

**AGENDA**  
**CITY OF TULSA BOARD OF ADJUSTMENT**  
**Regularly Scheduled Meeting**  
**Tulsa City Council Chambers**  
**175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center**  
**Tuesday, February 12, 2019, 1:00 P.M.**

**Meeting No. 1222**

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

1. Approval of **Minutes** of January 8, 2019 (Meeting No. 1219).
2. Approval of **Minutes** of January 22, 2019 (Meeting No. 1220).

**UNFINISHED BUSINESS**

3. **22573—Sisemore Weisz & Associates**  
Variance of the minimum lot area per unit requirement; Variance of the minimum open space per unit requirement in an RM-1 District (Section 5.030-A).  
**LOCATION:** SW/c of North Lewis Avenue East & East Archer Street North (**CD 3**)

The application has been withdrawn by the applicant.

**NEW APPLICATIONS**

4. **22579—Vicky Ark**  
Special Exception to allow a duplex in the RS-3 District (Table 5-2.5); Variance to reduce the required street setback (Table 5-3); Variance of the required 25-foot setback from an adjacent R District for special exception uses (Table 5-3).  
**LOCATION:** 1115 East 55<sup>th</sup> Street South (**CD 9**)

The applicant requests a continuance to the February 26, 2019 Board of Adjustment meeting.

5. **22580—John Moody**  
Variance to increase the permitted display surface area of the north elevation wall sign along East 71<sup>st</sup> Place in an OM District (Section 60.060-C); Variance to increase the permitted display surface area of the west & northwest elevation wall signs along South Yale Avenue in an OM District (Section 60.060-C); Variance to permit three signs total, one ground sign and two wall signs, in an

OM District to be oriented toward the South Yale Avenue street frontage (Section 60.060-B). **LOCATION:** 7171 South Yale Avenue East **(CD 8)**

6. **22582—Christopher Riley**

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers, or pawnshops in the CBD District (Section 40.300-A). **LOCATION:** 301 South Frankfort Avenue East **(CD 4)**

7. **22589—AAB Engineering, LLC – Don Clifton**

Variance to allow a detached accessory structure to exceed 750 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B). **LOCATION:** 7415 & 7425 East 98<sup>th</sup> Street South **(CD 8)**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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

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

**CD = Council District**

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office @ (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 Tulsa Planning Office, 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 Tulsa Planning Office at (918) 584-7526 if you require an official posted agenda.

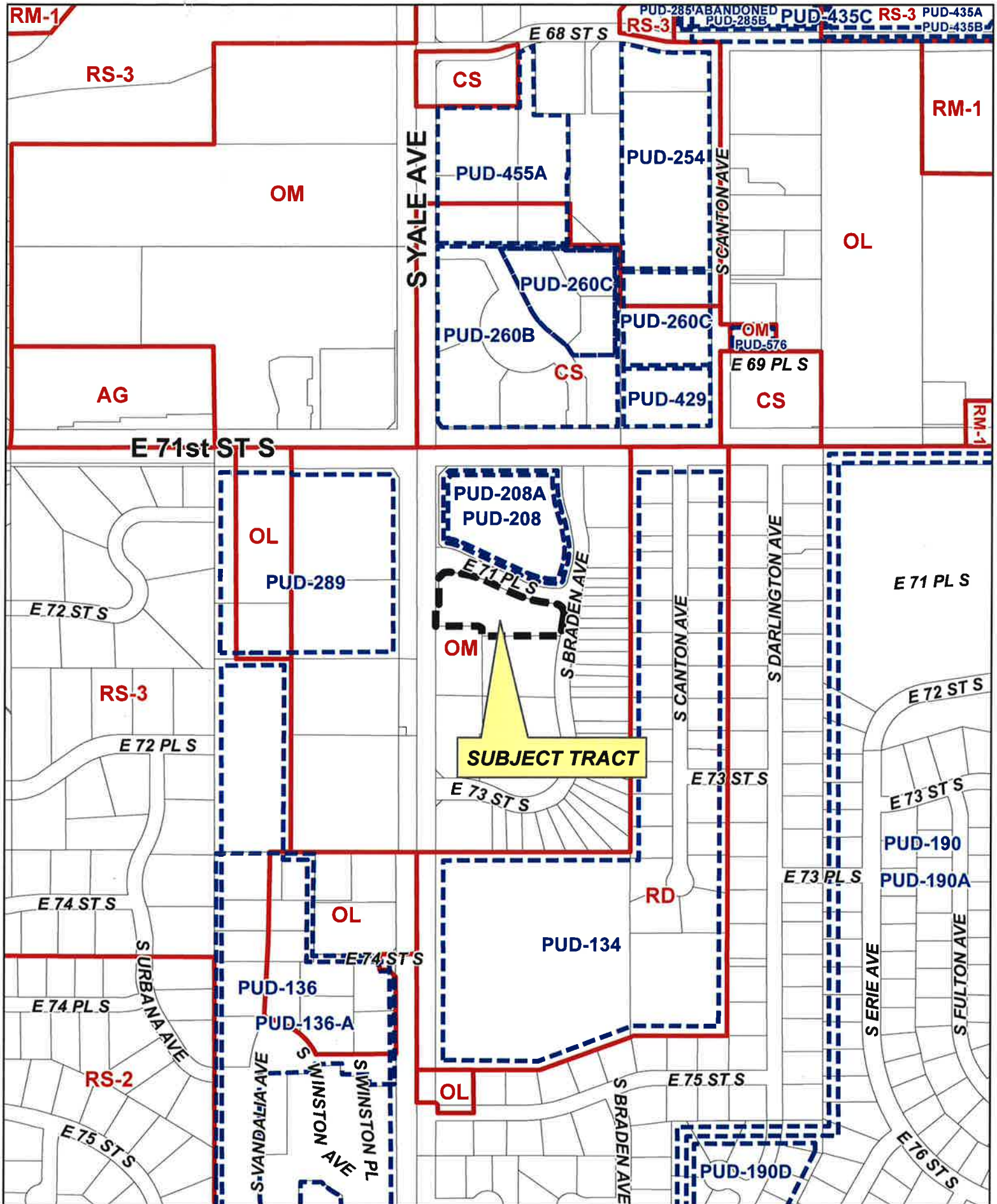
**BOA-22573 – SISEMORE WEISZ & ASSOCIATES**

**THE APPLICATION HAS BEEN WITHDRAWN BY  
THE APPLICANT**

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**BOA-22579 – VICKY ARK**

**THE APPLICANT REQUESTS A CONTINUANCE  
TO THE FEBRUARY 26, 2019 BOARD OF  
ADJUSTMENT MEETING**



BOA-22580

5.1



18-13 10



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8310

Case Number: **BOA-22580**

CZM: 53

CD: 8

A-P#:

**HEARING DATE:** 02/12/2019 1:00 PM

**APPLICANT:** John Moody

**ACTION REQUESTED:** **Variance** to increase the permitted display surface area of the north elevation wall sign along E. 71st Pl. in an OM district (Section 60.060-C); **Variance** to increase the permitted display surface area of the west & northwest elevation wall signs along S. Yale Ave. in an OM district (Section 60.060-C); **Variance** to permit three signs total, one ground sign and two wall signs, in an OM district to be oriented toward the S. Yale Ave. street frontage (Section 60.060-B).

**LOCATION:** 4928 E 71 PL S (overall parcel)  
7171 S YALE AVE (building)

**ZONED:** OM

**PRESENT USE:** Medical office

**TRACT SIZE:** ± 1.349 acres

**LEGAL DESCRIPTION:** PRT LT 1 BEG 27.43E NWC LT 1 TH E APR 14.76 CRV RT 99.22 S154.87 W139 N APR 69.70 E10 N85.86 NE24.53 POB & ALL LT 2 BLK 1, THE QUEST

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA-20615;** on 12.11.07, the Board **approved** a *Variance* of the parking requirement from 215 to 191 existing parking spaces for a commercial mixed-use development (Section 1200). Located at the southeast corner of East 71st Street and South Yale Avenue.

**BOA-19182;** on 8.28.01, the Board **approved** a *Variance* of Section 602.B.4. to allow two business signs on Yale (one at 40 sq. ft. and one at 78 sq. ft.) for a total of 118 sq. ft. Located at the southwest corner of East 71st Street and South Yale Avenue.

**BOA-16632;** on 5.10.94, the Board **approved** a *Variance* of the maximum FAR from 50% to 85% per plan and subject to the building being for nursing home use only, Stormwater Management approval. Located on the east side of S. Yale Avenue at 72nd Street.

**BOA-11898;** on 4.1.82, the Board **approved** a *Special Exception* to allow a transmitting tower in an OM zoned district. Located at the southwest corner of East 71st Street South and South Yale Avenue.

**BOA-11800;** on 2.4.82, the Board **approved** a *Special Exception* to allow a barber shop in an OM zoned district. Located at the northwest corner of South Braden Avenue and East 73rd Street South.

**BOA-9737**; on 12.15.77, the Board **approved** an *Exception* to erect townhouses in an OM district; a Variance of the bulk and area requirements. Located on several lots south and east of 71<sup>st</sup> Pl. S. & S. Braden Ave.

**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.

**ANALYSIS OF SURROUNDING AREA**: The subject tract abuts E. 71<sup>st</sup> Pl. to the north; S. Yale Ave. to the west; OM zoned offices uses to the south; OM zoned residences to the east.

#### **STAFF COMMENTS:**

Signs allowed in an OM district may not exceed 32 SF in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented. The existing building has frontage on both E. 71<sup>st</sup> Pl. to the north and S. Yale Ave to the west.

The proposed north elevation wall sign for the Eye Institute appears to have 415 feet of street frontage along E. 71<sup>st</sup> Pl. Based on the street frontage calculation (415 lineal ft x .3 ft), the frontage will allow for 124.5 sq. ft. of display surface for the wall sign. As shown on the attached plans (labeled 3.2), the applicant is proposing to add a 198.75 sq. ft. wall sign w/ logo on the north elevation of the Eye Institute building. The proposed wall sign exceeds the permitted display surface area by 74.25 sq. ft.

The applicant has requested a **Variance** to increase the permitted display surface area of the north elevation wall sign along E. 71<sup>st</sup> Pl. in an OM district from 124.5 sq. ft. to 198.75 sq. ft (Section 60.060-C)

The proposed west and northwest elevation wall signs, including the existing ground sign, for the Eye Institute appear to have 171 feet of street frontage along S. Yale Ave. As shown on the attached plans, the proposed west elevation Eye Institute w/ logo wall sign (labeled 5.0) will be 74.7 sq. ft.; the proposed northwest elevation South Tulsa Optical wall sign (labeled 2.3) will be 107 sq. ft.; and the existing ground sign (labeled 1.1) is 104 sq. ft. Based on the street frontage calculation (171 lineal ft x .3 ft), the frontage will allow for a total of 51.3 sq. ft. of display surface for a sign. As proposed, the three total signs exceed the permitted display surface area by 234.4 sq. ft.



The applicant has requested a **Variance** to increase the permitted display surface area of the west & northwest elevation wall signs along S. Yale Ave. in an OM district from 51.3 sq. ft. to 285.7 sq. ft. (Section 60.060-C).

Lots in office districts are allowed one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. The proposed Eye Institute w/ logo, South Tulsa Optical sign and existing ground sign oriented toward S. Yale Ave. exceed the maximum number of on-premise signs permitted per street frontage in an OM district.

The applicant is requesting a **Variance** to permit three signs total, one ground sign and two wall signs, in an OM district to be oriented toward the S. Yale Ave. street frontage (Section 60.060-B).

The applicant has provided the attached hardship statement.

### Sample Motion

Move to \_\_\_\_\_ (approve/deny) **Variance** to increase the permitted display surface area of the north elevation wall sign along E. 71st Pl. in an OM district from 124.5 sq. ft. to 198.75 sq. ft (Section 60.060-C); **Variance** to increase the permitted display surface area of the west & northwest elevation wall signs along S. Yale Ave. in an OM district from 51.3 sq. ft. to 285.7 sq. ft. (Section 60.060-C); **Variance** to permit three signs total, one ground sign and two wall signs, in an OM district to be oriented toward the S. Yale Ave. street frontage (Section 60.060-B).

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

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

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

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

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

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

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

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

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

**Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20614 to the meeting on January 8, 2008, on the following described property:

PRT LT 1 BEG NWC LT 1 TH CRV RT 101.91 S94 W100 N75 POB BLK 1, AUD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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**Case No. 20615**

**Action Requested:**

Variance of the parking requirement from 215 to 191 existing parking spaces for a commercial mixed-use development (Section 1200), located: Southeast corner of 71<sup>st</sup> Street and Yale Avenue.

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, stated the Lighthouse Shopping Center is 29 years old and will receive a new face-lift. There are multiple uses with different hours of operation. The changes in uses require the changes in parking. It is surrounded by office and commercial uses. The hardship is the changing types of parking requirements per the changing use units. The applicant exhibits are included in Exhibit Bb-1, including the rent roll.

**Interested Parties:**

There were no interested parties who wished to speak.

FILE COPY

**Board Action:**

On **Motion** of **Stephens**, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the parking requirement from 215 to 191 existing parking spaces for a commercial mixed-use development (Section 1200), 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, on the following described property:

LTS 1 THRU 3 LESS BEG NWC LT 1 TH E38.83 SW40.77 E225.01 SE16.48 CRV LF 10.74 W10.92 N265.15 POB BLK 1, NOB HILL, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

screening and landscaping requirements, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 2, Block 1, Mingo Plaza, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19182**

**Action Requested:**

Variance of Section 602.B.4. to allow two business signs on Yale (one at 40 sq. ft. and one at 78 sq. ft.) for a total of 118 sq. ft. SECTION 602.B.4. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS, Accessory Use Conditions and SECTION 1103.B. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT, Accessory Uses, located SW/c E. 71<sup>st</sup> St. & S. Yale Ave.

**Presentation:**

Lou Reynolds, 2727 E. 21<sup>st</sup> St., stated he was representing Mid-First Bank. He described the need to have two smaller signs instead of one large sign for better visibility.

**Comments and Questions:**

Mr. Boulden asked for the unique problem with the land. Mr. Reynolds replied there is a steep elevation to the street.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On MOTION of Perkins, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of Section 602.B.4. to allow two business signs on Yale (one at 40 sq. ft. and one at 78 sq. ft.) for a total of 118 sq. ft, finding the hardship to be the topography of the land on which the signs will be placed, per plan, on the following described property:

Lots 1 and 2, Block 1, Executive Center Amended, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 19183**

**Action Requested:**

Special Exception to the uses allowed in the RM-2 district per Section 401. (parking). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS -- Use Unit 6; a Variance to waive the all-weather surfacing

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**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 656  
Tuesday, May 10, 1994, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Bolzle Doverspike, Chairman S. White T. White	Chappelle	Gardner Moore Russell	Jackere, Legal Parnell, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, May 5, 1994, at 3:31 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doverspike called the meeting to order at 1:00 p.m.

