in-fact deems proper;

C. To prepare, sign or file tax returns in my behalf;

D. To access safety deposit boxes held in my name individually or as a joint tenant with another;

E. To obtain, retain or provide any accounting, medical, legal, financial, employment or other records of mine as my Attorney-in-fact deems proper;

F. To obtain, retain or provide any information from or to the United States Social Security Administration, the United States Department of Veterans Affairs, the State of Oklahoma Department of Human Services, or any similar Federal or State agency;

G. To make any decision relative to any of my benefits or rights under Federal or Oklahoma law as my Attorney-in-fact deems proper.

H. To make any decision as to any employment benefit to which I may be entitled, including but not limited to: my employer provided health insurance, right to retire, right to claim disability, right to claim hardship, the right to elect COBRA coverage.

V. HEALTH CARE DECISIONS

My HEALTH CARE PROXY is expressly authorized to make any medical or health care decision on my behalf as my health care proxy deems proper.

My Attorney-in-fact and my Health Care Proxy both are specifically authorized to receive confidential Protected Health Information ("PHI") concerning me in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). I specifically agree for myself, my successors and personal representatives that my Attorney-in-fact and my Health Care Proxy both may have or obtain access to my PHI including, but not limited to, individually identifiable health information.
VI. NO LIMITATION

The enumeration of specific items or powers is not intended to and does not limit or restrict the general powers granted to my Attorney-in-fact except as expressly stated herein.

VII. RATIFICATION

I HEREBY GIVE to my Attorney-in-fact power and authority to do and perform for me and in my name all those things which my Attorney-in-fact deems expedient and proper concerning the authority granted herein as fully as I could do if personally present. I hereby ratify and confirm whatever my Attorney-in-fact shall do or cause to be done concerning the authority granted herein.

VIII. OPERATIVE PROVISION

This instrument is a durable power of attorney. The rights, powers, and authority of my Attorney-in-fact shall commence on the date of execution of this instrument, and shall remain in full force and effect for the remainder of my natural life or until such earlier time as I give notice in writing that this power is terminated. I declare that this instrument is not executed in anticipation of physical or mental infirmities; however, in the event I am at any time incompetent, incapacitated or unable to act on my own behalf because of any physical or mental infirmity, or for any other reason, then the rights, powers and authority of my Attorney-in-fact shall continue in full force and effect and shall not lapse by reason of my incompetency or incapacity, nor shall such rights, powers and authority lapse by reason of the appointment of a guardian or conservator of my person and property. THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY SUBSEQUENT DISABILITY OR INCAPACITY OF THE PRINCIPAL, OR LAPSE OF TIME.

IX. RELEASE AND INDEMNIFICATION AGREEMENT FOR THIRD PARTIES

In order to induce any third party to rely upon this Durable Power of Attorney, the undersigned principal hereby agrees that any third party receiving a duly executed copy or facsimile of this instrument may act in reliance upon this instrument, and that revocation or termination of this Durable Power of Attorney shall be ineffective to that third party unless and until actual notice or knowledge of revocation or termination of this Durable Power of Attorney is received by the third party. The undersigned Principal, for Principal and the Principal's heirs, executors, legal representatives and assigns hereby agrees to indemnify and hold harmless any third party against any and all claims that may arise against that third party by reason of the third party acting in reliance upon this instrument.
X. NOMINATION OF GUARDIAN

Guardian of My Person

I, the above named Principal, being of sound mind and not acting under any duress, menace, fraud or other undue influence, do hereby nominate HEALTH CARE PROXY to serve as the co-guardians of my person in the event I become partially or fully incapacitated after the date of this instrument. Any co-guardian may act independently on my behalf without the necessity of consent or joinder by the other co-guardians.

Guardian of My Property

I, the above named Principal, being of sound mind and not acting under any duress, menace, fraud or other undue influence, do hereby nominate TRUSTEE to serve as the guardian of my property in the event I become partially or fully incapacitated after the date of this instrument.

XI. REVOCA TION OF PRIOR POWER OF ATTORNEY

THIS POWER OF ATTORNEY REVOKES AND REPLACES ANY PREVIOUSLY EXECUTED POWER OF ATTORNEY.

IN WITNESS WHEREOF, I have signed my name on SEPTEMBER 19, 2018.

JUDITH MILLER - Principal

The Principal is personally known to me and I believe the Principal to be of sound mind. I am eighteen (18) years of age or older. I am not related to the Principal by blood or marriage, or related to the Attorney-in-fact by blood or marriage. The Principal has declared to me that this instrument is the Principal’s power of attorney granting to the named Attorney-in-fact the power and authority specified herein, and that the Principal has willingly made and executed it as the Principal’s free and voluntary act for the purposes herein expressed.

Witness

Witness
STATE OF OKLAHOMA 
COUNTY OF TULSA 
Before me, the undersigned authority, on SEPTEMBER 19, 2018, personally appeared JUDITH MILLER, Principal, TED M. RISELING and PATRICIA RISELING, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the Principal declared to me and to the witnesses in my presence that this instrument is the Principal's Durable Power of Attorney and Nomination of Guardian, and that the Principal had willingly made and executed it as the free act and deed of the Principal for the purposes therein expressed, and the witnesses, declared to me that they were each eighteen (18) years of age or over, and that neither of them is related to the Principal by blood or marriage, or related to the Attorney-in-fact by blood or marriage.

My Commission Expires:

Notary Public

GENERAL INFORMATION REGARDING THIS DURABLE POWER OF ATTORNEY

This Durable Power of Attorney has been prepared in accordance with the statutes of the State of Oklahoma. A Durable Power of Attorney is recognized under the laws of all 50 states and Washington, D.C. Some states may require the recordation of this Durable Power of Attorney in order for it to be effective relative to real estate transactions. No attempt has been made to determine the legality of this Durable Power of Attorney in all states, but it may satisfy the basic legal requirements in most states. If you move to another state, you should have this Power of Attorney reviewed by an attorney in that state who can tell you whether any modification or changes need to be made.
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 8316
CZM: 52
CD: 8
A-P#: 

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Jenifer Korte

ACTION REQUESTED: Special Exception to permit a bar on a lot within 150 ft of an R-zoned lot (Sec. 15.020-G). 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).

LOCATION: 8101 S HARVARD AV E (overall parcel); 8281 S. Harvard Ave. (tenant space)

ZONED: PUD-163 (CS,RS-2,OL)

PRESENT USE: Commercial

LEGAL DESCRIPTION: PRT LT 1 BEG SWC TH N550.10 E5 N215 E5 N145 NE28.34 E40 N10 E224.31 S170 W35.81 S185.56 E241.5 S606.86 NW CRV LF 35.41 W464.65 POB BLK 1, FOREST CREEK CENTER

TRACTION SIZE: 391680.06 SQ FT

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Property: None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: 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.
ANALYSIS OF SURROUNDING AREA: The large PUD zoned (PUD-168) subject tract abuts RS-2 zoned lots to the east and south; S. Harvard is immediately to the west; E. 81st St. S. is to the north.

STAFF COMMENTS:
The subject site is located within a large PUD (PUD-168) zoned commercial center. There is a separate applicant (BOA-22543) on today's agenda, 12/11/18, requesting a spacing verification for a bar within the same commercial center and on the same lot. However, as shown on the exhibits they do not appear to be within 300 ft. of each other.

A bar is permitted in the development standards of PUD-168 – subject to complying with the spacing requirements provided in Sections 15.020-G and 40.050-A of the Code. The Code provides the following spacing requirements for a bar:

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

2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.

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

The public entrance door of the bar appears to be 50 ft. from the R zoned district to the east of the site, which meets the stated spacing requirement in Section 40.050-A. The applicant has requested a special exception as Section 15.020-G of Code requires special exception approval for a bar if intoxicating beverages or low-point beer are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Attached is a map indicating a spacing radius of 300 ft. from the perimeter walls of the proposed bar. The attached exhibit from the applicant list uses within the 300 ft. spacing radius. There do not appear to be any bars, public parks, churches, schools, or sexually oriented business establishments within 300 ft. of the proposed bar.
Sample Motions:

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

Move to ________ (approve/deny) a Special Exception to allow a bar within 150 feet of an R-zoned district (Section 15.020-G);

- 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.
Note: Graphic overlays may not precisely align with physical features on the ground.
Verification of Spacing Requirement for Porron
Located within The Market
8281 South Harvard Ave.
Tulsa, OK 74137
October 27, 2018
Application No: C00-014196-2018

To Whom it Concerns,
Porron, LLC, if approved, will be housed within a 35,000 square feet retail business and will only occupy approximately 340 square feet. The Market is a higher end home décor and clothing retail space. The Market has been an outstanding addition to Tulsa for over 12 years. Porron, LLC will serve as a lounge for patrons of The Market who choose to relax with a plastic cup of wine or a can of beer. The space will have seating for approximately 14. No additional music will be played, only the normal music that The Market provides, thus no loud music will occur. The hours of operation will be from 11 am to 7 pm, Monday thru Saturday.

Review Comments Response

1. Sec. 40-050-A
   a. The public entrance doors are not located within 50 feet of any R zoned lot.
   b. The lounge is not located within 300 feet of a public park, school or religious organization.
   c. The lounge is not located within 300 feet of any other bar or sexually oriented business.

2. Sec. 40.050 B
   a. There will not be any outdoor seating.
   b. No loud music will be played.

3. Sec. 40.050 C
   a. Fencing and landscaping separate the building from residential areas. The building is barely within the 150 feet requirement from residential areas if you measure from the outside of the facility. If measured from the proposed location of Porron, LLC it would not encroach on any residential areas.

4. Sec 15.020-G
   a. The shopping center has fencing and landscaping to separate the building from residential areas.

Sincerely,
Jenifer Korte
Sole Owner of Porron, LLC
Allstate Insurance - Mike Stickney
Berkshire Hathaway Home Services - Anderson Properties
BodMD - Dr. James Meehan
California Nails
ChrisFIT Fitness
Devise Salon
El Guapo's Mexican Cantina
Karen's Canine Care
Kicks for Kids
Kiss Me Kwik Cafe - located inside The Market
Matters Of Design (opening soon)
The Mall Box
Pizza Hut Delivery
Ron's Hamburgers & Chili
State Farm - John Ramsey
Title Boxing Club
Tulsa Dance
UBuildIt
Wigs & More

exquisite home décor • designer row
current fashion • inspiring art • local artists
Kiss Me Kwik Cafe • seminars and events

The Market has all the fall décor needed to make your home warm and inviting

enjoy a day at...

Located at 81st & Harvard
8281 south harvard avenue | tulsa, ok | 918-492-3500
REDISCOVER Walnut Creek Shopping Center

Allstate Insurance - Mike Stickney
Berkshire Hathaway Home Services - Anderson Properties
BodMD - Dr. James Meehan
California Nails
ChrisFIT Fitness
Device Salon
El Guapo's Mexican Cantina
Karen's Canine Care
Kicks for Kids
Kiss Me Kwik Cafe - located inside The Market
Matters Of Design (opening soon)
The Mall Box
Pizza Hut Delivery
Ron's Hamburgers & Chili
State Farm-John Ramsey
Title Boxing Club
Tulsa Dance
UBuildIt
Wigs & More

exquisite home décor • designer row
current fashion • inspiring art • local artists
Kiss Me Kwik Cafe • seminars and events

The Market has all the fall décor needed to make your home warm and inviting

enjoy a day at...

The MARKET

Located at 81st & Harvard
8291 south harvard avenue • tulsa, ok • 918-482-3500
APPLICATION NO: COO-014196-2018
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 8281 S Harvard Ave
Description: Bar

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS 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.

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., 6th FL, TULSA, OK, 74103, PHONE (918) 594-7526.

3. A COPY OF A "RECORD SEARCH" [X 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)
Note: Please direct all questions concerning special exceptions, spacing verification and all questions regarding BOA application forms and fees to an INCOG representative at 584-7529. 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 review.

1. Sec.40.050-A: You are proposing bar which is subject to all of the following separation distance requirements:

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

2. Bars may not be located within 300 feet of a public park, school or religious as-assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.

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

4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.

5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

Review comment: Submit a copy of the spacing verification that has been reviewed and accepted by the BOA.

2. Sec.40.050-B: Bars must be located within completely enclosed buildings, except that outdoor customer seating/dining areas, including rooftop seating, are allowed subject to the following regulations:

1. Outdoor customer seating/dining areas are subject to all applicable building setback requirements and must abut the building wall or roof area of the principal building;

2. Outdoor customer seating/dining areas may not occupy required parking spaces or parking area access aisles; and

3. When a bar is located on a lot abutting an R-zoned lot, noise emanating from any on-site equipment or activity, including outdoor customer seating/dining areas may not exceed 65 dB(A), as measured along the common lot line at the top of the required screening wall or fence.
3. Sec.40.050-C When a bar 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: If the proposed bar is located on a lot abutting an R-zoned lot, provide a screening wall or fence along the common lot line in accordance with the F1 screening fence or wall standards of Sec.65.060-C2.

4. Sec.15.020-G [2]: Special exception approval is required if intoxicating beverages or low-point beer are sold or served and on a lot that is within 150 feet of any residential zoning district other than R-zoned street right-of-way.

Review comment: If the proposed bar is located on a lot that is within 150 feet of a residential zoning district. Submit a copy of the Special Exception, reviewed and approved per Sec.70.120, to permit a bar on a lot within 150 feet of a residential zoning district.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

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.
STAFF REQUESTS A CONTINUANCE TO JANUARY 8, 2019 TO ALLOW TIME TO RECEIVE MORE INFORMATION FROM THE APPLICANT
Case Number: BOA-22547

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Drew Baker

ACTION REQUESTED: Variance of the required rear setback in an RS-2 District (Sec. 5.030-A).

LOCATION: 105 E 26 PL S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 10123.39 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 14, RIVERSIDE DRIVE ADDN THIRD AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property:
None.

Surrounding Property:

- BOA-22455: on 6.26.18, the Board approved a variance to reduce the minimum required front street setback from 30 feet to 25 feet, per conceptual plan and conditions. Located; west of the subject site.

- BOA-21970: on 10.27.15, the Board approved a variance to permit an underground detached accessory building in the required front yard; a variance to reduce the required front yard from 30 feet to 0 feet to permit an addition to the existing garage in an RS-2 district. Located; north of the subject site.

- BOA-21178: on 11.23.13, the Board approved a minor special exception to reduce the required front yard in the RS-2 district from 30 feet to 25 feet, per conceptual plan. Located; northwest of the subject site.

- BOA-20111: on 9.13.05, the Board denied a variance of the rear yard setback from 25 feet to 15 feet for the construction of a new dwelling. Located; west of the subject site.

- BOA-15205: on 7.20.89, the Board approved a variance of the required side yard setback from 10 feet to 8 feet and of the required rear yard setback from 25 feet to 5 feet to allow for proposed dwelling, per plot plan. Located; east of the subject site.

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

REVISED 12/4/2018
The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

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

**STAFF COMMENTS:**
The applicant is proposing to construct an outdoor covered patio/cabana to the rear (north) of the existing house on the site. As shown on the attached exhibits, the proposed addition will be 8'-6" from the rear lot line at the closest point. The required rear setback is 25' so a variance would be required to reduce the required setback to 16' 6" in order to permit the proposed structures.

The applicant is requesting a **Variance** of the required 25' rear setback in the RS-2 district on the north property line to permit construction of the outdoor covered patio/cabana as proposed on the attached site plan.

**Sample Motion**

Move to _________ (approve/deny) a Variance of the rear setback requirement in an RS-2 district (Section 5.030-A).

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

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

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

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;"
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
BOA-22547

Subject Tract

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

Aerial Photo Date: February 2018
Looking east – towards the rear of the subject site – on S. Boston Ave.

Looking east – towards the rear of the subject site – on S. Boston Ave.
Looking north – towards the front of the subject site – on E. 26th Pl. S.
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 Special Exception 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

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

Presentation:
Thea and Laquinnia Lawson, 1 East 26th 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 26th 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 26th 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.
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 26th 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 current 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 26th 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 1.5 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 Variance to reduce minimum required front street setback from 30 feet to 25 feet along East 26th 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 26th 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 Egin 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.
Mr. Henke asked if there was a representative from the City present. No one came forward.

Mr. Van De Wiele asked staff if they knew what was happening with the property. Ms. Moye stated that the last time she spoke with the applicant he stated that he was waiting for information from the City and there was no further contact from the applicant.

Mr. Henke stated that the does not like to keep requesting Mr. Tucker to continue to make appearances.

Mr. Van De Wiele stated that he would like it be known to Mr. Rosenbaum that the Board will act on this at the next meeting.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-1 (Henke, Flanagan, Van De Wiele, White “aye”; no “nays”; Snyder “abstaining”; none absent) to CONTINUE the request for a Variance of all Bulk and Area Requirements in the RS-1 District to permit a lot-split (Section 403, Table 3) to the Board of Adjustment meeting on November 10, 2015; for the following property:

LT 10 BK 25, Ranch Acres Blocks 19-25, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

UNFINISHED BUSINESS

21970—Jeremy Perkins

Action Requested:
Variance to permit an underground detached accessory building in the required front yard (Section 402.B.1.b); Variance to reduce the required front yard from 30 feet to 0 feet to permit an addition to the existing garage in the RS-2 District (Section 403.A, Table 3). LOCATION: 109 East 26th Street South (CD 4)

Presentation:
Jeremy Perkins, 2200 South Utica Place, Suite #218, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board has received elevations for the subject property and they look great.
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 5-0-0 (Henke, Flanagan, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Variance to permit an underground detached accessory building in the required front yard (Section 402.B.1.b); Variance to reduce the required front yard from 30 feet to 0 feet to permit an addition to the existing garage in the RS-2 District (Section 403.A, Table 3), subject to the conceptual plans submitted today, October 27, 2015. The Board has found that the garage is in need of replacement due to deterioration of the existing garage, and the other changes to the property to be necessary for safety concerns with the existing stairwell. The Board has found that the front face of the garage to be generally in line with the existing construction. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, for the following property:

E 12.67' LT 7 ALL LT 8, BLK 11, RIVERSIDE DRIVE ADDN THIRD AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW APPLICATIONS

21973—Darwin Olson

Action Requested:
Variance to increase the maximum permitted floor area of a detached accessory building to 1,279 square feet (Section 402.B.1.d); Variance to increase the nonconformity of a structure (Section 1405.A); Variance to permit a two-story detached accessory building; Variance to exceed 18 feet in height and 10 feet at the top of the top plate; Variance to exceed 30% of coverage in the rear yard area (Section 210.B.5). LOCATION: 1545 South Yorktown Place East (CD 4)
made during the due diligence period of a contract for sale of real estate. One of the requirements of the buyer was that the seller, represented by Dick Alaback, file for a variance for the building setback. The building has since transferred ownership; the warranty deed has been filed of record.

**Interested Parties:**
No interested parties were present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to APPROVE the Variance of the building setback from a non-arterial street (East 67th Street) to permit an existing building in a CS district (Section 703); finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to the as-built diagram shown on page 10.6; for the following property:

**LT 1 LESS BEG NEC LT 1 TH S20 NW28:28 E20 POB BLK 2, SOUTHERN CROSS ADDN B1, SOUTHERN CROSS ADDN B2-3**

**Case No. 21178-Timothy J. Pooler**

**Action Requested:**
Minor Special Exception to reduce the required front yard in the RS-2 district from 30 ft. to 25 ft. (Section 403.7). Location: 32 East 26th Street South

Mr. White recused himself at 2:40 P.M.

**Presentation:**
Brady Whitaker, Whitaker Architects, PC, 16 West 2nd Street, Sand Springs, OK, stated he is the architect on the project for Mr. Pooler. Mr. Pooler wants to build an English Tudor home that will fit into the neighborhood. Mr. Pooler had the home designed to respect the architectural character of the neighborhood, so the garage is in
the rear of the home so as not to show the garage from the street view as much as possible. The owner would also like to have a private pool in the rear yard, and to create privacy a courtyard is needed.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of STEAD, the Board voted 3-0-0 (Stead, Tidwell, Van De Wiele, "aye"; no "nays"; no "abstentions") to APPROVE the Minor Special Exception to reduce the required front yard in the RS-2 district from 30 ft. to 25 ft. (Section 403.7). It is noted that this lot is only 75 feet wide; 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, subject to conceptual plan on page 11.6 as to the footprint of the house; for the following property:

LT 1 BLK 13, RIVERSIDE DRIVE ADDN THIRD AMD

Mr. White reentered the room at 2:47 P.M.

