AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, January 8, 2018, 1:00 P.M.

Meeting No. 1219

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

1. **22538—AAB Engineering, LLC – CBC Builds, LLC**
   (RECONSIDERED FROM 12/11/2018)
   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)

2. **22546—Miguel Sotelo**
   Special Exception to allow a carport in a street setback and street yard (Section 90.090-C1). **LOCATION:** 1524 East 49th Street South (CD 9)

3. **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)

NEW APPLICATIONS

4. **22555—Gregory Helms**
   Special Exception to permit the expansion of a liquor store on a lot within 150 feet of an R-zoned lot (Section 15.020-G); Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, bail bonds offices, plasma centers, day labor hiring centers or pawnshops (Section 40.300-A). **LOCATION:** 1522 East 15th Street (CD 4)

5. **22558—K. B. Enterprises**
   Variance of the dustless, all-weather surfacing requirement to permit a gravel drive (Section 55.090-F). **LOCATION:** 4401 South Olympia Avenue West (CD 2)
6. **22559—Brett Baldwin**  
Variance to reduce the minimum lot area and lot area per unit requirement in an RS-1 District to permit a lot split (Table 5-3); Variance to reduce the minimum required street setback requirement in an RS-1 District (Table 5-3). **LOCATION:** 5220 East 91st Street South (CD 8)

7. **22561—George Anding**  
Variance to reduce the required side (interior) setback in an RS-3 District (Section 5.030-A). **LOCATION:** 1535 South Yorktown Avenue East (CD 4)

8. **22562—918 MVP**  
Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B); Variance to allow stairs to be located in the required side (interior) setback (Section 90.090-C); Variance to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Section 90.090-C-2); Variance to allow a detached accessory structure to exceed 18 feet in height and exceed 1-story in the rear setback in an RS-3 District (Section 90.090-C). **LOCATION:** 3403 East 8th Street South (CD 4)

9. **22563—Shane and Frances Bevel**  
Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure (Sec. 45.030-B); Variance to reduce the required side (interior) setback in an RS-3 district (Section 5.030-A). **LOCATION:** 816 South Jamestown East (CD 4)

10. **22566—Tom Neal**  
Variance to reduce the required street (rear) setback in an RS-3 District (Section 5.030-A); Variance to allow an accessory structure to be located less than 3 feet from a side interior lot line (Section 90.090-C.2); Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B). **LOCATION:** 4618 East 14th Place South (CD 4)

11. **22567—KKT Architects – Nicole Watts**  
Special Exception to allow a Bed and Breakfast with on-site events in a RS-3 District (Sections 5.020 & 40.060). **LOCATION:** 2210 South Main Street West (CD 4)

12. **22568—Amerco Real Estate Company**  
Special Exception to allow for a self-service storage facility use in a CS District (Table 15-2); Special Exception to allow for a commercial vehicle sales and rentals use in a CS District (Table 15-2). **LOCATION:** 10131 East 21st Street South (CD 5)
13. **22569—Red Bud Elixirs, LLC**  
   Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020). **LOCATION:** 5903 South 107th Avenue East (CD 7)

14. **22570—Encinos 3D Custom Products & Signs**  
   Variance from requirement that dynamic displays not be located within 200 feet of an R District (Section 60.100-F); Variance from the requirement that dynamic displays not be located within 20 feet of the driving surface of a curb/roadway (Section 60.100-E). **LOCATION:** 1442 South Quaker Avenue East (CD 4)

**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.
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22538

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

HEARING DATE: 01/08/2018 1:00 PM (reconsidered from 12/11/18)

APPLICANT: CBC Builds LLC c/o AAB Engineering

ACTION REQUESTED: Variance to reduce the rear setback requirement in an RS-2 district (Table 5-3).

LOCATION: 2824 E 25 ST S ZONED: RS-2

PRESENT USE: Residential TRACT SIZE: 22599.02 SQ FT

LEGAL DESCRIPTION: LT 1 & N25 LT 2 LESS BEG NEC LT 1 TH W TO NWC S12.2 E TO PT ON EL LT 1 N3.9 POB BLK 8, BRYN-MAWR

RELEVANT PREVIOUS ACTIONS:

Subject Property Lot-Split History:
LS-21078; on 11.15.17, the Planning Commission approved a lot-split at the subject property.

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

Surrounding Properties Lot-Split/ Lot-Combo History:
LS-20794/ LC-680; on 7.15.15, the Planning Commission approved a lot-split and lot-combination, located at the NE/c of E. 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 there remaining three off-street parking spaces, which will be two in the garage and one beside the garage and that the applicant put mirrors up to aid in the viewing of cars pulling out of the driveway, per plan submitted, located at 2347 S. Columbia Pl.

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

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

BOA-13892; on 1.23.86, the Board withdrew a Minor Variance request to reduce the lot area to allow for a lot-split, located at the NE/c of 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.

CURRENT STAFF COMMENTS:
On 12.11.18, the Board voted (4-1-0) to reconsider #BOA-22538.

PREVIOUS 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.”
Interested Parties:
There were no interested parties present.

Comments and Questions:
Ms. Radney stated that her only concern is the noise levels.

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 APPROVE the request for a Special Exception to allow a Commercial/Assembly & Entertainment/Outdoor Use in the CBD District (Table 15-2, Section 70.120), subject to conceptual plan 9.11 of the agenda packet. The approval is to be limited to the area shown on Exhibit 9.11 of the agenda packet. Any amplified music would need to meet the City noise ordinance and/or permitting requirements. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

N75 LT 8 BLK 108, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22538—AAB Engineering, LLC – CBC Builds, LLC

Action Requested:
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)

Presentation:
Alan Betchan, 200 North McKinley, Sand Springs, OK; stated in 2017 AAB Engineering was approached by CBC Builds who was looking at purchasing a property to lot split on the southwest corner of 25th and Delaware. Having worked in the neighborhood CBC Builds was incredibly sensitive to the existing character of the neighborhood and the house that existed on the lot. After surveying the lot it was determined that the lot could meet the lot split requirements without demolishing the house, and split the lot to create the two lots. An application was presented to the Planning Commission in November, and the exhibits presented then are in the Board’s agenda packet. One of the questions that came up in conjunction with this was that the lot didn't meet the rear yard setback on the east side. In discussing that, the west side is not the rear yard but in fact it is actually the south side and it was an existing nonconformance on the lot. The existing house faces north and addressed on the north and the front door faces north. That application was approved by the Planning Commission. The developer proceeded to invest in remodeling the house and placing it on the market. In the last few months there has been question about the validity of the lot split and the existing nonconformance on the south, and whether or not the lot split should have been granted. This tract was previously split and a house was built in 2002. When the lot split was approved there was not a garage on the south end of the property. Sometime
between the 2002 lot split there has been a building application that was made and withdrawn, then the garage was constructed.

Mr. Van De Wiele asked Mr. Betchan if he was saying the garage was built without a permit. Mr. Betchan answered affirmatively.

Mr. Betchan stated he is asking for relief from the rear yard setback. The intent of that is to demonstrate that the setback is the southline, and the structure that is there is an existing conforming structure.

Mr. Van De Wiele asked Mr. Betchan when the garage was built. Mr. Betchan stated that he believes the application for the building permit was in 2002 and it was withdrawn shortly thereafter. This is a piece that had there been an issue the house could have been razed and then two new construction houses could have been placed on them. However, we are at place that there is substantial investment in the structure and the razing is not an option any more and we have relied on the approval that was previously granted and the interpretation that it was an existing nonconformance on the lot.

Mr. Van De Wiele asked Mr. Betchan to explain the nonconformity. Mr. Betchan stated it is the encroachment of the rear yard. Mr. Van De Wiele asked Mr. Betchan if that was because it was assumed that 25th was the front. Mr. Betchan answered affirmatively.

Mr. Van De Wiele asked Mr. Betchan when the lot split application was filed and approved. Mr. Betchan stated that it was November 2017 for the east/west split, and there was a 2002 split that split Lot 2 on the south edge and created another parcel to the south. Originally, in 2002 Lots 1 and 2 were a single user with a detached garage; that split allowed Lot 2 to be split and a new house to be constructed to the south. That is all prior to the current owner purchasing the house.

Mr. Van De Wiele asked Ms. Miller how the lot was split without the issues being addressed. Ms. Miller stated that she does not know the details on that. Staff has discussed this and possibly staff was looking at it as though the rear yard was to the south. The 2017 lot split met a side setback, somewhere along the line with the nonconforming building without the permit the rear setback was lost.

Mr. Van De Wiele asked if there was any doubt in the 2017 split that this was a 25th Street lot and the rear was to the south; was that an issue at all? Ms. Miller stated she just got into the details in the recent past, but she thinks that's what the assumption was.

**Interested Parties:**
Andrew Shank, Eller & Detrich, 2727 East 21st Street, Suite 200, Tulsa, OK; stated that what was heard from the applicant is that this request for a Variance is based on a lawful nonconforming structure. Respectfully, the Code offers no such relief to this applicant. Mr. Shank quoted the Zoning Code for a lawful nonconforming structure. Mr. Shank stated that the lot and structure were absolutely conforming in 2002, before the
addition of the garage to the south. Even after the addition of the garage to the south the lot and structure were absolutely conforming with the Zoning Code because it had an appropriate western back yard and five foot setback to the south and the setback to the north was fine and a front yard to Delaware. All complied with the Code. The filing of the lot split in 2017 imposed the hardship by cutting off the rear yard to the west the applicant now has to come to the Board of Adjustment to seek relief to make it okay. But for that lot split filed by the very same applicant, not the predecessor, everything was legal about the tract. Mr. Shank stated that the predecessor, Mr. Benton, was given an approval with the contingent that prior to stamping the deed he had to provide proof that the accessory garage was removed. Page 10.24 shows that the landowner had a 28 foot yard to the south and 65 feet to the west so everything was completely legal. Page 10.22 shows a document that accompanied Mr. Benton’s lot split application, and the last line of the second paragraph states “the main entry of the existing dwelling will be facing South Delaware Avenue”, but that is a typo because it is Delaware Place. This was submitted in conjunction with that exhibit; the front door will be facing Delaware and the expansive rear yard will be to the west. After the lot split in 2017 there is a claim that for years and years and years the rear yard has been to the north. Legally that argument isn’t available to them. This is important because this is a self-imposed hardship; the hardship cannot be self-imposed and this is absolutely self-imposed.

Mr. Van De Wiele stated that it sounds like the substance of Mr. Shanks argument is that this house fronts on Delaware, and the rear would be to the west instead of, as Mr. Betchan has suggested, that it fronts on 25th Street with the rear yard to the south. Mr. Van De Wiele asked Mr. Shank if that was the argument he was making. Mr. Shank answered affirmatively. Mr. Shank stated that it is based on a couple of things. It is based on the Zoning Code; there is no authority in the Code that any owner of a corner lot can choose an orientation of the front yard that results in a unconforming lot. The authority states that unless expressly otherwise stated the owner of subject property may select which lot line is the front lot line on a corner lot; every lot created must comply with all applicable provisions of the Code. For this reason, in addition to the fact that the applicant’s predecessor in title and records with INCOG and the Planning Commission, says that Delaware was chosen.

Mr. Van De Wiele stated that regardless of which argument is accurate, whether it fronts onto Delaware with the rear yard being to the west, or it fronts on to 25th Street with the rear yard to the south, it appears the City has already approved a five foot rear yard by means of the lot split in 2017. Mr. Van De Wiele asked Mr. Shank how the Board is to get around that. Mr. Shank stated that he does not believe the lot split was legal. Subdivision regulations in effect at the time state in order to be a consent agenda lot split item, which it was, and why that is important is that notice is not given to the neighbors, it is a routine approval. The Planning Commission relays on staff and says these are routine in nature we approve. Some how the lot split was placed on the consent agenda. Mr. Shank does not feel that the lot split was legal.
Ms. Miller stated that in the Subdivision Regulations the setback requirements cannot be varied or modify those requirements. A consent item or not a consent item, it would have just had to be a companion item through the Board of Adjustment to fix the setback requirement before the lot split would have happened. That was ideally the situation, but it was not looked at the way it is being looked at today.

Mr. Shank stated that in his reading of the subdivision regulations, it is said if there are going to be splits that don't comply with the Code they cannot be processed without full and clear language.

Mr. Van De Wiele asked Mr. Shank what property owner or owners is he representing. Mr. Shank stated he represents the Wilson family, who is one of the most impacted families because they are immediately to the south. The rear yard that was split off abuts the Wilson property. Mr. Van De Wiele asked Mr. Shank if he knew the address of his client's property. Mr. Shank stated that it is 2518 South Delaware Place.

Ms. Radney asked Mr. Shank which of the lot split is he saying is illegal. Mr. Shank stated that it is the 2017 lot split. Ms. Radney asked Mr. Shank if that is the one going east/west to create parcels 1 and 2. Mr. Shank answered affirmatively. Ms. Radney asked Mr. Shank if he had any complaint about the lot split to the south. Mr. Shank stated that in 2002 lot split resulted in lawful lot areas with a lawful structure, and it had more than enough rear and side yard in whichever direction one would have chosen. It was not until 2017 that the problems arose.

Ms. Radney asked Mr. Shank how the old is the existing structure on Tract B. Mr. Shank stated that it was constructed in 2007. Ms. Radney asked if that was before or after the garage was added. Mr. Shank stated that it is on separate property, but it looks like the garage was added on to the subject property sometime in 2002 or 2003 looking at the aerial maps on record with INCOG. The garage was not there in 2002 when the aerial photo was taken and in 2004 the garage is there when the aerial photo is taken.

Mr. Bond asked Mr. Shank what authority he thinks the Board has to make that declaration, because the only actions the Board reviews are that which the Board has been granted specific jurisdiction to do so. Mr. Shank stated that he not asking the Board to make any determination that the City has done anything improper. The problem was created by the lot split which was done by the same applicant that is seeking a Variance for the rear yard. He is asking for the Board to deny the request.

Patrick Wilson, 2518 South Delaware Place, Tulsa, OK; stated the property under discussion is south of the existing house. He purchased the house in the latter part of 2007; it was brand new house at that time. Since that time he has constructed a pool, an outdoor kitchen area and a cabana for entertainment for the family. With the proposed plat change it will change the whole atmosphere of his property. It will hurt the property value; it will take away any privacy that he might have because with the size of this requested it will have to be multi-story and be looking right into his pool area.
and into the back of his house. The house next door, in question, the garage was built at the time he moved in.

Mr. Van De Wiele asked Mr. Betchan to come forward. Mr. Van De Wiele asked Mr. Betchan if he was asking to continue the five foot setback onto Tract A1. Mr. Betchan stated that the only thing he is requesting is a Variance on A2 for the structure as it is constructed today in the rear yard. So any structure built on A1 would conform to the Zoning Code which would have a 25 foot rear yard.

James Howard, 2526 South Delaware Place, Tulsa, OK; stated he lives south of the Wilsons. His concern is primarily with environmental and runoff issues that will be experienced with any building on Tract A1, because the intent of the applicant is to build on Tract A1. The very creative lot split of 2017 actually hides the front door of the existing structure from 25th Street. There is a gradient in the topography in this particular neighborhood and it is about 1.5 degrees to the west. So anything on the lots to the west and lots to the south get natural runoff, but as the grass and soil is replaced by concrete this will enhance and speed up runoff to the lots to the west on Delaware Avenue and to the lots to the south on Delaware Place. All the lots in the neighborhood are rectangular, and it is a very creative way to get the necessary footage but he does not see how the 5,000 square foot of open space that is required in this neighborhood. The residents never heard about the 2017 lot split; it was done without any knowledge by any of the neighborhood residents.

Jim Love, 2821 East 25th Street, Tulsa, OK; stated he lives immediately north of the subject property. Mr. Love stated he is an attorney but does not handle real estate issues, but he thinks he understands what is going on in this case. It appears that the proposed lot split is itself self inflicted which requires a Variance to fix. It is the lot split that is the problem. He heard that the new owners were deceived about exactly where their back yard is and where their front yard is. Any of that could have been investigated. Any of this investigatable, understandable, and to the extent that the owner wanted to raze the existing house and build two new houses, Mr. Love thinks that owner would want to investigate that before purchasing the property if he had plans for a lot split. Mr. Love stated that it seems to him that the Tulsa Zoning Code does not allow the Variance as it is self inflicted. Before the lot split the house was legal and conformed to the Zoning Code that Mr. Shank referred to. Mr. Love stated the proposed lot split requires a profound Variance from the Zoning Code. If the lot split is permitted there would be no 25-foot setback from the existing structure. The applicant is simply trying to sell the back yard. It is not legal. Bryn Mawr is an established single family dwelling neighborhood which to his understanding requires clear and objective setbacks, heights, and other development standards. The proposed Variance deviates from the standards and not in keeping with the long standing established character of this single family dwelling neighborhood. When he purchased his house he thought he could count on relatively stable single family dwelling nature of the neighborhood. Mr. Love stated he has not heard any argument, even today, that justifies a Variance.
Ms. Radney asked Mr. Love when his house was built. Mr. Love stated that it is a 12 or 13 year old house and he has lived in it for six years.

Mr. Van De Wiele informed Mr. Love that it appears, in looking at the surrounding property history, that his lot and the house directly to the east of the Love residence were very well created with this exact same situation. Mr. Love stated that he does not agree; to his knowledge there was no Variance needed. Mr. Van De Wiele stated this Board is not here to consider a lot split because it has already been approved. Mr. Love stated that he understands that.

Nicole Bryant, 2347 South Delaware Avenue, Tulsa, OK; stated she lives directly west of the Love’s house. Her house was built in 1955 and it is one of the original houses in the neighborhood. This proposed lot split looks jakey. It is cutting off the yard. It will put a monstrousity on a tiny lot and she looks at it from the standpoint that it is not maintaining the integrity of Bryn Mawr to do this, in addition to the issues regarding the Variance that would be required. She asks that the request not be allowed to maintain the integrity of Bryn Mawr which is being lost to a lot of developers.

Tom Kirkpatrick, 2541 South Delaware Place, Tulsa, OK; stated he lives down the street to the south, and he has lived there about ten years. He does not reside in the house. He had the original house razed and planned on building his retirement house on his lot. He asks the Board to deny the Variance because it does not comply with the continuity of the neighborhood. Mr. Kirkpatrick stated he wants to retire in the neighborhood.

Mr. Van De Wiele stated that to deny the Variance would possibly have the impact of having the applicant raze the garage. Mr. Van De Wiele asked Mr. Kirkpatrick if that was the remedy he is seeking from the Board? What the Board is being asked today, apparently to the subject house that is addressed and apparently legally faced off 25th Street, is approve the as built constructed nature of this garage being five feet off the south property line. The applicant is wanting a Variance from the rear yard setback requirement. It has nothing to do with the open area to the west of the subject property. If the Board were to deny the Variance means that 20 feet of the existing garage would be in a required rear yard setback, and under City Code would have to be removed and that is what is being asked of the Board. Mr. Kirkpatrick stated that is exactly right. Mr. Van De Wiele asked Mr. Kirkpatrick if that is what he is asking even though the garage has been in existence for 16 years. Mr. Kirkpatrick answered affirmatively.

Beverly Sharpe, 2526 South Evanston, Tulsa, OK; stated she lives one block away from the subject property. Ms. Sharpe stated that she agrees with everything that has been said. Ms. Sharpe stated that there is an argument where the front of the house is located, but she thought that was decided by the Post Office or the Tax Assessor, the mailbox is located on the east side of the house which would eliminate all this problem because that becomes the entrance to the property. Mr. Van De Wiele stated that the subject property has been addressed and faced on 25th Street for as long as the documents he has in front of them. Ms. Sharpe stated that side is never used; a person
cannot even see the front entrance when going down 25th Street. She agrees this is a self-imposed problem. The home owner did not do their due diligence before they built, so now the neighbors are being asked to have a sympathy vote for them or have a strong arm. It does not seem like anyone is in a good position. The biggest concern is what will happen to the peculiar new lot that has been created since it has been divided down. A big concern for the neighborhood is that the neighborhood is being whittled down. The real attraction to the neighborhood is the location and the size of the lots. The character of the neighborhood is being lost. The original lot has been cut in half and had another house erected on it, and now the property owner is looking to chop down what is left. Ms. Sharpe stated the neighborhood wants to live there and does want it to be somebody else's investment.

Mr. Van De Wiele asked Ms. Sharpe if she thinks the garage is out of character when she sees it driving down the street. Ms. Sharpe stated the potential for what is going on in the neighborhood is huge, and the residents are concerned about what is going to happen next. The only thing that can come of this Variance is the removal of the garage or that it continues as is.

Mr. Van De Wiele agreed with Ms. Sharpe. Mr. Van De Wiele stated the Board either grants the Variance and the garage stays, or the Board denies the Variance and the applicant goes through the City process and Mr. Betchan's client would financially be forced into suing the City to overturn this Board's decision. The Board cannot deny the Variance and leave the garage in place. The only way for the garage to stay is for there to be a Variance, either through this Board or through Tulsa County District Court.

Andrew Shank came forward and stated that it is only by this applicant's actions in conjunction with the lot split that it has been thrust into a required rear yard. That's the essence of most of the neighbor's concerns. It has been heard the applicant say the word "investment" four times; invested in the lot, invested in rebuilding, etc. The Oklahoma Supreme Court is crystal clear, financial hardships are not available to support relief for a Variance. Is this one of those situations where it is a tough situation? Absolutely, but that is life in the big city. You have to comply with the Zoning Code. People come before the Board with a request for a Variance that they themselves created by splitting the lot. In denying the Variance, upholding the law doesn't resolve in chopping the garage down. What it will very likely result in is a combination of the lot before the Planning Commission. Denial does not mean the dozer is coming out.

Mr. Van De Wiele stated that if the lot split stands, that garage cannot be there if the Board denies the Variance. Mr. Shank agreed and stated that it is absolutely within the applicant's power to combine and walk away from the plan.

Mr. Shank stated that the only rear yard Variances that were granted were to allow for accessory garages. No one chopped their back yard off to build another house. All of those cases are distinguishable. Lot splits have occurred on some of the larger lots in old neighborhoods like this, and houses that comply with the bulk and area Code are
allowed by right. That is not this case. The hardship is self imposed. Mr. Shank asked the Board respectfully to deny the Variance.

Rebuttal:
Alan Betchan came forward and stated this is a very interesting set up and one that he has had a lot of consternation over after the fact. There is lies the problem for his client. They submitted an application, they went through the process, they received an approval. The Planning Commission voted to approve it. It was clearly dimensioned what the applicant was applying for. This exhibit was in the application that was made. To argue that the game is suddenly being changed after the fact, this is the same thing that was submitted originally. It feels a little like no good deed goes unpunished in that the whole idea of presenting this lot split configuration this way was an effort to save the existing structure and maintain the character of the neighborhood. The applicant could have razed the structure and built two houses like was done across both sides of the street, the north and the east. To argue that it is self imposed because a lot split was applied for is false. The application was made saying this is the opinion about the rear yard, and staff and Planning Commission agreed to that. Mr. Betchan stated that he has made no pretense that this is a legally non-conforming structure; it was built without permits. It is a non-conforming structure and we are asking for relief from the rear yard to bring the house that has set there for 16 years in this state and allow it to stay as it sits today. That is the application before the Board. There has been a lot of discussion about the lot split and the character of the neighborhood and that is really not in essence a part of this application. The truth is that is something that was considered by the Planning Commission and the approval of that application; that was a year ago.

Mr. Van De Wiele asked Mr. Betchan how long his client has owned the subject house. Mr. Betchan stated that he closed on the house shortly before the application was made for the lot split; about a year. Mr. Van De Wiele asked Mr. Betchan if his client built the garage. Mr. Betchan stated that he did not.

Mr. Betchan stated that his client understood that there was a rear yard encroachment and he made an application; that was the pretense for the application for the lot split.

Ms. Radney asked Mr. Betchan what was designated as the rear yard at that time. Mr. Betchan stated the south end of the property.

Ms. Back asked Mr. Betchan why that did not come before the Board of Adjustment at that time. Mr. Betchan stated that he was not instructed that it was necessary. Ms. Back questioned that, because Mr. Betchan comes before the Board all the time knowing that if there is an encroachment in the setback that relief is needed. Mr. Betchan stated that he went in for a lot split and he did not delve into anything else beyond an existing non-conformance. The rest of the tract was not run for an existing non-conformance. Now a year later, there is discussion about whether it was a legal lot split so we are trying to clarify what the intent of the original lot split was when it brought in.
Ms. Ross asked Mr. Betchan if his client knew there had been no permit for the garage when they applied for lot split. Mr. Betchan stated that they did not. Ms. Ross asked Mr. Betchan when his client found out about the garage. Mr. Betchan stated that it was in the process during the last couple of months when there was an evaluation of how the lot split was processed. There has been a great deal of fact finding that has happened in the last couple of months that predicated his client coming before the Board. Ms. Ross asked Mr. Betchan if his client also owns Tract A1. Mr. Betchan answered affirmatively.

Comments and Questions:
Mr. Van De Wiele stated that he is not inclined to allow a Planning Commission issue to become a Board of Adjustment problem. If there is an issue with the lot split this is not the venue to address that. The Board is being asked to grant a singular Variance to allow the existing structure to continue where it is. The one thing that does seem odd is the 2002 lot split seems to at least hint toward a reorientation toward Delaware Place. He does not see where that ever happened. This is certainly a strange situation. If there are issues that the Board needs to deal with prior to making a decision he is fine with that as well, and asked Ms. Blank for advice.

Ms. Blank stated that the Board always has an option to continue the case. The Board has to live with the agenda before them today.

Mr. Van De Wiele stated he is not comfortable giving a decision today. There are some things that need to be clarified before he would render an opinion or decision on this case.

Ms. Back agreed with Mr. Van De Wiele.

Mr. Bond stated that this has happened; the lot split was given by the City and if the lot split were before us today he would never vote for this but it was given. He does not know that any background information on how this occurred would change his vote. The Board has not authority to overrule a lot split that has been granted. What occurred has occurred and he does not see what information could be provided to change his vote.

Ms. Ross stated that she would like to know about how the decision was made because it is very odd, and she knows that is not before the Board, but to better understand the history would help. With the lot split being there it does impact her decision. If the lot split were not there her decision would be different. The lot split does matter and it would be beneficial to understand more of the history of how it occurred.

Ms. Miller stated that staff has laid out all the information and the process that the property went through, there is really nothing more. Ms. Miller feels that no stone was left unturned in what staff found when the research was done on the property.
Mr. Van De Wiele asked where the rear yard is located on Tract A2. Ms. Miller stated that is the issue. She thinks when the application for the lot split in 2017 was taken it was assumed that the rear yard was on the south side and there was a legal non-conforming use. Staff did not look at the building permit but did dig into it when discussion with Mr. Shank and Mr. Betchan took place a few months ago. The assumption was that the five foot setback on the west side was the side setback.