**MINUTES:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-1 (Bolzle, Doverspike, T. White, "aye"; no "nays"; S. White, "abstaining"; Chappelle, "absent") to **APPROVE** the Minutes of April 26, 1994 (No. 655).

**UNFINISHED BUSINESS**

**Case No. 16632**

**Action Requested:**

Variance of the maximum FAR from 50% to 85% - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5, located at 72nd Street and Yale Avenue.

**Comments and Questions:**

Mr. Doverspike advised that he will abstain from hearing Case No. 16632.

**Presentation:**

The applicant, **Joe Hamra**, 7006 South Evanston, stated that he is proposing to construct a nursing home (Exhibit A-1) and pointed out that the use is similar to a hospital in that all services are provided inside the building. Mr. Hamra informed that approximately 50% of the three-story building will be devoted to common area and the remainder to housing units. The applicant stated that the residents of the facility do not have automobiles. He informed that there will be 30 employees for the 111,000 sq ft nursing home. Mr. Hamra stated that the land slopes approximately 8' to 10' and the area residents have voiced a concern with water runoff. He informed that the project in question will be in full compliance with Stormwater Management requirements.

**Comments and Questions:**

In reply to Mr. Bolzle, the applicant stated that additional green area and parking spaces, above the requirements, will be installed.



**Protestants:**

Gene Kaefer, 4214 East 74th Street, submitted a drainage packet (Exhibit A-3) and gave a history of the water runoff problems in the area. He informed that development of the southeast corner of 71st Street and Yale Avenue caused immediate flooding for the houses below. Mr. Kaefer informed that the property slopes south and east.

**Applicant's Rebuttal:**

Mr. Hamra noted that the water flow at this location is to the southwest, and reiterated that he will comply with all Stormwater Management requirements.

**Additional Comments:**

Ms. White inquired as to the hardship for the variance request, and the applicant replied that all activities for the nursing home will be conducted inside the facility, which requires additional floor area and limited parking. He pointed out that a four-story office building could be constructed on the tract by right.

In response to Mr. Bolzle, Mr. Gardner informed that a six-story-office building could probably be constructed on the tract, which would require more parking than the nursing home. He noted that platting will be required and during this platting process the issue of storm water will be addressed. Mr. Gardner advised that, if approved, the use should be restricted to nursing home uses only, because the proposed building could not comply with parking requirements for office use.

In reply to Mr. Bolzle, Mr. Gardner advised that FAR is to assure that adequate parking and open space are provided on the site. He noted that Mr. Hamra is providing more open space than is required by the Code and is exceeding the parking requirements for such uses.

Mr. Bolzle stated that the amount of land covered by a hard surface is substantially less for the intended use than for office use.

**Board Action:**

On **MOTION** of S. WHITE, the Board voted 3-0-1 (Bolzle, S. White, T. White, "aye"; no "nays"; Doverspike, "abstaining"; Chappelle, "absent") to **APPROVE** a **Variance** of the maximum FAR from 50% to 85% - **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 5; per plan submitted; subject to the building being for nursing home use only; subject to Stormwater Management approval, including on-site detention (no fee in lieu of); finding a hardship demonstrated by the nature of the use, and the fact that a nursing home requires fewer parking spaces than an office complex, which results in more open space; and finding that approval of the request, per conditions, will not cause substantial detriment to the public good, or violate the spirit, purpose or intent of the Code; on the following described property:

East 410' of the NE/4, NE/4, Section 9, T-18-N, R-13-E, less the north 942.78' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11897 (continued)

Lot 1, Block 1, Diversified Industrial Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, LESS the South 202 feet thereof.

Case No. 11898

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Residential Districts - Request to allow a transmitting tower in an OM District located at the SW corner of 71st Street and Yale Avenue.

Presentation:

Roy Johnsen, attorney, 324 Main Mall, was present to address the Board and submitted a site plan (Exhibit "AA-1") and a drawing (Exhibit "AA-2"). Mr. Johnsen, representing Swanson Broadcasting, Inc., advised that a five-story office building is being constructed with a portion of it being leased to the Broadcasting Company. They are proposing to locate their transmitting tower on top of the building.

The transmitting tower is 50' high and the building is approximately 63' high. Two dishes will be located on the tower; one will be used for receiving and the other for transmitting.

Mr. Johnsen advised that the Board approved a similar request for KRMG, which was north of 71st Street (Case No. 11365). If this new application is approved, they do not intend to build both; instead, they will terminate the old proposal.

Protestants: None.

Board Comments:

Mr. Lewis was concerned that the transmitting tower would interfere with surrounding television reception. Mr. Johnsen advised that they have never had any problems with the reception because the tower is above any frequency or any interference.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Residential Districts) to allow transmitting tower in an OM District, and that when this tower is constructed, Case No. 11365 will lapse, on the following described property:

Lot 1, Block 1, Executive Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11899

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow restricted outdoor recreational facility in a CS District. This property is located at the NW corner of 101st East Avenue and 21st Street.

Case No. 11798 (continued)

Lot 1, Seven Acres Place, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 11799

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from 30' to 17', located at the SW corner of 24th Street and Birmingham Place.

Presentation:

John Roberts, 2404 South Birmingham Place, was present to address the Board wishing to enclose his carport and make it into a garage. Mr. Roberts submitted three (3) pictures of the subject location (Exhibit "I-1") and a plot plan (Exhibit "I-2").

Protestants: None.

Board Comments:

Mr. Lewis asked how the garage aligns with the residences in the immediate area and Mr. Roberts advised that the carport does not extend out farther than the rest of the houses in the surrounding area.

Mr. Wait asked the applicant if he was going to increase the size of the area and Mr. Roberts answered no.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback from 30' to 17', subject to the conditions stated by the applicant to enclose the existing structure, on the following described property:

Lot 6, Block 1, Quinlan Addition to the City of Tulsa, Oklahoma.

Case No. 11800

Action Requested:

Special Exception - Section 610 (640.6) - Principal Uses Permitted in Office Districts - Request to permit a barber shop in an office building, located northwest of 73rd Street and Braden Avenue.

Presentation:

Mary Karlovich, 2727 East 21st Street, was present to address the Board representing the developers of the Crockett-Ellison, Inc., Office Building at Braden Park. Ms. Karlovich submitted a landscape plan of the subject property (Exhibit "J-1"). The applicant requested that a 600 square-foot barber shop be permitted in a portion of the 26,000 square-foot office building.

Protestants: None.

Case No. 11800 (continued)

Board Comments:

Mr. Lewis inquired about signs being used and Ms. Karlovich advised that there will be no exterior signs. The only sign will be on the door of the barber shop.

Mr. Jackere advised that the Zoning Code requires a 50,000 square-foot building to qualify for an exception. The request relief is advertised right, but labeled wrong. A use variance needs to be granted instead of a special exception because of the 50,000 square-foot requirement. Mr. Jackere asked if the barber shop has exterior access and Ms. Karlovich advised that it was within the building.

Mr. Smith inquired as to the principal use of the building and Ms. Karlovich stated that office use would be the principal use.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 620 - Accessory Uses Permitted in Office Districts) to permit a barber shop in an Office District, and to approve a Variance (Section 640 (3) - Special Exception Uses in Office District Requirements) to permit a barber shop in an office building in Braden Park with a maximum of 750 square feet, on the following described property:

Lot 4, Block 1, Quest Addition to the City of Tulsa, Oklahoma.

Case No. 11803

Action Requested:

Special Exception - Section 610 (640.2) - Principal Uses Permitted in Office Districts - Request to build apartments in an OM District; and, a

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Variance of the building setback around perimeter to permit a 10-foot setback except along West 11th Street (SW Blvd.) for which 25 feet is requested. Request for a variance of height requirements from 26' to 35'; and, a

Variance - Section 206 - Number of Dwelling Units on a Lot - Request for more than 40 units per platted lot, located at the west side of the Arkansas River at 11th Street.

Presentation:

Jim Bourey, 200 Civic Center, was present to address the Board representing the Department of City Development and submitted a preliminary site plan (Exhibit "K-1"). Mr. Bourey advised that the application involves the construction of 3-story structures containing 660 apartment units. The structures will be approximately 27' high plus 6' for the change in the elevation. The 660 units will be on a 24-acre tract.

Protestants: None.



Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts) to erect townhouses in an OM District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 5-foot side yards in an RD District located south and east of 71st Street and Yale Avenue.

Presentation:

Harold Patrick, 6660 South Lewis Avenue, representing Never Fail Builders, Inc., advised that he has applied for duplex rezoning with the Planning Commission to include lot three. Mr. Patrick advised that the property is presently zoned OM and he is proposing RD zoning. He stated that in Block 2, Nob Hill Addition he would like a lot-split which is presently nine lots, in order to have a 35' or 40' frontage. Mr. Patrick also requested a side yard of 0' lot line in an OM District to erect townhouses and a variance of 0' lot line to permit 5' side yards for duplexes. He submitted a plat (Exhibit "A-1") showing the proposed site of the townhouses.

Mr. Gardner of the TMAPC Staff, stated that the Planning Commission continued the duplex zoning pending the decision of the Board on the townhouse exception request. He advised that the property is zoned OM medium office and townhouses if permitted, would decrease the density of the area. Mr. Gardner further advised that the 5-foot side yards on the duplex property is reasonable.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0-1 (Guerrero, Jolly and Walden "aye", Smith "abstaining", Purser "absent") approved the Exception (Section 610 - Principal Uses Permitted in Office Districts to erect townhouses in an OM District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 5-foot side yards in an RD District as presented, per concept plan, on the following described tract:

Lots 2 thru 10, Block 2, and Block 3, Nob Hill Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Section 1670) to permit enlarging a residence in a CH District located at 1550 East Apache Street.

Presentation:

Hazel Owens, 1550 East Apache, property owner, applied for a variance to add to the existing home in which she resides. Mrs. Owens advised that she has lived at the subject location for twenty-two years and since that time her family has grown to necessitate more living space. Mrs. Owens requested to enclose the present carport to use as living area, and build another carport. She added that this would be the most economical way to acquire more living space than to buy and relocate in a larger home.

12.15.77:250(2)





0 200 400  
Feet



Subject  
Tract

**BOA-22580**

18-13 10

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

Aerial Photo Date: February 2018

5.13







E 71st ST S

E 71st PL S

S YALE AVE

S BRADEN AVE

0 50 100  
Feet



Subject  
Tract

**BOA-22580**

18-13 10

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

Aerial Photo Date: February 2018

5.14



## EXHIBIT "A"

Two (2), Block One (1), THE QUEST, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 4081.

AND

A Part of Lot One (1), Block One (1), THE QUEST, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 4081, being more particularly described as follows:

Beginning at the Northwest Corner of said Lot 1; thence East along the North line of said Lot 1 a distance of 42.00 feet; thence on a curve to the right having a radius of 270.00 feet a distance of 99.22 feet to the Northeast Corner of said Lot 1; thence South along the East line of said Lot 1, a distance of 154.87 feet; thence due West a distance of 139.00 feet to a point on the West line of said Lot 1; thence North along the West line of Lot 1, a distance of 172.90 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND DEEDED TO THE CITY OF TULSA AT BOOK 4577, PAGE 959, TO-WIT:

A parcel of land lying Lot One (1), Block One (1), THE QUEST, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 4081, being more particularly described as follows:

Beginning at the Northwest Corner of said Lot 1, thence South along the East line 10.00 feet; thence in a Northerly direction 18.03 feet to a point on the North line of Lot 1; thence West along the North line 15.00 feet to the Point of Beginning.

AND LESS AND EXCEPT:

A tract of land located in Lot One (1), Block One (1), THE QUEST, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 4081, more particularly described by metes and bounds as follows: Commencing at the Northwest Corner of said Lot One (1); thence along the North line of said Lot 1 N 88°41'12" E a distance of 15.00 feet to the Point of Beginning; thence N 88°41'12" E a distance of 12.34 feet; thence S 43°41'12" W a distance of 24.53 feet; thence S 01°18'48" E a distance of 85.86 feet; thence S 88°41'12" W a distance of 10.00 feet to a point on the West line of said Lot 1; thence along said West line N 01°18'48" W a distance of 93.20 feet; thence N 54°59'48" E a distance of 18.03 feet to the Point of Beginning.

## EXHIBIT "B"

### HARDSHIP AND BASIS FOR REQUESTED VARIANCES

There are three reasons or hardships for the request to increase the display surface area of the wall signs and to permit three signs-one ground sign and two wall signs.

First, the wall signs on the building are not visible from S. Yale because of the topography and distance from S. Yale. The building is approximately 220 feet from the east line of S. Yale. S. Yale and the west parking lot are more than 5 feet lower than the building. The change in the elevation of the land between the east side of the parking lot and the building obscures the visibility of the wall signs on the building.

In addition, the existing trees between the parking lot and building obscure the wall signs and address of the building as shown by the photograph of the building and lot taken from the sidewalk on S. Yale looking east to the building. As a result, the larger wall signs are necessary in order to be seen from S. Yale.

The shape of the lot and the street frontage has caused confusion to the customers of the two businesses in the building who numerous times go to wrong entrances either facing South Yale or E. 71<sup>st</sup> Pl. The size and location of the new signs are necessary to reduce the confusion by more clearly identifying the entrances to the businesses.

Second, the existing wall signs cannot be removed without visible damage to the building walls which cannot be repaired without replacing the wall. Also the electrical wiring for the signs cannot be run through the inside of the building walls and must be run from the roof through metal conduit on the outside of the building to the signs. The visible damage to the walls and the metal conduits attached to the outside of the buildings would be unattractive and detract from the appearance of the buildings and the signs.

A "Pan Backer" is used to remedy this by covering the electrical wiring and the damages to the wall. However, the Code requires the area of the Pan Backer be included in the Display Surface Area ("DSA") of the sign and was included in the calculation of the DSA by Development Services

If no Pan Backer was used the painted area would not be counted as part of the DSA of the signs and no variance for the wall signs would be required as shown below.

#### East 71<sup>st</sup> Place Frontage:

Permitted Display Surface Area	124.5 sq. ft.
Display Surface Area of Sign without Pan Backer	57.9 sq. ft.