********

Case No. 21148-Curtis Connors

CONTINUED from the beginning of the meeting.

**Presentation:**
Applicant has not shown.

**Board Action:**
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to CONTINUE this matter to the meeting of January 11, 2011; for the following property:

S990 W/2 SW NE & A TRACT BEG SECR SE NE TH N593.27 SW148.53 SW88.57 SW63.06 SW161.24 SW46.16 SW877.56 S405.06 E1322.31 POB LESS BEG SECR
Board Action:
On Motion of Henke, the Board voted 3-1-0 (Stephens, Henke, Stead "aye"; Dunham "nay", no "absentions", no "abstentions") 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 71st and Yale project, and the Highway 75 - 71st Street OCOT 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:


***********

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 26th 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 cut 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 26th 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, 2250 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 1202.5. -- Use Unit 2, located: 4909 East 41st Street South.

Presentation:
Kelly Jones, 8998 South Sheridan, submitted a copy of the building permit (Exhibit D-1).
**Case No. 15205**

**Action Requested:**
Variances - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required side yard setback from 10' to 8', and of the required rear yard setback from 25' to 5' to allow for a proposed dwelling, located 125 East 25th Place.

**Presentation:**
The applicant, Pat Fox, 2250 East 73rd Street, Tulsa, Oklahoma, submitted a site plan (Exhibit F-1), and stated that he is representing the owner of the property in question. He informed that a new house is proposed for the lot, which abuts a small 2' portion of land to the east, plus a 20' by 20' area in the northeast corner, both of which are owned by Oklahoma Natural Gas Company (ONG). It was also noted that a small stucco building is located on the ONG property. Mr. Fox stated that he is requesting a variance of the required setbacks at the two points where the proposed residence will abut the ONG property in the northeast corner and to the east.

**Comments and Questions:**
Mr. Bozle inquired as to the use of the small building owned by ONG, and the applicant replied that a pressure valve is enclosed in the building. Mr. Fox informed that the stucco structure has been constructed in the approximate center of the 20' by 20' square of land. Mr. Bozle asked if the back of the new dwelling will be approximately 10' to 12' from the ONG building, and Mr. Fox answered in the affirmative.

**Protestants:** None.

**Board Action:**
On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Bozle, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required side yard setback from 10' to 8', and of the required rear yard setback from 25' to 5' to allow for a proposed dwelling; per plot plan submitted; finding that a 2' strip along the abutting east boundary and the 20' by 20' plot (with stucco) in the northeast corner are owned and used by ONG; and that the granting of the variance request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code; on the following described property:

The west 30' of the north 20', and the west 48' of the south 120' of Lot 10, and the east 15' of Lot 14, Block 14, in Amended Plat of Riverside Drive Addition, City of Tulsa, Tulsa County, Oklahoma.
MORTGAGE INSPECTION REPORT

CLIENT:  FIRST TITLE & ABSTRACT SERVICES, LLC
ADDRESS:  FIDELITY NATIONAL TITLE INSURANCE COMPANY
118501

LEGEND:
1 - BUILDING LINES SHOWN PER RS-2 ZONING.

THE FOLLOWING RECORDED DOCUMENTS DO NOT AFFECT THIS PROPERTY:
13. DEED OF RESTRICTIVE COVENANTS RECORDED AS DOCUMENT NO. 201202363.
14. AMENDMENT TO RESTRICTIVE COVENANTS RECORDED AS DOCUMENT NO. 201110942.

THE FOLLOWING RECORDED DOCUMENTS CONSTITUTE RECORDED INFORMATION TO ASCERTAIN ANY THE SUBJECT PROPERTY:
1. AMENDMENT TO RESTRICTIVE COVENANTS RECORDED AS DOCUMENT NO. 201202363.
2. DEED RECORDED IN BOOK 80 PAGE 281.

LEGAL DESCRIPTION AS PROVIDED:
LOT EIGHT (8), BLOCK FOURTEEN (14), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO TULSA TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 597, AND KNOWN AS 165 EAST 26TH PLACE.

SURVEYOR'S STATEMENT  BOA-22547  11.20
APPLICATION NO: BLDR-15848-2018 [PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE]
Project Location: 105 E 26 PL S
Description: Attach Cabana to House

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

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

3. A COPY OF A "RECORD SEARCH" IS 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.: BLDR-15846-2018**

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, or an administrative official decision, Master Plan Development Districts (MPD), Planned Unit Developments (PUD), Corridor (CC) zoned districts, zoning changes, plating, 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.

<table>
<thead>
<tr>
<th>Section 5.030-A</th>
<th>In the RS-2 zoned district the minimum rear yard setback shall be 25 feet from the rear property line.</th>
</tr>
</thead>
</table>

**Review Comments:** Revise your plans to indicate a 25' rear setback to the property line, or apply to INCOG for a variance to allow less than a 25' rear setback.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plan Examiner By Email When You Have Submitted A Revision.

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**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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9213
CZM: 36
CD: 4
A-P#:  

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Kurt Barron

ACTION REQUESTED: Variance of the street (front) setback requirement in an RS-2 district to permit the expansion of a house (Sec. 5.030-A)

LOCATION: 1261 E 25 ST S

ZONED: RS-2

PRESENT USE: residential

TRACT SIZE: 31324.12 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 1, SUNSET TERRACE

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-15056: on 2.02.89, The Board approved, per plans, a variance of setback from 25th Street South from 30' to 25' to allow for an existing dwelling in a RS-2 zoned district. Located at the northeast corner of South Peoria Avenue and 25th Street.

Surrounding Property:
BOA-15125: on 5.04.89, The Board approved, per plans, a variance of setback from the centerline of Owasso Place from 55' to 49' to allow for an addition to an existing dwelling in a RS-2 zoned district. Located at the northeast corner of Owasso Place and East 25th Street.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: 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 abuts RS-2 zoned single-family residences on all sides. The lot is situated on a corner with South Peoria Avenue to the east and East 25th Street South to the south.

STAFF COMMENTS:

The applicant has requested a Variance to reduce the required front street building setback to be less than 30' on an RS-2 zoned lot (Section 5.030-A). Per the Code, in an RS-2 zoned district the minimum front setback shall be 30' from the front property line.

The applicant is proposing a one story addition above grade and a wine cellar installation underground. Setback requirements do not apply to portions of the structure located underground.

The proposed one story addition above grade would encroach 8' 2" into the required front yard setback measured from the property line adjacent to East 25th Street South. The addition is labeled with the number 1 on the attached site plan.

The applicant is requesting a Variance to reduce the front street setback from 30' to 21'-10" along E. 25th St S. (Sec. 5.030-A). The Code states that, for detached houses on corner lots, the minimum side street setback along a non-arterial may be reduced to 15 feet provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater (5.030-B.3). Based on the submitted plan, E. 25th St S. is indicated as the front setback. The Major Street and Highway Plan considers this a non-arterial street, and would therefore be required by code to maintain a building setback of 30 feet in an RS-2 zoned district (Sec.5.030-A).

Sample Motion

Move to _________ (approve/deny) a Variance of the street (front) setback requirement from 30' to 21'-10" in an RS-2 district to permit the expansion of a house (Sec. 5.030-A).

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Case No. 15058 (continued)

Mr. Quarles asked if the facility has been donated to the baseball organization, and the applicant replied that they are leasing the property. She pointed out that there are various athletic fields in the City that do not have hard surface parking lots.

Mr. Gardner advised that this type of use could be determined to be temporary instead of permanent.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to APPROVE a Variance (Section 1340.3) - Design Standards for Off-Street Parking - Use Unit 1220 of the required all-weather surface to allow for a temporary gravel parking lot for the existing baseball fields; per plot plan previously submitted; finding that the land is IL zoned property, is leased and used only three months out of the year; on the following described property:

Lot 1 of Block 1, the vacated portion of South 119th East Avenue right-of-way from East 51st Street South, south to the north line of Reserve A and Lots 1, 2, 3 and 4 of Block 2 of the Metro Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15123

Action Requested:
Variances - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of South Owasso Place from 55' to 49' to allow for an addition to an existing dwelling, located NE/c Owasso Place and 25th Street.

Presentation:
The applicant, Fox Architects, 2250 East 73rd, Suite 300, Tulsa, Oklahoma, was represented by Pat Fox, who stated that the owner of the subject property is renovating an existing dwelling. He explained that the house was constructed in the 1920's and currently encroaches into the Owasso Place setback. It was noted that a veranda will be added to the front portion of the dwelling, which will make the appearance more consistent with the neighborhood. Mr. Fox informed that the veranda will extend approximately 4' beyond the existing building, with a total encroachment of 6'. A plot plan (Exhibit A-1) was submitted.

Protestants: None.
Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White "absent") to APPROVE a Variance (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1208) of setback from the centerline of South Owasso Place from 55' to 49' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the structure was constructed in the early 1900's at a setback that does not comply with the present Code requirement; on the following described property:

Lot 4 in Block 1 of Sunset Terrace Addition a subdivision of part of Section 18, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, and a tract of land, containing 705 sq ft that is part of Lot 5 in Block 1 of Sunset Terrace Addition, a subdivision of part of Section 13, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Beginning at a point that is the SE/c of said Lot 5; thence due west along the southerly line of Lot 5 for 136.05' to the SW/c of Lot 5; thence N 4°20'10" E for 0.00' to a point of curve; thence northeasterly along the westerly line of Lot 5 on a curve to the right, with a central angle of 0°15'59" and a radius of 1100.00', for 5.43'; thence S 85°45'17" E for 137.63' to a point on the Easterly line of Lot 5; thence due south along said easterly line for 4.82' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15124

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-1 zoned district.

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time requirement from one year to permanently, located 8901 South 33rd West Avenue.

Presentation:

The applicant, B. G. Syndergard, 8901 South 33rd West Avenue, Tulsa, Oklahoma, explained that he has replaced a small mobile home with a larger unit, and asked the Board to allow the mobile to remain on his property.

Comments and Questions:

Mr. Chappelle remarked that the Department of Stormwater Management (DSM) has denied a request for a Watershed Development Permit on the subject tract. A DSM Review was submitted (Exhibit B-2).
Case No. 15052 (continued)

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Queries "absent") to APPROVE a Variance (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 41st Street from 85' to 13.9' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the proposed addition will align with the existing portion of the house, and the granting of the request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code; on the following described property:

Part of the E/2, NE/4, NW/4 of Section 29, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at the NW/c of said E/2, NE/4, NW/4 of said Section 29; thence east along the north section line a distance of 25' for the place of beginning; thence south and parallel to the west line of said E/2, NE/4, NW/4 a distance of 250'; thence east and parallel to the north section line a distance of 150'; thence north and parallel to the west line of said E/2, NE/4, NW/4 a distance of 250'; thence west along the north section line a distance of 150' to the Point of Beginning; LESS AND EXCEPT the following described tract, to-wit:

Commencing at a point on the north line of said E/2, NE/4, NW/4, 25.0' east of the NW/c thereof; thence south 160.0' to the Point of Beginning; thence east 145.0'; thence south 90.0'; thence west 145.0'; thence north 90.0' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15056

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from 25th Street from 30' to 25' to allow for an existing dwelling, located NW/c 25th Street and South Pearls Avenue.

Presentation:

The applicant, Ronald K. Spencer, 8406 South Gary Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that the corner of the existing house is encroaching 4.2' into the required street setback. Mr. Spencer informed that the house is irregular in shape and the corner extends into the setback on 25th Street.
Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quaries "absent") to APPROVE a Variance (Section 450.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of setback from 25th Street from 30' to 25' (55' to 50' from the centerline of 25th Street) to allow for an existing dwelling; per plot plan submitted; on the following described property:

Lot 3, Block 1, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15048

Action Requested:
Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request a special exception for a home occupation to allow an insurance office, located 3230 East 31st Street.

Presentation:
The applicant, Dick Beattie, 3230 East 31st Street, Tulsa, Oklahoma, stated that his home is surrounded by business uses. It was noted that a two-story office building is located across the street from his residence, and a dentist office is in operation to the east. He pointed out that he has conducted an insurance business from his home for approximately 27 years, and since 99 percent of the business is conducted by mail or telephone, he rarely has more than two clients per month coming to the office. Mr. Beattie pointed out that, due to the location of his home, individuals coming to his property are not visible to those residents living in the neighborhood. He asked the Board to allow the continued operation of the insurance business at the above stated location.

Comments and Questions:
Ms. Bradley remarked that there were four cars and a truck parked at the residence when she viewed the property, and asked the applicant to state the number of people in his family. Mr. Beattie stated that only he and his wife live in the home, and explained that several cars are parked on the property because he recently had the opportunity to purchase the entire stock of vehicles from a car sales lot. He pointed out that the lot had to be cleared immediately, so he parked them at his residence temporarily.

In response to Ms. Bradley, the applicant stated that the cars have been on his property since July of 1986. Mr. Beattie noted that the cars will all be sold as soon as possible.

2.02.89:532(6)
Looking north—on E. 25th St. S.—towards the subject site.

Looking northwest—on E. 25th St. S.—towards the subject site.
Kurt Barron
Barron & McClary General Contractors

APPLICATION NO: BLDR-013072-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1261 E 25th St
Description: Addition

INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

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

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, phone (918) 596-9601.
The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

SUBMITTALS FAXED/EMAIL ED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

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

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST, 8TH FLOOR, TULSA, OK, 74103, PHONE (918) 594-7526.

3. A COPY OF A "RECORD SEARCH" 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. BLDR-013072-2018

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 decision by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

5.070-A: Setback(s) (Residential): In the RS-2 zoned district the minimum front setback shall be 30' from the front property line.

Review Comments: Revise your plans to indicate a 30' front setback to the property line, or apply to INCOG for a variance to allow less than a 30' front setback.

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision.

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.
LEGAL DESCRIPTION:
Lot 5, Block T, Sunset Terrace
Section 19, Township 13 Range 12
Parcel 2 41575-92.13-04630

AREAS:
LOT AREA: 3,125 sq ft
OPEN AREA: 24,185 sq ft
HORSE Paddocks
POOL EQUIP. BLDG.
FRONT DRIVE: 7,140 sq ft

1261 EAST 25th STREET SOUTH (50'RW)

FOLLOW ALL LOCAL, STATE, FEDERAL CODES & IRC 2015
BOA-2549
Case Number: BOA-2549

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Jason Gibson

ACTION REQUESTED: Special Exception to permit an office use in a RM-2 zoned district (Table 5-2); Variance of the screening requirements (sec 40.260-D, 65.060-C.2); Variance of the required 25' setback from an adjacent R-district for special exception uses (Table 5-3); Variance to reduce the required lot area and lot area per unit requirement. (Table 5-3)

LOCATION: 114 S TRENTON AVE  ZONED: RM-2

PRESENT USE: Vacant  TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 9 & LT 10 BLK 1, MIDWAY ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-21131; on 8.24.10, the Board approved a Variance of the building setback requirement from the centerline of E. 2nd St. from 50 ft. to 40 ft. (Section 903); a Variance of the setback for a parking area not in an R district but within 50 ft. of an R district from the centerline of abutting streets from 50 ft. to 35 ft.; a Special Exception to modify the screening requirements. Located; SW/c of E. 2nd St. & S. Trenton Ave.

BOA-20424; on 3.13.07, the Board approved a Special Exception to permit office use as a home occupation in an RM district. Located; 1540 E. 1st St.

BOA-17884; on 11.25.97, the Board approved a variance for minimum lot width from 60' to 25.5' (Tract A), 36.31' (Tract B), and 50' (Tract C); variance of minimum lot area of 6,000 SF to 2,550 SF (Tract A), 3,631 SF (Tract B), 3,725 SF (Tract C); a variance of the required side yard setback; a variance of the required front yard setback. Located; 1601 E. 2nd St.

Z-7358; on 9.21.16, the TMAPC approved a rezoning request from RM-2 to IL. Located; Multiple properties west of the southwest corner E. 1st St. and S. Utica Ave.

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

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 abuts IL zoned property to the north and south; RM-2 zoned lots to the east and west.

STAFF COMMENTS:
The applicant is before the Board requesting a special exception to allow a proposed office use on the subject site. Per the Code, a office use is by permitted by special exception only in the RM-2 district.

The applicant has stated that, "The 3 separate building alongs 2nd St. will be single story office units, more residential in scale, 600 sf each. The taller single building on the North end of the lot will be a shop or gallery spaces for artists with a 275 sf office in a loft above. Very much like the Santiago Painting building which is across 2nd street to the south. No residential component is being proposed."

In Section 40.260-B of the Code states that office uses in the RM-2 district must comply with the lot and building regulations of the OM district, except that no building occupied by office uses may exceed 35 feet in height. There is no minimum lot area requirement in an OM district. Further, the applicant stated that no residential component is being proposed and therefore the lot area per unit requirement would not be applicable. The applicant does not need the Variance to reduce the required lot area and lot area per unit requirement. (Table 5-3)

The existing lot is 7000.12 Sq. ft. For a office use in the RM-2 district the Code requires a lot area per unit of 12,000 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.

The proposed buildings are on an RM-2 zoned lot and the setback from the west RM-2 zoned lot line is 10'. 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).

Per Section 40.260-D, when an office 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 Section 65.060-C.2. The applicant is requesting a variance of the screening requirements (Sec.40.050-C; Sec.65.060-C.2).
Sample Motion

Move to _______ (approve/deny) a **Special Exception** to permit an office use in a RM-2 zoned district (Table 5-2); **Variance** of the screening requirements (sec 40.260-D, 65.060-C.2); **Variance** of the required 25' setback 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."
Case No. 21131-John Duvall

**Action Requested:**
Variance of the building setback requirement from the centerline of E. 2nd St. from 50 ft. to 40 ft. (Section 903); a Variance of the setback for a parking area not in an R district but within 50 ft. of an R district from the centerline of abutting streets from 50 ft. to 35 ft. (Section 1302.B); and a Special Exception to modify the screening requirement for a Use Unit 15 use from abutting R districts to the north and east (Section 212.C). Location: SW/4 of East 2nd Street and South Trenton Avenue

**Presentation:**
Heidi Sherrill, Duvall Architect, 1820 South Boulder Avenue, Tulsa, OK; represented Luis Santiago, the owner. The building will be a painting shop which will house painting equipment and products, and will have a storage/work room. The building will be serving two purposes; half of the building will be an office and shop for the painting services, and the other half will be a residence and offices. The majority of the painting will be offsite but there will be small millwork painting on site; primarily the business side will be storing the painting products and equipment.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
Ms. Stead stated if there were to be spray painting in the building the applicant would need to comply with the EPA standards. Mr. Cuthbertson stated that whether the room is a work room or a paint room the applicant will still need to submit building plans, and those plans will be scrutinized and made to meet building code requirements.

Ms. Stead asked whether the building was going to be a metal building; Ms. Sherrill stated it was going to be a combination layered look.

**Board Action:**
On MOTION of STEAD, the Board voted 5-0-0 (Henke, Stead, Tidwell, White, Van De Wiele, "aye"; no "nays"; no "abstentions") to APPROVE the Variance of the building setback requirement from the centerline of E. 2nd St. from 50 ft. to 40 ft. (Section 903); a Variance of the setback for a parking area not in an R district but within 50 ft. of an R district from the centerline of abutting streets from 50 ft. to 35 ft. (Section 1302.B); and a Special Exception to modify the screening requirement for a Use Unit 15 use from abutting R districts to the north and east (Section 212.C); the Board has found that the comprehensive plan identifies the subject property as part of an employment area and an area of growth. These employment areas contain office, warehousing, light manufacturing, and high tech uses such as information technology. The Board believes this facility will be in compliance with the comprehensive plan. Also, traditionally, the building patterns established in these older areas cover larger portions of narrow and smaller lots with buildings built up to the property line. The 2nd Street area has seen a variety of uses located in buildings that generally appear to be situated closer to the
street supporting a variance of the setback requirement. The Board sets the following conditions: the screening on the east side shall be a height of at least 3 ft. 6 in. in the parking area in order to shield car lights from the neighborhood; subject conceptual plan 7.7; the existing sidewalks on 2nd Street and on Trenton are to be maintained in smooth walking condition; and any lighting on the property shall be directed down and away from the residential area. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district, and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 1 BLK 4, LT 2 BLK 4, MIDWAY ADDN

********************

OTHER BUSINESS:
None.