Mr. Van De Wiele asked Ms. Miller if a lot split application kicked this out of the legal non-conforming status? Does a lack of a permit have any thing to do with that? Ms. Miller stated typically staff will look at an application in that way.

Ms. Ross stated that this appears to be self-imposed because they did not have to apply for a lot split. If the owner had not applied for a lot split and it was all still Tract A1 and Tract A2, or one large tract, she would gladly approve a Variance for the garage. Considering that the owner did a lot split and now they ask for a Variance on an unpermitted garage, it does not fit into the neighborhood, she cannot support this request. The solution for her, for this owner, is to make the property all one lot again.

Ms. Back stated that the additional argument is that the current owner did not build the garage, and the Board is here to only hear the presentation for Tract A2.

Mr. Van De Wiele stated that the neighborhood argument is that the rear yard is to the west.

Mr. Bond stated the Board does not have the ability to change the lot split. Because it was granted, because this was a non-conforming structure that wasn’t built by the present owner, that is pretty solid. And as far as the plight of the neighbors he understands that because he would be upset as well. The problem is that he cannot vote to undo a lot split. He cannot vote based on the idea that there are only two options, raze the garage or go back and undo a lot split that was granted by the City of Tulsa.

Ms. Radney stated that either outcome is still a hardship.

Board Action:
On MOTION of BOND, the Board voted 2-2-1 (Bond, Radney, "aye"; Back, Ross "nays"; Van De Wiele "abstaining"; none absent) to APPROVE the request for a Variance to reduce the rear setback requirement in an RS-2 District to permit an existing structure (Table 5-3), subject to "as built" as shown page 10.55 of the agenda packet. This motion pertains only to Tract A2. The Board finds the hardship to be the presently plotted topographical layout of the subject property. 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 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, City of Tulsa, Tulsa County, State of Oklahoma

MOTION FAILED

On MOTION of ROSS, the Board voted 2-3-0 (Back, Ross "aye"; Bond, Radney, Van De Wiele "nays"; no "abstentions"; none absent) to DENY the request for a Variance to reduce the rear setback requirement in an RS-2 District to permit an existing structure (Table 5-3) for Tract A2; for the following property:

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, City of Tulsa, Tulsa County, State of Oklahoma

MOTION FAILED

On MOTION of VAN DE WIELE, 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 Variance to reduce the rear setback requirement in an RS-2 District to permit an existing structure (Table 5-3) to the December 11, 2018 Board of Adjustment meeting; for the following property:

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, City of Tulsa, Tulsa County, State of Oklahoma
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 "abscences") 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.
LOT SPLIT
EXHIBIT

PROJECT NO: 04830
CLIENT: Patterson Realtors
Bungalow Homes

Note: Improvements to be removed.

LEGEND
U/E UTILITY ESMT
D/E DRAINAGE ESMT
B/L BUILDING LINE
EM ELECTRIC METER
B/E BURIED ELECTRIC
SERVICE CABLE
EASEMENT
(APPROXIMATE
LOCATION)

E. 25th ST.

Plat No. 375

Street R/W Vacated By
Ordinance No. 7045,
Approved 9/14/84

CASE NO:
OFFICIAL RECORDS EXHIBIT,
Entered in the
MINUTES OF THE TULSA BOARD OF
ADJUSTMENT.
Comments and Questions:
Mr. White asked Mr. Beach if the Planning Commission has reviewed this. Mr. Beach answered yes, the Planning Commission has reviewed a site plan (Exhibit A-1) for the entire property which includes this tract. Mr. Stump stated that the Planning Commission approved the site plan but it was contingent upon a Variance from the Board to allow this narrow a lot, with 120’ of frontage. The access would be limited to a single access for both lots so they did not have additional access points created by the narrower lot.

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

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

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

Case No. 18029

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

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

Comments and Questions:
Mr. White asked Mr. Heller if he is enclosing the existing garage. Mr. Heller answered that they are turning it into a master bed and bath.
Mr. Cooper asked the applicant to explain the drainage issue. Mr. Heller stated that if he turned the garage around it slopes down on the west side. He would have to raise it up 4' off the ground so the water would not flow into the garage.

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

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

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

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

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

Mr. White asked Mr. Heller what the distance is from the south side of the house to the south property line. Mr. Heller answered 47'. Mr. Dunham asked how far in front of the existing property line along 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.
Case No. 17226

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

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

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

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

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

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

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

Protestants:
None.
Case No. 17226 (continued)

**Board Action:**

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

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

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**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' residually 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 nonconforming.
Case No. 17224 (continued)

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

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

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

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

Protestants:
None.

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

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

Action Requested:
Variance of the required 15' side setback from a public street to 10' to permit expansion of an existing nonconforming garage, and a variance of the required 15' setback from a public street to permit a new accessory building - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 2506 South Evanston Avenue.
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 district as set out in the Comprehensive Plan and with this zoning a setback would not be required on the north; finding that a hardship was not demonstrated which would warrant the granting of a 75' setback from the centerline of 101st Street; on the following described property:

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

Case No. 13892

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

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

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

Case No. 13900

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

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

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

1.23.86:456(5)
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: aholdman    Subject: Note    Date: 11/6/2017 8:04:31 AM
LS 21078 Water - Ok -11/6/2017AHoldmanEach 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: nigan    Subject: Note    Date: 10/30/2017 2:01:58 PM -05'00'
LS 21078 Sanitary Sewer 10/27/2017OKNOE

Number: 3    Author: render    Subject: Note    Date: 11/14/2017 12:45:07 PM
RRender - Transportation
11/8/2017

Approved

Number: 4    Author: egarnet    Subject: Note    Date: 10/30/2017 2:04:08 PM -05'00'
October 30, 2017 AIR
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 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, and known as 2824 East 25th Street South.

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.

**Legal Description of Proposed Tract #1**

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, and known as 2824 East 25th Street South.

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 1, Block 8, Bryn-Mawr Addition, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at the Northeast corner of said Lot 1; 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.
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 Count Courthouse. Be sure to add the "Rider" text to your deed, stating that the north 25' of Lot 2 cannot be conveyed separate of Lot 1. We will need to stamp the deed for Tract A at the same time or prior to stamping the deed for Tract B.

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

Sincerely,

Janet G. Chronister  
Land Regulations Analyst

cc: Kenneth M. Smith
INCOG

Fax

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

To: Allen Hoffman

Phone: 596-2569
Fax: 699-2800 3724

From: Janet Chronister
Lot Split Administrator

Phone: 584-7526
Fax phone: 583-1024

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

Please review Lot Split Number 19440

Address 3824 E 25th St.

X Water OK - Altoldman 10/18/02
X Sewer OK - C Colos 10/18/02

A.P. 32

1.32
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 ±

2 STORY BRICK & FRAME DWELLING / W/BASEMENT

PROPOSED TRACT B
0.284 ACRES ±
Facsimile Cover Sheet

To: Dustin
Company: 
Phone: 
Fax: 

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

Date: 10-17-22
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:

Inserting: This lot split has been approved.SANITATION WILL not stamp advances until the writing goes in on

Spat
CITY OF TULSA
RESIDENTIAL BUILDING & ZONING CLEARANCE PERMIT APPLICATION

Note: Please print or type all data.

- CONSTRUCTION ADDRESS: 2821 E. 25th St. Tulsa, OK Suite No. N/A
- ACCOUNT NO. (IF APPLICABLE): N/A No. OF PLANS: 1 No. OF PAGES OF ONE SET OF PLANS & SPECIFICATIONS: 5
- CONTRACTOR: Bill Benton
- ADDRESS: 2531 E. 22nd St.
- CITY: Tulsa
- STATE: OK
- ZIP: 74114
- PHONE NO.: 747-7857
- TYPE OF WORK: [ ] NEW RESIDENCE [X] RESIDENCE ADDITION [ ] ACCESSORY BUILDING [ ] REMODEL [ ] REPAIR ONLY [ ] POOL [ ] FIRE SPRINKLER [ ] REEROOFING/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 St.
- CITY: Tulsa
- STATE: OK
- ZIP: 74114
- PHONE NO.: 747-7857
- DAY/TIME CONTACT PERSON: N/A
- 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: N/A
- BLOCK: N/A
- ADDITION: N/A
- PREVIOUS ADDITION TO THE CITY OF TULSA: N/A

- 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.: N/A
- LOT SPLIT REFERENCE NO.: 19440
- VARIANCE [ ] YES [X] NO

EXHIBIT THE FOLLOWING DETAILS (WHEN APPLICABLE) ON THE PLANS: USE OF ADJOINING SPACES, KEY PLAN OR OVERALL FLOOR PLAN WITH WORK CLEARLY IDENTIFIED. STAIRS, FIREPLACE AND/OR READING DETAILS, SCALE, DIMENSIONS, & NORTH ARROW.
A SEPARATE PERMIT IS REQUIRED FOR DREWSAYS.

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 ON THEIR RESIDENCE.

1.36
Building Permit Certification

I Certify That I Am One of the Following:

- [ ] Owner or Lessee of the Property on Which Permit Work Is to Be Performed.
- [ ] Agent of the Property Owner or Lessee for Which Permit Work Is to Be Performed.
- [ ] Licensed Engineer or Architect Employed in Connection with the Work.

If the Application is made by a Person Other than the Owner, One of the Following must be provided:

- [ ] I Have Attached an Affidavit of the Property Owner for Which Permit Work Is to Be Performed.
- [ ] I Have Elected to Provide this Witnessed, Signed Statement.

Name of Owner: ____________________________  Phone: ____________

Address of Owner: 4321 E. 2000 S.  City: Tulalip  State: WA  ZIP: 7434

Name of Lessee: ____________________________  Phone: ____________

Address of Lessee: ____________________________  Phone: ____________

Name of Corporate Officer: ____________________________  Phone: ____________

Name of Applicant: (Print) ____________________________  Signature: ____________________________

City Building Official: ____________________________

Affidavit as to Easements, Deductions and Rights of Way

I, Bill Burton, being duly sworn upon Oath, do hereby testify 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 additions of an existing building.

It is understood that issuance of such Building Permit does not authorize or permit construction of a permanent structure on or upon any easement, dedication, or right of way.

Subscribed and sworn before me this 25th Day of Oct. 2001.

Notary Public

[Signature]

[License Number]
City of Tulsa  
PALS Plan Review Routing

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| Building Class       | ENLARGEMENT OF EXISTING BLDG. |
| Priority             |                  |
| Project              |                  |
| Description of Work  | charles rick. 231-4465 |
| Dept                 |                  |
| BLDPR                | Architectural Review 50-11-13-02 |
| BLDPR                | Water/SDGM/Drainage Review 90 |
| BLDPR                | Zoning Review 10-29-02 |
| DSC                  | Development Services Complete |
| PCNTR                | Final Review      |

Attachment: 

OCT 25 2002

DECEIVED

Page 1
General Warranty Deed
(With Survivorship Clause)

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

WITNESSETH: That in consideration of the sum of Ten and no/100—($10.00)—Dollars, and other good and valuable considerations, receipt whereof is hereby acknowledged, said parties of the first part do by these presents grant, bargain, sell and convey unto Steven R. Elliott and Leslie C. Elliott, husband and wife, as joint tenants, and not as tenants in common, on the death of one the survivor, the heirs and assigns of the survivor, to take the entire fee simple title, the following described real estate situated in County, State of Oklahoma, to-wit:
Lot Two (2) less the North Twenty-five (25) feet thereof, Block Eight (8), BRYN-MAWR ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

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

AND said parties of the first part, their heirs, successors, grantees, executors and administrators, do hereby covenant and agree to and with said parties of the second part that, at the delivery of these presents, they are lawfully seized of an absolute and indefeasible estate of inheritance in fee simple, of and in, all and singular, the above granted and described premises, with appurtenances; that the same are free, clear and discharges and unencumbered of and from all former and other grants, titles, charges, 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 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 person(s) who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

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

My commission expires: 5-14-2004

Notary Public

[Stamp]
General Warranty Deed (With Survivorship Clause)

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

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

See Attached Exhibit “A”

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

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

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

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

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

__________________________
Notary Public

My commission expires: 5-14-2004

#6617

1.40
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 of the point of beginning.

Less and except

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

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

LS-20794

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.

Proposed Tract 1
6880 S.F.

Proposed Tract 2
5880 S.F.

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

E. 25th ST.

Plat No. 375

LEGEND
U/E UTILITY ESMT
D/E DRAINAGE ESMT
B/L BUILDING LINE
EM ELECTRIC METER
B/E BURIED ELECTRIC
SERVICE CABLE
BASEMENT
(APPROXIMATE
LOCATION)
General Warranty Deed
(Joint Tenancy with Right of Survivorship)

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

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

That part of LOT Six (6), Block Seven (7), BRYN MAWR, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and that Part of 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 Northeasterly a distance of 81.09 feet; thence North a distance of 7.77 feet to the South line of said Lot Six (6), being a distance 81 feet East of the Southwest corner of Lot Six (6), as measured along the South lot line of Lot Six (6), thence continuing North and parallel to the West line of Lot Six (6), a distance of 100 feet to the North lot line of said Lot Six (6), thence West along the North lot line a distance of 81 feet to the Point of Beginning.

NO DOCUMENTARY STAMPS REQUIRED
PURSUANT TO 68 3202 #3

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

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

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

Rick B. Engles
Kathy L. Engles

[Signature]

[Stamp] 1.47

LS: 19768
General Warranty Deed

(Joint Tenancy with Right of Survivorship)

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

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

That part of Lot Six (6), Block Seven (7), BRYN MAWR, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and that Part of 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:

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

NO DOCUMENTARY STAMPS REQUIRED
Pursuant to 68 3202 #3

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

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

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

Rick B. Engles

Kathy L. Engles

[Signature]

T.S. 1974
LOT SPLIT EXHIBIT

DATE PREPARED: August 23rd, 2022

PROPOSED TRACT 1
11,923 SQUARE FEET

PROPOSED TRACT 2
19,108 SQUARE FEET

EXISTING UNDIVIDED TRACT
LOT ONE (1), BLOCK THREE (3), BYRN-MAWR, 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 2205 SOUTH DELAWARE PLACE.

PROPOSED TRACT NO. 1
THE WEST 118 FEET OF LOT ONE (1), BLOCK THREE (3), BYRN-MAWR, 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 1/2 FOOT 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), BYRN-MAWR, 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 1/2 FOOT THEREOF, AND THAT PORTION OF VACATED EVANSTON AVENUE LYING ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3).

WHITE Surveying COMPANY
9936 E. 55th Place • Tulsa, OK 74146 • 800.262.0682 • 918.663.6924 • 918.664.8366 fax

LOT SPLIT EXHIBIT

DATE PREPARED: August 23rd, 2022

PROPOSED TRACT 1
11,923 SQUARE FEET

PROPOSED TRACT 2
19,108 SQUARE FEET

EXISTING UNDIVIDED TRACT
LOT ONE (1), BLOCK THREE (3), BYRN-MAWR, 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 2205 SOUTH DELAWARE PLACE.

PROPOSED TRACT NO. 1
THE WEST 118 FEET OF LOT ONE (1), BLOCK THREE (3), BYRN-MAWR, 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 1/2 FOOT 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), BYRN-MAWR, 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 1/2 FOOT THEREOF, AND THAT PORTION OF VACATED EVANSTON AVENUE LYING ADJACENT TO SAID LOT ONE (1), BLOCK THREE (3).
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, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Dick, Westervelt "absent") to APPROVE the waiver of Subdivision Regulations and of the lot-split for L-19425 as recommended by staff.

* * * * * * *
APPLICATION — LOT SPLIT

TULSA METROPOLITAN AREA PLANNING COMMISSION
201 West 5th Street, Suite 600
Tulsa, Oklahoma 74110
(918) 544-7526

APPLICATION — LOT SPLIT

S.T.R. 1793 LNO. 17325

THE FOLLOWING INFORMATION IS TO BE SUPPLIED BY APPLICANT

NAME OF RECORD OWNER
NORMA LEE VESLEY

ADDRESS
2828-2830 E 25th St

WHAT IS THE PRESENT USE OF THIS TRACT?
RESIDENTIAL

LEGAL DESCRIPTION OF EXISTING UNDIVIDED TRACT, THAT YOU PROPOSE TO SPLIT, AS SHOWN ON THE RECORD OF THE COUNTY CLERK:
Lot 1 Blk 9 BRYN-MAUR, LESS SOUTH 5' THEREOF.

LEGAL DESCRIPTION OF PROPOSED TRACT #1
W. 86.7'

INST. RELEASED
11/1/67

SOURCE OF WATER SUPPLY FOR THIS TRACT
CITY

TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT
SEWER

STREET OR STREETS TRACT WILL FACE
E 25th St & S DELAWARE

PROPOSED USE OF THIS TRACT
RESIDENCE

LOT SIZE OF PROPOSED TRACT
86.7' X 115

LEGAL DESCRIPTION OF PROPOSED TRACT #2
E. 78.3'

INST. RELEASED
11/1/67

SOURCE OF WATER SUPPLY FOR THIS TRACT
WELL

TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT
SEWER

STREET OR STREETS TRACT WILL FACE
E 25th St

PROPOSED USE OF THIS TRACT
RESIDENCE

LOT SIZE OF PROPOSED TRACT
78.3' X 115

LEGAL DESCRIPTION OF PROPOSED TRACT #3

INST. RELEASED

SOURCE OF WATER SUPPLY FOR THIS TRACT
CITY

TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT
SEWER

STREET OR STREETS TRACT WILL FACE

PROPOSED USE OF THIS TRACT
RESIDENCE

LOT SIZE OF PROPOSED TRACT

LEGAL DESCRIPTION OF PROPOSED TRACT #4

INST. RELEASED

SOURCE OF WATER SUPPLY FOR THIS TRACT
WELL

TYPE OF SEWAGE DISPOSAL TO BE AVAILABLE FOR THIS TRACT
SEWER

STREET OR STREETS TRACT WILL FACE

PROPOSED USE OF THIS TRACT
RESIDENCE

LOT SIZE OF PROPOSED TRACT

PRINT
APPLICANT
CHESAPEAKE BUILDING CO
ADDRESS
8909 S. Sheridan, #5

IF APPLICANT IS OTHER THAN OWNER, INDICATE INTEREST:

CITY
Tulsa
ZIP
74137
PHONE
492-1039

DOES RECORD OWNER CONSENT TO THIS APPLICATION? YES NO

I CERTIFY THAT THIS INFORMATION IS TRUE AND CORRECT:
Signature
RICHARD A. BULLION, PRES Date 6/12/90

FOR COMMISSION USE

OTHER DEPARTMENTS FOR REVIEW/REQUIREMENTS AND APPROVALS
Water and SEWER — OK PER Felix 6-17-90

ZONING

SUBDIVISION
BRYN-MAUR

DISCUSSION

FOR WAIVER:
TAG ACTION
PC ACTION

PUD
No.

ACTION

1.52

6-25-90

9-30

COURT

WITH Dept.

PD

D

CITY/County Eng.

O ING

O W

O City/County Eng.
GENERAL WARRANTY DEED

This Indenture, made this _____ day of _____, 1990

by

DAVID P. REYNOLDS and MARGARET C. REYNOLDS,

husband and wife,

for and to

NORMA LEE VESLEY, a single person,

Part 1 of the first part, and

with the right of survivorship as hereinafter set out, Part 2 of the second part.

Witnesseth: That in consideration of the sum of Ten and no/100 Dollars, and other good and valuable considerations, receipt whereof is hereby acknowledged, said party, of the first part do

by these presents grant, bargain, sell and convey unto

DAVID P. REYNOLDS and MARGARET C. REYNOLDS,

husband and wife,

as joint tenants, and not as tenants in common, on the death of one of the survivors, the heirs and assigns of the survivor, to take the entire fee simple title.

A part of Lot One (1), Block Nine (9), BRON-WAG, a subdivision in Tulsa County, State of Oklahoma, to-wit:

Beginning at a point on the North boundary line of Lot 1, Block 9, said point being 86.7' East of the Northwest corner of said Lot 1, Block 9; thence South a distance of 115' to a point; thence East a distance of 78.3' to a point on the Easterly boundary of Lot 1, Block 9; thence North along the East boundary line of said Lot 1, Block 9, a distance of 121.5' 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 thereunto belonging or in any wise appertaining forever.

And said

NORMA LEE VESLEY, for herself and for her

successors, grantees, executors, and administrators, do hereby convey and assign to

the above-granted and described premises, with appurtenances, that the same are free, clear and discharged of all encumbrances of whatsoever nature and kind, EXCEPT easements and building restrictions of record and recordable

and that party...

WARRANT AND FOREVER DEFEND the same unto said Part 1, and that party...

OF THE ABOVE ...

IN WITNESS WHEREOF Part 1 of the first part has executed or caused to be executed, this instrument the day and year first above written.

NORMA LEE VESLEY

STATE OF OKLAHOMA,

COUNTY OF TULSA

Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of June, 1990, personally appeared

NORMA LEE VESLEY, a single person,

NOW, AND PERSONALLY known to me to be the above-named.

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

1.56
STATE OF OKLAHOMA, County of

Before me, the undersigned, a Notary Public, in and for said County and State, on this 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 same as free and voluntary act and deed for the uses and purposes therein set forth.

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

My commission expires

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.
General Warranty Deed

This Indenture, Made this ______ day of June, 1990,

Between ________________________________________, a single person,

and ________________________________________, an Oklahoma corporation,

WITNESSTHAT in consideration of the sum of ____________________ Dollars,

receipt of which is hereby acknowledged, said party grantee does, by these presents, grant, bargain, sell and convey unto said party grantor, its successors, heirs and assigns, all of the following described real estate, situated in the County of Tulsa, State of Oklahoma, to-wit:

A part of Lot One (1), Block Nine (9), BETH-MARR, a subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Block 9; thence East along the North boundary line of said Lot 1, Block 9, a distance of 86.7' to a point; thence South a distance of 115' to a point; thence West a distance of 86.7' to a point; thence North along the Westerly boundary line of Lot 1, Block 9, a distance of 115' to the point of beginning.

TO HAVE AND TO HOLD the same, together with all and singular the covenants, agreements and appurtenances thereto belonging or in any wise appertaining forever.

And said party grantor ____________________________, a single person for herself and for her heirs, executors and administrators does hereby covenant, promise and agree to and with said party grantee, at the delivery of these presents, that she is lawfully seized in her own right of an absolute and indefeasible estate of inheritance in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, and discharged and unencumbered of and from all former and other grants, titles, charges, easements, judgments, taxes, assessments and encumbrances, of whatsoever nature and kind, EXCEPT Easements and building restrictions of record and special assessments not yet due:

and that party grantor will WARRANT AND FOREVER DEFEND the same unto said party grantee, its successors, heirs and assigns, against said party grantor, her heirs and assigns and all and every person or persons whomsoever lawfully claiming or to claim the same,

IN WITNESS WHEREOF the said party grantor has hereunto set her hand the day and year above written.

Norma Lee Vesley

STATE OF OKLAHOMA,

County of ____________

Before me, the undersigned, a Notary Public, in and for said County and State, on this ______ day of June, 1990, personally appeared ____________________________, a single person,

to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my seal and the day and year last above written.

Notary Public

My commission expires ____________________________
Quit Claim Deed

THIS INDENTURE, Made this 16th day of October A.D. 1987

between

Chris Hooper, a married man

and Brad & Rhonda K. Ball husband & wife

of the first part

and of the second part.

WITNESSETH, That the said part of the first part, in consideration of the sum of one dollar

DOLLARS and

the receipt of which

is hereby acknowledged, do...hereby quit claim, grant, bargain, sell and convey unto the said part...of the second part,

heirs and assigns, forever, all right, title, interest, and estate, both at law and in equity, of, in and to the following described real estate

situated in County of Tulsa State of Oklahoma

Part of Lot 1, Block 3, BRYN-MAR, 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 NE corner of said Lot 1; Thence Southeasterly 117.1 feet to the SE corner of said Lot 1; Thence

West 74.06 feet to the NW corner of Lot 10, Block 3; Thence North 100' 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.

together with all and singular the hereditaments and appurtenances thereunto belonging. To have and to hold the above granted premises

onto the said part...of the second part, heirs and assigns, forever,

Signed this 16th day of October A.D. 1987

Chris Hooper

STATE OF OKLAHOMA,

OKLAHOMA ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public, in and for said County and State on this

OCTOBER A.D. 1987, personally appeared, and

executed the same as 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 last above written.

My commission expires

Filing Stamp Here

(Notary Public

Guaranty Abstract Company, Tulsa, Oklahoma, for the convenience of Attorneys-At-Law. No legal document should ever be made or form filled in by other than an Attorney.)
BRYN - MAWR
TULSA COUNTY,
OKLAHOMA
SCALE 1” = 400'

LOCATION MAP

PLAT FILED 3/17/20
DRAWN BY THOMAS
LOT SPLIT FOR DISCUSSION:

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

16573 Baumgarten (1793) Northeast corner of 26th St. & Delaware Pl. (RS-2)

(Lot split #) (Name) (STR) (Location) (Zoning)
TRACT "A"

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

TRACT "B"

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

TRACT "C"

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

TRACT "D"

The South 5 feet of Lots 6 & 7 Block 9 Bryn-Mawr Addition to the city of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.
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-16591 (3402) Gilcrease
L-16587 (3691) Cantrell L-16593 (2493) Spicer
L-16589 (1312) Sperry L-16594 (1923) Eller
L-16590 (1713) Gregory

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

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

LOT SPLITS FOR DISCUSSION:

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

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.
L-16573 Baumgarten - Cont'd

This had previously been submitted as a "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

01.22.86:1588(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.
Looking west—towards subject site—on S. Delaware Pl.

Looking west—towards subject site—on S. Delaware Pl.
Looking south—towards subject site—on E. 25th St. S.

Looking west—towards subject site—on S. Delaware Ave.
Looking west—towards subject site—on S. Delaware Ave.
Lot Split Exhibit

TRACT A-2
(Page 2 of 2)

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

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

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

REAL PROPERTY CERTIFICATION

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

ERIC ROLLSTON
OKLAHOMA PLS NO. 1761
Lot Split Exhibit

TRACT A-1

(Page 1 of 2)

E 25TH ST

LOT 1, BLOCK B

POC

3.90'

S00°18'33"E

49.55'

S86°50'07"W

LOT 1

LOT 2

S89°43'21"W

60.35'

EXISTING BUILDING

TRACT A-1

TRACT A-2

AAB Engineering, LLC

Engineering • Surveying • Land Planning

AAB Engineering, LLC

Engineering • Surveying • Land Planning

AAB Engineering, LLC

Engineering • Surveying • Land Planning
Lot Split Exhibit
TRACT A-1
(Page 2 of 2)

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

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

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

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

ERIC ROLLSTON
OKLAHOMA PLS NO. 1761
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
My Residence

- Erosion affecting my property.
- Fence is starting to lean.
- Retaining wall beginning to collapse.

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

**80.020-B 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.
All lots created or modified must comply with all applicable provisions of this zoning code.