### **South Yale Frontage**

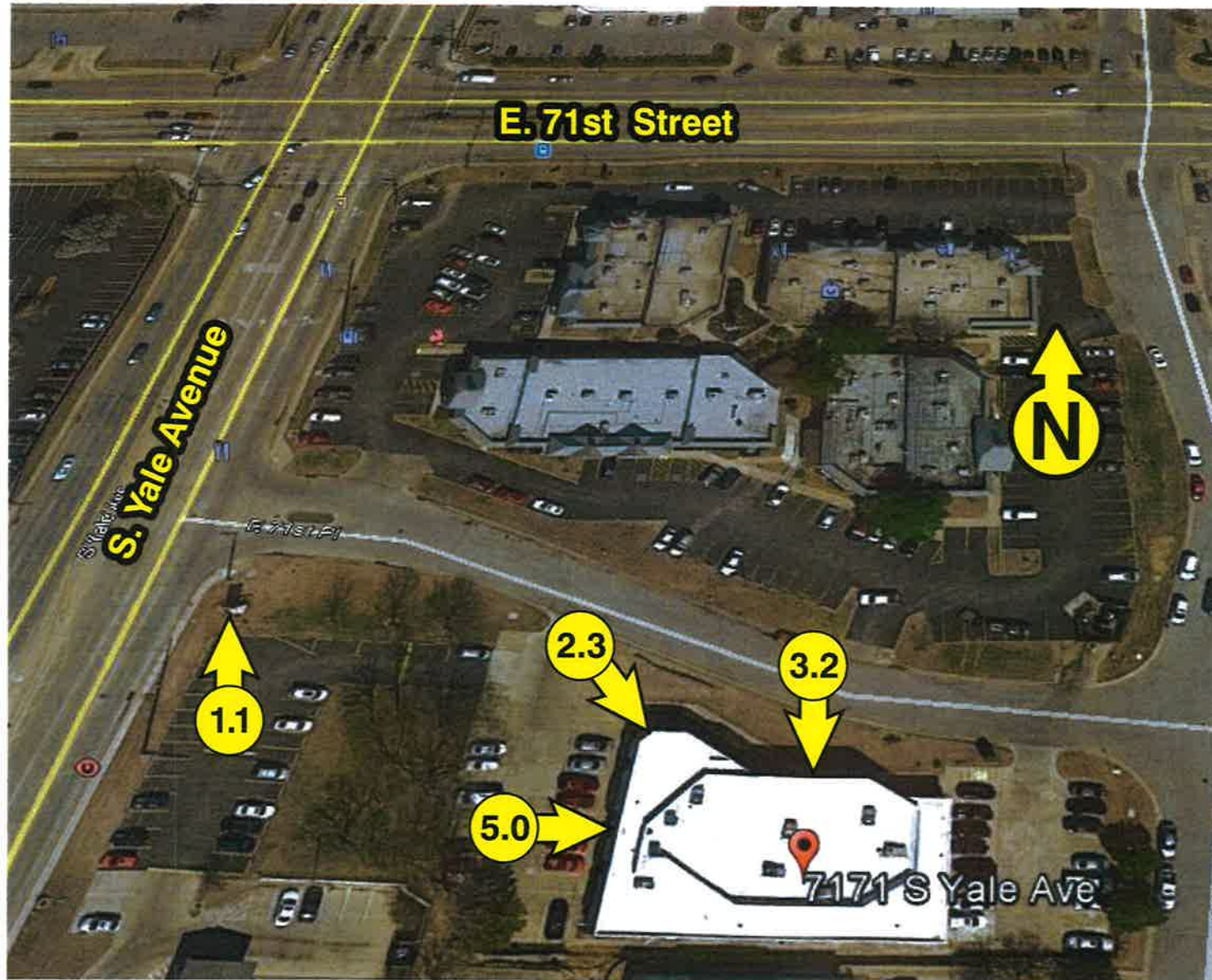
Permitted Display Surface Area	51.3 sq. ft.
Display Surface Area w/o Pan Backing:	
Sign 2.3 South Tulsa Optical NW Wall Sign	7 sq. ft.
Sign 5 The Eye Institute West Wall Sign	<u>28.5 sq. ft.</u>
	35.5 sq. ft.
Total Display Surface Area w/o Pan Backing	93.4 sq. ft.

### **DSA of Wall Signs with Pan Backing Included**

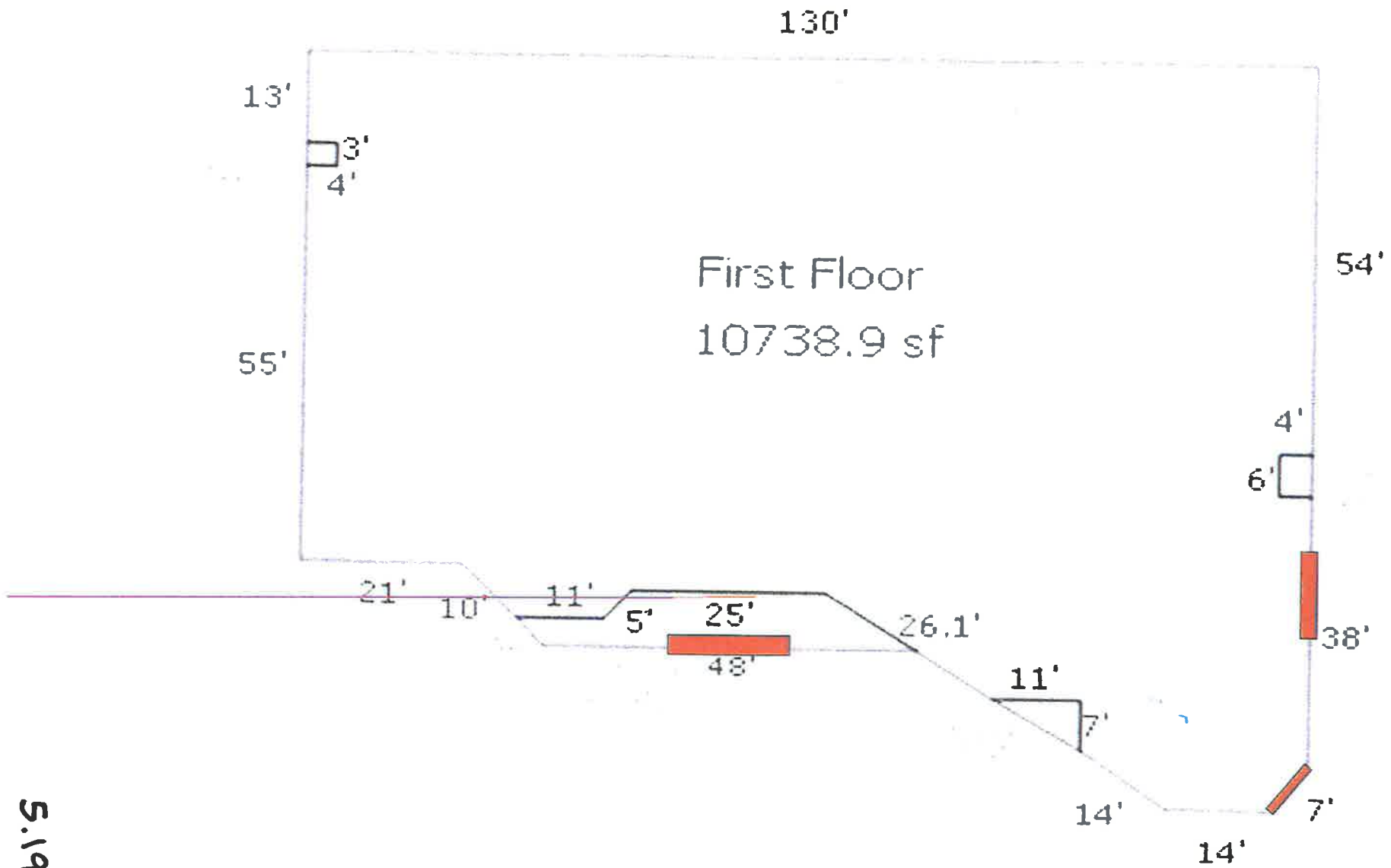
Sign 2.3 South Tulsa Optical NW Wall Sign	107 sq. ft.
Sign 3.2 The Eye Institute North Wall Sign	198.75 sq. ft.
Sign 5 The Eye Institute West Wall Sign	<u>74.7 sq. ft.</u>
Total Display Surface Area with Pan Backing	380.45 sq. ft.

Third, the existing ground sign is a legal ground sign that was permitted by the prior Zoning Code replaced on January 1, 2016. Under the new Zoning Code, changing the face of the ground sign requires it to be permitted as a new sign which caused the requirement for the variance for the number of signs on the property.

## The Eye Institute Signage Site Plan



33860-83-10-65040







**A Front View**  
SCALE: 3/8"



**B Side View**  
SCALE: 3/8"

### 3.2 Channel Letters & Pan Backer

SCALE: 1/2"

- A** 2" deep fabricated aluminum wall pan, painted Dark Blue from branding guidelines, satin finish, mask and painted logo watermark to be 7% lighter tone than field color, gloss finish
- E** 3" deep channel logo w/ dark Blue trim cap and returns, semi-gloss finish, plex faces w/ vinyl overlays, mount flush against aluminum wall pan w/ mechanical fasteners
- C** 3" deep channel letters, White plex faces w/ White trim cap and returns, semi-gloss finish mount flush against aluminum wall pan w/ mechanical fasteners
- D** 3/4" thick White push thru acrylic letters w/ 1/2" projection, White LED perimeter lighting for face illumination



**C North Elevation: Existing**  
SCALE: 3/32"



**D North Elevation: Proposed**  
SCALE: 3/32"

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SIGN COMPANY, INC.  
www.amaxsign.com  
9520 E. 55th Place  
Tulsa, Oklahoma 74145  
ph. (918)622-0651 .. fax. (918)622-0659

SCALE: As Shown

DATE: 04-09-18

FILE: North Building ID\_Rev2

SALES REP: Brian Ward

DRAWN BY: Jonathan Buck

PROJECT: The Eye Institute

LOCATION: Tulsa, OK

ADDRESS: 7071 S Yale

CLIENT APPROVAL SIGNATURE & DATE:

- UL** Signs will be built to meet UL specifications as required
- IFC** All signs and outline lighting must comply with Article 600 of the NEC standards including proper grounding and bonding.

REVISIONS:

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Client approval on the project. Signage is a permanent installation on the building and must be installed in accordance with the applicable code requirements. The client is responsible for obtaining all necessary permits and approvals. The client is responsible for providing all necessary information and documentation. The client is responsible for providing all necessary information and documentation.

Project Manager

SHEET NUMBER

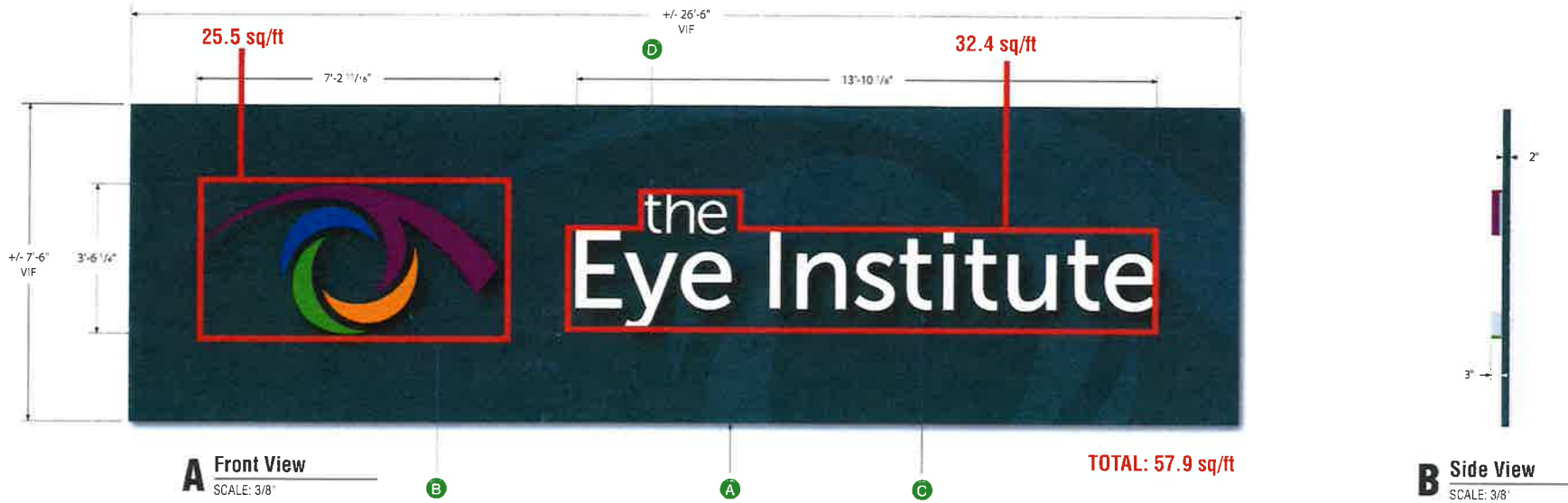
3

Page 1 of 1

DWG

040918-06

05.20



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QUALITY VALUE ASSURANCE

SCALE: As Shown WHEN PRINTED 11 x 17

DATE: 04-09-18

FILE: North Building ID\_Rev2

SALES REP: Brian Ward

DRAWN BY: Jonathan Buck

PROJECT: The Eye Institute

LOCATION: Tulsa, OK

ADDRESS: 7071 S Yale

CLIENT APPROVAL SIGNATURE & DATE:

**UL LISTED** Signs will be built to meet UL specifications as required.  
**nec** All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1.	1
2.	2
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Project Manager:

SHEET NUMBER

3

Page 1 of 1

**DWG**  
**040918-06**

### 3.2 Channel Letters & Pan Backer

SCALE: 1/2"

- A** 2" deep fabricated aluminum wall pan, painted Dark Blue from branding guidelines, satin finish, mask and painted logo watermark to be 7% lighter tone than field color, gloss finish
- B** 3" deep channel logo w/ dark Blue trim cap and returns, semi-gloss finish, plex faces w/ vinyl overlays, mount flush against aluminum wall pan w/ mechanical fasteners
- C** 3" deep channel letters, White plex faces w/ White trim cap and returns, semi-gloss finish mount flush against aluminum wall pan w/ mechanical fasteners
- D** 3/4" thick White push thru acrylic letters w/ 1/2" projection, White LED perimeter lighting for face illumination



**C North Elevation: Existing**  
SCALE: 3/32"

**D North Elevation: Proposed**  
SCALE: 3/32"

**D North Elevation: Proposed**  
SCALE: 3/32"

5.21

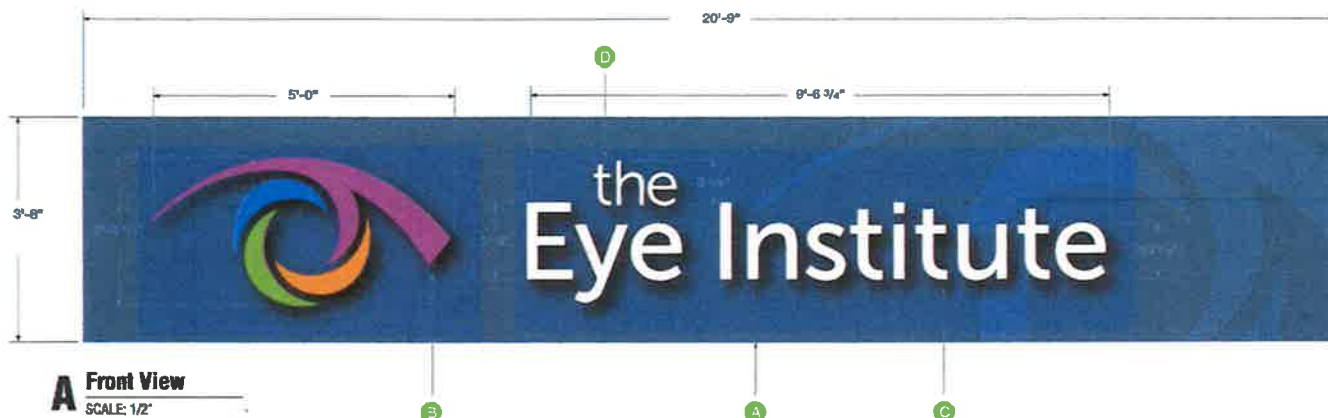


North Side-E. 71st St. Frontage

5.22

Existing Building Signs





## 5.0 Channel Letters & Pan Backer

SCALE: 1/2"

- A** 2" deep fabricated aluminum wall pan, painted Dark Blue from branding guidelines, satin finish, mask and painted logo watermark to be 7% lighter tone than field color, gloss finish
- B** 3" deep channel logo w/ dark Blue trim cap and returns, semi-gloss finish plex faces w/ vinyl overlays, mount flush against aluminum wall pan w/ mechanical fasteners
- C** 3" deep channel letters, White plex faces w/ White trim cap and returns, semi-gloss finish mount flush against aluminum wall pan w/ mechanical fasteners
- D** 3/4" thick White push thru acrylic letters w/ 1/2" projection, White LED perimeter lighting for face illumination



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### QUALITY VALUE ASSURANCE

SCALE: As Shown SCALE: 1/8" = 1'-0"

DATE: 04-09-18

FILE: West Building ID

SALES REP: Brian Ward

DRAWN BY: Jonathan Buck

PROJECT: The Eye Institute

LOCATION: Tulsa, OK

ADDRESS: 7071 S Yale

CLIENT APPROVAL SIGNATURE & DATE:

**UL LISTED**  
Signs will be built to meet UL specifications as required.

**UL EFC**  
All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

### REVISIONS:

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Not a contract. See PROPOSAL.