NEW BUSINESS:
None.

BOARD MEMBER COMMENTS:
None.

There being no further business, the meeting adjourned at 3:50 p.m.

Date approved: 9/4/10

Chair

08/24/2010-1021 (14)
Case No. 20424

Action Requested:
Special Exception to permit office use as a home occupation in an RM district (Section 401), located: 1540 East 1st Street.

Presentation:
Ben Calicoat, 401 South Boston, Suite 1810, represented the applicant, Anoop Khanna. This is a continued case for response to questions by the Board. The applicant has moved back into the duplex. He has a contract to purchase the property. This is now his primary residence with a full bath and kitchen. The applicant removed the signage. They have paved the sidewalk in front of the house. He informed the Board there is a very rough type of paved parking area in the rear. The vending machines in the office work by selection without payment. Mr. Calicoat noted some beer that was left over from a previous business and he instructed Mr. Khanna not to sell it or any other items at this location. Mr. Khanna assured him that all he wants to do is cash checks.

Comments and Questions:
Mr. Calicoat responded to Mr. White that Mr. Khanna lives in one side of the duplex. Mr. Khanna is purchasing the entire property but he has not made his plans known for the other side of the duplex.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Stead, 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 office use as a home occupation in an RM district (Section 401), with the following conditions: the conditions cited in the agenda packet starting on page 3.2: In order to be considered for home occupation by special exception the applicant must comply with the following conditions: The home occupation must be accessory to the use of the dwelling unit as a residence; Only members of the family residing in the dwelling shall participate in the home occupation; Signs or displays, including signs exceeding two square feet on a vehicle, advertising the home occupation on the premises, which are visible from outside the lot are prohibited; The home occupation shall be conducted entirely within an enclosed principal residential structure or customary accessory building; Mechanical equipment which creates noise, dust, odor or electrical disturbance is prohibited; Exterior alterations of the structure which would detract from the residential character of the structure are prohibited; Outside storage or display of materials or items associated with the home occupation is prohibited; A maximum of 500 sq. ft. of floor area may be used in the home occupation; Vehicles used in conjunction with the home occupation shall be parked off the street, on the lot containing the home occupation, and shall be of a type customarily found in a residential area; in addition, no posting of sign or signs in surrounding property that
are in conflict with the above conditions: limited to check cashing; no alcoholic beverages or other drug sales; the sidewalk in front of the residence shall be maintained with concrete or asphalt; parking on property be on hard surfaces; 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:

W 10 LT 2 E 30 LT 3 BLK 1, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**********

NEW APPLICATIONS

Case No. 20436

Action Requested:
Variance to increase the allowable coverage of the required rear yard from 30 to 35 percent in the RS-3 district (Section 210.B.5.a); Variance of the maximum height of an accessory building in the required rear yard from 18 feet to 20 feet (Section 210.B.5.b); and a Variance to reduce the setback of an accessory building from 3 feet to 1 foot (Section 210.B.5.b), located: 2716 East 13th Street South.

Presentation:
Eric Gomez, 2716 East 13th Street, stated the existing garage is 18' x 18' and is not large enough to park two vehicles. The house is larger than most in the neighborhood. They proposed to move the location of the garage for easier access. They share a driveway to the east and they have paved a portion of it. A site plan and photographs were submitted (Exhibits B-1 and B-2). He pointed out this is not new to the character of the neighborhood.

Comments and Questions:
He responded to questions from the Board. The existing structure is 17 ft. in height. He wanted to use a 12' x 12' roof pitch to stay in character with the house and neighborhood. It will be a garage only and will not have living quarters. He proposed to construct dormers just for additional light. The plans were drawn with consideration for the situation of the house and patio. They needed a wider garage. Mr. White encourage him to obtain a mutual access service easement for the maintenance of the east exterior wall of the proposed structure.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Stead, to APPROVE a Variance to increase the allowable coverage of the required rear yard from 30 to 35 percent in the RS-3 district (Section 210.B.5.a); Variance of the maximum height of an accessory building in the
more provided, finding that the requirements for a variance in Sec. 1607.C have been met, on the following described property:

**Commonwealth Center, Block 1, Lot 1, AND W 150', E 300', S/2, Block 9, O'Connor Park, City of Tulsa, Tulsa County, Oklahoma.**

**Case No. 17884**

**Action Requested:**
Variances for minimum lot width from 60' to 25.5' Tract A; 36.31' Tract B and 50' Tract C; Variance of minimum lot area of 6,000 SF to 2,550 SF Tract A, 3,631 SF Tract B, 3,725 SF Tract C; Variance of the required side yard from 10' and 10' to .8' and 2' Tract A, 4.5' and 5.3' Tract B, 6.8' Tract C; Variance of the required front yard from 10' to 6' Tract A, 6.2' Tract B, in order to allow a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS,** located 1601 East 2nd Street.

**Presentation:**
The applicant, Linda J. Dick, represented by David Dick, 1601 East 2nd Street, submitted a site plan (Exhibit E-1) and stated that the subject property was built in 1920. He explained that he is not expanding the houses, but simply trying to define the property lines. He indicated that he is in the process of refinancing the homes and the requests are necessary.

**Board Action:**
On MOTION of TURNBO, the Board voted 5-0-0 (Belzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to APPROVE a Variance for minimum lot width from 60' to 25.5' Tract A; 36.31' Tract B and 50' Tract C; Variance of minimum lot area of 6,000 SF to 2,550 SF Tract A, 3,631 SF Tract B, 3,725 SF Tract C; Variance of the required side yard from 10' and 10' to .8' and 2' Tract A, 4.5' and 5.3' Tract B, 6.8' Tract C; and a Variance of the required front yard from 10' to 6' Tract A, 6.2' Tract B, in order to allow a lot split. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS,** per plan submitted; finding that subject property is an existing condition since 1920; finding that the requirements for a variance in Sec. 1607.C have been met, on the following described property:

Lot 13, W 38', N 61', E 12', N 49', Lot 14, Block 2, Midway Addition, City of Tulsa, Tulsa County, Oklahoma.
employment land use designation. The IL zoning request is consistent with that designation.

DETAILED STAFF RECOMMENDATION:

The rezoning request included in Z-7358 is consistent with the land use vision of the Tulsa Comprehensive Plan and the Pearl District 6th Street Infill Plan and:

IL zoning would provide a redevelopment opportunity that allows uses that are compatible with the existing surrounding properties and;

IL zoning is consistent with the anticipated future development of the surrounding property therefore;

Staff recommends Approval of Z-7358 to rezone property from RM-2 to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The IL zoning request is consistent with the Tulsa Comprehensive Plan and with the Pearl District 6th Street Infill plan.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: 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. 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.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics, but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: 1st Street is classified as a Commercial/CBD/Industrial Collector.

Trail System Master Plan Considerations:

Small Area Plan: Pearl District 6th Street infill plan

The Small Area plan identifies this area as a Manufacturing Warehousing area that includes industrial uses; assembly and distribution facilities. The task force generally suggested that the standards for design and development in this area remain unchanged. Business owners would be encouraged to upgrade facilities in step with other neighborhood improvements.

One important goal of the plan is to preserve and enhance the alleys that remain for utility corridors, service entrance and waste management access. This rezoning request does not affect the existing alley on the south end of the property.

(See Pearl District 6th Street Infill Plan General Urban Design Recommendations Map on following page)
16.2. General Urban Design Recommendations

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site was platted in the early development of Tulsa however all of those structures have been removed and the site is vacant. This strip of land is composed of several small lots that could easily be combined to create a larger light industrial development corridor that could significantly contribute to the future redevelopment of this area as anticipated in the comprehensive plan and small area plan.

Environmental Considerations: Redevelopment will uncover some remnants of the original structures however there are no known environmental considerations that would affect redevelopment of the site.

Streets:
**Exist. Access** | **MSHP Design** | **MSHP RMW** | **Exist. # Lanes**
--- | --- | --- | ---
East 1<sup>st</sup> Street | Commercial/CBD/Industrial Collector | 80 feet | 2 lanes east bound only. On-street parking along south curb
South Trenton Avenue | None | 50 feet | 2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>N/A</td>
<td>N/A</td>
<td>Highway 412 MLK JR. Expressway</td>
</tr>
<tr>
<td>East</td>
<td>IL</td>
<td>Employment</td>
<td>Growth</td>
<td>Vacant or light industrial uses</td>
</tr>
<tr>
<td>South</td>
<td>RM-2</td>
<td>Employment</td>
<td>Growth</td>
<td>Vacant or single family residential</td>
</tr>
<tr>
<td>West</td>
<td>IL</td>
<td>Employment</td>
<td>Growth</td>
<td>Vacant or light industrial uses</td>
</tr>
</tbody>
</table>

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

**Subject Property:**

No relevant history.

**Surrounding Property:**

**Z-5857 October 1983:** All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on Lots 4 and 7, Block 2, Midway Addition.

**Z-5819 June 1983:** All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on Lots 8-9, Block 2, Midway Addition.
There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

**TMAPC Action; 8 members present:**

On MOTION of MIDGET, TMAPC voted 8-0-0 (Covey, Dix, Midget, Millikin, Reeds, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Fretz, Willis "absent") to recommend **APPROVAL** of the rezoning from RM-2 to IL per staff recommendation.

Lots 1, 2, 3, 4, and the east 10 ft. of Lot 5, Block 1, and Lots 5, 6, 10, 11, and 12, Block 2, Midway Addn., an addition to the City of Tulsa, Tulsa County, State of Oklahoma

18 Z-7358 Plat Waiver, Location: West of South Utica Avenue, South of East 1st Street (CD 4) (Related to Z-7358)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning from RM-2 to IL.

Staff provides the following information from TAC for their September 1, 2016 meeting:

**ZONING:** TMAPC Staff: The property has been previously platted.

**STREETS:** A 25 foot corner radius or equivalent clip required on both sides at the intersection of Trenton and 1st Street. Sidewalks are required on all streets per subdivision regulations. Existing sidewalks that are non-ADA compliant will have to be replaced. Any gaps in existing sidewalks will need to be constructed per City of Tulsa standards.

**SEWER:** an 8 inch sanitary sewer main access is available.

**WATER:** No comment.

**STORMWATER:** No comment.

**FIRE:** No comment.

**UTILITIES:** No comment.

**GENERAL:** Legal description of the identified properties is incorrect. Since original plat, "Midway Addition" was recorded; other lot action has taken place to
Looking northwest– on S. Trenton– toward the subject site

Looking west– on S. Trenton– toward the subject site
Looking southwest— on S. Trenton— toward the subject site & corner of S. Trenton Ave. & E. 2nd St. S.
Hi Amy,

The 3 separate buildings along 2nd street will be single story office units, more residential in scale, 600 sf each. The taller single building on the North end of the lot will be shop or gallery spaces for artists with a 275 sf office in a loft above. Very much like the Santiago Painting building which is across 2nd street to the south. No residential component is being proposed.

The property owner also owns the lot to the west. We will consider alternative routes to handle the setback issue. We may even adjust our site plan to adhere to the requirements once the City responds with an LOD. I say this to explain that we will not need to include this into this application's scope.

Does that help?

On Wed, Nov 14, 2018 at 10:58 AM Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

After reviewing your application I am unclear on the project scope. Are you designating the 3 separate buildings along Second Street as vertical mixed-use buildings? Will the garage units have dwelling units on the second floor and are you designating them as one detached accessory building? Or will they be offices as well? Also, it does not appear that you meet the setback requirement for a special exception use in an RM-2 district from other R-zoned lots. Have you spoken with anyone from permitting? I just want to make sure you are requesting the correct relief from the Board.
<table>
<thead>
<tr>
<th>Property</th>
<th>Metal Roof Panel</th>
<th>Roof Insulation</th>
<th>Overhang Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,355 sf</td>
<td>22 sf</td>
<td>4235 sf</td>
<td>770 sf</td>
</tr>
</tbody>
</table>

**NOTE:**
- Metal Roof Panel - 22 sf
- Roof Insulation - 4235 sf
- Overhang Area - 770 sf
## GENERAL NOTES

### DESIGN PARAMETERS

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Concrete</td>
</tr>
<tr>
<td>Class</td>
<td>C30/37</td>
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<tr>
<td>reinforcement</td>
<td>Steel</td>
</tr>
</tbody>
</table>

### DIVISION 2 - CONCRETE

#### MATERIALS

<table>
<thead>
<tr>
<th>Material</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete</td>
<td>S001</td>
</tr>
</tbody>
</table>

#### GENERAL

- All dimensions are in millimeters unless otherwise specified.
- All materials must meet the latest industry standards.
- The project is subject to review and approval by the local government authorities.

### DIVISION 3 - PRE-ENGINEERED METAL BUILDING

#### SUBMISSIONS

- Submit drawings, specifications, and materials lists in triplicate.
- All materials must be delivered on site before construction begins.

---

**DRAWING:**
**DATE:** 11/04/2020
**ELE:** S001
**DESIGN:** STRUCTURAL
**ISSUE:** REV A

---

**POST PROPERTIES**
**NO. 2070**
**DRAWING NO.** 13.6
BOARD OF ADJUSTMENT
CASE REPORT

STR: 217  Case Number: BOA-22550
CZM: 29
CD: 1
A-P#:

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Tulsa Habitat for Humanity

ACTION REQUESTED: Variance to reduce the required minimum lot width (Sec. 5.030-A); Variance of the street setback requirement in an RM-1 District (Sec. 5.030-A)

LOCATION: 1231 N. Rockford Ave. E.  ZONED: RM-1

PRESENT USE: vacant  TRACT SIZE: 6076.64 SQ FT

LEGAL DESCRIPTION: LOT-14-BLK-1, WILDMAN'S ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:
BOA-20406; on 1.09.07, the Board approved a Variance of the rear yard requirement in an RM-1 district from 20 ft. to 10 ft. to permit an addition to an existing dwelling. Located, 1507 E. Newton St (north of the subject property).

RELATIONSHIP TO THE COMPREHENSIVE PLAN: 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 abutted by small RM-1 zoned lots to the north, south and east; large industrially zoned parcels are to the west of the subject tract.
STAFF COMMENTS:
For a detached house use in the RM-1 district the Code requires a minimum lot width of 50 ft. As shown on the attached site plan, the existing lot width is 45 ft. The applicant has requested a Variance to reduce the required minimum lot width from 50 ft. to 45 ft.

Section 5.030-A of the Code states that for detached houses on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 ft. As shown on the attached exhibit, the proposed side street setback along E. Newton St. is 10 ft. The applicant is requesting a Variance to reduce the side street setback from 15 ft. to 10 ft.

The applicant has provided the following hardship statement: “This lot was platted with a width that does not conform with development requirements in the current City of Tulsa Zoning Code (as listed in Section 5.030-A). Additionally, the lot’s corner configuration requires a side yard building setback from a street that is too restricting to build a typical-sized detached house on.”

Sample Motion

Move to _______ (approve/deny) Variance to reduce the required minimum lot width from 50 ft. to 45 ft. (Sec. 5.030-A); Variance of the street setback requirement from 15 ft. to 10 ft. in an RM-1 District (Sec. 5.030-A)

- Finding the hardship(s) to be ________________________________

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions _______________________________.

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

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
**Case No. 20406**

**Action Requested:**
Variance of the rear yard requirement in an RM-1 district from 20 ft. to 10 ft. to permit an addition to an existing dwelling (Section 403), located: 1507 East Newton Street.

**Presentation:**
Marcos Crovador spoke for the applicant, Rogel Rogelio, 6911 East 92nd Street. They had already started the addition.

**Comments and Questions:**
Mr. White noted the exceptionally small lot. The footprint has not been extended any closer to the property line. Mr. Stephens acknowledged it would be an improvement in the area.

**Interested Parties:**
There were no interested parties who wished to speak.

**Board Action:**
On Motion of Stephens, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the rear yard requirement in an RM-1 district from 20 ft. to 10 ft. to permit an addition to an existing dwelling (Section 403), finding the irregular shape of the land is the hardship; and finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding the variances 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:

E100 LT 7 BLK 9, UTICA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20407**

**Action Requested:**
Variance of the required setback of 75 ft. from an abutting AG district to 50 ft. (Section 903), located: 1006 North 129th East Avenue.

**Presentation:**
Mark Kinney, Cyntergy, 320 South Boston, stated the subject property is a vacant tract with an existing pond on the southern portion, which is part of the Tulsa Regulatory Flood Plain. The property to the north and west is AG-zoned and to the south is an existing industrial use. He found that the AG property to the north and west is part of special district two, which in the Comprehensive Plan is scheduled for industrial use. The flood plain encumbers construction of structures. He stated
Note: Graphic overlays may not precisely align with physical features on the ground.

Avital Photo Date: February 2019
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

BOA-22550

Subject Tract

20-13-31
Looking south—on E. Newton St.—towards the west portion of the subject site

Looking south—at the intersection of E. Newton St. & N. Rockford Ave.—towards the west portion of the subject site
Looking south—on E. Newton St.—towards the east portion of the subject site
PROPOSED SETBACK
EXISTING SETBACK
PROPOSED HOUSE

LOT 13 BLK 1
WILDMAN'S ADDN

EAST WENTON STREET

"58'-0"

10'-0"

125'-0"

LOT 13 BLOCK 1
WILDMAN'S ADDN

Habitat
for Humanity

SIE ADDRESS:
1231 N ROCKFORD AVE, TULSA, OK 74106

BOOMTOWN DEVELOPMENT CO.

HOUSE SF:

SHEET 7 OF 10
REV 1

PERMITS

APPROVED

1.5'-0"

40'-0"

42'-0"

NORTH ROCKFORD AVE

10'-0"

15'-0"

15'-0"

10'-0"

10'-0"

"10'/-0"
THE APPLICANT REQUESTS A CONTINUANCE TO JANUARY 8, 2019
HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: U.S. Sign & Screen Printing

ACTION REQUESTED: Variance to increase the permitted display surface area of a wall sign to exceed 32 sq. ft. in an AG district (Sec. 60.050)

LOCATION: 4001 E 101 ST S

PRESENT USE: Church

TRACT SIZE: 535537.55 SQ FT

LEGAL DESCRIPTION: PRT SE SW BEG SECRT SW TH N815 W412.11 S15 W76.28 S800 E488.28 POB LESS S50 THEREOF FOR RD & LESS BEG NWC THEREOF TH E76.28 N15 E6.75 S104.43 NW APPR 82.01 N APPR 73.53 POB SEC 21 18 13 8.361AC; PRT SE SW BEG 486.28W SECRT SW TH W238.72 N800 E238.74 S800 POB LESS S50 FOR RD & LESS BEG SWC LT 6 BLK 4 SILVER CHASE AMD TH E APROX 200.98 S APROX 73.53 NW APROX 65.65 NW80.71 NW70.16 POB SEC 21 18 13 3.933AC

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-12604; on 5.19.83, the Board approved a special exception to allow expanded church and related uses in an AG zoned district; a variance to allow gravel parking.

BOA-11205; on 10.2.80, the Board approved an exception to allow Missionary Retreat Center/church use in an AG zoned district.

BOA-10530; on 9.13.79, the Board approved the location of parking.

