

**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 26, 2019, 1:00 P.M.**

**Meeting No. 1223**

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

1. Approval of **Minutes** of February 5, 2019 (Meeting No. 1221).
2. Approval of **Minutes** of February 12, 2019 (Meeting No. 1222).

**UNFINISHED BUSINESS**

3. **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)**
4. **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)**

**NEW APPLICATIONS**

5. **22583—Lyon Construction**  
Special Exception to exceed the allowable driveway width within the right-of-way and within the street setback (Section 55.090-F.3). **LOCATION:** 3620 South Birmingham Avenue East **(CD 9)**
6. **22584—Tara Custom Homes**  
Variance to reduce the required side street setback (Section 5.030-A).  
**LOCATION:** 1441 East 37<sup>th</sup> Place South **(CD 4)**
7. **22585—Jesus Flores**  
Special Exception to allow a fence to exceed 4 feet in height within the required street setback (Section 45.080). **LOCATION:** NW/c of North Birmingham Avenue East & East Woodrow Street North **(CD 3)**

8. **22587—Tom Beverage**

Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-B).

**LOCATION:** 7615 South 26<sup>th</sup> Avenue West **(CD 2)**

9. **22588—Brittany Jackson**

Variance to allow for a screening fence to be less than the required 8 feet in height; Variance of the requirement that a screening fence run along the lot line that abuts the R District (Section 40.360-A). **LOCATION:** North of NW/c of East

3<sup>rd</sup> Street South & South 193<sup>rd</sup> Avenue East **(CD 6)**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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

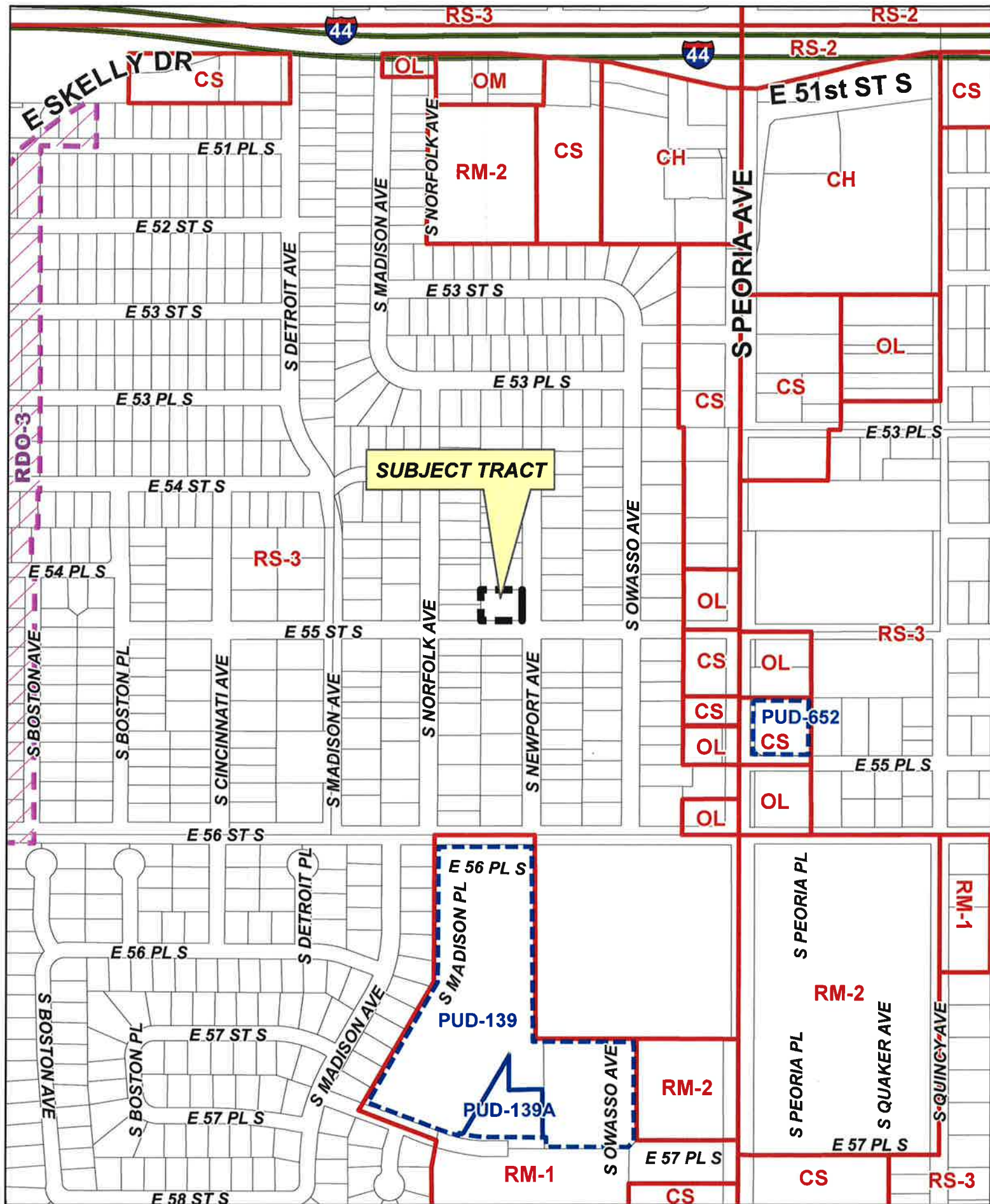
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

**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.

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BOA-22579

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9236

Case Number: BOA-22579

CZM: 46

CD: 9

A-P#:

**HEARING DATE:** 2/26/2019 1:00 PM (continued from 2/12/19)

**APPLICANT:** Vicky Ark

**ACTION REQUESTED:** 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' setback from an adjacent R-district for special exception uses (Table 5-3)

**LOCATION:** 1115 E 55<sup>TH</sup> ST S

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 13,500 SQ FT

**LEGAL DESCRIPTION:** LTS 14 & Lt 15, BLK 2, HOUSTONIA HOME SITES ADDN,

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA 18102;** on 7.14.98, Board **denied** a *special exception* to permit sleeping rooms in a private residence to be occupied by more than two persons who are not members of the family. Located 1135 East 55th Street

**BOA 03169;** on 4.08.59, the Board **granted permission** to erect a duplex. Located NW/c of 56<sup>th</sup> St. & Owasso.

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

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

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

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

## **STAFF COMMENTS:**

The applicant is before the Board requesting a **Special Exception** to allow a duplex on the subject site. Per the Code, a duplex is defined as a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The two dwelling units are attached and may be located on separate floors or side-by-side. A duplex use is permitted by special exception only in the RS-3 district.

For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 ft. The street setback specified in Table 5-3 of the Code applies along the other street. The applicant has stated that S. Newport Ave. will be the front setback. The applicant is requesting a **Variance** to reduce the front street setback from 25 ft. to 15 ft. along S. Newport Ave. The Major Street and Highway Plan considers this a *non-arterial* street and would therefore be required by code to maintain a building setback of 25 feet in an RS-3 zoned district (Table 5-3).

The building is on an RS-3 zoned lot and the setback from the north and west RS-3 zoned lot line is 20 ft. Per the Code, any uses requiring special exception approval in R zoning districts require a minimum 25 ft. building setback from R-zoned lots occupied by residential uses. The applicant has requested a variance of the required 25 ft. setback from an adjacent R-district for special exception uses (Table 5-3).

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a duplex in the RS-3 District (Table 5-2.5); **Variance** to reduce the required street setback from 25 ft. to 15 ft. (Table 5-3); **Variance** of the required setback from an adjacent R-district for special exception uses from 25 ft. to 15 ft. along S. Newport Ave. (Table 5-3)

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

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

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

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

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

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

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

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

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

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

Swears stated that he would put up a white wrought iron fence. Mr. Beach mentioned to Mr. Swears that the Zoning Code is clear and it says that he must put up a six-foot high, solid fence. Typically they see solid wood fences at a minimum height. No fences with slats woven in are permitted. Mr. Swears agreed to that.

Mr. White asked the applicant if the car wash option is the preference. Mr. Swears answered affirmatively. He stated that he would like the car wash with the mini-storage to the west.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Special Exception for a mini-storage and a car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** and a Variance of required setback from the centerline of East 40<sup>th</sup> Street South from 50' to 26'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, subject to a screening fence being placed along the north side; per plan submitted, on the following described property:

Lots 3 and 4, Block 1, Park Plaza Square, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 18102**

**Action Requested:**

Special Exception to permit sleeping rooms in a private residence to be occupied by more than two persons who are not members of the family. **SECTION 402.B.3. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 1135 East 55<sup>th</sup> Street.

**Presentation:**

The applicant, **William Bryant**, 1135 East 55<sup>th</sup> Street, submitted a site plan (Exhibit J-1), and zoning violation notices (Exhibit J-5) and stated that he has lived in the house for the last six years. Mr. Bryant stated that he has been renting rooms and sharing his house since he bought the property. He was overwhelmed by the response of people wanting to rent rooms and there was a tendency to expand from two to five rental rooms. Mr. Bryant is asking that the two-person rule be extended to four. He has no desire or need to go beyond that. About three years ago, one of Mr. Bryant's neighbors filed a complaint and the Code Enforcement Inspector came out and advised him that he was in full compliance and that he was allowed up to six persons in his home. Mr. Bryant has been operating with the six-person limit thinking that he was in full compliance with the Code. A couple of months ago, the same inspector returned and indicated that there was another complaint from the same individual citing a code violation. At first the violation was for off-street parking then it changed to

the two-person rule and that is what he is here for today. Mr. Bryant rents rooms because he needs to supplement his social security income and he also does it because he enjoys it and it makes him feel like he is making a contribution. Mr. Bryant submitted a petition to the Board with signatures of people in the neighborhood who supported the application. Mr. Bryant read a letter submitted by a person who supports the application (Exhibit J-2).

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

Mr. Cooper asked Mr. Bryant how many people total live in the house. Mr. Bryant answered six total. Mr. Cooper asked Mr. Bryant how many of those people are parking on the street. Mr. Bryant stated that there are two other cars besides his. There are no cars parked on the street, there is no need for them to be parked there. From time to time there have been cars on the street but it is mostly his son who visits for a week at a time. Mr. Bryant stated that to his knowledge there has never been a problem with his son parking on the street. Mr. Bryant mentioned that he has a double driveway on both sides of his house.

Mr. White asked Mr. Bryant if there is any kind of social service being provided to any of the boarders. Mr. Bryant answered negatively.

Mr. Bryant mentioned that his neighborhood is in transition and many of the fears come from some other troubles in the neighborhood. Mr. Bryant is trying his very best to continue to try to upkeep the neighborhood.

Ms. Turnbo asked the applicant how many square feet the house has. Mr. Bryant answered 2,300 SF. There are five bedrooms, three common areas and three bathrooms.

#### **Interested Parties**

**Harry Wheeler** stated that he has lived in this neighborhood for 44 years. He indicated that he lives three doors down from Mr. Bryant. Mr. Wheeler stated that the neighborhood is not in transition, it is a stable single-family neighborhood and has been for many years and a neighborhood association has been started. Mr. Wheeler stated that he objects to a rooming house. Mr. Wheeler mentioned that he does not know the people who are living there and they seem to come and go rather rapidly, almost like a motel. Mr. Wheeler got the idea that it was a post alcoholic rehabilitation situation. Mr. Wheeler stated that at times there are quite a few cars parked at the house but the house and lawn are well kept.

**Charles Kanan**, 5345 South Newport, stated that he has only lived there a couple of months. Mr. Kanan is concerned about having a multi-family unit in the neighborhood and it will down grade the rest of the properties in the area. Mr. Kanan believes that this is a violation of the Code and would like to see this remain residential and not become commercial.

Ms. Turnbo mentioned to Mr. Kanan that under the law Mr. Bryant can have two boarders. Mr. Kanan stated that he has no problem with the law but does not believe that it should be extended.

**Rick Castro**, 5336 South Newport, stated that he is against Mr. Bryant's request. The reason is because of the lowering of property values, the excess traffic, and the transient people. Mr. Castro stated that he has not had any problems with any of Mr. Bryant's boarders, but he does not feel that this is the neighborhood for it.

**Dean Scott**, 5501 South Newport, stated that he lives across the street from Mr. Bryant's residence. Mr. Scott stated that he worked for the City for a number of years and is familiar with the City Codes. Mr. Scott understands that Mr. Bryant can have two people unrelated to him living in the residence. Mr. Scott stated that at times there have been as many as ten people living in the residence. Mr. Scott mentioned to the Board that recently Mr. Bryant housed a "druggie". Mr. Scott has been broken into three times, but he can't prove that they were from across the street. The police have been called to this residence a number of times and four times this year. Mr. Scott stated that there was a fire in the garage of the residence and when the garage was rebuilt there was a door and windows put in and the garage is now being used as a boarding room. Mr. Scott believes that at times there have been drug addicts and alcoholics living in the residence. Mr. Scott does not think that Mr. Bryant does a background check on his boarders.

Mr. White asked Mr. Scott about the nature of the four police calls to the property that happened this year. Mr. Scott stated that normally they are to settle disputes between Mr. Bryant and his tenants. Mr. Scott submitted a petition of people in opposition to the rooming house (Exhibit J-3) and photos (J-4).

**Applicant's Rebuttal:**

Mr. Bryant stated that this is a personal issue or a vendetta. Mr. White and Mr. Dunham told Mr. Bryant that this is a land use issue and not a personal issue.

**Comments and Questions:**

Mr. Dunham stated that he has driven the neighborhood and it is a nice stable neighborhood. Mr. Dunham believes that whatever is provided by law is what should be provided there. Ms. Perkins agreed. Mr. Dunham stated that he would not approve a duplex or other multi-family for the neighborhood and he does not believe that this fits in an RS-3 district.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to permit sleeping rooms in a private residence to be occupied by more than two persons who are not members of the family. **SECTION 402.B.3. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** on the following described properties:

Lots 12 & 13, Block 3, Houstonia Home Sites, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18103**

**Action Requested:**

Variance of the maximum coverage of a required rear yard by a detached accessory building from 20% to 35%, located 310 South 47<sup>th</sup> West Avenue.

**Presentation:**

The applicant, **Russell Core**, 310 South 47<sup>th</sup> West Avenue, submitted a site plan (Exhibit K-1) and stated that he moved into the house about three months ago and is in the process of making a few changes to the home. Mr. Core stated that he is requesting to build a two-car garage that will be placed in the rear portion of the yard. The lot is wedge shaped which creates a very small yard area toward the back. The backyard of the property is completely fenced with a privacy fence and this is for private use only, no commercial use.

**Mr. Cooper out at 3:17 p.m.**

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the maximum coverage of a required rear yard by a detached accessory building from 20% to 35%, per plan submitted, finding the hardship to be the configuration of the lot on the following described property:

Lot 1, Block 7, Hayden-Lewis Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**Mr. Cooper in at 3:22 p.m.**

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**Case No. 18104**

**Action Requested:**

Special Exception to allow a machine shop (U.U. 25) in a CH district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25;** Approval of amended site plan (#16936); Special Exception to waive the screening requirements on Lots 10 through 14, Block 1. **SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY; Use Conditions**, and a Variance to allow required parking for machine shop on Lot 14. **SECTION 1301.D. OFF-STREET PARKING GENERAL CONDITIONS**, located 4704 West Charles Page Boulevard.



MINUTES OF A REGULAR MEETING OF THE BOARD OF  
ADJUSTMENT, WEDNESDAY, APRIL 8, 1959.

PRESENT: O'Bannon, Chairman; Cohen; Shaull; Galbreath;  
Norman.

Case No. 3165-A ✓  
Fern L. Adair  
Lot 9, Block 2,  
Bruce Addition

This being the date set down for public hearing on the application of Fern L. Adair for permission to operate a childrens day nursery on Lot 9, Block 2, Bruce Addition. There appeared Fern L. Adair. No protest was offered.

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

Case No. 3169-A ✓  
D. L. Herrington  
Lot 13, S. 26' of Lot 14,  
Block 6, Houstonia  
Homesites

This being the date set down for public hearing on the application of D. L. Herrington for permission to erect a duplex on Lot 13, and the South 26 feet of Lot 14, Block 6, Houstonia Homesites Addition. There appeared Mr. D. L. Herrington. A Mr. M. J. Hanlon, 5533 South Owasso protested the application.

MOVED by Cohen (Norman) that this application be approved.  
All members voting yea. Carried.

Case No. 3163-A ✓  
J. L. Headspeth  
N. 300' of W. 150' of  
Lot 3, Block 5,  
Suburban Highlands

J. L. Headspeth appeals from a decision of the Building Inspector for refusing to permit maintenance of a storage yard for oil field pipe, fittings, parts, etc., in a U-1-C District on the North 300 feet of the West 150 feet of Lot 3, Block 5, Suburban Highlands Addition. There appeared Mr. Headspeth and Mr. Cameron Cline.

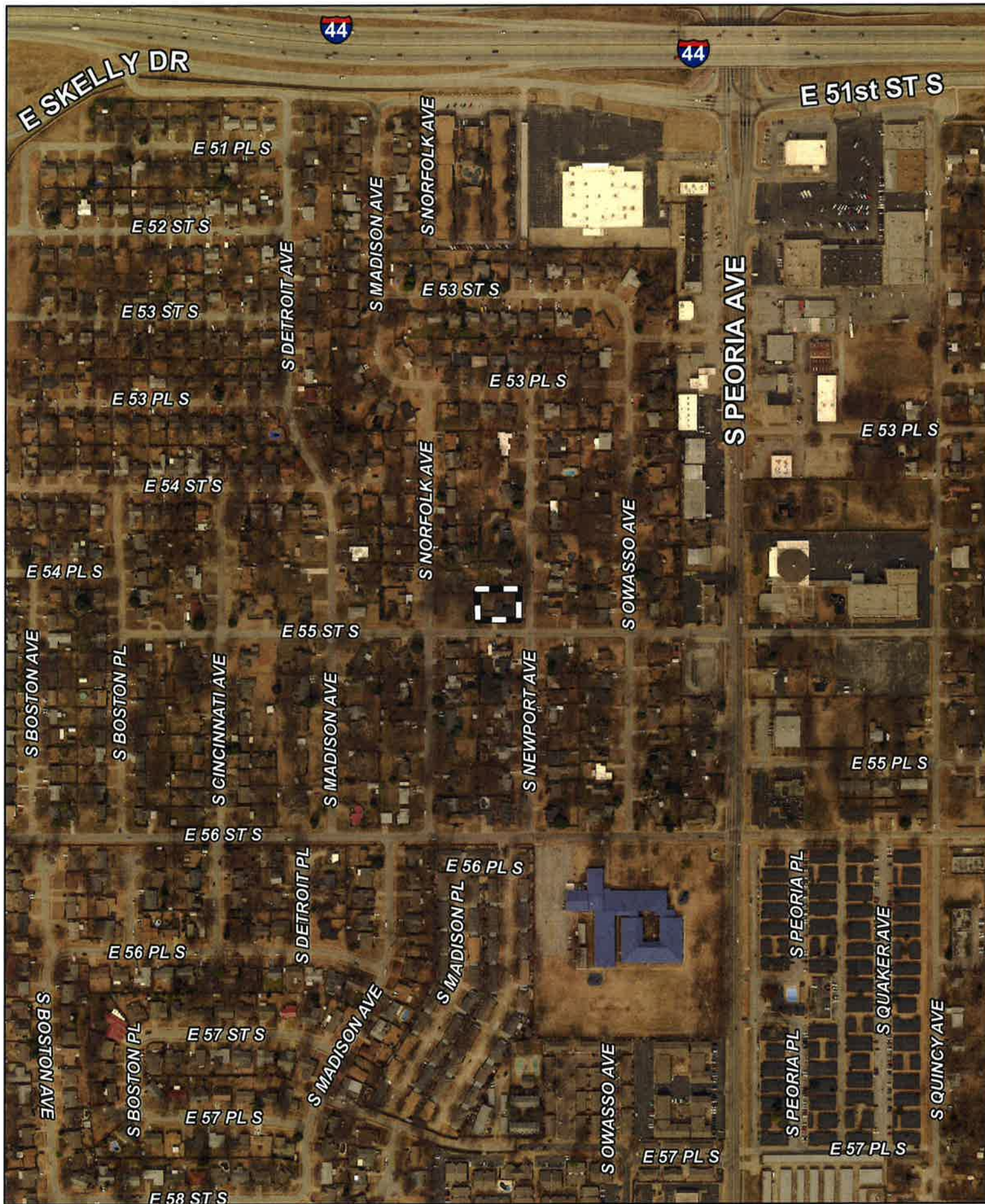
MOVED by Shaull (Norman) that this matter be carried over until the next regular meeting.  
All members voting yea. Carried.

Case No. 3168-A ✓  
Barbara Finn  
Lot 12, Block 5,  
City View Hill

Barbara Finn request for modification of building set-back line to permit erection of service station on U-3-D Lot and variance of major street set-back requirements of approximately five feet on Lot 12, Block 5, City View Hill Addition.

This matter being reopened for further consideration at the request of the applicant and giving the adjoining property owner a chance to be heard.