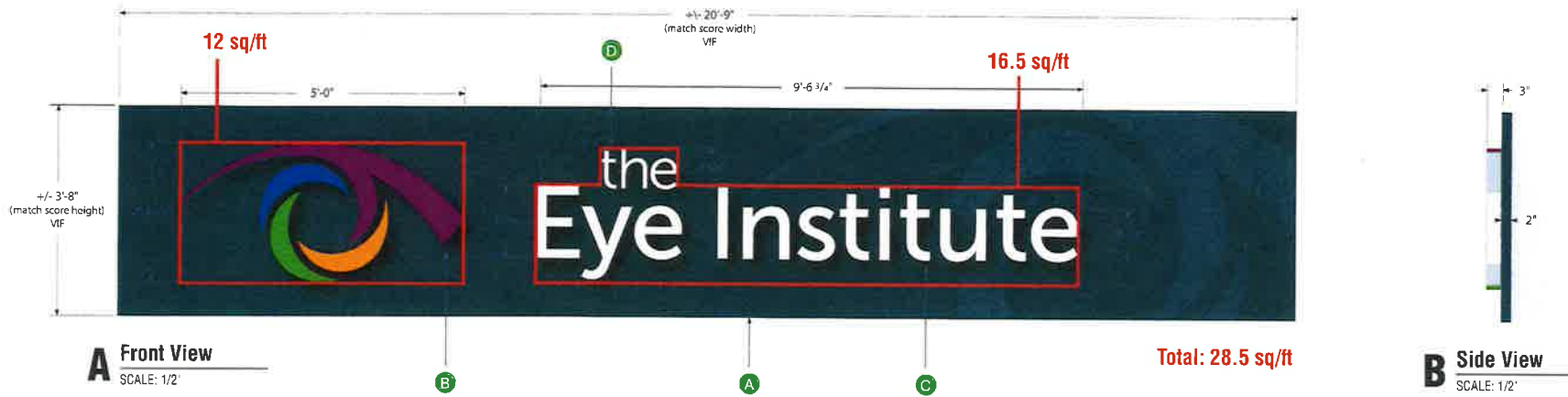
Project Manager:

SHEET NUMBER

5

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**DWG**  
**040918-08**



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**QUALITY VALUE ASSURANCE**

SCALE: As Shown  
DATE: 04-09-18  
FILE: West Building ID

SALES REP: Brian Ward  
DRAWN BY: Jonathan Buck

PROJECT: The Eye Institute  
LOCATION: Tulsa, OK  
ADDRESS: 7071 S Yale  
CLIENT APPROVAL SIGNATURE & DATE:

**LISTED** Signs will be built to meet UL specifications as required.  
**nec** All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

**REVISIONS:**

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FINAL APPROVAL FOR PRODUCTION

**Project Manager:**

SHEET NUMBER  
**5**  
Page 1 of 1

**DWG**  
**040918-08**

**5.0 Channel Letters & Pan Backer**  
SCALE: 1/2"

- A** 2" deep fabricated aluminum wall pan, painted Dark Blue from branding guidelines, satin finish, mask and painted logo watermark to be 7% lighter tone than field color, gloss finish
- B** 3" deep channel logo w/ dark Blue trim cap and returns, semi-gloss finish plex faces w/ vinyl overlays, mount flush against aluminum wall pan w/ mechanical fasteners
- C** 3" deep channel letters, White plex faces w/ White trim cap and returns, semi-gloss finish mount flush against aluminum wall pan w/ mechanical fasteners
- D** 3/4" thick White push thru acrylic letters w/ 1/2" projection, White LED perimeter lighting for face illumination



**C West Elevation: Existing**  
SCALE: 1/8"



**D West Elevation: Proposed**  
SCALE: 1/8"

5.24

WEST ENTRANCE

7171 S. Yale







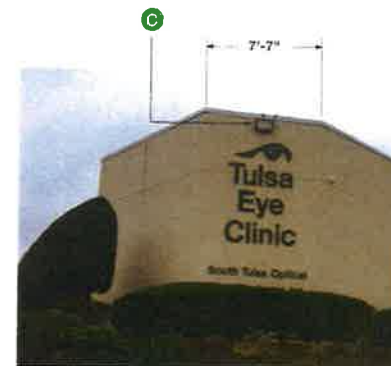
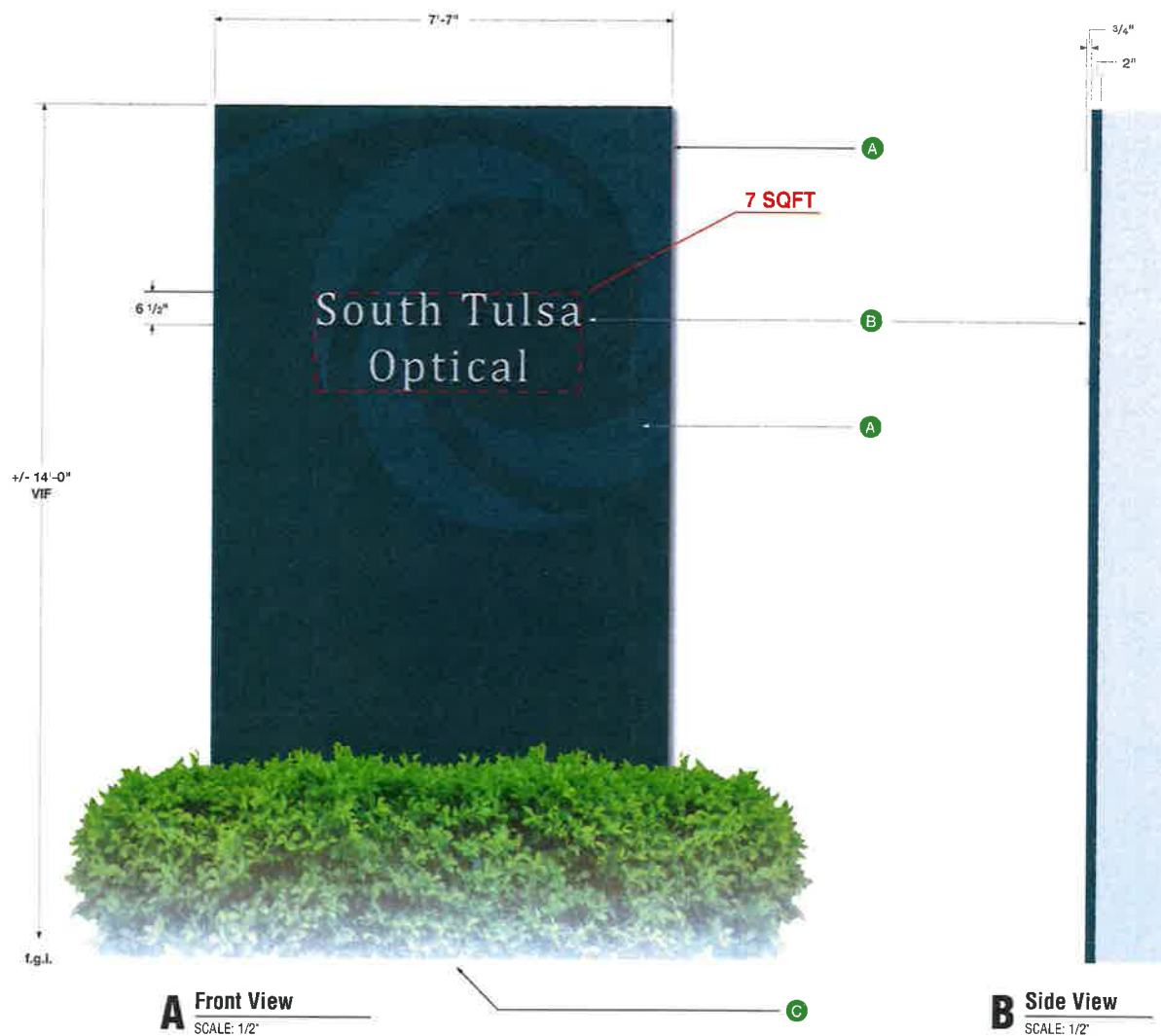
PHOTO OF WEST SIDE OF BUILDING  
SHOWING ELEVATION FROM SOUTH YALE



## 2.3 Channel Letters & Painted Background

SCALE: 1/2"

- A** 2" deep fabricated aluminum wall pan, painted Dark Blue from branding guidelines, satin finish, mask and painted logo watermark to be 7% lighter tone than field color, gloss finish
- B** 3/4" thick acrylic letters, White painted face and returns, semi-gloss finish. Mount flush against aluminum wall pan
- C** Suggest removing existing flood light above, retrofitting to LED and relocating to ground below to uplight sign



**C Northwest Elevation: Existing**

SCALE: 1/8"



**D Northwest Elevation: Proposed**

SCALE: 1/8"



**D Proposed Lighting**

SCALE: 1/8"

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QUALITY · VALUE · ASSURANCE

SCALE: As Shown WHEN PRINTED 11 x 17

DATE: 04-16-18

FILE: Northwest Building ID, Rev3

SALES REP: Brian Ward

DRAWN BY: Jonathan Buck

PROJECT: The Eye Institute

LOCATION: Tulsa, OK

ADDRESS: 7071 S Yale

CLIENT APPROVAL SIGNATURE & DATE:

**UL LISTED** Signs will be built to meet UL specifications as required.  
**nec** All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

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FILE APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER

2

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**DWG**  
**041618-03**

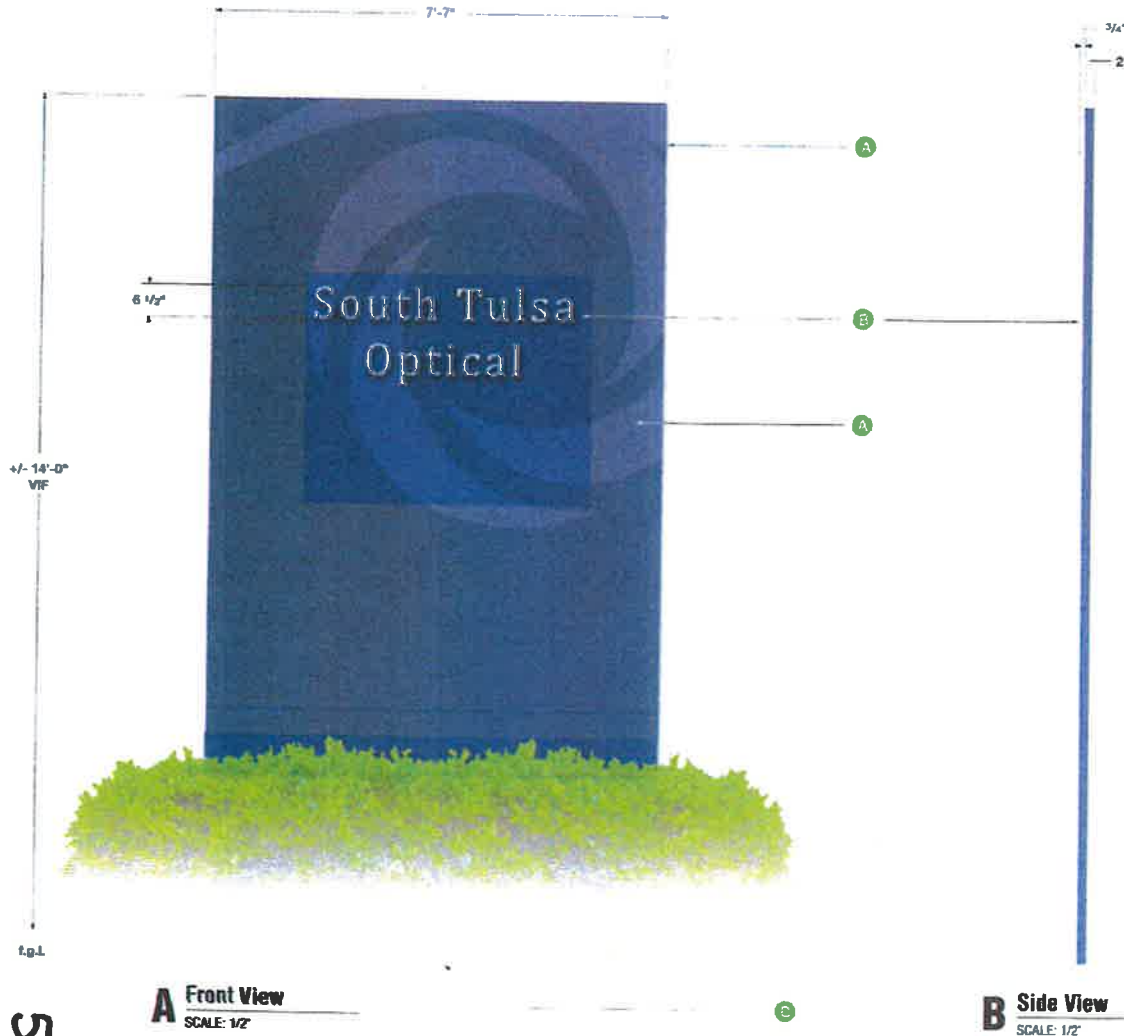
5.27



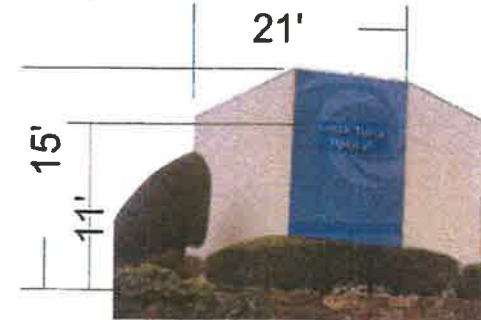
## 2.3 Channel Letters & Painted Background