Section 1.070 Compliance Required

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 95 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.
Chapter 95 | Definitions
Section 95.150 | Terms Beginning with "L"

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.

Figure 95-5: Street 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 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 you 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 Elkhoury, P.E.
Civil Engineer
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22546

STR: 9330
CZM: 47
CD: 9
A-P#:

HEARING DATE: 1/08/2018 1:00 PM (continued from 12/11/2018)

APPLICANT: Miguel Sotelo

ACTION REQUESTED: Special Exception to permit a carport in the street setback and street yard to exceed the allowable height requirements (Section 90.090-C.1).

LOCATION: 1524 E 49 ST S
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 7801.63 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 8, BELLAIRE ACRES ADDN EXT

RELEVANT PREVIOUS ACTIONS:

Subject Property:
None.

Surrounding Property:
BOA-19400; on 7.9.02, the Board approved a variance to permit a detached accessory building (carport) in the front yard; a variance of the minimum front yard setback from required 25 feet to 6 feet; and a variance of the minimum side yard from 5 feet to 1 foot to permit a carport in an RS-3 district, per plan. Located; southwest of the subject site.

BOA-12664; on 6.30.83, the Board denied a special exception to allow a home occupation (auto repair, tune-up). Located; west of the subject site.

BOA-11324; on 1.22.81, the Board approved a variance of the setback from 25 feet to 0 feet to allow a carport to remain. Located; west of the subject site.

BOA-8526; on 4.3.75, the Board approved a special exception to erect a duplex in an RS-3 district, per plot plan. Located; east southeast of the subject site.

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

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

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

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

**CURRENT STAFF COMMENTS:**
The Board continued the case to the 01.08.19 meeting to allow time for the applicant to provide the staff with a site plan.

**PREVIOUS STAFF COMMENTS:**
The applicant is requesting a **Special Exception** to allow a 18' x 20' carport to be located in the required street setback and street yard in an RS-3 zoned district (Section 90.090-C.1). As shown on the attached plans, the applicant is proposing to construct a carport along E. 49th St. S., within the required street setback and street yard of the site.

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. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

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

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

Move to _______ (approve/deny) a Special Exception to permit a carport in the street setback and street yard (Sec. 90.090-C.1).

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
curve; thence NEly along a curve to the left with a central angle of 30°52'24" and a radius of 156.00' for 84.06' to a point of reverse curve; thence NEly and Ely along a curve to the right with a central angle of 32°04'07" and a radius of 104.00' for 58.21'; thence due S parallel with the Ely line of said Block 2 for 593.50' to the POB.

*******

**Case No. 19396**

**Action Requested:**
Variance of required number and design of parking spaces for business school.

**SECTION 1211. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES; SECTION 1302. SETBACKS; and SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** – Use Unit 11, located 2843 E. 51st St.

**Presentation:**
Roy D. Johnsen, 201 W. 5th St., Ste. 501, stated he appeared on behalf of the American Broadcasting School. The previous use was the Bryan Institute that taught nursing. He stated that the proposed use is more of a business school, Use Unit 11, than other types. He noted there is not a clear record in previous case minutes about the number of parking spaces allowed. He mentioned that in 1993 the aisle space requirements were added to the code. He suggested there are 27 parking spaces that meet the code design.

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

**Board Action:**
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to declare, and to APPROVE a Variance of required number and design of parking spaces for business school, on condition that the use would be limited to a broadcast studio school and limited to 14 studios, finding that the broadcast studio school use falls within a Use Unit 11, and the hardship to be that this use is less intensive than the previous uses, on the following described property:

S 215.00' of Lot 17, less S 15.00' thereof, Block 3, Villa Grove Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

*******

**Case No. 19400**

**Action Requested:**
Variance to permit a detached accessory building (carport) in the front yard.

**SECTION 402.B. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of minimum front yard setback from
required 25' to 6". SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts; and a Variance of minimum side yard from 5' to 1' to permit a carport in an RS-3 district. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts, located 1414 E. 49th Pl.

Presentation:
Robert L. Martinez, 1414 E. 49th Pl., proposed to build a carport on the front of his residence. It would be an open-beam structure and match the existing residence. He informed the Board that other carports in his neighborhood are metal. He expects the carport to increase the value of his property. He informed the Board that his garage would not facilitate both of his vehicles. Site plans were provided to the Board (Exhibits H-1a and H-1b).

Interested Parties:
Barbara Dickeson, 4927 S. Quincy Ave., stated she is a fourteen-year resident and she has no objection to the application.

Mr. Martinez stated that two other neighbors gave verbal support of the project, Arney and Edna across the street and Christy Fell next door.

Comments and Questions:
Mr. Dunham noted a number of other carports in the area. Mr. White stated it would not impede line of sight for traffic. Ms. Turnbo agreed it is not injurious to the neighborhood.

Board Action:
On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance to permit a detached accessory building (carport) in the front yard; a Variance of minimum front yard setback from required 25' to 6"; and a Variance of minimum side yard from 5' to 1' to permit a carport in an RS-3 district, per plan, finding carport is consistent with the numerous carports in the neighborhood, and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan.

Lot 14, Block 11, Bellaire Acres Second Extension, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19401
Action Requested:
Special Exception to amend a previously approved site plan (BOA #19053), located 6216 E. 62nd St.
Case No. 12662 (continued)

Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Urbana Avenue from 55' to 41.6' - Under the Provisions of Section 1670' and a Special Exception (Section 240.2 (c) - Permitted Yard Obstructions) to allow a 6' decorative fence in the front side yard - Under the Provisions of Section 1680, per plot plan, on the following described property:

Lot 25, Block 2, Brookwood II Addition to the City of Tulsa, Okla.

Case No. 12664

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1217 - Section 440.2 - Request to allow a home occupation (auto repair, tune-up) - Under the Provisions of Section 1680 located at 1430 East 49th Street.

Presentation:
Andrew Spears, 1430 East 49th Street, was present and submitted a petition in support of the application bearing 82 signatures of property owners in the immediate area (Exhibit "L-1"); photographs showing three other property owners conducting a home occupation in the area (Exhibit "L-2"); a letter from David Zacker stating his support for the application (Exhibit "L-3"); and, advertisements of one of the home occupations in the surrounding area (Exhibit "L-4").

Mr. Spears requested permission to operate a home occupation (auto repair, tune-up) at the subject location. He advised a 6' privacy fence was installed to maintain the integrity of the neighborhood. There will be no loud noises, no other employees, and no advertising of the business. Mr. Spears also stated he had heard no complaints from his neighbors.

Protestants:
Commissioner Terry Young, 1309 South Indian Avenue, was present on behalf of his parents who reside at 1518 East 49th Place and have lived at that location since 1951. Commissioner Young advised with the exception of the expansion of John Zinc Company located close to 43rd Street and Peoria Avenue the Brookside area has remained exclusively residential in character. A special district study has been requested as a result of increased activity between 31st and 41st Streets in the Brookside area. Commissioner Young did not feel the type of activity associated with an auto repair business would coincide with the rules of the home occupation.

Tom Kuhn, 4670 South Rockford Avenue, submitted a protest petition signed by 65 property owners in the surrounding area (Exhibit "L-5"). Mr. Kuhn, who represented many of the property owners in the area, stated their protest to the request and felt it would be incompatible with the residential area.

Others present in protest to the application stated their names and addresses: Mr. & Mrs. F. A. Young, 1518 East 49th Place; Nancy Baginski, 1523 East 49th Place; Bill Kelly, 4665 South Rockford Avenue and Charles Roberts, 1524 East 49th Street.

6.30.83:390(12)
Case No. 12664 (continued)

Interested Party:
Bill Chick, 1217 East 29th Place, spoke in support of the application and advised he owns a residence located next door to Mr. Spears. Mr. Chick felt the fence would protect the neighborhood.

Comments and Questions:
Mr. Victor asked if the applicant had been operating the auto repair business at the subject location and Mr. Spears advised he had been operating the home occupation for approximately two years. Paula Hubbard, Protective Inspections, advised the City Commission approved the applicant's privacy fence on the City right-of-way. Mr. Spears added that his 6-foot privacy fence was installed approximately two years ago.

Mr. Victor inquired as to the days and hours of operation and the applicant advised he works five days a week from 8 to 10 hours a day. The Board asked where the cars were located and the number of cars to be repaired each day. Mr. Spears advised he normally works on four to five cars a day. Most of his work is performed inside the garage and the automobiles are stored inside the fence in the back yard. Mr. Jackere, Legal Counsel, advised the home occupation regulations require that all work be conducted within a customary accessory or principal building. Storage of vehicles outside would be included in the business being conducted.

Mr. Victor submitted the photographs of other nonconforming home occupations in the area to the Building Inspector for their inspection.

Board Action:
On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1217 and Section 440.2) to allow a home occupation (auto repair, tune-up) - Under the Provisions of Section 1680, on the following described property:

Lot 2, Block 7, Bellaire Acres Addition Extended, City of Tulsa, Oklahoma.

Case No. 12665

Action Requested:
Appeal - Section 1650 - Appeals from the Building Inspector - Request regarding said lot in the meaning of "Approval Per Plot Plan" in Case #12492 located at 7000 South Birmingham Court.

Presentation:
Larry Andrews, 7014 South Birmingham Court, advised the Board previously granted approval of a variance of the setback from Birmingham Court from 35' to 29' for the property located at 7000 South Birmingham Court on March 10, 1983. At the May 19, 1983 hearing Mr. Andrews sought an answer as to the question if approval per plot plan means "per plot plan". The Board voted unanimously that granting a request per plot plan means one hundred percent per plot plan. Since that meeting Mr.

6.30.83:390(13)
Mr. Jackere asked Mr. Hardt if, under the drainage criteria, the Hydrologist's Office could restrict the amount of parking. Mr. Hardt advised that his Department could not--all he was authorized to do was to regulate any runoff generated.

Board Action:
On MOTION of LEWIS and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve an Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1680 - Exceptions) of the floor area ratio from .25 to .32 in an OL District, subject to the following conditions: (1) That it comply with all plans, renderings, and drawings submitted; (2) that the drainage plan be approved by the City Hydrology Department; and (3) that the two-story structure be no higher than 20' at the front from the ground to the top of the parapet, on the following described property:

Lot 10, Block 1, Villa Grove Heights No. 1, a subdivision in the City of Tulsa, Oklahoma.

Action Requested:
Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) request for a variance of the setback to be from 25' to 0' to allow a carport to remain. This property is located at 1504 East 49th Place.

Presentation:
Mr. Jones advised the Board that this application had been continued from January 8 meeting to allow them to view the subject carport.

Leo Schumacher, 1504 East 49th Place, was present to address the Board and submitted three photographs (Exhibit "E-1") of the carport. Mr. Schumacher stated that he was unaware that a building permit was needed and that the company that erected the carport did not apply for one, either.

Protestants: None.

Board Comments:
Mr. Lewis asked Mr. Schumacher if there were other carports in the area. Mr. Schumacher replied that there were. Mr. Lewis asked how near the other carports were to his property, and Mr. Schumacher replied that he could think of four within a one-block area. Mr. Lewis asked Mr. Schumacher if the other carports had setbacks similar to his. Mr. Schumacher replied that the other carports did not differ in the distance that they set back from the street.

Mr. Jackere asked Mr. Schumacher the name of the construction company that erected the carport. Mr. Schumacher replied that Custom Awnings of Tulsa had performed the construction.

Mr. Jackere advised the Board that he would be in contact with Custom Awnings of Tulsa in regard to obtaining proper permits before construction occurs.
Board Action:

On MOTION of LEWIS and SECOND by WAIT, the Board voted 4-0-0 (Purser, Lewis, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback to be from 25' to 0' to allow a carport to remain, on the following described property:

Lot 1, Block 10, Bellaire Acres Addition Extended, Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts) and, an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1680 - Exceptions) request for an exception to permit apartments in OL and CS Districts; and, a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 Minor Variances) request for a variance of the number of dwelling units on one lot. This property is located to the north and west of Seventh Street and Memorial Drive.

Presentation:

Mr. Gardner advised Board members that this application had been continued from the January 8th meeting due to the fact that some concerns had been raised by the Staff and the Board about the design of the layout of the buildings on the property. Mr. Gardner briefed the Board on these concerns, as follows: (1) There were approximately 111 parking spaces immediately adjacent on the west boundary, abutting the residences on the west and the noise aspect of the parking area adjacent to the fence was of concern to the Staff; (2) drainage was a concern along with closing 6th Street to through traffic and (3) the applicant was required to move a few structures back which were too close to the centerline of Memorial Drive. Mr. Gardner advised that the applicant was requested to return with a revised plot plan addressing the above concerns.

Hayden Crawford, 1714 First National Building, was present to address the Board and submitted a revised plot plan (Exhibit "F-1"), addressing all concerns as set out by the Board and Staff. Mr. Crawford further stated that there had been some concerns voiced about the drainage in the area, and felt that Mr. Hardt, City Hydrologist, could better address those concerns.

Mr. Hardt advised that he had reviewed the site plan and had found it to be very compatible with the drainage pattern in the area. Mr. Hardt stated that, where Sixth Street has been blocked off, there should be no restriction of the flow of water coming onto the subject property in the form of elevating the grades, constructing curbs, or placement of a screening fence too low to the ground.

Mr. Hardt further advised that the applicant had indicated a willingness to construct an inlet at the end of Sixth Street where there is a manhole that would intercept some of the flow of water. Mr. Hardt
south and the storage of the railroad ties being setback 10' from the east property line in a CS District on the following described tract:

Lot 1, Block 1, Peoria Plaza Addition to the City of Tulsa, Oklahoma.

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Special Exception Uses in Residential Districts) to erect a duplex in an RS-3 District located at 1551 East 49th Place.

Presentation: James Walden submitted the plot plan (Exhibit "E-1") and requested permission to erect a duplex on the subject property, advising that he will reside in one-half of the structure, while the other half would be rented.

Upon questioning by the Board as to why the application filed in 1968 was denied, Mr. Jones advised that the entire neighborhood objected to the duplex use.

Protests: Charles Rauch, 1543 East 49th Place, submitted a petition (Exhibit "E-2") containing the signatures of 14 residents who were in objection to the application as proposed. Mr. Rauch advised the Board that this is a single-family residential area and that the area residents feel that the duplex would lower their property values and increase traffic in the area which would create a safety hazard for the large number of children in the neighborhood.

Upon questioning by the Board, Mr. Rauch advised that the subject lot is 90' x 130' as compared to the other single-family lots which are 60' x 130', the existing homes are approximately 23 years old, there are no other new homes in the neighborhood, and that his home contains 2,600 square feet as compared to the other homes which contain approximately 1,400 square feet each. He noted that he was making additions to his home.

Mr. Walden expressed concern as to how a $45,000-$50,000 duplex would devalue the surrounding single-family homes which ranged from low to high 20's.
In reviewing the plot plan, the Board determined that each side of the duplex structure would contain approximately 992 square feet of floor area.

Board Action: On MOTION of GUERRERO, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Special Exception Uses in Residential Districts) to erect a duplex as presented and per plot plan in an RS-3 District on the following described tract:

Lot 21, and the West 30' of Lot 20, Block 8, Bellaire Acres Addition to the City of Tulsa, Oklahoma.

Action Requested: Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of frontage requirements from 150' to 141.31' to permit lot-split #L-13441 in a CS District located south and west of 31st St. and Mingo Road.

Presentation: Mike Parrish, the applicant, was present.

Mr. Jones advised that the lot-split had been approved by the Planning Commission subject to the approval of the Board.

Mr. Gardner advised the Board that the waiver was for a total of 8.69 feet.

Protests: None.

Board Action: On MOTION of SMITH, the Board (4-0) approved a Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of frontage requirements from 150' to 141.31' to permit lot-split #L-13441 in a CS District on the following described tract:

Commencing at the NE corner of the NE/4 of Section 24, Township 19 North, Range 13 East; thence South 00°-11'-14" West along the East line of said NE/4, a distance of 592.00' to a point; thence due West and parallel to the North line of of said NE/4, a distance of 50'; thence South 00°-11'-14" West a distance of 125' to the point of beginning;

4.3.75:185(9)
Note: Graphic overlays may not precisely align with physical features on the ground.
Looking south—towards subject site—on E. 49th St. S.
This property is located in flood zone "X-SHADED" as per FIRM Community Panel No. 40556: 0393E, as last revised August 3, 2009.

E. 49th ST.

LEGAL DESCRIPTION AS PROVIDED:
LOT FIVE (5), BLOCK EIGHT (8), BELLAIRE ACRES ADDITION EXTENDED, AN ADDITION TO TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 1524 EAST 49TH STREET.

SURVEYOR'S STATEMENT
Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CL4559, dated June 29, 1991, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments there to visible permanent improvements, except as indicated; that the above Inspection Plat shows all described Plat easements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagees and is not a Land or Boundary Line Survey; that no property owners were set and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not found located and therefore are not shown on this Inspection Plat unless specifically requested by this client; that this Inspection Plat is prepared solely for the client listed herein as of this date and may not be used for any subsequent loan closing, refinancing, regulatory transaction and that no responsibility or liability is assumed herein or hereby to the present or future owner or occupant.

WITNESS MY HAND AND SEAL THIS DATE: 4/11/11

REvised: 
Updated: 

2001 South 114th East Avenue
Tulsa, Oklahoma 74136

HARDEN & ASSOCIATES
Surveying and Mapping, PC

(918) 284-4880 Office
(918) 437-5361 Fax

STATE OF OKLAHOMA
L.S. 1233

2.16
Open Plate Car Garage

- Aprox Rafter
- Collar Tie
- 20" Ridge
- 7/16 Sheathing
- 2 x 6 rafters
- 7 Posts
- 2 End Rafter
- 2 x 6 rafters
- 8 x 8 Posts
- Beam 4'12" x 20'
- Beam 12" x 18'
- Decking
- 15 Damar Felt
- 30 Years Shingles
- Top Cap 2" x 20"
MORTGAGE INSPECTION PLAT

LEGEND

H/$ UIRED ELECTRIC
SERVICE CABLES BURY
(APPROX LOCATION)
H/L BUILDING LINE
D/S DRAINAGE BARRIER
U/B UTILITY BARRIER
EM ELECTRIC METER

PROJECT NO.: 113771-806
MORTGAGOR: Donna Calvins
CLIENT: Apex Title & Closing Services, LLC.
Wells Fargo Bank, N.A.
File No.: 115137

This property is located in flood zone "A-SHADED" as per FEMA
Community Panel No. 425321 GSS6, as last revised August 3, 2009.

LEGAL DESCRIPTION AS PROVIDED:

LOT FIVE (5), BLOCK EIGHT (8), BELLAMY ADDITION EXTENDED, AN ADDITION
TO TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT
THEREOF, AND KNOWN AS 1524 EAST 49TH STREET.

SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered
Professional Land Surveyor, under Certificate of Authorization No. CA4423, as last revised
state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises
described, and that it is entirely within the described tract boundaries, and there are no encroachments thereon by
visible permanent improvements, except as indicated, that the above Inspection Plat shows all Encroached Plat
boundaries and other such encroachments which have been disclosed by a current Title Opinion or by Commission for
Title Insurance, and copies thereof provided to us that this Inspection Plat was prepared for identification
purposes only for the mortgagee and is not a Land or Boundary Line Survey that no property corners were set,
and is not to be used or relied upon for the establishment of fences, building or other improvements; that
underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat
unless specifically requested by the client; that this Inspection Plat is prepared solely for the client listed herein as
of this date and may not be used for any subsequent loan closing, real estate transfer or transaction and that no
responsibility or liability is assumed herein or hereby to the present or future owner of the property.

WITNESS MY HAND AND SEAL THIS DATE 4/1/14

HARDEN & ASSOCIATES
SURVEYING & MAPPING, PC
2001 South 114th East Avenue
Tulsa, Oklahoma, 74136

STATE OF OKLAHOMA
LS. 1233

REVIEWED:
UPDATED:

2.19
ZONING CLEARANCE PLAN REVIEW

10/5/2018

Miguel Sotelo
Sotelo Construction

APPLICATION NO: BLDR-012600-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1524 E 49th St S
Description: Carport

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

3. A COPY OF A “RECORD SEARCH” [ x ] 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)
1. Special exception approval required; see §90.090-C1.

1. Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

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

e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations 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.

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

Review Comments: Provide a dustless all-weather parking surface under the proposed carport or apply to the Board of Adjustment for a Variance (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.
STR: 9323
CZM: 48
CD: 5
A-P#:

HEARING DATE: 01/08/2019 1:00 PM (continued from 12/11/2018)

APPLICANT: Andrew Shank

ACTION REQUESTED: Variance to permit a freestanding sign to exceed the maximum permitted height of 50 ft. (abutting a freeway) to be installed 75 feet above grade with a 15 foot setback from the freeway ROW (Sec. 60.040-B; 60.080-D)

LOCATION: SE/c of S. Sheridan Rd. & E. BA Frontage Rd. ZONED: IL

PRESENT USE: Vacant

LEGAL DESCRIPTION: BEG 1218N & 75E SWC NW TH E117.67 S207.14 W117.67 N207.14 POB SEC 23 19 13 .560AC,

TRACT SIZE: 24376.28 SQ FT

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-20041; on 5.24.2005, the Board APPROVED a Special Exception to allow Use Unit 19 - Hotel/Motel use in an IL zoned district, per plan. Located; 3415 S Sheridan Rd (includes lot immediately to east)

Surrounding Property:
BOA-21649; on 11.12.2013, the Board APPROVED a Variance of the height of a sign from 50 ft. to 78 ft., in an IL zoned Freeway Corridor. Located; 6868 E. Broken Arrow Frontage Rd. S.

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

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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.

3.2 REVISED 1/2/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is abutted to the north by E. Skelly Drive and the BA Expressway; to the south and east by a commercial business located in the IL District; and to the west by S. Sheridan Rd.

CURRENT STAFF COMMENTS: The applicant requested a continuance from the 12/11/2018 meeting.

PREVIOUS STAFF COMMENTS: The applicant is requesting a Variance to permit a freestanding sign to exceed the maximum permitted height of 50 ft. (abutting a freeway) to be installed 75 feet above grade with a 15 foot setback from the freeway ROW (Sec. 60.040-B; 60.080-D).

The Code (Section 60.080-D) states that on-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet. Per Section 60.040-B, all parts of the sign must be set back at least 10 feet from a freeway planned right-of-way.

The Code limits the overall sign height to 50 feet with a 35 feet setback from the freeway right-of-way. The proposed freestanding sign height of 75 feet exceeds the permitted 30 feet height above grade with the requested 15 feet setback from the freeway right-of-way.

Please see the attached hardship statement submitted by the applicant (Exhibit B).

Sample Motion

Move to _______ (approve/deny) a Variance to permit a freestanding sign to exceed the maximum permitted height of 50 ft. (abutting a freeway) to be installed 75 feet above grade with a 15 foot setback from the freeway ROW (Sec. 60.040-B; 60.080-D).

- 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."
moved back approximately three feet toward the house to get the carport out of the street right-of-way. Or in the alternative Ms. Hughes is to seek a license agreement from the City of Tulsa. The hardship is the fact that the carport has existed for nine years and there are other carports in the neighborhood. 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. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 20 BLK 3, DON-LEE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21648—David J. Brown

Action Requested:
Variance to allow an accessory structure to cover more than 25% of the required rear yard (600 square feet) (Section 210.0.5.a); Variance of the maximum floor area permitted for detached accessory buildings in the RS-2 district from 500 square feet to 1,200 square feet (Section 402.0.1.d). LOCATION: 551 South 89th Avenue East (CD 3)

Presentation:
The applicant was not present. Mr. Henke stated this case will be moved to the end of the agenda.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
No Board action required at this time.

21649—A-MAX Sign Company

Action Requested:
Variance of the height of a sign from 50 feet to 78 feet in an IL zoned Freeway Corridor (Section 1221.E.1). LOCATION: 6868 East Broken Arrow Frontage Road South (CD 5)
Presentation:
Don Griffin, 6868 Broken Arrow Expressway, Tulsa, OK; stated he is a partner of and the President of the subject Toyota dealership. Mr. Griffin informed the Board that there is an error in the Variance request, it should state 35 feet to 70 feet not 50 feet to 70 feet. This request is due to a visibility issue only.

Mr. Henke asked if this discrepancy would affect the notice. Ms. Miller stated it is a greater Variance.

Mr. White stated that 50 feet is the code, so this is to go from the maximum code to a greater height, and this sign is less than the code.

Mr. Griffin stated this request is strictly because of a visibility issue. The number one complaint he has from customers is that they cannot find the dealership. The elevation of the freeway causes the sign to not be seen from the highway.

Mr. Tidwell asked if the sign will be the same sign and only be increased in height. Mr. Griffin answered affirmatively.

Brian Mullins, 6868 Broken Arrow Expressway, Tulsa, OK; stated the width of the sign will be identical. The only difference in the sign will be that the new sign will have legs instead of a solid base.

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, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to APPROVE the request for a Variance of the height of a sign from 50 feet to 78 feet in an IL zoned Freeway Corridor (Section 1221.E.1), subject to conceptual plan 6.16. The sign is to be in the same location as the existing 35 foot sign. Finding that the topography around the business is such that the 35 foot sign is not visible for a great distance, and the extra height will alleviate the visibility problem. 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:
21650—Jared Jordan

Action Requested:
Verification of the spacing requirement of 300 feet from a public park, school, or church for an Adult Entertainment Establishment (Bar) in the CBD District (Section 1212a.C.3.b). LOCATION: 302 South Cheyenne Avenue West, 210 West 3rd Street South (CD 4)

Ms. Snyder recused herself and left the meeting at 2:12 p.m.

Presentation:
Jared Jordan, 6926 East 20th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions from the Board.

Mr. Henke stated the Board had received the applicants survey, which is the Board’s exhibit 7.9.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 3-0-1 (Henke, Tidwell, White “aye”; no “nays”; Snyder “abstaining”; Van De Wiele absent) based upon the facts in this matter as they presently exist to ACCEPT the applicants request for a Spacing Verification for the proposed adult entertainment establishment (bar) CBD District, subject to the action of the Board being void should another referenced conflicting use be established prior to this adult entertainment establishment, per the applicant’s exhibit 7.9; for the following property:

N60 LT 1 & E10 VAC ALLEY ADJ ON W BLK 122, N60 LT 6 & W10 VAC ALLEY ADJ ON E BLK 122, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 2:14 p.m.
public street from 30' to 0'. (Section 206), to the meeting on June 14, 2005, to allow
time for staff to identify existing right-of-way, on the following described property:

BEG SW/c NE/4 SEC 14, T18N, R12E TH N 591.06 TO PT; TH E 250 TO PT TH
S 591.15 TH W 250 TO POB SEC 14 18 12 3.39 ACS AND S/2 NE BEG 250E &
41N SWC NE TH N544.15 SE140NE286 N25 W42.12 ELY CRV LF 77.01
NE15.46 CRV RT 202.04 SE28.97 CRV LF98.71 SE194.39 SW773.59 W673.98
POB SEC 14 18 12 12.394ACS, City of Tulsa, Tulsa County, State of Oklahoma

***********

**Case No. 20041**

**Action Requested:**
Special Exception to allow Use Unit 19 - Hotel-Motel use in an IL zoned district.
Sect. 901, located: 3415 South Sheridan Road.