Surrounding Property:
BOA-15243; on 4.19.90, the Board approved a special exception to permit a community group home for the elderly, subject to conditions and a two-year time period. Located: 3707 E. 101st St. S. (immediately west of subject property)

BOA-14418; on 4.30.87; the Board approved a special exception to permit church use in an AG zoned district. Located: 3707 E. 101st St. S. (immediately west of subject property)

BOA-8369; on 9.19.74, the Board approved, per conditions, an exception to permit a catholic school use in an AG zoned district. Located: 3707 E. 101st St. S. (immediately west of subject property)
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Residential 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 has RS-2 zoned residences to the north and east; large AG zoned tracts abut the property to the west and south.

STAFF COMMENTS:

The Code (Section 60.050-B-2.a) states that nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in the aggregate. As shown on the attached plans it appears that the applicant is proposing to construct one 66.5 sq. ft. sign on the front of the building along E. 101st St. To permit the wall sign as proposed the applicant has requested a variance to increase the permitted sign display surface area of a wall sign from 32 sq. ft. to 66.5 sq. ft.

The applicant has stated, "Option #1 is the same option as the option dated 11-18-2018. The square footage is shown different because the lower square footage is just the sign lettering itself and not the whole sign."

Sample Motion

Move to ________ (approve/deny) a Variance to increase the permitted display surface area of a wall sign from 32 sq. ft. to 66.5 sq. ft. in an AG district (Sec. 60.050)

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

The Board finds that the following facts, favorable to the property owner, have been established:
"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Case No. 12604

Action Requested:
Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1205 - Section 440.7 - Request to construct a new worship center, parking, drives and sidewalks (church use) in an AG District; and a Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request to allow present gravel parking lot instead of the required all-weather surface located at 4001 East 101st Street.

Presentation:
John Jarboe, attorney representing Catholic Diocese of Tulsa, 4001 East 101st Street, was present and submitted a site plan (Exhibit "U-1") and a photograph of the existing structure (Exhibit "U-2"). The Church requests permission to construct a new church facility which will be connected to the existing structure, which has been used for Church purposes many years. The subject property is zoned AG and the applicant is seeking a special exception for Church use and a variance to allow the gravel parking instead of the required all-weather surface. The parking lot as shown on the plans will allow 209 cars which includes 10% to 12% for compact cars.

The existing parking lot is now gravel and the applicant requests that the Board allow the applicant two (2) years in which to pave the lot. One reason for the variance request is the applicant does not have the hydrology work completed to determine exactly what the drainage would be when the lot is paved. Another reason for the waiver on the parking surface would hinder any delay in the issuance of a building permit.

The applicant proposes to channel the drainage into a detention pond if required by the Hydrology Department.

Protestants: None.

Staff Comments:
Mr. Gardner advised a plat waiver or platting the subject property would be required.

Board Action:
On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-1 (Purser, Smith, Victor, Wait, "aye"); no "nays"; Chappelle, "abstaining"); none, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Under the Provisions of Use Unit 1205 and Section 440.7) to construct a new

5.19.83:387(24)
Case No. 12604 (continued)

worship center, parking, drives and sidewalks (Church use) in an AG District; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) to allow present gravel parking lot instead of the required all-weather surface on the condition that the applicant apply immediately to the Hydrology Department for the approval of the drainage plan and that the parking lot be in place two years from this date, subject to the applicant seeking a plat variance on plat the property, on the following described property:

Beginning at the SE corner of the SW/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma; thence North 0° 08'-54" East a distance of 815.00'; thence due West a distance of 412.11'; thence due South a distance of 151'; thence due West a distance of 73.59'; thence due South a distance of 350.00'; thence due West a distance of 250.00'; thence due South a distance of 450.00'; thence due East a distance of 733.59'; to the point of beginning, containing 11.625 acres, more or less.

Case No. 12605

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Section 940 - Request for restaurant use in an IL District located at the NW corner of Admiral and 193rd East Ave.

Presentation:

George de Verges, 4111 South Darlington Avenue, was present and represented R. J. Harrison who owns the subject property. Four (4) photographs of the subject tract were submitted for the Board's review (Exhibit "V-1"). Mr. Harrison intends to construct a restaurant on the Industrial Zoned tract of land. The surrounding area contains many food or restaurant locations and Mr. Verges felt that the request would be compatible with the surrounding area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1212 and Section 940) to allow a restaurant in an IL District, on the following described property:

Lot Two (2) and West Forty-eight (48) feet of Lot Three (3), Block One (1), HARRISON ADDITION to Tulsa, Oklahoma, according to the recorded plat thereof.

Case No. 12606

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the front setback requirements from 50' to 40' from 102nd East Avenue for new construction located at 4512 South 102nd East Avenue.
We buss the children over there. The grassy area is approximately 1,800-2,000 sq. ft. We have already made arrangements with the owner to build added bathrooms within the facility to handle the children.

Staff Comments:
Mr. Gardner mentioned that if a private Christian school seeks accreditation they have to meet the state standards as to classroom size, library facilities, etc.

Ms. Miller, Protective Inspections, advised that the Building Code determines the number of restroom facilities they would have to have for school use. Whether it is a church or a school, it has to meet the more restrictive requirement. There is a requirement for the number of restrooms per number of students.

Protestants: None.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670 - Variances) to permit a church related school, subject to the variance running with this applicant only, for a period of 3-years with a maximum of 90 students and subject to the parking letters which were approved by Mr. Jackere, on the following described property:

City of Tulsa is the owner of the following described land:

TRACT "A": A tract of land containing 0.691 acres in the NE/4 of the NW/4 of Section 25, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, described as follows, to-wit: Starting at the NW corner of said NE/4 of the NW/4; thence due East along the North line thereof for 233.85'; thence due South at right angle for 66' to a point on the Southerly right-of-way line of the Broken Arrow Expressway access road, said point being the point of beginning of said 0.691 acre tract; thence South 89°-53'-61" East for 0.00' to a point of curve; thence along curve to the right, said curve having a radius of 2811.79' for 100.93'; thence due South for 300', thence due West for 100', thence due North for 301.96' to the point of beginning of said Tract of land.

Action Requested:
Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) request for an exception to allow a Missionary Retreat Center (Use Unit #5) in an AG District. This property is located at 4001 East 101st St.

Presentation:
Gail Reynolds, representing Living Sound International, stated that they were wanting permission to use approximately 5½ acres for a Missionary Retreat Center. The property is basically the western-half of the

10.2.80:320(6)
property previously occupied by the Tulsa Vianney School on East 101st Street. I have a schematic (Exhibit "E-1") showing the location of the large school and church facility together with the adjacent dormitory properties which are located just west. The property under the application today is only the western-half of the Vianney properties. The application should be amended with the revised legal description (Exhibit "E-2"). The legal description which was submitted for the filing included all of the property and as a tag line said "being the westerly five and one-half acres." The property being acquired by Living Sound is only the west five and one-half acres which contains the three residential dwellings. Two of these units were used as dormitories for the girls attending the school and the third was used for supervisors' quarters. Basically the same function will be carried out by Living Sound as they will use the property both for supervisors quarters, for dormitory quarters for the evangelistic teams when they are in Tulsa, and for headquarters for the administrative function, and the accessory office activities that will be carried on for the work. A meeting was held with the neighborhood folks before filing the application. They appointed a representative and we have entered into a four page written statement of restrictions, covenants and conditions of use, which upon approval of this application will become binding on this property. Those restrictions set forth the uses, the limitations of additional facilities, the kinds of activities that can be carried out in connection with the use by Living Sound on this property. Any future development of the property is controlled by those covenants and it would be Living Sound's intention that any such development would be compatible with the ultimate residential development pattern, which would permit the properties to be converted to single-family residence use in the future. Mr. Reynolds read a copy of the restrictions (Exhibit "E-3").

Protestants: None.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions") to approve an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1680 - Special Exceptions) to allow a Missionary Retreat Center in an AG District, subject to the conditions of the covenant (Exhibit "E-3"), on the following described property:

Beginning at a point 483.59' West of the SE corner of the SW/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma; thence due North 800'; thence West 275.41'; thence South 65'-33'-22' West, 302.08'; thence South 11'-18'-36' West 127.48'; thence South 39'-48'-20' West 39.05'; thence South 5'-21'-21' West 160.70'; thence South 25'-6'-53' West 176.71'; thence due South 200'; thence due East 541.41' to point of beginning, containing 10.06 acres, more or less. In particular, the 5.5 Westerly acres (more or less) containing three cottages.
Presentation:
The staff presented a letter (Exhibit "H-1") from the applicant requesting a continuance of Case No. 10463.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10463 to September 27, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10518

Presentation:
A letter was received from the applicant (Exhibit "I-1") requesting a continuance since the specific plans and elevations are not complete at this time.

Board Action:
On MOTION of SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to continue Case No. 10518 to October 25, 1979, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10520

Presentation:
T. Austin Gavin and Father White presented parking plans (Exhibit "J-1") and noted that 60 parking spaces had been provided in the plans. This number is in line with the proposed occupancy of 240 persons for church services. The applicant stated that congregation will be using one-half or less of the existing auditorium space for the church services. The parking lot is 50' from the centerline of 101st Street. The lot will be hard surfaced.

Board Action:
On MOTION of LEWIS, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Thompson "absent") to approve the location of the parking, the parking as to number as it relates to the representation that the applicant will be using one-half or less of the existing auditorium space. (Additional usage will require additional parking spaces per Zoning Code.)

10634

Action Requested:
Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit an electrical contractor in a CS District; and an Exception (Section 1680 (g) - Special Exception) for permission to establish off-street parking in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to use a house for commercial purposes east of the northeast corner of Admiral and Delaware Avenue.
Case No. 15232 (continued)

Protestants: None.

Board Action:
On MOTION of CHAPPELLE, the Board voted 5-0-0 (Boizzle, Bradley, Chappelle, Fuller, White, "aye"); no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 15232 to November 15, 1989.

Case No. 15243

Action Requested:
Special Exception - Section 310 - Permitted Uses In the Agriculture District - Use Unit 1208 - Request a special exception to permit a community group home for the elderly in an AG zoned district, located 3707 East 101st Street South.

Presentation:
The applicant, Pamela Williams, was represented by Louis Levy, 5314 South Yale, Tulsa, Oklahoma, who stated that his clients are proposing to operate a home for the elderly at the above stated location. He explained that the three-level house was originally used as a group home for girls in connection with the church located on the property, and consists of eight bedrooms, five bathrooms, an office, a living room and kitchen. He pointed out that the house faces Louisville Avenue on the west and is one of three structures on the property, one of which is the Joy Lutheran Church. Mr. Levy stated that the property in question has agricultural zoning but, if zoned single-family residential, the use would not require a special exception. It was noted by Mr. Levy that the home is for elderly citizens that require some aid, but is not a medical facility; however, a doctor and registered nurses will be on call to assist the residents in a medical emergency. He further noted that the facility will be staffed 24 hours a day. Mr. Levy stated that the requirements imposed at the 1987 Board of Adjustment meeting concerning the location of the Joy Lutheran Church on the property are still in effect. Mr. Levy stated that his clients have a one-year lease on the property, with a six-month option to extend that lease. A letter (Exhibit A-1) explaining the proposed operation was submitted.

Comments and Questions:
Mr. Chappelle asked if a medication aid will be on staff at the group home, and Mr. Levy answered in the affirmative.

In response to Ms. Bradley, Mr. Levy informed that the operators of the group home will lease the existing house from the church. He noted that the church still plans to construct a building on the property, but not at this time.

Ms. White asked if the group home use will be discontinued when the church building is constructed, and Mr. Levy stated that the use will be discontinued when construction begins. She asked if there will be a minimum age limit for residents of the home, and he replied that the age range will probably be 60 and up.
Protestants:

Donald B. Bolt, Jr., 3720 East 99th Place, Tulsa, Oklahoma, stated that he is spokesman for some of the owners in the area that oppose the application (Exhibit A-3). He pointed out that the applicant is actually planning to operate a business on the property, and questioned whether or not the applicant is agent for the owner. It was noted that the property in question was sold to the ELCA Loan Fund in 1988. Mr. Bolt asked that the request be denied, allowing the residential character of the area to be preserved.

Additional Comments:

Mr. Chappelle asked Mr. Bolt if the homeowners in the area have met with the applicant and reviewed the outline of the proposed operation, and he answered in the affirmative. Mr. Bolt pointed out that the neighborhood is not against a home for the elderly, but it is against a business for profit being operated in the area.

Mr. Chappelle asked Mr. Bolt if he would be opposed to the group home if there was no evidence that a business was being operated on the property, and he replied that he could not support the business operation, even under those circumstances.

Ms. White asked if there are three dwellings located on the property, with one being used for church purposes, and Mr. Bolt answered in the affirmative.

Applicant's Rebuttal:

Mr. Levy stated that Gilbert Mueller has signed the lease on behalf of the Joy Lutheran Church.

Gilbert Mueller, 9817 South Irvington, Tulsa, Oklahoma, stated that Joy Lutheran Church is a mission congregation of the Evangelical Lutheran Church of America, and the change in ownership was merely a church merger. He pointed out that the building in question is not in use at this time and felt that the contemplated use would be one of service to the area. He further noted that an empty building would not be an asset to the neighborhood.

Ms. White asked Mr. Mueller to state the use of the third building located on the property, and he informed that the remaining structure is a single-family dwelling, which is rented.

In response to Ms. Bradley, Mr. Mueller stated that the house is not rented to members of the church organization.

Ms. White remarked that she could support the use of the dwelling for a group home until such time as the church constructs a building on the property.

Mr. Levy noted that seven community group homes are presently operating in the City. A copy of the State Residential Care booklet (Exhibit A-2) was submitted.
Case No. 15243 (continued)

Board Action:

On MOTION of FULLER, the Board voted 5-0-0 (Bozle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Permitted Uses in the Agriculture District - Use Unit 1208) to permit a community group home for the elderly in an AG zoned district for a period of 18 months only (for the purpose of determining compatibility with the neighborhood); subject to the minimum age of residents being 50 years; all occupants being capable of living an independent life-style; Health Department approval; total number of occupants being eight residents and one live-in staff member; supportive assistance and personal care being provided; one live-in staff member being present from 11:00 p.m. to 7:00 a.m., administrator from 8:00 a.m. to 5:00 p.m., employee dispensing medication (MAT) 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m.; on the following described property:

A tract of land lying in the SW/4 of Section 21, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the SE/c of the SW/4 of said Section 21; thence due west along the south section line of said section, a distance of 725.00'; thence due north a distance of 200.00'; thence due west along the said south section line a distance of 300.00'; thence due north a distance of 200.00'; thence N 25°06'53" W, a distance of 176.71'; thence N 05°21'21" E a distance of 160.70'; thence N 39°48'12" E a distance of 39.05'; thence N 11°18'36" E a distance of 127.48'; thence N 55°33'22" E a distance of 302.08'; thence due east a distance of 34.96'; thence S 00°00'04" E a distance of 800.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15275

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217 - Request a special exception to permit automobile sales, service and accessory body shop in a CS zoned district, located 40 South Garnett.

Presentation:

The applicant, Frank Moskowitz, requested by letter (Exhibit D-1) that Case No. 15275 be continued to November 16, 1989.

Comments and Questions:

There was Board discussion concerning the number of times the applicant has requested a continuance of the case. Mr. Jones informed that the applicant has been negotiating with a client concerning the subject tract and, if the business transaction fails, the applicant will not need the relief requested. He pointed out

11.32.89:550(4)
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 489
Thursday, April 30, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

<table>
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<tr>
<th>MEMBERS PRESENT</th>
<th>MEMBERS ABSENT</th>
<th>STAFF PRESENT</th>
<th>OTHERS PRESENT</th>
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<tr>
<td>Bradley</td>
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<td>Gardner, Legal</td>
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<td>Chappelle,</td>
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<td>Taylor</td>
<td>Hubbard, Protective</td>
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<td>Chairman</td>
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The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 28, 1987, at 3:35 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:04 p.m.

**MINUTES:**

On MOTION of WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; Quarles "abstaining"; none "absent") to **APPROVE** the Minutes of April 16, 1987.

**UNFINISHED BUSINESS**

**Case No. 14418**

**Action Requested:**
Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses in an AG zoned district, located 1/2 mile east of NE/c 101st and Harvard.

**Presentation:**
The applicant, John Moody, 7666 East 61st Street, Tulsa, Oklahoma, represented the Joy Lutheran Church, and explained that the Lutheran Church is a large denomination in the United States, but one of the smaller denominations in this region. Approximately 15 of the 50 members were present for the hearing. Mr. Moody informed that this church started a mission in the south portion of the City approximately one year ago, meeting in the Forest Creek Shopping Center. He pointed out that the Joy Lutheran Church is proposing to purchase the a 5.63-acre tract, which is owned by the bishop of the Tulsa Diocese of the Catholic Church and is adjacent to St. Bernard’s Catholic Church. Mr. Moody stated that the subject property has been owned by the Catholic Church since 1927 and used...
Case No. 14413 (continued)

for church and related purposes since 1935. He informed that the
Board approved an application in 1983 for the use of the subject
property by Living Sound International, Inc. for a musical ministry.
Mr. Moody pointed out that a portion of the buildings on the
property will continue to be leased by that organization. The
applicant noted that St. Bernard's Church is located to the east of
the subject tract, to the south is the Shady Oaks Estates Addition,
to the west is South Louisville Avenue, and Silver Chase Addition
abutting the property on the north boundary. He pointed out that
the property is heavily treed and only the existing buildings will
be used for the ministry and no construction is contemplated at this
time; however, if church growth is experienced, any plans for
expansion will be brought before this Board. Mr. Moody explained
that he has met with the surrounding property owners and they have
voiced a concern as to the future use of the subject tract. He
stated that the church has agreed to have only one access point on
101st Street, with 500' of clear visibility from both directions,
and no access permitted on Louisville. The applicant informed that
the church has agreed to a 100' setback from the northern boundary,
a 75' setback along the western boundary (150' from the nearest
residence), and a 250' building setback on the south boundary of the
property, with a 150' parking lot setback from the south. In this
agreement, Mr. Moody informed that no new building can exceed 40' in
height and if a steeple is added, total height cannot exceed 60'.
He stated that the church has also agreed that additional
landscaping will be planted on the western portion of the tract to
further buffer those residences. Mr. Moody informed that the total
square footage of any new buildings constructed on the land will not
exceed 5,000 sq. ft. He pointed out that all trash receptacles are
to be screened, church services will be staggered with those of the
nearby Catholic Church, with a 15 minute difference in dismissal
times, and no day care center being operated on the subject property
for a period of 3 years, with no playground equipment being located
within 25' of the property line and those areas being enclosed with
a 6' screening fence. Mr. Moody informed that any development that
is contemplated will drain away from the single-family residences
and into the storm sewer or drainage ditches that presently exist.
He informed that one property owner had requested that no buildings
be built to the north beyond the existing buildings, and his clients
found his request to be too restrictive, their opinion being that
the 100' tree setback in that area is a sufficient buffer.
Photographs (Exhibit A-3) and a restrictive covenant agreement
(Exhibit A-2) were submitted.

Comments and Questions:

Ms. White inquired as to the use of the smaller buildings that are
located on the property, and Mr. Moody replied that the Living Sound
Ministry will continue to lease one building and the remainder will
be used for educational purposes.

Mr. Smith asked the applicant if there will be additional parking
for the church, and he replied that required hard surface parking
will be installed.
Case No. 14418 (continued)

Protestants:

Don Bolt, 3720 East 99th Place, Tulsa, Oklahoma, submitted photographs (Exhibit A-4) and explained that there are several reasons why he objects to the application. He stated that the setback of 100' adjoining his property is not sufficient. Mr. Bolt informed that there is a steep incline behind his house and a berm diverts the run-off water away from his home. He stated that he is opposed to any of the buildings being located further to the north, or closer to his home, and advised that he met with Mr. Moody on April 2, 1987 and Mr. Moody agreed at that time to a 150' setback. He pointed out that he has a unique situation where other property owners do not experience. Mr. Bolt stated that he does not object to the church use, but is concerned about the effect it will have on his property.

Mr. Chappelle asked Mr. Bolt if he is having a drainage problem at this time, and he replied that he does not, but possibly would have if the berm was not in place.