SCALE: 1/2"

- 2" deep fabricated aluminum wall pan, painted Dark Blue from branding guidelines, satin finish, mask and painted logo watermark to be 7% lighter tone than field color, gloss finish
- 3/4" thick acrylic letters, White painted face and returns, semi-gloss finish. Mount flush against aluminum wall pan
- Suggest removing existing flood light above, retrofitting to LED and relocating to ground below to uplight sign



**C Northwest Elevation: Existing**  
SCALE: 1/8"



**D Northwest Elevation: Proposed**  
SCALE: 1/8"

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Tulsa, Oklahoma 74145  
ph (918)622-0651 fax (918)622-0659

SCALE: As Shown

DATE: 04-16-18

FILE: Northwest Building ID Rev3

SALES REP: Brian Ward

DRAWN BY: Jonathan Buck

PROJECT: The Eye Institute

LOCATION: Tulsa, OK

ADDRESS: 7071 S Yale

CLIENT APPROVAL SIGNATURE & DATE:

- Signs will be built to meet UL specifications as required
- All signs and outline lighting must comply with Article 600 of the NEC standards, including proper grounding and bonding

REVISIONS:

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Project Manager

SHEET NUMBER

2

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DWG

041618-03

5.28

North Side-E. 71st St. Frontage



5.29

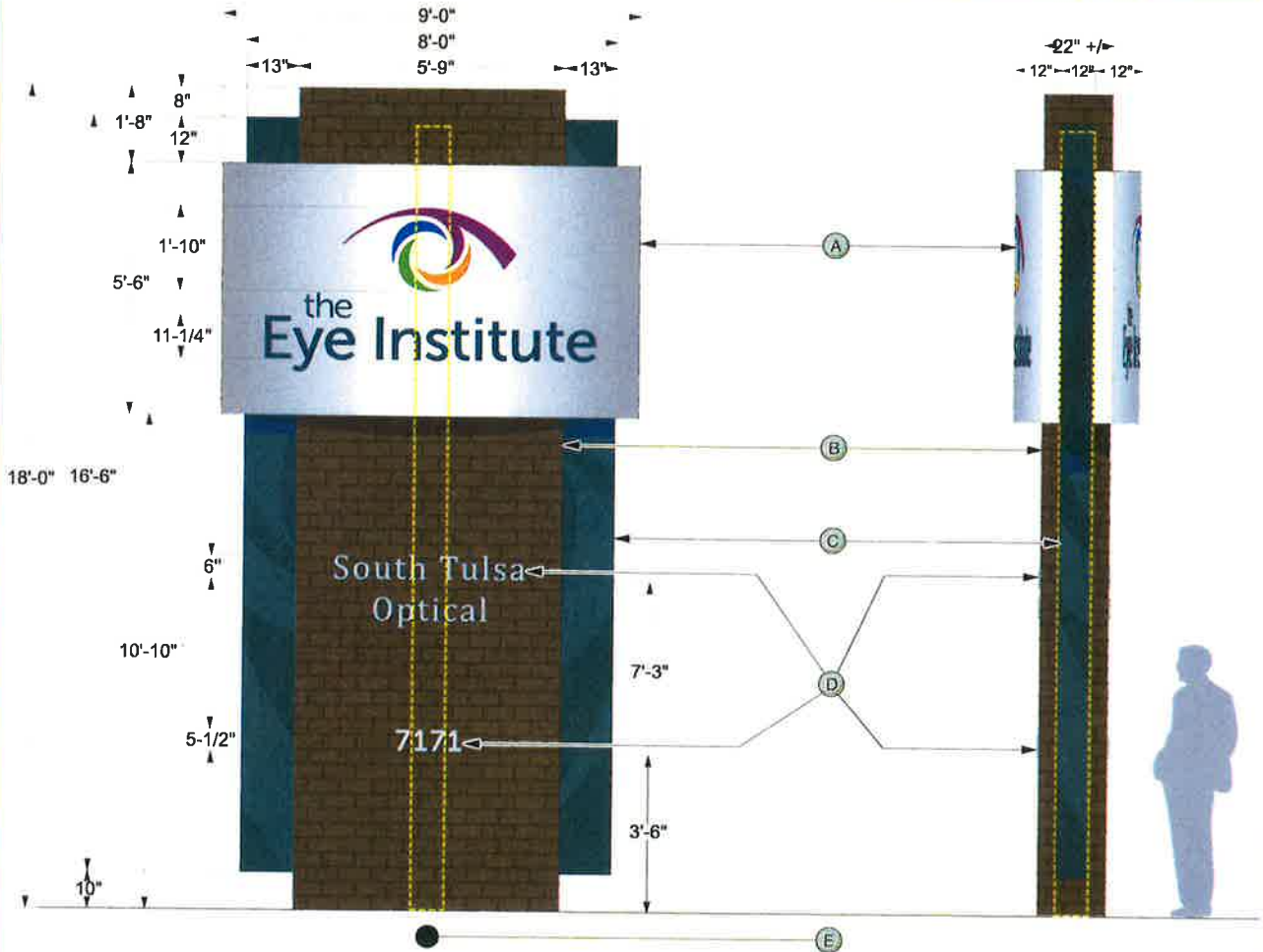
# D/F ILLUMINATED PYLON SIGN

SCALE: 3/8"=1'-0"

1.1

Remove Existing Pylon Sign Cabinets AND Pole.

SET NEW 8 5/8" O.D. x .500 Wall Steel Pole (22' minimum length)  
in place of Existing Pole  
w.o. 54333 (Separate work order)



- (A) Fabricated Alum. Cabinets w/ Convex Faces. Routed Copy Backed w/ 3/16" 2447 White Acrylic. White LED Internal Illumination. **Logo:** Digitally Printed Vinyl Overlay (Luster Lam.) to Match PMS - 2613 Purple, 660 Blue, 369 Green, 144 Orange. **Text:** Digitally Printed Perforated Vinyl (Luster Lam.) to Match PMS - 533. **Cabinet:** Painted Finish - White (Satin).
- (B) Faux Brick Center Section (Color to Compliment Building Facade). Alcove White LEDs to Halo onto Fins.
- (C) Fabricated Alum. Fins. Painted to Match - PMS 532 Slate (Satin) w/ Masked & Painted Watermark Logo Detail to be 7% Lighter.
- (D) 1/2" Thick FCO Acrylic Letters & Address Numerals. Stud Mount Flush. Painted Finish - White (Satin).
- (E) Retrofit Existing Flood Lights to LEDs to Uplight Sign Structure.



EXISTING  
SCALE: 1/8"



SOUTH ELEV.  
SCALE: 1/8"



NIGHT VIEW  
SCALE: 1/8"



9520 E. 55th Place Tulsa, Oklahoma 74145  
ph (918)822-0651 fax (918)822-0659  
www.amaxsign.com

PROJECT: The Eye Institute

LOCATION: 7071 S Yale Tulsa, OK

SALES REP: Brain Ward

FILE NAME: DF Pylon Rev1

DATE: 04/09/18

DRAWN BY: JB FINAL: RAM

SCALE: AS NOTED WHEN PRINTED 11 x 17

CLIENT APPROVAL / DATE:



Signs will be built to meet UL specifications as required.  
All signs and outdoor lighting must comply with Article 605 of the NEC standards, including proper grounding and bonding.

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REVISIONS:  
1. 1. CWS 9/10/18 - added pole specs  
2. 2.  
3. 3.

5.30

WORK ORDER  
54209  
Page 1 of 2

DWG  
040918-04

Project Manager:





Existing Ground Sign



VIEW FROM S.E. CORNER OF S.  
YALE AND E. 71ST PL.



**BOB KOLIBAS**  
SIGN PLANS EXAMINER  
TEL (918)596-9664



## DEVELOPMENT SERVICES

175 EAST 2<sup>ND</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

### SIGN PLAN REVIEW

May 25, 2018

LOD Number: 1

Amax Sign Company  
9520 E 55<sup>th</sup> Place  
Tulsa OK 74145

Phone: (918)622-0651

**APPLICATION NO:** **SIGN-002337-2018** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 7171 S. Yale Avenue  
**Description:** The Eye Institute w/logo *north elevation*

#### 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 2<sup>ND</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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](http://WWW.INCOG.ORG)

Application No. SIGN-002337-2018

7171 S Yale Avenue

May 25, 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.) Section 60.060 Signs in Office Zoning Districts

#### 60.060-C Maximum Area

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

**Review Comments:** The proposed wall sign for The Eye Institute appears to have 415 feet of street frontage along E. 71<sup>st</sup> Place. Based on the street frontage of 415 feet times .3 the frontage will enable a 124.5 square feet of display surface area for the wall sign. The proposed 198.75 square foot wall sign exceeds the permitted display surface area by 74.25 square feet. As an option you may reduce the display surface area of the wall sign to be 124.5 square feet or you may pursue a variance from the BOA to increase the permitted display surface area of a wall sign by 74.24 square feet from 124.5 square feet to 198.75 square feet.

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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

**BOB KOLIBAS**  
SIGN PLANS EXAMINER  
TEL (918)596-9664



**DEVELOPMENT SERVICES**  
175 EAST 2<sup>nd</sup> STREET, SUITE 450  
TULSA, OKLAHOMA 74103-3227

## SIGN PLAN REVIEW

May 25, 2018

LOD Number: 1

Amax Sign Company  
9520 E 55<sup>th</sup> Place  
Tulsa OK 74145

Phone: (918)622-0651

APPLICATION NO: *west northwest* **SIGN-002338/002342-2018** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 7171 S. Yale Avenue

Description: The Eye Institute w/logo/South Tulsa Optical

### 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 2<sup>nd</sup> 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](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> 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](http://WWW.INCOG.ORG)

Application No. SIGN-002338/002342-2018

7171 S Yale Avenue

May 25, 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.

### Section 60.060 Signs in Office Zoning Districts

#### 1.) 60.060-C Maximum Area

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

**Review Comments:** The proposed wall signs for the Eye Institute w/logo and South Tulsa Optical along S. Yale Avenue appear to have 171 feet of street frontage. Based on the street frontage of 171 lineal feet times .3 the frontage will enable a 51.3 square feet of display surface area for a sign. The proposed Eye Institute w/logo (74.7 sq. ft.) and South Tulsa Optical (107 sq. ft.) square foot wall sign and existing 104 sq. ft. ground sign (A/P 14054) exceed the permitted display surface area by 234.4 square feet. As an option you may pursue a variance from the BOA to increase the permitted display surface area by 234.4 square feet from 51.3 square feet to 285.7 square feet for all three signs.

#### 2.) 60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

**Review Comments:** The proposed Eye Institute w/logo and South Tulsa Optical sign and existing ground sign oriented toward S. Yale Avenue exceed the maximum of one on premise sign per street frontage in an OM zoning district. You may pursue a variance from the BOA to permit three signs total, one ground sign (A/P 14054) and two wall signs in an OM district to be oriented toward the S. Yale Avenue street frontage.

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

**END – ZONING CLEARANCE AND SIGN CODE REVIEW**

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

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

# Assessor JOHN A. WRIGHT

## Property Search

### Disclaimer

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

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

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

### Quick Facts

Account #	R33860831065040
Parcel #	33860-83-10-65040
Situs address	4928 E 71 PL S TULSA 74136
Owner name	7171 EYE LLC
Fair cash (market) value	\$1,300,000
Last year's taxes	\$19,640
Subdivision:	THE QUEST
Legal description:	Legal: PRT LT 1 BEG 27.43E NWC LT 1 TH E APR 14.76 CRV RT 99.22 S154.87 W139 N APR 69.70 E10 N85.86 NE24.53 POB & ALL LT 2 BLK 1
Section:	10 Township: 18 Range: 13



### General Information

Situs address	4928 E 71 PL S TULSA 74136
Owner name	7171 EYE LLC
Owner mailing address	7171 S YALE AVE STE 101 TULSA, OK 741366367
Land area	1.35 acres / 58,781 sq ft
Tax rate	T-1A [TULSA]
Subdivision:	THE QUEST
Legal description	Legal: PRT LT 1 BEG 27.43E NWC LT 1 TH E APR 14.76 CRV RT 99.22 S154.87 W139 N APR 69.70 E10 N85.86 NE24.53 POB & ALL LT 2 BLK 1
Section:	10 Township: 18 Range: 13
Zoning	MEDIUM DENSITY OFFICE DISTRICT [OM]

### Values

	2018	2019
Land value	\$470,300	—
Improvements value	\$829,700	—
Fair cash (market) value	\$1,300,000	—

### Exemptions claimed

	2018	2019
<a href="#">Homestead</a>	—	—
<a href="#">Additional homestead</a>	—	—
<a href="#">Senior Valuation Limitation</a>	—	—
<a href="#">Veteran</a>	—	—

### Tax Information

	2018	2019
Fair cash (market) value	\$1,300,000	—
Total taxable value (capped)	\$1,300,000	—
Assessment ratio	11%	—
Gross assessed value	\$143,000	—
Exemptions	\$0	—
Net assessed value	\$143,000	—
Tax rate	T-1A [TULSA]	—
Tax rate mills	137.34	—
Estimated taxes	\$19,640	—
Most recent NOV	March 6, 2018	—

\* Estimated from 2018 millage rates

### Tax detail (2018 millages)

	%	Mills	Dollars
City-County Health	1.9	2.58	\$368.94
City-County Library	3.9	5.32	\$760.76
Tulsa Technology Center	9.7	13.33	\$1,906.19
Emergency Medical Service	0.0	0.00	\$0.00
Tulsa Community College	5.2	7.21	\$1,031.03
School Locally Voted	22.4	30.72	\$4,392.96
City Sinking	16.1	22.14	\$3,166.02
School County Wide Bldg	3.7	5.15	\$736.45
School County Wide ADA	2.9	4.00	\$572.00
School County Wide General	26.2	36.05	\$5,155.15
County Government	7.9	10.84	\$1,550.12

(Continued on next page)

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**Improvements**

Bldg ID#	Property type	Condition	Quality	Year built	GBA†	Stories	Foundation	Exterior	Roof	HVAC
1	Commercial	Good	Good Plus	1981	10,739 SF	1.0				Package Unit

**Sales/Documents**

Date	Grantor	Grantee	Price	Doc type	Book-Page/Doc#
Feb 28, 2017	TULSA EYE CLINIC LLC	7171 EYE LLC	\$1,300,000	General Warranty Deed	2017018922
Mar 18, 1998			\$—	General Warranty Deed	06025-00362

**Images**

Photo/sketch  
(Click to enlarge)

† Square footage and acreage values included in this record are approximations. They may not reflect what a licensed surveyor would determine by performing a formal survey. They are for tax purposes only and are not intended for use in making conveyances or for preparing legal descriptions of properties.