**Presentation:**
The applicant was represented by Malek Elkhoury. A site plan was provided
(Exhibit C-1).

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

**Board Action:**
On Motion of Stead, the Board voted 5-0-0 (Dunham, Raddock, Stephens, Henke,
Stead "aye"; no "nays"; no "abstentions"; no "abse..."

***********

**Case No. 20042**

**Action Requested:**
Variance of the required frontage in a CS zoned district from 150 ft. to 137.4 ft. to
allow a lot-split. (Section 703 and 1607), located: Southeast corner East 101st
Street South and South Delaware Avenue.

**Presentation:**
Jeffrey Levinson, 9308 South Toledo, stated he was mindful of the staff
comments addressing uniformity. He informed the Board that access is not an
BOA-22551
19-13 23
Aerial Photo Date: February 2018

Subject Tract

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

Aerial Photo Date: February 2018
Looking north—towards the subjects site
Looking north—towards the subjects site
Exhibit “A”

A tract of land that is part of the Northwest Quarter (NW/4) of Section Twenty-Three (23), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, said tract of land being described as follows, to-wit:

Starting at the Southwest Corner of NW/4 of said Section Twenty-Three (23); THENCE North 00°09'03" West along the Westerly line of the NW/4 of Section Twenty-Three (23) for 1218.00 feet; THENCE North 89°55'15" East and parallel with the Southerly line of the NW/4 of Section Twenty-Three (23) for 75.00 feet to the POINT OF BEGINNING of said tract of land, said point also being on the Easterly Right-of-Way line of South Sheridan Road and the Southerly Right-of-Way line of State Highway 51 (Broken Arrow Expressway); THENCE continuing along said Southerly Right-of-way line North 89°55'15" East for 117.67 feet; THENCE South 00°09'03" East for 207.14 feet; THENCE South 89°55'15" West and parallel with the Southerly line of the NW/4 of Section Twenty-Three for 117.67 feet to a point on the Easterly Right-of-Way line of South Sheridan Road; THENCE North 00°09'03" West along said Easterly Right-of-Way line for 207.14 feet to the POINT OF BEGINNING of said tract of land.
Exhibit “B”

Applicant requests a variance from Sections 60.080-D.2 and 60.040-B of the Tulsa Zoning Code (the “Code”) to permit a freestanding sign (the “Sign”) that is seventy-five feet (75’) tall with a fifteen foot (15’) setback from the Broken Arrow Expressway right-of-way, located at 3409 S. Sheridan Road (the “Property”). Currently, the Code permits either: (i) a 50’ tall sign with a 35’ setback, or (ii) a 30’ tall sign with a 15’ setback. The Property is located in a dense commercial corridor at the southeast corner of Sheridan Road and the Broken Arrow Expressway Frontage Road, directly across from the eastbound expressway off-ramp and directly south of the expressway overpass.

The elevation and proximity of the Broken Arrow Expressway results in reduced and limited visibility of the Property from the expressway and on Sheridan, resulting in unnecessary hardship which is unique to the Property. The increased height and reduced setback, as requested, is the minimum variance that will afford relief by allowing the Sign to be visible to expressway traffic and traffic on Sheridan. The variance does not cause substantial detriment to the public nor impair the purposes, spirit, and intent of the Code or the comprehensive plan.
SONIC FAMILY OF SIGNS
150 @ 75'

COLORS:
- CABINET: BLACK ANODIC ENAMEL
- FACE: DK. BLUE- PMS 2728
- RED- PMS 485
- LT. BLUE- PMS 278
- YELLOW- PMS 109

COOK NEON SIGNS, INC.
5382 New Manchester Hwy
Tullahoma, TN 37388
931-455-0944

Family Owned and Operated for Over 50 Years
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 / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

IMPORTANT INFORMATION

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

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

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)
# REVIEW COMMENTS

<table>
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<tr>
<th>SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="http://WWW.INCOG.ORG">WWW.INCOG.ORG</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Application No. SIGN-014767-2018</td>
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</tbody>
</table>

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.

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1.) Title 51 § 3107.8: Maximum Height of Ground Signs-Added. Ground signs may be erected to a height above the ground as permitted by the Zoning Code, when constructed entirely of noncombustible material. If constructed of combustible materials, ground signs shall not be erected more than thirty-five (35) feet in height measured from the highest part of the sign to the ground at any point immediately below the sign. Applications for permits for ground signs over forty (40) feet in height shall include engineering calculations and drawings by a Professional Engineer registered in the State of Oklahoma. Such calculations shall bear the engineer's seal and certification that the design meets the requirements of this code.

Review Comments: A ground sign with a height of fifty (75) feet requires engineering calculations and drawings by a Professional Engineer registered in the State of Oklahoma. Such calculations shall bear the engineer's seal and certification that the design meets the requirements of the 2015 International Building Code.

2.) Section 60.080-D Maximum Height of On-premise Projecting and Freestanding Signs

2. Lots with Frontage on Major Streets

On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

60.040-B Required Setbacks, Spacing and Separations

1. All parts of a sign must be set back at least 10 feet of a freeway planned right-of-way.

Review Comments: The proposed freestanding sign height of 75 feet exceeds the permitted 30 foot height above grade with a 15 foot setback from the Freeway ROW boundary. You may reduce the overall sign height to 50 feet with a 35 ft. setback from the freeway ROW or pursue a variance from the BOA to permit a freestanding 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 ROW.

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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 584-7528. 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.
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: 9307
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Gregory Helms

ACTION REQUESTED: Special Exception to permit the expansion of a liquor store on a lot within 150 ft of an R-zoned lot (Sec. 15.020-G); Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, bail bonds offices, plasma centers, day labor hiring centers, or pawnshops (Sec. 40.300-A).

LOCATION: 1522 E 15 ST S
ZONED: OL, CH

PRESENT USE: commercial center
TRACT SIZE: 13499.3 SQ FT

LEGAL DESCRIPTION: N 35' W 100' LT 14 & W 100' LTS 15 & 16 BLK 4, ORCUTT ADDN

RELEVANT PREVIOUS ACTIONS: No relevant history

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Main Street” and an “Area of Growth”.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is along a commercial corridor. The subject tract abuts CH/OL zoned commercial uses to the east and west; RS-3 residences to the south; E. 15th St. S. is immediately to the north.
STAFF COMMENTS:
The applicant is proposing to expand a portion of the perimeter wall of the existing liquor store. To permit expansion of the existing liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in a CH district from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops (Sec. 40.300-A).

The overall subject tract is zoned CH and OL. The proposed liquor store appears to be located on the CH zoned portion of the lot. A liquor store is permitted by right in the CH district as long as it meets the spacing requirement of 300 ft. from from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops. The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

The applicant submitted an exhibit indicating a radius around the subject property that contains the existing liquor store and has labeled all uses of property within the subject building and that radius in support of the verification. Staff did not notice any of the above-mentioned conflicting uses within 300 ft. of the subject site.

The applicant has requested a special exception as Section 15.020-G of Code requires special exception approval for a use 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. The lot abuts an RM-2 zoned lot directly to the south.

Sample Motions:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit expansion of the existing liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store.

Move to _________ (approve/deny) a Special Exception to permit the expansion of a liquor store on a lot within 150 ft of an R-zoned lot (Sec. 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.

Subject Tract

BOA-22555

19-13 07

Aerial Photo Date: February 2018

4.5
BUSINESS NAME

1. SMOKE WOOD FIRE GRILL
   (RESTAURANT)
2. DRAKES TAVERN (BAR)
3. ANDOLINI'S INCORPORATED
   (OFFICE)
4. VACANT
5. ANDOLINI'S PIZZERIA
   (RESTAURANT)
6. THE LINGERIE BOUTIQUE
   (RETAIL)
7. THRU 21 RESIDENCE
8. QDOBA MEXICAN EATS
   (RESTAURANT)
9. THE NEST (RETAIL)
10. FIFTEEN AND HOME
    FURNITURE & DECOR (RETAIL)
11. TOM'S BICYCLE (RETAIL)
12. FUTURE LOFT APARTMENTS
    UNDER CONST. (RESIDENCE)
13. BUILDING UNDER CONST.
14. VACANT
15. CRUSHED RED (RESTAURANT)
16. ROOSEVELT GASTRO PUB
    (BAR)
17. TAZIKI'S MEDITERRANEAN CAFE
    (RESTAURANT)
18. ORANGE THEORY (FITNESS)
19. GELATERIA ICE CREAM
    (RESTAURANT)
20. THE COFFEE HOUSE ON
    CHERRY STREET
    (RESTAURANT)

SPACING VERIFICATION SITE PLAN
1522 EAST 15th STREET - TULSA, OKLAHOMA

300' ZONE MEASURED IN
ACCORDANCE TO THE ZONING
CODE SECTION 40.300 A & B

GSHELM'S & ASSOC., LLC  ARCHITECTURE
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., 8TH FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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

(continued)
**REVIEW COMMENTS**

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Application No. BLDC-012575-2018  1522 E 15th ST  November 3, 2018

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

Sec. 40.300-A & B: Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet. For uses established after July 1, 2001, the separation distance requirement of Sec. 40.300-A must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

*Figure 40-11: Measurement of Required Use Separation (Permits Issued after 7/1/2001)*

Review comment: The perimeter wall of the portion of the building occupied by the liquor store has been altered by the proposed expansion. This has modified the distance that the liquor store is required to be separated from the nearest perimeter wall of the portion of a building occupied by any other subject use. Submit a spacing verification reviewed and accepted by the BOA per Sec. 70.110 that demonstrates compliance with Sec. 40.300-A & B.

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.
HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: K.B. Enterprise homes

ACTION REQUESTED: Variance of the dustless, all-weather surfacing requirement to permit a gravel drive (Section 55.090-F).

LOCATION: 4401 S OLYMPIA AV W Zoned: IM, RS-3

PRESENT USE: residential TRACT SIZE: ± 7.526 acres

LEGAL DESCRIPTION: BEG 637.6N & 318.79E SWC SE NW TH E345.41 N418 NW75 NW CRV LF 180.91 NW TO PT 1579.4N & 50E SWC SE NW TH S248.39 TO PT 50E NWC SE NW SE443.37 SELY297.96 SLY5.30 POB SEC 26 19 12 7.526ACS,

RELEVANT PREVIOUS ACTIONS: No relevant history

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts IM zoned tracts abuts large IM zoned lots to the north and east; RS-3 zoned residences to the south; the Okmulgee Expressway is to the west.
STAFF COMMENTS:
The Code requires that all off-street parking areas be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a variance to allow a gravel drive as shown on the attached plan. The applicant has stated that the proposed gravel driveway will be 20 ft. in width and connect to a concrete driveway from the house to the gravel road.

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 drive (Section 55.090-F).

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Note: Graphic overlays may not precisely align with physical features on the ground.

Subject Tract

BOA-22558

Aerial Photo Date: February 2018
Looking north—towards subject site—on S. Olympia Ave.
LEGAL DESCRIPTION:
A TRACT OF LAND LOCATED IN THE WEST HALF (W/2) OF THE EAST HALF (E/2), OF THE NORTHWEST QUARTER (NW/4), OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12), EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING FROM THE SOUTHWEST CORNER OF SAID W/2 E/2 NW/4; THENCE NORTH 00°00'00" EAST AND ALONG THE WEST LINE OF SAID W/2 E/2 NW/4, FOR A DISTANCE OF 1331.01 FEET; THENCE NORTH 90°00'00" EAST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 248.39 FEET; THENCE SOUTH 52°03'27" EAST AND ALONG THE SOUTH LINE OF THE CHERRY CREEK DRAINAGE CHANNEL, FOR A DISTANCE OF 554.99 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID SOUTH LINE BEING A CURVE TO THE RIGHT WITH A RADIUS 801.45 FEET, A CHORD BEARING OF SOUTH 45°35'27" EAST, FOR A CHORD DISTANCE OF 180.52, FOR AN ARC DISTANCE OF 180.91 FEET; THENCE SOUTH 39°07'28" EAST, CONTINUING ALONG SAID SOUTH LINE, FOR A DISTANCE OF 75.00 FEET; THENCE SOUTH 39°07'28" WEST AND PARALLEL WITH SAID WEST LINE, FOR A DISTANCE OF 418.00 FEET; THENCE NORTH 89°45'42" WEST, FOR A DISTANCE OF 345.18 FEET; THENCE NORTH 04°29'35" EAST, FOR A DISTANCE OF 5.32 FEET; THENCE NORTH 16°18'10" WEST, FOR A DISTANCE OF 297.98 FEET; THENCE NORTH 24°43'55" WEST, FOR A DISTANCE OF 443.34 FEET TO THE POINT OF BEGINNING.
ALSO KNOWN AS: 4401 S. Olympia Avenue, Tulsa, Ok.
7 acres

Requesting:

37' x 20'
Concrete Driveway From House to Gravel road that leads to Street. Gravel Road is 20'w.
Comments

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

Corrective Action

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

STR: 8322
CZM: 57
CD: 8
A-P#: Case Number: BOA-22559

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Brett Baldwin

ACTION REQUESTED: Variance to reduce the minimum lot area and lot area per unit requirement in an RS-1 district to permit a lot split (Table 5-3); Variance to reduce the minimum required street setback requirement in an RS-1 district (Table 5-3).

LOCATION: 5220 E 91 ST S

ZONED: RS-1

PRESENT USE: residential

TRACT SIZE: 28078.89 SQ FT

LEGAL DESCRIPTION: PRT NW BEG 1320W & 50S NEC NW TH S180 E156 N180 W156 POB SEC 22 18 13 .644ACS,

RELEVANT PREVIOUS ACTIONS:
Subject Property: BOA-10921; on 3.6.89, the Board approved an Exception to permit the operation of a children’s day care.

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-1 zoned residential uses to the south; RS-3 residential uses to the west; E. 91st St. S. is immediately to the north and S. Darlington Ave. is directly to the east.
STAFF COMMENTS:
As shown on the attached site plans the applicant is proposing to split the subject lot into two tracts; the proposed “south tract” will be 17,663 sq. ft. and the proposed “north tract” will be 10,435 sq. ft. The Code requires that a RS-1 zoned lot maintain a lot area and lot area per unit of 13,500 sq. ft.

To permit the “north tract” as proposed the applicant has requested a Variance to reduce the minimum lot area and lot area per unit requirement from 13,500 sq. ft. to 10,435 sq. ft.

The applicant is also requesting a Variance to reduce the minimum required street setback for the existing house that is shown to be located in the proposed “south tract”. The code requires that detached houses maintain a street setback of 35 ft. in an RS-1 zoned district (Sec. 5.030-A). As shown on the submitted site plan, the existing detached house encroaches a little less than 10 ft. into the required street setback. Per the code, a Variance to reduce the street setback from 35 ft. to 24 ft.-9 in. (Section 5.030-A) along S. Darlington Ave.

Sample Motion
Move to ________ (approve/deny) a Variance to reduce the minimum lot area and lot area per unit requirement from 13,500 sq. ft. to 10,435 sq. ft. for the “north tract”; Variance to reduce the minimum required street setback from 35 ft. to 24 ft.-9 in. (Section 5.030-A) along S. Darlington Ave for the “south tract”:

- 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 2/28/2018
Action Requested:

Exception - (Section 610 - Principal Uses Permitted in the Office District - Section 1208 - Multifamily Dwelling and Similar Uses) - Request for an exception use in an Office District as allowed under Section 640 - To comply with RM-2 Bulk and Area Requirements to construct 6 Townhouses. (Section 640 would allow 10 units).

Presentation:

Steve Turner, Turner - Fox Associates, Inc., (Architects), advised that the request is to construct six dwelling units as condominiums and submitted a plot plan (Exhibit "P-1") and stated that all fronts of the proposed condominiums will look alike (Exhibit "P-2") similar to the look of New England cottages.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - (Section 610 - Principal Uses Permitted in the Office Districts - Section 1208 - Multifamily Dwelling and Similar Uses as allowed under Section 640) - To comply with RM-2 Bulk and Area Requirements and to construct 6 townhouses, per plot plan submitted, on the following described tract:

Lots 6, 7, & 8, Block 7, Morningside Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception - (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) - Request for permission to operate a children's day care center in an RS-1 District southwest of 91st Street and Canton Avenue.

Presentation:

Ruth Craven, 3837 South Winston, presented a plot plan (Exhibit "Q-1") and stated that there is a need for a day care center in the south Tulsa area. Ms. Craven has a fairly new 1650 square foot house, double concrete driveway and a surfaced parking area on the subject property. The state licensing department allows 15 children per toilet stool, but she would like to have 30 children in the center because she plans to enclose the porte cochere. Mr. Jones presented letters of approval from the property owners (Exhibit "Q-2").

Protests: None.

Board Action:

On MOTION of THOMPSON, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant an Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in an RS-1 District per plot plan submitted, contingent upon seeing and approving the plans for the

3.6.80:305(18)
Subject Tract

BOA-22559

18-13 22

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. Darlington Ave.

Looking west—towards south portion of the subject site—on S. Darlington Ave.
Looking southwest—towards north portion of the subject site—on the corner of S. Darlington Ave. & E. 91st St. S.

Looking west—towards north portion of the subject site—on S. Darlington Ave.
LEGAL DESCRIPTION OVERALL TRACT:
Part of the Northwest Quarter (NW¼) of Section Twenty-two (22), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey Base, Beginning at a Point 1320 West of the Northeast Corner of the NW¼ of said Section; Thence South 370 feet; Thence North 370 feet; Thence West 156 feet; Thence South 370 feet; Thence East 156 feet; Thence North 370 feet; Thence West 156 feet to the Point of Beginning, LESS AND EXCEPT the North 50 feet thereof, and LESS AND EXCEPT the South 140 feet thereof.

LEGAL DESCRIPTION NORTH TRACT:
Part of the Northwest Quarter (NW¼) of Section Twenty-two (22), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey Base, Beginning at a Point 1320 feet West and 60 feet South of the Southeast Corner of the NW¼ of said Section; Thence South 88'52'41" West 156'10" feet; Thence South 01'03'43" East 66.85 feet; Thence South 88'52'41" West 156'10" feet; Thence North 01'03'43" West 66.85 feet to the Point of Beginning.

LEGAL DESCRIPTION SOUTH TRACT:
Part of the Northwest Quarter (NW¼) of Section Twenty-two (22), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey Base, Beginning at a Point 1320 feet West and 60 feet South of the Southeast Corner of the NW¼ of said Section; Thence North 88'52'41" East 156'10" feet; Thence South 01'03'43" East 113.15 feet; Thence South 88'52'41" West 156'10" feet; Thence North 01'03'43" West 113.15 feet to the Point of Beginning.

NOTES:
2. The subject tract has ingress/egress from East 91st Street South and South Darlington Avenue (both dedicated rights-of-way).
3. There are no visible encroachments except as shown on the face of this survey.
4. The subject property is zoned RS-1 - Residential Single Family.
   Minimum Lot Area (sq. ft.) - 13,500
   Minimum Lot Width (ft.) - 100
   Minimum Street Frontage - 30
   Building Setbacks -
   Street - 35
   Side (interior) - 15
   Rear - 25
   Minimum Open Space (sq. ft.) - 7,000
   Max. Building Height (feet) - 35
5. This survey was performed without benefit of title commitment. This surveyor has not abstracted the subject tract.
6. This survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

LOT SPLIT EXHIBIT
PART OF THE NW/4 SECTION 22-T18N-R13E
5220 EAST 91ST STREET, TULSA, OK

ROUTE 66 SURVEYING, LLC
4845 S SHERIDAN RD, SUITE 508
TULSA, OK 74145
(918) 845-6833
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 6737
TEXAS FIRM REGISTRATION NO. 10183911
www.route66surveying.com info@route66surveying.com
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HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: George Anding

ACTION REQUESTED: Variance to reduce the required side setback in an RS-3 district (Section 5.030-A)

LOCATION: 1535 S YORKTOWN AV E

PRESENT USE: Residential

TRACT SIZE: 7749.36 SQ FT

LEGAL DESCRIPTION: LT 10 BLK 1, MAYWOOD ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: No relevant history

Surrounding Property:

BOA-21973 October 27, 2015: The Board of Adjustment approved a variance to increase the maximum permitted floor area of a detached accessory building to 1,279 sq. ft.; approved a variance to increase the nonconformity of a structure; approved a variance to permit a two-story detached accessory building; approved a variance to exceed 18 feet in height and 10 feet at the top of the top plate; and approved a variance to exceed 30% of coverage in the rear yard area subject to conceptual plans, on property located at 1546 South Yorktown Place East.

BOA-14617 October 1, 1987: The Board of Adjustment denied a variance of the required 20% rear yard coverage and of the 750 s. ft. maximum for a detached accessory building; and denied a variance to allow for two dwellings on one lot of record; and denied a variance of the rear yard setback from 20' to 5'; and denied a variance of the land area per dwelling unit from 8400 sq. ft. to 7800 sq. ft., on property located at 1544 South Yorktown Place.

BOA-2997 October 9, 1957: The Board of Adjustment approved a variance to extend an accessory building to within 2 feet 9 inches of the rear property line, on property located at 1526 South Yorktown Avenue East.

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

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

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

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

**STAFF COMMENTS:**
The applicant has requested a Variance to reduce the required side interior setback from 5 ft. to + 3.0 ft. in an RS-3 district (Section 5.030-A). As shown on the attached site plan, the applicant is proposing to build an addition to the existing house.

The applicant provided the following statement with their application: "Necessary to relocate existing mechanical equipment for HVAC, narrow historical lot".

**Sample Motion**

Move to ________ (approve/deny) a Variance to reduce the required side setback from 5 ft. to 3 ft. in an RS-3 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."
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 (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, 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: 1546 South Yorktown Place East (CD 4)

10/27/2015-1150 (6)
**Presentation:**

**Wally Wozencraft**, Architect, 1619 South Boston, Tulsa, OK; stated the garage apartment is being renovated due to safety concerns; there are structural problems that need to be addressed because the building was built in 1923. The homeowner would like to use the apartment for visiting family. The garage apartment is not intended to be used as a rental or any kind of non-family activity. The existing building is being enlarged by the fact that the second floor is only partially occupied at this time. The second floor will be expanded within the perimeter of the existing building. The floor coverage of the building will not be increased but the floor coverage of the second floor is merely being improved. The roof parameter will be changed in that fact that it will be widened on the slope as it comes down to the bearing point of the second floor. The ridge line of the building will remain the same except at the perimeter wall where it will be widened slightly so the single window dormer on the east side to make it a triple window, and there will be a triple window on the west side also.

**Interested Parties:**

**Edward Bret**, 1557 South Yorktown Place, Tulsa, OK; stated he lives across the street from the subject property. His concern is that in the past the Olson’s have exhibited an interest in making the house immediately to the south, which they also own, a bed and breakfast. He is real concerned about the use of the expansion in terms of a rental and he wants to make sure that it cannot be used as a rental.

**Mike Hodstrom**, 1527 South Yorktown Place, Tulsa, OK; stated that his concerns are that the primary residence associated with the subject request is currently not occupied and it currently being used as a vacation by owner rental. His concern is that the improvements on the property will be used as a rental property.

**Barbara Olson**, 1554 South Yorktown Place, Tulsa, OK; stated she is the owner of the subject property. She expressed her gratitude to her neighbors for being so concerned about the neighborhood. It is this spirit of liking the neighborhood that prompted her to purchase the property. She owns the subject property and the house immediately next door. The house she currently lives in is very large and she raised her seven children in it along with several international students there also. When she purchased the subject property in 2012 it was her intent to sell her present dwelling to live in the subject house because it is considerably smaller. It has taken a lot of time and money to get it remodeled because nothing had ever been done to the house. She sent a letter to everyone in the neighborhood explaining her intent and she heard nothing in return. It is her intent to live in the subject house once it is ready. She is not planning on renting out the subject space being discussed today.

**Susan Braselton**, 1526 South Yorktown Place, Tulsa, OK; stated that this is a historical district. Ms. Braselton stated that she did receive a letter stating that the Olson’s were interested in having a bed and breakfast; it was never a vacation rental by owner that the neighbors were informed of which was found out by accident. The neighbors did communicate through the association’s president that there were some people for it and some people were against it. She has e-mails showing the responses to the
proposition. The neighbors were promised in the letter about the bed and breakfast that there would be no parking on the street, and there have been numerous people parking on the street. There have been big groups that rent both the Olson houses and it concerns the neighbors about having rental property in the neighborhood.

Rebuttal:
Mr. Wozencraft came forward and stated that he has been told by the owner that the house is to be lived in and use it for family uses. The building has been in existence for a very long time and needs repairs for the garage apartment as did the house.

Mr. Van De Wiele asked Mr. Wozencraft about the second floor windows that overlook the yard toward the west; is the subject garage obscured by the garage on the property directly to the west. Mr. Wozencraft stated that he had not noticed. Mr. Van De Wiele asked Mr. Wozencraft if he knew whether the westerly property had a two-story garage. Mr. Wozencraft stated that he did not know but he knows there are a lot of trees around the subject garage giving beautiful coverage.

Comments and Questions:
Mr. Henke stated he could support the relief with the prohibition in the motion that subject property will not be rented out.

Mr. Van De Wiele stated that he knows the Board has seen the limitation on a property being a separate residence, but he does not know about saying the house cannot be rented. Mr. Henke stated that he is speaking of not renting out the garage apartment.

Ms. Miller stated that the request today the applicant is stating it is an accessory to their dwelling unit which does not require a Variance for an additional dwelling unit. But if it was to be separate or independent of the primary residence the applicant would need to obtain a Variance allowing the additional dwelling unit on the lot. Mr. Van De Wiele asked Ms. Miller what would trigger that. Ms. Miller stated that is an interesting question because if the applicant claims this is an accessory to their residence, with the family members only occupying the unit, if that evolved over time and became something else either the applicant would have to voluntarily ask for the change or neighborhood inspections would need to catch it.

Mr. White asked Ms. Miller what exactly can the owner do relative with the issues that have been brought up, on the property as a whole. Ms. Miller stated that a bed and breakfast needs a Special Exception and the applicant is not before the Board today with that request. In a residential district a home owner is limited on what can be done.

Mr. Van De Wiele asked Ms. Miller if the City or the Zoning Code has taken a position on whether a home owner is running a business if he rents his house out as a vacation home, or is that the same as renting a house on a two-year lease. Ms. Miller stated there is no real way to monitor that. Ms. Moye stated the Zoning Code addresses sleeping rooms; it states that “in a dwelling unit as a private residence, one or more rooms may be rented or table board furnished, to not exceeding two persons not
members of the family occupying said premises." Ms. Moye stated that the Zoning Code allows for private residence, for one or two rooms to be rented out, but the Code does put a cap on it. Ms. Miller stated that is assuming the home owner is primarily occupying the house. Mr. Van De Wiele stated that sounds more like a business than a residence.