Two letters of protest (Exhibit A-1) were submitted to the Board.

Interested Parties:

Kenneth Miles, 1608 South Elwood, Tulsa, Oklahoma, informed that he is the attorney for some of the residents of the Shady Oaks Addition to the south of the subject property, as well as some of the Silver Chase residents. He pointed out that the church members and the property owners have had numerous meetings and various alternatives have been explored as problems arose. Mr. Miles stated that an agreement has been reached by the two groups.

Additional Comments:

Mr. Jackere stated that the related uses have not been clearly stated and asked Mr. Moody if he intends to come to the Board if a school or a day care is planned in the future.

Mr. Moody stated that the property will be used for customary uses of the church.

Mr. Jackere asked Mr. Moody if related uses can be removed from the application, and he replied that he is asking for the use of this property for church use the same as is normal and customary as set out in the Zoning Code.

Mr. Moody asked the Board to allow Vacation Bible School, which will be the only school use for the property.

Mr. Smith inquired if parking will be restricted to the south portion of the tract, and Mr. Moody stated that parking will be on the flat portion of the property. He stated that, in regard to his conversation with Mr. Bolt, a request for the 150' setback was discussed and he agreed to present the proposal to his clients, who.
Case No. 14418 (continued)

found the 150' to be an excessive amount. He informed that the church may find it necessary in the future to relocate the building which is near Mr. Bolt's property.

Mr. Chappelle stated that he feels the parking should be restricted to the south of the northernmost buildings. He pointed out that any future enlargement of the parking area could create a drainage problem for the north property owner.

Ms. White asked Mr. Bolt if his concerns would be satisfied if the application was approved subject to Storm Water Management approval, and he answered in the affirmative.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"); no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1205) to allow for church use and Vacation Bible School in an AG zoned district; per plot plan; subject to a 100' building setback on the north boundary, a 75' building setback on the west boundary, and a 250' building setback and a 150' parking setback on the south; subject to Storm Water Management approval; subject to only one access on 101st Street, with no access on Louisville; subject to landscape plan being submitted to the Board for approval; and subject to maximum building height being 40' (building and steeple maximum 60' in height) and maximum square footage of any new building not to exceed 5,000 sq. ft.; on the following described property:

A tract of land lying in the SW/4 of Section 21, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Commencing at the SE/c of the SW/4 of said Section 21; thence due west along the south section line of said Section a distance of 725.00'; thence north a distance of 200.00'; thence N 25°6'55" W a distance of 176.71'; thence N 05°21'21" E a distance of 160.70'; thence N 39°48'120" E a distance of 39.05'; thence N 11°18'136" E a distance of 127.48'; thence N 65°33'22" E a distance of 302.08'; thence due east a distance of 34.98'; Thence S 00°00'04" E a distance of 800.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.
Soard

8367 (continued)

acted that her husband had converted the garage into a family room portion of the house. She stated that she was requesting that she be permitted to operate the shop in her home as she is divorced and then will be able to care for her children at the same time. Upon questioning, Mrs. Hazi advised that she would book patrons approximately one hour apart.

Board Action:

Smith moved for approval of the application, subject to the appointments being booked one hour apart and that the shop be operated between the hours of 8:30 a.m. and 5:30 p.m. This motion dying for the lack of a second,

On MOTION of BLESSING, the Board voted (2-2-1) with Smith and Jolly voting nay and Guerrero abstaining) to deny application 8367 on the following described tract. A tie vote being cast, the Chair declared the application denied.

Lot 17, Block 7, Moeller Heights Addition to the City of Tulsa, Oklahoma.

8368

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located at 139 South 34th West Avenue.

Presentation: John Bishop requested permission to locate a mobile home on the subject property which is to the north of his residence. The mobile home will be occupied by his ill sister in order that he might care for her. Upon questioning, he advised that there is one mobile home located one block away.

Protests: None.

Board Action: On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year and subject to the customary bond, in an RS-3 District on the following described tract:

Lot 24, Block "G", Joe Subdivision to the City of Tulsa, Oklahoma.

8369

Action Requested: Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1005 - Community Services, Cultural and Recreational Facilities) to use property for St. John's Vianney School in an AG District located at 4001 East 101st Street.

9.19.74:172(14)
T. J. Sinclair, representing St. John's Vianney School, Inc., submitted the plot plan (Exhibit I-1) pointing out the location of the proposed new girls' dormitory which will accommodate 10 girls and two counselors. The dormitory is to be located 150' from the existing dormitory and will cost approximately $60,000 to construct. The present dormitory houses 38 girls and an additional house was approved at an earlier date to accommodate an additional five girls. The School Staff felt that these girls, who have emotional and mental problems, should be housed at a location apart from the remainder of the girls. The property has been used for school purposes since 1929 and the subject tract is bounded by School property on all sides. Due to the change in the Ordinance, the exception was necessary in order that the nonconforming use might be expanded.

Protests:

None.

Mr. Gardner advised the Board, that in speaking with the Legal Department, it was felt that the subject use should be included in Use Unit 2, Area wide Special Exception Uses, as the use is not a school 'per se'.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 10C2 - Area wide Special Exception Uses) to use property for St. John's Vianney School, as presented, in an AG District on the following described tract:

Beginning at a point 400' East and 500' North of the Southwest corner of the SW/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence 600' North; thence 400' West; thence South 600'; thence East 400' to the point of beginning.

Action Requested:

Variance (Sections 710 and 730 - Principal Uses in the Industrial District and Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1470) to permit the construction of the college library, per plot plan, 75' from the abutting RS-3 District;

an Exception (Section 1480 (g) - Special Exceptions) to permit parking in an RS-3 District per plot plan;

a Variance (Section 1130 (b) - Setbacks - Under the Provisions of Section 1470) for a variance of the 50' setback requirement to permit parking per plan;

and a Variance (Section 1140 (e) - Design Standards for Off-Street Parking - Under the Provisions of Section 1470) for a variance of the screening requirement on lot lines in common with an RS District, in
Note: Graphic overlays may not precisely align with physical features on the ground.
ST. BERNARD CATHOLIC CHURCH

1" Thick Pan-Face Panel Painted
to Match Concrete Wall
Dulux 30gg 61/010 Silver Quill,
Akzo Noble Sheet 292

84"

144"

15.15" Lettering
10" Lettering
OPTION #1 • 66.5 Total Sq. Ft.

144" x 84" x 1" Thick Pan-Face Sign • Painted to Match Concrete Wall
Dulux 30gg 61-918 Silver Quill, Akzo Noble Sheet 292

1/4" Thick Lettering • Painted to Match Bronze Awning • 5" Standoffs
2" Thick Border & 1" Thick Horizontal Line
Painted to Match Lettering

ST. BERNARD
CATHOLIC CHURCH
OPTION #1 • 29.5 Total Sq. Ft.

144" x 84" x 1" Thick Pan-Face Sign • Painted to Match Concrete Wall
DuPlex 30gg 61/91 S Silver Gl. Akzo Noble Sheet 292

130" x 20.25" x 1/4" Thick 'St. Bernard' & 130" x 12.4" x 1/4" Thick 'Catholic Church
Painted to Match Bronze Awning • .5" Standoffs
2" Thick Border & 1" Thick Horizontal Line
Painted to Match Lettering
**SIGN PLAN REVIEW**

November 8, 2018

**APPLICATION NO:** SIGN-016614-2018 *(PLEASE REFERENCEx WHEN CONTACTING OUR OFFICE)*

Location: 4001 E 101st Street
Description: St Bernard’s Church Wall Sign

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**INFORMATION ABOUT SUBMITTING REVISIONS**

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**Revisions Need To Include The Following:**

1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form *(see attached)*

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103. Phone (918) 596-9601.

The City of Tulsa will assess a $55 resubmittal fee. Do not submit revisions to the Plans Examiners.

*Submittals faxed/eailed to Plans Examiners will not be accepted.*

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**Important Information**

1. Submit two (2) sets of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Information about zoning code, The Indian Nation Council of Government (INCOG) Board of Adjustments (BOA), and the Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at [www.in cog.org](http://www.incoh.org) or at INCOG offices at 2 West 2nd Street, 8th Floor, Tulsa, OK, 74103 or telephone (918) 584-7526.

3. Present this letter to INCOG when applying for Board of Adjustment or Planning Commission action.

(Continued)
This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.050 Signs in R and AG Zoning Districts
2. Nonresidential Uses The following regulations apply to all principal nonresidential uses in R districts and AG districts.

a. Wall Signs
Nonresidential uses in R and AG districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.

Review Comments: The proposed 66.5 sq. ft. St. Bernard's wall sign exceeds the maximum display surface area of 32 sq. ft. in an AG zoning district. You may reduce the total display surface area of the wall sign to 32 sq. ft. or pursue a variance from the BOA to permit the display surface area of a wall sign be increased from 32 sq. ft. to 66.5 square ft. in an AG zoning.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, plating, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7528. It is your responsibility to send the decision of any actions by the BOA or TMAPC affecting the status of your application for a Sign Permit to our office so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

END - ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

STR: 8301
CZM: 53
CD: 7
A-P#: 

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Mike Thedford

ACTION REQUESTED: Special Exception to permit a school use to allow for a outdoor lighted stadium/locker room/ pressbox ( Sec. 40.350-A); Modification of a previously approved site plan (BOA-21111-A) to permit the addition of the Fine Arts Center; Variance of the required number of parking spaces (Table 55-1)

LOCATION: 6636 S MINGO RD E
ZONED: AG,RM-1

PRESENT USE: School
TRACT SIZE: ± 50.153 acres

LEGAL DESCRIPTION: LT 1 BLK 1, UNION HIGH SCHOOL ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21111-A; the Board APPROVED Minor Special Exception to modify a previously approved site plan (BOA-21111) to renovate track, playing field and to add discus & shot put areas, and add new track locker room (3,750 sq. ft.).

BOA-21431; on 6.12.2012, the Board APPROVED a Variance to allow more than 1 identification sign in an AG district; Variance of the maximum display surface area from 150 sq. ft. to permit additional signs; and a Variance to allow for wall signs in an AG district.

BOA-21111; on 7.13.2010, the Board APPROVED a Variance of the required parking spaces for a public school to 1712 spaces; and to Amend the previously approved site plan, both to permit an addition to an existing school.

BOA-19186; on 8.28.2001, the Board APPROVED a Minor Special Exception to approve a modified site plan, subject to all of the street frontage, parking area landscaping in accord with the landscape chapter of the zoning code.

BOA-18817; on 7.25.2000, the Board APPROVED a Special Exception to permit the use of property within the AG and RM-1 zoning districts for a public high school multipurpose student activities center, a wellness center, offices, locker rooms and training facilities, a fine arts center and additional parking subject to site plan and street frontage and parking area landscaping in accord with the Landscape Chapter of the Zoning Code; and a Variance of the off-street parking spaces required in use Unit 5 to permit a minimum of 1800 spaces.
BOA-18786; on 7.11.2000, the Board APPROVED a Variance of the off-street parking spaces required for Union High school campus to allow installation of bleachers with seating capacity of 500 without providing the additional off-street parking required for a high school stadium. LOCATED: 6636 S Mingo Rd

BOA-17737; on 6.10.1997, the Board APPROVED a Special Exception to permit school use (accessory Parking) on subject tract per plan submitted. LOCATED: 6636 S Mingo Rd

BOA-17137; on 8.08.1995, the Board APPROVED a Variance to permit an accessory identification sign for the stadium.

BOA-16981; on 03.28.1995, the Board APPROVED a Variance to permit an existing electronic message center located on a football scoreboard.

BOA-13546; on 05.02.1985, the Board APPROVED a Variance to permit an existing electronic message center located on a football scoreboard.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: 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.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts RS-3 zoned residences to the north, south and east; Turner Park is immediately west of the subject property.

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.

The Applicant is before the Board requesting a special exception to permit a school use to allow for an outdoor lighted stadium with a locker room and pressbox for Union High School. 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.

The applicant is also requesting a modification of a previously approved site plan (BOA-21111-A) to permit the addition of the Fine Arts Center to an existing school. The proposed site is near the existing football field along S. Mingo Rd.
As the special exception for the school use and expansion of the school use in the AG district over the years has consistently been approved by the Board 'per plan', modifications to the site that are not shown on the most recent 'approved plan' are required to obtain Board approval before they are permitted. The most recent 'approved plan' is attached.

The Code states the parking requirement for a high school is 1.1 spaces per 1,000 sq. ft. of floor space plus .2 spaces per stadium seat. The applicant is before the Board requesting a variance to reduce the total required on-site parking spaces from 4,041 to 1,527 spaces. 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.

The applicant has provided the following hardship statement: "A school is a non-conforming use in all zoning districts. This use is pre-existing and the proposed project will be an overall enhancement to the school campus. The project will also serve to meet the growing needs of the high school and it's programs. The facility improvements to be completed with this project will be an asset to the public. A substantial amount of the parking is only needed for a very limited amount of time- as little as 5-6 nights per year. For those events, non-simultaneous use of parking on the entire campus will be in effect as well as a parking agreement with Asbury United Methodist Church. This request is a continuation of previously approved variances."

Sample Motion
Move to ________ (approve/deny) Special Exception to permit a school use to allow for an outdoor lighted stadium/locker room/ pressbox ( Sec. 40.350-A); a Modification of a previously approved site plan (BOA-21111-A) to permit the addition of the Fine Arts Center to an existing school; a Variance of the required number of parking spaces (Table 55-1).

- 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;"
six inch concrete ceilings, four inch concrete floor and it is sound proof. The lighting is shielded and protected. The noise outside the building will be much less than the background noise outside.

Mr. Van De Wiele asked if there was going to be anything outside to let the public know there is a gun range in the building. Mr. Reynolds stated no. The applicant does not want advertising.

Mr. Van De Wiele asked if there would be any weapons or ammunition stored on site. Mr. Reynolds stated that what will be stored there will be personal guns and ammunition.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White “aye”, no “nays”, no “abstentions”; Tidwell absent) to DENY the Appeal of the Determination of an Administrative Official that a private pistol firing range is not an accessory use (Section 1605/1606) and to APPROVE the request for a Special Exception to permit a private (completely enclosed) pistol firing range (Use Unit 19) in an IL District (Section 901, Table 1), subject to conceptual plan 6.24. This approval of the special exception is limited to the actual firing range structure that is depicted on 6.24. There is to be no outdoor signage advertising the existence of the firing range itself. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 5 BLK 1, DIVERSIFIED INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21111-A—Wallace Engineering**

Action Requested:
Minor Special Exception to modify a previously approved site plan (BOA-21111) to renovate track, playing field and to add discus & shot put areas, and add new track locker room (3,750 square feet). LOCATION: 6636 South Mingo Road East (CD 7)

Presentation:
Jim Beach, Wallace Engineering, 200 East Brady, Tulsa, OK; stated the action requested is to improve a previously approved site plan for Union High School. In the western portion of the property there is an existing practice football field and track which

08/27/2013-1100 (9)
is to be renovated. With that there will be a new track building that will contain locker rooms. The addition to the south end of the practice field will be discus and shot put facilities that will go in conjunction with the track. The nature of the additions is such that it qualifies under the Zoning Code as a minor special exception because the floor area that is to be added is considerably less than threshold that is set out for approval of a regular special exception.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Van De Wele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to APPROVE the request for a Minor Special Exception to modify a previously approved site plan (BOA-21111) to renovate track, playing field and to add discus & shot put areas, and add new track locker room (3,750 square feet), subject to conceptual plan 7.20. Finding the Minor Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

LT 1 BLK 1, UNION HIGH SCHOOL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Review and Discussion
Building Demolition and Surface Parking Lots within the IDL Draft Ordinance.

Background:
In early 2012, the Tulsa City Council voiced concern over the loss of building stock downtown and the increased number of surface parking lots which do not contribute to the desired character of our downtown. As a result, the Council instituted a moratorium (on July 18, 2012) which currently affects development within the IDL.

Discussion:
Susan Miller, INCOG, 2 West 2nd Street, Tulsa, OK; stated this is to present and discuss with the Board the ordinance that has been drafted regarding building demolition and surface parking lots in the IDL. There is a length ordinance that was presented to the
Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays": no "abstentions"; White absent) to APPROVE the request for a Variance of the maximum allowed square footage for a detached accessory building in the RS-3 zone from 599 square feet to 1,590 square feet to construct a new detached garage with storage (Section 402.B.1.d). The Board makes the requirement that nothing furnishing the new space will constitute living quarters. The building shall be used for storage only, never for rental or commercial use. This is subject to conceptual plan on page 3.7, knowing that the silt fence is a construction fence and will be removed. The metal carport wrapped in a polyurethane covering is to be removed after completion of the new detached accessory building. This property which contains over 20,000 square feet will, even with the improved building, contain adequate green space. In granting this variance 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; for the following property:

LT 26 BLK 2, CONSERVATION ACRES SUB, KINLOCH PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21431—Sign Productions/Stacey Meyer

Action Requested:
Variance to allow more than one identification sign in an AG district (Section 302.B.2.b); Variance of the maximum display surface area from 150 square feet to permit additional signs (Section 302.B.2.b); Variance to allow for wall signs in an AG district (Section 302.B.2.b). LOCATION: 6636 South Mingo Road (CD 7)

Presentation:
Wally Ruden, Sign Productions, 500 Wofford Road Southwest, Cedar Rapids, Iowa; stated that Union Public Schools will be expanding by 50%; from 2,000 to 3,000 students with an increase for teaching of 30%. There will be an increase in traffic with the expansion so these signs will be very helpful directional device. There are several signs on the property and he has broken them down into three types of situations. One is the signage along South Mingo Road, which are largely entrance signs designating entrances and exits. There are signs on the building that identify the property as Union Public School, Collegiate Academy main entrance, and Union Public School logo. Thirdly, there are some branding signs that will go on light poles, which are small
aluminum panels that show the Union logo as well. All the signs are non-illuminated, even the one on the building.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 4-0-0 (Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to APPROVE the request for a Variance to allow more than one identification sign in an AG district (Section 302.B.2.b); Variance of the maximum display surface area from 150 square feet to permit additional signs (Section 302.B.2.b); Variance to allow for wall signs in an AG district (Section 302.B.2.b). The Board makes these motions to include 15 non-illuminated signs as listed in the Development Services letter of March 26, 2012, which is page 4.11 in the agenda packet. The placement of the signs shall be as shown on page 4.9. The sign designs are to be as per plan as shown on pages 4.14, 4.15, 4.16, and 4.17. The Board has found that this school property containing more than 2 million square feet is a huge campus and that the school population is increasing approximately 5%. The many and varied entrances and exits need directional signage, which this approval should take care of. In granting this variances the Board has found that the size and location of the structured buildings involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 1 BLK 1, UNION HIGH SCHOOL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21432—Shew's Top Quality Roofing

Action Requested:
Special Exception to permit carport in the required front yard in an RS-3 district (Section 210.B.10.g); Variance of required side yard setback from 6 feet to 4 feet (Section 210.B.10.b); Variance of the maximum permitted dimension of a carport located in the required front yard from (20' X 20') to (21' X 28') (Section 210.B.10.a).

LOCATION: 12516 East 38th Street (CD 8)

Presentation:
Brian Shew, Shew's Top Quality Roofing and Guttering, 1244 North Darlington Avenue, Tulsa, OK.
**Case 21111-Roy D. Johnsen**

**Action Requested:**
Variances of the required parking spaces for a public school (Section 1205) to 1712 spaces; and an Amendment to a previously approved site plan, both to permit an addition to an existing school. Location: 6636 South Mingo Road

**Presentation:**
Roy Johnsen, Williams Tower One, One West 3rd Street, Suite 1010, Tulsa, OK; Mr. Johnsen represents the applicant requesting the variance. The Union School District desires to move the sophomore students from the intermediate high school to this site to provide a better learning environment. This move would be approximately 1,000 students, thus requiring a new facility to be built which would eliminate existing parking on the northeast corner of the property. The southwest corner is proposed to be new parking to replace the eliminated parking.