0 200 400  
Feet



Subject  
Tract

**BOA-22579**

19-12 36

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

Aerial Photo Date: February 2018

3.10







E 54 STS

S NORFOLK AVE

E 55 STS

S NEWPORT AVE

0 50 100  
Feet



Subject  
Tract

**BOA-22579**

19-12 36

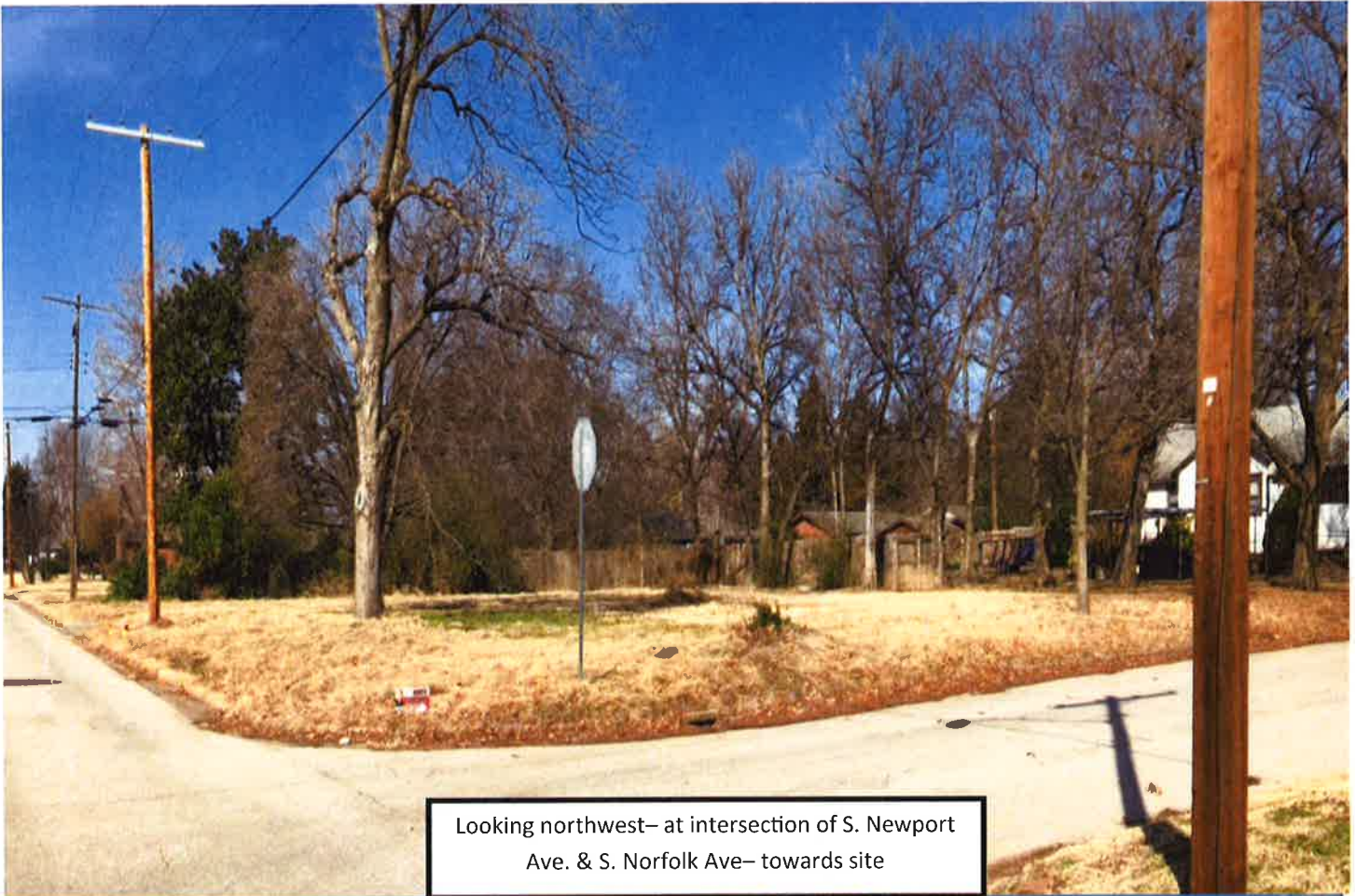
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018

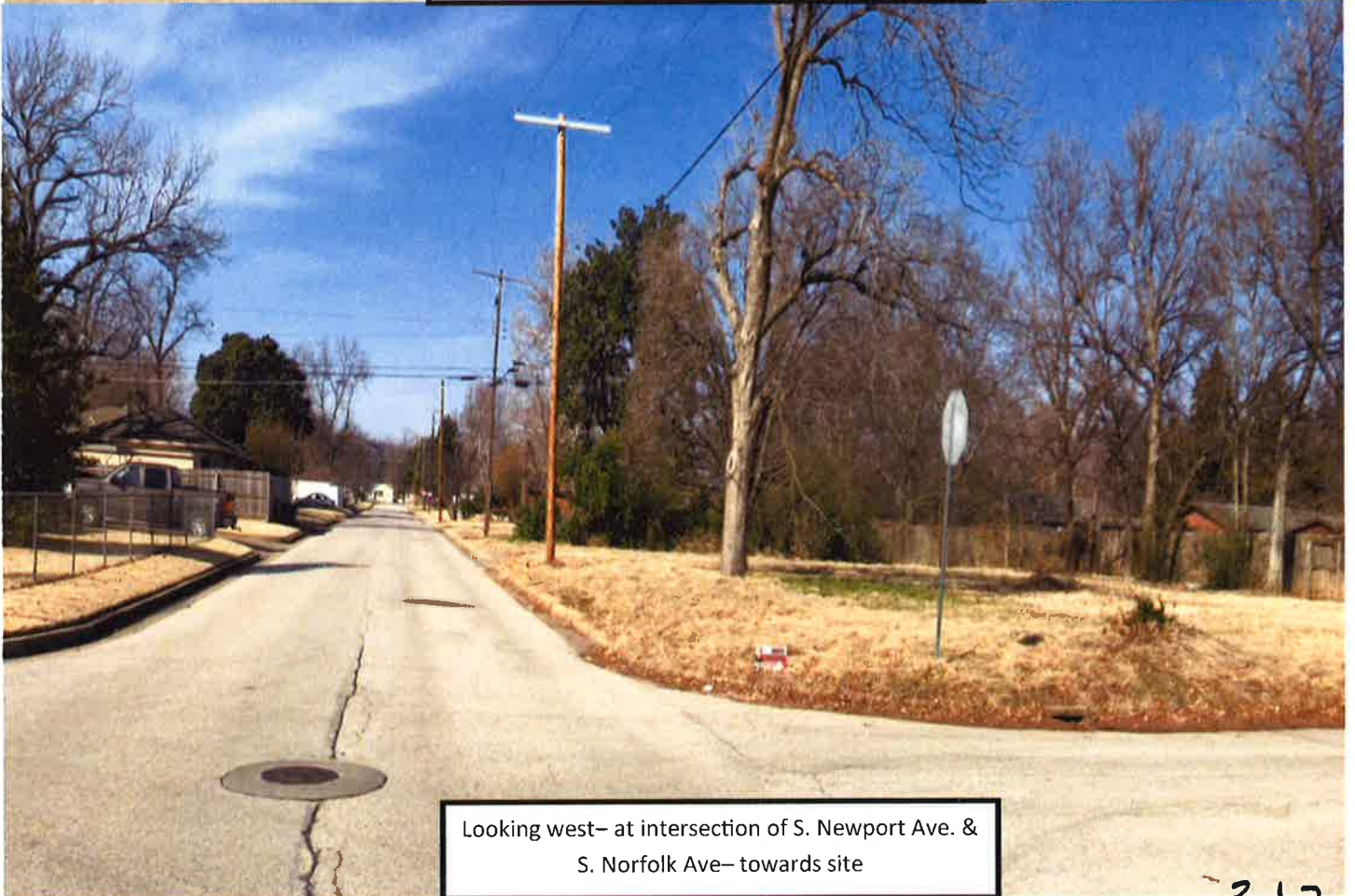
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Looking northwest- at intersection of S. Newport Ave. & S. Norfolk Ave- towards site



Looking west- at intersection of S. Newport Ave. & S. Norfolk Ave- towards site





Looking northwest– at intersection of S. Newport  
Ave. & S. Norfolk Ave– towards site

1115 E 55<sup>th</sup> street, Tulsa OK

1115 55<sup>th</sup> street

135'

5'  
20 Feet

20'

15 Feet

25 Feet

Garage Door

20 Feet

Garage Door

25 Feet

15 Feet



parcel # 19550923601990

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Newport Ave



# HOUSTONIA HOME SITES

THE SAME BEING  
A SUB-DIVISION OF THE SE 1/4 OF NE 1/4  
OF

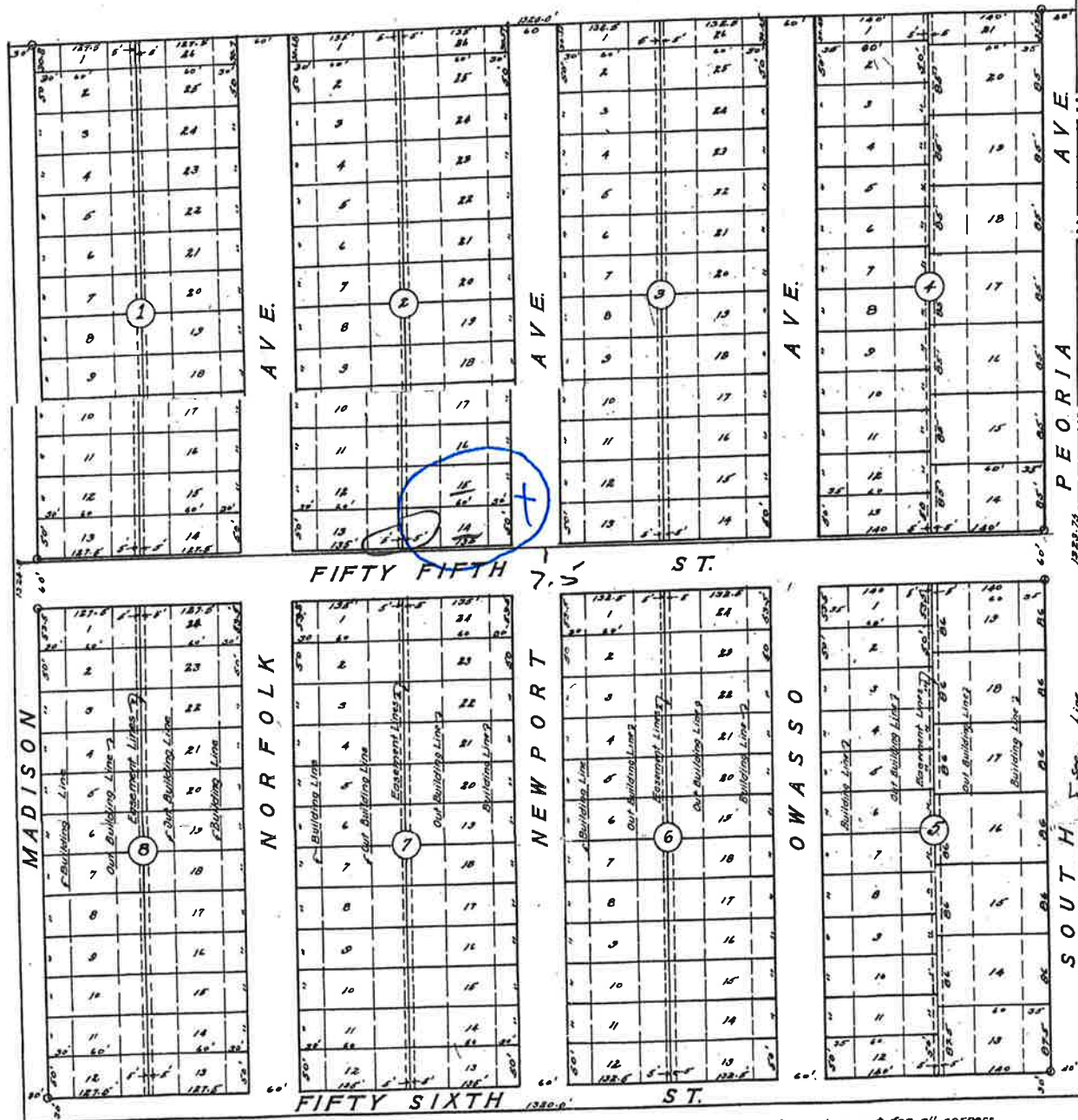
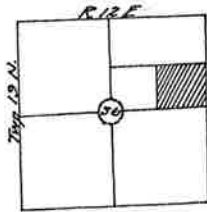
SEC. 36-19-12

-IN-

TULSA COUNTY OKLAHOMA

SCALE: 1" = 100'

BY HENRY F. THOMAS.  
CONSULTING ENGINEERING.





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# BOARD OF ADJUSTMENT CASE REPORT

STR: 8323

Case Number: BOA-22589

CZM: 57

CD: 8

A-P#:

HEARING DATE: 02/26/2019 1:00 PM (continued from 2/12/19)

APPLICANT: Alan Betchan

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

LOCATION: 7415 E. 98<sup>th</sup> St. S.; 7425 E. 98<sup>th</sup> St. S.

ZONED: RS-1; RS-3; PUD-678

PRESENT USE: residential

TRACT SIZE: 46,7322.31 Sq. ft.

LEGAL DESCRIPTION: PRT NW SE BEG NWC SE TH E370 SE744.6 CRV LF273.37 NW523.23 N 571.23 TO POB LESS S30 E131.43 THEREOF SEC 23 18 13 8.537AC; LT 1 BLK 4, AUDOBON VILLAGE, SPRING VALLEY

## RELEVANT PREVIOUS ACTIONS:

### Surrounding Property:

**BOA-15584;** on 11.15.90, 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. Property being 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



of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts PUD zoned tracts to the east; AG and RS-3 zoned tracts to the west; RS-1 zoned parcels to the south; and Creek Turnpike abuts the overall subject tract to the north.

**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 structure exceeds the allowable floor area of 1,072 sq. ft. (2680 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 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 **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; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance 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)

4.7

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 2011



4.10



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.



## 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

---

**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,

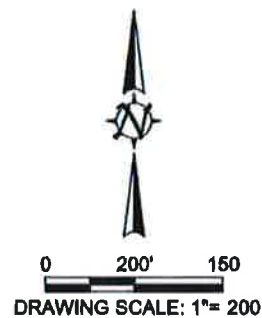
Could you indicate on the attached exhibit you provided which structure is the principal building? I'm writing my staff report and need to add this information. Thank you.

**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)





## Page 1 Of 1



PLOT DATE: Wed, 09 Jan 2019 FILE: P:1813123-DIXIT 98TH &amp; MEMORIAL DIXIT-LOT SPLIT

**AAB Engineering, LLC**  
**AAB**  
**Engineering • Surveying • Land Planning**  
PO Box 2138 Sand Springs, OK 76663  
OK CA06318 Exp. June 30, 2020  
KS CA02292 Exp. Dec. 31, 2020  
Office: (918) 614-4363 Fax: (918) 614-4200

4.14





0 50 100  
Feet



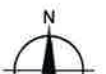
Subject  
Tract

**LS-21178**

18-13 23

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

Aerial Photo Date: February 2018

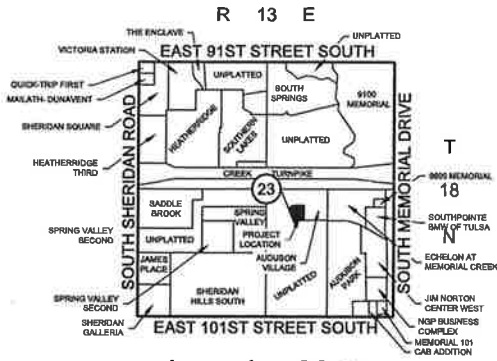


4.15



# Exhibit

Page 1 Of 5

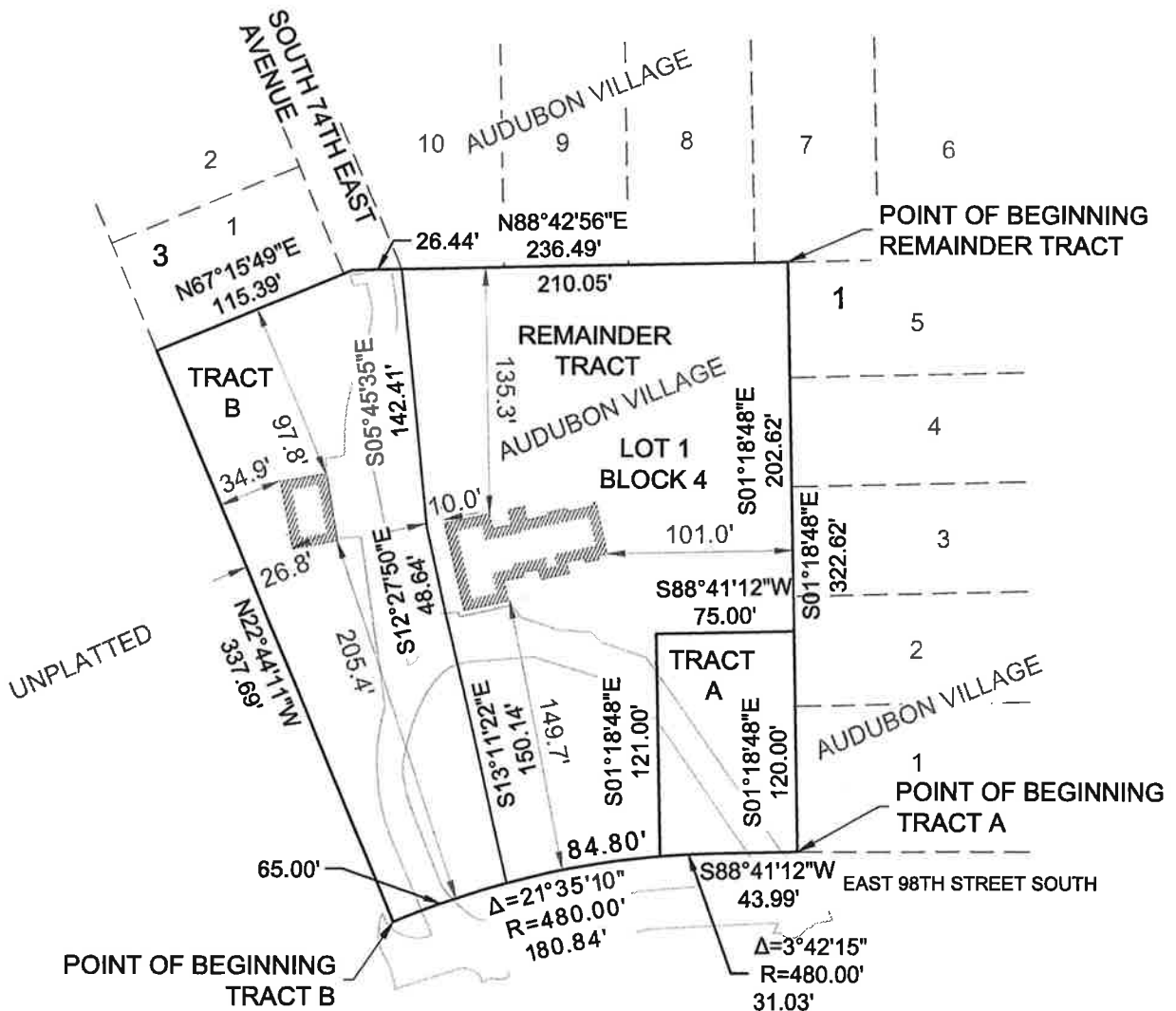


Location Map



0 50 100

DRAWING SCALE: 1"= 100'



PLOT DATE: Wed, 21 Nov 2018 FILE: P:\1613\23-DIXIT 98TH & MEMORIAL\DIXIT-LOT SPLIT

AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2138 Sand Springs, OK 74063  
OK CARS 118 Exp: June 30, 2020  
NS CARS 2592 Exp: Dec 31, 2018

Office: (918) 514-4283 Fax: (918) 514-4288

4.16

# 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:\181323-DIXIT 98TH & MEMORIAL-DIXIT-LOT SPLIT

4.17

**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.

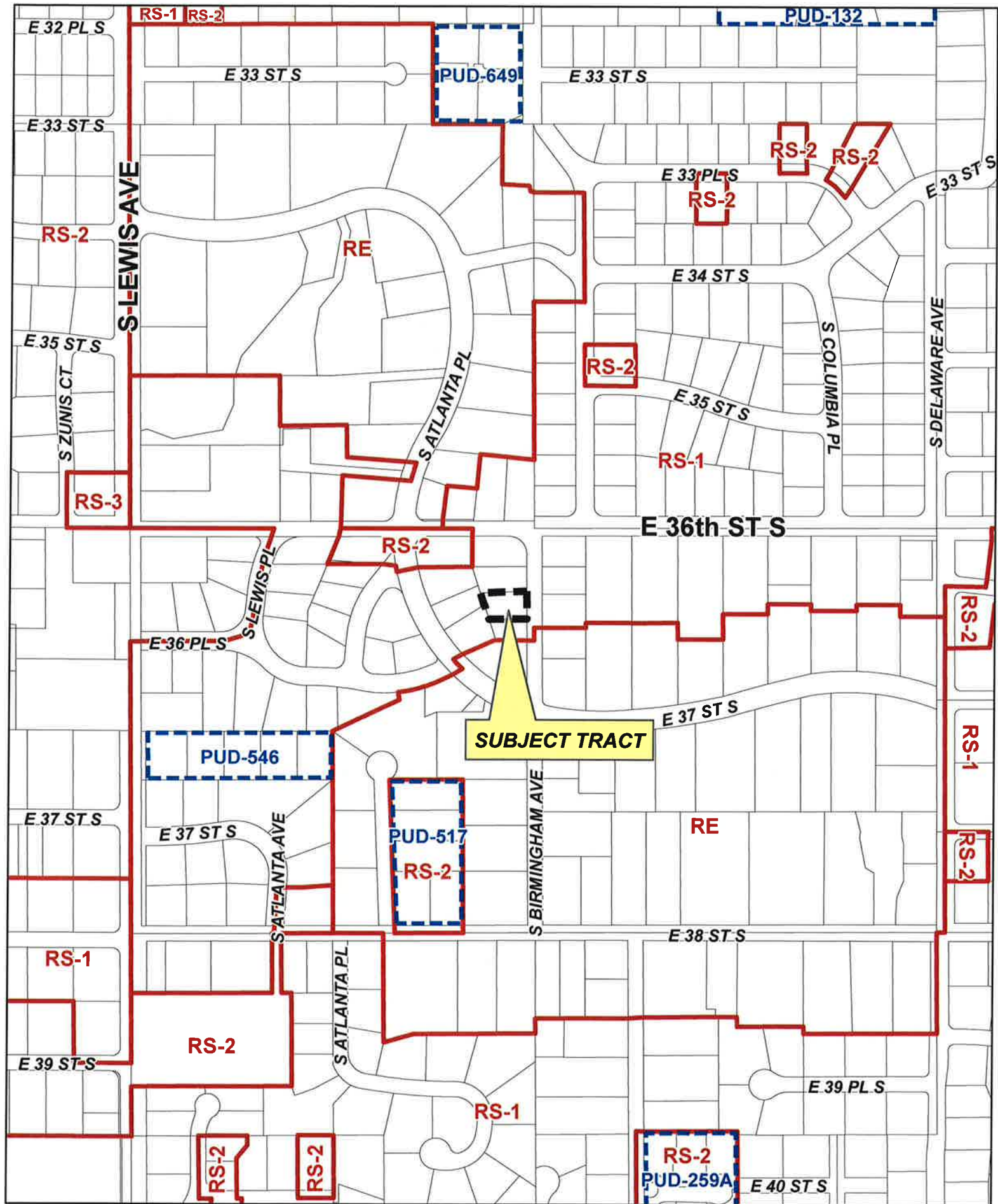
2. Presently, the only access for the high incidence of the nonconforming landscape commercial type traffic, which causes noise from the pickup trucks and trailers and noise from the bouncing of equipment on the trailers and pickups as they enter and exit the landscape business area is East 98th Street, 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:

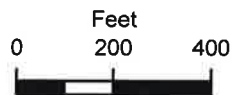
In no case shall the nonconforming commercial landscape business or components thereof be allowed to access and/or utilize the 940 square foot building on Tract B of BOA-22589.

