

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, April 9, 2019, 1:00 P.M.

Meeting No. 1226

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of March 26, 2019 (Meeting No. 1225).

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

2. **22607—Louise Thompson**
Variance to reduce the minimum frontage requirement in an RM-1 District; Variance to reduce the minimum lot width requirement in an RM-1 District to permit a lot-split (Section 5.030). **LOCATION:** 2535 East Archer Street North **(CD 3)**
3. **22609—Bob Keathley**
Special Exception to permit Commercial/Vehicle Sales and Service/Personal Vehicle Sale and Rentals Use in a CS District (Section 15.020); Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R District (Section 15.040-A). **LOCATION:** 3402 East Pine Street North **(CD 3)**
4. **22610—AAB Engineering, LLC**
Special Exception to allow duplexes in an RS-3 District (Table 5-2.5). **LOCATION:** NW/c of East 13th Street South & South Delaware Avenue East **(CD 4)**
5. **22611—Steve Easley**
Variance to reduce the required street setback (Table 5-2); Variance to reduce the minimum lot-width requirement (Table 5-2); Variance to reduce the minimum lot area and lot area per unit requirement (Table 5-2). **LOCATION:** 2611 East 41st Street South **(CD 9)**

6. **22612—Keith Construction Company**

Verification of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops in the CH District (Section 40.300-A). **LOCATION:** 3135 East 15th Street South (CD 4)

7. **22613—Hall Estill**

Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020). **LOCATION:** *TENANT SPACE* – 15 East Mathew Brady Street North (CD 4)

8. **22615—Bradley Anderson**

Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** *TENANT SPACE* – 1615 South Memorial Drive East (CD 5)

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org

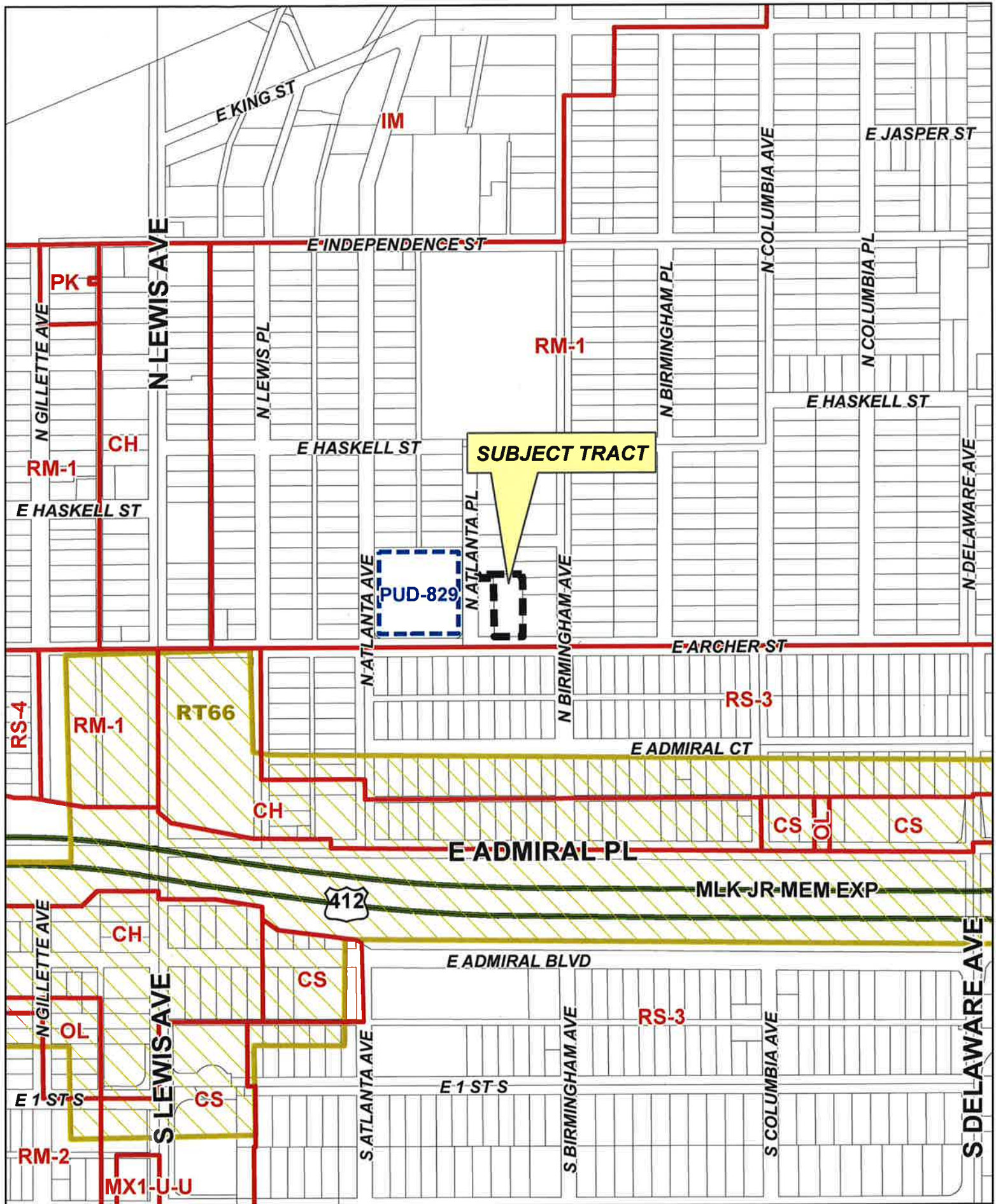
E-mail: esubmit@incog.org

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify 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.

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BOA-22607

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BOARD OF ADJUSTMENT CASE REPORT

STR: 218 Case Number: **BOA-22607**

CZM: 29

CD: 3

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Louise Thompson

ACTION REQUESTED: Variance to reduce the minimum frontage requirement in an RM-1 district; Variance to reduce the minimum lot width requirement in an RM-1 district to permit a lot-split. (Section 5.030)

LOCATION: 2535 E ARCHER ST N

ZONED: RM-1

PRESENT USE: residential

TRACT SIZE: 20299.04 SQ FT

LEGAL DESCRIPTION: BEG 90 S OF NWC TH S13.6 E50 S190 E96 N204.35 W146 TO BEG BLK 8, CHEROKEE HGTS 2ND ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:

PUD-829; on 3.18.15, the TMAPC **approved** a *Rezoning* request from RM-1 to PUD-829 to allow for a community learning center. Located; N of E. Archer St., between N. Atlanta Ave. & N. Atlanta Pl.

BOA-20064; on 6.14.95, the Board **approved** a *Special Exception* to permit a child care and school use; a *Special Exception* to permit required parking on a lot other than the lot containing the principal use. Located; 112 N. Atlanta Pl. E.

BOA-17440; on 7.23.96, the Board **denied** a *Special Exception* to allow a church and related uses in a RM-1 district; a *Variance* of required number parking from 76 to 15; a *Variance* of hard surface parking for 2 years; a *Variance* of 25' setback from properties in R district to 0'; a *Variance* of the minimum lot area requirement; a *Variance* to meet additional parking required on a lot other than the principal use lot. Located; 507 N. Atlanta Pl.

BOA-14646; on 10.22.87, the Board **approved** a *Variance* of the required 60 feet lot width to 50 feet, 6000 square feet of lot area to 5150 square feet and 7500 square feet of land area to 6925 square feet in a RM-1 zoned district to permit a lot-split. Located; SE of E. Haskell St. & N. Atlanta Pl.

BOA-12317; The Board **denied** a *Variance* of the bulk and area requirements; a *Variance* of the required number of parking spaces in a RM-1 zoned district. Located; south of the southwest corner of East Haskell Street and North Atlanta Avenue (512 North Atlanta Avenue).

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RM-1 zoned lots to the north, east and west, RS-3 zoned residences are to the south of the subject property.

STAFF COMMENTS:

As shown on the attached exhibit, the applicant is proposing to split the subject lot into two tracts. The applicant has stated that the detached garage on the proposed "Tract A" will be demolished and a new single-family dwelling will be erected.

The Code requires that a RM-1 zoned lot have a minimum of 30 ft. frontage on a public street. Per the exhibit, the proposed northern tract will have 13.6 ft of frontage along N. Atlanta Pl. To permit the lot-split as proposed the applicant has requested a **Variance** to reduce the minimum frontage requirement in an RM-1 district from 30 ft. to 13.6 ft on "Tract A".

For a single-family detached house in the RM-1 district the Code requires a minimum lot width of 50 ft. As shown on the attached site plan, the proposed lot width for "Tract A" is \pm 43.98 ft. The applicant has requested a **Variance** to reduce the required minimum lot width from 50 ft. to 43.98 ft on "Tract A".

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the minimum frontage requirement in an RM-1 district from 30 ft. to 13.6 ft on "Tract A"; **Variance** to reduce the minimum lot width requirement in an RM-1 district on "Tract A" to permit a lot-split. (Section 5.030)

- 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."*

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines for LS-20767 per staff recommendation.

FILE COPY

23. **PUD-829 – Matt Christensen**, Location: North of East Archer Street, between North Atlanta Avenue and North Atlanta Place, requesting a PUD for a community learning center, **RM-1 to RM-1/PUD-829**, (CD-3)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

The Applicant, Crosstown Learning Center, Inc., proposes the construction of a new school and community center to replace its existing facility located at 2501 East Archer Street in the Kendall Whittier neighborhood. Crosstown Learning Center has been providing services to students in Tulsa for over fifty years. It has been at located at the current facility during the past ten years. The Center was the first nationally accredited child care center located in north Tulsa.

The Center plans to build a new facility to meet the needs of its students today and in the future, so it can continue to provide this valuable service to the citizens of Tulsa. Additionally, there will be a dedicated space for use as a community center by area residents for neighborhood meetings and other events.

The proposed Planned Unit Development is located in the Kendall Whittier Neighborhood bounded along the East by North Atlanta Place, along the South by East Archer Street, and along the West by North Atlanta Avenue. The aerial photo attached as Exhibit A shows that the surrounding uses consist primarily of residential properties.

The Project site is zoned RM-1 and the proposed use of school (Use Unit 5) is available by special exception within the RM-1 district.

SECTION II PUD-829 DEVELOPMENT STANDARDS:

PERMITTED USES:

Use Unit 5 (Community Center and School, Public or Private and all uses accessory thereto, including playground).

GROSS LAND AREA: 110,220 SF 2.53 Acres

NET LAND AREA: 85,500 SF 1.96 Acres

**MAXIMUM BUILDING FLOOR
AREA:**

Proposed New Structure: 30,000 SF

Existing Structure: 31,000 SF

Total Floor Area Allowed
During Transition: 56,520 SF

Total Floor Area Following
Construction of Proposed 30,000 SF
New Structure and
Demolition of Existing
Structure:

MAXIMUM BUILDING HEIGHT:

Existing Building: 45 Feet
(Three stories to be demolished)

Proposed Building: 30 Feet (after original building
demolition)

**MINIMUM BUILDING
SETBACKS:**

From westerly boundary limits of PUD: 10 feet

From northerly boundary limits of PUD: 5 feet

From southerly boundary limits of PUD: 0 feet

From easterly boundary limits of PUD: 0 feet

BULK AND AREA REQUIREMENTS:

Lot Width Min. of 50 FT
Lot Area Min. of 5,500 SF

MINIMUM OPEN SPACE: 15% of net lot area

OFF-STREET PARKING:

Vehicular Parking: Minimum of 62 stalls total

Bicycle Storage: Provisions will be made for at least one bicycle rack providing secure storage for six (6) bicycles near the proposed new building.

LANDSCAPE AND SCREENING:

Except as noted below, the Project shall comply with the landscape and screening requirements of the zoning code, including requirements for parking lot areas and street yard trees.

In addition to the minimum landscape standards the following will apply:

- 1) An evergreen shrub edge will be planted and maintained between the west lot line and the parking lot parallel to North Atlanta Avenue. The shrub planting will be a minimum of 3' height when installed and of sufficient density to provide immediate screening. The shrubs will be allowed to grow into a single hedge form and maintained with a minimum height of 3 feet as measured from the top of curb on the adjoining parking lot.
- 2) Parallel to the street right of way and not further than 10 feet from the right of way line a shade tree will be installed and maintained with a maximum spacing of 25 feet. Each tree will be a minimum 2" caliper and 12' height.

TRASH SETBACKS AND SCREENING:

Trash containers will be enclosed with a masonry enclosure matching the character of the building. The minimum height shall be 6 feet or of sufficient height to screen the dumpster. The door will be steel frame construction with wood or other opaque screening.

The dumpster and its associated enclosure will be set back a minimum of 50 feet from the north property line.

LIGHTING:

Exterior lighting shall be limited to fixtures designed to direct light away from residential properties. Light shall be designed in a manner such that the lighting elements and the light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area or street right-of-way.

Maximum height of any light fixture whether building mounted or parking lot lighting shall not exceed 20 feet.

SIGNAGE:

One (1) existing ground identification sign will remain and is located in the Southwest corner of the proposed development area. The existing sign is shown in the image below.

A maximum of one ground sign will be permitted and must be placed within 50 feet of the Archer Right of Way.

Modifications of the existing sign will only be allowed through the PUD sign permit process.

The maximum height of any ground sign shall not exceed eight (8) feet.

The maximum display surface area shall not exceed forty eight (48) square feet.

Except as noted, above all signage will conform to the Tulsa Zoning Code standards and provisions of the RM-1 district.

ACCESS AND CIRCULATION:

Vehicles shall access the property by drives located along North Atlanta Avenue as depicted on the Circulation Diagram attached hereto as Exhibit B. The existing alley will be closed in the area where the proposed building is anticipated however in its place the PUD recommends an easement that will protect vehicular and pedestrian access through the block and connect to North Atlanta Avenue.

Pedestrian access improvements along North Atlanta Avenue, East Archer Street and North Atlanta Place shall be required during detailed site plan review. Sidewalk construction will be required within North Atlanta Place right of way for the entire length of the PUD.

LOT COMBINATION:

The subject property consists of multiple, contiguous lots divided by an existing platted alleyway. Applicant has filed an application with the City of Tulsa to close the alley. Following the closure and subsequent vacation, Applicant intends to combine all of the lots. See the Closure Diagram attached as Exhibit C. As a part of the closure and vacation process, the Center will grant an easement for the benefit of the properties to the north to access the remaining alley as shown on Exhibit D.

SITE PLAN AND LANDSCAPE PLAN REVIEW

No building permit shall be issued for the Project until a Detail Site Plan and Detail Landscape Plan has been submitted to and approved by the Tulsa Metropolitan Area Planning Commission or staff as required in the Tulsa Zoning Code.

UTILITIES:

At present all necessary utilities to serve the Project are either available on-site or within close proximity.

PLATTING REQUIREMENT:

It is anticipated that the Project will be included within a subdivision plat consisting of one lot and one block to be submitted to and approved by the Tulsa Metropolitan Area Planning Commission (TMAPC) and the Tulsa City Council, and duly filed of record in the Tulsa County Clerk's office.

EXPECTED SCHEDULE OF DEVELOPMENT:

Development is expected to begin in the summer of 2015 after final approval of the Planned Unit Development, platting of the property and Detail Site Plan approval. Upon issuance of a building permit, construction of the new structure will begin and is expected to take nine months to complete. A conceptual site plan of the proposed new structure is attached hereto as Exhibit E. Upon completion of the new structure, the existing building will be razed and the operations of the Center will transition to the new structure over the next month. A survey of the existing structure is attached hereto as Exhibit F. During this transition period, applicant plans to provide offsite parking at the elementary school located less than 500' north of the existing structure. Applicant is in the process of obtaining an agreement with Tulsa Public Schools for this parking arrangement. Children will be dropped off along North Atlanta Place through a temporary access entrance. The final stage of development consisting of landscaping and parking lot construction is estimated to take three months.

DETAILED STAFF RECOMMENDATION:

The proposed school use and PUD is consistent with the Existing Neighborhood land use designation for the comprehensive plan and;

The PUD has provided appropriate development guidelines to integrate this project into the surrounding neighborhood and;

The PUD is consistent with the anticipated development pattern in the area and;

PUD 829 is consistent with the Planned Unit Development chapter of the Tulsa Zoning Code therefore;

Staff recommends **APPROVAL** of PUD-829 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The school improvements and reconstruction are consistent with the anticipated redevelopment of an existing neighborhood. The existing church building is not protected by a historic preservation overlay. The school will continue to provide an important community focal point with or without the existing structure.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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.

Areas of Stability and Growth designation: Area of Stability

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.

Transportation Vision:

Major Street and Highway Plan: All streets surrounding the proposed school are residential character and the street right of way meets the major street and highway plan standards.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property is developed with a church building that has been converted to a school. The surrounding uses are primarily a single-family residential neighborhood. There are no significant drainage, topography or site development restrictions. The property was originally platted with an alley that will be closed at this location however an access easement will be provided and included as part of the PUD and re-plat requirements.

Environmental Considerations:

Staff is not aware of any environmental considerations that will affect redevelopment of the property.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
East Archer Street	Residential Collector	60 feet	2
North Atlanta Avenue	NA	50 feet	2
North Atlanta Place	NA	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

The west, north and east properties abutting the property are all zoned RM-1 however the primary uses are single-family residential and duplex.