**Interested Parties:**
No interested parties were present.

**Comments and Questions:**
The Board asked about overflow parking during school days, and Mr. Johnsen stated the overflow parking was not utilized by students during the school day. The overflow happens only during rare peak athletic events. Mr. Johnsen also stated that Asbury Methodist Church, located across S. Mingo Rd. would be notified by the school of any activities to take place.

Mr. Boulden questioned if there was going to be lighting installed for the new parking lot. Mr. Johnsen stated that there would be shielded lighting, or lighting that would be directed back into the parking lot so it would not interfere with the neighborhood.

The Board asked about the screening or landscaping for the area. Mr. Johnsen stated screening is not required by code as the parking lot is set back more than 50 ft. from the abutting R districts but there will be alternative landscaping in place when the project is complete.

**Board Action:**
On **MOTION** of Van De Wiele, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the **Variance** of the required parking spaces for a public school (Section 1205) to 1712 spaces; and an **Amendment** to a previously approved site plan, both to permit an addition to an existing school per conceptual plan 10.10; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the
Code, or the Comprehensive Plan. As to the Amendment the Board finds 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. Also, note that an alternative compliance may be sought for the landscaping; on the following described property:

LT 1 BLK 1, UNION HIGH SCHOOL ADDN

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Case No. 21112-Robert Shears

Action Requested:
Special Exception to permit an office use (Use Unit 11) in an RM-2 district (section 401); a Variance of the parking requirement from 7 to 2 (1211.D); and a Special Exception to modify the screening requirement for an office use from an abutting R district (Section 212.C); all to permit an office use in the existing home. Location: 1522 South Carson Avenue W.

Presentation:
Jim Beach, Wallace Engineering, 200 East Brady, Tulsa, OK; Mr. Beach represents the applicant who purchased the property in 1998 as his residence and started his landscaping consulting firm business in the home in 2004. In 2009 the applicant purchased a new residence and now would like to maintain his business at this property. The business would be very quiet because clients rarely visit the office because the business is conducted outside at his clients properties. There are several other properties located near the applicant that have prior approval for office space; therefore, it is a mixed use neighborhood. The request for modification of the screening requirement would apply along the north and west property lines; the west is screened by the garage structure and the north is screened with existing landscaping. The applicant feels the addition of screening would be a deterrent to a relationship between the properties and the neighbors have requested not to have a screening fence.

Interested Parties:
No interested parties were present.

Comments and Questions:
The board asked what the garage was used for and Mr. Beach stated half of the garage was used for storage.

The board asked about the existing fence. Mr. Beach stated the existing fencce would be maintained but the neighbors have requested not to have it extended outward toward Carson Avenue, which is why the application request for screening modification has been submitted.

07/13/2010-1027(10)
Board Action:
On MOTION of Cooper, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of required setback from West Latimer Street (closed) to 0' for expansion of existing building over closed right-of-way for use as a community center, finding that the streets are already closed and that the setback would not be material to any utilized roadways, on the following described property:
Lot 1, Block 8, Osage Hills Addition; Lot 3 & 4, Block 4, Osage Hills Apartments, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19166
Action Requested:
Minor Special Exception to approve a modified site plan, located N of NW/c of E. 71st St. & Mingo.

Presentation:
Daren Akerman, 6111 E. 32nd Pl., stated this item is before the Board as a reconfiguration of the site plan that was approved approximately one year ago. This is a multipurpose center that includes more parking, which incorporates the separate buildings that were approved for the previous site plan.

Interested Parties:
There were no interested parties present 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 Minor Special Exception to approve a modified site plan, located N of NW/c of E. 71st St. & Mingo, subject to all of the street frontage, parking area landscaping in accord with the landscape chapter of the zoning code, on the following described property:
NE/4 SE/4 and N 400' of SE/4 SE/4, Section 1, T-18-N, R-13 -E, City of Tulsa, Tulsa County, State of Oklahoma.

**********

MINUTES:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to APPROVE the amended Minutes of June 26, 2001 (No. 821).
Case No. 18816 (continued)

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit Use Unit 5 church and accessory uses in an RS-3 district, 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; a Variance of the all weather surface requirement for the church parking lot; and a Variance of required setback from abutting R district from 25' to 5', subject to meeting all of the landscaping and parking requirements, 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 a Variance of required setback from centerline of East 11th Street from 85' to 57' was withdrawn by the applicant, on the following described property:

Lot 5, Block 3, Eleventh Street Acres, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18817
Action Requested:
Special Exception under Section 301, Table 1, and Section 401. Table 1 to permit the use of property within the AG and RM-1 zoning districts for a public high school multipurpose student activities center, a wellness center, offices, locker rooms and training facilities, a fine arts center and additional parking subject to approval by the Board of the site plans as shown on Exhibit B and Exhibit C hereto, and subject to street frontage and parking area landscaping in accord with the Landscape Chapter of the Zoning Code. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT and SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5; and a Variance of the off-street parking spaces required in Use Unit 5, Section 1205.C of the Zoning Code to permit a minimum of 1800 spaces to satisfy the combined off-street parking requirements for the existing and proposed academic and athletic facilities as shown on Exhibits B and C. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements, located W side of S. Mingo Rd. at E. 68th St.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, stated he represented the Union School District. He added that Cathy Burton, Superintendent of Schools, members of her staff, and members of the design team that are working on this project were present with him. The application is for two purposes: to permit the additional facilities in two phases, and to increase the number of parking spaces needed in connection with the addition of bleachers in the football stadium.
Case No. 18817 (continued)

Comments and Questions:
The Board was familiar with this request in connection with the action taken at the previous hearing. Neither the Board nor staff had any questions.

Protestants:
None.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Tumbo, Perkins, Cooper "aye", no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception under Section 301, Table I, and Section 401, Table I to permit the use of property within the AG and RM-1 zoning districts for a public high school multipurpose student activities center, a wellness center, offices, locker rooms and training facilities, a fine arts center and additional parking subject to approval by the Board of the site plans as shown on Exhibit B and Exhibit C hereto, and subject to street frontage and parking area landscaping in accord with the Landscape Chapter of the Zoning Code, 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; and a Variance of the off-street parking spaces required in Use Unit 5, Section 1205.C of the Zoning Code to permit a minimum of 1,800 spaces to satisfy the combined off-street parking requirements for the existing and proposed academic and athletic facilities as shown on Exhibits B and C, per plan, on the following described property:

NE/4 SE/4 and the N 400' of the SE/4 SE/4, Section 1, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

* * * * * * * * *

Case No. 18818

Action Requested:
Variance from the 50' setback from the centerline of an abutting street to 2' from an abutting street right-of-way line. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 1; a Variance from the 25' setback requirement for a building abutting a non-arterial street to 9'. SECTION 1302. SETBACKS; a Variance from 25' + 1' of setback for each 1' of building height exceeding 15' from abutting properties in an R district, to a setback of 30'. SECTION 1201.C.2.c. USE UNIT 1. AREA-WIDE USES BY RIGHT. Use Conditions; a Variance in the minimum setback for parking lots from an RS district from 25' to 5'. SECTION 1201.D. USE UNIT 1. AREA-WIDE USES BY RIGHT. Off-Street Parking and Loading Requirements; a Variance from the parking spaces requirement of 1 per 800 square feet plus 1 per 4 stadium seats, reducing the requirement from 1,553 spaces to 995 space. SECTION 1201.D. USE UNIT 1. AREA-WIDE USES BY RIGHT. Off-Street Parking and Loading Requirements; and
PROPOSED FACILITIES

UNION HIGH SCHOOL CAMPUS
as a university use under Use Unit 5 in an RS-3 zoning district pursuant to Site and Landscape plans approved by the Board; a Variance of the requirement of Section 1002.A, Subsection 2 to permit three existing off-street parking spaces and driveways along the South Florence frontage to be 0' from the abutting street right-of-way rather than 5' as required; a Variance of the requirement of Section 1002.A, Subsection 3 to permit the three existing parking spaces at the northwest corner of the Phase 1 site to remain at 2'9" from the abutting residential district on the north, rather than 5' as required; a Variance of the requirements of Section 1302.B to permit unenclosed parking spaces within 28' of the centerline of South Florence and within 34' of the centerline of East 4th Place rather than 40' as required; a Variance of the requirements of Section 403.A to permit the Law Clinic building setback to be 39' from the centerline of East 4th Place rather than 50' as required; a Special Exception under Section 401 to permit the new parking facility within the to be vacated right-of-way of South Gary north of East 4th Place and the two lots at the northeast corner of South Gary and East 4th Place as a university use under Use Unit 5 pursuant to Site and Landscape plans approved by the Board; a Variance of the requirements of Section 1002.A, Subsections 1, 2 and 3, to permit the upgrade of the existing College of Law parking on the north side of East 4th Place in accord with Site and Landscape plans approved by the Board; and a Variance, if required, to reduce by 20 spaces the number of off-street parking spaces within the campus as previously approved by the Board of Adjustment for other University buildings and uses, per plan, finding that it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, including the preservation of the trees and provision for additional right-of-way along South Florence Avenue, and this area is within the area already approved by the TMAPC for this use, on the following described property:

All of Lots 9 – 21, Block 1, College Addition, City of Tulsa, Tulsa County, State of Oklahoma, which includes adjacent right-of-way of South Gary to be vacated.

Case No. 18786

Action Requested:

Variance of the off-street parking spaces required under Section 1205.C of the Zoning Code for the high school campus to permit the installation of the bleachers with a seating capacity of 500 without providing the additional off-street parking spaces required for the high school stadium. SECTION 1205.C. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Off-Street Parking and Loading Requirements – Use Unit 5, located W side of S. Mingo Rd. & E. 66th St.

Presentation:

The applicant, Charles Norman, 2900 Mid-Continent Tower, stated his request. He pointed out that the new section of bleachers is not intended to increase...
attendance but to relocate the band, pep squads, and drill team away from the other spectators to allow all to hear the band performance.

Comments and Questions:
Mr. Cooper asked how attendance would not be increased. Mr. Norman responded that the new north end zone would only be used for students. Mr. Norman explained that the old seats would be available but typically last year the attendance was very good, but only averaged 6,280 other than the Jenks game, which will not be held there this year. Mr. Cooper inquired if only Union School games would be held there. Mr. Dunham commented that they have not been selling out at the games up to now.

Interested Parties:
Rex Woods, 9314 S. Darlington Ave., stated that the stadium is offered to 3-A and lower class play-offs. He indicated that attendance was as high as 2,000 to 3,000. Mr. Norman stated that Mr. Woods is the Manager and Director of Real Estate Administrative functions for the Union School District campus property.

Protestants:
None.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Tumbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the off-street parking spaces required under Section 1205.C of the Zoning Code for the high school campus to permit the installation of the bleachers with a seating capacity of 500 without providing the additional off-street parking spaces required for the high school stadium, which applies only to the parking spaces required for these 500 seats, 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:

NE/4 SE/4 and the N 400' of the SE/4 SE/4, Section 1, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18797
Action Requested:
Variance of required setback from centerline of North Lewis to 25' to permit a sign SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs - Use Unit 21. located 1550 N. Lewis Ave.

07:11:00:799(10)
Case No. 17736

Action Requested:
Variance required setback from an abutting RS-3 district from 56' to 21' to permit a 38' 3-story hotel. SECTION 03. BULK AND AREA REQUIREMENTS IN COMMERCIAL DISTRICTS - Use Unit 19, and a Variance of maximum permitted height for a ground sign from 40' to 60'. SECTION 1221.D.1 USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, located East of 165th East Avenue & Admiral Place.

Presentation:
The applicant, Paul W. McKnight, requested that Case No. 17736 be continued to July 8, 1997, and to withdraw the request for a Variance from the required setback from an abutting RS-3 district from 56' to 21' to permit a 38' 3-story hotel.

Board Action:
On MOTION of TURNBO, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to CONTINUE the sign height variance part of Case No. 17736 to July 8, 1997, at 1:00 p.m.

Case No. 17737

Action Requested:
Special Exception to permit school use (accessory parking) on subject tract. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located North of NW/c 71st & Mingo.

Presentation:
The applicant, David L. Huey, 717 South Houston, representing Union Public Schools, submitted a site plan (Exhibit K-1) and stated that a previous special exception was granted for school use on the original High School site. He explained that approximately 10 years ago the district purchased an additional 12 acres adjacent to the property on the southside. The property has never been developed nor platted and has never been approved for school use. He stated the purpose of the application is to request a waiver of platting requirement and request accessory parking use. The school is anticipating constructing a classroom expansion as part of the school building, however there is parking spaces taken up by the proposed construction, as well as the additional parking spaces needed by the increased square footage of the building. He explained that the above reasons is why the school is proposing the subject site for accessory parking.

Comments and Questions:
Mr. Bolzle asked the staff if the applicant needed to request a plat waiver from TMAFC? Mr. Gardner answered affirmatively.
In response to Mr. Bolzle, Mr. Huey stated that the TAC has already recommended approval for the plat waiver. He commented that the request will go before TMAPC on July 18, 1997.

Protestants: None.

Board Action:
On MOTION of Bolzle, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to APPROVE a Special Exception to permit school use (accessory parking) on subject tract. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, per plan submitted; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

NE 1/4, SE 1/4, AND N 400', SE 1/4, SE 1/4, Sec. 1, T-18-N, R-13-E, N, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17738

Action Requested:
Special Exception to permit a parochial school and accessory chapel in an RS-2 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located 4620 South Irvington Avenue.

Presentation:
The applicant, Stephen A. Schuller, 320 South Boston, submitted a site plan (Exhibit L-1) and a south elevation (Exhibit L-2). Mr. Schuller stated that the property is the former site of the Robert Lewis Stevenson Elementary School at 46th and Irvington. He explained that the Board granted permission for the use of the property as a school in 1959. The applicant leased the property from the TPS and has operated a parochial school on the subject property. The Islamic Society of Tulsa proposes to construct a chapel or prayer hall on the subject site as an accessory to the applicant's religious and educational programs serving the community. The applicant proposes to erect the prayer hall immediately south of the existing school and add parking to serve the prayer hall and the school building. The prayer hall is proposed to be two (2) stories in height, however it would not exceed the 35' height limit. All of the existing buildings or the proposed buildings are substantially less in the aggregate than the maximum floor area prescribed by the Zoning Code. The buildings are also setback from abutting streets and residential properties more then the minimum building setbacks require. The existing parking lot will be relocated to the east boundary of the.
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 a Special Exception to permit a car wash as an accessory use to a convenience grocery in an IL zoned district - SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS - Use Unit 13; per plan submitted; subject to the car wash being limited to one bay only; finding the use to be compatible with the area and in harmony with the spirit and intent of the Code; on the following described property:

Starting at the NW/c Section 31, T-19-N, R-14-E, thence S0°08'45"E for 366.90'; thence N89°51'75"E for 60' to POB; thence N0°08'45"W for 286.78'; thence N44°54'36"E for 42.39'; thence N89°57'57"E for 202.06'; thence S0°08'45"E for 101.45'; thence southerly and southwesterly along a curve to the right with a central angle of 55°28'04" and a radius of 105' for 101.65'; thence S55°19'30"W for 226.48' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17137

Action Requested:
Variance to permit the approved accessory sign to be used for identification of the stadium and a corporate sponsorship with the acknowledgment of the corporate sponsorship occupying no more than 20% of the display surface area - SECTION 302.B.2. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT - Use Unit 2, located South Mingo and East 66th Street.

Presentation:
The applicant, Charles Norman, 2900 Mid-Continent Tower, submitted a sign plan (Exhibit N-1) and noted that a scoreboard and electronic message center for the stadium were previously approved by the Board. He stated that the south face of the scoreboard only contained the words "Boatmen's Bank", as sponsorship recognition; however, this has since been interpreted as a commercial message. He requested that the name of the stadium and the sponsor, Boatmen's Bank (60 sq ft of signage), be permitted on the south face of the scoreboard. Letters of support (Exhibit N-2) were submitted.

Comments and Questions:
Mr. Doverspike asked the applicant if his client would be amenable to restricting the 20% usage to reflect only the corporate sponsor to eliminate the possibility of its use for advertising purposes, and Mr. Norman answered in the affirmative.
Case No. 17137 (continued)

Protestants:
None.

Board Action:
On MOTION of WHITE, the Board voted 3-0-0 (Abbott, Doverspike, White, "aye"; no "nays"; no "abstentions"; Boizle, Turnbo, "absent") to APPROVE a Variance to permit the approved accessory sign to be used for identification of the stadium and a corporate sponsorship with the acknowledgment of the corporate sponsorship occupying no more than 20% of the display surface area - SECTION 302.B.2.

ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT - Use Unit 2: per plan submitted; subject to the 20% portion of the sign designated for the corporate sponsor be restricted to that use only, with no use for advertising purposes; finding that approval of the request, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code, on the following described property:

NE/4, SE/4, Section 1, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

********

ADDENDUM

OTHER BUSINESS

Interpretation regarding children's nursery/pre-schools.

Mr. Gardner advised that the Department of Human Services will not permit preschool classes that exceed 15 hours per week to be held in park community centers without zoning approval. He informed that the Board could make a finding that preschools are permitted as an accessory use to an approved park community center and not a Use Unit 11.

Mr. Beach noted that there are numerous community centers in the City of Tulsa providing the pre-school usage as part of their total program.
Case No. 16980 (continued)

was constructed over the platted setback line approximately 20 years ago, 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:

A part of Lot 1, Block 1, Dotson Center, an addition to the City of Tulsa, Tulsa
County, Oklahoma, according to the recorded plat thereof; being more
particularly described as follows to wit: Beginning at the SE/c of said Lot 1,
Block 1, Dotson Center said point also being the NE/c of said Lot 2, Block 1,
Dotson Center; thence N0 03'00"E and along the east line of said Lot 1, Block
1, for 154.67'; thence due west for 240.00'; thence S0 03'00"W and parallel to
the east line of said Lot 1, Block 1, for 261.11' to a point on the south line of
said Lot 1, Block 1, thence S84 40'07"E and along the south line of said Lot 1,
Block 1, for 45.52'; thence N57 41'29"E and continuing along the south line of
Lot 1, Block 1 for 235.50' to the POB and containing 54,411 sq ft more or less,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 16981

Action Requested:
Variance to permit an existing electronic message center located on a football
scoreboard to remain in its present location and configuration - SECTION 302.B.2.
Accessory Signs in the AG District - Use Unit 2, located north of the northwest
corner of East 71st Street and South Mingo Road.

Presentation:
The applicant, Eric Nelson, 525 South Main, stated that he is counsel for Union
Public Schools, and requested that the existing electronic message center be
permitted to remain at its current location. He submitted a plot plan (Exhibit B-1) and
noted that the message center (2½' by 24') has been installed on top of the score
board. Mr. Nelson pointed out that a hardship is demonstrated by the large size of the
tract (50 acres) and the amount of street frontage (1720' on Mingo Road), which
would permit several signs by right if divided into individual lots. The applicant stated
that the message center is located more than 1600' from residential developments
and is setback 200' from the centerline of Mingo Road. Photographs (Exhibit B-2)
were submitted.

Comments and Questions:
In reply to Mr. Doverspike, the applicant stated that the scoreboard faces to the north
and the message center faces both north and south.
Case No. 16981 (continued)
Mr. Gardner advised that the message sign in question faces the south and can be viewed by the public from both 71st Street and Mingo Road. He informed that the Code requires constant lighting, if lights are installed on the sign (no flashing of messages permitted).

In reply to Mr. Doverspike, Mr. Nelson stated that the message center will not be used for commercial purposes and will not be flashing.

Mr. Gardner noted that constant lighting was required to protect residential neighborhoods.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, Tumbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to APPROVE a Variance to permit an existing electronic message center located on top of a football scoreboard to remain in its presented location and configuration - SECTION 302.B.2. - Accessory Signs in the AG District - Use Unit 2; per plan submitted; finding a hardship demonstrated by the size of the tract and the large amount of street frontage; finding that the electronic message board will be used for school use only, with no commercial advertising; finding that the sign is removed from the residential area and will not have an adverse impact on the neighborhood, or violate the spirit and intent of the Code; on the following described property:

NE/4, SE/4, Section 1, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16982

Action Requested:
Special Exception to permit a public park in an RS-3 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICT - Use Unit 2, located 2802 West 48th Street South.