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



BOA-22583

5.1



19-13 20





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: BOA-22583

CZM: 47

CD: 9

A-P#:

**HEARING DATE:** 02/26/2019 1:00 PM

**APPLICANT:** Lyon Construction

**ACTION REQUESTED:** Special Exception to exceed the allowable driveway width ~~within the right of way and within the street setback.~~ (Sec. 55.090-F.3)

**LOCATION:** 3620 S BIRMINGHAM AV E

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 12257.83 SQ FT

**LEGAL DESCRIPTION:** LT 3 LESS BEG 38.82S NWC TH S51.18 E1.45 N51.18 W1.73 POB BLK 2, OAKVIEW ESTATES AMD B7 & L9 B1

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA-21410;** on 4.10.12, the Board **approved** a *Minor Special Exception* to reduce the required front yard from 35' to 30' to permit an addition to an existing residence. Located; 3643 S. Atlanta Pl.

**BOA-12096;** on 8.5.82, the Board **approved** a *Variance* of the required 55 feet setback from the centerline of Birmingham Avenue to 36 feet. Located; 3641 South Birmingham Avenue.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by RS-1 zoned residences on all sides.

**STAFF COMMENTS:**

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

55.090-F Surfacing

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

Maximum Driveway Width					
Lot Frontage	75'+	60' – 74'	46' – 59'	30' – 45'	Less than 30' [2]
Driveway Within Right-of-Way (feet) [1]	27'	26'	22'	20'	12'
Driveway Within Street Setback (feet)	30'	30'	--	--	--

[1] Maximum width applies to the composite of all driveways if multiple curb cuts are provided.

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

The subject lot has  $\pm$  90 ft. of frontage on S. Birmingham Ave. The applicant is allowed by right a driveway width of 27 ft. within the right-of-way and 30 ft. within the street setback.

On 1.17.19, the applicant originally submitted Exhibit B as the site plan with the Board application. As shown on the attached Exhibit B, the applicant was proposing a driveway width of 28 ft. in the right-of-way and 38 ft.-3 in. in the street setback.

On 2.14.19, the applicant revised the dimensions and site plan to correspond with the existing driveway. As shown on Exhibit A, the applicant is proposing a driveway width of 23 ft.-8 in. within the right-of-way and 39 ft.- 4 in. within the street setback. Based on the revised conceptual plan and submitted dimension, the applicant does not need the special exception to exceed the allowable driveway width within the right-of-way but will still need the special exception to exceed the allowable driveway width within the street setback.

The applicant is before the Board requesting a **Special Exception** to allow a driveway width of 39 ft.- 4 in. in the street setback.

## Sample Motion

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to exceed the allowable driveway width within the street setback from 30 ft. to 39 ft.-4 in. (Sec. 55.090-F.3).

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

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

outdoor advertising sign be constructed within 1,200 feet prior to this sign; for the following property:

**LOT 1, BLOCK 1, FORD MOTOR CO TULSA GLASS PLANT CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**FILE COPY**

**21410—Sheila Hellen**

**Action Requested:**

Minor Special Exception to reduce the required front yard from 35 feet to 30 feet to permit an addition to an existing residence (Section 403). **LOCATION:** 3634 South Atlanta Place **(CD 9)**

**Presentation:**

**Sheila Hellen**, 3634 South Atlanta Place, Tulsa, OK; stated this request is to provide needed bedroom and bathroom space for the family. Due to the odd shape of the lot it is difficult to construct an addition, but after careful consideration the best option is to place the addition on the north side of the house. In order to do that it will require a five foot difference taking the front yard from 35 feet to 30 feet. The addition will maintain the character of the house and the neighborhood.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Mr. White stated this request is not unusual in this area because of the age of the subdivision and the date of the zoning code. This subdivision was dedicated in 1946 and most of the houses in that area were built prior to the mid-60s, which is before the zoning code. The building line, when it was dedicated, was 30 feet. The houses are in compliance with the 30 foot building line.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Minor Special Exception to reduce the required front yard from 35 feet to 30 feet to permit an addition to an existing residence (Section 403); subject to conceptual plan on page 7.7. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LOT 2 LESS 92.93 X 93.47 TRI. BLK 1, OAKVIEW ESTATES, OAKVIEW FIRST RESUB L1-2 L12-14 & PRT L15 B3 OAKVIEW EST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Case No. 12094 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a day care center in an RS-3 District, on the following described property:

The East 1/2 of the South 1/2 of the NE/4 of the NW/4 of Section 14, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12095

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a day care center in an RS-3 District. This property is located at 1135 South Yale Avenue.

Presentation:

Laura Delehanty, 5525 East 51st Street - #125, was present requesting permission to locate a day care center in two of the classrooms at Franklin Elementary School. The playground facility will be located behind the School on the corner of 11th Street and Yale Avenue. Ms. Delehanty advised that the State Licensing Department requested that the facility be placed at the subject location. The facility was approved by the Tulsa Public Schools and the principal at Franklin Elementary School.

Protestants:

Lester Zimmerman, 4132 East 41st Street, was present in protest to the application because there are two other day care centers within 100 yards of the proposed location. He felt that there is no need for another facility and if it was added it would take away from the existing day care centers.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a day care center in an RS-3 District, on the following described property:

The W/2 of the NW/4 of the NW/4 of the NW/4, Section 10, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12096

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Birmingham Avenue from 55' to 36'. This property is located at 3641 South Birmingham Avenue.

Presentation:

Gilbert Livingston, 3641 South Birmingham, was present and submitted a plot plan (Exhibit "D-1"). Mr. Livingston is requesting the variance in order to convert his present garage into additional living space and

Case No. 12096 (continued)

extend the garage toward the street. He stated that he wants his property to line up with other properties on Birmingham Avenue. He stated that the extension of the garage will improve the quality and appearance of the neighborhood. His neighbors have been contacted concerning the request and they had no objections.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Birmingham Avenue from 55' to 36', per plot plan submitted, on the following described property:

Lot 5, Block 1, of the Amended Plat of Block 7 and Lot 9, Block 1, Oakview Estates Addition to the City of Tulsa, Tulsa County, Okla.

Case No. 12097

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow two mobile homes in an RS-3 District. This property is located at 5015, 5119 and 5121 East Virgin Avenue.

Presentation:

Gabriel Lucero, 5423 East Young Court, was present requesting permission to place two mobile homes on the subject property; one for himself and the other for his daughter.

Protestants: None.

Board Comments:

Mr. Victor asked if there were other mobile homes in the area and Mr. Lucero stated that there are other mobile homes within two or three blocks.

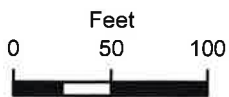
Mr. Smith asked if the mobile homes would be served by the sanitary sewer system and Mr. Lucero answered in the affirmative.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow two mobile homes in an RS-3 District, for a one-year period, removal bond required, subject to approval by Tulsa City-County Health Department, on the following described property:

The West 75' of the East 150' of the West 730.5' of Lot 13, Block 1, S. R. Lewis Addition and a tract of land being at a point located directly on the North Boundary Line a distance of 375' West of the NE corner of Lot 13, Block 1, S.R. Lewis Addition; thence from said point running in a Westerly direction along said North Boundary Line of said Lot 13, a distance of 50'





Subject  
Tract

**BOA-22583**

19-13 20

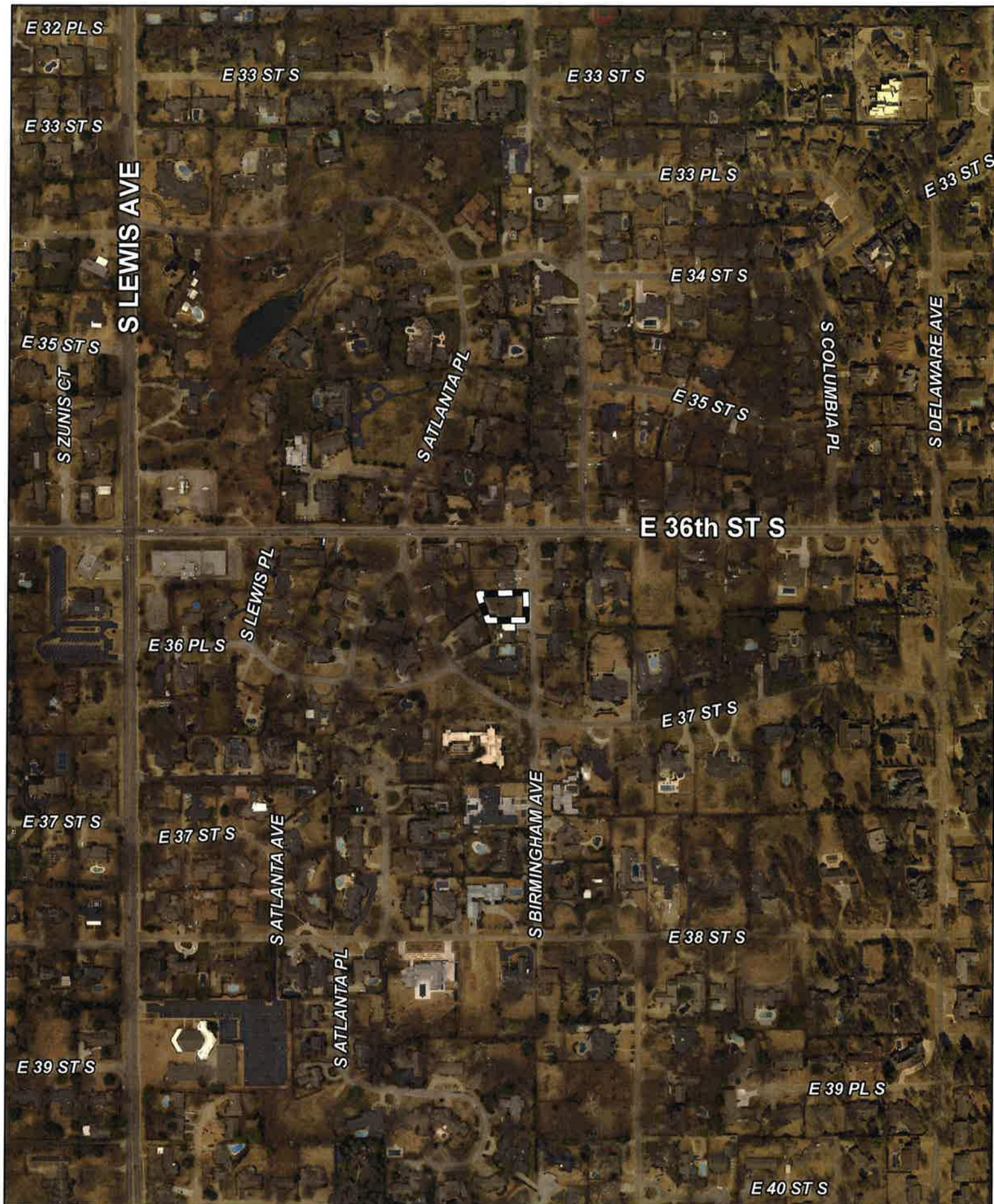
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

5.8







0 200 400  
Feet



Subject  
Tract

**BOA-22583**

19-13 20

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

Aerial Photo Date: February 2018

5.9





Looking west— on S. Birmingham Ave.— towards subject site



Looking west— on S. Birmingham Ave.— towards subject site



## Ulmer, Amy

---

**From:** Ulmer, Amy  
**Sent:** Monday, February 18, 2019 8:38 AM  
**To:** Dave Haag  
**Cc:** Charles Lyon; justin@lyonconstruct.com  
**Subject:** RE: BOA-22583  
**Attachments:** 1545\_001.pdf

Good morning,

The original site plan (see attached) submitted with the application appears to show that the driveway width within the right-of-way would be 28 ft. and within the street setback would be 39 ft. -3in. I just wanted to confirm that the below are the correct revised dimensions so that it is clear for the Board. Let me know if you have any questions.

### Amy Ulmer | Land Development Planner

2 West Second Street, Suite 800

Tulsa, OK 74103

918.579.9437

918.579.9537 fax

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



**From:** Dave Haag <dave@lyonconstruct.com>  
**Sent:** Thursday, February 14, 2019 9:27 AM  
**To:** Ulmer, Amy <aulmer@incog.org>  
**Cc:** Charles Lyon <charles@lyonconstruct.com>; justin@lyonconstruct.com  
**Subject:** Re: BOA-22583

Amy,

I have those measurements.

They are as follows, from street to house, I will also include a photo of my field notes for reference.

1. Street to House Legth = 47' 8.5"
2. At street width= 23' 8"
- 3 First square measurement = 20' 2"
4. Widest Section North to South = 39' 4"
5. Width of Side parking (East to west) = 17' 7"
6. North facing wall on south side of porch to north edge of driveway = 29' 2"
7. Planter to north edge of driveway (in front of garage) = 18' 7"

That's all I have. Let me know if there are any questions.

Thanks,

Dave Haag

Partner/ Field Manager

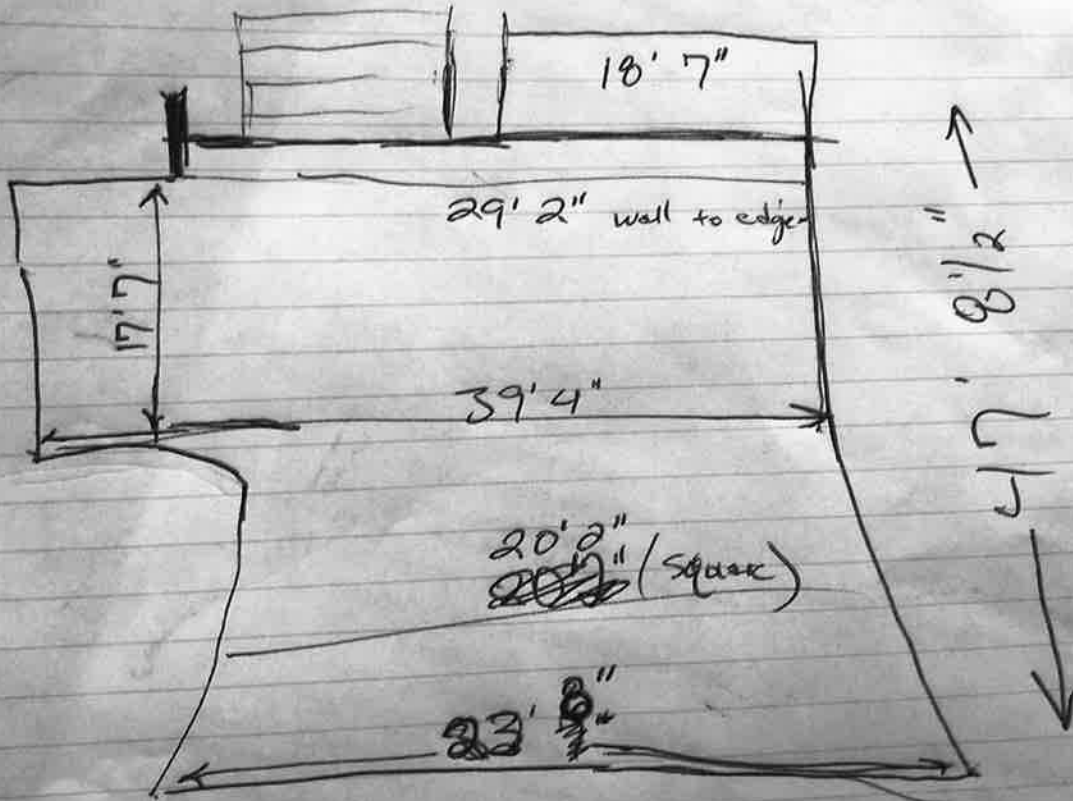
Lyon Construction

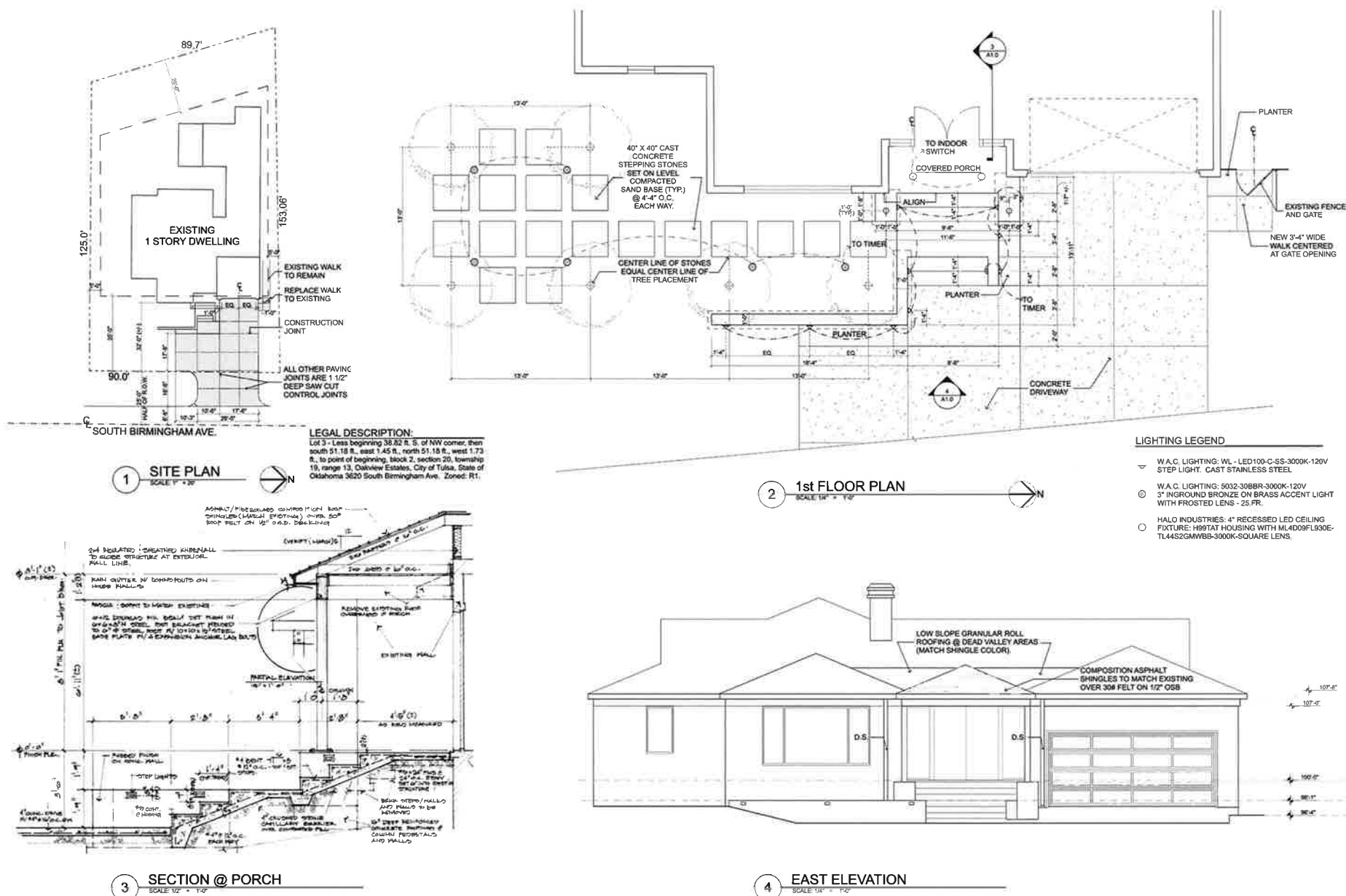
[\(918\)978-3283](tel:9189783283)

[Dave@lyonconstruct.com](mailto:Dave@lyonconstruct.com)

HAWKINS

Tulsa, OK 7410  
Ofc: 918-392-544  
John@truskettlaw.co





**EXHIBIT B: ORIGINAL SITE PLAN**  
SUBMITTED 01/17/2019



PHILLIP HAWKINS RESIDENCE  
3620 South Birmingham Ave.