Mr. Van De Wiele stated that he does not have an issue with the garage with a limitation.

**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 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 1405.4); **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), subject to conceptual plans 6.19, 6.20 and 6.21. The Board has found that this is a remodel of an existing garage and that the overall footprint of the garage is not changing, the overall type of the garage is not changing other than the expansion of the dormer areas. The Board has found that the remodel is necessary for improving the condition of this older property that was built prior to the Zoning Code. This approval is subject to the further condition that the detached accessory building, in particular the space on the second floor, not be used as a rental property or as a separate residence apart from the primary residence. 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:

**LT 10, SEVEN ACRES PLACE, MAYWOOD ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21974—Thomas Witte**

**Action Requested:**
Variance to increase the permitted display area of a sign to 76.9 square feet on the subject lot; **Variance** to allow an electronic message center in the RS-3 District (Section 402.B) **LOCATION:** 5836 South Sheridan Road East (CD 4)

**Presentation:**
Thomas Witte, 9529 South 88th East Place, Tulsa, OK; stated he represents the Tulsa Bible Church and is the Treasurer and Business Manager for the church. The church
Case No. 14502 (continued)

Board Action:

Mr. Quarles motion for approval of the application died for lack of second.

Ms. Gardner pointed out that the applicant's lot is larger than those in the surrounding area, with a larger side yard than most of the surrounding residences, which are facts that could be a basis for a hardship variance.

Ms. White asked if the building will be used to conduct a business, and the applicant replied that he will be using the garage only for his hobbies and storage.

On MOTION of WHITE, the Board voted 4-0-1 (Chappelle, Quarles, Smith, White, "aye"; no "nays"; Bradley, "abstaining"; none "absent") to APPROVE a Variance (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) to allow for an existing detached accessory building to be located in the side yard, and a variance of the size of existing detached building from 750 sq. ft. to 1080 sq. ft.; subject to Stormwater Management approval; subject to filing a covenant, which will run with the land, stating that the accessory building will not be used for business purposes; finding a hardship demonstrated by the size of the lot, and the fact that the side yard is larger than those of the surrounding residences; on the following described property:

The east 126' of the north 144.85' of Lot 9, Ozark Garden Farms
Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 14617

Action Requested:

Variances - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the required 20% rear yard coverage and of the 750 sq. ft. maximum for a detached accessory building.

Variances - Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206 - Request a variance to allow for two dwellings on one lot of record.

Variances - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 5' and a variance of the land area per dwelling unit from 8400 sq. ft. to 7800 sq. ft., located 1544 South Yorktown Place.

10.01.87:500(11)
The applicant, Martha Braun, 1544 South Yorktown Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1), and asked the Board to allow the enlargement of an existing garage by 300 sq. ft., and the conversion of the structure into living quarters for her semi-invalid mother-in-law. She stated that her husband's mother is moving from another state and needs to live near the family. Ms. Braun pointed out that structures on abutting properties are less than 5' from the property line, as are many of the buildings in the older neighborhood. A petition of support (Exhibit E-2) was submitted.

Mr. Smith asked the applicant to address the hardship for this case, and Ms. Braun stated that there is no hardship, except that the existing house cannot accommodate the addition of a bedroom and bath.

Ms. Bradley pointed out that there has been an amendment to the District Six Plan concerning Historical Preservation Areas, which requires that existing structures and land use be protected in these areas.

Ms. Braun stated that she does not think the proposed addition will be detrimental to the neighborhood. She pointed out that there are several properties in the area that have more than one dwelling unit.

Edward Brett, 1557 South Yorktown Place, Tulsa, Oklahoma, stated that he lives diagonally across the street from the subject property. He pointed out that the approval of this application would set a precedent in the area and be detrimental to property values. He suggested that the problem for the Braun's could be solved by adding to the existing dwelling.

Whit Mauzy, 1532 South Gillette, Tulsa, Oklahoma, stated the neighborhood is bordered on four sides by streets that have been converted to business use. He stated that approval of the additional dwelling on the lot would set a precedent in the area and might invite business encroachment into the neighborhood.

Ms. Braun stated that she has no intention of renting the property, but only needs a place for her mother-in-law to live. She asked if a covenant could be written that would bring the issue before the Board at regular intervals for review or an extension.
Case No. 14617 (continued)
Mr. Jackere informed that a private covenant is not the concern of the Board, but land use only is to be considered.

Mr. Quarles remarked that the Board is attempting to protect the character of the neighborhood.

Board Action:
On MOTION of BRADLEY the Board voted 4-0-1 (Bradley, Chappelle, Quarles, Smith, "aye"; no "nays"; White, "abstaining"; none "absent") to DENY a Variance (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the required 20% rear yard coverage and of the 750 sq. ft. maximum for a detached accessory building; to DENY a Variance (Section 208 - One Single-Family Dwelling per Lot of Record - Use Unit 1206) to allow for two dwellings on one lot of record; and to DENY a Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 5' and a variance of the land area per dwelling unit from 8400 sq. ft. to 7800 sq. ft.; finding that the applicant failed to demonstrate a hardship for the variance requested; on the following described property:

Lot 11, Seven Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14623

Presentation:
Variances - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of East 73rd Place South from 50' to 40', located 7335 and 7337 South Darlington Avenue.

Presentation:
The applicant, Jon T. Vrooman, 7331 South Darlington, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1), and stated that he has purchased a vacant lot which is located in an area where numerous duplexes were constructed. He informed that the rear property line abuts a single-family neighborhood. Mr. Vrooman stated that he has acquired a lot split on the property and is proposing to construct a single-family dwelling on each of the lots. He informed that the houses will align with the existing dwellings along Darlington Avenue.

Protestants: None.
Case No. 2992
F. L. Taulman
Lot 14, Block 14, Gillette Hall Addition

F. L. Taulman request for permission to convert garage into living quarters in a U-3-A District on Lot 14, Block 14, Gillette Hall Addition.

MOVED by Cohen (Galbreath) that this matter be approved. All members voting yea. Carried.

Case No. 2993
J. G. Davidson
Lot 6, Block 2, Indian Meadows

James G. Davidson request for permission to erect a duplex in a U-1-B District on Lot 6, Block 2, Indian Meadows Addition.

MOVED by Cohen (Galbreath) that this matter be set down for a public hearing. All members voting yea. Carried.

Case No. 2994
First Church of the Nazarene, Lot 22, Block 2, Hi-Pointe Addition

The First Church of the Nazarene request for permission to use Lot 22, Block 2, Hi-Pointe Addition for church purposes.

MOVED by Cohen (Galbreath) that this matter be set down for a public hearing. All members voting yea. Carried.

Case No. 2995
M. Mann & B. Mann
Pt. SE, SE, of Block 2, Hi-Pointe Addition

Marvin Mann and Bill Mann (DBA Ace Fence Company) request for permission to erect a dwelling in a U-4-A District on a tract of land 180 feet by 140 feet out of the SE 1/4, SE 1/4 of Section 26-20-13.

MOVED by Galbreath (Cohen) that this matter be granted. All members voting yea. Carried.

Case No. 2996
St. John's Baptist Church, Lots 12 & 13, Block 7, Bullette Heights Addition

The St. John's Baptist Church request for a waiver of set-back requirement (proposed to erect building within 15 feet of property line in a U-2-A District) on Lots 12 & 13, Block 7, Bullette Heights Addition.

MOVED by Cohen (Galbreath) that this matter be carried over until the next regular meeting. All members voting yea. Carried.

Case No. 2997
Charles S. Rawson
Lot 3, Block 2, Maywood Addition

Charles S. Rawson Request for permission to extend accessory building to within 2 feet 9 inches of rear property line on Lot 3, Block 2, Maywood Addition.

MOVED by Galbreath (Cohen) that this matter be granted. All members voting yea. Carried.
BOA-22561
19-13 07

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2019
Looking east—towards the subject site—on S. Yorktown Ave.
Jeff S. Taylor  
Zoning Official  
Plans Examiner  
TEL(918) 596-7637  
jstaylor@cityoftulsa.org  

Jim Brackett  
Showcase Properties  

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

ZONING CLEARANCE PLAN REVIEW  

12/4/2018

APPLICATION NO: BLDR-18836-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 1535 s Yorktown Ave E  
Description: Addition

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Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

5.030-A: In the RS-3 zoned district the minimum side yard setback shall be 5 feet from the side property line.

Review Comments: Revise your plans to indicate a 5' side setback to the property line, or apply to INCOG for a variance to allow less than a 5' side setback.
Ms. Ulmer,
I live at 1552 S. Yorktown Ave. in Tulsa, OK, on the same block as Mr. Anding's property. I am contacting you in support of Mr. Anding's request to the BOA for a variance to reduce the required side setback for his garage building. The current requirement of 5 feet is unreasonable.

I face the same situation at my house. My house was built in 1922 and my garage is 2 feet from the property line. I also could not replace my garage and meet the current 5 foot requirement. The setback requirements are unreasonable for these houses and the requirement should be modified to prevent the hardship of spending $300 dollars to request a variance. These garages have been in the same location for 90+ years and we should by right be allowed to replace them on the existing footprint.

I support the variance request for BOA Case Number 22561.

Mark Radzinski
1552 S. Yorktown Ave.
Tulsa, Oklahoma 74104
U.S.A.
918-744-5209 home
918-232-6853 cell
mradzinski_98@yahoo.com
www.kandyradzinski.com
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9304
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Izael Quezada

ACTION REQUESTED: Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal structure (Sec. 45.030-B); Variance to allow stairs to be located in the required side (interior) setback (90.090-C); Variance to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Sec. 90.090-C-2); Variance to allow a detached accessory structure to exceed 18 ft in height and exceed 1-story in the rear setback in an RS-3 zoned district (90.090-C)

LOCATION: 3403 E 8 ST S

PRESENT USE: residential

TRACT SIZE: 7000.12 SQ FT

ZONED: RS-3

LEGAL DESCRIPTION: LT 7 BLK 1, BRADEN HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None relevant.

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

The 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 tract is surrounded by RS-3 zoned residences on all sides.
STAFF COMMENTS:
The applicant is proposing to construct a two-car garage with a full second story as shown on the attached exhibits.

The Code states that detached accessory buildings can only cover up to 30% of the required 20 ft. rear setback in an RS-3 district. The rear setback is defined as the minimum distance set out by the zoning code of open, unoccupied space between the rear lot line and the required rear setback (Section 90.090-A.3; Section 95.220).

The maximum 30% area that is allowed by the Code on this lot is 300 sq. ft. (50'x20'x30%). The proposed garage will result in 360 sq. ft. of coverage in the rear setback; 60 ft. more than is permitted. The applicant has requested a Variance to exceed 30% of coverage in the required rear setback from 300 sq. ft. to 360 sq. ft. to permit the garage as shown in the conceptual plans.

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

As shown on the attached building plans, the proposed garage will exceed the 18' overall height requirement and will exceed the 1-story requirement. The applicant has requested a Variance to allow the detached accessory building exceed 18' in height to allow a overall height of 22'10" and to be 2-stories.

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater. The applicant is proposing 1152 sq. ft. of detached accessory structure floor area. The proposed detached accessory structure exceeds 500 sq. ft. The applicant has requested a Variance to increase the maximum permitted floor area of a detached accessory building on the lot from 500 sq. ft. to 1152 sq. ft.

The proposed stairs are located within the 5 ft. side yard setback in an RS-3 zoning district. Section 909.090-C on the Codes states that setback in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1. In Table 90-1, structures such as stairs are not permitted as a side yard setback obstruction. The applicant is before the Board requesting a Variance to permit stairs to be located within the side yard setback (Sec. 90.090-C; Table 90-1).
Sample Motion

Move to ________ (approve/deny) a Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure to be increased from 500 sq. ft. to 1152 sq. ft. (Sec. 45.030-B); a Variance to allow stairs to be located in the required side (interior) setback (90.090-C); a Variance to allow a detached accessory building to exceed 30% coverage of the floor area in the rear setback to be increased from 300 sq. ft. to 360 sq. ft. (Sec. 90.090-C). Variance to allow a detached accessory building to exceed 18 ft. in height to 22 ft. and to exceed 1-story to 2-stories in the rear setback in an RS-3 zoned district (90.090-C).

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

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

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

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

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

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

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

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

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

8.4
Subject Tract

BOA-22562

19-13 04

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Looking north– towards subject site– on E. 8th St. S.
2 CAR GARAGE WITH FULL SECOND STORY PLAN #1152-1
24' W (+ 4' for stair) X 24' D
SECOND FLOOR FRAMING PLAN

SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

NOTE:
SEE ELEVATIONS FOR WINDOW SIZES AND FINISHES.

NOTE:
SECOND FLOOR SHOWS MitER TO MASONRY WALL.

NOTE:
DOOR AND WINDOW HEADERS SHALL BE 2 X 6 LUMBER.

OUTSIDE LANDING STRINGER SUPPORT DETAIL

LEGEND

1. SWITCH LOCATION
2. CEILING SUSPENDED LIGHT FIXTURE
3. 110 VOLT DUMBLE OUTLET
4. EXTERIOR WALL MOUNTED, LIGHT FIXTURE
5. ELECTRIC PULLS, CLOSET PULLS,
   MOUNTED, LOCAL COVER
1 WINDOW OPENING DETAIL

CONTINUOUS DOUBLE TOP PLATE
NAIL TO ALL FRAMING
WITH 8D OR 10D C.C.

REVERSE AS APPLICABLE

WALL CORNER FRAMING
(OR CORNER STUD + TINGER, IF APPLICABLE)

HEADERS AS SPECIFIED

Doubled Trimmer Studs

Single King Stud

Single Studs

1 1/2" DIA. ANCHOR BOLTS
W/ 2" SQ. X 3/8" THK.
STEEL FLAT WASHER

PRESSURE-TREATED
BOTTOM PLATE

2 DOOR OPENING DETAIL

Cripple Studs or Filler Framing as Needed

Header as Specified

Trimmer Studs

Ting Studs

Pressure-Treated
Bottom Plate

VERIFY
DOOR
ROUGH
OPENING
HEIGHT

3 STHD HOLDDOWN

Typical STHD Corner
Installation on 3x2x studs

CONT. DOUBLE TOP PLATE

Cripple Studs

Header as Specified

STUD WALL FRAMING

SILL

Cripple Studs

Trimmer Stud

King Stud

Bottom Plate

4 ALTERNATE BRACED WALL
PANEL DETAIL  ABW

STUDS @ CORNER

IN PLAN VIEW:

BOTTOM PLATES BELOW

STUDS @ INTER-SECTING WALL

BOTTOM PLATES BELOW

FLASHING DETAIL
(PANEL SIDING)
DOOR DETAILS

WINDOW DETAILS

BUILDINGplans.com

11521

11-01

designerbm.com

Structural/General Notes & Specifications
APPLICATION NO: BLDR-0180140-2018  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 3403 E 8th St S
Description: Detached Garage

INFORMATION ABOUT SUBMITTING REVISIONS

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REVISIONS NEED TO INCLUDE THE FOLLOWING:
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3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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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.

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(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-018014-2018

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

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

1. 35.019-A Detached House

A detached house is a principal residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not abut other dwelling units. Detached houses include conventional ("stick-built") construction and construction involving modular or system-built components as long as such construction complies with city building codes.

Review Comments:

1. Provide a written statement describing the use of the second dwelling unit on this lot and that its use is NOT designated for use by a family that is independent of the occupants of the primary residence, or

2. Obtain a Variance from the Board of Adjustment (BOA), to permit two Detached Houses per one lot of record, if it is a dwelling unit designated for use by a family that is independent of the occupants of the primary residence.

2. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts

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

Review comments: You are proposing 1152 sq ft of detached accessory structure floor area. The proposed detached accessory structure exceeds 500 sq ft. Reduce the size of your proposed detached accessory structure to be less than 500 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 500 sq ft of floor area.

3. 90.090-C Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1.

Review Comments: The proposed stairs are located within the 5 foot side yard setback in an RS-3 zoning district. You may revise the plans to provide a 5 foot side setback or pursue a variance from the BOA to permit stairs to be located in the 5 foot side yard setback in an Rs-3 zoning district.
4. 90.90.C: Detached Accessory Buildings
   
a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
   
   (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and
   
   (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review Comments: Revise plans to indicate that the detached accessory building will not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed 1 story & 18 feet in height.

5. 90.090-C.2 Detached Accessory Buildings
   
a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:
   
   (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

Review Comments: #2. This lot is zoned RS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (50' X 20' X 30%) allows 300 sq ft of coverage. You are proposing 360 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the 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 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.
BOARD OF ADJUSTMENT  
CASE REPORT

Case Number: BOA-22563

STR: 9304  
CZM: 37  
CD: 4  
A-P#: 

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Shane and Frances Bevel

ACTION REQUESTED: Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure (Sec. 45.030-B); Variance to reduce the required side (interior) setback in an RS-3 district (Section 5.030-A).

LOCATION: 816 S JAMESTOWN AV E  
ZONED: RS-3

PRESENT USE: residential  
TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: LT 27 BLK 7, BRADEN HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: BOA-15711; On 5.14.91, the Board approved a Special Exception to permit a home occupation.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residences on all sides.
STAFF COMMENTS:
The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater. The applicant is proposing to construct a detached accessory garage that will be 898 sq. ft. The proposed structure exceeds the allowable floor area of 500 sq. ft. by 398 sq. ft.

The applicant has requested a Variance to increase the maximum permitted floor area of a detached accessory building on the lot from 500 sq. ft. to 898 sq. ft (Sec. 45.030-B).

The applicant has also requested a Variance to reduce the required side yard setback from 5 ft. to 4'2" in an RS-3 district (Section 5.030-A).

The applicant has stated, "We are requesting to build an 898 sq. ft. detached structure that exceeds the allowed 500 sq. ft. by 398 sq. ft. (45.030-B). The reason for building the structure is to add an additional living space to the property as well as the all-important second bathroom. The structure also replaces an existing structure with a side setback of 4'2" instead of the required 5' and we wish to retain the original setback (5.030-A)."

Please see the attached hardship justification provided by the applicant.

Sample Motion

Move to ________ (approve/deny) a Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure to be increased from 500 sq. ft. to 898 sq. ft. (Sec. 45.030-B); Variance to reduce the required side (interior) setback from 5' to 4'2" in an RS-3 district (Section 5.030-A).

• Finding the hardship(s) to be ____________.

• Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

• Subject to the following conditions ____________.

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Case No. 15711

Action Requested:
Special Exception to permit a home occupation (messenger/courier service) in a residential district - Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 6, located 816 South Jamestown.

Presentation:
The applicant, Anne Chilcoat, 816 South Jamestown, Tulsa, Oklahoma, stated that she and her husband own Tulsa Delivery, which receives phone calls from clients and dispatch drivers to the desired location. She informed that they handle small packages only.

Comments and Questions:
Ms. Bradley asked what portion of the business is in the home, and the applicant stated that only the radio dispatching is conducted from the home.

Mr. Jackere asked Ms. Chilcoat if the drivers pick up their pay checks at the residence, and she replied that her husband personally delivers the checks to the three drivers.

Ms. Jackere asked if radio dispatching is the only activity that takes place in the home, and the applicant replied that they have a computer for bookkeeping, but conduct no other activity there.

In response to Ms. Bradley, the applicant stated that the delivery drivers use their personal vehicles, which do not have signs.

Interested Parties:
Ms. White informed that Staff received one letter of support (Exhibit H-1) for the home occupation.

Protestants: None.

Board Action:
On MOTION of BOLZLE, the Board voted 3-0-0 (Bradley, Bolzle, White, "aye"; no "nays"); no "abstentions"; Chappelle, Fuller "absent") to APPROVE a Special Exception to permit a radio dispatch service only as a home occupation in a residential district - Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 6; finding that a radio dispatching service will not be detrimental to the residential neighborhood, and will be in harmony with the spirit and intent of the Code; on the following described property:

Lot 27, Block 7, Braden Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

05.14.91:586(9)
Looking west—towards the subject site—on S. Jamestown Ave.

Looking west—towards the subject site—on S. Jamestown Ave.
Looking west—towards the subject site—on S. Jamestown Ave.

Looking west—towards the subject site—on S. Jamestown Ave.
Justification of Hardship at
816 S. Jamestown Ave

We are requesting to build a 898 sqft detached structure that exceeds the allowed 500 sqft by 398 sqft (45.030-B). The reason for building the structure is to add an additional living space to the property as well as the all-important second bathroom. The structure also replaces an existing structure with a side setback of 4'2" instead of the required 5' and we wish to retain the original setback. (5.030-A) This document lays out the hardships to justify the variance.

Justification of hardship for variance to 45.030-B

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

There is an existing structure (811 S Indianapolis) directly adjacent to the property that is similar in square footage, height and appearance to what we want to build. (see attached diagram) The homeowners were allowed to build the structure without a variance because they have added onto their home several times and therefore are allowed, by code, to build a larger detached building. The literal enforcement of the code would require us to nearly double the size of the main structure and change the original floor plan and appearance before we were allowed to build the same style detached garage as the neighbors. That would be unnecessary and, to some, a departure from the essential character of the neighborhood. Because of this oddity of relative sizes, we believe that the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose.

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

Although we have the ability to cover more of the existing lot and still comply with watershed requirements, we are requesting a reasonably-sized garage that we feel is needed to solve our problems and stay in a location that we love with neighbors who have become our friends. We believe that this project is the minimum variance that will afford relief.

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;

We do not want to add on to the main house because we wish to maintain the small, very livable original footprint of our Cape Cod style home. We do not want to alter the street side appearance of the house and in fact have worked hard to return it as much as possible to its original condition. We have removed aluminum siding to expose and restore the original wood trim of the building. We have constructed custom, period-correct gable vents from wood to replace the galvanized steel vents that were installed at some point. And we have swapped the steel replacement front door with a period-correct wooden door that matches the design installed when the house was constructed. We have removed cheap 1960s replacement windows and gone back with quality windows with a divided light pattern that matches other homes in the area by the same builder and era. In this way we have worked to move the house back to the essential character of the neighborhood and this project would be no different. We have elected (at additional cost) to build the detached building with a 12/12 pitch roof to match the steep gables of the original Cape Cod style homes, including ours, in the neighborhood and will side it with a product that closely resembles the lap siding used in the original garage. We wish to preserve the main house as much as possible and stay within the essential character of the neighborhood by preserving the narrow, but deep design of the home and the existence of detached buildings. We believe that this project 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.
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.

Because of the current existence of the aforementioned and other similar existing structures in the neighborhood, we believe that this project will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code.

Justification of hardship for variance to 5.030-A

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

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

On the second variance we are requesting, a variance to 5.030-A, we are replacing an existing structure with a current side setback of 4'2". It is standard in the neighborhood (originally developed in the 1920s-1930s) to have less than 5' of side setback on detached garages. It is accepted by neighbors and we do not wish to change the setback due to how it would affect the rest of the backyard space on the opposing side (established landscape, trees, flower beds etc. Also, the existing driveway would no longer matchup with the front of the building. Being that the structure was originally built with this setback, the hardship was not self-imposed, will not alter the essential character of the neighborhood and is the minimum variance that will afford relief.
BEVEL GARAGE REMODEL

816 S. JAMESTOWN AVE.
TULSA, OK 74112

SCOPE OF WORK: NEW TWO-STORY GARAGE
WOOD CONSTRUCTION

REV SHEET INDEX
C001 COVER SHEET
A100 SITE PLAN
A101 FIRST FLOOR PLAN
A102 SECOND FLOOR PLAN
A201 EXTERIOR ELEVATIONS
A401 WALL SECTION

ARCHITECTURAL DRAFTSMAN
AL PAGANO
PHONE: 312-805-3464
EMAIL: ALFREDPAGANO@GMAIL.COM

CONTRACTOR
RAY ROBERTS CONSTRUCTION
21100 OK-125
FAIRLAND, OK 74343
PHONE: 918-676-3800

CONTACTS:
Before and after photos of 816 S. Jamestown Ave
Before and after photos of 816 S. Jamestown Ave
APPLICATION NO: BLDR-14001-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 816 S Jamestown Ave E
Description: Detached Garage

INFORMATION ABOUT SUBMITTING REVISIONS

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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 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 (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf.

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

1. **45.030-B RS-2, RS-3, RS-4 and RS-5 Districts**
   In RS-2, RS-3, RS-4 and RS-5 districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

   **Review comments:** You are proposing 898 sq ft of detached accessory structure floor area. The proposed detached accessory structure exceeds 500 sq ft. Reduce the size of your proposed detached accessory structure to be less than 500 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 500 sq ft.

2. **5.030-A:** In the RS-3 zoned district the minimum side yard setback shall be 5 feet from the side property line.

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

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision.

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**END – ZONING CODE REVIEW**

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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
As neighbors of Shane and Frances Bevel, 816 S Jamestown Ave, Tulsa, Ok we support their proposed project for garage construction and have no concerns with their requested variances. BOA-22563.

It is nice to see our neighbors staying and growing in our neighborhood vs moving to newer, larger homes and adding more rentals to an already rental heavy area of town.

If you need to contact us we can be reached at 918-836-9703.

Sincerely,

Joe and Sandy Dawson
811 S Indianapolis Ave
Tulsa, OK 74112
In reference to case number BOA-22563, scheduled for hearing at 1:00 PM on Tuesday, 01/08/2019, I am writing in support of the two variances requested by Shane and Frances Bevel.

First, I am pleased that Mr. and Mrs. Bevel are exploring a way to make their home more suitable to their family’s needs rather than considering a move out of our neighborhood. They are wonderful neighbors! They maintain their property beautifully!

In reviewing the aerial photo sent by you, I believe that a precedent has already been established in the neighborhood for construction of home extensions and enlarged separate structures. These appear to have occurred at 816 S. Knoxville, 811 S. Indianapolis and 3336 and 3338 E. 7 Street.

In the more than thirty years that I have owned my home in this area, I have found that these property changes have added interest and diversity to the neighborhood.

I have no objection to the changes requested by the Bevels. In fact, I look forward to what is sure to be an “upgrade” on our older block.

Thank you for your consideration of my comments.

Karen Hamm
811 S. Jamestown Ave.
Tulsa OK 74112
(Owned under name of Karen Good)
Phone: 918-261-9835
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9309
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Tom Neal

ACTION REQUESTED: Variance to reduce the required street (rear) setback in an RS-3 district (Sec. 5.030-A); Variance to allow an accessory structure to be located less than 3 feet from a side interior lot line (Sec. 90.090-C.2); Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal structure (Sec. 45.030-B)

LOCATION: 4618 E 14 PL S

ZONED: RS-3

PRESENT USE: 

TRACT SIZE: 8080.41 SQ FT

LEGAL DESCRIPTION: LT 7 BLK 3, ADAMSON HGTS ADDN

RELEVANT PREVIOUS ACTIONS: No relevant history

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned residences to the north, east, and west; E. 15th St. S. abuts the property to the south.
STAFF COMMENTS:
The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater. The applicant is proposing to construct a detached accessory garage that will be 624 sq. ft. Based on the size of the existing house (1340 sq. ft.) the applicant is allowed 536 sq. ft. of detached accessory floor area on the lot. The proposed structure exceeds the allowable floor area of 536 sq. ft. by 88 sq. ft.