Presentation:
The applicant, City of Tulsa, was represented by Ross Weller, 707 South Houston, who submitted a plot plan (Exhibit C-1) and advised that numerous park improvements are proposed throughout the City. He informed that proposed construction at this location consists of adding outdoor gym equipment and paving a gravel parking lot.
Case No. 13546

Action Requested:
Variance - Section 320 - Accessory Uses in the Agriculture District.
Use Unit 1205 - Request a variance to permit a 97 sq. ft. accessory sign in an AG zoned district, located at 6636 South Mingo.

Presentation:
The applicant, Union School District, was represented by Douglas Mann, 525 South Main, Tulsa, Oklahoma. Be explained that the Union School District has been given a 97 sq. ft. sign by the Coca Cola Company to be used for advertising school activities and other events of a community nature. Mr. Mann submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2) to the Board. The lighted sign has a value of $45,000 and is 15' high and 15' long, with a small Coke advertisement in the corner.

Board Action:
On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clarkston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Variance - Section 320 - Accessory Uses in the Agriculture District - Use Unit 1205 - Request a variance to permit a 97 sq. ft. accessory sign in an AG zoned district; finding that the size of the lot is the hardship for granting a variance; per plans submitted; on the following described property:

NE/4 SE/4 of Section 1, T-13-N, R-13-E, N, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13547

Action Requested:
Special Exception - Section 420 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to permit a church and related activities in a RS-2 zoned district, located on the SE/c of 135th East Avenue and 12th Street.

Presentation:
The applicant, Tulsa Gospel Chapel, was represented by Phil Moffett, 3531 South Richmond, who presented the Board with a map of the area (Exhibit F-1). Mr. Moffett submitted a site plan (Exhibit F-2) for the proposed building and explained that the five acre tract bounds 135th East Avenue and is approximately one block away from 11th Street which is a major arterial. He explained that the land has all utilities except for a sewer. Mr. Moffett pointed out that he had met with the Hydrology Department and they had indicated that a detention pond may be required. A petition (Exhibit F-3) in favor of the church was presented by Mr. Moffett. The proposed facility is to

05.02.85:436(7)
UNION HIGH SCHOOL
FINE ARTS/STADIUM IMPROVEMENTS
### NEW PROJECT SQUARE FOOTAGE

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<td>Stadium West Concourse Level</td>
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<td>Bleacher Seating</td>
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<td>Stadium West Press Box level</td>
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<td>East Concessions Addition</td>
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<td>Demo Existing West Side Locker Rooms</td>
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### COMBINED SF BREAKDOWN (EST.)

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<tr>
<td><strong>LOCKER ROOM ADDITION 2013</strong></td>
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<tr>
<td><strong>ATHLETIC/UMAC OFFICES</strong></td>
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<td><strong>THIS PROJECT</strong></td>
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### STADIUM/AUDITORIUM SEATING

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### PARKING REQUIRED

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<td><strong>STADIUM/AUDITORIUM</strong> (.20 PER SEAT)</td>
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### PARKING PROVIDED

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<td><strong>TOTAL TO BE PROVIDED AFTER IMPROVEMENTS</strong></td>
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OUR REVIEW HAS IDENTIFIED THE FOLLOWING CODE OMISSIONS OR DEFICIENCIES IN THE PROJECT APPLICATION FORMS, DRAWINGS, AND/OR SPECIFICATIONS. THE DOCUMENTS SHALL BE REVISED TO COMPLY WITH THE REFERENCED CODE SECTIONS.

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS 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.

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) 584-7528.

3. A COPY OF A "RECORD SEARCH" 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)
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 Development Districts (MFD), 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 (TMAF) application forms and fees to an INCOG representative at 634-7526. 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: 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.

   Review comment: The proposed outdoor lighted stadium requires a Special Exception reviewed and approved per Sec.70.120.

2. Sec.55.020 Table 55-1: The parking requirement for a stadium is .2 parking spaces per seat. The proposed stadium will contain 11,070 seats. This will require 2214 parking spaces. The existing UMAC parking requirement for 5286 seats is 1056. The stadium parking requirement is 3270 spaces. The parking requirement for the school classroom buildings is 701,080 ft² X 1.1 spaces per 1000 ft². This requires 771 parking spaces. The total parking requirement is 4041 spaces. The proposed total spaces to be provided are 1527.

   Review comment: A variance reviewed and approved per Sec.70.130 is required to reduce the parking requirement to 1527 spaces.

3. Sec.70.050-A: The proposed Fine Arts Center represents a modification to a previously approved site plan.

   Review comment: Submit a copy of an approved modified site plan to permit the addition of the Fine Arts Center to an existing school.

4. Sec.55.080-D: All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces may not be located off site. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking areas must comply with all applicable parking area design regulations of Section 55.090. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will
continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

Review comment: Submit an Off-site parking agreement in compliance with this section.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

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.
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22554

STR: 9205
CZM: 35
CD: 1
A-P#: 

HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: 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 reduce the required lot area and lot area per unit requirement; Variance to reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3); Special Exception to permit a carport in the street setback and street yard (Sec. 90.090-C.1)

LOCATION: 406 S 55 AV W
ZONED: RM-1

PRESENT USE: vacant
TRACT SIZE: 8058.63 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 5, GLEN ACRES SUB-WEKIWA

RELEVANT PREVIOUS ACTIONS:
None relevant.

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

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 RM-1 zoned residences to the south, east, and west; Katy Jogging trail is to the north of the property.
STAFF COMMENTS:
The applicant is requesting a **Special Exception** to permit a 60'Wx16'L manufactured housing unit. A special exception is required as a manufactured home is a use which is not permitted by right in the RM-1 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 applicant is requesting a **Special Exception** to allow a 20' x 20' carport to be located in the required street yard in an RM-1 zoned district (Section 90.090-C.1). The street yard setback is shown in the figure below. As shown on the attached plans the applicant is proposing to construct a carport within the required street yard setback of the site.

*Figure 0-1: Street Yard*

Per the Code, Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. The initial carport site plan was revised and is no longer in the street setback.

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

Per the Code, manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning code (Section 40.210).

For a detached house use in the RM-1 district the Code requires a lot area and lot area per unit of 5,500 sq. ft. As shown on the attached exhibit, the existing lot area is ±8,058 sq feet. The original request included a **Variance** to reduce the required minimum lot area and lot area per unit (Sec. 5.030-A). The Variance request is not needed at this time and can be withdrawn from the application.

For a detached house use in the RM-1 district the Code requires a lot width of 50 ft. As shown on the attached exhibit, the existing lot width is 46 ft. The code states the lot width is measured as the average (mean) horizontal distance between the side property lines of a lot. The applicant has requested a **Variance** to reduce the required minimum lot width.
Sample Motion

Move to _______ (approve/deny) a 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 reduce the lot width requirement for a manufactured housing unit use in the RM-1 District (Table 5-3); Special Exception to permit a carport in the street yard (Sec. 90.090-C.1)

- Finding the hardship(s) to be __________________________.
- 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 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."

REVISED 2/4/2018
APPLICATION NO: BLDR-013277-2018  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 406 S 55th Ave West
Description: Manufactured Housing Unit & 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 (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

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

IMPORTANT INFORMATION

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

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAFC) 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 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)
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 (CD) 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 584-7520. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

1. Sec. 5.020 Table 5-2: The submitted application indicates construction of a "Manufactured Housing Unit" per documents submitted to our office. The proposed Manufactured Housing Unit is located in an RS-3 Zoning District.

   Review Comments: Manufactured Housing Units are allowed in this zoning district by special exception. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec. 70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office.

2. 35.010-H Manufactured Housing Unit

   A manufactured housing unit is a principal residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et sec.) Manufactured housing units are subject to the same regulations that apply to detached houses, except as modified by supplemental regulations of Section 40.210.

   Review Comments: Provide documentation indicating the date of manufacturer for this manufactured housing unit.

   Special exception approval required; see §90.090-C1.

3. 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 underlined 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.

*You will also be required to obtain a building permit before start of construction.
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.
HEARING DATE: 12/11/2018 1:00 PM

APPLICANT: Josh Miller

ACTION REQUESTED: Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area.

LOCATION: South of the SE/c of East 31st St. South & Riverside Dr.; South of the SE/c of East 31st St. South & Riverside Dr.

ZONED: RM-3, RM-1, RDO-3

PRESENT USE: Parking for Park and Recreation Use

TRACT SIZE: ± 17 acres

LEGAL DESCRIPTION: PRT GOV LT 1 & PRT NW NE BEG 24 7S & 410 6E NAC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 6.22ACS; AND BEG NW NW NE 570 S E/2 NW NE W75 NW60.8 W12 NW82.84 W98.75 S250 E247.5 ECR E/2 NW NW NE N120 POB SEC 24 19 12 AND BLOCK 1, 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

RELEVANT PREVIOUS ACTIONS:
Subject Site
BOA 22336; on 10.10.17, the Board approved Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F), with conditions.

BOA 21784; on 09.23.14 the Board approved a special exception to permit offsite construction facilities including staging and storage of construction equipment and materials; a variance of the 2-year time limitation on construction facilities to allow 5 years; a variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner; a variance from the the bulk and area requirements set forth in Section 404.F.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as a "Parks and Open Space"; an "Arkansas River Corridor" and an "Area of Growth".

Parks and Open Space are areas to be protected and promoted through the targeted investments, public private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone; they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system.
The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is abutted by RM-2 and RS-3 zoning on east, S Riverside Drive and RS-3 zoning abuts the site on the west, E 31 St S, RS-3 and RM-3 zoning abuts the site on the on the north, RS-3 zoned residential abuts the site on the south.

**STAFF COMMENTS:**

The applicant is requesting that the Board approve a Modification of the conditions of a previously approved case (BOA-22336) to extend the allowable time limit and revise the surfacing requirements for a temporary, non-all-weather surface parking area.

In BOA-22336 (see attached minutes), the Board approved a Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place; a Variance to allow a non-all weather parking surface.

The Board approved the request subject to the following conditions: "no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today, on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today; on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street; enhance screening to be installed abutting residentially used properties to the south and east; the parking lot will be maintained and staffed while open for parking; gravel to be sparingly used for maintenance purposes only; and the parking lot will not be lit. This approval is granted through October 31, 2019."

The applicant is requesting that the time limitation be extended to allow the existing temporary accessory parking use from October 31, 2019 to December 31, 2021. The applicant is also requesting that the Board modify the condition that “gravel is to be sparingly used for maintenance purposes only”. The applicant is proposing additional rock and gravel surface to the existing parking area.

If inclined to approve the requested Modification, the Board may consider any condition it deems necessary and reasonably related to the request to ensure the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code.
Sample Motion:

Move to _________(approve/deny) a Modification of the conditions of a previously approved Special Exception (BOA-22336) to extend the allowable time limit from October 31, 2019 to December 31, 2021; the conditions of a previously approved Variance (BOA-22336) to revise the surfacing requirement to allow for additional rock and gravel for a temporary, non-all-weather surface parking area.

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

- Subject to the following conditions _________.

REV:01200018

19.4
Interested Parties:
Doris Green, 3232 North Hartford Place, Tulsa, OK; stated she is in favor of the day care center. She thinks it will be a nice fit for the area because there are apartments with several children living in it.

Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to APPROVE the request for a Special Exception to allow a Day Care Center for children in an R District (Section 5.020). The Board finds that the requested Special Exception is not in harmony with the spirit and intent of the Code and would possibly be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

E 100 LT 4 BLK 1, PERSHING ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22336—Josh Miller

Action Requested:
Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F). LOCATION: South of the SE/c of East 31st Street South and Riverside Drive (CD 9)

Presentation:
William Jay Stava, III, 624 West 79th Street, Tulsa, OK; stated the planning process for the Gathering Place started about five years ago followed by a series of community meetings. One of the large concerns that came out of that was the concern for parking within the neighborhoods. There is a total of 525 paved spaces on the property with lighting and storm water. In the second year of the opening the Gathering Place has been looking at other parking options. There has been a three-tier parking system developed, which is one on site, two utilizing the Phase II and the Phase III area as a temporary parking and the third is off-site parking with shuttle service to the Gathering Place. Those are the three steps of parking that will be employed upon the opening of the park for at least the first year and possibly the full two years. Mr. Stava stated that he met with the neighborhood and there was a lot of concern of the proximity of the parking to the houses on the east side and the south side and the park is incredibly sensitive to that. There was a parking study performed and it showed a maximum 1,652 parking spaces, 36 of which are paved on the corner of 31st and Riverside for handicap parking. The park did not want to light the parking lot, did not want the storm water because this area will eventually become additional park land, so the park has
looked at having a maintained grass lot. There is a staff of 40 management personnel with 50 maintenance personnel that will be in the park, so the proposed lot will be a maintained lot. After speaking with the neighbors today in the hallway, he has agreed to not have anything within 25 feet of the construction fence which will curtail the spaces, deleted on the south side three parking rows, and on the north side have deleted four parking rows and deleted all the parking spaces along the fence to 31st Street making the parking away from the fence and closer to Riverside Drive. Mr. Stava stated that there had been discussion about not using gravel, but he would like to be able to use gravel for the repair or filling of low spots. There was concern about the fence, so he is going to look at installing another layer of mesh to prevent people from seeing through the fence or some sort of material that cannot be seen through. The neighbors were concerned about the two-year time request, so the compromise was until October 31, 2019 so that would be the only time for the parking lot request. The lot will be staffed and supervised when there are cars in the parking lot and it will not be lit.

Mr. Van De Wiele asked staff if there were lighting requirements for a parking lot. Mr. Stava stated that it is his understanding that if the lot is not paved lighting or stormwater is required. Ms. Miller stated that landscape requirements are also not necessary with an unpaved lot. Ms. Miller stated there are a lot of parking lot requirements if it is improved but otherwise no.

Mr. Bond stated that in full disclosure he was the former President of the neighborhood association and the neighborhood association is not present for this presentation today, so if anyone feels that there is a conflict he will address that. Mr. Bond believes he can look at this request objectively.

Mr. Bond asked Mr. Stava what happens to the parking lot after two years. Mr. Stava stated that if the parking load still requires the parking there will be offsite parking with shuttle buses available. What kicks in around 2021 or 2022 is a downtown circulator that brushes the park, so people can park downtown and get to the site.

Mr. Van De Wiele asked Mr. Stava what is the current anticipated time schedule for opening the facility. Mr. Stava stated it is scheduled for the summer of 2018.

Ms. Back asked Mr. Stava if he would be using grasscrete. Mr. Stava stated that he would either use a grasscrete in the driving lanes or fortified soils.

**Interested Parties:**

There were interested parties present, but no one came forward to speak.

**Comments and Questions:**

Mr. Bond stated this is a herculean project and this is a two-year fix until they can figure things out. The applicant has made real concessions to the neighbors, so he would be in favor of this application.
Mr. Van De Wiele reiterated the conditions that were conceded by the applicant to the neighbors to verify everyone was clear on what was being proposed.

Board Action:
On MOTION of BACK, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to APPROVE the request for a Special Exception to allow a Parks and Recreation use in an R district to permit a temporary accessory parking lot for the Gathering Place (Section 5.020); Variance to allow a non-all weather parking surface (Section 50.090-F) in subject to the conceptual plan modified at today's meeting. The approval is subject to the following conditions: no parking within 30 feet of the property line on the south side of the property; on the southeast corner removal of three rows of parking as shown as etched out on the exhibit modified today; on the east side north of Crow Creek the removal of four rows of parking as shown on the exhibit today; on the northeast side of the property the removal of one row of adjacent parking along the fence line to 31st Street, enhance screening to be installed abutting residentially used properties to the south and east; the parking lot will be maintained and staffed while open for parking; gravel to be sparingly used for maintenance purposes only; and the parking lot will not be lit. This approval is granted through October 31, 2019. 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; for the following property:

PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWG NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12
6.22AC; 12 and BLK 1 3200 RIVERSIDE DRIVE ADDN SUB L9-10 PEEBLES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

10/10/2017-1:193 (17)
Mr. White asked if this was a private playground that is open to the public. Mr. Beach answered affirmatively.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit a playground (Use Unit 5) in an OL District (Section 601, Table 1). This approval will be as located on pages 6.6 and 6.14. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property.

S132 OF N264 E/2 NE SE SE SEC 23 20 12; N198 OF S396 E/2 NE SE SE SEC 23 20 12; S198 E/2 NE SE SE LESS S30 & E18.5 FOR ST SEC 23 20 12 1.209ACR,HIGHLAND HILLS AMD, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Action Requested:
Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a); Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. LOCATION: NW/c of East 31st Street and South Boston Place AND SE/c of Riverside Drive and East 31st Street (CD 4, 9)

Ms. Snyder recused herself and left the meeting at 1:17 P.M.

Presentation:
Roy Johnsen, 1 West 3rd Street, Suite 1010, Tulsa, OK, stated he is representing the Kaiser Family Foundation. A PUD was approved by the City Council and Tulsa Metropolitan Area Planning Commission in July 2013 for the subject property with no objections. Now is the time to prepare for the construction and this will be a large

09/23/2014-125 (S)
difficult job with tremendous detail. In the Zoning code Use Unit 2 provides for Special Exceptions in any district, and one of the Special Exceptions is the use of off-site property for construction purposes. Mr. Jeff Stava held a neighborhood meeting last evening and presented a good outline of the project. The Gathering Place project will be a wonderful project for the City of Tulsa.

Jeff Stava, 7030 South Yale, Suite 600, Tulsa, OK; stated this is an incredibly complex project. There will be a 100 acre park built between a river and a neighborhood. The project has been in planning for almost seven years and publicly engaged for two years. The contractor was hired in early May 2014 and through that process it was learned that a very large layout area was needed in order to stage construction for the project. The fences will be erected this week for the project site and it will take about two weeks to get the site fully contained. In preconstruction the lay down yard will be located on the south side of 31st Street across Grow Creek to the back of the homes located on 33rd Place across Cincinnati. This will include all of the Legacy Apartment Complex and the Sundance Apartment Complex. There is also a lot on the corner of 31st and Boston Place that is owned for the Gathering Place. The apartments located on the east side of Cincinnati will not be torn down in this phase. There are several tenants that have special needs and it will be at least a year as the transition is begun for those tenants. Everything on the west side of Cincinnati including the Sundance Apartment Complex will be razed and the Variance request is to allow the preconstruction yard in that area. At this point Mr. Stava used pictures on the overhead projector to give a visual of the subject area and the proposed fencing. Many of the residents asked for a parking lot or storage in the area closest to the houses, it was determined that with all the morning noise it would be ill advised so by placing the building in that location it will shield the residents from a lot of the noise that will occur. In the second stage of the project there will be approximately 7,000 trees and 50,000 plants will be brought in for storage before planting. It is very important that the contractors be adjacent to the site to be able to evaluate and see the condition and quality of the project as it progresses. If there is a problem they need to be able to immediately go back to the sample and models that have been approved so progress can smoothly continue. There will also be a designated area for parking and construction trailers for all the subcontractors. There will be anywhere from 50 to 100 workers at the beginning of the project and go up to approximately 500 workers on the site. Some of these workers will park on the subject site but it is also anticipated that some off site parking locations will be needed as well for the workers. Mr. Stava stated that his company had sent out a six page packet notice to the all of the residents within 300 feet, they visited door to door with the residents that live within 100 feet, and they sat down with each of the homeowners that are immediately adjacent to the site. All of the residents concur that the building is the best and most passive use to be next to the project.

Mr. Van De Wiele asked Mr. Stava if he worked with the residents on the layout of the project. Mr. Stava answered affirmatively.