PHILLIP HAWKINS RESIDENCE  
3620 South Birmingham Ave.

ISSUE DATE: 05.30.2018  
REVISIONS:

A1.0

Good Morning, **Charles Lyon** ▾ () 0[◀ Back \(\)](#)**Permit Number: BLDR-016763-2018**[Review Detail \(\)](#) | [Review Items \(\)](#) | [Main Menu \(\)](#)**Review** Building Review  
**Type:** (Residential)**Status:** Requires Re-submit**Version:** 1**Received** 11/05/2018  
**Date:****Due Date:** 11/29/2018**Completed** 11/21/2018  
**Date:****Review Items****Sort** Review Type ▾  **Export**

Review Type	Status	Due Date	Completed Date	Assigned To	Review Item
Building	Approved	11/29/2018	11/19/2018	Larkey Roger	<a href="#">Details</a>
Planning/Zoning	Requires Re-submit	11/29/2018	11/21/2018	Taylor Jeff	<a href="#">Details</a>
Water/Sewer /Drainage	Approved	11/29/2018	11/09/2018	Westbrook Randy	<a href="#">Details</a>



Results per page 10 1 - 3 of 3 << < 1 > >>

[Comments \(\)](#) | [Recommendations \(\)](#) | [Corrections \(\)](#) | [Review Detail \(\)](#) | [Review Items \(\)](#) | [Main Menu \(\)](#)

Comments

No comments to display.

Recommendations

Sort Number

Number	Recommendation	Created On
--------	----------------	------------

No records to display.

Corrections

Sort Correction Order  Export

Correction 0 Order:	Type: General	Resolved: No
Resolved On:		

Comments

55.090-F3 Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width is 27' within ROW and 30' outside of ROW on your lot.

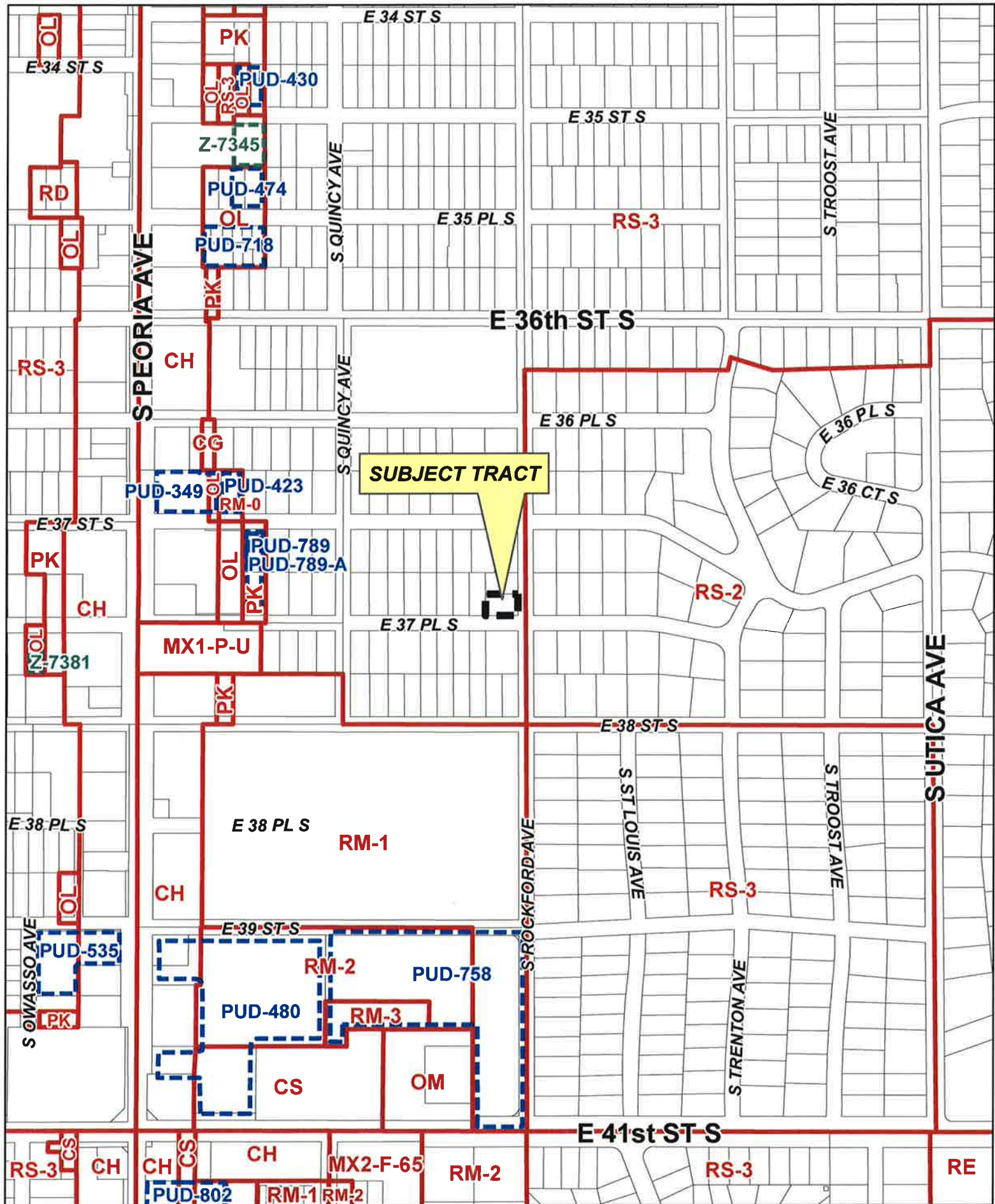
Corrective Action

Review Comments: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback and more than 27' wide in ROW which exceeds the maximum allowable driveway widths both within and outside of the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable widths or apply to the BOA for a special exception, one for the proposed driveway width within the ROW and also for the proposed driveway width outside of the ROW.

Results per page  1 - 1 of 1 << < 1 > >>

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**SUBJECT TRACT**

**BOA-22584**

6.1



19-13 19



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22584**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 02/26/2019 1:00 PM

APPLICANT: Tara Custom Homes

ACTION REQUESTED: Variance to reduce the required side street setback (Section 5.030-A)

LOCATION: 1441 E 37 PL S

ZONED: RS-3

PRESENT USE: vacant/ new construction

TRACT SIZE: 7348.6 SQ FT

LEGAL DESCRIPTION: S 1/2 LT 6 BLK 3, LEOKI PLACE

## RELEVANT PREVIOUS ACTIONS:

### Surrounding Property:

**BOA-21578;** on 6.25.13, the Board **approved** a *Variance* to reduce the side yard setback from 32.5 feet to 27 feet for a corner lot in an RM-2 District for a carport on the west side of the house. Located: 1503 E. 37<sup>th</sup> Pl. S.

**BOA-19156;** on 8.14.2001, the Board **approved** a *Variance* of side yard requirement from 10' to 8' in an RS-2 district. Located: 1516 E 37<sup>th</sup> Street.

**BOA-19003;** on 3.13.01, the Board **approved** a *Variance* of required 5' side yard to 4' to permit an addition to an encroaching structure; a *Variance* of required 5' side yard to 2' to permit the addition of a carport; a *Minor Special Exception* to allow a carport to extend 5' into required 25' front setback. Located: 1409 E. 37<sup>th</sup> Pl.

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

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

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

6.2



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 tract is surrounded by RS-3 zoned residences north, south, and west; RS-2 zoned residences are to the east of the subject property.

### **STAFF COMMENTS:**

The applicant is proposing to construct a 8 ft.x 8 ft. entry covered porch on the south side of the property. The applicant is requesting a reduction of the building line setback to 7 ft. in order to allow for the covered entry porch as proposed.

For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 ft. The street setback specified in Table 5-3 of the Code applies along the other street. As shown on the attached site plan, E. 37<sup>th</sup> Pl. S. is identified as the side street setback. The applicant is requesting a **Variance** to reduce the side street setback from 15 ft. to 7 ft. along E. 37<sup>th</sup> Pl. S. The Major Street and Highway Plan considers this a *non-arterial* street and would therefore be required by code to maintain a building setback of 15 feet in an RS-3 zoned district (Section 5.030-A).

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required side street setback from 15 ft. to 7 ft. (Section 5.030-A)

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

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

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

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

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

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

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

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

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

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

Variance of the parking requirement from 108 spaces to 88 spaces (Section 1214.D); Variance to reduce the building setback from 100 feet to 90 feet to enclose an existing canopy on the north side of the building in the CS District (Section 703, Table 2), subject to conceptual plans on pages 5.25 and 5.26. The Board has found the existing shopping center and existing parking spaces therein, and the requested relief is necessary due to the recent leasing of this space on the northend of the property. finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LTS 1 & 2 LESS W10 LT 2 & LESS N10 E5 LT 1 FOR ST BLK 1, GRAVATT-TABOR CENTER, MSM CENTER RESUB L2 B1 GRAVATT-TABOR CTR, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21578—Verl Twist**

**FILE COPY**

**Action Requested:**

Variance to reduce the side yard setback from 32.5 feet to 27 feet for a corner lot in an RS-2 District for a carport on the west side of the house (Section 403.A, Table 3).

**LOCATION:** 1503 East 37<sup>th</sup> Place South (CD 9)

**Presentation:**

**Verl Twist**, 2608 West Kenosha, Tulsa, OK; stated the request for a variance is to be able to construct a two-car carport on the west side of the owner's property. There has been quite a bit of input from the surrounding neighbors and they all are happy to see the carport added to the house.

Ms. Snyder asked Mr. Twist if the proposed carport was to be enclosed. Mr. Twist stated that it would not be enclosed.

Mr. Van De Wiele asked Mr. Twist to explain what his hardship would be for his request. Mr. Twist stated that when the neighborhood was built the garages were smaller than a lot of today's cars, and this proposed carport would cover and give protection to the home owner's cars. The neighborhood has multiple carports and some of them extend toward the street than what this carport will.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.



**Board Action:**

BOA - 21578  
FILE COPY

On **MOTION** of **SNYDER**, the Board voted 4-0-0 (Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Henke absent) to **APPROVE** the request for a **Variance** to reduce the side yard setback from 32.5 feet to 27 feet for a corner lot in an RS-2 District for a carport on the west side of the house (Section 403.A, Table 3), subject to conceptual plan 6.11. The Board has found that the house was one of the originally constructed houses in the Brookside neighborhood, and the garages of these homes are not necessarily large enough to house today's cars so there is a need for this carport. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LOT 12 A BLK 3, WOODLAND HGTS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21579—Gabe Palacios**

**Action Requested:**

**Variance** of the required parking spaces from 38 spaces to 0 spaces in a CH District for a mixed-use building with restaurant and residential uses (Section 1212.D & Section 1208.D). **LOCATION:** 607, 613, and 615 South Quaker East, 1328 1334, and 1338 East 6<sup>th</sup> Street South (CD 4)

**Presentation:**

**Gabe Palacios**, 1812 South Cheyenne, Tulsa, OK; stated the property in question is on the corner of 6<sup>th</sup> and Quaker on the south side of the street. The building was built in 1924 and is a two-story brick building. The building has four apartments on the second floor with a restaurant space on the first floor. In researching the records on the property it was discovered that the first floor has continually either been a restaurant or delicatessen since 1933. The proposal is to bring the building back to what it was and have a working restaurant on the first floor again. The restaurant is the first of a master plan for five potential properties that will be ready for tenant space rental or opening under the Rahhal Property name. There have been tenants on the second floor for over 20 years and have never had an issue with parking; they park on the street. The site plan in the Board's agenda packet has the first floor designated as two spaces. The orange area is the restaurant area and the grey area is currently storage area. Today's application is applying for the parking space for both those areas combined. Currently the plans are to open the restaurant up for the orange designated area only, and if the restaurant does well expand the restaurant into the grey area. The grey space has been calculated as a restaurant when figuring the parking spaces. The 38 spaces

America office is to the east. There is undeveloped property across 61<sup>st</sup> Street to the south. Mingo Creek is to the west of the site. The topography of the land is flat, with some trees. The tower is designed to accommodate three slim line antennas, and is engineered for co-location of two similar antenna facilities. The equipment building would be a pre-fabricated 12' x 20' building with an aggregate rock exterior. A 20' access easement runs southeast from the site to 61<sup>st</sup> Street. The tract is approximately 35' x 40'. The likely development is unknown at this time. The landscaping would be subject to the zoning code requirements. A site plan was provided (Exhibit E-2).

**Comments and Questions:**

Mr. White asked about the two towers east and south of the site that the Board approved recently. Mr. Brightmire replied that they did consider the possibility of co-location on the Hemphill tower to the east but it did not fit their needs for coverage.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to construct an 80' monopole cellular transmission tower within 88' of property zoned OL and within 88' of property zoned RS-3, per plan, finding that the twelve criteria required have been met, and finding there was no request for relief from any of the code requirements, on the following described property:

A tract of land Beg. at a point 400' W of the SE/c of Section 36, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma; thence N 250'; thence W 265'; thence S 250'; thence E 265'; to the POB, less and except: a parcel of land lying in the S 250.00' of the W 265.00' of the E 665.00' of the SE/4 SE/4 of Section 36, T-19-N, R-13-E, being more particularly described as follows to-wit: Beg. at a point 400.00' W and 24.75' N of the SE/c of said Section 36; thence W and parallel with the S line of Section 36, 265.00' thence N 35.25'; thence E and parallel with said S line, 85.00'; thence S 10.00'; thence E and parallel with the S line 180.00'; thence S 25.25' to the POB.

\*\*\*\*\*.

**Case No. 19156**

**Action Requested:**

Variance of side yard requirement from 10' to 7' in an RS-2 district. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS -- Use Unit -- Use Unit 6, located 1516 E. 37<sup>th</sup> St.

**Presentation:**

Jeff Johnson, 1516 E. 37<sup>th</sup> St., stated his request.

**Comments and Questions:**

Mr. Dunham questioned the dimension in the request since they did not match the site plan dimensions. He suggested that when he clears his title everything could be corrected at the same time rather than one at a time. Mr. Johnson stated he was not aware of the need for two corrections.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On MOTION of Perkins, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a **Varlance** of side yard requirement from 10' to 8' in an RS-2 district, on the east side, per plan, finding the mature magnolia tree in the center of the yard, and finding it would not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

Lot 3A, Block 3, of the Amended Plat of Lots 1, 2 and the W 25.00' of Lot 3, and Lots 10, 11 and 12, in Block 3, and Lots 1, 2 and 3 in Block 4 of Woodland Heights, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19158**

**Action Requested:**

Mr. Beach announced that the applicant had to leave to conduct a funeral. He requested a continuance to August 28, 2001.

**Board Action:**

On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 19158 to the meeting of August 28, 2001.

\*\*\*\*\*

**Case No. 19159**

**Action Requested:**

Variance of total display surface area allowed for ground sign from 672 sq. ft. existing to 750.58 sq. ft. SECTION 1221.D.3. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs -- Use Unit 17, located 9808 E. 81<sup>st</sup> St. S.



\*\*\*\*\*

**Case No. 19002**

**Action Requested:**

Special Exception to permit outdoor tournament for a one-day event for a period of 5 years. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 2, located 725 E. 36<sup>th</sup> St. N.

**Presentation:**

Gary Hack, 2826 S. Delaware Pl., came to present case.

**Comments and Questions:**

Mr. Dunham asked if it is a one-day tournament. Mr. Hack responded in the affirmative.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to permit outdoor tournament for a one day event for a period of 5 years, for basketball tournament, 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:

All of Block 2, Northland Center Addition, and that part of the SW/4 SW/4 SE/4 Section 13, T-20-N, R-12-E, of the IBM, more particularly described as follows, to-wit: Beg. at the SE/c SW/4 SW/4 SE/4; thence W along the S boundary of said SW/4 SW/4 SE/4 a distance of 501.19'; thence N a distance of 50' to the SE/c Block 2, Northland Center; thence N along the E boundary of said Block 2, a distance of 611.46'; thence E along the N boundary of said SW/4 SW/4 SE/4 a distance of 501.11' to the NE/c of said SW/4 SW/4 SE/4; thence S along the E boundary of said SW/4 SW/4 SE/4 a distance of 661.37' to the POB, all located within the City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19003**

**Action Requested:**

Variance of required 5' side yard to 4' to permit an addition to an encroaching structure. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6; a Variance of required 5' side yard to 2' to permit the addition of a carport. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Minor Special Exception to allow a carport to extend 5' into the required 25' front setback.

SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1409 E. 37<sup>th</sup> Pl.

**Presentation:**

**Suzanne Bedwell**, 1409 E. 37<sup>th</sup> Pl, described the design plans and encroachment. She stated that the pergola would help stabilize the carport structure.

**Comments and Questions:**

Mr. Cooper asked for the hardship of the second Variance. Ms. Bedwell replied that the tree in the front yard near the driveway is a River Birch and leans somewhat over the street. Mr. Cooper noted the large size. She added that the trunk is split into three to four portions of twelve inches in diameter. Mr. Beach asked for the overall dimension of the carport. Ms. Bedwell replied that it is 18 ½ feet square to accommodate two cars. Mr. Beach responded that it is just barely large enough for two cars. She commented that she was trying not to impact her neighbors by keeping the size to a minimum, but that they did need protection for their two cars.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **MOTION** of Dunham, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of required 5' side yard to 4' to permit an addition to an encroaching structure; a **Variance** of required 5' side yard to 2' to permit the addition of a carport; and a **Minor Special Exception** to allow a carport to extend 5' into the required 25' front setback, per plan submitted, finding the hardship to be the size of the lot and if the carport were any smaller it would not accommodate two cars, and the application applies only to the east half of Lot 10, Block 3, Leoki Place Addition, on the following described property:

Lot 10, Block 3, Leoki Place Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

**Case No. 19004**

**Action Requested:**

Variance to allow required parking to extend to lots not containing use. SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 12; and a Special Exception to permit a parking lot in an RM-2 district. SECTION 404.H. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 1413 E. 15<sup>th</sup> St.





0 Feet  
200  
400



Subject  
Tract

**BOA-22584**

19-13 19

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

Aerial Photo Date: February 2018

6.11







**E 37 ST S**

**S ROCKFORD AVE**

**E 37 PL S**

**E 38 ST S**



*Subject  
Tract*

**BOA-22584**

19-13 19

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

*Aerial Photo Date: February 2018*







Looking northwest— on E. 37th Pl. S.— towards proposed covered porch



Looking northwest— at intersection of E. 37th Pl. S. & S. Rockford Ave. — towards subject site



५१७

601 ROOM

Chiles

4 Pt D/m

6. Prof. Palamizotakis, in his

28

Q2

Proposed - 7/12

25 25 20 25 15 15 5

TUSA, OK 74105 TUSA County

1441 EAST 37th PLACE

56. 70 LG B3 LEOKI PLACE



**From:** BRANDON JACKSON <jacksonbl@hotmail.com>

**To:** Judy Snelling <jmsnelling@aol.com>; SnRicky@aol.com <SnRicky@aol.com>

**Subject:** BLDR-20504-2018, 1441 E 37th PI LOD

**Date:** Mon, Jan 14, 2019 4:11 pm

**Attachments:** ZN LOD 20504.pdf (257K), Site Plan Addition 1441 E 37th PI001.pdf (86K)

---

Documentation for BOA variance request in order to construct a 8 ft x 8 ft entry covered porch on south side of the subject property. Zoning code allow 15 ft Building line but applicant is requesting a reduction of building line set to 7 ft for the 8 ft x 8 ft area only in order to allow for the covered entry porch. See attached LOD and proposed site plan.

---

**From:** BRANDON JACKSON <jacksonbl@hotmail.com>

**Sent:** Sunday, January 13, 2019 10:53 PM

**To:** Judy Snelling; SnRicky@aol.com

**Subject:** Fw: BLDR-20504-2018, 1441 E 37th PI LOD

---

**From:** BRANDON JACKSON <jacksonbl@hotmail.com>

**Sent:** Wednesday, January 9, 2019 12:34:41 PM

**To:** Judy Snelling; SnRicky@aol.com

**Subject:** Fw: BLDR-20504-2018, 1441 E 37th PI LOD

---

Denial letter

---

**From:** Taylor, Jeff <JSTaylor@cityoftulsa.org>

**Sent:** Wednesday, January 9, 2019 11:22:09 AM

**To:** JacksonBL@hotmail.com

**Subject:** BLDR-20504-2018, 1441 E 37th PI

As a courtesy this attached letter is being sent to you so that these matters can be resolved quickly. Per City of Tulsa policy I am not able to accept revisions directly sent to me as stated on all Letters of Deficiency (LOD).