The property on the south side of Archer is zoned RS-3 and is also single-family residential property.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-20064 June 14, 2005: The Board of Adjustment approved a *Special Exception* to permit a child care, school (community center) - Use Unit 5 in an RM-1 district (Section 401); and a *Special Exception* to permit required parking on a lot other than the lot containing the principal use (Section 1301.D), on property located at 112 N. Atlanta Pl. and also known as the subject property.

TMAPC COMMENTS:

Mr. Shivel asked if the use of the property going to be during the daylight hours. Mr. Wilkerson stated that primarily the use will be during the daylight hours, but it is possible that there will be some community events that would happen in the evening.

Mr. Wilkerson stated that the subject property requires 62 parking spaces and the applicant is providing 65.

In response to Mr. Reeds, Mr. Wilkerson stated that the easement rights will be retained in the closed alley.

Ms. Millikin asked if there is any concern about pedestrian access on the subject site. Mr. Wilkerson stated that the City just completed a rehab projection and there is a new sidewalk on the west side of the subject property, an existing sidewalk on the south and as part of the plat and this PUD there will be a requirement for a sidewalk on the west side of Atlanta Place.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of PUD-829 per staff recommendation.

Legal Description for PUD-829:

Lot 7-18, Block 6, OHIO PLACE ADDN, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

PRT LT 1 BEG NWC LT 2 TH N200 E154.19 CRV LF 233.13 NE190.12 CRV RT 233.73 E328.73 CRV RT 338.16 SE64.86 CRV LF 283.58 SE120.45 CRV RT 196.35 S90 W1257.35 N300 W290 POB & LT 2 BLK 1, MEMORIAL SOUTH CENTER, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20064

Action Requested:

Special Exception to permit a child care, school (community center) - Use Unit 5 in an RM-1 district (Section 401); and a Special Exception to permit required parking on a lot other than the lot containing the principal use (Section 1301.D), located: 112 North Atlanta Place East.

Presentation:

John Duvall, 1820 South Boulder Avenue, stated he is a Board Member of Crosstown Learning Center, and architect associated with the project. He introduced Debbie Gilfoyle, the Executive Director, and Maria Barnes, President of the Kendall-Whittier Homeowners Association, in support of the application. He informed the Board that the daycare opened in 1968. They need to expand the parking and build a playground for the daycare. He submitted an artist sketch and letters of support

Mr. Dunham out at 3:24 p.m. and returned at 3:25 p.m.

Debbie Gilfoyle, Executive Director of Crosstown Learning Center, stated the daycare has operated for about 38 years. They have 99% DHS subsidized childcare for parents that are working or going to school.

Interested Parties:

Maria Barnes, 2252 East 7th Street, President of the Kendall-Whittier Homeowners Association, stated they consider this facility to be an anchor for the north part of Kendall-Whittier. They support the application.

Comments and Questions:

Ms. Stead asked if they planned to restore and maintain a sidewalk on North Atlanta Place since they planned to maintain those on North Atlanta Avenue and Archer Street. He did not indicate that they planned to restore the sidewalk. Ms. Stead asked if they plan to keep the portico on the west side. Mr. Duvall replied they plan to use the portico. Mr. Cuthbertson pointed out the properties are in R-zoned district and the proposed parking lot at North Atlanta Place and Archer will need additional setbacks from the centerline. Mr. Duvall responded that they plan to meet the code.

Board Action:

On **Motion of Paddock**, the Board voted 5-0-0 (Dunham, Paddock, Stephens, Henke, Stead "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a

Special Exception to permit a child care, school (community center) - Use Unit 5 in an RM-1 district (Section 401) per conceptual plan, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and a **Special Exception** to permit required parking on a lot other than the lot containing the principal use (Section 1301.D), with a condition for a tie agreement of the lots, finding it will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 8 & LTS 11 THRU 17 BLK 6, LT 10 BLK 6, CHEROKEE HGTS 2ND ADDN,
OHIO PLACE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

ELECTION OF OFFICERS

Ms. Stead nominated Monte Dunham for Chair, seconded by Mr. Stephens. The Board voted 5-0-0 to elect Mr. Dunham as Chair for the coming fiscal year.

Mr. Stephens nominated David Paddock for Vice-Chair, seconded by Mr. Henke. The Board voted 5-0-0 to elect Mr. Paddock as Vice-Chair for the coming fiscal year.

Ms. Stead nominated Frazier Henke for Secretary, seconded by Mr. Stephens. The Board voted 5-0-0 to elect Mr. Henke as Secretary for the coming fiscal year.

There being no further business, the meeting was adjourned at 3:38 p.m.

Date approved: July 12, 2025

Monte Dunham
Chair

Case No. 17439 (continued)

Ms. Abbott asked what the additional square footage will be? He stated the additional square footage is approximately 850 SF to 1000 SF.

Mr. Gardner stated the building inspector denied the building permit because the previous approval by the Board per the plan did not contemplate tearing down and building a new building. He further stated the use has been approved by this Board previously as a special exception for a body shop per the plan.

Mr. Gardner asked the applicant if he was including more property in his application than he had previously? He answered negatively.

Mr. Gardner stated that since the applicant is tearing down a building and rebuilding, he has to have the Board's approval of the new plan.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **APPROVE Special Exception** to permit auto repair/body shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** and a **Special Exception** to amend a previously approved site plan. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; per plan submitted; finding that the approval of this application will not be injurious to the area, nor harmful to the spirit and intent of the Code; on the following described property:

N/2 Lot 10 & E/2, N/2 Lot 11, Spring Dale Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17440

Action Requested:

Special Exception to allow a church & related uses in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; a Variance of required number parking from 76 to 15. **SECTION 1202.D. USE UNIT 2. AREA WIDE SPECIAL EXCEPTION USES**; a Variance of the hard surface parking for 2 years (church area). **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; a Variance of 25' setback from properties in R district to 0'. **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a Variance of lot area from 1 acre to 25,000 SF. **SECTION 1202. USE UNIT 2, AREA WIDE SPECIAL EXCEPTION USES**, and a Variance to meet additional parking required on a lot other than principal use lot. **SECTION 1301.D. GENERAL REQUIREMENTS**, located 507 North Atlanta Place.

Presentation:

The applicant, **Rick Peevyhouse**, 4005 South Ash Avenue, Broken Arrow, representing Church for All Peoples, submitted a site plan (Exhibit O-1), application for the use of school property for parking (Exhibit O-2) and stated the subject property used to be the Transvoc Rehabilitation Center. He further stated the building has been in existence for 30 years. He explained the building is currently setting empty and he would like to move a church into the building. He stated the church will have a small sanctuary with 35 to 40 members and the church has secured parking with the Grover Cleveland Middle School, which has approximately 150 parking spaces.

Comments and Questions:

Ms. Turnbo asked the applicant if he had a statement in writing from the Tulsa Public Schools securing permission to use their facility for parking? He answered affirmatively.

Ms. Abbott stated the Board has received letters of protest (Exhibit O-4). She also stated the church has submitted a petition of support (Exhibit O-3).

Interested Parties:

Dr. Ernest Carey, Pastor of the Church, stated the reason for choosing this area was for the enormous sense of civic conscience and some of it mal-nutured, but most of it very good and very positive. He further stated almost anywhere you look in the area you could see a drug deal going on. He explained the above reasons sparked the church's interest because the church has some experience in dealing with people with drug problems. He stated the church will change their physical location from Broken Arrow to the subject property. He further stated the church has canvassed the neighborhood and found the neighbors will welcome the church. He commented the neighborhood was very happy that the church was moving in, considering the fact that the church may be able to do something about discouraging the drug dealing on the streets of their neighborhood. He further commented the courtesy that Grover Cleveland Middle School has issued the church the use of their parking lot. He explained the parking area is a small walk to the subject property. He further explained there are 15 parking spaces in the back of the subject property for handicapped parking and staff parking. He stated the church is interested in becoming involved with the community and helping the young people in the area. He further stated the church is willing to work with the Board to find a solution to the problems with the subject property. He explained there are a large number of Latino residents in the area and the church is well prepared to deal with their cultural characteristics. He requested the Board approve this application.

Comments and Questions:

Ms. Turnbo asked Mr. Carey when the church is distributing the food and clothing will the 15 parking spaces be adequate? He stated the food and clothing distribution will be delivered directly to the homes.

Ms. Turnbo asked Mr. Carey if there will be youth programs in the evening at the subject property? He stated mostly on the weekends and during the day depending on their availability. He further stated there are a number of young people on the street and they may do counseling during the day.

Ms. Abbott asked Mr. Carey when the church services will be held? He stated church services will be on Wednesday night and Sunday. He further stated Wednesday nights and Sunday will be the only days there will be a flow of traffic to the building. He explained during the week the use will be generally an office with four people.

Ms. Turnbo asked Mr. Carey how many parking spaces will be available at Grover Cleveland Middle School? He stated approximately 150 parking spaces in the back lot that is adjacent to the property.

Ms. Turnbo asked Mr. Carey what the seating capacity for the church will be? He stated the maximum seating capacity will be 75 people. He explained the church does not see this property as the final site and that within a year the church will be able to build on an approved site. He further explained the church will eventually use the subject property as offices only.

Ms. Turnbo asked Mr. Carey if the counseling will be in the evening or daytime? He stated the counseling will be during day hours. He explained there will not be a great number of people coming in for counseling at one time, it will consist of maybe two (2) or three (3) people during the course of the day. He further explained the church has only three (3) or four (4) people that are capable to do counseling.

Ms. Turnbo asked Mr. Carey if the church planned to have mother's day out or daycare facilities? He answered negatively.

Protestants:

Ray Darby, 116 North Birmingham Place, stated she has not been able to verify anything on this application. She has not been able to find anything out from the applicant or get any answers.

Additional Comments:

Mr. White stated he has a problem with the parking issue on this subject property. He further stated the parking is significantly separate from the subject property.

Case No. 17440 (continued)

Mr. Gardner informed the Board that in the past there was neighborhood opposition in large numbers, but today you only have one protestant physically here plus one or two letters of protest. He stated in the past none of the applications proposed using Grover Cleveland Middle School parking. He further stated in the previous application the applicant was trying to pave all of the lot east of the industrial building and the neighbors to the north did not want to look at a paved parking lot. He explained the difference in this application is that the church is trying to use Grover Cleveland Middle School's parking lot, limit the size of the church and landscape a good part of the east lot.

Mr. White asked the staff if 76 parking spaces will be required for this application? Mr. Beach answered affirmatively.

Ms. Abbott stated she is not in favor of the variance to allow required parking from 76 to 15 and the variance to meet additional parking on a lot other than the principal use.

Ms. Abbott asked the applicant if he had a letter from Grover Cleveland Middle School allowing the use of their parking lot? He stated there should be a letter in the file that the church submitted.

Mr. Beach informed the Board that the request was submitted, but it is not signed by the Tulsa Public Schools.

In response to Mr. Beach, the applicant stated the agreement has been verbally committed until the Principal of the school returns from vacation to sign the application.

Ms. Turnbo asked if there was a written agreement at this time with Grover Cleveland Middle School? He answered negatively.

Linda Peevyhouse, 4005 South Ash Ave., Broken Arrow, stated she did not have a copy with her, but submitted a signed application to the Board with the Principal's signature.

Mr. Beach stated there is not a signed application from Grover Cleveland Middle School in the file.

Ms. Peevyhouse stated she did not know when the signed application was submitted to the Board, maybe a couple of weeks ago.

Mr. Beach stated the application in the file is not signed by the Principal. He informed the applicant if she had a copy to bring it by the INCOG office for the file.

Case No. 17440 (continued)

Ms. Turnbo asked Mr. Peevyhouse how many feet exist between the alternative parking at the school to his church? He stated approximately 75 yards to the driveway and from the parking lot area approximately 261'. He further stated the church will use a small shuttle bus for inclement weather.

Ms. Abbott asked the applicant why he asked for the variance of the hardsurface parking? He stated it will be for the 15 parking spaces that is a gravel area, which is overgrown and needs to be cleaned up. He further stated it will be paved approximately six (6) months from now.

Mr. Bolzle asked if the only differences between this application and the previous one is that this application provides less parking on site, but it has the potential for alternative parking on another lot? The Staff answered affirmatively.

Mr. Gardner stated also that the previous application did not submit an interior floor plan to show how much of the warehouse building would be sanctuary and therefore the exact parking requirement could not be determined.

Mr. Bolzle stated he did not understand why the Board would even consider this application. He explained if there was a twenty-six thousand foot lot and a church came to the Board to acquire approval to build a sanctuary on the lot, but cannot park the 60 cars that will be required, what would compel this Board to approve that type of application? He stated there is an existing nonconforming building and there needs to be a use for this building that can meet parking requirements.

Mr. Gardner stated the only use for the existing building that he knew of that could meet the required parking is a warehouse, which requires 1 parking space per 5,000 SF.

Ms. Turnbo stated she had a problem with the alternative parking area being so far from the principal use because during bad weather people will park in the neighborhood.

Case No. 17440 (continued)

Mr. White stated Birmingham is a through street in the neighborhood and this will increase the traffic through the neighborhood. He further stated he is concerned with the potential parking in the street and in the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Turnbo, White, "aye"; no "nays"; no "abstentions"; Box "absent") to **DENY** a **Special Exception** to allow a church & related uses in a RM-1 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**; a **Variance** of required number parking from 76 to 15. **SECTION 1202.D. USE UNIT 2. AREA WIDE SPECIAL EXCEPTION USES**; a **Variance** of the hard surface parking for 2 years (church area). **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; a **Variance** of 25' setback from properties in R district to 0'. **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**; a **Variance** of lot area from 1 acre to 25,000 SF. **SECTION 1202. USE UNIT 2, AREA WIDE SPECIAL EXCEPTION USES**, and a **Variance** to meet additional parking required on a lot other than principal use lot. **SECTION 1301.D. GENERAL REQUIREMENTS**; finding that the approval of this application will not be in harmony with the spirit and intent of the Code, and will be injurious to the neighborhood, on the following described property:

S 100' Block 1, Cherokee Heights, II; all of Block 1, Ohio Place Addition, W/2, NE, NW, NW, Sec. 32, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17441

Action Requested:

Special Exception to allow church uses in a RD district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, located at the SE/c South 120th East Avenue & East 21st Street South.

Presentation:

The applicant, **Victor Felipe**, no address given, represented by Alfred Schnell, submitted a site plan (Exhibit P-1) and stated Pastor Felipe is a Pastor of the Tulsa Congregation, which is presently meeting in one of the large classrooms of Tulsa Junior Academy. He further stated Pastor Felipe found the subject tract of land and began planning for a church facility. He explained the subject property has an enormous amount of floodplain on the front of the property toward the street. He further explained there is a water course through the middle of the north property and the church has arranged to buy additional land from a church nearby for the required parking.

Case No. 14627 (continued)

After concerns were stated that the proposed structure may be much larger than a typical garage, Mr. Jackere pointed out that there are large buildings permitted on the surrounding agricultural properties. He explained that, although the application is similar to a home occupation, the applicant has stated that there will be no customers or employees coming to the property. He suggested that, if approved, restrictions could be placed on the operation that would prohibit the use of the building for business purposes.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Units 1203 and 1215) to allow for a 1500 sq. ft. accessory building for storage of personal items and electrical materials; per plan submitted; and subject to the Home Occupation Guidelines as set forth in the Code; finding that the use is similar to a home occupation, but will have no customers or employees visiting the property; finding that there are other large buildings on the surrounding agricultural properties; and finding that the accessory building will be compatible with the surrounding area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The W/2, of the W/2, of the SW/4, of the SE/4 of Section 2, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 10 acres, more or less, also know as 16909 East 11th Street, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14646

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of lot width from 60' to 50', a variance of lot area from 6000 sq. ft. to 5150 sq. ft. and a variance of land area from 7500 sq. ft. to 6925 sq. ft. all in order to permit a lot split, located southeast of East Haskell Street and North Atlanta Place.

Presentation:

The applicant, Dick Anderson, 1451 North College, Tulsa, Oklahoma, submitted a location map (Exhibit X-1), and stated that he is attempting to clear the title for a duplex that was constructed approximately 40 years ago.

Case No. 14646 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH** the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of lot width from 60' to 50', a variance of lot area from 6000 sq. ft. to 5150 sq. ft. and a variance of land area from 7500 sq. ft. to 6925 sq. ft. all in order to permit a lot split; finding that there are other lots of similar size in the older area; on the following described property:

Lot 2, Block 1, Bailes Subdivision, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14628

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for a manicure and gift shop in an RS-3 zoned district, located 762 South 142nd East Avenue.

Presentation:

The applicant, Sandy Costello-Collins, 762 South 142nd East Avenue, Tulsa, Oklahoma, asked the Board to allow her to operate a manicure shop in her home that is located on a half acre lot at the above stated address. She informed that she has recently completed a manicure course and plans to work by appointment only. The applicant pointed out that she has visited with her neighbors and has found that they are supportive of her new business. She noted that a beauty shop has operated next door to her residence, but is not in operation at this time.

Comments and Questions:

Ms. White asked the applicant to explain the gift shop portion of the application, and to state the days and hours of operation for the business. The applicant replied that the gift shop will be secondary to the manicure operation, and will be open Monday through Friday, from 9 a.m. to 8 p.m. She informed that she does ceramics, makes pillows and collects antiques, which will be displayed in the shop. The applicant stated that she plans to take some articles on consignment.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request to permit 1,329 square feet instead of 1,700 square feet of land per dwelling unit, and a request to permit 518.79 square feet instead of 600 square feet of livability space per dwelling unit; and a Variance - Section 1320 (b) - General Requirements - Request to permit more than 1 parking space for each 600 square feet of area in the front yard. This property is located at 512 North Atlanta Place.