Mr. Stava had a picture of the proposed project building placed on the overhead projector. The building is 11'-6" from the edge of the curb line, and it sits 20 feet from
the front edge of an adjacent house. The fencing will be run behind the building on the east side then block Boston Place to prevent construction traffic on the street, and proposing to block 31st Street west of Boston Court and at Riverside Drive. This will prevent any detour traffic on Riverside from using 31st Street and traveling through the neighborhood to go downtown. It will also prevent construction workers from parking on the street. The back of the construction site will be with the neighborhood and not have the front of the construction site into the neighborhood. The street closures chosen work for many reasons. The City must run a new major stormwater line which will cross Riverside Drive to dump into the Arkansas River, and it will allow the 440,000 cubic yards of dirt to be moved. The City hosted a neighborhood meeting with Maple Ridge and some of the other neighbors regarding Riverside Drive, and he attended that meeting. A lot of the concerns of the residents was what happens to the detour traffic if the road is not closed, and that aided in the decision to recommend the street closure.

Mr. Henke reminded Mr. Stava and the audience that the Board of Adjustment does not deal with street closures. Mr. Stava acknowledged the statement and stated that it is important in context because the building is facing west and the back of the building is facing the neighborhood. There will be no construction entrances or exits anywhere along the neighborhood side of the project site.

**Interested Parties:**

Mark Graham, 2551 South Owasso Avenue, Tulsa, OK; stated he has lived in Maple Ridge for 35 years. This $300 million to the City is the result of a lot of community conversation, a lot of empathy with the neighborhood, and there has been no hiding of that fact. In the last year in Maple Ridge the neighborhood has had gas lines replaced, water lines being prepared for replacement, and in his neighborhood they have been maneuvering detours for months. It is a reality what people go through in order to have a better city. This iconic gift will set Tulsa apart from any other city in the United States. He would ask the Board not handcraft the construction with a requirement that will potentially be more costly, more time consuming and could create more inconvenience for the neighborhood and the city.

Blake Ewing, City Councilor, 176 East 2nd Street, Tulsa, OK; stated that as a Councilor he becomes the complaint line for the citizens of Tulsa. People are concerned about this project and how it might affect the way they live in the Maple Ridge neighborhood. What he can attest to is that he knows Paul Zachary and the City staff, as it relates to the City of Tulsa's part of this project, are doing everything they can to mitigate the imposition to the citizens of Tulsa and the affected neighborhoods. He feels Mr. Stava was quite thorough in his presentation at the meeting last evening. As Councilor he know numbers matter, and the sentiment of the public matters as decisions are being made in land use. There was frustration voiced in the meeting last evening but his sentiment is that it was overwhelmingly positive. There is no way around what is coming. Streets are going to be closed and people will need to take a different route to and from work. There are things in the city that are taken for granted, and at some point those things caused great imposition. The Broken Arrow Expressway was not always in existence. Those were just neighborhoods that it now splits into two. As community
things, like this have been dealt with before with the understanding that it was for the long term greater good of the community. The citizens have been able to see that such investments have made the city better, and the short term sacrifice was worth it in the long run. The proposals presented today are worth it. This type of investment on this scale requires a great deal of space in order to stage the project, and they are already short on space. The hardship, in his words, is the issue of how to make this enormous project happen with the limited area utilized. Mr. Ewing thinks this is a justified request and he believes his constituents would that statement.

Adam Burney, 3016 South Boston Place, Tulsa, OK; stated he objects to the building and the Variances. He thinks the park is a positive thing for Tulsa. He thinks it is something that will be a world class destination. He objects to the building because it is a commercial entity entering a residential neighborhood. It is so close to the curb and he believes it will constitute a public nuisance. It is so close to the street that it blocks the sight triangle into the intersection of South Boston Place and 31st Street. Allowing a building that large on a lot that small will constitute a problem for traffic flow. He thinks that the spirit and intent of the zoning regulations are being exceeded in this instance because of the five year request. It has been stated that Phase I will take three or four years so he thinks the Variance should only be for four years not five. He attended the meeting last evening and he heard information that he has not heard before, i.e., from the City Engineer regarding drainage. The drainage projects are going to be happening concurrently with the construction of the park. One of the projects will be the drainage on 30th Street which deadends into the park. The Engineer stated that at times the street will be closed and that creates a problem for the residents of South Boston Place. Because of the street plan that has been laid out by the applicant for closing 31st Street, if they also close 30th Street the residents will essentially be marooned. There has to be an alternate plan for traffic because of the building, and he would like to hear about an alternate plan. He believes this process could have been a lot simpler if the lot had been included in a PUD. It is not included in the park plan. It is a separate lot and that is why there are all the Variances being requested. He has only heard a lot of this information in the last week and he lives six houses away from the project, and he did not know it was going up until there were signs placed in the subject property. He understands the 300 foot rule, but if they want to go above and beyond to communicate with the community they need go past 300 feet to inform everyone. Mr. Burney quoted Section 1202.C.4.b, "the ingress and egress of this building must be from an arterial or collector street". The applicant has stated that the entrance will be from the west side. There is no arterial or collector street on the west side of the building, it is part of the construction site. He feels that since the building is oriented as it is the applicant will be in violation of the zoning code. He thinks the park objectives can be met without the building. They can construct a world class park without having the building in a residential neighborhood.

David Brennan, 3020 South Boston Place, Tulsa, OK; stated he has lived in the neighborhood for five years. On September 9th he received a letter in the mail from the management team regarding the project, stating that the building would be erected. That is the first he knew about it. There have been a lot of things that have come up
and the neighborhood was not aware of just recently. There was a meeting with the management team on September 12th to discuss what the option were for the neighborhood and what was the neighborhood willing to compromise on. The neighborhood was informed that the building would be on the site for the duration of the project. His first concern is the impact this project will have on his property value. He did some research and it is not clear the benefits that will come from the park. Most of the economic benefit will be from the quality of the part and for the dwellings that are within 500 feet of the park. In his research he found that problematic parks decrease property value by 5% for dwellings within 500 feet. A problematic park is a park that has noise, lights, and parking. For the next five years the Gathering Place project will be assessed and profiled as a problematic park thus decreasing the value of his home even it is transitory for the next five to eight years. He will not be able to sell his house. He is 50 years old and he could retire in five years and not be able to sell his house because of the devalued price. He believes there was a fabulous job done in selling the park, but it could have been done better when it comes to the residents within 500 feet of the project. He thinks there should have been a proportional consensus from the community because this is a huge park, and what he saw at the meeting last evening was minimal. This is a hardship on the neighborhood. He would ask on behalf of the neighborhood that they be allowed more time to consider other options, like reduce the building size. There is a 1,000 square foot conference room with a second conference room. He has never seen a construction building like this. The building is huge and it does not fit the property. It is 7,000 square feet being erected a 9,000 square foot piece of property. This building is ill conceived and he thinks it can be done better.

James Daniel "Dan" Simpson, 2916 South Detroit, Tulsa, OK; stated he will be inconvenienced by all of this for the next four to five years as will any of his neighbors. There will be a building that people may not want to look at, however, it is a temporary construction building. A temporary building that will be used by the safety officers; site management keeping as close to the project as possible. As for the street closures he would like to hear the option of moving the barriers when 30th Place is closed and when they will be open and the installation of a gate. All of the neighbors will not agree with him but they will all agree that when this project is completed Tulsa will have a world class park. It is the largest gift to a city in the history of this nation, not just the state of Oklahoma. He would encourage the Board to move forward and minimize the inconvenience where possible and get started.

Casey Robinson, 3026 South Boston Place, Tulsa, OK; stated he lives three houses away from the subject site and has lived there for four years. He did not purchase the house ever thinking that a commercial building would be allowed in a residential neighborhood. Forget how many millions are going into this park. If this were any other project a commercial building would not be allowed in a residential neighborhood. He attended the meeting last evening and heard information that had never been heard before. He would like more time to review the information presented. He would like the Board to consider that this is not the right place for the proposed building. He also has concerns over whether the building will be temporary, because when he looks
at a building like that he does not think temporary. As a neighborhood they would like to have some assurance, something in writing, that the building will be temporary.

Debbia Saunders, 3116 South Boston Court, Tulsa, OK; stated she learned something today that she did not know, and she was not invited to the meeting of last evening. Her back yard backs up to the project site, and she pointed to an area on the map that was on the overhead projector. She knew the staging would be placed in that area designated on the map but she did not know the parking would be staged next to her fence. This will be horrifying and she does not know if she will be able to stay. She and her sister share in the care of their aging disabled mother. The noise will be unbearable and will drive her dogs crazy. She would like to see the parking and the noisier operations moved to another area.

Anita Saunders, 3126 South Boston Court, Tulsa, OK; stated she has been looking forward to the start of this project, and she realizes there will be pains along the way. Ms. Saunders stated that the neighborhood was not informed as to how things were going to be laid out. She is concerned over the road closure because her street is a dead end street. She thinks that once the street is blocked off it will become a turn around area. She understands that there will be noise associated with the project but she wishes they would move the parking or create some kind of barrier between the back of the houses and the activity. She would like to have the Board give the neighborhood additional time to work with Mr. Stava.

Millie York, 3020 South Boston Place, Tulsa, OK; stated she filed a formal letter of protest against the building. In doing research she understands the applicant must prove hardship to receive an approval. When she asked Mr. Stava what the hardship was he answered $350 million dollars. She does not think that is a hardship. There is one hundred acres to place this building on and having one hundred acres is not a hardship. There are plenty of places away from a single family neighborhood for the building to be placed, it is just where the applicant wants it to go. In spite of the applicant saying this is for five years she knows the Board can grant them an additional five years. Mr. Stava told her that the proposed building would be the first building up and the last building down when Stage II is completed. Ten years is not temporary. A ten year construction building at the end of the neighborhood block is going to cause the residents a hardship. Blocking both ends of the street causes response time delays. That is a public safety hazard and needs to be addressed. She wants to have this meeting continued to next month because the neighbors were not given all the information and the neighbors need more time to gather data.

Mr. Van De Wiele asked Ms. York where she was getting the ten year time frame. Ms. York stated the ten year time frame comes from the fact that Mr. Stava told her in his office on September 12th that the proposed building will be the first building up and the last building down when Phase II is complete. She understands that and is not against the building because she agrees it is being placed in the best place, if the building is built to the style, rhythm and size of the neighborhood. She is very concerned about the road closures at both ends of the street because it really is a safety issue. She would
request more time be given so the neighbors can gather data of the impact of this oversized building on the little neighborhood.

Mr. Henke asked Ms. York if she was objecting to the number of square feet. Ms. York stated that she was not objecting to that but is objecting to the amount of space it occupies on the lot. Another construction company has donated the metal building to Manhattan Construction so they are saving money. This is about the residents lives, our peace, our quiet and inconveniences.

Mr. Henke stated the Board must focus on this piece of property and the relief requested for the building. Some of the neighbors may disagree with the height at 20 feet and some may be supportive with the design. Ms. York stated that if Manhattan Construction wants the building to look like a tin construction building then reduce the size of the building. If they don't want to reduce the size and have the option of making it something that will not devalue the homes over the next ten years that should be considered. Mr. Henke stated the request today is for five years.

Jennifer Kisamore, 137 East 34th Street, Tulsa, OK, stated she lives at the corner of 34th Street and Cincinnati. She would like to have the Board continue this request because the size of the building and the closing of 31st Street. Traffic will be routed down Cincinnati because it is a through street which is a narrow residential street that people already run the stop sign at 34th Street. The community needs more time to consider the issue.

Millie Clark, 3025 South Boston Place, Tulsa, OK; stated she is one of the elderly people that lives on Boston Place which will be blocked off on both ends. Due to visual and ambulatory difficulties she has she objects to the street closing because she will not be able to get in or out. She also has reservations made to enter a retirement center and if the street is blocked off and the neighborhood is marooned as an island how will she be able to move. How will her property values be affected? Her moving into a retirement center is totally contingent upon the sale of her house. She would prefer something else be done for a short period of time. Mr. Henke stated the Board does not have the ability to open and close street but he understands her concern. Mr. Henke stated he will ask the City about marooning the neighbors.

Brooke Caviness, Senior Engineer, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the City is planning on performing drainage improvements to the neighborhood at 30th Street. The plan is to parallel a line with another 48 inch line. When the construction starts the City need to cut across Boston Place but the City will maintain access. There may be 20 feet of rock but the City will maintain access. If there is a situation where the City cannot maintain the access they will open 31st Street. The City will not maroon any residents. The City anticipates the project to last approximately two weeks to perform the work across Boston Place.

Herb Beattie, 3474 South Zunis Avenue, Tulsa, OK; stated he has been representing the Brookside Neighborhood Association for over a decade. Projects like this are
associated with street closings. He has attended many meetings with Mr. Stava, the City Engineering Department, City Councilors and the neighbors for the last two or three years on related matters to this project. They have been consistently responsive, considerate and gone out of their way to understanding the needs and concerns of the neighbors and to make adjustments where it is appropriate.

Jason Brimer, 3045 South Boston Place, Tulsa, OK; stated he lives directly east of the proposed construction office site. He is in favor of moving forward with the project. He understands the reluctance of some of the neighbors and their concerns. He appreciates what CKFF and Manhattan has done in turning the building and the whole construction area so the backend faces the neighborhood. The look and feel of the building will blend in as well as possible considering in the southwest portion there is going to be nothing but construction machinery.

Mr. Van De Wiele asked Mr. Brimer if his preference is the mock up presented today. Mr. Brimer answered affirmatively.

Mr. Henke left the meeting at 2:21 P.M. and re-entered the meeting at 2:22 P.M.

Jeff Stava came forward. The original concept that was submitted there was a 14 foot eave with a 20 foot peak on the building. There was an eight foot cedar fence with plantings in front of it. As they went around the neighborhood there were some people that did not want the fence and some people did not want the plantings. Mr. Stava recommended that the fencing around the building be vetoed, and just have the fencing from the corner of the building across Boston Place and plantings elsewhere. So there would be fencing on the north and east sides and plantings across it so the building will fit more into the fabric of the neighborhood. On the south side of the building there will be doorway and no fence, and the site will be open to 31st Street. On the west side there will be a doorway and no fence. The building would consist of stone and painted shake style hardie board with a galvanized metal roof. There are two houses in the neighborhood with metal roofs and he plans to match the metal to the house that is the farthest north on the block.

Mr. White informed Mr. Stava that if he should need to go beyond the five year period being requested he would need to come back before the Board for permission of an extension. Mr. Stava stated that he was not aware of that until last evening.

Mr. White asked Mr. Stava if it would be a problem for him if the Board were to make a condition that at the end of a five year period the subject building were to be removed, if the Board approves today's request. Mr. Stava stated that at the end of Phase I there will be a pocket park that opens up to the neighborhood. That construction phase is expected to end in 2017. So the building would stay up to five years then be replaced by the pocket park.
Mr. Van De Wiele asked Mr. Stava if construction of Phase II were to start early what would happen to the building. Mr. Stava stated there will not be a requirement for as large a building for Phase II and Phase III so the construction office building will be scaled down.

Mr. Tidwell asked if the construction office building would be moved to a different location during Phase II and Phase III. Mr. Stava answered affirmatively.

Jana Monforte, 3041 South Boston Place, Tulsa, OK; stated she is thrilled about the park. She feels that GKFF has done a great job in keeping the neighborhood informed on what is going to happen. At times the residents are going to be frustrated but in the end there be a park right across the street from her house. Sometimes you must give up something to gain something.

Rebuttal:
Roy Johnsen came forward. The meeting last evening was packed and most of the people at that meeting are here today. The Board of Adjustment is dealing with two issues, Special Exceptions and Variances. The Board must find "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". It seems like this project is right on the money in a situation of an extraordinary circumstance. Many times a Variance being sought is a small thing but this project is a large thing. There is nothing else like this in the entire city. In Use Unit 2, it does not make any distinction from retail or industrial or office or any other category. It is a document that was written that says construction activities can be on site. This is far past that simplicity. For example, there is an office building on the north side of 31st Street and there is no parking on site. It is as good a neighbor as anyone can have. This company is going to do the best they can to keep the dust down and reduce the noise level. Use Unit 2 does not work for the present situation because it is a very large project that will take a very long to complete. The conditions for the hardship are met by looking at the facts. The neighbors have agreed with the proposal. There are provisions in Use Unit 2, i.e., the length of time is two years. That two year time limit simply will not work so a Variance is being requested. There is also a provision that within 100 feet the resident's permission must be received. That statement does not make sense, and the Board has the power to grant the Variance requested for that. In the zoning code there is a section that addresses the ingress and egress from a collector street, and that collector street is 31st Street. Section C under the Use Unit 2 states that a site shall not be located within 100 feet of an occupied dwelling without permission, but as a practical matter people will sign a statement such as that. Mr. Johnsen did say that the four residents that are within 100 feet of the project are in support of the project. A Use Unit 2 Special Exception in the residential district is one of the things the Board can approve. This project is in a residential district. In the zoning code it specifies certain things, i.e., maximum floor area ratio of .5, maximum lot size of 12,000 square feet, minimum frontage of 100 feet, a minimum building setback and these items simply cannot be met with the situation presented.
The lot is smaller than the 12,000 square feet. The minimum frontage of 100 feet is not there. That is why the Variance for those items has been requested.

Mr. Van De Wiele asked Mr. Johnsen to speak to the need of the size of the building. Mr. Johnsen stated there will be a lot of offices for meetings and the larger building will provide greater protection to the people to the north of the subject site. The contractor thinks the building size is appropriate for the leadership of the construction project.

Mr. Tidwell asked Mr. Johnsen if there would be work performed on the site on Saturdays. Mr. Johnsen stated there would be work all day during the daylight hours.

Comments and Questions:
Mr. Henke thinks there is a valid hardship for the Variance requests. The Special Exception clearly needs to be not detrimental to the neighborhood, and there will be arguments on both sides to that, but what has been discussed today is probably the most attractive temporary construction office building he has seen.

Mr. Van De Wiele agreed. Everyone is going to be inconvenienced to some degree. The closer one is the more inconvenience, and he certainly has already started looking for another route into downtown. When this project is finished it will be a great improvement and asset.

Mr. Tidwell agreed there is a valid hardship, and believes the Foundation will be responsive to problems that may arise during the construction.

Mr. White agreed with the other Board members. He would suggest that after the five year time frame is complete that the building be removed from the site. He understands the applicant has stated that the building would be removed but the Board has not stated that condition in a motion as of yet.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the request for a Special Exception to permit offsite construction facilities (Use Unit 2) including staging and storage of construction equipment and materials (Section 401, Table 1 and Section 1202.B); Variance of 2-year time limitation on construction facilities to allow 5 years (Section 1202.C.4.a), with the condition that at the end of the five year period the construction office facility be removed; Variance to permit construction facilities to be located within 100 feet of an occupied dwelling without consent of the owner (Section 1204.C.4.c); Variance from the bulk and area requirements set forth in Section 404.F. The Board has found that the project in question is an exceptional size and undertaking as part of the City. The facilities to be constructed on the lot in question are located at the optimal and most efficient location to provide the least amount of detrimental impact.

The applicant has agreed as part of the approval given today that the north and east side of the construction office will be covered by a stone and painted shake style hardie board siding as presented at today’s meeting. The south and west sides of the building
will be of typical construction material and will not be required to be fenced. Also, along the north and east sides of the building there will be landscaping and plantings. The Board has found in conjunction with the Special Exception that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

SI7 LT 11 & ALL LT 12 BLK 11, TRAVIS PARK ADDN; ALL 3200 RIVERSIDE DRIVE ADDN; PRT GOV LT 1 & PRT NW NE BEG 24.7S & 410.6E NWC NW NE TH W481.57 SE303.97 TH ON RT CRV 236.89 SE104.61 E371.67 N635.3 POB SEC 24 19 12 8.22ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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OTHER BUSINESS

Review and Approval of the 2015 City Board of Adjustment meeting dates.

On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Snyder absent) to APPROVE the 2015 City Board of Adjustment meeting date schedule provided with the exception of the removal of the November 24th meeting and the December 22nd meeting.

09/23/2014-1125 (16)
Gather Place to routinely maintain all rock check dams and bank stabilization to ensure trash/debris from parking does not contaminate Creek.
Notes:
Gathering Place to routinely maintain all rock check dams and bank stabilization to ensure trash/debris from parking does not contaminate Creek.