REVISIONS SHALL BE SUBMITTED ONLINE OR 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.

Thank you

**Jeff Taylor | Plans Examiner II**

City of Tulsa Development Services

175 E. 2<sup>nd</sup> St. Suite 450. Tulsa, OK 74103

6.15

Jeff S. Taylor  
Zoning Official  
Plans Examiner

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

Brandon Jackson  
Tara Custom Homes

1/9/2019

**APPLICATION NO: BLDR-20504-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1441 E 37<sup>th</sup> PI**

**Description: Porch Addition**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

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

Application No. **BLDR-20504-2018**

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

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

**5.030-A – Setback(s) (Residential):** In the RS-3 zoned district, the minimum side yard setback requirement not abutting a public street shall be 5 feet, and the minimum side yard setback abutting a non arterial public street shall be 15 feet from the property line abutting the street (20' for the garage accessing the street).

**Review Comments:** Revise site plan to indicate a 15' side street setback from the property line to the proposed addition. If you are unable to meet the setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the side street setback requirement(s).

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

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

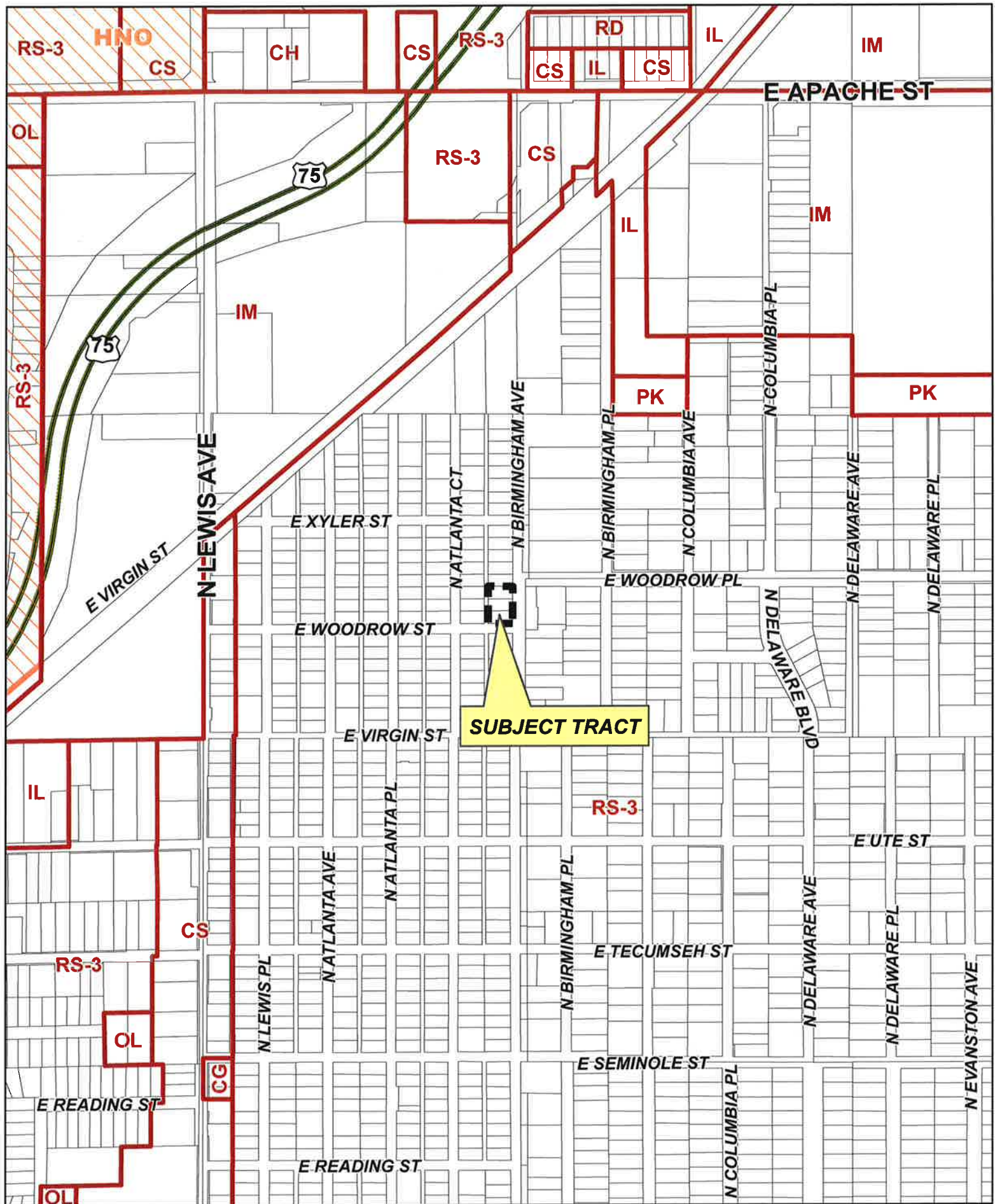
## END –ZONING CODE REVIEW

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

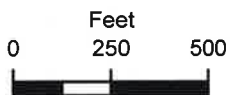
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.



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**SUBJECT TRACT**



**BOA-22585**

20-13 29

7.1



## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 329 Case Number: **BOA-22585**

**CZM:** 29

**CD:** 3

**A-P#:**

**HEARING DATE:** 02/26/2019 1:00 PM

**APPLICANT:** Jesus Flores

**ACTION REQUESTED:** Special Exception to allow a fence to exceed 4 ft. in height within the required street setbacks.(Section 45.080)

**LOCATION:** NW/c of N. Birmingham Ave. & E. Woodrow St.

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 15002.13 SQ FT

**LEGAL DESCRIPTION:** LT 81 BK 9; LT 82 BK 9; LT 83 BK 9, TULSA HGTS

### **RELEVANT PREVIOUS ACTIONS:**

#### **Surrounding Properties:**

**BOA-22277;** on 7.11.17, the Board **approved** a *Special Exception* to permit a fence in the front setback higher than 4 feet. Located; 2312 N. Birmingham Ave. E.

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

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

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



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

**STAFFCOMMENTS:**

The applicant is proposing a fence that is within the required street setback on the east portion of the property, along N. Birmingham Ave. As shown on the attached exhibit, the fence is 6 ft. in height in the front street setback. It appears the fence will run along the property line. The required street setback in an RS-3 zoned district is 25 feet.

The Code (Section 45.080-A) limits fence and wall heights in the required front setback to 4 feet; however, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on double frontage lots. The Code permits the Board of Adjustment to increase the permitted height through special exception approval.

The applicant has requested a **Special Exception** to allow a fence to exceed 4 feet in height to 6 feet in height in the front street setback along N. Birmingham Ave.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a fence to exceed 4 ft. in height to 6 ft. in height within the required street setback (Section 45.080)

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

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

**22277—Rigoberto Flores**

FILE COPY

**Action Requested:**

**Special Exception** to permit a fence in the front setback higher than 4 feet (Section 45.080-A). **LOCATION:** 2312 North Birmingham Avenue East (CD 3)

**Presentation:**

**Rigoberto Flores Rodriguez**, 2312 North Birmingham Avenue, Tulsa, OK; stated the reason he erected the six foot fence is because his house was broke into two times.

Mr. White stated the Board has received the pictures of the fence that were submitted and it is a good looking fence.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a **Special Exception** to permit a fence in the front setback higher than 4 feet (Section 45.080-A), and the fence is approved as built. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 66 & N 5 LT 65 BLK 6, TULSA HGTS, City of Tulsa, Tulsa County, State of Oklahoma**

**22278—Tom Neal**

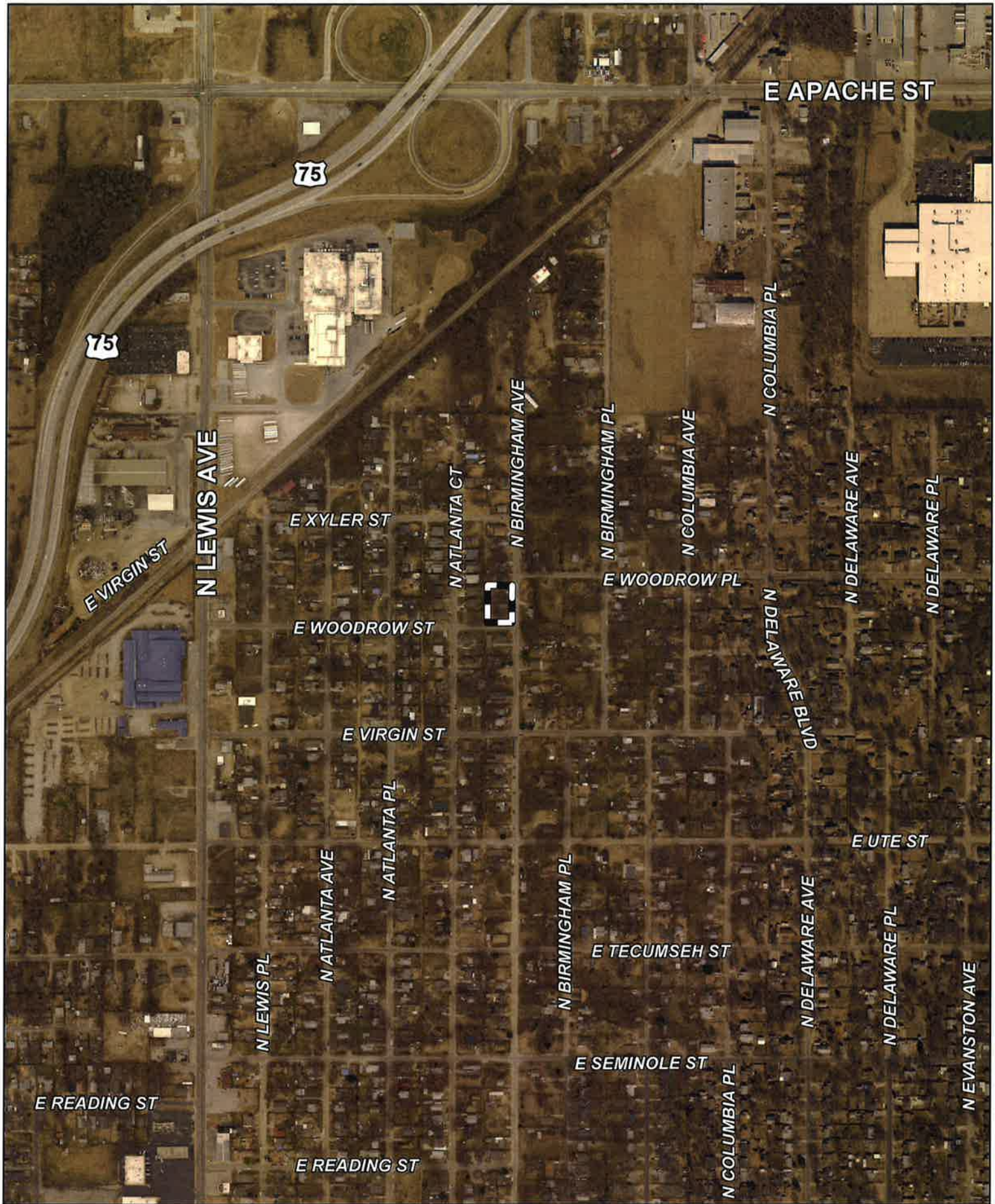
**Action Requested:**

**Special Exception** to allow a carport in the street setback in the R District (Section 90.090-C1); **Variance** to reduce the interior setback for a detached accessory building from 3 feet to 2 feet (Section 90.090-C-2.b). **LOCATION:** 1629 South Trenton Avenue East (CD 4)

**Presentation:**

**Tom Neal**, 2507 East 11<sup>th</sup> Place, Tulsa, OK; stated this is the Swan Lake tight neighborhood and it is a non-conforming lot, 50'-0" x 100'-0" on the corner. The original Model T garage is long gone and the home owner would like to add a carport and a garage. To fit this in the carport and garage are intruding into the required side street





0 Feet 250 500



Subject Tract

**BOA-22585**

20-13 29

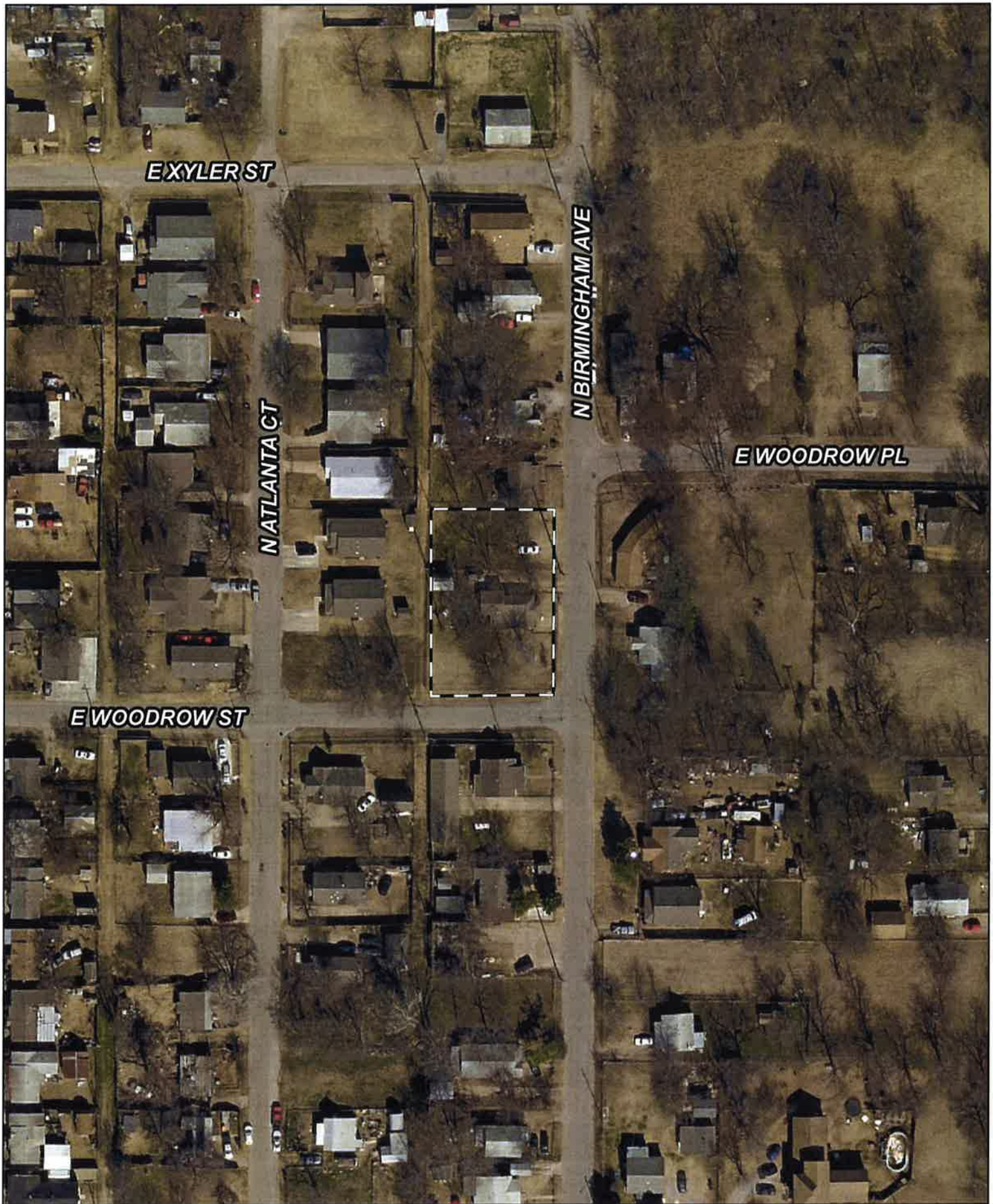
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



7.5





0 50 100  
Feet



Subject  
Tract

**BOA-22585**

20-13 29

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

Aerial Photo Date: February 2016



7.6





Looking west— on N. Birmingham Ave.— towards subject  
site



Looking west— on N. Birmingham Ave.— towards subject  
site



Google Maps 2208 n birmingham ave sat



"2208 n birmingham ave"

**2208 N Birmingham Ave**

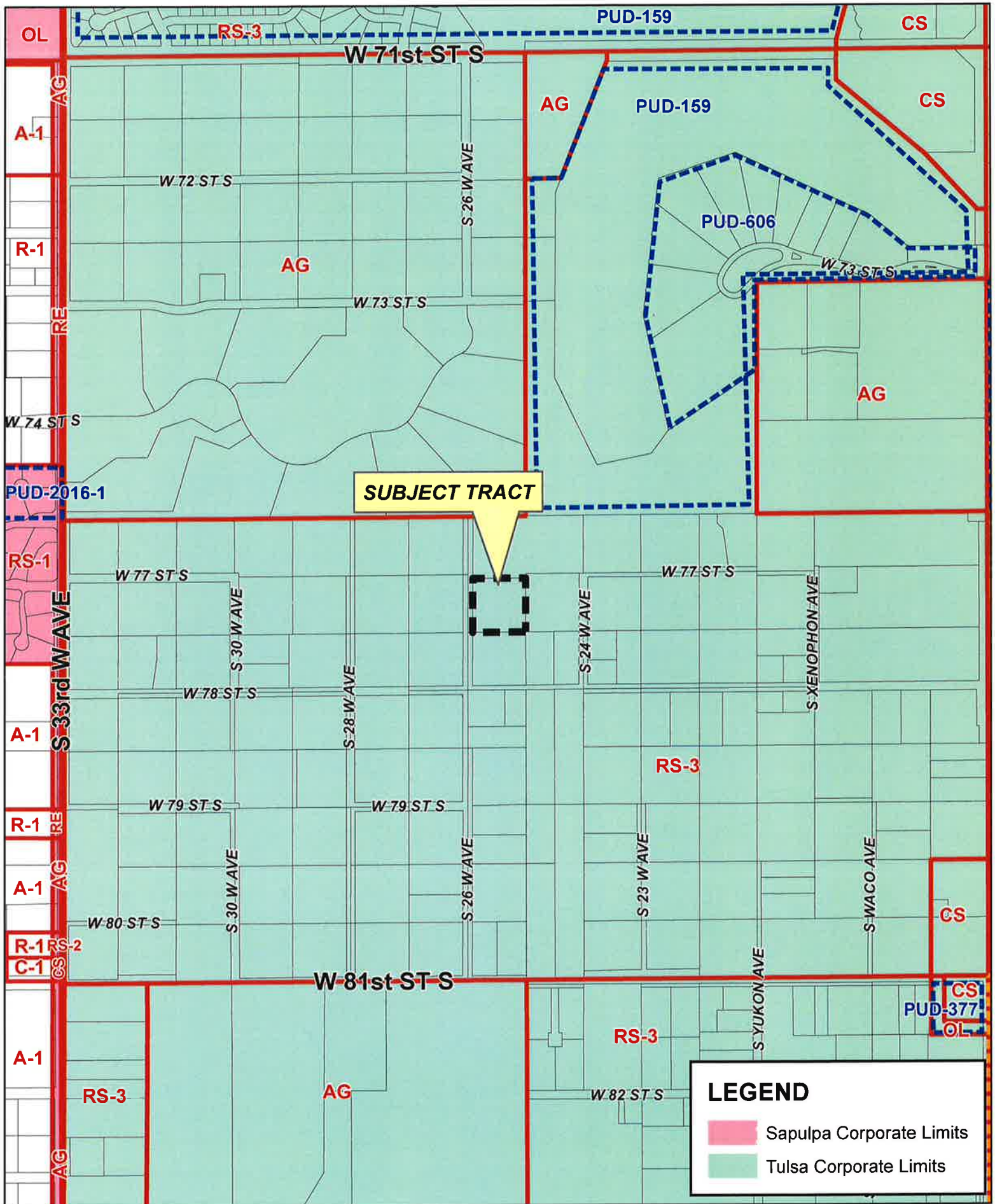
Tulsa, OK 74110



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**Search the web instead**


Should this place be on  
 Google Maps?  
 Add a missing place





**SUBJECT TRACT**

**LEGEND**

-  Sapulpa Corporate Limits
-  Tulsa Corporate Limits



**BOA-22587**

18-12 10

8.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8210

Case Number: **BOA-22587**

CZM: 51

CD: 2

A-P#:

**HEARING DATE:** 02/26/2019 1:00 PM

**APPLICANT:** Tom Beverage

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

**LOCATION:** 7615 S. 26<sup>th</sup> Ave. W.

**ZONED:** RS-3

**PRESENT USE:** vacant

**TRACT SIZE:** + 2.15 acres

**LEGAL DESCRIPTION:** BEG 305.66W & 355.09S CENTER SEC 10 TH E305.41 S306.60 W305.50 N305.69 TO POB SEC 10 18 12 2.15ACS,

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Property:**

**BOA-21038;** on 3.23.10, the Board **approved** a *Variance* of the maximum permitted square footage for a detached accessory building in an RS-3 district from 770 sq. ft. to 1,500 sq. ft.; located at 2040 W. 77<sup>th</sup> St.

**BOA-20334;** on 9.12.06 the Board **approved** a *Variance* of the maximum permitted square footage for a detached accessory building in an RS-3 district from 962 sq. ft. to 1,344 sq. ft., per plan; located at 7805 S. Xenophon W. Av.