Presentation:

Kenneth Snitz, 7935 East 57th Street, was present and submitted a plot plan (Exhibit "T-1"). Mr. Snitz advised that the original plans for the proposed structure was for a 2,500 square-foot townhouse arrangement. After a building permit was issued the contractor advised that he had made some cost mistakes, therefore, causing the applicant to redesign the structure and reduce it from three (3) bedrooms per side, making (6) bedrooms, to a total of four (4) bedrooms. There is an existing duplex structure on the subject property and the proposed 4-plex is proposed with a total of four units instead of the original two units. The 4-plex will still contain approximately 2,500 square feet.

Protestants:

Howard Kennedy, 4405 South Sandusky Avenue, was present stating that if the application is approved that it would overcrowd the subject property. He advised that it would create a traffic problem and it would not enhance the surrounding area.

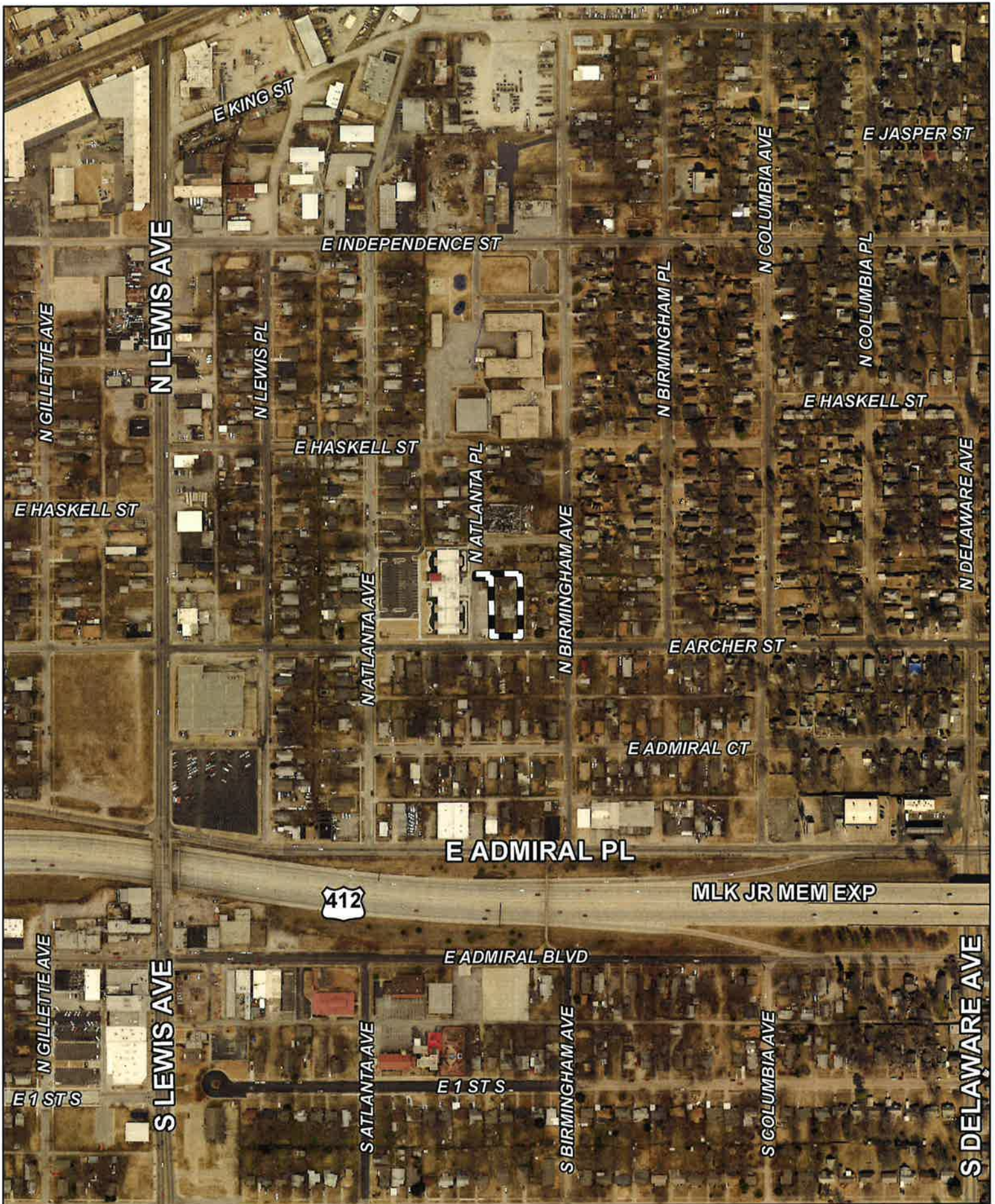
Sherry Hoort, 123 North Atlanta Place, was present and submitted a protest petition containing approximately 159 signatures (Exhibit "T-2"). She advised that she was opposed to having four (4) more dwelling units on the subject property. She advised that there is an open utility line on the property which has created a health and safety hazard.

Vickie Hunter, 516 North Atlanta Place, was present stating that she lives next to the subject property and has suffered due to the excess noise caused by cars and residents at the existing duplex. She requested that the Board deny the application.

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 DENY a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) to permit 1,329 square feet instead of 1,700 square feet of land area per dwelling unit, and a request to permit 518.79 square feet instead of 600 square feet of livability space per dwelling unit; and a Variance (Section 1320 (b) - General Requirements) to permit more than 1 parking space for each 600 square feet of area in the front yard, on the following described property:

Lot 3, Block 6, Ohio Place Addition to the City of Tulsa,
Tulsa County, Oklahoma.



0 Feet 200 400



Subject Tract

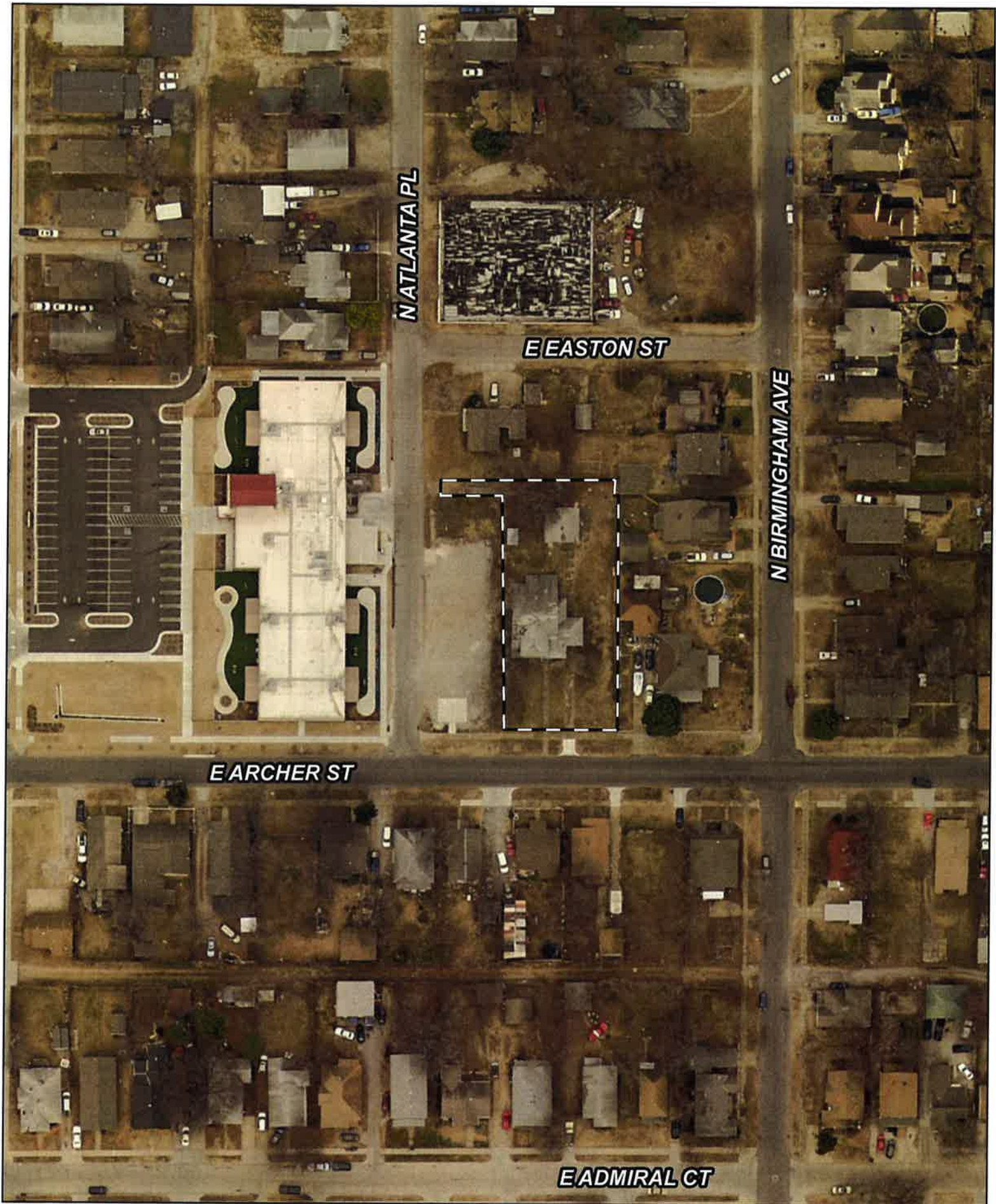
BOA-22607

20-13 32

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

Aerial Photo Date: February 2018





0 50 100
Feet



Subject
Tract

BOA-22607

20-13 32

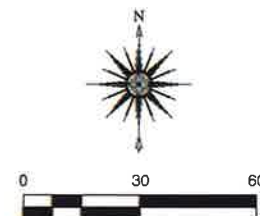
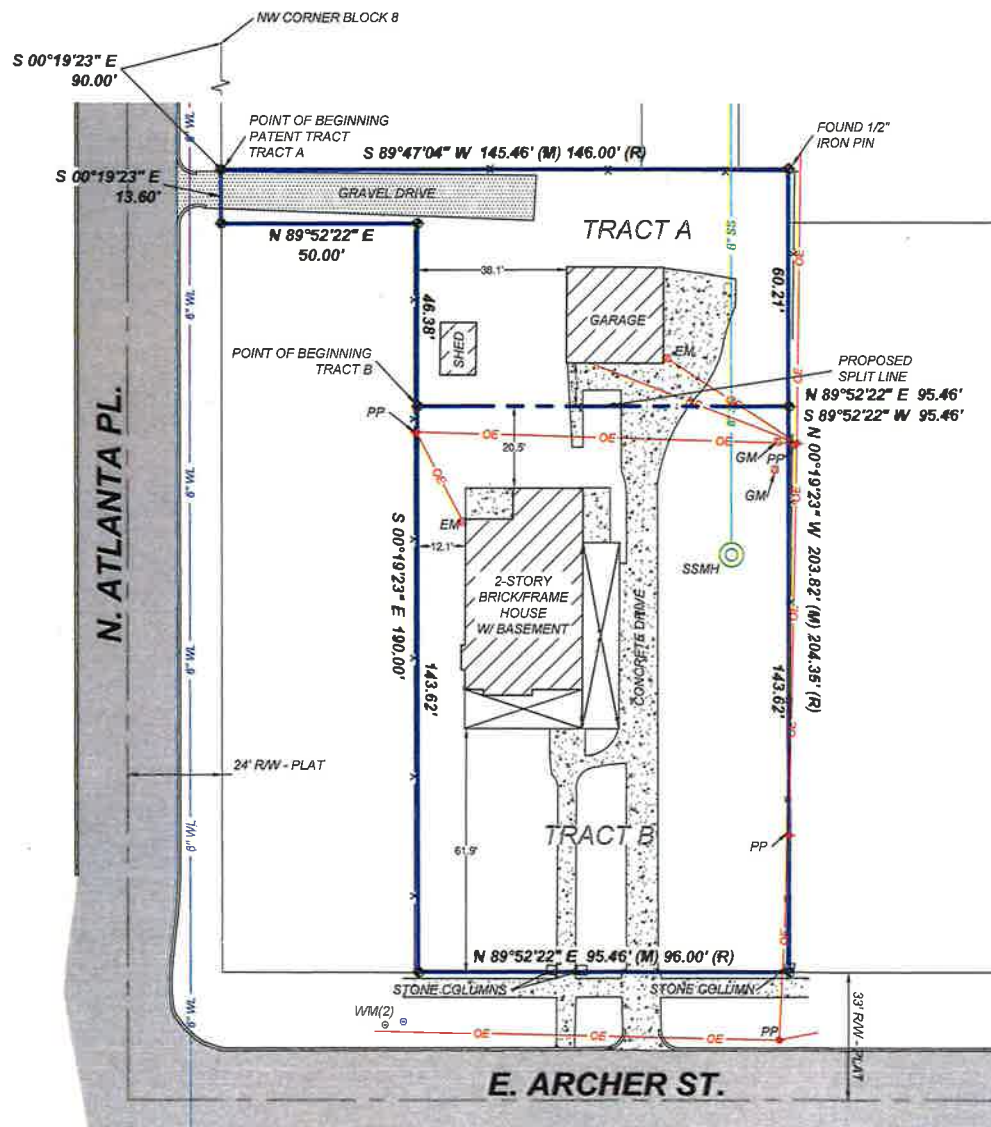
Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

2.25



2.26



LEGEND

(M)	FIELD MEASUREMENT
(R)	RECORD DISTANCE
EM	ELECTRIC METER
GM	GAS METER
PP	POWER POLE
R/W	RIGHT-OF-WAY
SSMH	SANITARY SEWER MANHOLE
WM	WATER METER

LINETYPE

—OE—	OVERHEAD ELECTRIC
—SS—	SANITARY SEWER
—WL—	WATERLINE
—X—	FENCELINE

SURVEYOR'S NOTES

PREPARED FOR: LOUISE THOMPSON

PHYSICAL ADDRESS: 2535 E. ARCHER ST. N. TULSA, OK 74110

SET 3/8" IRON PIN W/ GREEN "FRITZ CA5848" CAP OR MAG NAIL W/ "FRITZ CA5848" WASHER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON.

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, COMMUNITY PANEL NO. 40143C0240L- OCTOBER 16, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). SUBJECT PROPERTY IS NOT WITHIN CITY OF TULSA REGULATORY FLOODPLAIN.

LAST SITE VISIT: FEBRUARY 13, 2019.

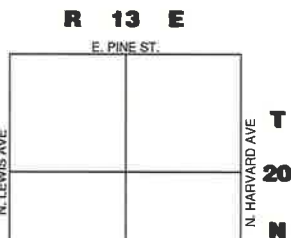
ALL UTILITIES MAY NOT BE SHOWN - CALL OKIE 1-800-522-6543!

BOA-22607

LOT LINE ADJUSTMENT EXHIBIT

PART OF BLOCK EIGHT(8), CHEROKEE HEIGHTS SECOND ADDITION
TULSA COUNTY, OKLAHOMA

DRAWN: RLL	DATE: 02.25.18	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2020
APPROVED: PLS	DATE: 02.25.18	
SCALE: 1"=30'	SHEET 1 OF 2	
PROJECT NO.: 19032		



SECTION 32
LOCATION MAP

SCALE: 1"=3000'

LEGAL DESCRIPTION - PARENT TRACT AS PROVIDED DOC #2018109412

ALL THAT PART OF BLOCK EIGHT (8), CHEROKEE HEIGHTS SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 32, DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT 90 FEET SOUTH OF THE NORTHWEST CORNER OF SAID BLOCK 8;

THENCE SOUTH ALONG THE WEST LINE THEREOF, A DISTANCE OF 13.6 FEET;

THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 8, A DISTANCE OF 50 FEET TO A POINT;

THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 8, A DISTANCE OF 190 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 8;

THENCE EAST A DISTANCE OF 96 FEET ALONG THE SOUTH LINE OF SAID BLOCK 8;

THENCE NORTH AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 8, A DISTANCE OF 204.35 FEET TO A POINT;

THENCE WEST ON A LINE PARALLEL WITH THE NORTH LINE OF SAID BLOCK 8, A DISTANCE OF 146 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION - TRACT A TO BE SPLIT

A TRACT OF LAND THAT IS PART OF BLOCK EIGHT (8), CHEROKEE HEIGHTS SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 32, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF BLOCK 8, SAID POINT BEING 90.00 FEET SOUTH 00°19'23" EAST OF THE NORTHWEST CORNER THEREOF;

THENCE CONTINUING SOUTH 00°19'23" EAST ALONG THE WEST LINE OF BLOCK 8 A DISTANCE OF 13.60 FEET;

THENCE NORTH 89°52'22" EAST AND PARALLEL WITH THE SOUTH LINE OF BLOCK 8 A DISTANCE OF 50.00 FEET;

THENCE SOUTH 00°19'23" EAST 46.38 FEET;

THENCE NORTH 89°52'22" EAST AND PARALLEL WITH THE SOUTH LINE OF BLOCK 8 A DISTANCE OF 95.46 FEET;

THENCE NORTH 00°19'23" WEST 60.21 FEET;

THENCE SOUTH 89°47'04" WEST AND PARALLEL WITH THE SOUTH LINE OF BLOCK 8 A DISTANCE OF 145.46 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS AN AREA OF 6,422.21 SQUARE FEET OR 0.15 ACRES.