The applicant has requested a Variance to increase the maximum permitted floor area of a detached accessory building on the lot from 536 sq. ft. to 624 sq. ft (Sec. 45.030-B).

The Code states that detached accessory building in the rear yard must be setback at least 3 feet from all interior lot line. For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings (Section 90.090-C.2).

The applicant has also requested a Variance to reduce the required side interior setback from 3ft. to 2ft. in an RS-3 district (Section 90.090-C.2).

As shown on the exhibit, the rear yard and proposed detached accessory structure abuts an arterial street along E. 15th St. S. Per the Code, in the RS-3 district the minimum rear street setback from an arterial street shall be 35 ft. from the rear property line. The applicant is requesting a Variance to reduce the required street (rear) setback in an RS-3 district from 35 ft. to 2 ft. (Sec. 5.030-A).

The applicant has stated that, "Owner's property is between a residential street (non-arterial) and arterial street. The latter mandates a 35 ft. street yard rendering the rear yard unbuildable for an accessory building without a variance."

Sample Motion

Move to _________ (approve/deny) a Variance to reduce the required street (rear) setback in an RS-3 district from 35 ft. to 2 ft. (Sec. 5.030-A); a Variance to allow an accessory structure to be located 2 ft. from a side interior lot line (Sec. 90.090-C.2). a Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal structure to be increased from 536 sq. ft. to 624 sq. ft.(Sec. 45.030-B).

• Finding the hardship(s) to be ________________.

• Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

• Subject to the following conditions ________________.

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

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

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Subject Tract  BOA-22566

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Subject Tract  
BOA-22566  
19-13 09  

Note: Graphic overlays may not precisely align with physical features on the ground.  
Aerial Photo Date: February 2018
Looking south—towards front of the subject site—on E. 14th Pl. S.
**APPLICATION NO: ZCO-18542-2018** *(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*  
**Project Location:** 4618 E 14th Pl S  
**Description:** Detached Garage

**INFORMATION ABOUT SUBMITTING REVISIONS**

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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.**

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

1. 5.030-A: In the RS-3 zoned district the minimum rear street setback from an arterial street shall be 35 feet from the rear property line which is 15th street.

   **Review Comments:** Revise your plans to indicate a 35' rear setback to the property line, or apply to INCOG for a **variance** to allow less than a 35' rear setback along 15th street.

2. 90.90.C.2: Detached Accessory Buildings
   
   b. Detached accessory buildings in the rear yard must be set back at least 3 feet from all interior lot lines; For lot lines abutting street right-of-way, detached accessory buildings must comply with the same setback requirements that apply to principal buildings;

   **Review Comments:** Revise plans to indicate that the detached accessory building will set back at least 3 feet from the side interior lot line or apply to the BOA for a variance to allow an accessory structure to be located less than 3 feet from a side interior lot line.

3. 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts

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

   **Review comments:** You are proposing 624 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1340) you are allowed 536 sq ft of detached accessory structure floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 536 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision.

<table>
<thead>
<tr>
<th>END –ZONING CODE REVIEW</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9213
CZM: 36
CD: 4
A-P#: 

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Special Exception to allow a Bed and Breakfast with on-site events in a RS-3 District (Section 5.020; Section 40.060).

LOCATION: 2210 S MAIN ST W

ZONED: RS-3

PRESENT USE: Commercial/office

TRACT SIZE: 142785.91 SQ FT

LEGAL DESCRIPTION: LT 1 LESS BEG NWC TH E129.30 TH ON CRV LF 135.39 SE178.88 W20.80 NW298.88 NWLY39.44 POB BLK 1, HARWELDEN RESUB B4 RIVERSIDE DRIVE ADDN,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-18689 March 28, 2000: The Board of Adjustment approved a special exception to allow a tent and outdoor special events in an RS-3 zoned district for periods in 2000 and to allow this use for five years 2000-2004 with conditions.

BOA-18370 April 13, 1990: The Board of Adjustment approved a special exception to allow a tent and outdoor special events in an RS-3 zoned district for four periods in 1999.

BOA-18074 June 9, 1998: The Board of Adjustment approved a special exception to permit open-air special events during specific time periods in August and September of 1998.

BOA-11011 May 15, 1980: The Board of Adjustment approved a special exception to permit converting a carriage house into an office for the Tulsa Arts Council to run in behalf of the Arts and Humanities Council.

BOA-5674 December 5, 1967: The Board of Adjustment approved a special exception to permit converting an existing residence into an art center.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by multi-family residential uses to the north, south, and west; Riverside Drive abuts the property to the west.

**STAFF COMMENTS:**
The applicant is before the Board requesting a **Special Exception** to permit a Bed & Breakfast with on-site events on the subject site. Per the attached statement, the proposal is to convert the mansion and carriage house to an upscale Bed and Breakfast while still providing the mansion and grounds for events.

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

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

Move to ________ (approve/deny) a **Special Exception** to allow a Bed and Breakfast with on-site events in a RS-3 District (Section 5.020; Section 40.060).

- 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 applicant, Mike Lester, 2000 W. Detroit, # G, Broken Arrow, stated he is the contractor for the homeowners at this subject property address. This home is located in the historical preservation district of the City of Tulsa. He stated that they are doing some exterior repairs to their residence and they desire to remove the existing garage/living quarters located at the rear of their property, and to construct a new garage only along the back property line. Mr. Lester stated that the zoning requirement for the south property line would call for a three-foot setback from the property line, and the plan is to build it 4½ feet from the south property line and the proposed structure would be smaller than the existing. The applicant submitted photographs and a letter to the Board.

Comments and Questions:
Mr. Dunham asked if the historical preservation society is in support of this application. Mr. Stump stated that they have concerns that the new garage will be built very close to the existing house, and not set back as they have traditionally been. Mr. Dunham stated it is basically the same location with a little different configuration.

Protestants:
None.

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE a Variance of Section 210.B.5 to construct an accessory building in rear yard which exceeds the allowable coverage of 20%, per plan submitted, finding that the new structure would be located where the existing structure is, and would be smaller in size, on the following described property:

Lot 9, Block 6, Maple Park Addition, City of Tulsa, Tulsa County, State of Oklahoma

Special Exception to allow a tent and outdoor special events in an RS-3 zoned district for periods in 2000, as follows: April 14, May 7, July 4, August 18-19, September 23, and to allow this use for five years 2000 - 2004 for unspecified dates but limited to the maximum allowed of 179 days. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, located at 2210 S. Main.
Case No. 18689 (continued)

Presentation:
The applicant, Lyn Kelly, 2101 S. Boston, stated she is the Development and Public Relations Director for the Arts and Humanities Council. She stated that they provide arts education at little or no cost especially to children and youth. She stated that they use the tent and outdoor events to raise funds for these educational programs.

Comments and Questions:
Mr. White stated he has the letters of support from the neighborhood. Mr. Dunham stated that they have been doing this for years and there are no protests. Ms. Kelly added that they would continue to have paid security at the events.

Protestants:
None.

Board Action:
On MOTION of Turnbo, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to APPROVE a Special Exception to allow a tent and outdoor special events in an RS-3 zoned district for periods in 2000, as follows: April 14, May 7, July 4, August 18-19, September 23, and to allow this use for five years 2000 – 2004 for unspecified dates but limited to the maximum allowed of 179 days, with the condition that there would not be a tent put up for 179 consecutive days, on the following described property:

Block 1, Harwelden, a resub of Block 4, Riverside Addition, City of Tulsa, Tulsa County, State of Oklahoma

********

Case No. 18690
Action Requested:
Variance of Section 206, which requires a minimum of 30' frontage on a public, street or dedicated R-O-W to allow a lot split. SECTION 206. STREET FRONTAGE REQUIRED – Use Unit 6. Variance of average lot width for Tract B from 200' to 46'. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT; Variance of minimum lot area for Tract B from 2 acres to 1 acre. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT; Variance of minimum land area per dwelling unit for Tract B from 2.2 acres to 1 acre. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT; and a Variance of average lot width for Tract C from 200' to 131'. SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT, located at 6020 E. 116th St.
A tract of land that is part of the SW/4 of the SW/4 of Section 30, T-19-N, R-44-E of the IBM, City of Tulsa, Tulsa County, Oklahoma and also part of Lots 1 through 14, Block 51, Town of Alsom, and the vacated alley way in Block 51, Town of Alsom, Tulsa County, Oklahoma, said tract of land being described as follows: Commencing at the SW/4 of said Section 30; thence due E along the Sly line of Section 30 for 990.00'; thence N 00°09'05" W for 50.00' to the point of beginning of said tract of land; thence continuing N 00°09'05" W for 350.00'; thence due E and parallel with the Sly line of Section 30 for 237.50' to a point on the Wly line of said Block 51 thence S 00°08'05" E along said Wly line for 175.00'; thence due E and parallel with the Sly line of Section 30 for 177.50' to a point on the Ely line of said Block 51, thence S 44°55'57" W for 35.31' to a point that is 25.00' Nly of the Sly line of Block 51; thence due W and parallel with the Sly line of Section 30 for 290.00' to the point of beginning of said tract of land.

Action Requested:
Special Exception to allow a tent and outdoor special events in an RS-3 zoned district for four periods in 1999 as follows: April 30 – May 1; June 26 – 27; August 20-August 21; September 24 – September 25. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located 2210 S. Main.

Presentation:
The applicant, Carol Swarthout, was represented by Wendy Thomas, 2016 E. 17th Place, who submitted a site plan (Exhibit H-1). Ms. Thomas stated that she is appearing on behalf of the Tulsa Arts and Humanities Council. Ms. Thomas mentioned that she was before the Board last year and was approved for two events and they are asking to be approved for four events this year. They have arranged for parking in the Adkar Shriners Temple and the Junior Chamber of Commerce. Ms. Thomas spent a lot of time with the neighbors last year and their main concern was parking problems. The Arts and Humanities Council provided them with private parking signs and they were successful. After the events last year, they received no complaints.

Interested Parties:
None.
Case No. 18370 (continued)

**Board Action:**
On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Turbody, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to APPROVE a Special Exception to allow a tent and outdoor special events in an RS-3 zoned district for four periods in 1999 as follows: April 30 – May 1; June 26 – 27; August 20-August 21; September 24 – September 25, finding 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. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2 on the following described property:**

Harwelden, Block 1, a resubdivision of Block 4, Riverside Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 18371

**Action Requested:**
Minor Special Exception of front yard requirement of 25’ to 21’ for the construction of a new house. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located E of the SEc E. 83rd St. & S. 65th E. Ave.**

**Presentation:**
The applicant, Bruce Berman, 9610 S. 68th E Ave., submitted a site plan (Exhibit 1-1) and stated that he and his wife have developed a plan for a house which is a one story plan. They discovered that instead of the 11’ easement shown on the plat there is a 21’ easement. Mr. Berman stated that they had an architect lay out a plan for them that was 3,200 SF, one story plan with glass across the back with a view of the pool. The pool was going to be 18’ x 36’. With the 21’ easement instead of the 11’ easement they would not be able to put the pool in. The entire house was designed to showcase the pool. Mr. Berman asked the Board to approve the request and allow him to have a 21’ setback so he can build a 13’ pool width.

Lindsay Perkins, 4735 S. Atlanta Place, stated that he is the developer of Crescent subdivision at 83rd and Sheridan. Lindsay Perkins mentioned to the Board that there was a Scriveners error on the plat. The easement should be 21’ and not 11’. Lindsay Perkins has spoken with the owners of Lots 1, 2 and 4 and none of them have a problem with the variance. There will not be any impact on any of the other surrounding properties.
Case No. 18073 (continued)

S 45’ of the N 95’ of the E 125’ of Lot 11, Block 19, Bellaire Acres Second Extension, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18074

Action Requested:
Special Exception to permit an open-air special event August 21, 1998, 11 a.m. through August 22, 1998, 5 p.m. and September 18, 1998, 12 noon through September 19, 1998, 7 p.m. in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, located 2210 S. Main St.

Presentation:
The applicant, Diane T. Boss, was represented by Wendy Thomas, who is the Executive Director of the Arts and Humanities Council of Tulsa. Ms. Thomas stated that Harwelden mansion is their headquarters. The Council has relied on income generated by the Kanchi auction for more than 30 years. This is a fundraising project for nonprofit but in recent years, increase competition and decreasing revenues of this event have indicated that it is time for them to have a new event. Ms. Thomas mentioned that during 1998 they are having a test year for as many as eight new events. They hope to have two of the events on the grounds of Harwelden, which has necessitated them coming before the Board for a Special Exception. Prior to finalizing any details brought before the Board today, they sent a letter to the Presidents of the Residence Associations in the 2300 Building, the Woodward Terrace Apartments. They had two people come and discuss the concerns the neighborhoods might have. Harwelden has prepared an event information sheet (Exhibit K-1), which was delivered to the residents of both complexes. Ms. Thomas received about a dozen phone calls most of which were encouraging and the primary concerns regarded parking in the private residential areas. One event will be held on August 21, 22, which will be a Barbecue cook-off. They are asking for the Special Exception for the two days of the event, however, they only expect public guests from noon to 8:30 p.m. on Friday and from 10:00 a.m. to 4:00 p.m. on Saturday. Ms. Thomas stated that they are not sure how many people will attend but they have contacted the Jaycees’s, the Shriners and MAPCO in an effort to obtain their parking to help accommodate the guests. They will also provide parking passes to the residents of the two neighborhood complexes. This is not an effort to monitor their parking but to simply give Harwelden a way to regulate non tenant parking during the event weekend. In addition, there will be three security guards for the August 21, 22 event that will be stationed along Woodward Blvd. and Main St. Their specific duty will be to monitor parking and traffic. The second event will be held September 18, 19. They will only be holding the event on the 19th from 9:00 a.m. to 5:00 p.m. They do not expect this event to be as large or as much of a nuisance to the neighborhood. However, they will be providing the same parking passes to the neighbors.
Comments and Questions:
Mr. White stated that he imagines that the biggest concern would be the parking. Mr. White asked the applicant if Harwelden will be providing any shuttle service. Ms. Thomas replied that they have talked about it, and if it was made a condition they would do it. Ms. Thomas said that they would provide signage for the two complexes stating that it is private parking.

Mr. Dunham stated that the tents must meet the setback requirements. Ms. Thomas stated that the tent is going to be at the bottom of the hill on the property and will be facing away from the neighbors.

Interested Parties:
Ruby Collins, 2202 S. Boston, #132, Woodward Terrace, stated that she has an objection to the two day event because of the traffic and parking. Ms. Collins stated that they have experienced it every year during the Fourth of July celebration and it is not good. Ms. Collins stated that in her complex there is covered parking for all units but there is parking next to the building (on the side) for visitors and it does not matter how much protection is given from security, they still have people parking in their lot.

Ms. Turnbo asked if the parking on the side of the building is on the property. Ms. Collins answered yes. Ms. Turnbo asked Ms. Collins if they have ever gone into the other parking places. Ms. Collins answered yes. Ms. Turnbo asked Ms. Collins if the signage provided would help. Ms. Collins replied that she didn't think anyone would pay any attention to the signs. Ms. Turnbo asked if parking passes were given to all the residents and the security persons would only allow in the people with the parking passes, would that help the situation? Ms. Collins answered that would be good. She stated that the complex has six entrances and you can't have an officer at each one.

Ms. Perkins asked if the only time the residents have had a problem is on the Fourth of July. Ms. Collins answered yes. Ms. Perkins mentioned that she does not believe that there will be near as many people at Harwelden for a fund raiser as there would be for a free Fourth of July celebration.

Applicant's Rebuttal:
Ms. Thomas stated they are not the sponsor of the Fourth of July event. Ms. Thomas stated that Harwelden is trying to be a good neighbor and they do not expect the tens of thousands of people who do come to the river for the Fourth of July event. They would be happy to work with the City and residents of the complexes on whatever street closings or signage that needs to be dealt with. Right now, they are talking about closing Woodward at Riverside, they have not talked about closing other streets but they are willing to consider any other streets as recommended.
Case No. 18074 (continued)

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 Special Exception to permit an open-air special event August 21, 1998, 11 a.m. through August 22, 1998, 5 p.m. and September 18, 1998, 12 noon through September 19, 1998 7 p.m. in an: RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2, subject to the applicant addressing the parking problems and meeting the setback requirement, per plan submitted on the following described property:

Harwelden, Block 1, a resubdivision of Block 4, Riverside Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18076

Action Requested:
Variance of 150' of frontage in a CS district to 100' to allow a lot split. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14, located 9202 E., 41st St.

Presentation:
The applicant, Ronald G. Tracy, 1301 S. Quaker, stated that he is representing the architect of record whose offices are in Oklahoma City. Mr. Tracy stated that he is the engineer on the property. This project is for an Econo Lube and Tune. There is not a lot of square footage for the building and has a drive thru type service. The client has been trying to get some locations in Tulsa for the past 18 months. The owner of the property only wanted to sell Econo Lube 100' of frontage instead of the 150' required.

Comments and Questions:
Mr. White asked about Staff comments regarding a plan for the development of the remainder of the property. Mr. Beach stated that this is similar to another recent case, except the other one was a RUD. Mr. Beach mentioned that it appears that there is quite a bit of property and the lot width requirement could be met. By putting the property line less than what the Code requires, they are creating their own hardship.

Mr. Stump stated that you have many more lots and many more curb cuts onto an arterial street and those are some of the reasons for the minimum lot width. Mr. Stump stated that Staff does not see anything unusual about this site that would prevent them from creating a 150' lot.

Mr. Dunham asked the applicant if the owner of the property could come back with a plan showing how the rest of the property is going to be developed. Mr. Tracey stated that he understands the Board's concern, however, the property further to the east is
Upon questioning, Mr. Hardy advised that they asked the engineering company contracted to make the tower a 50 pound wind load tower. The 50 pound wind load specification is one that is set by the government and the company that builds the tower follows their regulations. Mr. Hardy stated that 120-mile an hour winds would wipe out the entire district before toppling the tower.

Discussion followed concerning the setback of the tower from the property line, and the insurance coverage protecting the neighboring residential areas. Mr. Moody advised that insurance coverage was somewhere between $500,000.00 and 1 million.

Mr. Gardner advised that the Ordinance was written to restrict ham radio operators and C.B'ers., to 60-foot maximum height towers in residential areas. Mr. Gardner then explained that according to the Zoning Ordinance, there are no height restrictions in industrial areas.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 3-0-2 (Lewis, Purser, Victor "aye"; no "nays"; Smith, Wait "abstaining") to grant an Exception (Section 220 Height Exceptions) to erect a 200' height tower for a television transmitter in an IL District; and of the setback requirements to permit the tower 33' from an R District, per plot plan submitted, on the following described tract:

Lot 3, Block 2, Industrial Equipment Center Third Addition to the City of Tulsa, Oklahoma; less the East 86' thereof.

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 converting a carriage house into an office for the Tulsa Arts Council, and in the alternative; a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Under the Provisions of Section 1670 - Variances) request for a variance for same at 2210 South Main Street.

Presentation:
Jim Graver, representing Stephen Olsen, advised that the request is from the Tulsa Chapter of American Institute of Architects, which is a member of the Arts and Humanities Council, who have for some time negotiated with the Arts and Humanities Council and Harweldon to relocate their offices in Tulsa within Harweldon, since they make use of the structure for meetings and programs. Mr. Graver explained that a plot plan has been drawn to renovate the rear of Harweldon building into AIA offices (Exhibit "K-1"). Upon questioning, Mr. Graver advised that the maximum number of people expected per day would be 2 and that 1 secretary and one part-time employee would be occupying the office on a daily basis. Mr. Graves stated that the only time a number of people would be present is in the evenings and at night.
Protests: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit converting a carriage house into an office for the Tulsa Arts Council, to run in behalf of the Arts and Humanities Council only, (not the land) on the following described property:

Harwelden Addition to the City of Tulsa, Oklahoma.

Action Requested:
Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.2 - Home Occupations) request for permission to operate a party specialty consisting of permitting flowers, and designs for weddings in an RS-3 District (in a detached garage) at 1510 East 19th Street.

Presentation:
David Thornton, representing Alyce Heinrich, read a letter (Exhibit "L-1") was written to the neighbors, particularly those who received notices of the subject application. She stated in the letter that she would be rendering consultation services at her home, not entering into a full fledged business operation in her home. Mr. Thornton stated that most of Ms. Heinrich's work will be taken care of over the phone. Upon questioning, Mr. Thornton advised that Ms. Heinrich has operated the business from her home for 6 years.

Protestants:
Lee Selby, 1352 East 18th Street, President of the Swan Lake Homeowners Association, advised that they are opposing the subject application for a number of reasons. In addressing Ms. Heinrich's letter, Mr. Selby stated that the letter itself points out why they don't care to have the business in their neighborhood being that the applicant has conducted her business illegally for 6 years from her place of residence. The fact that Ms. Heinrich admits as to what is going on is why the residents of the neighborhood would like to see the application denied, stated Mr. Selby. Mr. Selby advised that doing something illegally for 6 years does not justify continuation of the business. Five years ago the applicant put a sign in her front yard and widely advertised her business operation. A complaint was made then which cut down on the advertising and the applicant pulled up her sign. Mr. Selby advised that they wanted the business closed down but the cost involved in retaining an attorney was too high, therefore they did not pursue the matter. Mr. Selby said that the request also would set a precedent for their neighborhood if the subject application is approved. Mr. Selby presented a petition (Exhibit "L-2") signed by 34 residents of the immediate neighborhood.

Ed Lotus, homeowner 3 doors to the east of the subject application, advised that he opposes the application for attempting to make exceptions in a quality neighborhood that is 50 years old.
PUBLIC HEARINGS:

Action Requested:
Exception (Section 5 (d) (2)) to permit converting an existing residence into an art center in a U-1B district, on a tract located at 2210 South Main.

Presentation:
James Snead, representing the Arts Council of Tulsa, Oklahoma, Inc., stated that a letter had been submitted to the Board setting forth the Council's intentions (Exhibit "A-1"), and added that an application was pending to change the zoning classification to U-1C.

Protests:
None.

Board Action:
On MOTION OF AVERY, the Board of Adjustment (4-0) granted an exception under Section 5 (d) (2) to permit converting an existing residence into an art center, subject to U-1C zoning and subject to a drawing of their sign being submitted to the Board for approval before installation, on the following described tract:

Block 4, Riverside Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:
Exception (Section 5 (d)), after having filed an 80% petition of an affected area created by the Board (Exhibit "B-1"), to permit a home beauty shop in a U-1C district, on a tract located at 215 East Woodward Place.

Presentation:
Mrs. Ella Barnett, applicant, was present.

Protests:
None.

Board Action:
On MOTION OF FRATHER, the Board of Adjustment (4-0) granted an exception under Section 5 (d) to permit a home beauty shop in a U-1C district, on the following described tract:

Lot 22, Block 4, Lakeview Addition, to the City of Tulsa, Tulsa County, Oklahoma.
Harwell Home Zoning Permits Arts Offices

The Tulsa Metropolitan Area Planning Commission Wednesday approved rezoning of the home of the late Tulsa philanthropist Mrs. Mary W. Harwell to accommodate offices for the Arts Council of Tulsa.

The house, at 2108 S. Main St., was bequeathed to the council by Mrs. Harwell's will. The council will accept title to the property Friday, Mrs. Harwell's daughter, Ethel Harwell, announced.

The property falls into the Harwell Evergreen tract at the University of Tulsa. The area recently was rezoned for commercial use. It will house the arts council's plans to develop a cultural center for the city.

The council also approved commercial zoning at the southeast corner of 21st Street and 12th East Avenue; and granted commercial zoning at the southeast corner of 56th Street and Harvard Avenue.

A request for zoning to construct a service station at the northeast corner of Union Avenue and Edison Street on property owned by the Tulsa Country Club was continued to Jan. 1. The proposed station would be just south of the country club's new $1.2 million clubhouse.

**WATCH NIGHT SPEAKER SET**

North Dakotan To Visit Temple

The Rev. Gertrude Skillman, Great Neck, N.Y., will speak at the New Year's Eve Watch Night service at 7:30 p.m. Sunday at the Bible Baptist Temple, 405 E. Apache.

Services will continue through midnight, when a prayer service follows.
# Zoning Designations

<table>
<thead>
<tr>
<th>CURRENT CODE</th>
<th>CURRENT DEFINITION</th>
<th>CORRESPONDING PREVIOUS CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>Agriculture</td>
<td>U-RE</td>
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<tr>
<td>RS-1</td>
<td>Single-family 2.7 D.U's. per acre - 100' frontage</td>
<td>U-1A</td>
</tr>
<tr>
<td>RS-2</td>
<td>Single-family 4.0 D.U's. per acre - 75' frontage</td>
<td>U-1B</td>
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<tr>
<td>RS-3</td>
<td>Single-family 5.1 D.U's. per acre - 60' frontage</td>
<td>U-1C</td>
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<td>RD</td>
<td>Duplex 10.3 D.U's. per acre</td>
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<tr>
<td>RM-T</td>
<td>Townhouse 12.1 D.U's. per acre</td>
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<tr>
<td>RM-0</td>
<td>Multifamily 12.1 - 15.5 D.U's. per acre</td>
<td>U-2A</td>
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<td>RM-1</td>
<td>Multifamily 19.8 - 25.6 D.U's. per acre - Max. Hgt. 26'</td>
<td>U-2B</td>
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<tr>
<td>RM-2</td>
<td>Multifamily 31.0 - 36.0 D.U's. per acre - Max. Hgt. 26'</td>
<td>U-2C</td>
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<td>RM-3</td>
<td>Multifamily 87.0 D.U's. per acre</td>
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<td>RMH</td>
<td>Mobile Home 7.2 - 8.0 D.U's. per acre</td>
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<td>P</td>
<td>Off-Street Parking 90% max. lot coverage</td>
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<tr>
<td>OL</td>
<td>Office, low 25% floor area ratio</td>
<td>U-3B</td>
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<td>OM</td>
<td>Office, medium 50% floor area ratio</td>
<td>U-3BH</td>
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<td>OMH</td>
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<td>OH</td>
<td>Office, high 800% floor area ratio</td>
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<td>Commercial, General 75% floor area ratio</td>
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<td>Commercial, High Intensity no maximum floor area</td>
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<td>IR</td>
<td>Industrial, Research 50% floor area ratio</td>
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<td>Industrial, Moderate no maximum floor area</td>
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<td>Industrial, High no maximum floor area</td>
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<td>Corridor Site Plan Review determines usage 125% floor area ratio</td>
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<td>FD</td>
<td>Floodway District no buildings permitted</td>
<td></td>
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<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
<td>Supplemental Zoning District Supplements existing zoning controls</td>
</tr>
</tbody>
</table>
TULSA METROPOLITAN AREA PLANNING COMMISSION
APPLICATION FOR REZONING

General Location: 2210 S. Main
Surf.: 220.1 ft. Mean.
Requested Zoning: R-1
Proposed Use: Land Use
Record Owner: City Council of Tulsa, Oklahoma
Present Use: Residential
Legal Description of Tract under Application: (If by metes and bounds, attach plat of survey)

Block 4
Riviera Drive Addition
(See Block of plat C-5671)

If Applicant is other than owner, please indicate interest:
(purchaser, lessee, agent for other)

Are there any private or deed restrictions controlling use of tract?