**BOA-20256;** on 5.9.06 the Board **approved** a *Variance* of the maximum size of an accessory building in an RS-3 district; and a *Variance* of the maximum height of the top plate for an accessory building from 10 ft. to 12 ft.; contingent on there being no commercial activities, no living quarters and removal of the existing building, and total square footage of 1,500 for accessory buildings; located at 8025 S. 28<sup>th</sup> W. Ave.

**BOA-19827;** on 5.25.04, the Board **approved** a *Variance* of the maximum permitted square footage for a detached accessory building in an RS-3 district from 500 sq. ft. to 2,000 sq. ft., per plan; located at 2210 W. 77<sup>th</sup>.

**BOA-18415;** on 5.25.99, the Board **approved** a *Variance* to exceed 750 sq. ft. of detached accessory building to permit 1,200 sq. ft. on a 2-acre tract zoned RS-3; finding the hardship to be the size of the lot, subject to there being no commercial activities on the property; located at 2203 W. 78<sup>th</sup> St.

**BOA-17012;** on 4.25.95, the Board **approved** a *Variance* to permit an oversized accessory building (3,200 sq. ft.) on a 2.5-acre tract and a *Variance* to permit a gravel driveway; located at 7955 S. 23<sup>rd</sup> W. Ave.

**BOA-16885;** on 12.27.94, the Board **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory building, per plan submitted; subject to a maximum of two accessory buildings on the property containing a total of 1,999 sq. ft.; subject to no bathing or cooking facilities being installed and no commercial use; located at 2627 W. 79<sup>th</sup> St.

**BOA- 16223;** on 12.22.92, the Board **approved** a *Variance* of the maximum permitted 750 square feet for a detached accessory building to 2,281 square feet; located at the northwest corner of South 26th West Avenue and West 79th Street South.

**BOA- 14688;** on 11.16.78, the Board approved a variance to permit a detached accessory building in the side yard of a RS-3 zoned lot; located at the southwest corner of West 78th Street South and South 28th West Avenue (7804 South 28th West Avenue).

**BOA-10226;** on 12.13.79 the Board **approved** a *Variance* of the size of an accessory building from 750 sf. to 1,500 sf. in an RS-3 district; located at 2040 W 81<sup>st</sup> St.

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

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

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

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

**STAFF COMMENTS:**

The Code states that detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, **whichever is greater.** The applicant is proposing to construct a detached accessory shop and “mother-in-law suite” that will be 4000 sq. ft. Based on the size of the principal structure (6,000 sq. ft.) the applicant is allowed 2,400 sq. ft. of detached accessory structure floor area on the lot. The proposed detached structure exceeds the allowable floor area of 2,400 sq. ft. by 1,600 sq. ft.



The applicant has requested a **Variance** to increase the maximum permitted floor area of a detached accessory building on the lot from 2,400 sq. ft. to 4,000 sq. ft (Sec. 45.030-B).

The applicant provided the following hardship statement: *"The requested building size would not alter the character of the neighborhood and not impair the use or development of any adjacent properties. Also, the lot size of 2.1499 acres would support a larger building without affecting neighborhood properties."*

### Sample Motion

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure to be increased from 2,400 sq. ft. to 4,000 sq. ft. (Sec. 45.030-B)

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

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

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

*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."*

with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

PRT LT 1 BEG NWC TH E122 S8 E28 S152 E25 S180 W175 N340 POB BLK 1,  
NEAL PLAZA, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**FILE COPY**

**Case No. 21038**

**Action Requested:**

Variance of the maximum permitted size for a detached accessory building in an RS-3 district from 770 sq. ft. to 1,500 sq. ft (Section 402.B.1.d). Location: 2040 W. 77<sup>th</sup> St.

**Presentation:**

**Jose Quiroz**, 2040 W. 77<sup>th</sup> St., Tulsa, Oklahoma 74135, representing the applicant Jesus Varela Castro indicated the proposal is to increase the size of a detached accessory building for storage of lawnmowers and other similar items.

**Comments and Questions:**

Ms. Stead asked if the applicant planned to remove the existing carport to the southeast. Mr. Quiroz responded that the carport would be removed. Ms. Stead stated that all driving and parking surfaces must be asphalt or concrete.

**Mr. Boulden** asked if the storage was for items usually expected for residential use. Mr. Quiroz responded affirmatively.

**Board Action:**

On **MOTION** of **Stead**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; no "abstentions") to **APPROVE** a **Variance** of the maximum permitted size for a detached accessory building in an RS-3 district from 770 sq. ft. to 1,500 sq. ft. (Section 402.B.1.d), finding that this tract of land containing approximately 2.5 acres is in a neighborhood that has many large detached buildings. This development was established in the 1930s before the existing code was effective. The granting of this variance is subject to the following conditions: (1) there being no business transactions on the property, (2) the existing carport is to be removed (3) all driving surfaces to this garage/building shall be asphalt or concrete, (4) subject to plan page 6.7. The exceptionally large tract is peculiar to this land, such that the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions 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.

SE NE NW SE SEC 10 18 12, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 20334**

**Action Requested:**

Variance of the maximum permitted square footage for a detached accessory building in an RS-3 district from 962 sq. ft. to 1,344 sq. ft. (Section 402.B.1.d), located: 7805 South Xenophon Avenue West.

**Presentation:**

**Jay Menger**, 7805 South Xenophon, stated the variance was for a semi-attached three-car garage with a breezeway. The property sits on 2.3 acres in an old wildcat neighborhood. He pointed out the vast majority of the properties are two or more acres and zoned RS-3. He submitted an exhibit packet (Exhibit E-1), which included photographs of surrounding properties. The existing garage is too far back on the property and has no driveway, but it is the reason for the relief request. Mr. Menger plans to finish a driveway to the new garage from Xenophon. Ms. Stead noted it is not on the site plan. He replied that he would extend it from the existing driveway. Mr. Menger stated the structure would be one-story with a 12 ft. pitched roof. Mr. Cuthbertson interjected that the top plate can be no higher than 10 ft. and 18 ft. in height at the top of the structure. It would be brick-faced, 2 x 4 framing, composition shingle roof, with matching color and styling with the house. He stated it would not have any commercial activity.

**Comments and Questions:**

Mr. Ackermann confirmed the applicant applied for an application and it was reviewed. He also checked to see that this was the only relief requested.

**Board Action:**

On **Motion of Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum permitted square footage for a detached accessory building in an RS-3 district from 962 sq. ft. to 1,344 sq. ft. (Section 402.B.1.d), per plan, finding this 2.3 acre lot would be adequate and there are a number of other buildings in the immediate area of this size and larger, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

SE SW NE SE LESS N25 SEC 10 18 12, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20335**

**Action Requested:**

Verification of the spacing requirements for an adult entertainment establishment (bar). (Section 1212.a.C.3), located: 4133 South Peoria Avenue East.

Mr. Cuthbertson reminded the Board this is for verification of spacing only.



**Case No. 20256**

**Action Requested:**

A Variance of the maximum size of an accessory building in an RS-3 District; and a Variance of the maximum height of the top plate for an accessory building, located: 8025 South 28<sup>th</sup> Avenue West.

**Presentation:**

**Don Favor**, 8025 South 28<sup>th</sup> West Avenue, stated his house faces 81<sup>st</sup> Street.

**Comments and Questions:**

Ms. Stead asked for the hardship. Mr. Favor stated he needs more room to store his yard equipment. He has lost some expensive equipment by theft. Mr. Dunham and Mr. Henke both noted the unusually large yard for an RS-3 district and that it abuts an AG district. Mr. Favor responded to questions, stating he does not plan to have commercial activity, or provide living quarters. He proposed a metal building at the highest point 14 ft., with an overhead door.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the maximum size of an accessory building in an RS-3 District; and a Variance of the maximum height of the top plate for an accessory building from 10 ft. to 12 ft., finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, specifically the large lot size in the RS-3 zoned area; finding the literal enforcement of the terms of the Code would result in unnecessary hardship; finding that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, contingent on there being no commercial activities, no living quarters and removal of the existing building, and total square footage of 1,500 for accessory buildings, on the following described property:

SE SW SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20257**

**Action Requested:**

Variance of the building setback from the centerline of E. 12th St. from 50 ft. to 38 ft.; and a Special Exception to remove the screening requirement along S. St. Louis Ave. and E. 12th St.; to permit an office development in the OMH and OH

fence as neighbors request for a period of two years; and a **Variance** of landscape requirements, only as it pertains to the sprinkler system; and further condition that all lighting be directed down and away from the neighborhood; and no access from Braden, on the following described property:

Part of the SW/4 SW/4 NW/4 of Section 15, T-19-N, R-13-E, Beg. at the SW/c of Lot 1, Block 4, Gracemont 2<sup>nd</sup>, S 164.61'; E 610.81'; N 164.67'; W 610.90' to POB, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

**Case No. 19827**

**Action Requested:**

Variance to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, located: 2210 West 77<sup>th</sup>.

**Presentation:**

**James M. Smith**, 2210 W. 77<sup>th</sup>, proposed to remove the existing barn and build a 50' x 40' structure for garage and storage to match the house. He submitted photographs (Exhibit F-1) to show it is consistent with the neighborhood. The neighbors on three side have garages or barns.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE a Variance** to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, per plan, with conditions: that the existing barn be torn down, and no commercial activity on the premises; finding a number of other tracts in the area approved for similar variances; and the size of the tract would not cause a density problem, on the following described property:

SW NE NW SE, Less N 25.00' thereof, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*.

**Case No. 19828**

**Action Requested:**

Variance of required parking from 38 to 31 spaces, located: 1340 East 71<sup>st</sup> Street

**Presentation:**

**Henry Penix**, 1340 E. 71<sup>st</sup> St., stated they actually have 37 spaces on the parking lot and want a variance for 31 spaces. Mr. Eshelman with Traffic Engineering Consultants did a study informed him they could expect at least a 15% reduction in

Case No. 18414 (continued)

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 1-2-0 (Turnbo "aye"; Cooper, Dunham "nays", no "abstentions"; Perkins, White "absent") to **UPHOLD** the decision of the Tulsa Preservation Commission denying a storm door with security bars. **SECTION 1055.F. CERTIFICATE OF APPROPRIATENESS; Appeal of Preservation Commission Action – Use Unit 6**, on the following described property:

Lot 10, Block 4, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**Comments and Questions:**

Mr. Cooper asked Staff if there would be any point to him making a motion that is contrary to what Ms. Turnbo made? Mr. Beach replied that the resulting vote would likely be the same. Mr. Prather suggested continuing the case to the next meeting. Mr. Dunham thought that was a good idea since there are only three members present. Ms. Turnbo objected to continuing the case just because there are only three members present. Mr. Beach stated that when the applicant realizes that there are only three members and it takes all three members to approve something, it should be the applicant's responsibility to request that continuance and that it is something that the Board should not volunteer to do.

There was discussion as to whether or not the decision of the Tulsa Preservation Commission was upheld. Mr. Prather, City Legal Department, stated that in Section 1055.F., it talks about the appeal of a Preservation Commission action. It says that "an appeal may be taken pursuant to Section 1605." Section 1605.C. states, "the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official enforcing this Code." Therefore, without three votes, the Board cannot reverse the decision. Mr. Prather stated that the decision of the administrative official stands.

\*\*\*\*\*.

**Case No. 18415**

**Action Requested:**

Variance to exceed 750 SF of detached accessory building to permit 1,200 SF on a 2-acre tract zoned RS-3. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, located 2203 West 78<sup>th</sup> Street South.

**Presentation:**

The applicant, **Clifford A. Bailey**, was present and submitted a site plan (Exhibit K-1).

**Interested Parties:**

None.



**Board Action:**

On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins, White "absent") to **APPROVE** Variance to exceed 750 SF of detached accessory building to permit 1,200 SF on a 2-acre tract zoned RS-3.

**SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6**, finding the hardship to be the size of the lot, subject to there being no commercial activities on the property, on the following described property:

NW SE NW SE less S 25' for road, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Case No. 18416

**Action Requested:**

**Action Requested:** Special Exception to waive screening requirement from an abutting R District where the purpose of screening will not be met. **SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, Use Conditions**, located 6910 E. Virgin Street.

**Presentation:**

presentation:  
The applicant, **Louis Horton**, was present and submitted a site plan (Exhibit L-1).

**Interested Parties:**

None.

**Board Action:**

**Board Action:**  
On **MOTION** of **COOPER**, the Board voted 3-0-0 (Cooper, Dunham, Turnbo "aye"; no "nays", no "abstentions"; Perkins White "absent") to **APPROVE** Special Exception to waive screening requirement from an abutting R District where the purpose of screening will not be met, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. **SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY, Use Conditions**, on the following described property:

Part of Block 18, Mohawk Ridge Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Section 26, T-10-N, R-13-E, described as follows: the W 18.00' of Lot 8 and all of Lots 9 through 16 and the W 18.00' of Lot 17, Block 18, Mohawk Ridge Addition and located on the SE/c of E. Apache St. and N. 69<sup>th</sup> E. Ave.

\* \* \* \* \*

# FILE COPY

Case No. 17011 (continued)

Lots 1 and 2, Block 1, Lucenta Addition, City of Tulsa, Tulsa County, Oklahoma.

## Additional Comments:

Mr. White asked that Staff request that Code Enforcement investigate the status of the four temporary buildings on the property.

## Case No. 17012

### Action Requested:

Variance to permit an oversized accessory building (3200 sq ft) on a 2.5-acre tract and a variance to permit a gravel driveway - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; **SECTION 210.C. YARDS** - Use Unit 6, located 7955 South 23rd West Avenue.

### Presentation:

The applicant, **Casey Goodwin**, 7955 South 23rd West Avenue, submitted a plot plan (Exhibit G-2) and a packet (Exhibit G-1) containing photographs and a letter of support. Mr. Goodwin stated that he has purchased an additional 2.5-acres of land and is proposing to construct a large accessory building for storing personal items.

### Comments and Questions:

Mr. Jackere asked if the building will be used for a business, and Mr. Goodwin replied that he is in the construction business and is using his equipment to improve the property, but will not store construction equipment or operate a business in the building.

### Interested Parties:

**John West**, 7901 South Yukon Avenue, informed that he lives on the street to the east of the subject property, and voiced a concern that a business will be operated at this location and that construction equipment will be parked on the property. He pointed out that the proposed facility is a massive structure, with two large bays, which is not customarily seen in a residential neighborhood. Mr. West stated that the view from his dwelling is in the direction of the large building. He advised that he is not appearing as a protestant, since the applicant has stated that he will not operate a business or store equipment on the property.

### Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** to permit an oversized accessory building (3200 sq ft) on a 2.5-acre tract and a **variance** to permit a gravel driveway - **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS** - Use Unit 6; **SECTION 210.C. YARDS** - Use Unit 6, per plan; subject to no business operation on the property; subject to the driveway being

Case No. 17012 (continued)

covered with a hard surface material no later than 6 months from this date; finding that the large lot can accommodate the proposed building, and that approval of the request will not be detrimental to the area; on the following described property:

SW/4, NE/4, SW/4, SE/4, Section 10, T-18-N, R-12-E, Tulsa County, Oklahoma.

**Case No. 17013**

**Action Requested:**

Variance of the setback from the centerline of Harvard Avenue from 50' to 40' to permit a railing around an outdoor eating area - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12, located 1534 South Harvard Avenue.

**Presentation:**

The applicant, **Paul Jackson**, 1510 South Florence Avenue, submitted a plot plan (Exhibit H-3) and requested permission to install a railing around an outdoor eating area. He submitted photographs (Exhibit H-2) and a petition of support (Exhibit H-1).

**Comments and Questions:**

In reply to Mr. White, Mr. Jackson noted that the railing will not interfere with individuals walking in the area.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to **APPROVE** a **Variance** of the setback from the centerline of Harvard Avenue from 50' to 40' to permit a railing around an outdoor eating area - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** - Use Unit 12; per plan submitted; subject to the execution of a removal contract; finding that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 9, Block 1, Exposition Heights Addition, City of Tulsa, Tulsa County, Oklahoma.



Case No. 16875 (continued)

Lots 1-3, Block 1, Kendall Addition, Lots 5-9, Block 2, less north 6.75' of Lot 5, Block 2, Kendall Addition, City of Tulsa, Tulsa County, Oklahoma.

### MINOR VARIANCES AND EXCEPTIONS

#### Case No. 16916

##### Action Requested:

Amended site plan approval - Use Unit 14, located northwest corner of East 42nd Street and South Memorial Drive.

##### Presentation:

The applicant, **Harrison French**, 502 Southwest A, Bentonville, Arkansas, submitted an amended site plan (Exhibit B-1) and requested that the store at this location (Wal-Mart) be permitted to connect a drive-though canopy to the existing building. He informed that the canopy will serve as protection for customers using the pharmacy.

##### Protestants:

None.

##### Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the amended site plan, as presented.

Lot 1, Block 2, Industrial Equipment Center, City of Tulsa, Tulsa County, Oklahoma.

### NEW APPLICATIONS

#### Case No. 16885

##### Action Requested:

Variance of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 2627 West 79th Street.

##### Presentation:

The applicant, **Sara Hobbie**, 2627 West 79th Street, was represented by **Gary Hobbie** of the same address. He submitted a plot plan (Exhibit C-1) and explained that an existing 26' by 24' accessory building will be removed and replaced by a 30' by 45' structure. Mr. Hobbie submitted photographs (Exhibit C-2) and noted that the 2½-acre is large enough to support the proposed building.

12:27:94:671:(3)

**Case No. 16885 (continued)**

**Comments and Questions:**

Ms. Russell informed that the applicant has an existing 649 sq ft accessory building and the new structure will contain 1350 sq ft (approximately 2000 sq ft total).

Mr. Bolzle inquired as to the use of the building, and Mr. Hobbie stated that he restores cars and does woodworking.

In reply to Mr. Bolzle, the applicant stated that there will be no cooking or bathing facilities in the accessory building.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to a maximum of two accessory buildings on the property containing a total of 1999 sq ft; subject to *no bathing or cooking facilities being installed and no commercial use*; finding that the tract is large and approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

NE/4, NW/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16886**

**Comments and Questions:**

Ms. Russell advised that the case was originally scheduled for hearing on January 24, 1995; however, some notices to property owners stated that the case would be heard at this meeting. She stated that the application will be heard on January 24th as scheduled.

**Case No. 16887**

**Action Requested:**

Variance of the all-weather requirement for off-street parking and a variance of the screening requirement - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** and **SECTION 1302.A. SETBACKS** - Use Unit 15 located 9721 East 61st Street.

12:27:94:671:(4)

FILE COPY

Case No. 16223

Action Requested:

Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6, located 2605 West 79th Street.

Presentation:

The applicant, Michael Yates, 2605 West 79th Street, submitted a plot plan (Exhibit E-1) and requested permission to construct a three-car garage (912 sq ft) on his property. He informed that there is an existing 1369 sq ft tin building on the lot, which was constructed along with the dwelling. Mr. Yates pointed out that his 2½-acre tract can adequately support the proposed structure, and that there are buildings of similar size throughout the neighborhood.

Comments and Questions:

Mr. Jackere inquired as to the use of the existing tin building, and the applicant replied that he stores lawn mowers and supplies to repair his rental properties. He added that the previous owner of the property is storing some furniture in the building.

There was discussion concerning additional relief that might be required.

Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White, "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the maximum square footage allowed for a detached accessory building from 750 sq ft to 2281 sq ft - Section 402.B.1.d. Accessory Use Conditions - Use Unit 6; and to CONTINUE the remainder of the application to January 12, 1993; per plan submitted; subject to no commercial use of the building; finding that the tract is large enough to accommodate the proposed structure; and finding that there are other buildings in the residential area that are similar in size; on the following described property:

NW/4, NE/4, SE/4, SW/4, Section 10, T-18-N, R-12-E, less the east and the south 25' to center of road, City of Tulsa, Tulsa County, Oklahoma.



**Case No. 14688**

**Action Requested:**

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

**Presentation:**

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

**Protestants:** None.

**Comments and Questions:**

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

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

**Board Action:**

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

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

**Case No. 14689**

**Action Requested:**

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

**Presentation:**

The applicant, Leroy Veale, was not present.

12.17.87:505(9)

8.16

10224 (continued)

Presentation:

Mr. Jones presented a letter (Exhibit "G-1") from the attorney representing the applicant, stating that he would be in an out-of-town jury trial and unable to be present at the Board meeting November 16, 1978.

Protestant:

Millard Burgess, attorney for Dr. Gerda M. Kennedy, presented a letter (Exhibit "G-2") from Dr. Kennedy, advising that even though the initial application was denied, Mr. Burgess had continued to add to the property; i.e., erecting a fence, planting trees, and adding a skirt to the mobile home as if the home was going to remain there.

Board Action:

On MOTION of JOLLY, the Board voted 3-1-1 (Jolly, Purser and Smith voting "aye"; Lewis "nay"; Wait "abstaining") to continue Case No. 10224 to December 7, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

10225

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1217 - Automotive and Allied Activities) for permission to operate an automobile repair and supply shop in an CS District located at the NW corner of Pine Street and Elgin Avenue.

Presentation:

The Staff advised that the applicant had requested the application be withdrawn.

Protests: None.

Board Action:

The Chairman informed that the applicant had chosen to withdraw the application, therefore, Case No. 10225 would not be heard.

10226

Action Requested:

Variance (Section 420.2 - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached accessory building in the side yard; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) from 750 sq. ft. to 1,440 sq. ft. for an accessory building at 7636 South 24th West Avenue.