LEGAL DESCRIPTION - TRACT B - REMANDER TRACT

A TRACT OF LAND THAT IS PART OF BLOCK EIGHT (8), CHEROKEE HEIGHTS SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 32, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF BLOCK 8, SAID POINT BEING 90.00 FEET SOUTH 00°19'23" EAST OF THE NORTHWEST CORNER THEREOF;

THENCE CONTINUING SOUTH 00°19'23" EAST ALONG THE WEST LINE OF BLOCK 8 A DISTANCE OF 13.60 FEET;
THENCE NORTH 89°52'22" EAST AND PARALLEL WITH THE SOUTH LINE OF BLOCK 8 A DISTANCE OF 50.00 FEET;
THENCE SOUTH 00°19'23" EAST 46.38 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00°19'23" EAST 143.62 FEET TO THE SOUTH LINE OF BLOCK 8;

THENCE NORTH 89°52'22" EAST ALONG THE SOUTH LINE OF BLOCK 8 A DISTANCE OF 95.46 FEET;

THENCE NORTH 00°19'23" WEST 143.62 FEET;

THENCE SOUTH 89°52'22" WEST 95.46 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS AN AREA OF 13,709.0 SQUARE FEET OR 0.31 ACRES.

SURVEYOR'S STATEMENT

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS EXHIBIT IS A TRUE AND ACCURATE REPRESENTATION OF THE EXISTING CONDITIONS AND THAT THE LEGAL DESCRIPTIONS CREATED BY THIS EXHIBIT AND SHOWN HEREON WERE WRITTEN IN ACCORD WITH EXISTING RECORDS AND DO MATHEMATICALLY CLOSE. BEARINGS ARE BASED UPON USING THE WEST LINE OF BLOCK 8 OF CHEROKEE HEIGHTS SECOND ADDITION AS SOUTH 00°19'23" EAST.

WITNESS MY HAND AND SEAL THIS 25th DAY OF FEBRUARY, 2019.

ANDY FRITZ, PLS
OK LIC. 1694
CA #5848



LOT LINE ADJUSTMENT EXHIBIT

PART OF BLOCK EIGHT(8), CHEROKEE HEIGHTS SECOND ADDITION
TULSA COUNTY, OKLAHOMA

DRAWN: RLL	DATE: 02.25.18	PREPARED BY: FRITZ LAND SURVEYING, LLC 2017 W. 91ST STREET, TULSA, OK 74132 PH: 918.231.0575 FRITZLANDSURVEYING@GMAIL.COM C.A. # 5848 EXPIRES: 6-30-2020
APPROVED: PLS	DATE: 02.25.18	
SCALE: 1"=1"	SHEET 1 OF 2	
PROJECT NO.: 19032		

2.27



Looking east- towards the north portion of the subject
site- on N. Atlanta Pl.

01/2019 11:01



Looking east- towards the north portion of the subject
site- on N. Atlanta Pl.

04/01/2019 11:01



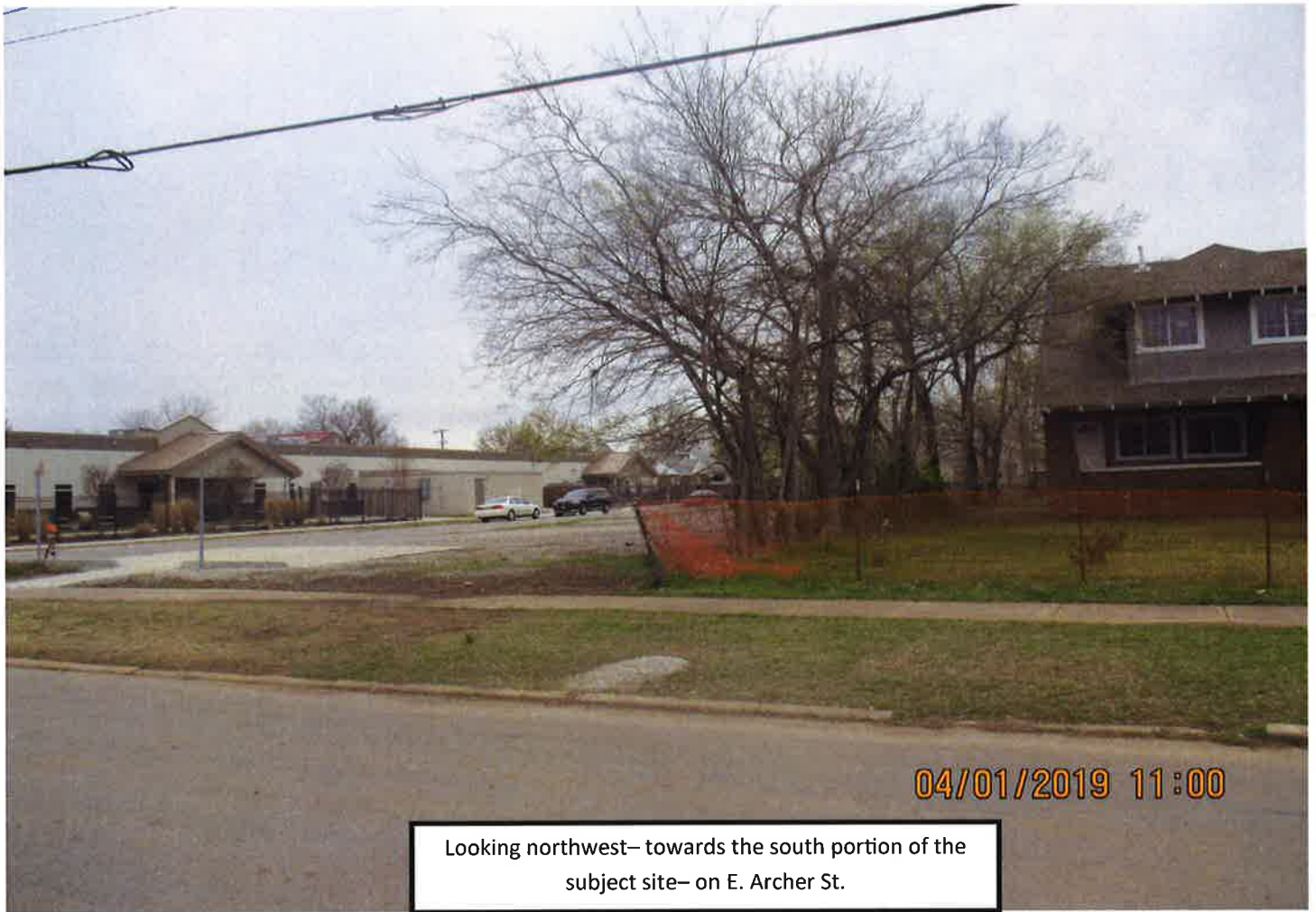
Looking east- towards the north portion of the subject
site- on N. Atlanta Pl.

04/01/2019 11:01

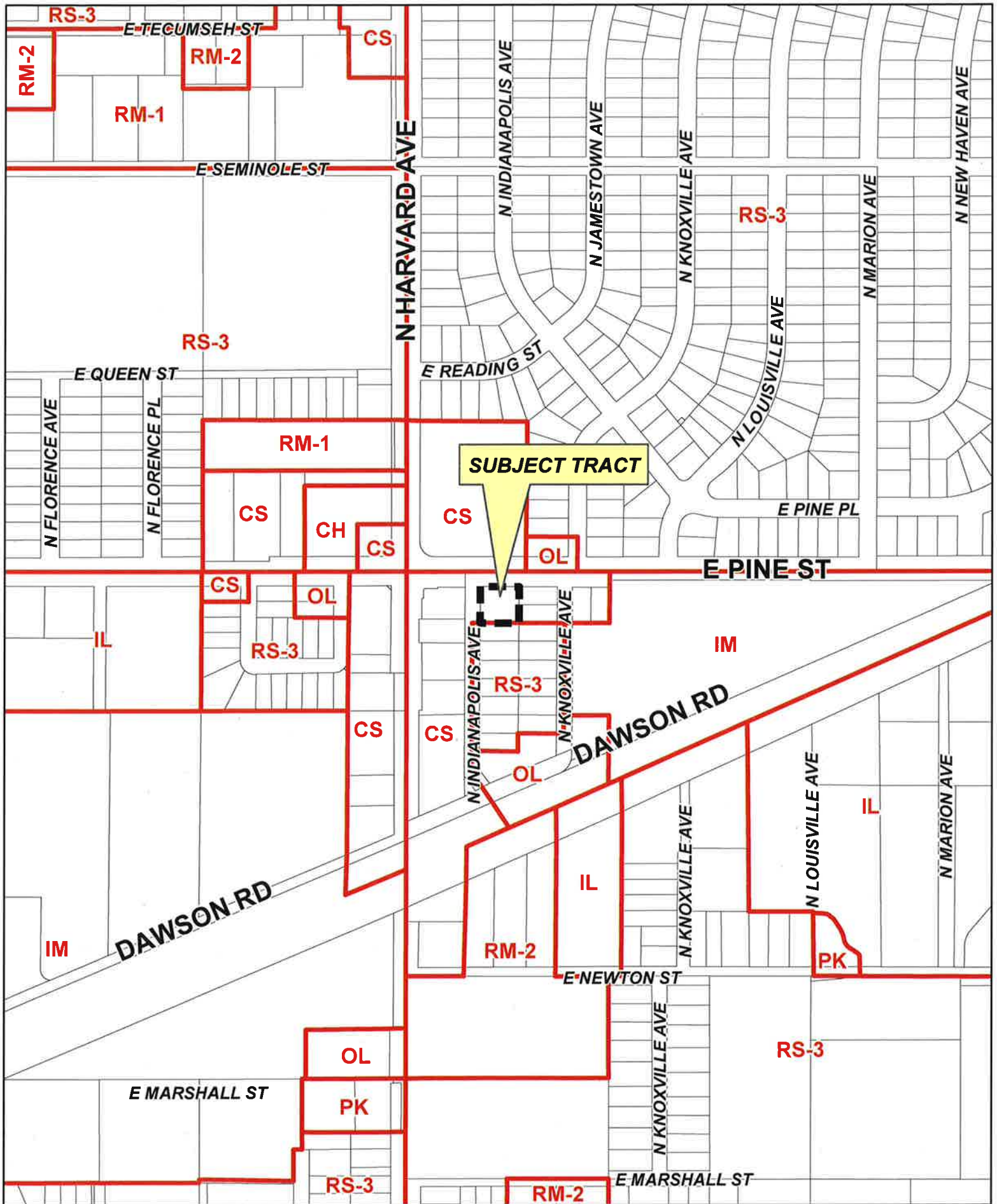


Looking north- towards the south portion of the subject
site- on E. Archer St.

04/01/2019 11:00



Looking northwest— towards the south portion of the
subject site— on E. Archer St.



SUBJECT TRACT

BOA-22609

3.1



20-13 33



BOARD OF ADJUSTMENT CASE REPORT

STR: 219 Case Number: **BOA-22609**

CZM: 29

CD: 3

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Bob Keathley

ACTION REQUESTED: Special Exception to permit Commercial/Vehicle Sales and Service/ Personal Vehicle Sale and Rentals Use in a CS Zoning District (Sec. 15.020); Variance to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district (15.040-A)

LOCATION: 3402 E PINE ST N

ZONED: CS

PRESENT USE: Office/Retail

TRACT SIZE: 15002.13 SQ FT

LEGAL DESCRIPTION: LTS 19 & 20 BLK 2, HARRIS HGTS

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA-20022; on 4.14.05, the Board *Special Exception* to allow Use Unit 17 - Automotive and Allied Activities - Automobile Sales in a CS zoned district; a Loacted; 1431 N. Harvard Ave. E. *Variance* of the required 300 ft distance from an R zoned district for outside display of merchandise for sale. Loacted; 1431 N. Harvard Ave. E.

BOA-19480; on 11.26.02 the Board **approved** a *Special Exception* to allow UU 17 (Tire Store) in a CS zoned district; a *Variance* of required setback from centerline of Harvard from 100' to 62' for an existing building. Loacted; 1431 N. Harvard Ave. E.

BOA-19676; on 9.23.03 the Board **approved** a *Special Exception* to allow Use Unit 17, Automotive and Allied Activities, in a CS zoned district. Located; 1416 N. Harvard.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is adjacent to CS zoned lots to the east and west; RS-3 zoned residences are immediately to the south; E. Pine St. abuts the subject property to the north.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to permit personal car sales in a CS district (Section 15.020); and **Variance** to permit open air storage and display of merchandise for sale within 300 ft of an abutting R district (Section 15.040-A).

Car sales are permitted in the CS district only by special exception. A special exception is required as the proposed use is not permitted by right in the CS district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted. The commercial lot currently contains an existing building and a parking area to the north of the building.

The applicant is also requesting a Variance of the requirement that no merchandise may be stored or displayed outside within 300 ft. of an abutting R district. The subject lot abuts RS-3 zoned lots to the south. Section 40.400-B of the Code, states that whenever commercial or personal vehicle sales or rentals are within 300 ft. of an R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090. Please see the attached statement provided by the applicant detailing their request.

Sample Motion:

Move to _____ (approve/deny) a **Special Exception** to permit Personal Vehicle Sales Use in a CS Zoning District (Sec. 15.020); a **Variance** to allow outdoor storage and outdoor merchandise display within 300 feet of an abutting R district (15.040-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.

In granting the Variance 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."*

could not put up a surface sign is because of the aluminum slats, which are removable.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Variance** of setback requirement for a projecting sign from 40 ft. to 34 ft. 7 in. to accommodate the installation of two projecting signs in the CBD district, according to the plan submitted, finding that because of extraordinary and exceptional zero lot line conditions the literal enforcement of the terms of the code would result in unnecessary hardship; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20022

Action Requested:

Special exception to allow Use Unit 17 - Automotive and Allied Activities - Automobile Sales in a CS zoned district; and a Variance of the required 300 ft distance from an R zoned district for outside display of merchandise for sale, 1431 N HARVARD AV E.

Presentation:

Hector Gutierrez, 2108 East Oklahoma Street, proposed to open a used car lot, which was previously a tire shop. He leased the property for one year. He planned to clean up and improve the property, including the building.

Comments and Questions:

Mr. Dunham encouraged the applicant to read the staff recommendation for conditions to approval.

Interested Parties:

Roger Coffman, 1443 North Harvard, stated he is the Associate Pastor at Sanctuary of Praise next door. He and his church were concerned about outside storage.

Richard Ganders, 1825 South Columbia, stated his property has been in his family since 1925.

Comments and Questions:

Mr. Dunham asked what allied activities he wanted to include. Mr. Gutierrez stated he would have sales only.

Board Action:

On **Motion of Stead**, the Board voted 3-0-0 (Dunham, Stead, Stephens "aye"; no "nays"; no "abstentions"; Paddock, Henke "absent") to **APPROVE** a **Special Exception** to allow Use Unit 17 - Automotive Sales in a CS zoned district; and a **Variance** of the required 300 ft distance from an R zoned district for outside display of merchandise for sale, subject to the following conditions: ~~one~~ driveway only on Harvard; no entrance from Indianapolis; remove barbed wire on north and south; no salvage; screening to church, and east screening remain in place; no inoperable vehicles on lot; no outside storage or sales of parts or materials; no painting, no maintenance or repairs on site; no fence to exceed 3' height along the arterial, finding that the enforcement of the code terms would result in an unnecessary hardship, and that exceptional conditions and 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; and the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

S115.3 N471.2 W190 W/2 NW NW LESS W50 N100 S115.3THEREOF & LESS W40 S15.3 THEREOF FOR RD SEC 33 2013 .374ACS, HARRIS HGTS, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20024

Action Requested:

Variance of the allowable number of signs allowed per street frontage from one to two; a Variance to allow changeable copy lighted sign rather than by constant light, 455 S. Lewis Av. E.

Presentation:

Lou Reynolds, 2727 East 21st Street, Suite 200, represented People's State Bank. He submitted a sign plan and photographs (Exhibit F-1 and F-2). They proposed to remove the existing ground sign and replace with a slightly smaller sign. They also proposed to replace the wall sign. The changeable copy sign would not have flashing lights or anything distracting and would comply with the zoning code light measurement requirements. Mr. Reynolds stated that the bank property is unusual in that they have 300' of frontage on South Lewis and along the east side of Lewis it is the only property not zoned CH. He added that the bank was a pioneer in the re-development of the Kendall-Whittier Neighborhood and for years was the nicest property around besides the university. He informed the Board that the bank is doing some remodeling to make a new access from the

REQUIREMENTS IN THE RESIDENTIAL DISTRICTS and SECTION 1607.
VARIANCES – Use Unit 6, located 2304 S. Cincinnati Ave.