[Click to view this area on the Google Maps web page in a new window](#)

John A. Wright — Tulsa County Assessor

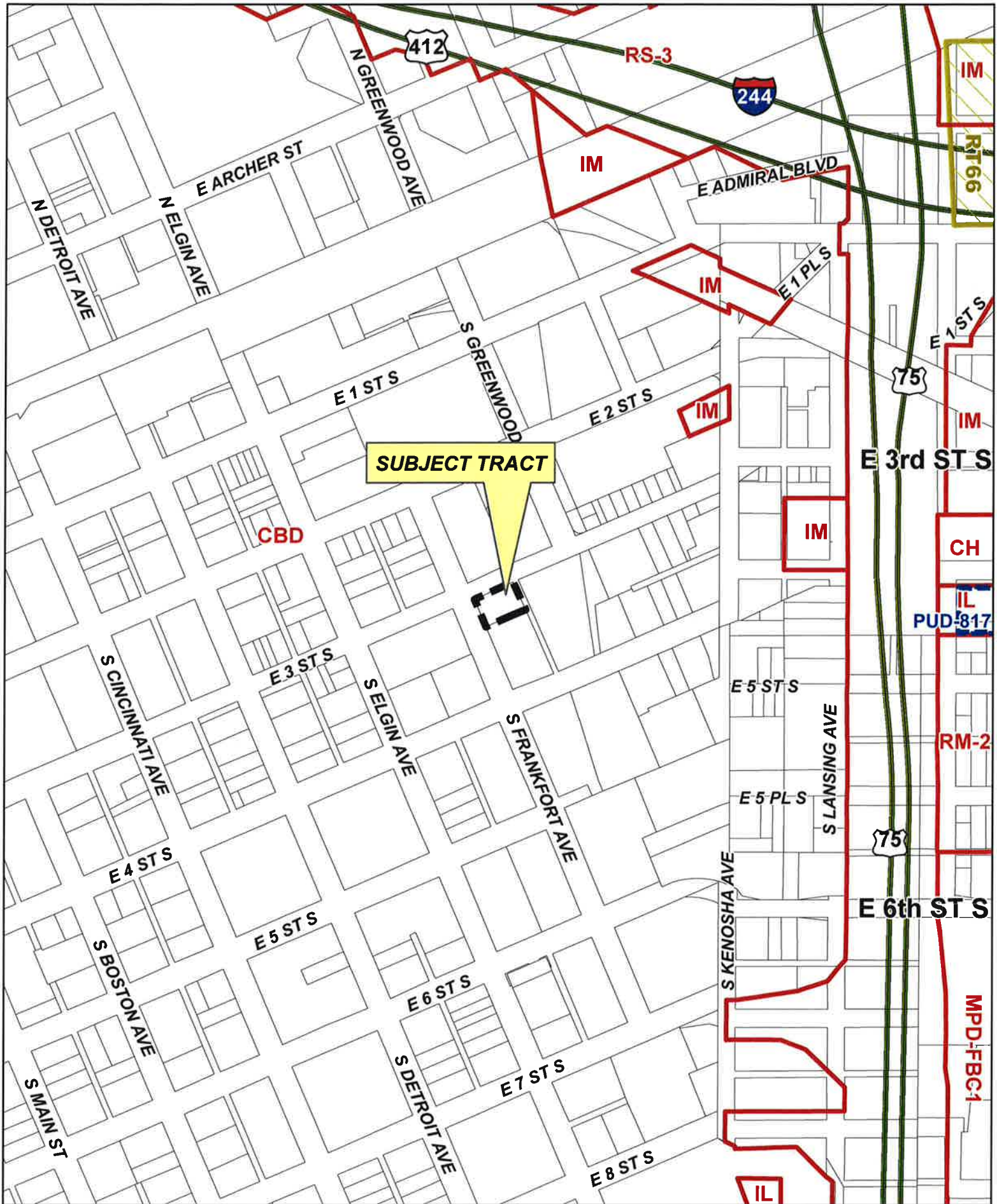
Tulsa County Administration Building, Room 215 | 500 S. Denver | Tulsa, OK 74103

Phone: (918) 596-5100 | Fax: (918) 596-4799 | Email: [assessor@tulsacounty.org](mailto:assessor@tulsacounty.org)

Office hours: 8:00–5:00 Monday–Friday (excluding holidays)



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BOA-22582

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22582**

CZM: 36

CD: 4

A-P#:

**HEARING DATE:** 02/12/2019 1:00 PM

**APPLICANT:** Christopher Riley

**ACTION REQUESTED:** Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers, or pawnshops in the CBD district. (Sec. 40.300-A)

**LOCATION:** 301 S FRANKFORT AV E

**ZONED:** CBD

**PRESENT USE:** commercial

**TRACT SIZE:** 14000.24 SQ FT

**LEGAL DESCRIPTION:** LT 8 BLK 114, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:**

**Subject site:**

**BOA-22460:** on 6.26.18, the Board **approved** a *Verification* of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers, or pawnshops in the CBD district.

**BOA-22179:** on 12.13.16, the Board **approved** a *Verification* of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot.

**Surrounding property:**

**BOA 22448:** on 6.12.18, the Board **approved** a *Variance* to permit a bar to be located within 300 feet of a religious assembly use. Located; 321 S. Frankfort Ave E.; immediately south of the subject property.

**BOA 22422:** on 4.10.18, the Board **approved** a *Verification* of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 ft. from an R-zoned lot. Located; 321 S. Frankfort Ave E.; immediately south of the subject property.

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

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

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sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located in the CBD. The subject tract is surrounded by commercial, office, bar, and restaurant uses.

**STAFF COMMENTS:**

As shown on the attached email from the applicant, the proposal is "... to have two separate stores with a wall in between the liquor store and the coffee shop...". To permit the change in the perimeter of the wall for the liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in the CBD from bail bond offices, plasma centers, day labor hiring centers, other liquor stores, and pawn shops.

The property is zoned CBD and a liquor store is permitted by right in the CBD district so long as it meets the spacing requirement of 300 ft. from **bail bonds offices, plasma centers, day labor hiring centers, and other liquor stores**. 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 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.

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

**I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit the 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.**



**Action Requested:**

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers, or pawnshops in the CBD District (Section 40.300-A). **LOCATION:** Tenant Space – 502 East 3<sup>rd</sup> Street South (CD 4)

**Presentation:**

**Loren Sells**, 5103 South Sheridan Road, Tulsa, OK; no formal presentation was made but the applicant was available for questions from the Board.

Mr. Van De Wiele asked Ms. Sells if this liquor would be going in to the Boxyard. Ms. Sells answered affirmatively.

Mr. Van De Wiele asked Ms. Sells if she was aware of any liquor stores, day labor hiring centers, plasma centers, pawn shops or bail bond offices within 300 feet of the proposed tenant space. Ms. Sells stated that she was not aware of any.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 4-0-0 (Back, Bond, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) 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, subject to exhibit 6.9 and the applicant's verbal confirmation; for the following property:

**LT 8 BLK 114, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

**22462—Jennifer and Michael Abbey**

**Action Requested:**

Special Exception to permit the parking and storage of recreational vehicles in an RS-3 District (Section 45.150). **LOCATION:** 3818 South 142<sup>nd</sup> Avenue East (CD 6)

be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 32 BLK 4, LAKE-VIEW HGTS AMD RESUB PRT B1-2 & B3-6, City of Tulsa, Tulsa County, State of Oklahoma**

**22179—John Gabarino, III**

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**Action Requested:**

Verification of the 300 foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot. **LOCATION:** 301 South Frankfort Avenue (CD 4)

**Presentation:**

John Gabarino, 1629 East 37<sup>th</sup> Street, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated the Board is in receipt of the applicant's spacing verification.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar; for the following property:

**LT 8 BLK 114, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*

**NEW BUSINESS**

None.

**FILE COPY**

constructed" with a full list as to the eastern property and a limited list to the western property.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Special Exception** to allow a personal improvement use in an OM District (Section 15.020), subject to the "as constructed" plans as they exist on the site today and as shown on page 4.6 of the agenda packet. The approval is subject to the following conditions: the allowed personal improvement services uses allowed would only be barbers, hair and nail salons, tanning salons, day spas, body art services and fortune telling services for the most eastern property on the corner of Lewis and 12<sup>th</sup> Place South. The uses allowed for the most western property in the OM zoned district, the little red brick house, the uses would be barbers, hair and nail salons, tanning salons, and day spas. The applicant is to submit to INCOG a corrected copy of the legal description depicting only the two properties that are included in the OM District; the building on the corner of Lewis and 12<sup>th</sup> Place and the little red brick building and does not include the vacant lot. 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:

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

**22448—David Kvach**

**FILE COPY**

**Action Requested:**

**Variance** to permit a bar to be located within 300 feet of a religious assembly use (Section 40.050). **LOCATION:** 321 South Frankfort Avenue East (CD 4)

**Presentation:**

**David Kvach**, 4302 South 137<sup>th</sup> West Avenue, Sand Springs, OK; stated he one of the owners of the subject property. This is a warehouse type building and currently there is a brew pub and a brewery being constructed inside. He has been approached by another tenant that would like to have a community service/church in the basement of the building. This is a very urban type situation. The building time for constructing the church would be shorter than the construction time for the brewery. Mr. Kvach stated he had a conversation with Casey Stowe, one of the owners of The Boxyard, who expressed a concern of a church being located on the subject property because it would restrict his use of The Boxyard where there are already bars and restaurants located.



BOA-22448

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**Interested Parties:**

**Greg Baca**, President of Go International, 203 South Riverfront, Jenks, OK; stated he just wanted to express the fact that he has zero problem with this. He would like to be downtown and wants to be great neighbors. He wants to encourage the development of downtown. He does not think this will be anything that would be restrictive or prohibitive of any entities that exist now or that will be developed in the future.

**Comments and Questions:**

Ms. Back stated that she has been doing research on this and she personally does not think that it is bad to have a church next to a bar, however, there are state statutes.

Ms. Miller stated there are ABLE Commission laws that have the same restrictions and she does not begin to know what the exception process may be to those, if there is one, but this does not impact that at all. This is to be taken care of from the City's perspective.

Mr. Van De Wiele asked the applicant to come forward to state the hardship for the case. Mr. Kvach stated the hardship is that the church has the potential to be finished before the bar. Mr. Van De Wiele asked Mr. Kvach if the bar was under construction. Mr. Kvach answered affirmatively.

Ms. Miller stated that downtown is expected to be a dense environment.

**Board Action:**

On **MOTION of FLANAGAN**, the Board voted 3-0-1 (Back, Flanagan, Van De Wiele "aye"; no "nays"; Ross "abstaining"; Bond absent) to **APPROVE** the request for a **Variance** to permit a bar to be located within 300 feet of a religious assembly use (Section 40.050). The Board finds the hardship to be the nature of the CBD and the density of downtown. 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

BDA-22448

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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:

**LOTS 5-6-&-7 BLK 114, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

**22449—Claude Neon Federal Signs – Dale Bennett**

**Action Requested:**

Variance from the requirement that no more than one dynamic display be permitted on a single lot (Section 60.080-E); Variance to increase the allowed display surface area for signs (Section 60.080-E). **LOCATION:** 200 South Denver Avenue West (CD 9)

**Presentation:**

**Dale Bennett**, Claude Neon Federal Signs, 1225 North Lansing, Tulsa, OK; stated he represents the BOK Center downtown and they would like to have three additional dynamic displays creating a greater sign surface square footage for the allowable space.

Mr. Van De Wiele asked Mr. Bennett what the total size signage square footage is. Mr. Bennett stated the total is 649 square feet for the four signs.

Mr. Van De Wiele asked Mr. Bennett if he was currently limited to one sign at 48 square feet. Mr. Bennett answered affirmatively.

Mr. Van De Wiele asked Mr. Bennett to state the hardship for the request. Mr. Bennett deferred to Ms. Casey Sparks.

**Interested Parties:**

**Casey Sparks**, Assistant General Manager for BOK Center, 200 South Denver, Tulsa, OK; stated the hardship come down to two key factors. One is informational purposes for all the guests which could be up to 800,000 people attending BOK Center events; i.e., inclement weather and the Center needs the ability to get messages out to the guests. The other reason is to be able to compete in the space as it relates to other arenas, especially Oklahoma City who has almost 1,500 square feet of digital active space.

**Comments and Questions:**

None.

**Board Action:**

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

agenda packet. The Board finds the hardship to the structural materials of the building will not allow the sign to be mounted at a lower height. 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 BLK 182, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

**22422—CDM Dock, LLC – Jeanie Kvach**

**FILE COPY**

**Action Requested:**

Verification of the 300-foot spacing requirement for a bar from public parks, schools, and religious assemblies and 50 feet from an R-zoned lot (Section 40.050-A). **LOCATION:** 321 South Frankfort Avenue East (CD 4)

**Presentation:**

**Jeanie Kvach**, 4302 South 137<sup>th</sup> West Avenue, Sand Springs, OK; stated she is an architect and owns the subject property. She has a tenant who would like to put in a brew pub as well as a future church in the basement. The brew pub is currently under permit but there has been no drawing check submitted for the church.

Mr. Van De Wiele asked staff about the church being in the basement. Ms. Miller stated that it is her understanding, the church does not have to come before the Board for spacing because they are the second one in.

Mr. Van De Wiele asked Ms. Kvach if the church was in the basement already. Ms. Kvach stated that it is not.



**Interested Parties:**

There were no interested parties present.

BOA - 22422

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**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Back, Bond, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar; for the following property:

**LOTS 5-6-&7 BLK 114, TULSA-ORIGINAL TOWN City of Tulsa, Tulsa County, State of Oklahoma**

**22423—Aaron Hunt**

**Action Requested:**

Variance of the required parking spaces for a Commercial/Commercial Services/ Building Service Use (Section 55.020). **LOCATION:** 5623 South 107<sup>th</sup> Avenue East (CD 7)

**Presentation:**

**Aaron Hunt**, 7764 South 72<sup>nd</sup> East Avenue, Tulsa, OK; stated the required number of parking spaces is not necessary for his business and would create unnecessary hardship on him due to the compensatory flood water storage easement area located on the eastern border of the subject property. The subject property is 75 feet wide and 100 feet long.