Bill advertising and sign charges to: 215 North Brady Street
(name)
(address)

I do hereby certify that the information herein submitted is complete, true and accurate.

Signed: James R. Smith
Address:
Phone:

[Signature]

Application received by: Carl H. White
Date: November 1934

Tract Acreage:

[Table with columns for Tract Acreage, Section, Block, Lot, Atlas Page No., Location Code, etc.]

.fft. Date:

MPC Action:

[Table with columns for MPC Action, Action, Provisions, Date, Vote, Ord. No., etc.]

[Table with columns for Zoning Action, Provisions, Date, Vote, Ord. No., etc.]

11.17
July 2, 1988

Kretsch Engineering Company
424 South Cherry Avenue
Tulsa, Oklahoma 74103

Gentlemen:

On March 9, 1988 the TMAPC approved the subdivision plat of Harvelden Addition for the Arts Council of Tulsa, Inc. The final plat was received by the TMAPC Staff and the TMAPC and City Engineer's approvals indicated on the face of the plat.

All conditions for approval have been met but one, pertaining to a sanitary sewer easement across the property. Since the plat contained no written deed of dedication for easements, the Water Department indicated a separate easement filed of record with the plat would be sufficient to cover the existing sewer on the property.

Would you please have the proper persons sign the easement and return the original to us as soon as possible, so we may release the plat. May we also remind you, and the Arts Council by copy of this letter, that until the plat is released, filed of record, and the zoning ordinance fee paid to the City of Tulsa, the property is not sound U-1C under the conditions of zoning application Z-3101.

If you have any questions, please feel free to call us at 587-1537.

Sincerely,

Laurel Yllooth
Planning Analyst II

Enc: (Easement Forms)

cc: Arts Council
    Water Dept. (Joe DeVaucher)

BA File #5674
PROOF OF PUBLICATION

STATE OF OKLAHOMA, TULSA COUNTY, SS:

Dexter Moss, Jr., of lawful age, being duly sworn, upon oath deposes and says that he is the publisher and editor of the TULSA DAILY LEGAL NEWS, a daily newspaper printed in the English language, in the City of Tulsa, Tulsa County, Oklahoma, having a bona fide paid general circulation therein, and with entrance into the United States mail as second class mail matter in Tulsa County, and published in said county where delivered to the United States mail, and that the notice by publication, a copy of which is hereto attached, was published in said newspaper for consecutive days weeks, the first publication being on the 19th day of September, 19... and the last day of publication being on the day of 19... and that said newspaper has been continuously and uninterruptedly published in said county during the period of more than One Hundred and Forty (164) weeks consecutively, prior to the first publication of said notice, or advertisement, as required by Section 530, Chapter Four, Title 15 Oklahoma Session Laws, 1943, as amended by House Bill No. 586, 23rd Legislature, and thereafter, and complies with all of the provisions and requirements of the laws of Oklahoma. (The advertisement above referred to is true and printed copy. Said notice was published in all editions of said newspaper and not in a supplement thereof.)

Subscribed and sworn to before me by Dexter Moss, Jr., publisher and editor of the TULSA DAILY LEGAL NEWS, this 20th day of September, 19...

My commission expires... Nov 2, 1971...

PUBLISHER'S FEE...
Application No. Z-3401
Applicant: James Soosed (Arts Council of Tulsa)
Location: NW corner 42nd & Main

Date of Application: December 28, 1967
Date of Hearing: December 27, 1967
Size of Tract: 3.59 acres

Presentation to TMAPC By: James Soosed
Address: 211 First National Bank Bldg., Phone: 5-5711

Staff recommendation:

The Staff recommends APPROVAL of U-1C.

The permitted uses of U-1C and particularly the contemplated community facility could be compatible with the existing and anticipated multifamily development in the area.

Zoning Committee recommendation:

Concurred.

TMAPC Action: 6 members present.

On MOTION of LEAVITT, the Planning Commission voted unanimously to recommend to the Board of City Commissioners that the following property be rezoned to a U-1C district, subject to a plat.

Block 4, Riverside Drive Addition to the City of Tulsa,
Tulsa County, Oklahoma.

TMAPC Members Present: Caughey, Duhie, Forrester, Kornegay, Leavitt, Martin

There being no further business, the Chair declared the meeting adjourned at 4:20 p.m.

Date Approved

Attest: Secretary

Chairman

12.27.67 6:47 (19)
Mr. Casper Jones  
Tulsa Board of Adjustment  
9 East Fourth Building  
Tulsa, Oklahoma

Dear Mr. Jones:

Please accept this letter as a supplement to the Arts Council of Tulsa's previously submitted application for permission relating to its proposed headquarters in a structure located at 2210 South Main Street, Tulsa, Oklahoma.

The building, formerly the private home of the late Mr. and Mrs. E. P. Harwell, was a testamentary gift to the Council in January of this year. It is the wish of the governing body of this organization that it serve as the operational headquarters for the Arts Council, a non-profit educational constituency of 52 member organizations whose purpose is the development and promotion of cultural affairs in the City of Tulsa.

The headquarters building's proposed uses may include any or all of the following:

1. **General Offices**: To house the administrative activities of the Council and such other member organizations as shall be permanent residents.

2. **Performing Arts Presentations**: The presentation of cultural events such as recitals, concerts, film presentations, etc., inside the building and, possibly, on the surrounding grounds.

3. **Exhibitions**: The showing of paintings, graphics and sculpture in the public use areas of the building from time to time.

4. **Studios**: Workshop space and classrooms for artists and students.

5. **Book and Gift Counter**: An area for the non-profit sale of art books and gift artifacts by the Women's Alliance of the Council.
6. **Meeting Areas:** Rooms and other public areas to be used for committee meetings, board meetings, and other appropriate business and activities to be conducted by Council's member groups.

7. **Food Service:** The building is equipped with adequate kitchen facilities that will permit the occasional service of refreshments.

8. **Parking:** Adequate on-site parking will be established at Harwelden to accommodate those using the facility.

9. **Exterior Signage:** A non-lighted sign whose size and character shall be in tasteful harmony with its surroundings, may be erected on the premises to identify the Arts Council headquarters.

It is anticipated that certain non-profit charges and levies will be made by the Council for specific uses of Harwelden facilities, funds from which will be used for the maintenance of the building. The Council expects also to provide full-time personnel for the proper physical maintenance of the building and surrounding grounds.

Respectfully submitted,

**Katie Westby**

Mrs. Gerald H. Westby
President

**CO:** Mr. James Sneed
Connor, Winters, Randolph and Ballaine
Looking west– towards the subject site– on subject site, along S. Main St.
December 6, 2018

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

Re: Harwelden Mansion – 2210 S. Main Street

Chairman of the Board and Board Members:

The Harwelden Mansion was constructed in 1923 at 2210 S. Main Street in Tulsa. Originally the house was the private home of Mr. and Mrs. E.P. Harwell until 1967 when it was donated to The Arts Council. In that same year, the City of Tulsa’s Board of Adjustment approved a Special Exception to allow the property to be used as offices for the Arts Council of Tulsa (12/27/67). In 1968 the property was rezoned to U-1C (Case # E-3101 on 2/2/68) and platted (Harwelden Addition approved 3/6/68) to accommodate this use.

On March 15, 1980, the City of Tulsa Board of Adjustment approved a Special Exception (Case #11011) to convert the existing carriage house into an office for the Tulsa Arts Council, to run in behalf of the Arts and Humanities Council (specifically the Tulsa Chapter of American Institute of Architects) only.

In 1998 (Case #18074), 1999 (Case #18370) and 2000 (Case #18689) the Board of Adjustment approved special outdoor events and the use of outdoor tents.

Through 2017, there have been numerous small non-profit offices located in the Mansion. There have been a total of 70 organizations who have officed in the Mansion during the 50-year history including Tulsa Performing Arts Center, Chamber Music of Tulsa, Tulsa Opera, Tulsa Ballet, Circle Cinema, May Fest, Hispanic American Foundation, Tulsa Philharmonic, American Institute of Architects, Kanchi Television Auction and Nimrod Literary Magazine, to list a few. The Mansion has also been used consistently for small and large events including weddings, parties and non-profit fundraisers.

In 2018, Hickory House Properties, LLC (Teresa Knox and Ivan Acosta) purchased the Harwelden Mansion from the Arts and Humanities Council of Tulsa, now called ahhha. At the time of the purchase, Teresa Knox planned to continue the use of property while maintaining the historical nature of the home. During meetings with the City it has been determined that the property has been operating in non-conformance for many years, thus Knox has agreed to bring it into conformance while moving forward. The property is currently zoned RS-3.

The proposal is to covert the mansion and carriage house to an upscale Bed and Breakfast while still providing the mansion and grounds for events. Building permit plans have been submitted to the City and are currently being reviewed. Part of the plans include bringing the buildings into conformance with the commercial building code including adding a fire suppression system and replacing doors as needed to be fire rated. Part of this review includes an LOD from the City of Tulsa’s Zoning Official concerning the use (see attached). Knox is also in the process of submitting an application for historical preservation that is required for historical tax credits. The Harwelden Mansion is the 5th Tulsa landmark to be placed on the Nation Register of Historic Places.

Analyzing parking, the Bed & Breakfast use requires 0.85 spaces / guest room plus assembly. There will be six (6) guest rooms requiring 5.1 or 6 spaces. The indoor assembly use requires 3.75 spaces / 1,000 sf and the outdoor assembly use requires 1.10 spaces / 1,000 sf. The mansion contains 2,618.20 sf indoor assembly space requiring 10 spaces. There are currently 22 parking spaces on site. High attended events will provide valet parking and park overflow cars along the public streets as historically been done for the past few decades.
Therefore, we request a Special Exception to Section 5.020 Table 5-2 for a Bed & Breakfast, designated as a Commercial/Lodging/Bed & Breakfast with unlimited events, use in a RS-3 zoned district.

I appreciate your time on this matter, thank you.

Sincerely,

[Signature]

A. Nicole Watts, P.E., CFM
Principal / Director of Civil Engineering
CHUCK LANGE  
ZONING OFFICIAL  
PLANS EXAMINER  
TEL (918)596-9688  
clange@cityoftulsa.org  

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

ZONING CLEARANCE PLAN REVIEW  

November 8, 2018  
Phone: 918.744.4270  

Caitlan Smith  
2200 S Utica PL  
Tulsa, OK 74104  

APPLICATION NO: BLDC-011742-2018  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  

Location: 2210 S Main ST  
Description: Bed & Breakfast  

---  

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.  

---  

IMPRESSANT 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) 584-7526.  
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)
Application No. BLDC-011742-2018 2210 S Main ST November 8, 2018

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

1. Sec.5.020 Table 5-2: Your proposed Bed & Breakfast is designated a Commercial/Lodging/Bed & Breakfast use and is located in an RS-3 zoning district.

Review Comments: This use only allowed in an RS-3 zoned lot by Special Exception. Submit a Special Exception, reviewed and approved per Sec.70.120, to allow a Commercial/Lodging/Bed & Breakfast use in an RS-3 zoning district.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
RS.2 CS
SUBJECT TRACT
RS.3 CO
(t,)
CDP-21,
BOA-22568
0 200 400

BOA-22568
19-14 07
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9407
CZM: 39
CD: 5
A-P#:

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Amerco Real Estate Company

ACTION REQUESTED: Special Exception to allow for a Self-service Storage Facility Use in a CS district (Table 15-2); Special Exception to allow for a Commercial Vehicle Sales and Rentals Use in a CS district (Table 15-2)

LOCATION: 10131 E 21 ST S

PRESENT USE: Commercial

TRACT SIZE: ±12.346 acres

LEGAL DESCRIPTION: PRT LT 1 BEG 150E SWC TH E617 NE22.36 N200 NE169.64 N345 W736.95 S103.95 W160 S451.02 E150 S130 POB LESS BEG 150E SWC LT 1 TH E617 NE22.36 W59.62 S10 W567.38 S10 POB BLK 1, MAGIC CIRCLE SOUTH ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-15911; on 1.14.92, the Board approved a special exception to permit automobile sales in a CS zoned district with conditions. Located at the northeast corner of East 21st Street South and South 101st East Avenue (10101 East 21st Street South).

BOA-12855; on 11.03.83, the Board approved, per conditions and time limitations, a special exception to allow automobile sales in a CS zoned district. Located at the northeast corner of East 21st Street South and South 101st East Avenue (10101 East 21st Street South).

BOA-12211; on 9.30.82, the Board approved a special exception to permit motor homes, travel trailers and 5th wheel sales in a CS zoned district. Located at the northwest corner of East 21st Street South and South 101st East Avenue.

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors 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. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts CS zoned tracts to the north, east, and west; E. 21st St. S. abuts the property to the south.

**STAFF COMMENTS:**
The applicant is requesting a Special Exception to allow for a Self-service Storage Facility Use in a CS zoned district (Table 15-2). The applicant is proposing to convert the existing building into a shared space for a self-storage facility and retail showroom. As shown on the attached site plan, it appears there are also self-storage facilities that will be located on the existing parking lot separate from the existing building.

The applicant is also requesting a Special Exception to allow for a Commercial vehicle sales & rental use (Table 15-2). The applicant has stated that they plan to offer U-Haul truck and trailer share/rentals on the site as well self-storage.

The applicant provided responses to the original Letter of Deficiency submitted with the application stating, "We have removed some parking stalls from the frontage and have complied with 55.090. We have added the necessary landscaping along E. 21st St."

A special exception is required for both uses due to the potential adverse effects of these types of uses in the CS district; however, if controlled in the instance as to its relationship to the neighborhood and to the general welfare, may be permitted.

**Sample Motion**

Move to ________ (approve/deny) a Special Exception to allow for a Self-service Storage Facility Use in a CS district (Table 15-2); Special Exception to allow for a Commercial Vehicle Sales and Rentals Use in a CS district (Table 15-2)

- 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.
Case No. 15909 (continued)

Board Action:

On MOTION of FULLER, the Board voted 5-0-0 (Bolzle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the required 100' setback from the centerline of South Peoria Avenue to 92' - Section 603. BULK AND AREA REQUIREMENTS IN OFFICE DISTRICTS - Use Unit 11; per plan submitted; finding that the existing house was constructed prior to the adoption of the current setback requirement, and the new addition will be 16' behind the front of the existing house; on the following described property:

The north 59.5' of Lot 15, and the south 65.5' of Lot 16, Block 5, Houstonia Homesites Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 15911

Action Requested:

Special Exception to permit automobile sales in a CS District - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located 10101 East 21st Street.

Presentation:

The applicant, Robert Majors, 10101 East 21st Street, Tulsa, Oklahoma, stated that a used car lot has been in operation on the subject property for approximately seven years. Mr. Majors explained that he acquired the property and was unaware that he could not continue the car sales business.

Comments and Questions:

Mr. Fuller asked if there are other used car sales in the area, and the applicant stated that a camper sales business is operating next door to the subject property.

Mr. Gardner explained that the two-year time limitation imposed on the previous applicant lapsed, and Mr. Majors is required to file another application to permit the car sales operation to continue.

Ms. White pointed out that the previous operation was limited to 15 cars, and Mr. Majors requested permission to display 20 vehicles on the lot.

Mr. Bolzle suggested that the applicant be restricted to used car sales only, with no repair or outside storage of automobile parts.
Case No. 15911 (continued)

**Board Action:**

On **MOTION** of FULLER, the Board voted 5-0-0 (Boizle, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit automobile sales in a **CS District** - **Section 701.** **PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to the business being limited to used car sales and detailing only, with a maximum of 20 cars; and subject to no automobile repair or outside storage of automobile parts; finding that a car sales lot has previously operated on the lot, and that the use is compatible with the surrounding area; on the following described property:

Tract 1 out of Lot 1, Block 1, Magic Circle South Addition to the City and County of Tulsa being: The south 200' of the west 200' of Lot 1, Block 1, Magic Circle South Addition, Tulsa County, Oklahoma.

**Case No 15912**

**Action Requested:**

Variance of the 50' setback from the centerline of Vancouver Avenue - **Section 403.** **BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6.

Variance of the 5' side yard to 0' to permit a carport - **Section 403.** **BULK AND REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located at 4863 South Vancouver.

**Presentation:**

The applicant, William Groden, 4863 South Vancouver Avenue, Tulsa, Oklahoma, was represented by Robert Sories, who informed that the carport in question was constructed approximately four years ago. He explained that Mr. Groden's home and the houses to the south of his property were constructed toward the front of the lot to permit the installation of lateral lines in the back. He stated that large trees on the front portion of the yard obstruct the view of the carport from the street. A plot plan and photographs (Exhibit G-1) were submitted.

**Comments and Questions:**

Mr. Doverspike asked if there are other carports in the area, and Mr. Sories stated that there is one carport two blocks to the north of the subject property.
Case No. 12854 (continued)

Beginning at a point 1047.48' South of the NE corner of the NW/4 of the NE/4; thence 140.52' South; thence West 330'; thence North 140.52'; thence East 330' to the point of beginning, containing 1-acre.

Case No. 12855

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit used car sales in a CS zoned district under the provisions of Section 1680, located at the NE corner of East 21st Street South and South 101st East Avenue.

Presentation:
Jim Head, 10101 East 21st Street, informed they would like to have 12 to 15 cars on the lot and they would not do any repair work on the subject property. There is an enclosed garage on the property to do maintenance work in. There is also an office, a public telephone, and a sign on the lot. The frontage meets the requirements of the Code. He described the surrounding area. Mr. Head is presently under a ten month lease on the property. He received temporary permission from the City to operate until this meeting. He has upgraded the property a great deal.

Protestant:
There was a letter of protest from the Burlingame and Associates Management Company (Exhibit "J-1").

Comments:
Mr. Chappelle requested to see the minutes of a similar case heard on April 1, 1983.

Mr. Gardner informed if the permission is tied to the applicant's lease, he can continue to get a lease. If the Board is thinking about a time limit, they should just specify a time, and then at the end of that time, the applicant can reapply and if he had done a good job, then the Board could take the time restriction off of it.

Board Action:
On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit a used car sales in a CS zoned district under the provisions of Section 1680 for a period of two years, with the conditions that there be a maximum of 15 cars, that there be no maintenance or repairs, and that it run with this operator only, on the following described property:

The South 200' of the West 200' of Lot 1, Block 1 of Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma.

11.3.83:399(14)
Case No. 12209 (continued)

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13, and 14 in an IL District, on the following described property:

Lot 3, Block 5A, Tulsa Southeast Industrial District in the City of Tulsa, Oklahoma.

Case No. 12210

Action Requested:
Variance - Section 710 - Principal Uses Permitted in the Commercial District- Request to locate a mobile home in a CS District and utilize it as an office and residence. This property is located at 4433 North Peoria Avenue.

Presentation:
LaRue Carlson, 4433 North Peoria Avenue, was present and submitted a plat (Exhibit "K-1") and a petition in support of the application signed by four (4) businessmen in the subject area (Exhibit "K-2"). Mr. Carlson, owner and operator of the North Tulsa Garden Center, requested that a mobile home be placed on the subject property to be used as an office and his residence and it would be placed in back of the existing building. The mobile home will be landscaped and will serve as a display for his customers. The mobile home will serve as security for the businesses in the area because of crime such as theft and vandalism in the subject area.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to locate a mobile home for security purposes in a CS District and utilize it as an office and residence, on the following described property:

The North 300' of the South 400' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East in Tulsa County, Oklahoma, and the North 155' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12211

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to sell motor homes, travel trailers, 5th wheel trailers (Use Unit 17) in a CS District. This property is located at the NW corner of 21st Street and 101st East Avenue.

Presentation:
Charles Ford, 4100 East 51st Street, was present representing Dennis Dean, who wants to continue his business at Dean Camper Service located at 6110 East 11th Street. The applicant proposes to purchase the subject property.

9.30.82:372(18)

12.7
Case No. 12211 (continued)

for the purpose of creating a second lot for sales and maintenance services of motor homes, travel trailers and 5th wheel trailers. Mr. Ford stated that the application falls under the Use Unit 17, but all of those services included in that unit will not be exercised. The maintenance service includes a full service unit which allows customers to come in for refurbishing of the units and provides services for plumbing, air conditioning, electric and power...for the units.

Protestants: None.

Board Comments:
Mr. Smith asked if any outside storage would be placed on the subject property and Mr. Ford stated that there would be no outside storage other than the units for the purpose of display. Mr. Smith also asked if any mobile homes would be sold at this location and Mr. Ford answered no.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to sell motor homes, travel trailers, 5th wheel trailers, plus accessories and services thereof, and not to include any other items under Use Unit 17, and that no outside storage be permitted and no mobile home sales be allowed, on the following described property:

Lots 1 & 2, Block 2, Magic Circle South Addition, LESS the West 447.79', thereof, in the County of Tulsa, Oklahoma.

Case No. 12212

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of South 84th East Avenue from 50' to 38'. This property is located at 5658 South 84th East Avenue.

Presentation:
Paul Sallee, 3812 South 120th East Avenue, was present representing the property owner, Marvin McDonald, and submitted a plot plan and floor plan (Exhibit "L-1"), a copy of the protective covenants for the subject area (Exhibit "L-2"), and four (4) photographs of the subject area (Exhibit "L-3").

Mr. Sallee stated that Mr. McDonald is proposing to construct a carport in front of the existing residence to park his vehicles under as he has already enclosed his garage and added a bathroom to the existing residence. The proposed carport will match the existing residence and will be constructed of plywood and trimmed in cedar. One of the photographs which was submitted shows a carport within 2 blocks west of the subject property. On the north end of the carport the applicant plans to add a 5' x 12' storage closet, which will extend into the setback line. Mr. Sallee also submitted a letter (Exhibit "L-4") from Robert Kaiser, 5664 South 84th East Avenue, and Paul Suttle, 5652 South 84th East Avenue, who support the application.

The front line of the carport will be 25' from the curb and the applicant is asking a variance of 12' of the required 50' setback from the centerline of 81st Street.

9.30.82:372(19)
Looking north—towards the subject site—on subject site, along E. 21st St. S.

Looking northwest—towards the subject site—on subject site, along E. 21st St. S.
Looking north—towards the subject site—on subject site, along E. 21st St. S.

Looking northeast—towards the subject site—on subject site, along E. 21st St. S.
Looking northwest—towards the subject site—on subject site, along E. 21st St. S.
1. The special exception will be in harmony with the spirit and intent of the zoning code:

Our uses are consistent and in harmony with the spirit and intent of the zoning code, as the intent of the CS district is to "accommodate convenience neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal services". U-Haul provides a range of retail and personal services, as we are a one-stop shop for the needs of our customers. We not only offer the service of self-storage and U-Haul truck and trailer share, but we also will have a retail showroom where moving supplies can be purchased.

2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

Our proposed use will not be injurious to the neighborhood or otherwise detrimental to the public welfare nor will it adversely affect the use or usability of adjacent or nearby properties as we are complimentary to existing commercial uses. Additionally, self-storage acts as an excellent buffer between commercial and residential zones as it is quiet in nature and generates far less traffic than other commercial uses. On average, roughly 31 trips are made on a weekday and 53 trips on a weekend. These trips are typically made during the hours of 7 a.m. and 7 p.m. Nearby residential areas will benefit from our uses as we provide a valuable service to growing communities by offering residents the services of storing and moving their household items. It is our goal to work with the city to ensure our U-Haul store is characteristic of the neighborhood.

It is also important to recognize the significant shift from big-box retailers in recent years. Outdated retailers, such as Kmart, leave behind huge, vacant footprints that retailers today are not utilizing. Granting special exception to adaptively reuse the former Kmart property favors the redevelopment of this property and bringing business back to the area. This specific property has fallen into disrepair from increased vandalism. It is in the interest of the neighborhood and community to have a thriving national business occupy this vacant building to prevent further vandalization from becoming a long term problem.
3. Other Factors:

By converting this building through an adaptive reuse, we are continuing a long and proud history of revitalizing commercial and industrial properties. We have been met with great success in turning these properties into productive businesses that both provide jobs and help promote infill development. Through reuse, we are able to meet citizen’s needs without compromising the resources and land associated with new construction. Our company prides itself in our award-winning sustainable practices, which we strive to incorporate into all aspects of our business. We embrace our responsibility to act as a good corporate citizen and are continually refining our products, services, and activities to reflect that. From products such as biodegradable packing peanuts and furniture pads made from recycled denim, to programs such as take-a-box, leave-a-box, we do our best to meet our customer’s present needs without compromising needs of future generations. Additionally, we have partnered with the Conservation Fund’s ‘Go Zero’ program to plant trees to help offset our carbon footprint.
### 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.inco.org](http://www.inco.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 submission to our office. (See revisions submittal procedure above.).
1. **Sec.35.050-Q5**: You are proposing a Commercial/Self-Service Storage Facility use and a Commercial/Vehicle Sales and Service/Commercial Vehicle Sales and Rentals use and a Commercial/Retail Sales use. These uses are on a property located in a CS district.

   **Review comment**: The proposed Commercial/Self-Service Storage Facility use and the Commercial/Vehicle Sales and Service/Commercial Vehicle Sales use will each require a Special Exception reviewed and approved in accordance with the Special Exception procedures of Section 70.120. Submit a copy of the Special Exception(s) as a revision to this application.

2. **Sec.40.400-B**: Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Sec.55.090.

3. **Review Comment**: Your display area along the lot line abutting E 21st ST is within 300’ of the residential District (RS-3) to the south. Submit a site plan that complies with the parking area design standards of Sec.55.090*.

4. **Sec.55.090-A**: The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.
   - **Sec.55.090-B**: All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.
   - **Sec.55.090-C**: Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.
   - **Sec.55.090-D**: Parking areas must be designed in accordance with the dimensional standards of Table 55-5 and Figure 55-5 which show minimum dimensions for various parking layouts (angles).