Presentation:

Stephen Schuller, 500 OneOak Plaza, 100 W. 5th St., presented for the application.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** to reduce required 15' side yard (and 20' garage setback) to less than 1' along long-abandoned 100' street right-of-way, to permit replacement of dilapidated garage with attached garage, finding the hardship to be the abandoned right-of-way on Woodward Blvd., and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

The Nly/2 of Lot 1, Block 2, Sunset Park, City of Tulsa, Tulsa County, State of Oklahoma, lying Nly from a straight line drawn from the center of the Ely line of said Lot to the center of the Wly line of said lot, more particularly described as follows, to-wit: Beg. at the NE/c of said lot, running thence in a SEly direction along the E line of said Lot a distance of 60.33'; thence in a SWly direction a distance of 135' to the W line of said Lot; thence in a NWly direction along the W line of said Lot a distance of 76' to the NW/c of said Lot; thence in an Ely direction along the N line of said Lot a distance of 138.6' to the POB.

Case No. 19480

Action Requested:

Special Exception to allow Use Unit 17 (tire store) in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of required setback from centerline of Harvard from 100' to 62' for an existing building. SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS, located 1441 N. Harvard.

Presentation:

Justin R. Khoury, 1144 S. Florence Pl., submitted a letter (Exhibit E-1) from the property owners around his property.

Comments and Questions:

Mr. Dunham referred to photographs and the Zoning Notice (Exhibits E-2, E-3) that were provided to the Board by Neighborhood Inspections. He noted the tires and items stored outside, which is in violation of the code. He instructed Mr. Khoury that if his application were approved there would not be any outside storage

allowed. Mr. Khoury stated that he made application and wants to find out what he can do to keep his tire store.

Interested Parties:

Kevin Cox, 111 S. Greenwood, Neighborhood Inspections, stated upon initial inspection he found outside storage of tiers, debris, inoperable vehicle, and auto parts. He gave a notice and Mr. Khoury made a lot of progress in removing the violations. Mr. Cox spoke with the property owner and the property has been used for a tire shop since 1976. He understood Mr. Khoury would remove the trailer used for storage of old tires and on a daily basis remove the old tires.

There were no interested parties in objection to the application.

Applicant's Rebuttal:

Mr. Khoury responded that he talked with all of the neighbors and no one had an objection to the application. They like the screening fence, and want the property to be kept neat and organized. He painted the sign and starting the new tin on the roof. He wants to purchase the property in January but does not want to invest too much more in the property if he can't operate his business there. He would like to store his stock in a trailer if he is not allowed to store them on racks. He would be willing to build a building to store his tires.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow Use Unit 17 (tire store) in a CS zoned district; and a **Variance** of required setback from centerline of Harvard from 100' to 62' for an existing building, with condition for no outside storage of merchandise or tires, and that merchandise and tires will be enclosed within 90 days from today, 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:

The S 115.30' N 471.20' W 190.00' W/2 NW/4 of Section 33, T-20-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19482

Action Requested:

Special Exception to permit parking in an RS-3 district for public library. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located E of Hartford on S side of E. Queen St.

Presentation:

Jan Keene, 400 Civic Center, they need more parking space and they can lease the nearby parking lot from TDA for 25 years.

*****.

Case No. 19675

Action Requested:

Variance of the required side yard setback from 5' to 0.98'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located: 8006 E. 27th Pl.

Presentation:

John Tracy, 2703 S. 80th E. Ave., asked for a variance on a house he built over the side yard. Mr. White pointed out that the driveway was encroaching on the neighbor's property. Mr. Beach asked if there was a building permit issued. Mr. Tracy replied they had a building permit.

Comments and Questions:

Ms. Turnbo noted this was a self-imposed hardship. Mr. Dunham instructed the applicant regarding options to correct this problem, including seeking a lot split.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On **Motion** of **Turnbo**, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** a **Variance** of the required side yard setback from 5' to 0.98', finding the hardship is self-imposed, on the following described property:

Lot 11, Block 1, Tracy Park II, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 19676

Action Requested:

Special Exception to allow Use Unit 17, Automotive and Allied Activities, in a CS zoned district – 4 individual units in shopping center. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located: 1416 N. Harvard.

Presentation:

Jose Bustos, 1402 N. Harvard Ave., Ste. A, represented by **Guadalupe Vernell**, 924 N. Victor Ave. as his interpreter. Ms. Vernell informed the Board there are eight units in the shopping center, from 1408 to 1418. Photographs and a summary of facts were provided (Exhibits D-1 and D-2).

Comments and Questions:

Ms. Turnbo asked for the days and hours of operation. Ms. Vernell replied Monday through Sunday from 9:00 a.m. to 8:00 p.m. They would be doing general auto

mechanics, and some auto sales. They do not paint autos but they do sand them. Mr. Dunham informed the applicant that they cannot display autos or merchandise for sale outside within 300' of residential property. Ms. Turnbo mentioned the limit of 30 days for auto storage.

Interested Parties:

Richard Ganders, 1825 S. Columbia, stated he just came to clarify which units the applicant was using.

David Patrick, City Councilor, District 3, stated this is an old strip center. He reminded them that auto repair business fluctuates depending on the services. He cautioned them that the only room for storage of autos is in the front. Mr. Patrick wanted to be sure the business stays in compliance and does not become a salvage lot.

Applicant's Rebuttal:

Ms. Vernell assured the Board the applicant understands and is willing to comply. She stated that Mr. Bustos owns the whole shopping center.

Mr. Boulden added that he is in favor of a pole fence of two to three feet in height only.

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 **Special Exception** to allow Use Unit 17, Automotive and Allied Activities, in a CS zoned district – 8 individual units in shopping center, with conditions: all repairs to be done inside the buildings and no repairs on the parking lot; no inoperative vehicles to be stored on the premises for more than 30 days; the property to be kept in a neat and orderly manor with a nice exposure to the street; no fencing to be erected in front of the property other than a pipe fence of no more than two to three feet in height; no painting of vehicles; and no merchandise or vehicles be displayed for sale on the parking lot; the days and hours of operation Monday through Sunday, 9:00 a.m. to 8:00 p.m., finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Beg. 456.50' S and 40.00' W of NE/c NE NE, thence S 205.00' W 145.00' N 205.00' E 145.00', POB Section 32, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19677

Action Requested:

Variance to allow accessory buildings in a total of 859.6 square feet. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use



0 Feet 200 400



Subject
Tract

BOA-22609

20-13 33

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

Aerial Photo Date: February 2018

3.11





0 50 100
Feet



Subject
Tract

BOA-22609

20-13 33

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

Aerial Photo Date: February 2018

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LINE ST

N

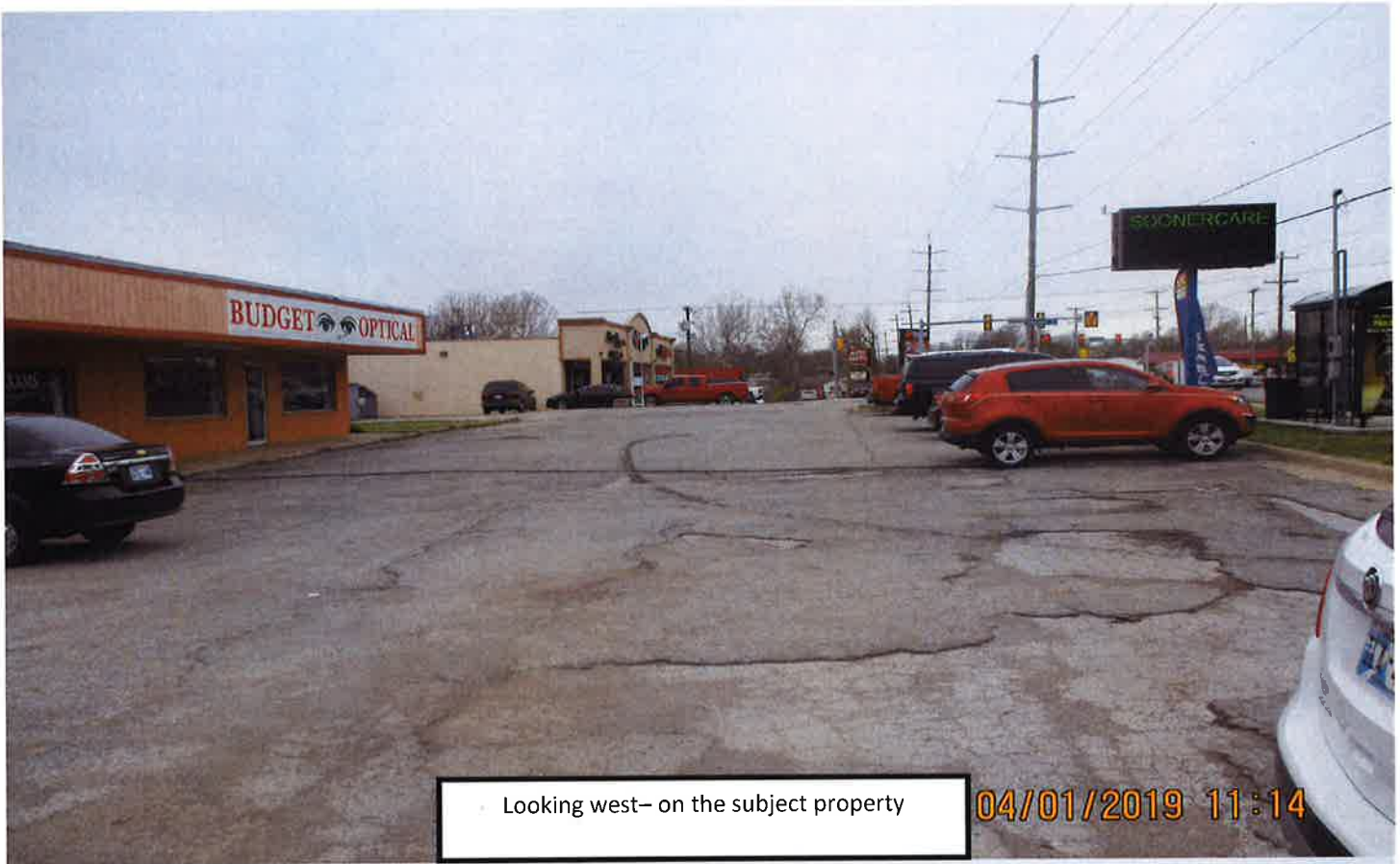
255 SPACES FOR -

3408	CALVERT CO 11 PHONE
3406	LA INSURANCE
3404	
3402	BUDGET OPTICAL

Ulmer, Amy

From: Bob Keathley <bkeath1208@gmail.com>
Sent: Friday, March 29, 2019 9:27 AM
To: Ulmer, Amy
Subject: variance

My plan is to do auto sales only at 3404 E Pine St in Tulsa. No service and no rentals. Very low inventory or 3 vehicles or less. I own the building and cannot afford to lower the aesthetics because of my tenants needs. I have talked to them and to some neighbors and they are ok with me doing this. I make more from tenant rental than I ever will by selling cars. I will park a car or two on the west end of the parking lot where it extends past the building so as not to impede any tenants need for their customer parking. Even though I have \$5000 worth of hearing aids in my ears I still have difficulty in hearing so your patience will be greatly appreciated. Thank you Bob Keathley



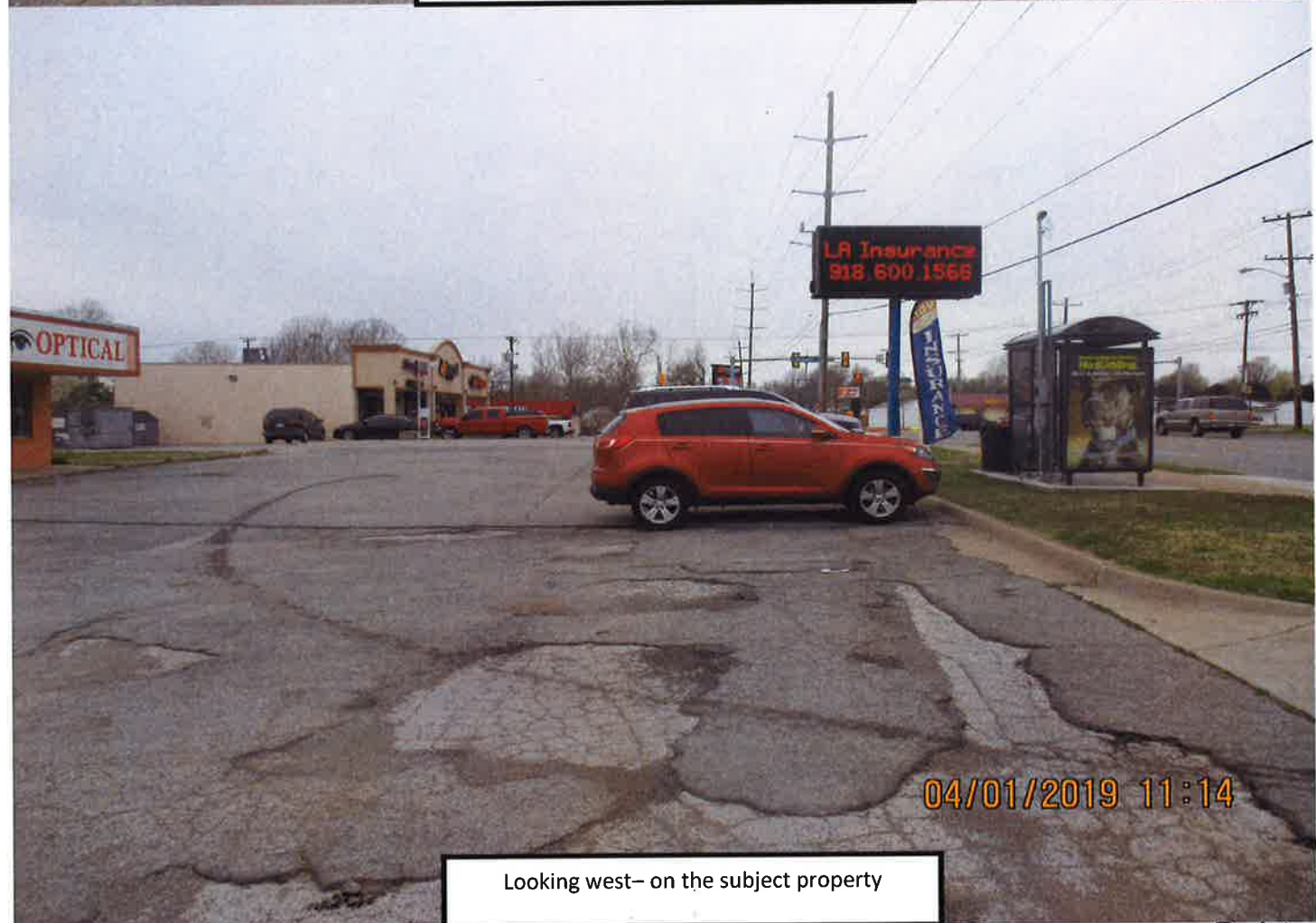
Looking west— on the subject property

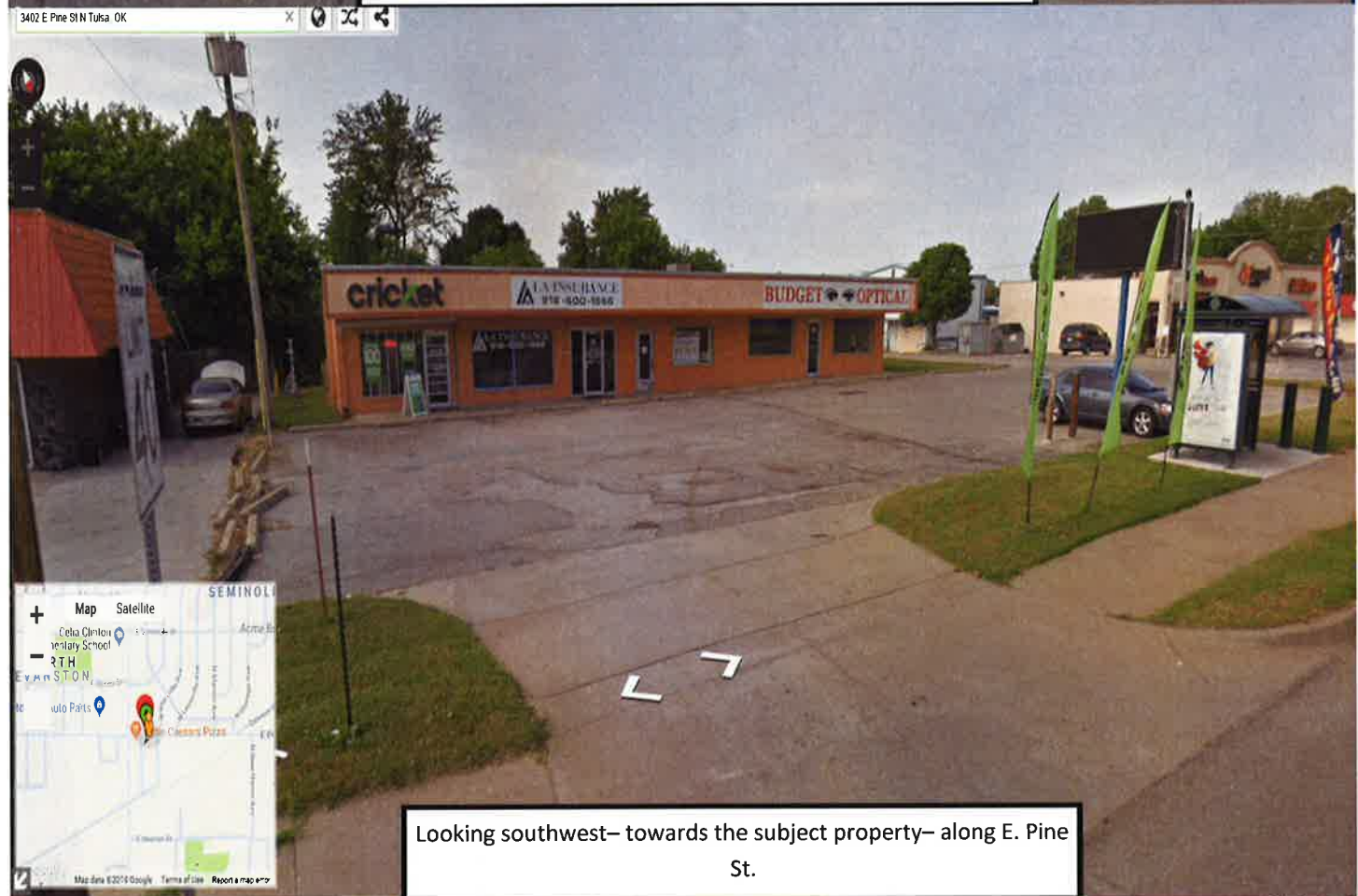
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Looking south— on the subject property