Presentation:

Steve Jackman, Box 524, Jenks, presented a plot plan (Exhibit "H-1") and stated the building would be used for storage and to provide a safe place to keep carpenter's tools. He stated that he did not have a garage and would keep his car and a company car in the building. He stated that he lived on an acreage (2.31 acres) and that the larger building would not detract from the neighborhood. The building would be white enamel industrial pattern and would be screened by trees. Mr. Jackman advised that he would not conduct a business in the building, it will be for safekeeping of tools and cars only.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 4-0-1 (Jolly, Purser, Lewis and Smith voting "aye"; no "nays"; Wait "abstaining") to grant a Variance (Section 420.2 - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit a detached accessory building in the side yard; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) from 750 sq. ft. to 1,440 sq. ft., for an accessory building, per plot plan submitted and to run with this owner only, on the following described tract:

The SW/4, NW/4, NW/4, SE/4 of Section 19, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

10227

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an IL District to permit a lot-split at 9600 Block of East 46th Place.

Presentation:

The Staff advised that the Planning Commission did not have a meeting November 15, 1978, but all letters and information is in the file and the Board could approve it subject to the Planning Commission approval.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 3-0-2 (Jolly, Lewis, Purser voting "aye"; no "nays"; Smith and Wait "abstaining") to grant a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an IL District to permit a lot-split, subject to the approval of the Planning Commission, on the following described tract:

The West 20' of Lot 11, All of Lot 12, Block 7, and vacated right-of-way on South 98th East Avenue lying between Blocks 7 and 8, and Lots 1 and 2, Block 8, All in town of Alsuma, now a part of the City of Tulsa, Oklahoma.

10228

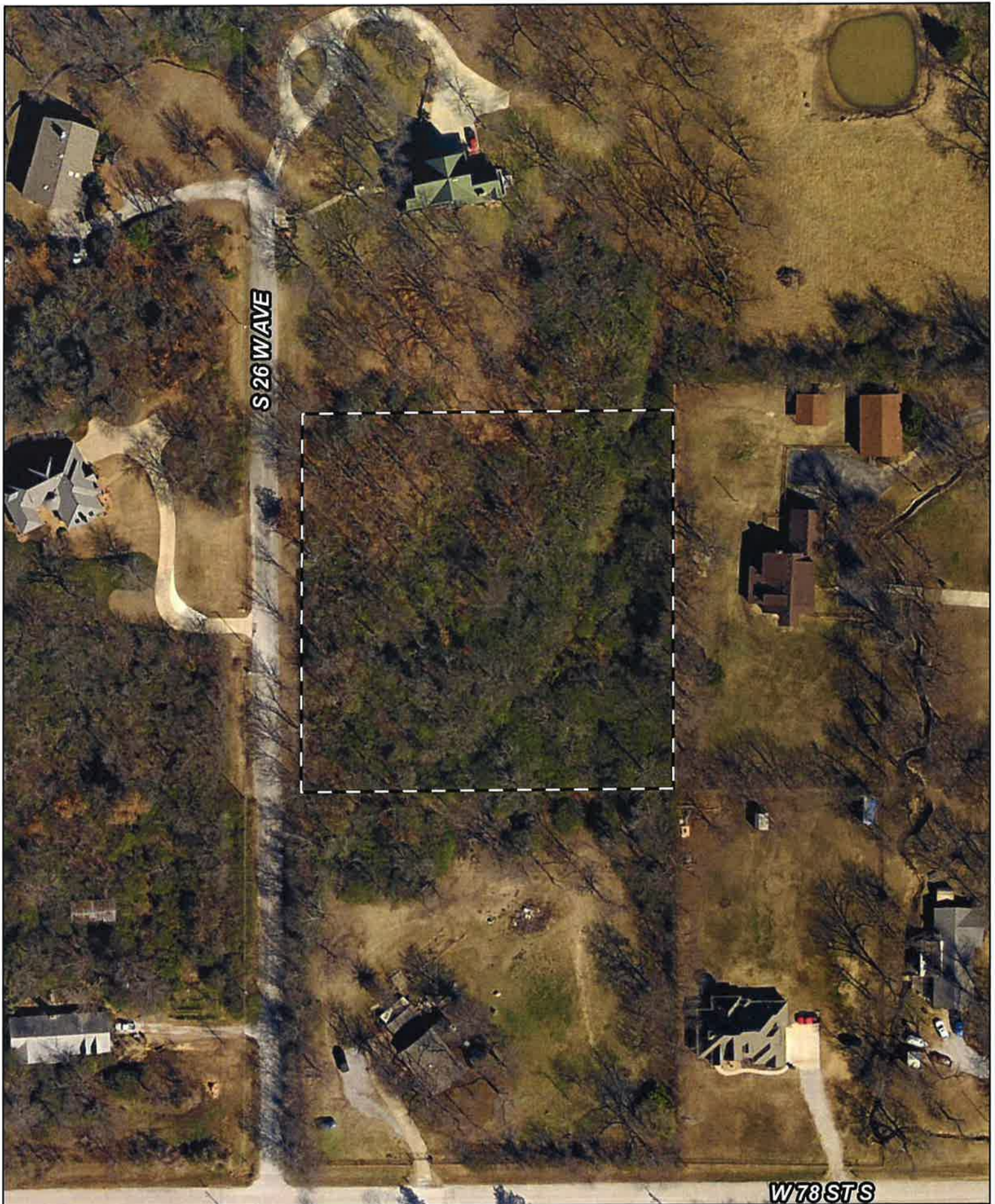
Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the frontage requirements to permit a lot-split; and request for a variance of the side and rear yard requirements (per plot plan) at 1350 East 60th Street.









S 26th WAVE

W 78th ST



Subject  
Tract

**BOA-22587**

18-12 10

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

Aerial Photo Date: February 2018

8.24





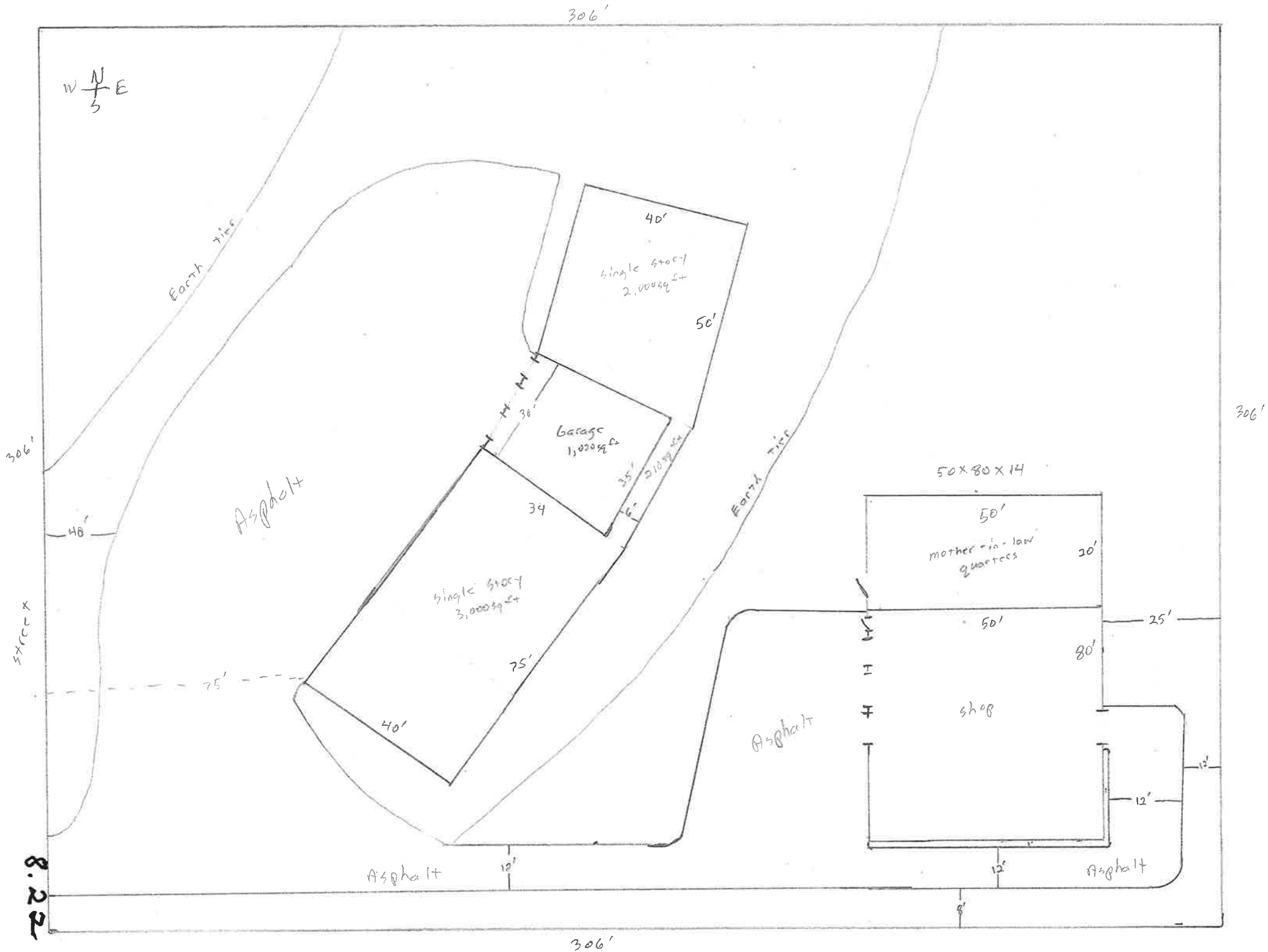


Looking southeast— on S. 26th W. Ave.— towards subject site



Looking northeast— on S. 26th W. Ave.— towards subject site





Jeff S. Taylor  
Zoning Official  
Plans Examiner

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



## DEVELOPMENT SERVICES

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

## ZONING CLEARANCE PLAN REVIEW

Tom Beverage  
TC Dirtworks

1/24/2019

**APPLICATION NO: ZCO-21951-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 7615 S 26<sup>th</sup> Ave W**

**Description: Detached Accessory Building**

### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT

175 EAST 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
2. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
3. A COPY OF A "RECORD SEARCH" [ ☐ YES ☒ NO ] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

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

Application No. ZCO-21951-2018

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

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

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

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

**Review comments:** You are proposing 4000 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (6000 sq ft) you are allowed 2400 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 2400 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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

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

## END -ZONING CODE REVIEW

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

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



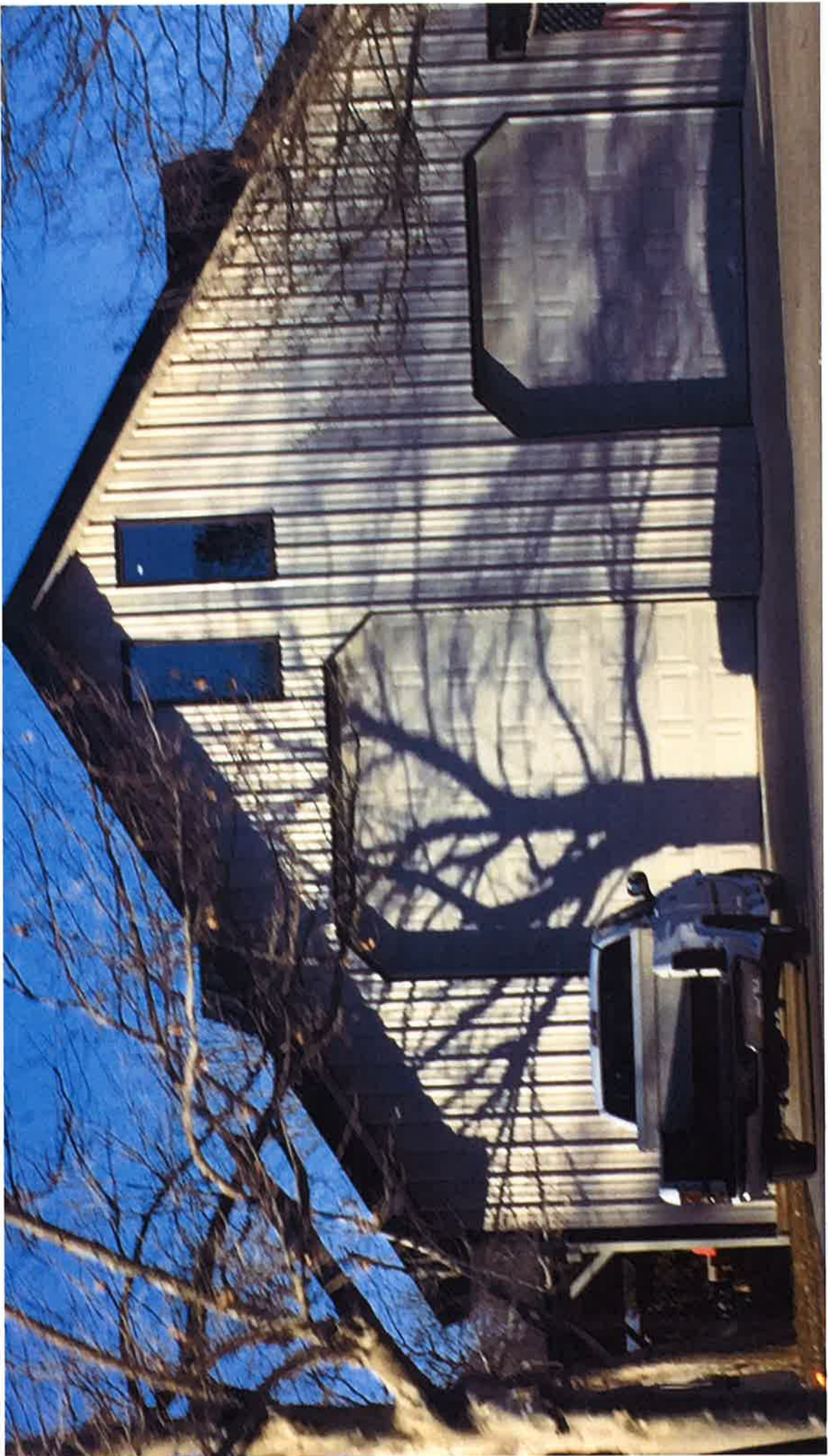
**Ulmer, Amy**

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**From:** Tom Beverage <icecoldchief@yahoo.com>  
**Sent:** Monday, February 04, 2019 11:17 AM  
**To:** Ulmer, Amy  
**Subject:** Tom Beverage Pictures

Amy,  
Attached are some pictures of neighboring buildings in the area of my client, Terry Tarwatter, address 7615 S 26th W Ave, Tulsa. Please add them to his file for the board on 26 Feb. If you have any questions or concerns please feel free to give me a call. Thank you!

Tom Beverage  
TC Dirtworks  
4058989577

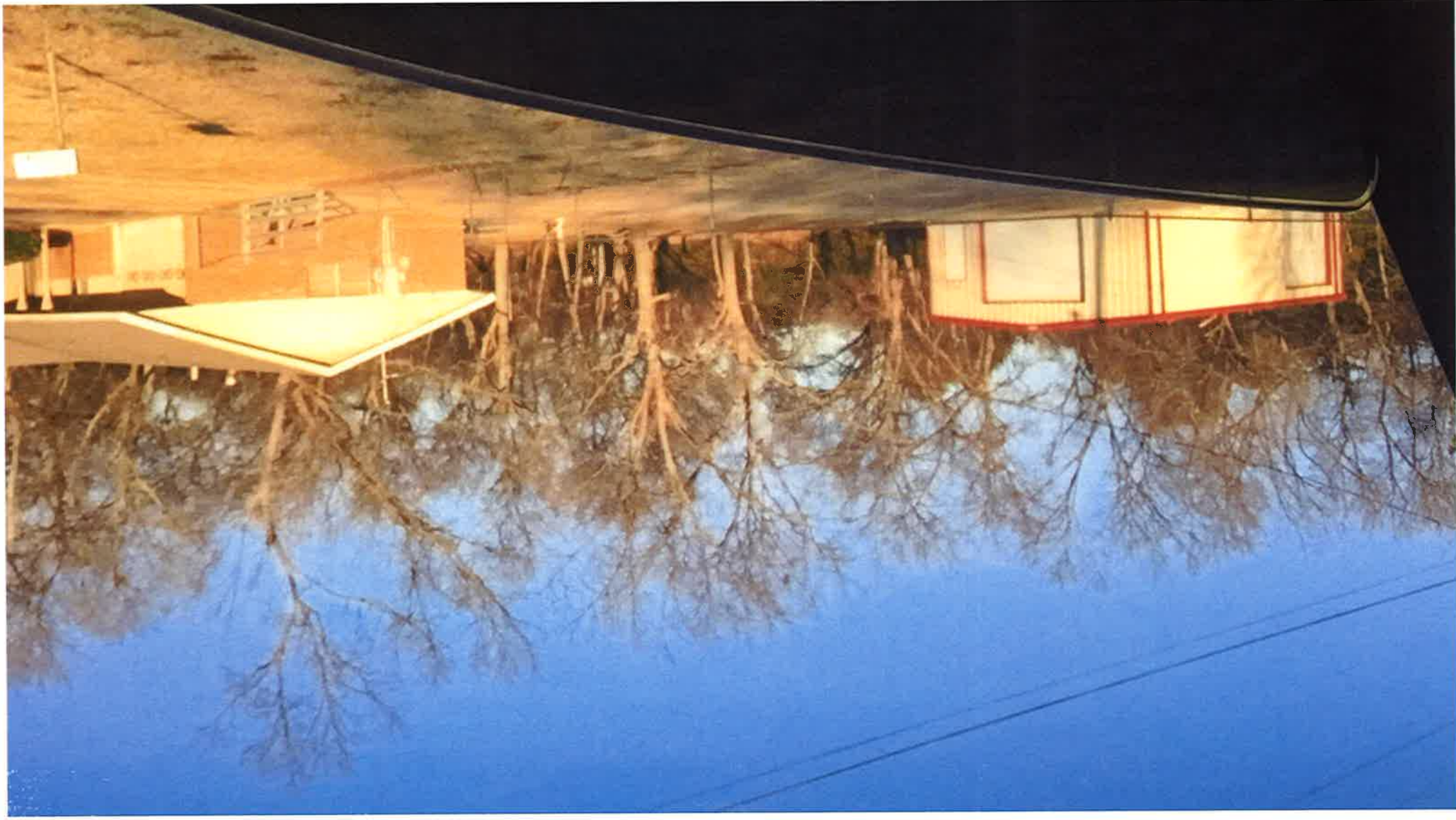






8.27







8.29





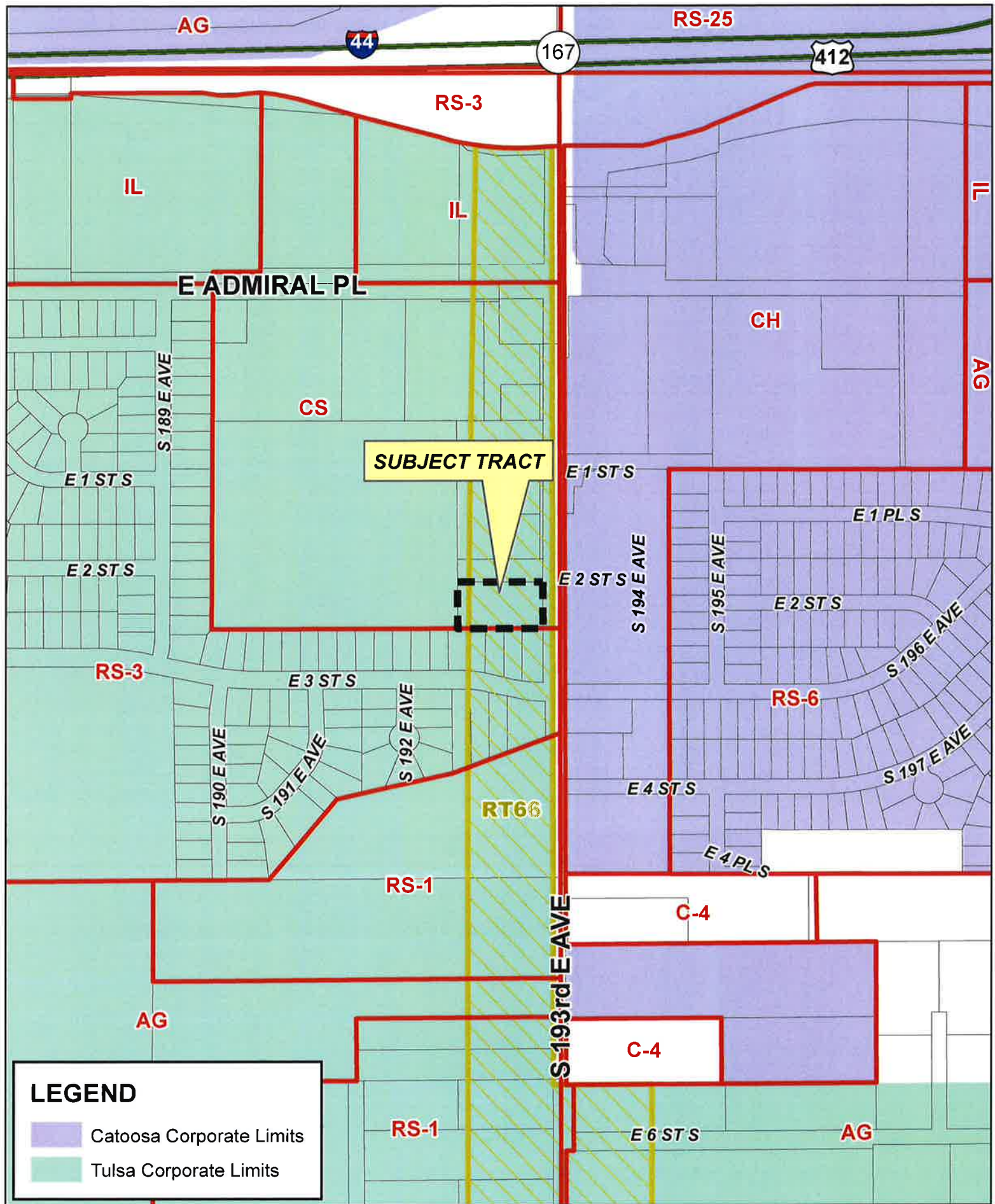












**BOA-22588**

19-14 01

9.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9401

Case Number: **BOA-22588**

CZM: 40

CD: 6

A-P#:

**HEARING DATE:** 02/26/2019 1:00 PM

**APPLICANT:** Brittany Jackson

**ACTION REQUESTED:** Variance to allow for a screening fence to be less than the required 8 ft. in height; Variance of the requirement that a screening fence run along the lot line that abuts the R-zoned district (Section 40.360-A)

**LOCATION:** N of NW/c of E. 3rd St. S. & S. 193rd E. Ave. **ZONED:** CS

**PRESENT USE:** storage facility

**TRACT SIZE:** 43015.68 SQ FT

**LEGAL DESCRIPTION:** PRT LT 2 BEG SECR TH W281.15 N153 E281.15 S153 POB BLK 1, ROLLING HILLS CTR ADDN AMD

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-17936;** on 3.10.98, the Board **approved** a *special exception* to allow a mini-storage.