   **Table 55-5: Parking Area Geometrics**

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**Note**: Please direct all questions concerning Special Exceptions, Alternate Compliance Landscape Plans and all questions regarding BOA and 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.
A = Stall Angle, B = Stall Width, C = Stall Length, D = Aisle Width (1-way/2-way)

<table>
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<tr>
<th>Aisle Width</th>
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**Figure 55-5: Parking Area Geometrics**

5. **Sec.65.040-B1**: The parking lot landscaping requirements of this section are intended to help soften the visual impacts of parking lots and provide shading. The following parking lot landscaping requirements apply in surface off-street parking lots that are located in the CS zoning district.

   a. Off-street parking areas located within **25 feet of a street right-of-way (ROW)** must be separated from the abutting rights-of-way by a landscaped area that is at least 10 feet in width and that contains an S1 screen (see Sec.65.060-C1) containing at least 3, 5-gallon shrubs per 10 linear feet. This area may be counted towards satisfying the minimum street landscaping requirements of Sec.65.030-B1 if it is located within the street yard.

   b. All parking spaces must be located within 50 feet of a tree. Required parking lot trees must be located in a landscaped area that is at least 64 square feet in area and that has a minimum width or diameter of 8 feet.

   **Review comment**: Your proposed parking/display area is located within 25’ of the E 21st ST ROW. Submit a Landscape Plan compliant with this section.

6. **Sec.65.070-A**: An underground irrigation system must be provided for all required landscaped areas.
7. **Sec.65.070-C**: Required landscaping must be installed in accordance with an approved landscape plan that includes at least the following information:

1. The date, scale, north arrow, and name of the owner;
2. The location of property lines and dimensions of the site;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing streets and alleys, existing and proposed utility and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
5. Planting details and/or specifications;
6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
7. The proposed irrigation plan for each required landscape area;
8. The schedule of installation of required trees, landscaping and appurtenances;
9. The location of all proposed drives, alleys, parking and other site improvements;
10. The location of all existing and proposed structures on the site;
11. The existing topography and proposed grading;
12. The area in which grading and vegetation removal will occur; and
13. The area and dimensions of each landscape area and the total landscape area provided on the site.

8. **Sec.65.080-B**: Required landscape plans for sites that have an area of more than 50,000 square feet and that are occupied by buildings with a combined gross floor area of more than 15,000 square feet must be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Oklahoma. All other required landscape plans must meet the same requirement or be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.

9. **Sec.65.070-D**: Timing of Installation

1. All required landscaping and appurtenances, except trees, must be installed prior to final inspection.
2. All required trees must be installed prior to final inspection.
3. Within 120 days of the final inspection written certification by the owner of the property, an architect, landscape architect or engineer licensed to do business in the State of Oklahoma must be submitted to the city stating that all landscaping and appurtenances have been installed in accordance with the approved landscape plan.

**Review comment**: Provide landscaping compliant with this chapter. You may consider approval of an Alternate Landscape Plan per **Sec.65.080-D**. Contact person is Dwayne Wilkerson @ 918-584-7526

**Note**: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: [http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf](http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110515.pdf)

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

A hard copy of this letter is available upon request by the applicant.
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.
Responses to Review Comments (ZCO-15483-2018)

Review Comment 1.
Please find an application for Special Exception enclosed with this letter.

Review Comment 2.
We have removed some parking stalls from the frontage and have complied with 55.090. Please see site plan.

Review Comment 3.
We have added the necessary landscaping along E 21st St. Please see site plan.

Review Comment 4.
We have added the necessary landscaping along E 21st St. Please see site plan.
The Land referred to herein below is situated in the County of Tulsa, State of Oklahoma, and is described as follows:

FEE SIMPLE TRACT

ALL THAT PART OF LOT ONE (1), BLOCK ONE (1), MAGIC CIRCLE SOUTH ADDITION, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 2513, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE SOUTH BOUNDARY OF SAID LOT 1, 150.00 FEET FROM THE SOUTHWEST CORNER THEREOF;

THENCE DUE EAST A DISTANCE OF 617.00 FEET;

THENCE NORTH 26°33'54" EAST A DISTANCE OF 22.36 FEET;

THENCE DUE NORTH A DISTANCE OF 200.00 FEET;

THENCE NORTH 45°00'00" EAST A DISTANCE OF 169.64 FEET;

THENCE DUE NORTH A DISTANCE OF 345.00 FEET;

THENCE DUE WEST A DISTANCE OF 736.95 FEET TO A POINT IN THE WEST BOUNDARY OF SAID LOT 1;

THENCE DUE SOUTH A DISTANCE OF 103.95 FEET;

THENCE DUE WEST A DISTANCE OF 160.00 FEET;

THENCE DUE SOUTH A DISTANCE OF 451.02 FEET;

THENCE DUE EAST A DISTANCE OF 150.00 FEET;

THENCE DUE SOUTH A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING.

AND

EASEMENT TRACT

NON-EXCLUSIVE RIGHT TO THE UNOBSSTRUCTED USE OF A CERTAIN EASEMENT FOR ROAD PURPOSES AND INGRESS AND EGRESS EXECUTED BY THE BOULEVARD, AN OKLAHOMA LIMITED PARTNERSHIP TO TULSA-MINGO & 21ST, A JOINT VENTURE COMPOSED OF LNC DEVELOPMENT CORPORATION, AN INDIANA CORPORATION, W. FLOYD CLARK AND HAROLD A. CLARK, DATED JULY 26, 1972, FILED AUGUST 23, 1972 IN BOOK 4031, PAGE 216 OF THE RECORDS OF TULSA COUNTY, OKLAHOMA, WHICH EASEMENT COVERS THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

ALL THAT PART OF LOT ONE (1), BLOCK ONE (1), MAGIC CIRCLE SOUTH ADDITION, AN ADDITION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 2513, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE DUE WEST ALONG THE SOUTH BOUNDARY OF SAID LOT 1 A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING;
THENCE DUE WEST ALONG THE SOUTH BOUNDARY OF SAID LOT 1 A DISTANCE OF 60.00 FEET;
THENCE NORTH 26°33'54" EAST A DISTANCE OF 22.36 FEET;
THENCE DUE NORTH A DISTANCE OF 200.00 FEET;
THENCE NORTH 45°00'00" EAST A DISTANCE OF 169.64 FEET;
THENCE DUE SOUTH A DISTANCE OF 21.00 FEET;
THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 120.00 FEET AND A DISTANCE OF 94.25 FEET;
THENCE SOUTH 45°00'00" WEST A DISTANCE OF 0.00 FEET;
THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 118.85 FEET AND A DISTANCE OF 93.34 FEET;
THENCE DUE SOUTH A DISTANCE OF 150.06 FEET TO THE POINT OF BEGINNING.
BOARD OF ADJUSTMENT  
CASE REPORT  

STR: 9431  
CZM: 49  
CD: 7  
A-P#:  

Case Number: BOA-22569  

HEARING DATE: 01/08/2019 1:00 PM  

APPLICANT: Virgil Richmond  

ACTION REQUESTED: Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL district (Section 15.020).  

LOCATION: 5903 S 107 AV E (tenant space)  

ZONED: IL  

PRESENT USE: commercial  

TRACT SIZE: ±1.892 acres  

LEGAL DESCRIPTION: LTS 1 & 2 BLOCK 1, EWING IRRIGATION RSB PRT L 15 & 16 B1 GOLDEN VALLEY ADD  

RELEVANT PREVIOUS ACTIONS:  

Subject Site: Z-6969; on 12.15.04, the Planning Commission approved a request to rezone the subject property from RS-3 to IL.  

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

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

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.
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IL zoned commercial and industrial uses to the north, south, and west; the vacant RS-3 zoned lots to the east are identified as being within the 100-year FEMA floodplain and a floodway.

STAFF COMMENTS:
On 11/30/18, the City Council voted to adopt, with emergency, amendments to the City of Tulsa Zoning Code regarding Medical Marijuana.

The applicant is before the Board requesting a Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in two units of the overall existing building. The applicant has stated that “processing refers to the extraction of cannabis oils containing the active cannabinoids and terpenes from the marijuana plant. Processors in the cannabis extraction markets use some of the same techniques used to extract essential oils from plants like citrus and lavender.”

Per the newly adopted amendments, a Special Exception is required as the proposed Medical Marijuana Processing Facility is a use which is not permitted by right in the IL district because of potential adverse effects, but which if controlled as to its relationship to the surrounding neighborhood may be permitted. Moderate-impact manufacturing and industrial uses are uses that, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration.

In Section 35.070-B.2, a Moderate-Impact Medical Marijuana Processing Facility is defined as “an establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes are limited to use of non-flammable substances such as carbon dioxide, and to food-based and water-based extraction”.

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 Special Exception

Move to ________ (approve/deny) a Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL 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.
Comprehensive Plan, existing nearby uses and trends in the area, staff recommends APPROVAL of IL zoning for Z-6969.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action: 6 members present:
On MOTION of CARNES, TMAPC voted 6-0-0 (Bayles, Carnes, Coutant, Harmon, Hill, Midget "aye"; no "nays"; none "abstaining"; Homer, Jackson, Ledford, Miller, Westervelt "absent") to recommend APPROVAL of IL zoning for Z-6969 per staff recommendation.

Legal Description for Z-6969:
The North 264' of Lot 15 and Lot 16, Block 1, Golden Valley Subdivision, Tulsa County, State of Oklahoma, and located north of the northeast corner of East 61st Street South and South 107th East Avenue (5903 South 107th East Avenue), Tulsa, Oklahoma, From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).

* * * * * * * *

Application No.: PUD-166-11 MINOR AMENDMENT
Applicant: Jeffrey Levinson (PD-18) (CD-8)
Location: South of East 91st Street and East of South 71st East Avenue

STAFF RECOMMENDATION:
This application is linked with and dependent upon approval of PUD-405-K-4. It is a minor amendment to Kingsbury, PUD-166, to develop single-family residential uses at RS-3 density on 3.14 acres in Kingsbury III. This will yield seven lots and will be adjacent to Ashton Hollow, PUD-405. Currently vacant, the property was originally approved by the TMAPC in October 1975 to allow Use Unit 6 (single-family residential) uses, and all lots in the proposed minor amendment will be developed to RS-3 standards, except for a reduced building setback line in the front to 20'. These will be the same development standards as the nearby Kingsbury II development (note that PUD-166-10 in Kingsbury II was approved to allow a variance of the required front setback of 20' to 17.5' for one corner of an existing dwelling).

Access to the front of each lot is to be by a private road (East 93rd South), which will connect with a private portion (50') of South 73rd East Avenue, platted as part
Note: Graphic overlays may not precisely align with physical features on the ground.
http://maps.cityoftulsa.org/floodplains/
Looking northeast– towards subject site– on S. 107th E. Ave.
Looking northeast—towards subject site—on S. 107th E. Ave.
Considerations for Medical Marijuana Processing Zoning Requirements

Redbud Elixirs LLC

Founders - Virgil Richmond, retired chemical engineer with 40 years' experience in specialty chemical plants and refineries and son Virgil Richmond II have formed Redbud Elixirs LLC. Proposing to enter the Medical Marijuana market as a processor in Tulsa County if zoning allows.

Redbud Elixirs utilizes the industry standard for quality and safety, CO2 supercritical extraction.

Purpose

Requesting this commission consider the inclusion of Low-Impact Industrial (IL) as a zoning exception for certain processing operations. Low Impact Industrial or the equivalent is the standard zoning criteria for processing across the country. Counties in Oregon, Washington, Colorado, California, Arizona, and most every medical marijuana state views all cannabis extraction methods as having a low offsite impact and thus meeting the criteria for Low-Impact industrial zoning.

Processing Explanation

Processing refers to the extraction of cannabis oils containing the active cannabinoids and terpenes from the marijuana plant. Processors in the cannabis extraction markets use some of the same techniques used to extract essential oils from plants like citrus and lavender.

Extraction Techniques Comparison

<table>
<thead>
<tr>
<th>Extraction Type</th>
<th>CO2 Supercritical</th>
<th>Butane / Propane</th>
<th>Ethanol / Alcohol</th>
<th>Solvent-less Extraction *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offsite Impact</td>
<td>None</td>
<td>Extreme Flammability</td>
<td>Flammable, large stores of Ethanol / Alcohol</td>
<td>None</td>
</tr>
<tr>
<td>% of processors (Nationally)</td>
<td>.37%</td>
<td>14%</td>
<td>26%</td>
<td>13%</td>
</tr>
<tr>
<td>Potential Risk Level</td>
<td>Low</td>
<td>Highest</td>
<td>Medium</td>
<td>Lowest</td>
</tr>
</tbody>
</table>

*Solvent-less: manual or water-based processing, not utilized by large scale concentrate manufactures. Produces less yield and potency that other options

*10% other less-traditional methods are also used by small batch producers
Additional Extraction Considerations

Butane / Propane: Popular due to inexpensive equipment and large extraction yields. When mishandled has caused several high-profile explosions.

Ethanol / Alcohol: Lower yields than CO2 or Butane / Propane methods. Flammable, especially large stores of needed ethanol / alcohol for extraction. Safer than butane / propane methods.

CO2 Supercritical: Non-flammable, CO2 is used in fire extinguishers to neutralize fires. Small volume ASME certified pressure vessels. High potency, and cleanest finished product of all industry options. Same process used in recovery of essential oils such as lavender or citrus oils.

Solvent-less: Manual or water-based processing is inefficient and results in lower potency and yields. Considered the more natural form of extraction.

Post Extraction Processes

Hydrocarbon processes such as butane or alcohol have post extraction processes to remove the solvent residue and/or undesirable oils carried over in extraction. Similarly, supercritical CO2 extractions utilize a laboratory scale ethanol wash and closed-circuit evaporation recovery system called “winterization”.

Summary

1. All extraction processes are not the same and have varying potential safety concerns for employees and off-site impact.
2. According to the 2018 Annual marijuana Business Factbook, half of processing operations utilize either CO2 or solvent-less extraction methods
3. CO2 supercritical processors offer a safe work environment and do not, as part of normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors or vibrations thus meetings the criteria of Low-Impact Industrial (IL) zoning requirements.

Thank you for your consideration of the inclusion of Low-Impact Industrial (IL) as an acceptable zoning exception. Please contact us with any further questions or concerns regarding cannabis extraction and the techniques involved at vrichmond@redbudelixirs.com.

Redbud Elixirs LLC looks forward to being a compliant, reputable and responsible member of our community.
REDBUD ELIXIRS: LOW-IMPACT MANUFACTURING
COMPLIANCE PLAN

Redbud Elixirs is proud to call ourselves a responsible member of the Tulsa family of businesses. In an effort to be a valued partner we have diligently worked hand in hand with the good people at the Indian Nations Council of Government in the development of the zoning requirements and the inclusion of a Low-Impact Industrial exemption for those processors, like ourselves, with no off-sight impact.

This compliance plan will serve as our guideline for remaining a low-impact presence in our business community.

What we do at Redbud Elixirs, and how our process works:

Redbud Elixirs utilizes a safe, clean, closed loop CO2 extraction process.

Medical grade CO2, the same CO2 found in fire extinguishers, is used as a solvent to soak and remove all the materials from the plant matter. All of the essential oils and plant fats are taken from the plant material and the CO2 used is then recovered back into the cylinders from which it came (closed loop system).

This type of extraction is very common in the world of essential oils. For example, the lavender oils you may have used in your bath were probably extracted in the same fashion as our oils at Redbud Elixirs.

Our extraction equipment, and how it works:

Three pieces of equipment used; requires less than 400 sq ft of space

1. Diaphragm Compressor: The compressor circulates CO2 through the system and maintains pressure to perform the extraction and return the gas back into the cylinder at completion.
2. Extractor: The extractor is a series of small stainless-steel vessels where CO2 is passed through the raw plant material to absorb and capture the resulting oils.
3. Chiller: The chiller keeps the system cool to maintain a constant temperature.

What happens next:

Following extraction, the resulting oil undergoes a purification step to remove the plant fats from the oil. This is called “winterization”, due to the low temperatures used to separate the fats. In this step the oil is mixed with ethanol alcohol, submitted to freezing temperatures, filtered and processed through a closed loop evaporation to recover the alcohol which can be reused again and again.
LOW IMPACT MANUFACTURING COMPLIANCE PLAN – REDBUD ELIXIRS

Low-Impact Manufacturing Zoning Requirements:

Manufacturing uses that do not, as part of normal operations, generate noticeable off-site impacts in terms of NOISE, SMOKE, PARTICULATE MATTER, ODORS, or VIBRATIONS.

NOISE: Redbud Elixirs will have no noticeable off-site impact in terms of noise

- Our system is low noise producing. The diaphragm compressor is our “noisiest” piece of equipment and operates at noise levels around 80 decibels. For comparison, a standard hand-held hair dryer operates at the same 80 decibels.
- The extraction equipment is located in the southeast corner of the facility, furthest away from other tenants and does not share a wall other tenants as it is located at the end of the facility.
- The equipment will be housed in a room designated solely for this equipment. Walls around the extraction room will further absorb any noise generated.

SMOKE: Redbud Elixirs will have no noticeable off-site impact in terms of smoke

- No smoke is generated in any part of our normal operation. There are no open flames, and nothing in our process calls for highly elevated temperatures. No building design changes are planned for smoke.

PARTICULATE MATTER: Redbud Elixirs will have no noticeable off-site impact in terms of particulate matter

- Meticulous care will be taken in handling the cannabis materials. Materials are delivered in sealed containers and the vehicles used to deliver materials are driven into and subsequently locked into the facility before being unloaded or loaded.
- All materials will be securely located inside the facility and no materials containing THC will be allowed outside of the facility unless sealed and secured for transport.

ODORS: Redbud Elixirs will have no noticeable off-site impact in terms of odor

- Odors generated from the handling of cannabis material and the resulting oils will be captured inside the facility with no noticeable odor off-site. Redbud Elixirs will utilize activated carbon filters to further assure compliance.
- Our carbon filtration adds assurance against any off-site odors and is designed to filter the entirety of the air in the facility four times per hour to prevent any odors from leaving the site. Note that Redbud Elixirs will add additional carbon filter systems if needed, although the need is not anticipated.

VIBRATION: Redbud Elixirs will have no noticeable off-site impact in terms of vibration

- The equipment being utilized generates no vibration that could have off-site impact. No building design changes are planned for vibration.
Scale: 1" = 6'

Fire Extinguisher Bracket
Exit Sign w/Emergency Light

10.14

* Post Processing:
Process of removing the plant facts from the extracted product.

Includes: Addition of Alcohol to extracted product, freezing Alcohol/Extraction mix, evaporation and collection of alcohol back from mix (closed loop process)

Note: Process takes less than 1 gallon of alcohol, and alcohol...
### LEGEND

- **OFFICE**: ROOM NAME
- **A**: DOOR NUMBER
- **B**: WALL TYPE
- **FE**: FIRE EXTINGUISHER & BRACKET BY OWNER
- **E**: EXIT EMERGENCY LIGHT ON EXIT SIGN

### OPENINGS

1. **12'x14' O.H. DOOR**
2. **3070 TEMP GL., EXIT DOOR W/ LEVER HARDWARE**
3. **4'-0"x3'-6" WINDOW, FIXED TEMP CLASS**
4. **4'-0" REDI DOOR W/ LEVER HARDWARE**

---

**A**

METAL BUILDING EXT. WALL
(1) LAYER 5/8" TYPE "X" CYP. BD. TO 3-5/8" MTL STUDS AT 24" O.C. TO ROOF WITH 3 1/2" BATT, 4" FIBER INSUL BEHIND EXT MTL. (1) HR FIRE RATING.

**B**

(3) LAYERS 5/8" TYPE "X" CYP. BD. TO EACH SIDE OF 3 5/8" MTL STUDS, 24" O.C. STAGGER JOINTS 24" O.C. EACH LAYER AND SIDE. EXTEND WALL TO METAL ROOF DECK. WITH 3 1/2" BATT INSUL. (3) HR FIRE RATING. UL U419 OR U455 TYPE "X" CYP. BOARD IS FIRE RESISTANT.

(1) LAYER OF 5/8" CYP. BD. TO EACH SIDE OF 3 5/8" MTL STUDS, 24" O.C. WITH 3 1/2" BATT INSUL. (1) HR FIRE RATING.

### NOTES:

1. ALL HARDWARE IS TO BE ADA AND ANSI COMPLIANT.
2. HANDLES, PULLS, LATCHES, LOCKS AND OTHER OPERATING DEVICES ON ACCESSIBLE DOORS WILL HAVE A SHAPE THAT IS EASY TO GRASP WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING, OR TWISTING OF THE WRIST TO OPERATE. HARDWARE FOR ACCESSIBLE DOOR PASSAGES SHALL BE MOUNTED NO HIGHER THAN 48 INCHES ABOVE THE FINISH FLOOR.

---

### TENANT FINISH UNIT 101/120

**TENANT ADDRESS** 5903 S 107th E Ave UNIT 120
Tulsa, OK 74146

**SCALE**: 1/8" = 1'-0"
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918)596-9688
crange@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
December 7, 2018

Virgil Richmond
Red Bud Elixirs LLC
610 S Fir
Broken Arrow, OK 74012

APPLICATION NO: BLDC-019193-2018
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 5903 S 107 EA
Description: Moderate-Impact Manufacturing/Medical Marijuana Processing Facility

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., 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. BLDC-019193-2018 5903 S 107 EA December 7, 2018

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

1. Sec.15.020 Table 15-2: The proposed work is designated an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-impact Medical Marijuana Processing Facility. It is located in an IL zoned district. This will require a Special Exception approved by the BOA.

   Review comment: Submit an approved BOA Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-impact Medical Marijuana Processing Facility Use in an IL zoned district.

   Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

   Please notify the reviewer via email when your revisions have been submitted

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.
CASE REPORT

HEARING DATE: 01/08/2019 1:00 PM

APPLICANT: Christin Ortiz

ACTION REQUESTED: Variance from requirement that dynamic displays not be located within 200 ft of an R district (Section 60.100-F). Variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a curb/roadway (Section 60.100-E).

LOCATION: 1442 S QUAKER AV E

PRESENT USE: church

TRACT SIZE: 12610.67 SQ FT

LEGAL DESCRIPTION: LT 4 LESS W3 & LT 5 BLK 1, BROADMOOR HGTS ADDN

RELEVANT PREVIOUS ACTIONS: Subject Site: BOA-15875; on 11.12.91, the Board approved a Variance of the setback requirement to permit one pole sign.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Main Street” and an “Area of Growth”.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract abuts CH and CS zoned commercial uses to the south, east, and west; the subject lot abut OL zoned parcels directly to the north.
The proposed dynamic display will be 48"x76" as shown on the submitted plan. It appears that the dynamic display sign is 198 ft. from the RM-2 district on the northeast. The Code requires that no dynamic display sign, if visible from an R district other than street, highway or freeway right-of-way, shall be located within 200 feet of the R district. The Code attempts to protect nearby and visible R districts from the impacts of digital signs. The applicant has requested a variance to allow a dynamic display sign within 200' of an R-zoned district.

Section 60.100-D of the Code requires that no dynamic display sign shall be located within 20 feet of the driving surface of a street, measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway. The applicant has also requested a variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a street along E. 15th St. S.

The Code provides minimum setbacks in an attempt to establish and maintain desired separation between a digital sign and signalized intersections as well as driving surfaces so as to mitigate the impact of the digital signage, or more specifically its lighting, on the motoring public.

**Sample Motion for a Variance**

Move to ________ (approve/deny) Variance from requirement that dynamic displays not be located within 200 ft of an R district (Section 60.100-F). Variance from the requirement that dynamic displays not be located within 20 ft of the driving surface of a curb/roadway (Section 60.100-E).

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

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

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

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

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

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

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

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

14.3
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. 15875 (continued)

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the setback requirement from the center of 15th Street from 50' to 35' to permit one pole sign - Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 5; per plan submitted; subject to the execution of a removal contract; and subject to all lighting being shielded from oncoming traffic on 15th Street; finding that the sign will not extend as close to the street as adjacent buildings on the east and west, and the installation of the sign, per conditions, will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 4, less the west 3', and Lot 5, Block 1, Broadmoor Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15876

Action Requested:

Minor Special Exception to permit residential accessory use and structure on an abutting residentially zoned lot under common ownership - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 6, located North 73rd East Avenue and Easton Street.

Presentation:

The applicant, Bill Darling, 7142 East Easton Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1), and stated that he has purchased vacant property behind his home and is proposing to construct a garage for his personal use.

Comments and Questions:

Mr. Gardner asked the applicant how the property will be accessed, and Mr. Darling stated that there is a curb access on 73rd East Avenue.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bolzle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Minor Special Exception to permit residential accessory use and structure on an abutting residentially zoned lot under common ownership - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 6; per plot plan; subject to the execution of a tie contract between the lots containing the garage and the existing dwelling; finding that the construction of an accessory building for personal use only, no business, will not be detrimental to the neighborhood; on the following described property:

Lot 19, Block 8, Maplewood 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.
Case No. 15874 (continued)

Board Action:
On MOTION of FULLER, the Board voted 4-0-0 (Bozle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception to permit a Use Unit 5, emergency shelter for one homeless family, and to house a security guard in the church building - Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5; and to APPROVE a Variance of the residential facility requirement for an emergency and protective shelter to allow use in church building, and a variance of the thirty day time limitation for an emergency and protective shelter - Section 1800. DEFINITIONS - Use Unit 5; per plot plan submitted; subject to the maximum number of 6 individuals (per Code requirements) living in the structure at any given time; finding that the temporary use is compatible with the residential area; and the granting of the requests will not be injurious to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lots 1 - 7, Block 4, Yale Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15875

Action Requested:
Variance of the setback requirement from the center of 15th Street from 50' to 35' to permit one pole sign - Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 5, located 1442 South Quaker.

Presentation:
The applicant, Larry Wald, 533 South Rockford, Tulsa, Oklahoma, stated that St. Paul Methodist Church is proposing to replace an existing sign (Exhibit H-1) on the church property. He pointed out that commercial buildings to the east and west have been constructed up to the sidewalk. Photographs (Exhibit H-2) were submitted.

Comments and Questions:
Mr. Bozle asked if the sign will be located as close to the street as the building to the west, and Mr. Wald replied that the new sign will not be as close to the street as buildings located to the east or west. He informed that the sign will be ground lighted.

In response to Mr. Bozle's concern as to a potential traffic hazard from the ground lighting, the applicant stated that shrubbery will be installed to shield the lights, and they can be positioned to shine away from the street.

Protestants: None.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Subject Tract BOA-22570

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

Aerial Photo Date: February 2018

19-1307

14.8
Looking west– towards subject site– on S. Quake Ave.

Looking west– towards subject site– on the corner of S. Quake Ave. ¾ E. 15th St. S.
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 / EMAIL 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, 6TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR
   PLANNING COMMISSION ACTION.

(Continued)
REVIEW COMMENTS

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

Application No. SIGN-012807 1442 S. Quaker Avenue October 8, 2018

This letter of deficiencies covers Sign Plan Review items only.

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

1.) 60.100-E: Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled road-way marked or understood as such.

Review Comments: The proposed dynamic display appears to be within 20 feet of the driving surface of the road along E. 15th Street. You may relocate the dynamic display sign 20 feet from the edge of the curb/roadway or you may pursue a variance from the BOA to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway along E. 15th Street.

2.) 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 RM-2 Residential zoning district to the North 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 RM-2 zoning district.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (C) 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 to 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.