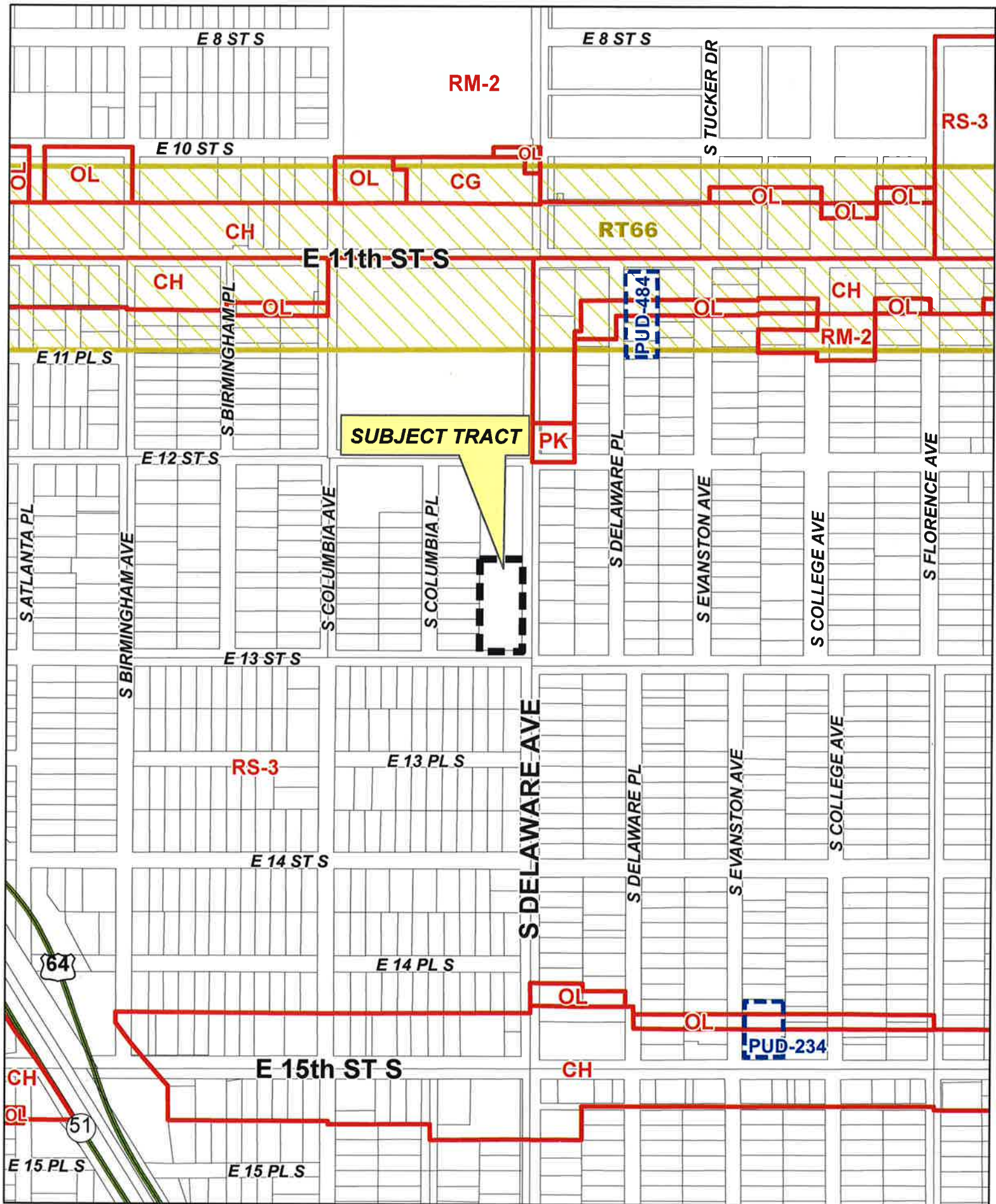
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BOA-22610

19-13 08

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22610**

CZM: 37

CD: 4

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Alan Betchan

ACTION REQUESTED: Special Exception to allow duplexes in an RS-3 District (Table 5-2.5); ~~Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the of the floor area of the principal structure (Sec. 45.030-B)~~

LOCATION: NW/c of E. 13th St. S. & S. Delaware Ave. ZONED: RS-3

PRESENT USE: vacant TRACT SIZE: \pm 42,700 sq. ft.

LEGAL DESCRIPTION: LTS 13 THRU 18 BLK 2, HI-POINTE ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Area:

BOA-15652; on 2.12.91, the Board **approved**, per plans submitted, a *Variance* of the required 55 feet setback from the centerline of South Delaware Avenue to 28 feet to permit the enclosure of an existing canopy and erection of a new canopy for the existing church use. Located; 2744 E. 12th St.

BOA-4412; on 1.13.65, the Board **approved** an addition for church and parking uses. Located; Lt 20 & 21, Blk 2, Hi Pointe Addition (immediately north of the subject site)

BOA-3463; on 8.10.60, the Board **approved** a church use and off-street parking. Located; SE/c and SW/c of S. Columbia Pl. & E. 12th St. S.

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.

4.2

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

STAFF COMMENTS:

The applicant's request is for a portion of the overall parcel. The applicant is before the Board requesting a **Special Exception** to allow duplexes 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.

The applicant has stated that the Variance to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal structure (Sec. 45.030-B) is not part of the current request sought by the applicant.

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to allow duplexes in an RS-3 District (Table 5-2.5)

- 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.

Action Requested:

Variance of the required setback, as measured from the centerline of South Delaware, from 55' to 28' to permit the enclosure of an existing canopy and the erection of a new canopy - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5, located at 2744 East 12th Street.

Presentation:

The applicant, **Jim Graber**, 5200 South Harvard, Suite 5-E, Tulsa, Oklahoma, architect for the project, submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2). He explained that the church, which was initially constructed closer to the street than current Code requirements permit, is proposing to enclose the existing canopy and construct an extension along the building to the parking lot. Mr. Graber pointed out that the new construction will not extend closer to the street than the existing canopy.

Comments and Questions:

Mr. Fuller asked if the entire length of the canopy will be enclosed, and Mr. Graber stated that only the existing portion will be enclosed.

Board Action:

On **MOTION** of **FULLER**, the Board voted 4-0-0 (Bolzie, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Variance of the required setback, as measured from the centerline of South Delaware, from 55' to 28' to permit the enclosure of an existing canopy and the erection of a new canopy to the south - **Section 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 5; per plot plan submitted; finding that the new construction will not extend closer to the street than the existing canopy, and the approval of the variance request will not violate the spirit, purposes or intent of the Code; on the following described property:

Lots 22, 23 and 24, Block 2, Hi Pointe Addition, City of Tulsa, Tulsa County, Oklahoma.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT, WEDNESDAY, JANUARY 13, 1965.

PRESENT: Cohen, Chairman; Ingle; Avery; Sublett.

Case No. 4412-A

First Church of the Nazarene - Lots 20, 21, Block 2, Hi Point Addition

This being the date set down for public hearing on the application of the First Church of the Nazarene for permission to use Lots 20 & 21, Block 2, Hi Point Addition for church and parking purposes. There appeared Mr. L. A. Ogden on behalf of the applicant. No protest was offered.

MOVED by Ingle (Avery) that this application be approved.

All members voting yea.

Carried.

Case No. 4533-A

Mrs. W. J. Smith
Lot 26, Block 7,
Rosewood Addition

This being the date set down for public hearing on the application of Mrs. W. J. Smith, after having filed an 38% plus petition of an affected area created by the Board, for permission to operate a home beauty shop on Lot 26, Block 7, Rosewood Addition. No one appeared in behalf of the applicant. No protest was offered.

MOVED by Avery (Sublett) that this application be approved.

All members voting yea.

Carried.

Case No. 4534-A

Oral Roberts
University - Lots
13,14,15,16, Block
4, Lavelle Heights

This being the date set down for public hearing on the application of Oral Roberts University for permission to establish off-street parking on Lots 13, 14, 15, 16, Block 4, Lavelle Heights Addition for the University. There appeared Mr. H. B. Sisemore on behalf of the applicant. No protest was offered.

MOVED by Avery;(Sublett) that this application be approved.

All members voting yea.

Carried.

Case No. 4535-A

Red Ford Church of
God - Lots 13,14,15,
16, Block 12, Yargee
Addition

This being the date set down for public hearing on the application of the Red Fork Church of God for permission to expand church and request for a modification of rear yard requirements on Lots 13, 14, 15, 16, Block 12, Yargee Addition. There appeared Mr. W. H. Wolaver on behalf of the applicant. No protest was offered.

Case No. 3463-A ✓

Tulsa Baptist Temple
Lots 3, 4, 22, Block 1, &
Lot 4, Block 2, Hi
Point Addition

This being the date set down for public hearing on the application of the Tulsa Baptist Temple, Inc. for permission to use Lots 3, 4, 22, Block 1, Hi Point Addition for church purposes and permission to use Lot 4, Block 2, Hi Point Addition for off-street parking. There appeared C. B. Butcher on behalf of the church. There also appeared several protestants.

Mr. C. B. Butcher stated to the Board that the Church was following through on a long range plan that was presented to the Board several years ago.

The protestants stated they were not against the church that their main objection was that the church did not maintain the parking lot they had now.

After considerable discussion it was,

MOVED by Norman (Shaul) that the Board approve Lots 3, 4, and 22, Block 1, Hi Point Addition for church use only and approve Lot 4, Block 2, Hi Point Addition for off-street parking subject to the church providing a permanent surface of the lot and a decorative fence at least five feet high on the south and east line of the lot. All members voting yea. Carried.

Case No. 3431 -A ✓
Dorothy Cookery
Lot 1, Block 2,
Northridge Addition

This being the date set down for public hearing on the application of Dorothy Cookery for permission to operate a beauty shop in home on Lot 1, Block 2, Northridge Addition. Dorothy Cookery having filed a petition of 100% of an affected area created by the Board. No protest was offered.

MOVED by Avery (Shaul) that this application be granted. All members voting yea. Carried.

Case No. 3466-A ✓
Austin Barnes
Lot 1, Block 1,
Valley View Acres

This being the date set down for public hearing on the application of Austin Barnes for permission to operate a beauty shop in home on Lot 1, Block 1, Valley View Acres Addition. Austin Barnes filed a petition of 100% of an affected area created by the Board. No protest was offered.

MOVED by Avery (Shaul) that this application be granted. All members voting yea. Carried.

Case No. 3448-A ✓
Joe Schuman
Lots 1 - 5 inc., Block
1, Utica Heights Addi.

This being the date set down for public hearing on the application of Joe Schuman requesting a modification of 150 feet set-back requirement in a U-4-A District on Lots 1 through 5, inclusive, Block 1, Utica Heights Addition. There being no protest it was,



0 Feet
200
400



Subject
Tract

BOA-22610

19-13 08

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

Aerial Photo Date: February 2018

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S COLUMBIA PL

S DELAWARE AVE

S DELAWARE PL

E 13 ST S



Subject
Tract

BOA-22610

19-13 08

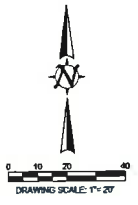
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Aerial Photo Date: February 2018

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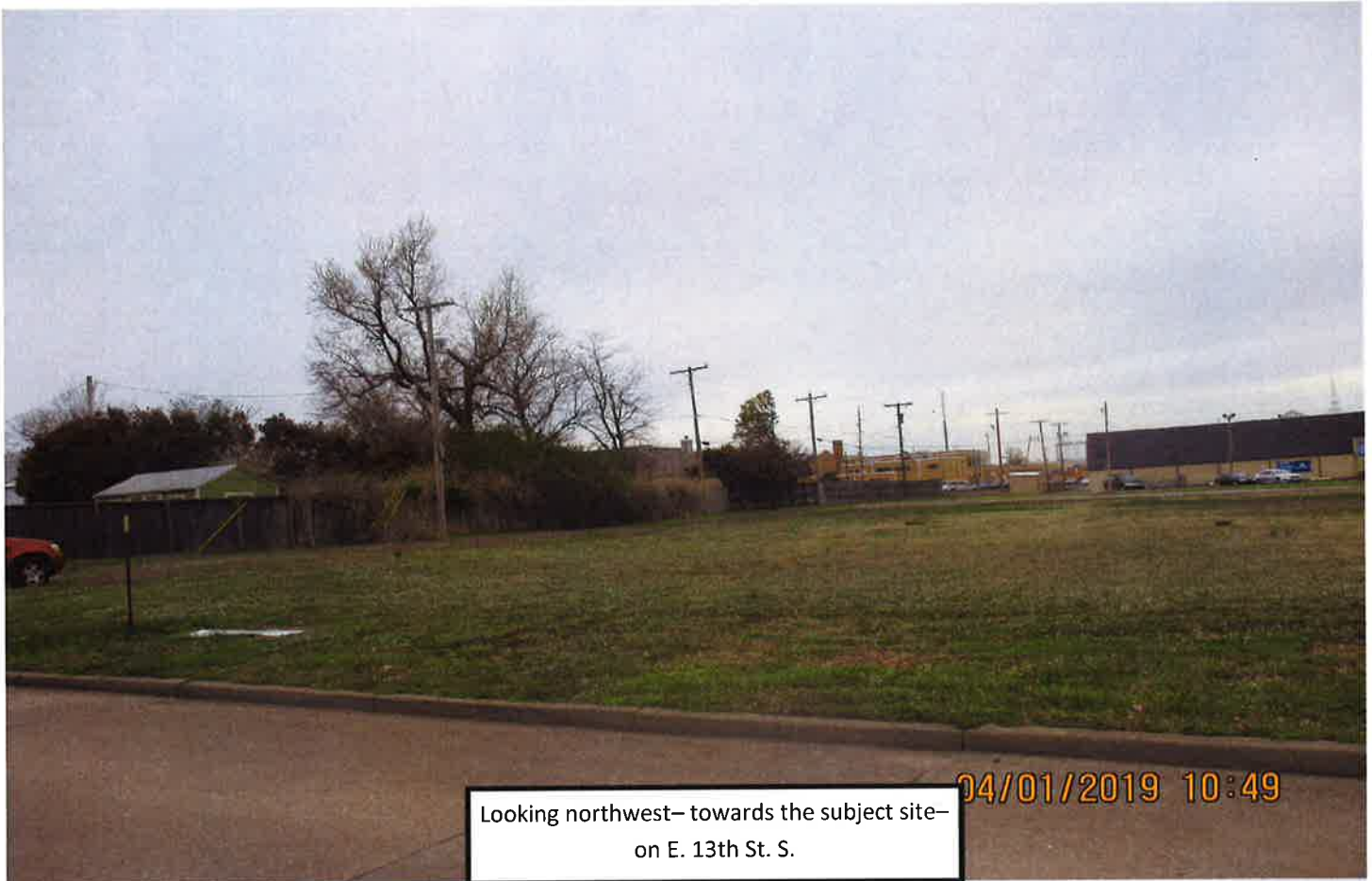