### **Surrounding Property:**

**BOA-22189;** on 1.10.17, the Board **approved** a *special exception* to allow a storage/warehouse use in the CS district. Located: 110 S. 193<sup>rd</sup> Ave. E.

**BOA-18063;** on 5.26.98, the Board **approved** a *special exception* to allow a mini-storage. Located: 202 S. 193<sup>rd</sup> E. Ave.

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

**Regional Centers** are mid-rise mixed-use areas for large scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

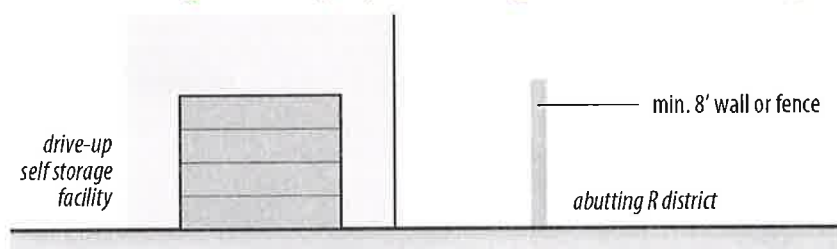
**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts RS-3 zoned lots to the south; CS-zoned parcels to the north and west; Catoosa corporate limits is immediately east of the parcel.

**STAFF COMMENTS:**

As shown on the attached exhibit, the applicant is proposing to construct a 7 ft. fence to be installed 6 ft. from the existing storage facility building along the southern portion of the parcel.

Per Section 40.360-A.2, a screening fence or masonry wall is required along all lot lines that abut R-zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

*Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R Districts*



The applicant is requesting a **Variance** to allow for a screening fence to be 7 ft. and a **Variance** of the requirement that a screening fence run along the lot line that abuts the R-zoned district to the south to be located 6 ft. from the building (Section 40.360-A).

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) **Variance** to allow for a screening fence to be 7 ft.; **Variance** of the requirement that a screening fence run along the lot line that abuts the R-zoned district to the south to be located 6 ft. from the building (Section 40.360-A)

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

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

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

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

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

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



### **Case No. 17963**

#### **Action Requested:**

Special Exception to allow a mini-storage. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** located at 206 S. 193<sup>rd</sup> E. Ave.

#### **Presentation:**

The applicant, **Tom Christopolos**, 9125 S. Sheridan, Tulsa, OK 74133, wants to put a mini-storage on the site with 148 units. The applicant believes that it will be an asset to the area.

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

Mr. White asked if the development would go all the way back to the mobile homes. The applicant answered affirmatively on the west side.

#### **Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Bolzle, Cooper Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Special Exception to allow a mini-storage. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** on the following described property:

Part of Lot 2, Block 1, amended plat of Rolling Hills Center Addition beginning at the SE corner of said Lot 2, Block 1, thence west along the south line of said Block 2, for 281.15'; thence due north for 153'; thence east for 281.15'; thence due south for 153' to the POB, Tulsa County, Oklahoma.

### **Case No. 17964**

#### **Action Requested:**

Variance of the setback from the centerline of S. Yale Ave. from 50' to 30' to allow for a sign. **BUSINESS SIGNS AND OUTDOOR ADVERTISING; SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 2** located at 510 S. Yale Ave.

#### **Presentation:**

The applicant, **Alan Parker**, 3513 S. Jamestown, Tulsa, OK 74135, (Exhibit F-1-Site Plan, Exhibit F-2 – Architectural Rendering) stated that the property is Yale Avenue Presbyterian Church. The church wants to replace an existing church sign. The side of the church building is 45' off the centerline of Yale Avenue. It is impossible for them to meet the 50' setback (that would be inside the building). The church is replacing the existing sign because the other one was old.

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

Mr. White asked Mr. Parker if the church would have a problem with a removal contract. Mr. Parker said that the church had no problem with that.

FILE COPY

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-1 (Flanagan, Van De Wiele, White "aye"; no "nays"; Back "abstaining"; Bond absent) to **APPROVE** the request for a Variance of the required street frontage from 50 feet to 37.5 feet; Variance to reduce the street setback from 10 feet to 4.7 feet in the OM District (Section 15.030-A, Table 15-3), subject to conceptual plan 16.24. The OM District has a minimum lot width that accommodates office uses but does not provide anything for residential consideration. The 37'-6" will satisfy the RM-2 regulation. The street setback to 4.7 feet is necessary to make a marketable sized structure because the 128 foot deep lots do not have enough depth to accommodate a 10 foot setback and have two car garages plus adequate driveways in the rear; the access from the rear being off a 20 foot alleyway. 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:

**N30 LT 17 & ALL LTS 18 THRU 21 BLK 2, CARLTON PLACE, City of Tulsa, Tulsa County, State of Oklahoma**

**Ms. Back re-entered the meeting at 3:19 P.M.**

FILE COPY

**22189—Mike Rice**

**Action Requested:**

Special Exception to permit storage/warehouse use in the CS District (Section 15.020, Table 15-2). LOCATION: 110 South 193<sup>rd</sup> Avenue East (CD 6)

BOA-22189

FILE COPY

**Presentation:**

**Mike Rice**, 2108 North Willow Avenue, Broken Arrow, OK; stated the property to be purchased and used for storage is for his business because he wants to be able move the operations into Tulsa. The existing building was formerly a Family Dollar Store and it will not change on the outside except for a garage door that will be on the south side of the building. His business is a restoration company and they take belongings out of the damaged house and clean them then store them while the restoration is being performed.

Mr. Van De Wiele asked Mr. Rice if this would be accessible to the public. Mr. Rice stated that his employees will be the only ones at the building.

Mr. White asked Mr. Rice if the victims of flood, fire or whatever caused the need for a restoration would be coming to the building. Mr. Rice stated that it would be only the company vehicles and employees.

**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, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Special Exception** to permit storage/warehouse use in the CS District (Section 15.020, Table 15-2)m subject to "as built". 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:

**PRT LT 2 BEG 378N & 10W SECR LT 2 TH W165 N155 E165 S155 POB BLK 1,ROLLING HILLS CTR ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma**



Case No. 18061 (continued)

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special exception to modify the off-street parking and loading requirements resulting in a change of use from commercial to restaurant. **SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES – Use Unit 14** and a Variance to permit required parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**, subject to a tie agreement tying the owners' 45% interest Tract B to Tract A on the following described property:

The S 42.3' of Lot 1, Block 1, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma and Lot 12, Block 1, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 18063**

**Action Requested:**

Special Exception to allow a mini-storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16**, located 202 S. 193<sup>rd</sup> E. Ave.

**Presentation:**

The applicant, **Jerry Ledford, Sr.**, 8209 E. 63<sup>rd</sup> Pl. S., stated that he has requested a Special Exception to allow a mini-storage in a CS district. Mr. Ledford stated that this tract is within a CS tract and there is a trailer park to the west of the tract and that is also in a CS zoning and to the south is a tract that is 75' wide that allows access to the trailer park which is also CS. There is also a tract south of the panhandle for the trailer park that is 153' that abutts a single family residential. The single family is actually 225' south of the south property line of this tract, they are not really abutting a residential tract.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a mini-storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** per plan submitted.

On **AMENDED MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a mini-storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** to allow mini-storage in a CS district on the following described property:

05:26:98:745(34)

Case No. 18063 (continued)

A part of Lot 2, Block 1, of the Amended Plat of Rolling Hills Center Addition, an Addition in Tulsa County, State of Oklahoma, more particularly described as follows: to-wit: Beginning at a point 153.00' N of the SE/c of said Lot 2, Block 1; thence N 89°50.9031' W 281.15'; thence due N for 530.00'; thence S 89°50.9031' E for 106.15'; thence due S for 150.00'; thence S 89°50.9031'; E for 175.00'; thence due S for 380.00' to the POB; less and except the S 75' thereof.

Case No. 18064

Action Requested:

Variance to remove landscaping requirements from a parking lot at the rear of a building. **SECTION 1002.B. LANDSCAPE REQUIREMENTS, Parking Area Requirements and SECTION 1002.C. LANDSCAPE REQUIREMENTS, Tree Requirements – Use Unit 11/22, located 10226 E. 47<sup>th</sup> Pl.**

Presentation:

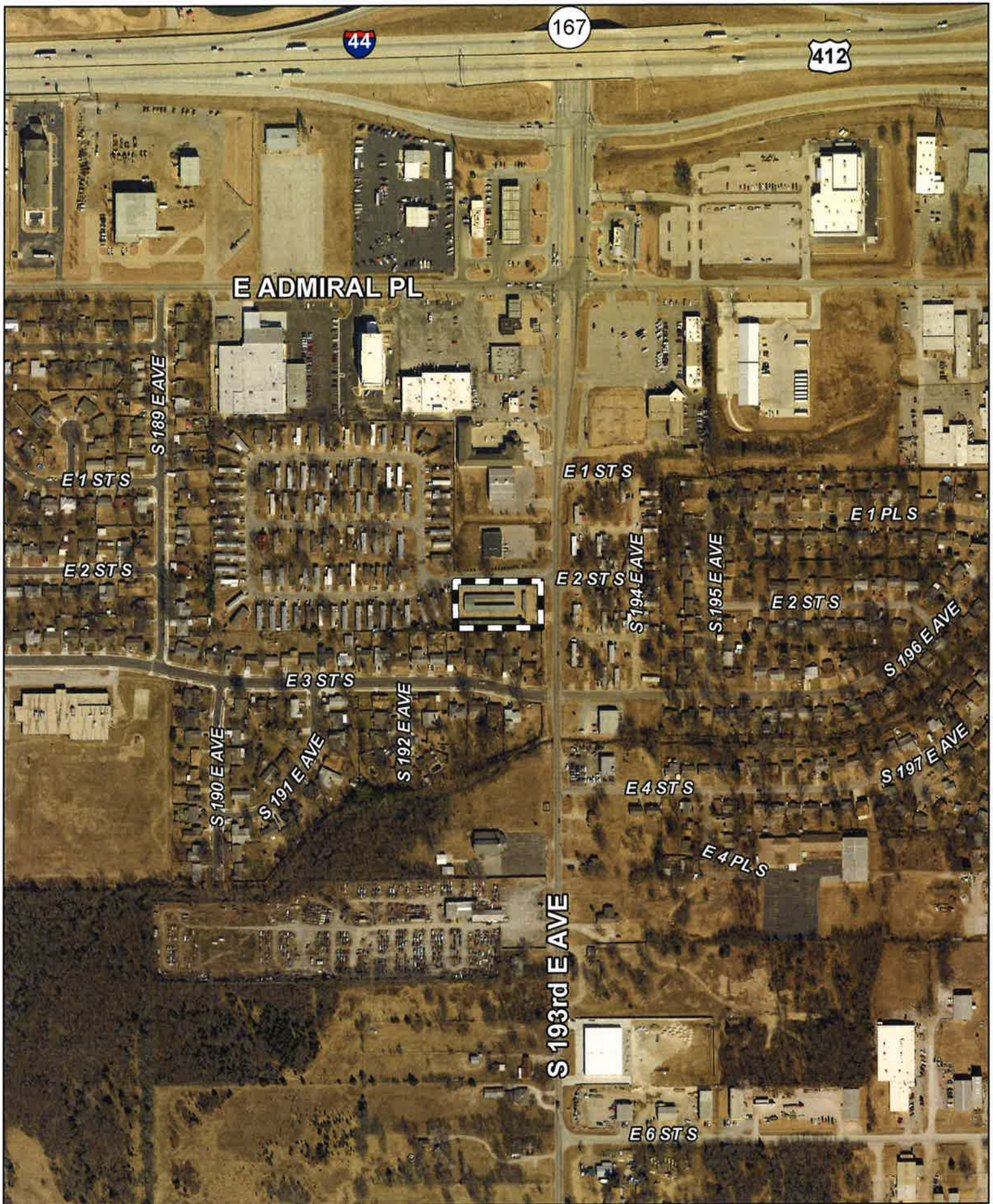
The applicant, **Darrell D. Crowl**, 10324 E. 47<sup>th</sup> Pl., stated that he owns a business at 10324 E. 47<sup>th</sup> Pl. The map he submitted to the Board outlines all the property he owns on the block. The property is adjacent to Highway 169 on the east and 47<sup>th</sup> dead ends at the corner of his property. Mr. Crowl stated that he has been through the building permit process and the only holdup has been the landscaping requirement for a parking lot. Ms. Turnbo interrupted Mr. Crowl and stated that she thought the Board was ready for a Motion.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance to remove landscaping requirements from a parking lot at the rear of a building. **SECTION 1002.B. LANDSCAPE REQUIREMENTS, Parking Area Requirements and SECTION 1002.C. LANDSCAPE REQUIREMENTS, Tree Requirements – Use Unit 11/22, on the following described property:**

Alsuma, Lots 1-6, Block 31, and 25' of adjacent vacated ROW of S. 104<sup>th</sup> E. Ave.





0 200 400  
Feet



Subject  
Tract

**BOA-22588**

19-14 01

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

Aerial Photo Date: February 2018

9.10







Feet  
0 50 100



Subject  
Tract

**BOA-22588**

19-14 01

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

Aerial Photo Date: February 2018

9.11





Material and Fence Type:  
7' Tall Cedar Privacy Wood Fence  
2 3/8" Steel Posts  
2 3/8" Steel Brackets

Red line shows the  
Proposed Fence Line to be  
installed 6 feet from the  
Storage Facility Building.  
Pending this Variance  
Review / Approval

Blue Line shows the Rough location of the Property Line.

214 S. 193rd East  
Ave, Tulsa, OK 74108

Spartan Storage

S 193rd E. Ave



**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

January 11, 2019

John Green  
913 W Granger ST  
Broken Arrow, OK 74012

Phone: 571.266.2497

APPLICATION NO: **ZCO-020364-2018**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **204 S 193 EA**

Description: **Fence**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[ X ] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)



## REVIEW COMMENTS

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

Application No. ZCO-020364-2018

204 S 193 EA

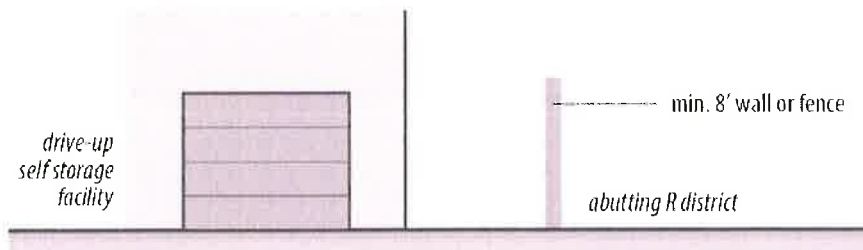
*addition inconsistent* January 11, 2019

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

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

1. **Sec.40.360-A:** The general provisions of this section apply to all self-service storage facilities. A screening fence or masonry wall, as determined by the board of adjustment, is required along all lot lines that abut R-zoned lots. Required screening fences and walls must be at least 8 feet in height. The board of adjustment is authorized to allow building walls to provide this required screening, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building. A single dwelling unit may be integrated into the self-storage facility. No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

*Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R Districts*



**Review Comment:** The proposed fence is required run along the lot line abutting the R zoned district to the south. You may wish to consider a variance to locate the fence 6' from the building.

2. **Building Code (IBC) Sec.105.2.2:** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for fences not over 7 feet (2134 mm) high.

**Review comment:** Your fence is required to be 8' in height. It does not qualify for an exemption from the building code. Because of this a building permit will be required. Submit a building permit to construct a screen fence 8' in height.

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

**Please notify the reviewer via email when your revisions have been submitted**

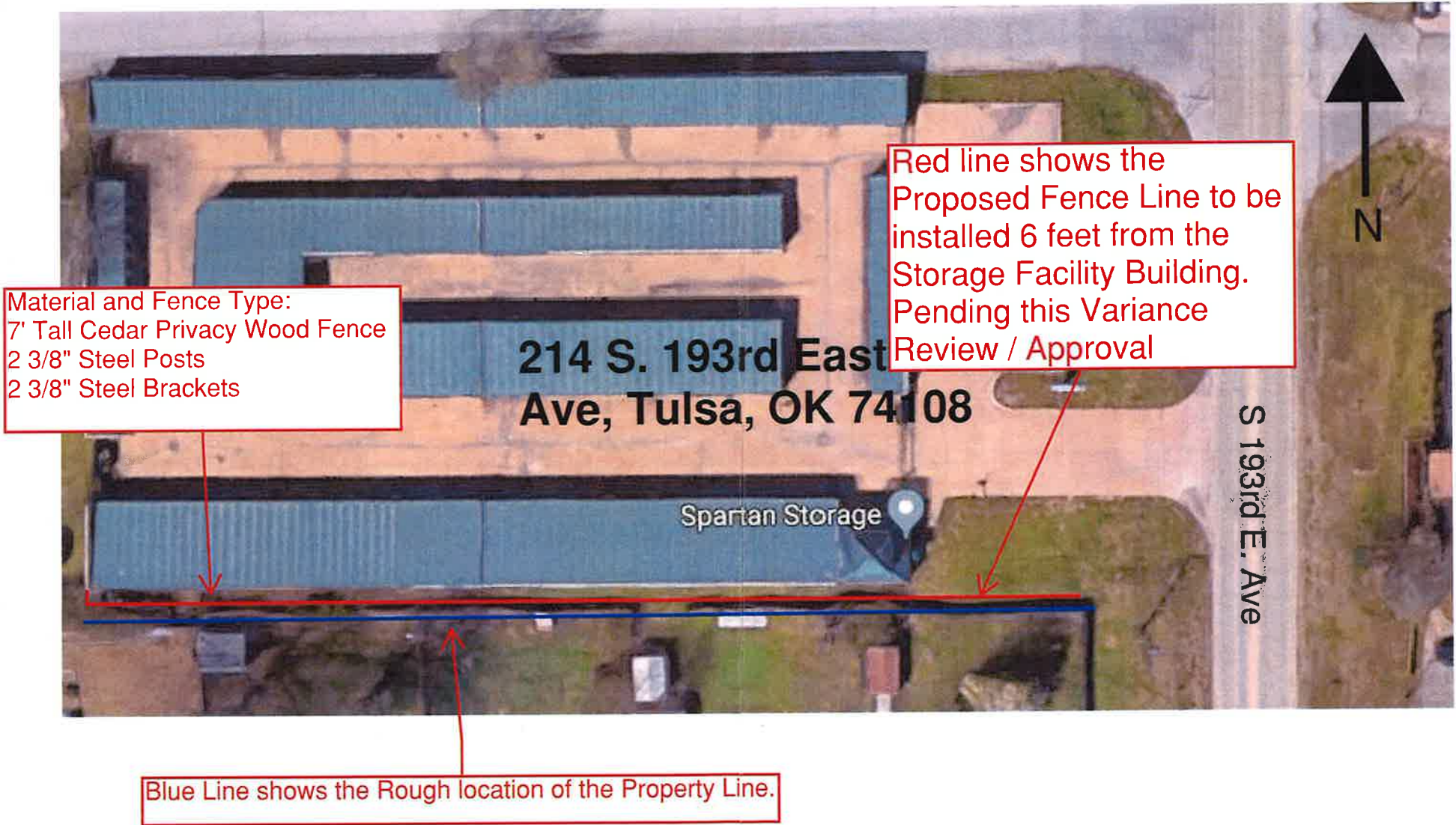
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.**

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

### **END – ZONING CODE REVIEW**

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

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



Material and Fence Type:  
7' Tall Cedar Privacy Wood Fence  
2 3/8" Steel Posts  
2 3/8" Steel Brackets

Red line shows the  
Proposed Fence Line to be  
installed 6 feet from the  
Storage Facility Building.  
Pending this Variance  
Review / Approval

Blue Line shows the Rough location of the Property Line.