Mr. Van De Wiele asked Mr. Hunt how parking spaces are allowed on his design for the subject property. Mr. Hunt stated that currently there are five parking spaces. Mr. Hunt stated that he does not bring clients to his business site, and it is very rare that the teams are at the same site at the same time.

Mr. Van De Wiele asked Mr. Hunt where his employees of the facility were going to park. Mr. Hunt stated they will use the five parking spaces. Mr. Van De Wiele asked Mr. Hunt if he had only five employees. Mr. Hunt stated he has ten full time employees, but the purpose of the warehouse is for storage of his equipment.

Mr. Van De Wiele asked Mr. Hunt what type of business he has. Mr. Hunt stated his business is landscaping services. Mr. Van De Wiele if the ten employees drove to the subject property to report for work in the morning. Mr. Hunt stated that typically the employees drive straight to the job site.



## WHITE SURVEYING COMPANY

9936 East 55th Place • Tulsa, Oklahoma 74146 • (918) 663-6924 • fax (918) 664-8366  
mailing address: P. O. Box 471675 • Tulsa, Oklahoma 74147-1675

May 23, 2018

White Surveying Company does hereby state that the tract described as Lot 8, Block 114, Original Town of Tulsa, also known as The Boxyard and located at 301 South Frankfort Avenue, does not have any day labor hiring centers, plasma centers, pawn shops, liquor stores, or bail bonds within 300 feet of the property.

Randy K. Shoefstall  
Licensed Professional Land Surveyor No. 1676







Feet  
0 200 400



Subject  
Tract

**BOA-22582**

19-12 01

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

Aerial Photo Date: February 2018



6.12



0  
50  
100  
Feet



Subject  
Tract

19-12 01

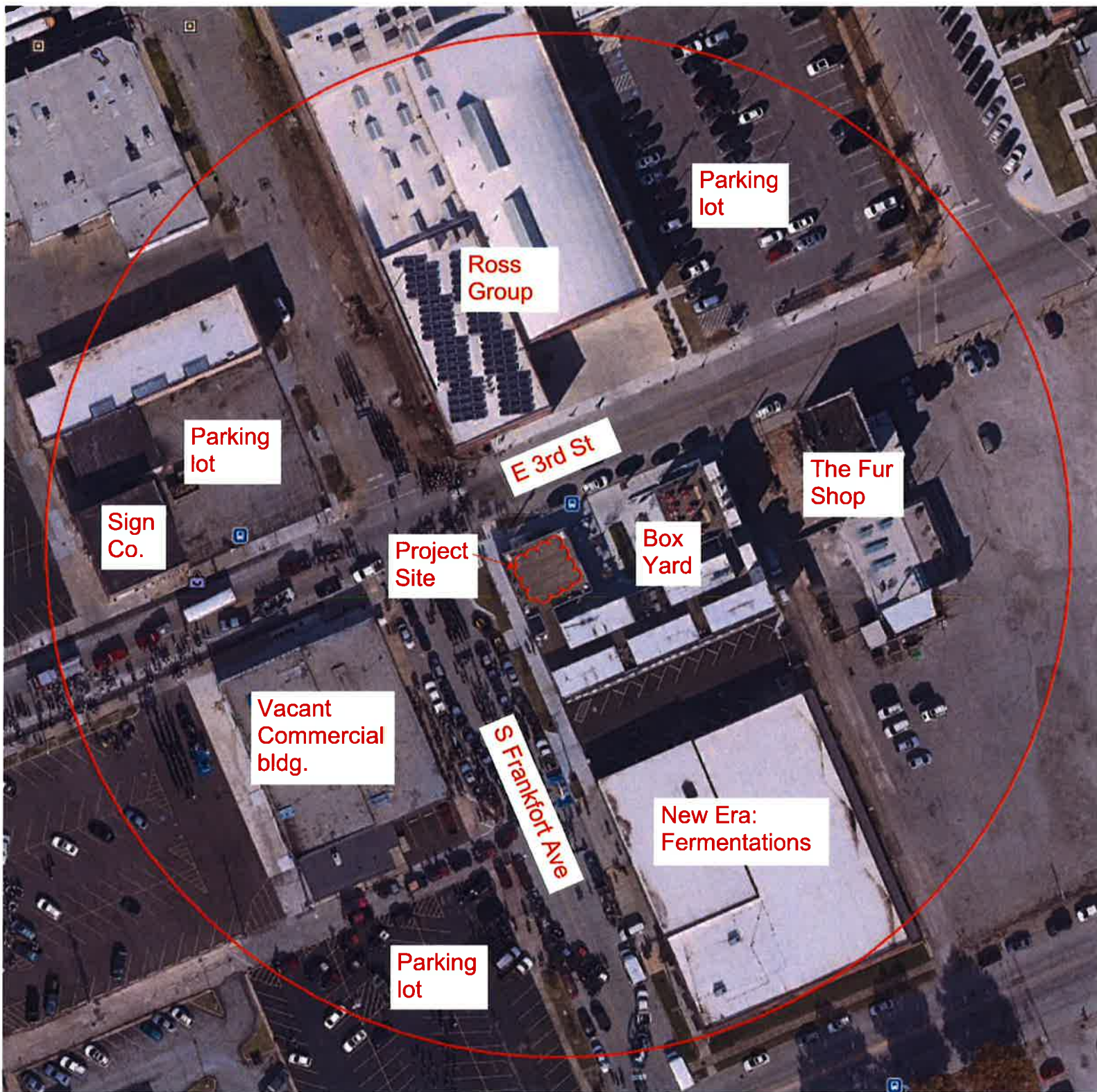
**BOA-22582**

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

Aerial Photo Date: February 2018













## Ulmer, Amy

---

**From:** christopher riley <christopherriley2112@gmail.com>  
**Sent:** Thursday, January 24, 2019 1:34 PM  
**To:** Ulmer, Amy  
**Subject:** Re: BOA-22582

Hello Amy,

No, actually we're going to have two separate stores with a wall in between the liquor store and the coffee shop, so that underage customers can enjoy the coffee shops without being exposed to the liquor store.

The physical address is:

502 E 3rd St, Tulsa, Ok. 74120  
Units 22A (coffee shop) and 22B (liquor store)

Thank you,  
Christopher Riley

On Thu, Jan 24, 2019 at 1:13 PM Ulmer, Amy <[aulmer@incog.org](mailto:aulmer@incog.org)> wrote:

Hello,

I just have a few questions regarding your Board of Adjustment application (#BOA-22582). Is it correct that the existing liquor store is moving to a new tenant space in the Boxyard and that a coffee shop is moving into the old space? Also, is there an address for the tenant space where the new liquor store will be? Thank you.

**Amy Ulmer | Land Development Planner**

2 West Second Street, Suite 800

Tulsa, OK 74103

918.579.9437

918.579.9537 fax

[aulmer@incog.org](mailto:aulmer@incog.org)







# BOARD OF ADJUSTMENT CASE REPORT

STR: 8323

Case Number: **BOA-22589**

CZM: 57

CD: 8

A-P#:

**HEARING DATE:** 02/12/2019 1:00 PM

**APPLICANT:** Alan Betchan

**ACTION REQUESTED:** Variance to allow a detached accessory structure to exceed 750 sq. ft. or 40% of the of the floor area of the principal structure (Sec. 45.030-B)

**LOCATION:** 7415 E 98 ST S; 7425 E 98 ST S

**ZONED:** RS-1, RS-3, PUD-678

**PRESENT USE:** residential

**TRACT SIZE:** 467322.31 SQ FT

**LEGAL DESCRIPTION:** PRT NW SE BEG NWC SE TH E370 SE744.6 CRV LF273.37 NW523.23 N571.23 TO POB LESS S30 E131.43 THEREOF SEC 23 18 13 8.537ACS; LT 1 BLK 4, AUDUBON VILLAGE, SPRING VALLEY

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA-15584;** on the Board **denied** a *Variance* of the maximum permitted square footage for a detached accessory building to 1600 square feet. Property being located north and west of the northwest corner of East 101st Street South and South Memorial Drive.

**BOA-7967;** on 6.21.73, the Board **approved** a *Minor Variance* for a modification of frontage requirements to permit a lot-split. Located at 9696 S. 74<sup>th</sup> E. Ave.

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

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

7.2



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 tracts is

**STAFF COMMENTS:**

As shown on the attached lot-split exhibits, the applicant has submitted LS-21178 to INCOG staff. The applicant is proposing to then combine the resulting "Tract B" with the larger RS-1 zoned parcel to the west. The applicant has submitted the attached hardship statement.

The proposed "Tract B" is zoned RS-3 and the existing larger parcel is zoned RS-1. In an RS-3 district, 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. In an RS-1 district, the Code states that detached accessory buildings are limited to a floor area of 750 sq. ft. or 40% of the principal dwelling, whichever is greater.

The applicant has indicated the primary residence is the 2,680 sq. ft. building nearest to the east line. With the proposed combination, the accessory structures exceed the allowable floor area of 1,072 sq. ft. (2680 sq. ft.x.40).

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

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 40% of the of the floor area of the principal structure (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;*

*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. 15583 (continued)

Comments and Questions:

Ms. Bradley asked the location of the business in question, and Mr. Raines stated that the repair operation is located in the south portion of the building.

In response to Ms. Bradley's question concerning body work and doors on the east side of the building, Mr. Raines stated that the business in question does not do body work and does not have doors on the east side of the building.

After discussion concerning the possible need for screening the east boundary of the business (waived by a previous action), it was the consensus of the Board that screening would not be necessary if the east side of the building remains a solid wall.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit Use Unit 17 uses (automobile repair, no body work) - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to all work being completed inside the building, with no outside storage of materials; subject to no body work; and subject to the east side of this portion of the building remaining a solid wall; finding that there are similar uses in the immediate vicinity, and the granting of the special exception request, with conditions, will not be detrimental to the area; on the following described property:

The east 130' of Lots 5, 6 and 7, Cantrell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15584

Action Requested:

Variance of the maximum square footage permitted for detached accessory buildings from 750 sq ft to 1600 sq ft to permit construction of a new building - **Section 210. YARDS** - Use Unit 6, located 7404 East 98th Street.

Presentation:

The applicant, **Dennis Fritts**, 2301 West Quantico Street, Broken Arrow, Oklahoma, submitted a sketch and photographs (Exhibit E-1), and explained that he is proposing to purchase the subject property if he is permitted to store his business machinery on the premises. Mr. Fritts pointed out that the tract is surrounded on three sides by a detention facility, with 98th Street abutting the north boundary line. The applicant stated that he is proposing to construct a storage facility large enough to secure his equipment.



Case No. 15584 (continued)

Comments and Questions:

Ms. White inquired as to the type of equipment that will be stored on the property, and the applicant replied that he will store a "bobcat" and a backhoe in the accessory building.

In response to Ms. Bradley, Mr. Fritts stated that the new storage facility will be connected to the existing 20' by 24' building. He stated that the portable storage building can be removed if that is made a condition of approval.

Ms. White asked the applicant how much storage space is required to house his equipment, and he stated that the construction of a 20' by 24' addition to the existing building (total 960 sq ft) would provide sufficient storage space for his business equipment.

Mr. Jackere asked if a "bobcat" and backhoe would be the only business equipment stored on the subject property, and Mr. Fritts answered in the affirmative.

Mr. Jackere advised that residential districts are for residential uses. He stated that, although some residents of such districts might drive home pickup trucks used in their businesses, "bobcats" and backhoes are not typically found in residential areas. He suggested that this use of the property is not in accordance with the Code.

Ms. Bradley stated that the applicant has not presented a hardship for the variance request.

Protestants:

Phil Frazier, 1424 Terrace Drive, Tulsa, Oklahoma, submitted photographs (Exhibit E-2) and stated that he is the attorney for the homeowners in the immediate area. He pointed out that the applicant has not presented a hardship for the variance request. Mr. Frazier stated that the large equipment will require a truck for hauling, and the transporting of this equipment in and out of the area will be detrimental to the residential neighborhood. He informed that the surrounding homes are on large lots, and the business activity will not be appropriate at this location.

Protestants in attendance who did not choose to speak were as follows:

Marian West, 7463 East 98th Street, Tulsa, Oklahoma.

Vicki and Don Rose, 7425 East 98th Street, Tulsa, Oklahoma.

Jesse Clifton, 9802 South 74th East Avenue, Tulsa, Oklahoma.

Darrel Mullins, 8944 East 113th Street, Bixby, Oklahoma.

Case No. 15584 (continued)

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **DENY** a **Varlance** of the maximum square footage permitted for detached accessory buildings from 750 sq ft to 1600 sq ft to permit construction of a new building - **Section 210. YARDS** - Use Unit 6; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the varlance request; and finding that the transporting and storage of large machinery in the residential area would be an inappropriate use and would be detrimental to the neighborhood; on the following described property:

Beginning at the northeast corner of the NW/4 SE/4 NW/4 SE/4; thence west 181.27' southwesterly on a curve to a point; thence southeasterly 445.77' to a point; thence northeasterly 368.8' north to the POB, Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15586**

**Action Requested:**

Special exception to permit off-street parking in an RM-2 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS.** Use Unit 10, located NE/c of East 11th Street South and South Hudson Avenue.

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, submitted photographs (Exhibit F-2) and a plot plan (Exhibit F-1), and stated that he is representing Oklahoma Fixture Company. He explained that the business, which was established in 1928 and presently employs approximately 700 people, is located in a CH zoned district and was developed prior to the adoption of the off-street parking requirement for CH zoned property. Mr. Norman stated that the company is proposing to construct a 200' by 500' facility, along with required parking, which will be located in a CH zoned area. He pointed out that the company also owns RM-2 property to the north, which will provide an additional 350 parking spaces, with Board approval. It was noted by the applicant that this additional parking area will alleviate any need for parking in the neighborhood. Mr. Norman stated that the north boundary and the northeast and northwest corners, which abut single-family dwellings, will be screened with trees, shrubbery and a 6' solid screening fence. He further noted that the dwellings to the north have deep rear yards, with the nearest residence being 110' from the north property line. Mr. Norman informed that the lighting fixtures in the parking area will be restricted to 16', or 8' lower than two existing private security lights on the north boundary. In regard to ingress and egress, Mr. Norman stated that the only exit from the existing CH parking lot is on Hudson; however, the new plant and parking area will be accessed from 11th Street, with only one exit

11.15.90:575(8)

7.7

7953 (continued)

according to the U.S. Government Survey thereof, except the North 70 feet thereof.

7954

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to erect a duplex in an RS-3 District located at 4156 East 33rd Street.

Presentation:

Ted Rogers, the applicant, presented the plot plan (Exhibit "E-1") to the Board and stated that the property was previously approved for a duplex but the permit time expired. He advised the Board of his proposed plans, stating that a storm sewer runs through the middle of the property which makes it difficult to build and a loan will not be approved if they build over the storm sewer.

Protests:

None

Board Action:

On MOTION of COHEN, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to erect a duplex in an RS-3 District on the following described tract:

Lot 9, Block 1, Walter Foster Addition to the City of Tulsa, Oklahoma.