13th Street Duplexes

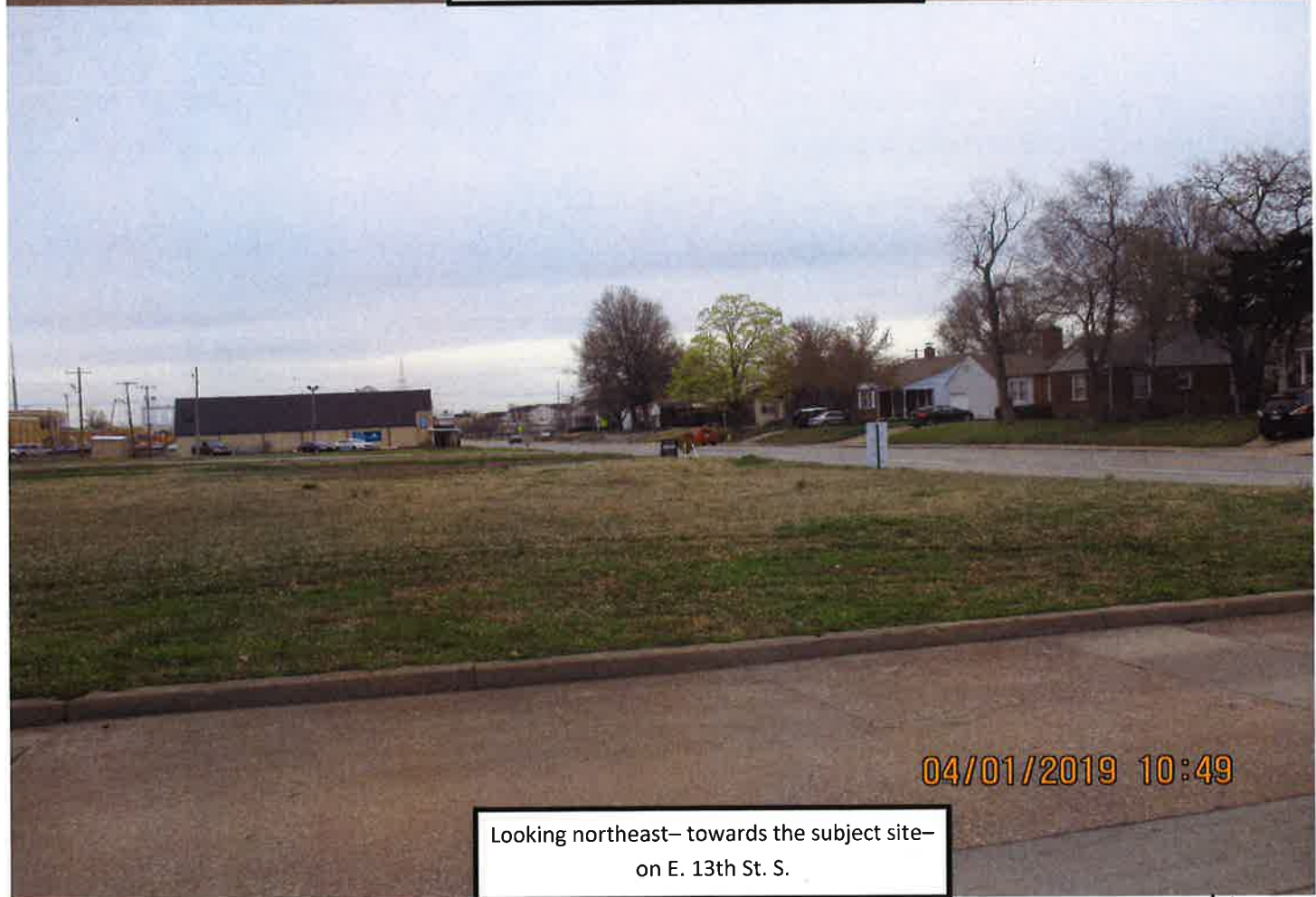


AAB Engineering, LLC
AAB
 Engineering • Land Planning
 PO Box 2136 Sand Springs, OK 74093
 OK CARRS18 Exp. June 30, 2014
 Office: (918) 514-4283 Fax: (918) 514-4288

BOA-22610



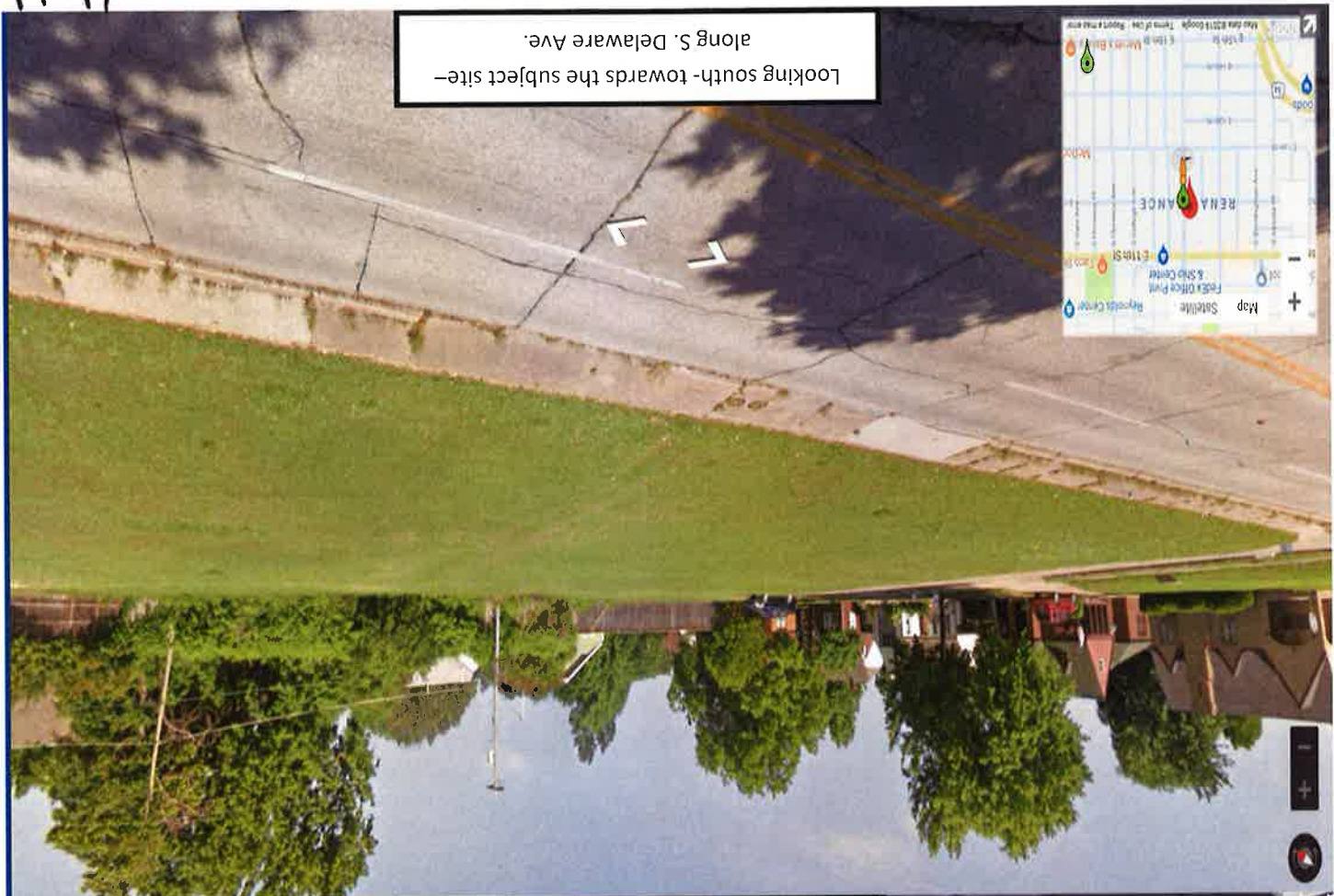
Looking northwest— towards the subject site—
on E. 13th St. S.



Looking northeast— towards the subject site—
on E. 13th St. S.



Looking south- towards the subject site-
along S. Delaware Ave.



Looking south- towards the subject site-
along S. Delaware Ave.



REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, **the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought.** (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) **In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.**

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number:



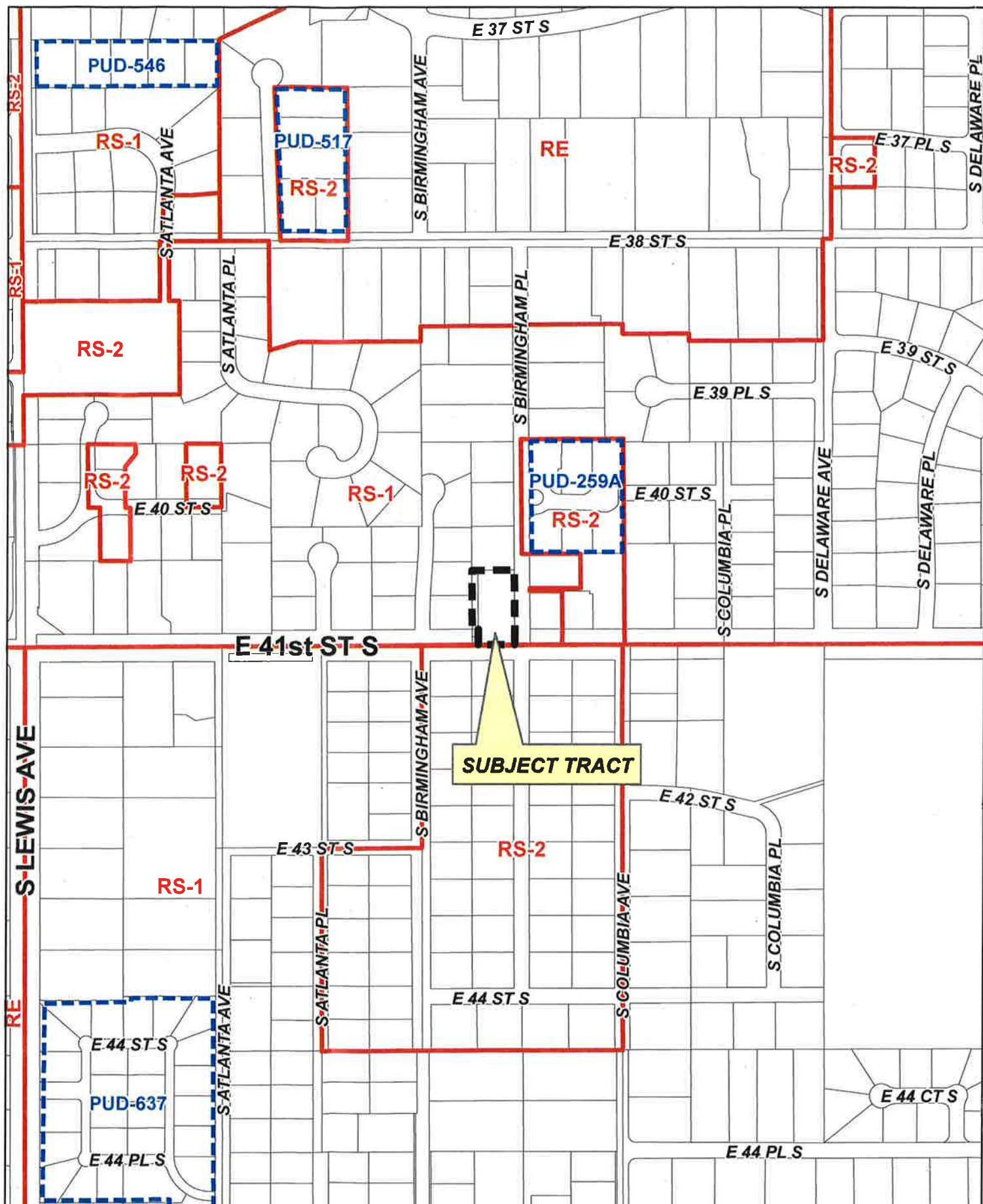
Applicant's Signature

3-5-2019

Date

Approved by: _____

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BOA-22611

19-13 20

5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9320

Case Number: **BOA-22611**

CZM: 47

CD: 9

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Steve Easley

ACTION REQUESTED: Variance to reduce the required street setback (Table 5-2); Variance to reduce the minimum lot-width requirement (Table 5-2); Variance to reduce the minimum lot area and lot area per unit requirement (Table 5-2)

LOCATION: 2611 E 41 ST S

ZONED: RS-1

PRESENT USE: residential

TRACT SIZE: 32881.57 SQ FT

LEGAL DESCRIPTION: S242 E/2 S/2 W/2 W/2 SE SW LESS W20 & LESS E25 FOR ST SEC 20 19 13 .666AC; W20 S242 E/2 S/2 W/2 W/2 SE SW LESS S50 THEREOF FOR RD SEC 20 19 13 .088AC

RELEVANT PREVIOUS ACTIONS:

Surrounding Property:

BOA-15892; on 12.10.91, the Board **approved** a *variance* of the required 30 feet of lot frontage on a public or dedicated street to 10 feet and a variance of the required 100 feet lot width to 90.26 feet. Located; 2645 E. 41st St. (west of the northwest corner of E. 41st St. S. & S. Columbia Pl.)

BOA-15052; on 2.02.89, the Board **approved**, per plans, a *variance* of the setback from the centerline off 41st Street from 85' to 73.9' to allow for an addition to an existing dwelling in a RS-1 district. Located; 2708 East 41st Street (southeast corner of 41st Street and S. Columbia Pl.)

BOA-13960; on 3.06.86, the Board **approved** a *minor variance* of the lot width, lot area, and land area to permit a lot-split. Located; southeast corner of East 41st Street South and south Columbia Avenue.

BOA-11941; on 5.13.82, the Board **approved** a *variance* of the required 85 feet setback from the centerline of East 41st Street South in a RS-2 zoned district to 81.75 feet. Located; 4108 S. Birmingham Pl. (southwest corner of East 41st Street South and South Birmingham Place).

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-1 zoned residences to the north, west, and east; E. 41st St. S. is immediately to the south.

STAFF COMMENTS:

As shown in the attachments, a Lot-Combination (LC-870) and Lot-Split (LS-21075) was approved by INCOG. At the time of the Lot-Split approval, the Right-of-Way dedication was not a condition set by City of Tulsa Development Services and the proposal was for a vacant lot. Therefore, the Lot-Split meet the bulk and area requirements for the RS-1 district. The applicant is now proposing to construct a single-family residence on the proposed "Tract B".

The proposed "Tract B", after ROW dedication, will be 12,880 sq. ft. For a single-family detached residence use in the RS-1 district the Code requires a lot area and lot area per unit of 13,500 sq. ft. The applicant has requested a **Variance** to reduce the required lot area and lot area per unit from 13,500 sq. ft. to 12,880sq. ft. for "Tract B".

For a detached house use in the RS-1 district the Code requires a minimum lot width of 100 ft. The applicant has indicated that the proposed house will front onto S. Birmingham Pl. As shown on the attached site plan, the proposed lot width for "Tract B" is 92 ft. The applicant has requested a **Variance** to reduce the required minimum lot width from 100 ft. to 92 ft.

The applicant is requesting a **Variance** to reduce the street setback from 35 ft. to 25 ft. from the planned right-of-way along E. 41st St. S. The Major Street and Highway Plan considers this an *arterial* street and would therefore be required by code to maintain a building setback of 35 feet in an RS-1 zoned district (Sec.5.030-A).

Staff requests that the Board make the condition that right-of-way be dedicated before the building permit can be issued.

Sample Motion

Move to _____ (approve/deny) a **Variance** to reduce the required street setback (Table 5-2); **Variance** to reduce the minimum lot-width requirement (Table 5-2); **Variance** to reduce the minimum lot area and lot area per unit requirement (Table 5-2)

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

- Subject to the following conditions _____.

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

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

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

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

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

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

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

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

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

Case No. 15891

Action Requested:

Varlance of the required lot width in an AG District from 200' to 165' - **Section 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICT** - Use Unit 6.

Varlance of the required 30' frontage on a dedicated street to 0' - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located 6246 East 116th Street.

Presentation:

The applicant, **Thomas Kivell**, 6246 East 116th Street, Tulsa, Oklahoma, was not present.

Comments and Questions:

Mr. Jones explained that the application concerns a lot split, and the Technical Advisory Committee required the applicant to change the lot dimensions, which requires readvertising. He suggested that the case be continued to the December 27, 1991 meeting.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzie, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 15891 to December 27, 1991 to allow sufficient time for readvertising.

Case No. 15892

Action Requested:

Varlance of the frontage on a public or dedicated right-of-way from 30' to 10' - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6.

Minor Varlance of the lot width from 100' to 90.26' to permit a lot split - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6, located 2645 East 41st Street.

Presentation:

The applicant, **Joe Coleman**, 2645 East 41st Street, Tulsa, Oklahoma, informed that this request is identical to the one granted in 1988, however, the three-year time limitation for the previous approval has expired. Mr. Coleman stated that he was unable to develop the land during the approval period, and asked the Board to grant the varlance requests a second time. A plot plan (Exhibit G-1) was submitted.

In response to Mr. Doverspike, the applicant stated that a roadway has been moved slightly, but the remainder of the plan has not changed.

Case No. 15892 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Bolzie, Chappelle, Fuller, Doverspike, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the frontage on a public or dedicated right-of-way from 30' to 10' - **Section 206. STREET FRONTAGE REQUIRED** - Use Unit 6; and to **APPROVE** a **Minor Variance** of the lot width from 100' to 90.26' to permit a lot split - **Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; finding that the applicant failed to utilize the previously approved application during the three-year approval period, and there have been no significant changes to the plot plan; on the following described property:

Lot 3, Block 3, Deatherage Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 2:35 p.m.

Date Approved Dec 27, 1991


Chairman

Case No. 15005 (continued)

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

MINOR VARIANCES AND EXCEPTIONS

Case No. 15051

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of front setback from 35' to 31' to allow for an existing porch encroachment, located 4905 South Columbia Avenue.

Presentation:

The applicant, J. P. Patman, 4905 South Columbia, Tulsa, Oklahoma, was represented by Charles Baker, who stated that the house in question was constructed approximately 35 years ago and the variance relief is needed to clear the title. A plat of survey (Exhibit C-1) was submitted.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to APPROVE a Variance (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 31' to allow for an existing porch encroachment; per plat of survey submitted; finding that the house has been at the present location for many years and is in alignment with the other homes to the south; on the following described property:

The west 199.2' of Lot 1, Block 1, South Lewis View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15052

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of 41st from 85' to 73.9' to allow for an addition to an existing dwelling, located 2708 East 41st Street.