7967

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1430) for a modification of frontage requirements to permit a lot-split (L-13109) in an RS-1 District located at 9696 South 74th East Avenue.

Presentation:

David Barnard, the applicant, was not present.

Remarks:

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

Protests:

None



Board Action:

On MOTION of REEDS, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1430) for a modification of frontage requirements to permit a lot-split (L-13109) in an RS-1 District on the following described tract:

Part of the NW/4, SE/4 of Section 23, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the southwest corner of the NW/4, SE/4 of said Section 23; thence north 0°00'17" east along the west line of the SE/4 of said Section 23, a distance of 288.97' to a point; thence north 89°58'56" east, a distance of 367.22' to a point; thence north 9°59'22" east, a distance of 0.00' to a point of curvature; thence around a curve to the right, having a radius of 450' and a central angel of 3°10'59", a distance of 25.00' to a point; thence north 70°51'35" west, a distance of 394.01' to a point on the west line of the SE/4 of Section 23; thence south 0°00'17" west along the west line of the SE/4 of said Section 23, a distance of 153.79' to the point of beginning, containing 0.75 acre, more or less.

COMMUNICATIONS:

Communication:

This is a communication from the office of the Building Inspector requesting a determination of the Use Unit Classification for a use as described in a letter (Exhibit "F-1") and drawings from Sears, Roebuck and Company.

The use is primarily warehousing, with a dispersing area, electronic and mechanical repair, engine repair, quick service area, retail sales, drapery workroom and personnel included.

Upon questioning as to whether or not the intended uses included the manufacture of plastics, Mr. Gardner pointed out that the uses did not include the manufacture of raw plastics but did include the fabrication of plastic parts from the already manufactured raw plastic.





0 Feet  
300  
600



Subject  
Tract

**BOA-22589**

18-13 23

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

Aerial Photo Date: February 2018



7.10

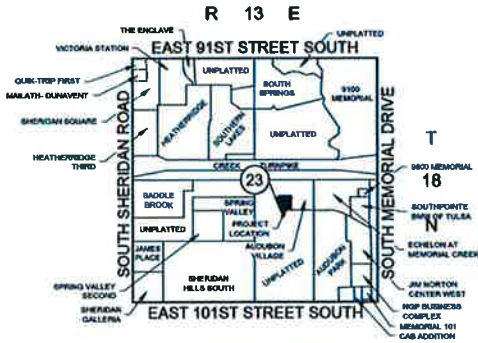


The variance is requested to allow a portion of the existing parcel to the east of this tract, which contains an outbuilding, to be combined with this parcel. This parcel is approximately 8.5 acres in size which far exceeds the minimum lot size set out in the zoning code for RS-1 lots. The Parcel has numerous outbuildings, many of which have been in place for over 50 years. The parcel size and historic use more closely mirror agricultural zoning than existing RS-1 but the owner felt that requesting a variance to allow the additional outbuilding offered more protections to the neighborhood than seeking rezoning of the parcel to AG. The parcel size and configuration, historic use, and existing development constitutes a hardship that we are requesting relief from.

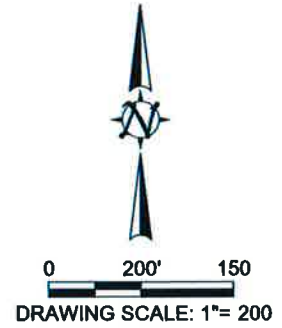


# Exhibit

Page 1 Of 1



Location Map



PLOT DATE: Wed, 09 Jan 2019 FILE: P:\1813\23-DIXIT 98TH & MEMORIAL\DIXIT-LOT 98\LOT 98\LOT 98

7.12

## Ulmer, Amy

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**From:** Alan Betchan <alan@aabeng.com>  
**Sent:** Tuesday, February 05, 2019 12:29 PM  
**To:** Ulmer, Amy  
**Subject:** RE: BOA-22589 Exhibit  
**Attachments:** 1434\_001.pdf

Amy,  
I'd define the primary residence as the 2,680 square foot building nearest to the east line. I've circled it on the attached exhibit.

Alan

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**From:** Ulmer, Amy [mailto:[aulmer@incog.org](mailto:aulmer@incog.org)]  
**Sent:** Tuesday, February 05, 2019 12:21 PM  
**To:** Alan Betchan <alan@aabeng.com>  
**Subject:** BOA-22589 Exhibit

Alan,

Could you indicate on the attached exhibit you provided which structure is the principal building? I'm writing my staff report and need to add this information. Thank you.

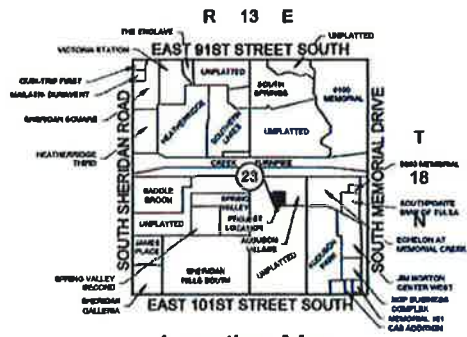
**Amy Ulmer | Land Development Planner**  
2 West Second Street, Suite 800  
Tulsa, OK 74103  
918.579.9437  
918.579.9537 fax  
[aulmer@incog.org](mailto:aulmer@incog.org)



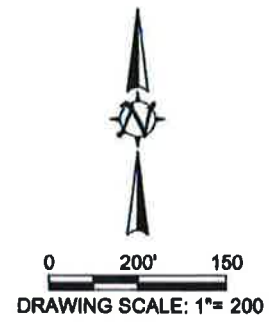


# Exhibit

Page 1 Of 1



Location Map



AAB Engineering, LLC  
**AAB**  
 Engineering • Surveying • Land Planning  
 PO Box 2188 Sand Springs, OK 74053  
 OK CAR#318 Exp. June 30, 2020  
 KS CAR#2092 Exp. Dec 31, 2020  
 OBR# (918) 614-4283 Fax: (918) 614-4288





0 50 100  
Feet



Subject  
Tract

**LS-21178**

18-13 23

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

Aerial Photo Date: February 2018

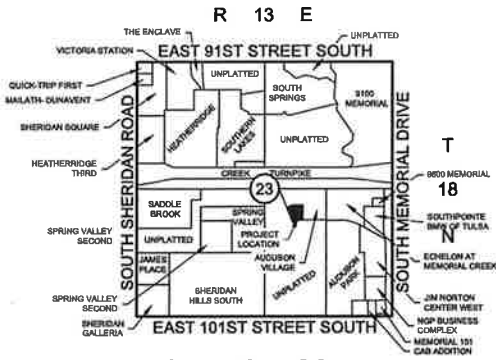


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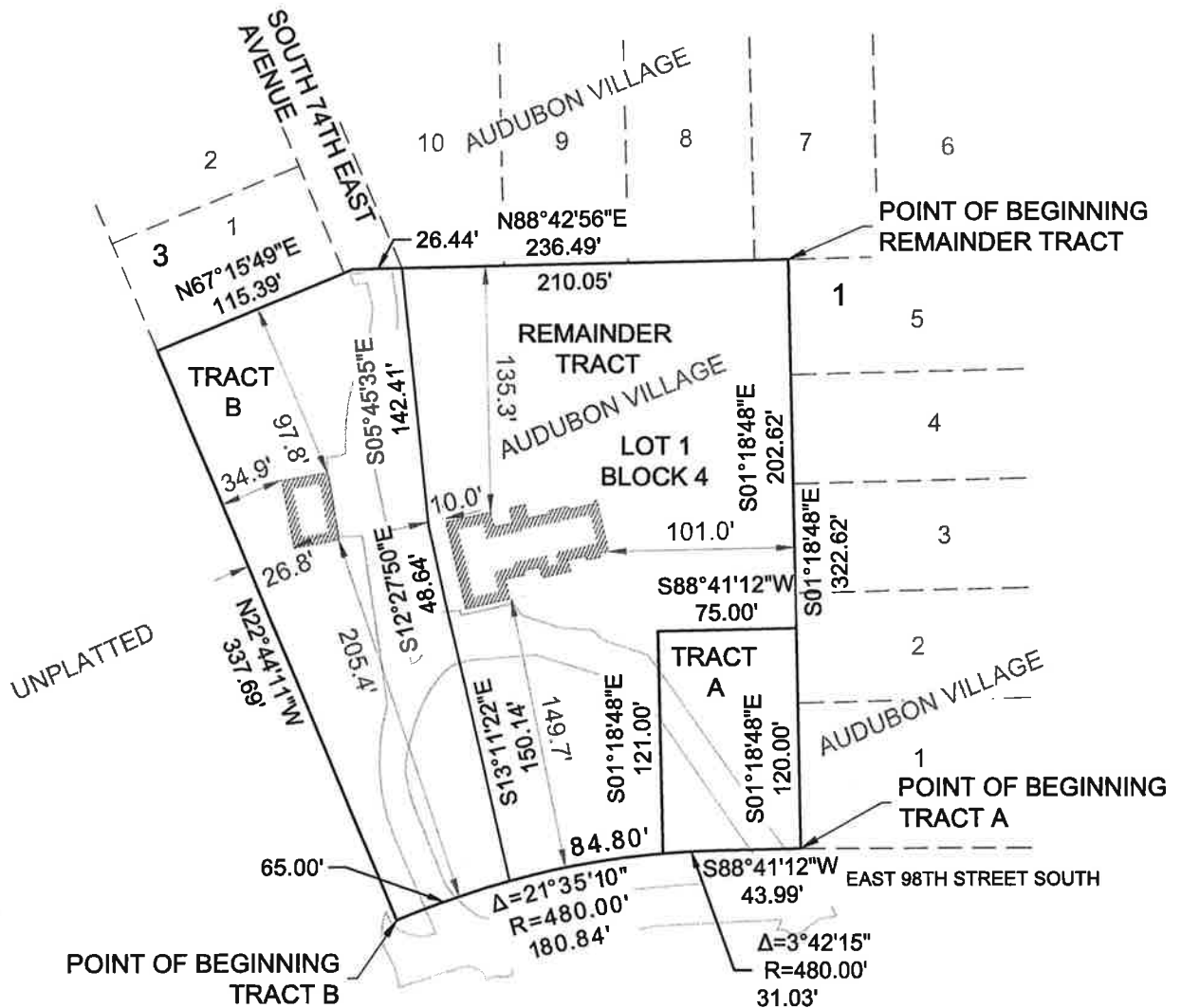
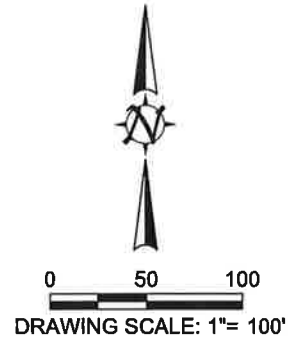


# Exhibit

Page 1 Of 5



Location Map



AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74083  
OK CARS118 Exp: June 30, 2020  
KS CARS282 Exp: Dec 31, 2018  
Office: (918) 514-4283 Fax: (918) 514-4288

# Legal Description

Page 4 Of 5

## TRACT B

A TRACT OF LAND BEING PART OF LOT ONE (1), BLOCK FOUR (4), AUDUBON VILLAGE, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 22°44'25" WEST ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 337.59 FEET TO THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 67°15'49" EAST ALONG THE NORTHERLY LINE OF SAID LOT ONE (1), A DISTANCE OF 115.39 FEET; THENCE NORTH 88°42'56" EAST ALONG SAID NORTH LINE OF LOT ONE (1), A DISTANCE OF 26.44 FEET TO THE SOUTHWEST CORNER OF LOT TEN (10), BLOCK ONE (1) OF SAID AUDUBON VILLAGE; THENCE SOUTH 05°45'35" EAST, A DISTANCE OF 142.41 FEET; THENCE SOUTH 12°27'50" EAST, A DISTANCE OF 48.64 FEET; THENCE SOUTH 13°11'22" EAST, A DISTANCE OF 150.14 FEET TO THE SOUTH LINE OF SAID LOT ONE (1); THENCE ALONG THE SOUTH LINE OF SAID LOT ONE (1) ON A CURVE TO THE LEFT, HAVING A RADIUS OF 480.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 70°58'48" WEST - 64.95 FEET, FOR AN ARC DISTANCE OF 65.00 FEET TO SOUTHWEST CORNER OF SAID LOT ONE (1) AND THE POINT OF BEGINNING. CONTAINING 33,230.41 SQUARE FEET OR 0.76 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE WEST LINE OF LOT ONE (1) BLOCK FOUR (4) OF AUDUBON VILLAGE BEING NORTH 22°44'25" WEST.

THIS LEGAL DESCRIPTION WAS PREPARED ON OCTOBER 12, 2018 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

PLOT DATE: Tue, 23 Oct 2018 FILE: P:\1813\23-DIXIT 98TH & MEMORIAL\DIXIT-LOT SPLIT

AAB Engineering, LLC  
**AAB**  
Engineering • Surveying • Land Planning  
PO Box 2158 Sand Springs, OK 74063  
OK CARS 318 Exp. June 30, 2020  
KS CARS 292 Exp. Dec. 31, 2018  
Office: (516) 514-4263 Fax: (516) 514-4269

7.17



**Ulmer, Amy**

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**From:** Irving Frank <peapawfrank@gmail.com>  
**Sent:** Wednesday, February 06, 2019 8:37 PM  
**To:** Ulmer, Amy  
**Cc:** Don Clifton  
**Subject:** BOA-22589

Thank you for sending us the materials for the above case. My wife and I are property owners/residents in the Audobon Village Addition, being the gate house located at 9740 S. 75th /E. Avenue. Our concerns are several as follows:

1. The "accessory building" in this application has an enclosed area of 940 square feet with a concrete floor and several garage doors.

Our concern is that the subject vacant accessory building on Tract B, if split from the parent tract is approved, would likely be incorporated into the already established nonconforming/quasi-commercial landscape business (such as for storage) on the 8.7 acre tract to the west and result in the expansion of the existing nonconforming landscape use.

2. Presently, the only access for the high incidence of the nonconforming landscape commercial type traffic, which causes noise from the pickup trucks and trailers and noise from the bouncing of equipment on the trailers and pickups as they enter and exit the landscape business area is East 98th Street, is directly past the only point of access to Audobon Village entry gate and directly abutting our residence.

Our concern is the increased negative impact on our property and Audobon Village of the traffic and noise if the landscape business is allowed to expand into the 940 square foot accessory building as requested in BOA 22589.

Therefore, if the Board of Adjustment is supportive of BOA 22589 in whole or part, we are requesting that a condition of any approval be placed on BOA-22589 as follows:

In no case shall the nonconforming commercial landscape business or components thereof be allowed to access and/or utilize the 940 square foot building on Tract B of BOA-22589.

Respectfully Submitted,  
Dixie and Irving Frank  
9740 S. 75th E. Ave.  
Tulsa, OK 74133  
918 299-8690