Presentation:

The applicant, Gerald Bilby, 2708 East 41st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) for an addition to an existing home. He stated that the addition will align with the front of the house and will not protrude further into the 41st Street setback than the present structure.

Case No. 15052 (continued)

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White "aye"; no "nays"; no "abstentions"; Quarles "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of 41st Street from 85' to 73.9' to allow for an addition to an existing dwelling; per plot plan submitted; finding that the proposed addition will align with the existing portion of the house, and the granting of the request will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code; on the following described property:

Part of the E/2, NE/4, NW/4 of Section 29, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at the NW/c of said E/2, NE/4, NW/4 of said Section 29; thence east along the north section line a distance of 25' for the place of beginning; thence south and parallel to the west line of said E/2, NE/4, NW/4 a distance of 250'; thence east and parallel to the north section line a distance of 150'; thence north and parallel to the west line of said E/2, NE/4, NW/4 a distance of 250'; thence west along the north section line a distance of 150' to the Point of Beginning; LESS AND EXCEPT the following described tract, to-wit:

Commencing at a point on the north line of said E/2, NE/4, NW/4, 25.0' east of the NW/c thereof; thence south 160.0' to the Point of Beginning; thence east 145.0'; thence south 90.0'; thence west 145.0'; thence north 90.0' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15056

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from 25th Street from 30' to 25' to allow for an existing dwelling, located NW/c 25th Street and South Peoria Avenue.

Presentation:

The applicant, Ronald K. Spencer, 8406 South Gary Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that the corner of the existing house is encroaching 4.2' into the required street setback. Mr. Spencer informed that the house is irregular in shape and the corner extends into the setback on 25th Street.

Case No. 13948 (continued)

Lot 25, Block 2, Livingston Park South Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13960

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the lot width from 100' to 90', lot area from 13,500 sq. ft. to 13,050 sq. ft., and land area from 16,000 sq. ft. to 15,300 sq. ft. in order to permit a lot split, located on the SE/c of 41st Street and Columbia Avenue.

Presentation:

The applicant, Gary Krisman, 2708 East 41st Street, Tulsa, Oklahoma, stated that he is owner of the tract in question and asked the Board to grant a lot split.

Comments and Questions:

Mr. Gardner informed that TMAPC approved the application and explained that Mr. Krisman is splitting the lot and leaving an existing accessory building in place.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the lot width from 100' to 90', lot area from 13,500 sq. ft. to 13,050 sq. ft., and land area from 16,000 sq. ft. to 15,300 sq. ft. in order to permit a lot split; per survey submitted; on the following described property:

A tract of land located in the E/2 of the NE/4 of the NW/4 of Section 29, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, Oklahoma, according to the United States Government Survey thereof, and being more particularly described as follows:

Beginning at the NW/c of the E/2 of the NE/4 of the NW/4 of Section 29, T-19-N, R-13-E, thence East along the north section line a distance of 25' for the place of beginning; thence South and parallel to the west line of the E/2 of the NE/4 of the NW/4 a distance of 250'; thence east and parallel to the north section line a distance of 150'; thence north and parallel to the west line of the E/2 of the NE/4 of the NW/4 a distance of 250'; thence west along the north section line a distance of 150' to the point of beginning, LESS that portion of the land lying in the roadway along the north section line, known as 41st Street, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11941

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from 41st Street from 85' to 81.75'. This property is located at 4108 South Birmingham Place.

Presentation:

Mrs. Joe Abbott, 4108 South Birmingham Place, was present to address the Board requesting permission to add an additional bedroom to their existing house. The house was built prior to change in the zoning setback. Mrs. Abbott advised that the addition will be above the existing garage and will not extend any further than the existing wall.

Protestants: None.

Board Comments:

Mrs. Purser asked if she had any plans to submit and Mrs. Abbott stated that she had previously submitted them to the Building Inspector.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from 41st Street from 85' to 81.75' to permit a 2-story addition, on the following described property:

Lot 1, Block 2, Smithview Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11947

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the side yard requirement from 10' to 9' & 6". This property is located at 2244 South Terwilliger.

Presentation:

Dan Bird, 2244 South Terwilliger, was present to address the Board requesting the variance of the side yard requirement from 10' to 9' & 6" to add brick veneer to the house. The existing house is not being added onto, but will have thicker protective coating.

Protestants: None.

Interested Party:

Carol Johnson, 2238 South Terwilliger, was present to address the Board stating that she was in favor of the request.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the side yard requirements from 10' to 9' & 6", on the following described property:

The N/2 of Lot 20, South 45 feet of Lot 21, Block 3, Terwilliger Heights Addition, to the City of Tulsa, Tulsa County, Oklahoma.

5.13.82:362(8)

5.10



SBIRMINGHAM AVE

SBIRMINGHAM PL

A

B

E 41st ST S

0 Feet 50 100



Subject Tract

LS-21075

19-13 20

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

Aerial Photo Date: February 2016





1913 W Tacoma, Suite A
Broken Arrow, Oklahoma 74012

Office: 918.258.3737
Fax: 918.258.2554

SEPTEMBER 28, 2017

PAGE 1 OF 2

EXHIBIT 'A'

PARENT TRACT DESCRIPTION

THE SOUTH TWO HUNDRED FORTY-TWO (242) FEET OF THE EAST HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 S/2 W/2 W/2 SE/4 SW/4) SECTION TWENTY (20), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS THE WEST TWENTY (20) FEET AND LESS THE EAST TWENTY-FIVE (25) FEET FOR STREET (DOC. #2017000702),

AND,

W20 S242 E/2 S/2 W/2 W/2 SE SW LESS S50 THEREOF FOR RD SEC 20 19 13 (DOC #2016100068).

TRACT 'A'

THE NORTH 100.00 FEET OF THE FOLLOWING DESCRIBED TRACTS:

THE SOUTH TWO HUNDRED FORTY-TWO (242) FEET OF THE EAST HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 S/2 W/2 W/2 SE/4 SW/4) SECTION TWENTY (20), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS THE WEST TWENTY (20) FEET AND LESS THE EAST TWENTY-FIVE (25) FEET FOR STREET (DOC. #2017000702),

AND,

W20 S242 E/2 S/2 W/2 W/2 SE SW LESS S50 THEREOF FOR RD SEC 20 19 13 (DOC #2016100068),

SAID TRACTS CONTAIN 14,000 SQUARE FEET, OR 0.32 OF AN ACRE, MORE OR LESS.



1913 W Tacoma, Suite A
Broken Arrow, Oklahoma 74012

Office: 918.258.3737
Fax: 918.258.2554

PAGE 2 OF 2

TRACT 'B'

THE SOUTH TWO HUNDRED FORTY-TWO (242) FEET OF THE EAST HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 S/2 W/2 W/2 SE/4 SW/4) SECTION TWENTY (20), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS THE WEST TWENTY (20) FEET AND LESS THE EAST TWENTY-FIVE (25) FEET FOR STREET (DOC. #2017000702),

AND,

W20 S242 E/2 S/2 W/2 W/2 SE SW LESS S50 THEREOF FOR RD SEC 20 19 13 (DOC #2016100068),

LESS AND EXCEPT THE NORTH 100.00 FEET OF THE AFORE DESCRIBED TRACTS.

CONTAINING 18,880.00 SQUARE FEET, OR 0.43 OF AN ACRE, MORE OR LESS.

WITNESS MY HAND AND SEAL:

 09/29/17

SALVADOR TITONE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1460

DATE



LOT SPLIT EXHIBIT

Legal Description

SEE EXHIBIT 'A' FOR TRACT DESCRIPTIONS.

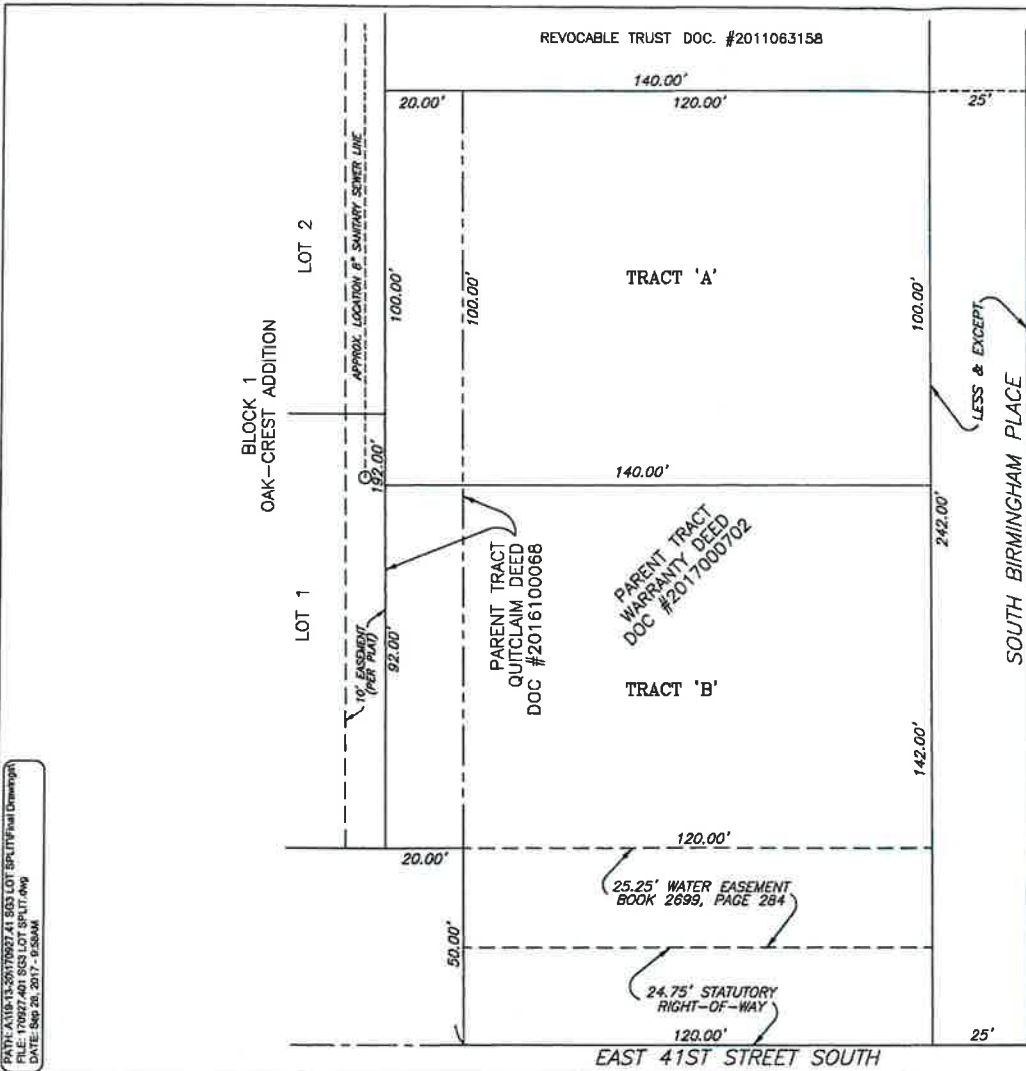
Surveyor's Statement

HRAOK AND I, SALVADOR TITONE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS OF THIS DATE.

WITNESS MY HAND AND SEAL THIS 28TH DAY OF SEPTEMBER 2017

HRAOK

Salvador Titone
SALVADOR TITONE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1480

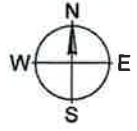


1913.2023
FILE: 170927.401 S3G LOT SPLIT 17-17
DATE: SEP 28, 2017 - 9:55AM



BEFORE YOU DIG..
CONTACT OKLAHOMA
ONE-CALL:
1-800-522-6543

EXISTING UNDERGROUND LINES HAVE
BEEN SHOWN TO THE EXTENT KNOWN



PREPARED FOR: S3G DEVELOPMENT, L.L.C.			
CHECKED BY:	ST	SCALE:	30
SURVEY BY:	N/A	DRAFTED BY:	DWM
SURVEY DATE:	9-28-17	JOB NUMBER:	170927.401
BOOK / PAGE:	FILE	FILE NUMBER:	1913.2023



1913 WEST TACOMA - SUITE A
BROKEN ARROW, OKLAHOMA 74012
CALL 3843 EXPIRATION DATE: 06-30-2017
VOICE: (918) 258-3737
FAX: (918) 258-2554

5.14

Summary of Comments on LS-21075.pdf

Page: 1

Number: 1 Author: negan Subject: Note Date: 10/30/2017 1:36:54 PM -05'00'
LS 21075Sanitary Sewer 10/27/2017Tracts A and B are both separated from sanitary sewer by 20' strip to the west. Sanitary sewer main extension will be required for both Tracts unless lot combination is done for the undivided tract and the 20' strip. In that case main extension will be required only for the Tract B to the south. NQE

Number: 2 Author: egarner Subject: Note Date: 10/30/2017 1:39:02 PM -05'00'
October 30, 2017 AR

LS 21075

2611 E 41 ST S

Okay. Vacant land no structures.

E Garner

Number: 3 Author: rrender Subject: Note Date: 11/14/2017 12:59:03 PM
RRender - Transportation

11/8/2017

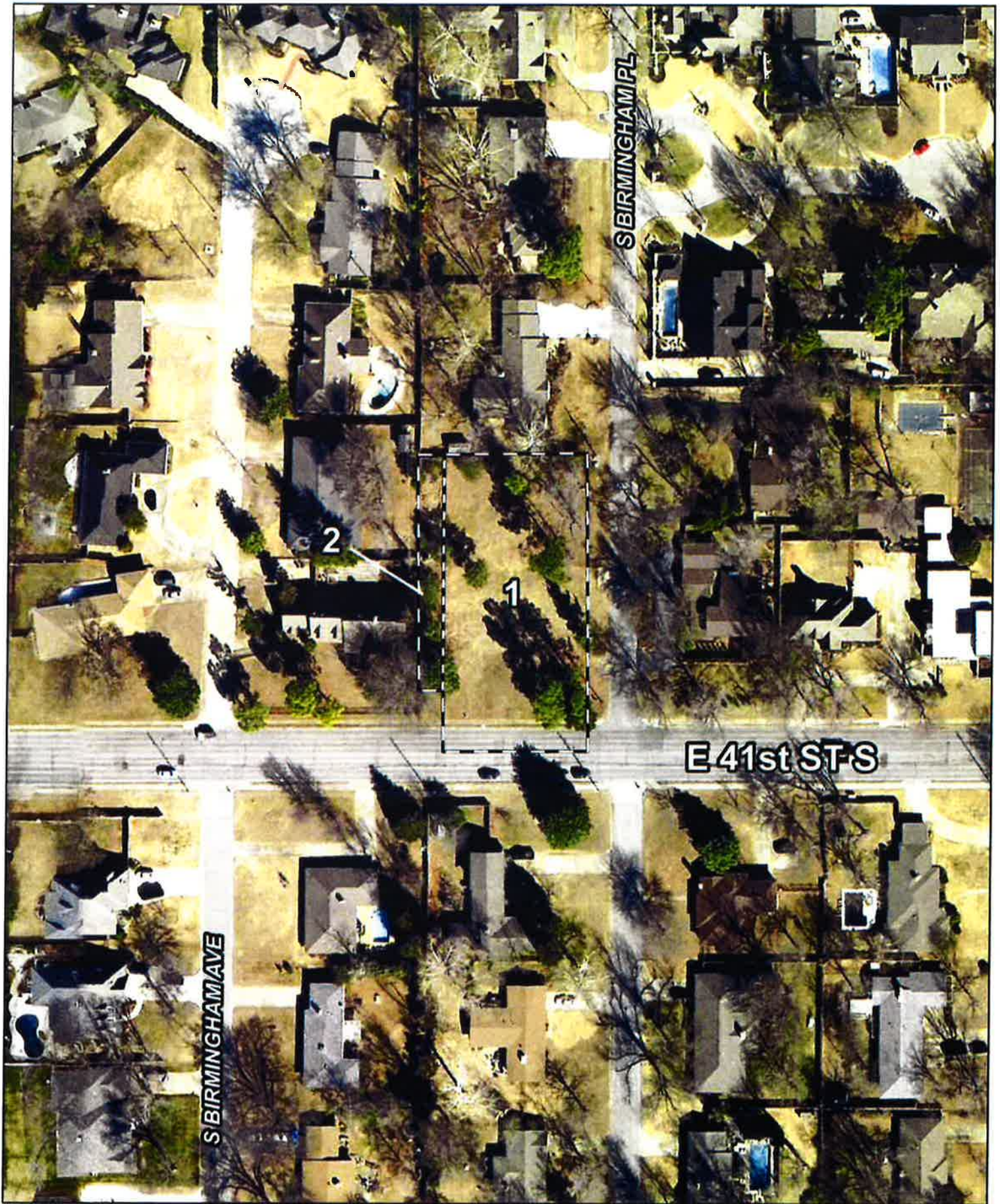
Approved

Number: 4 Author: aholdman Subject: Note Date: 11/6/2017 7:42:54 AM
LS 21075Water - OK -11/6/2017A HoldmanA 6-inch water main line exists along the east side of Birmingham Place for water service connections.

Number: 5 Author: ssilman Subject: Note Date: 11/1/2017 12:48:06 PM -05'00'
SSilman - Stormwater

11/1/2017

No known stormwater issues



0 Feet 50 100



Subject
Tract

LC-870

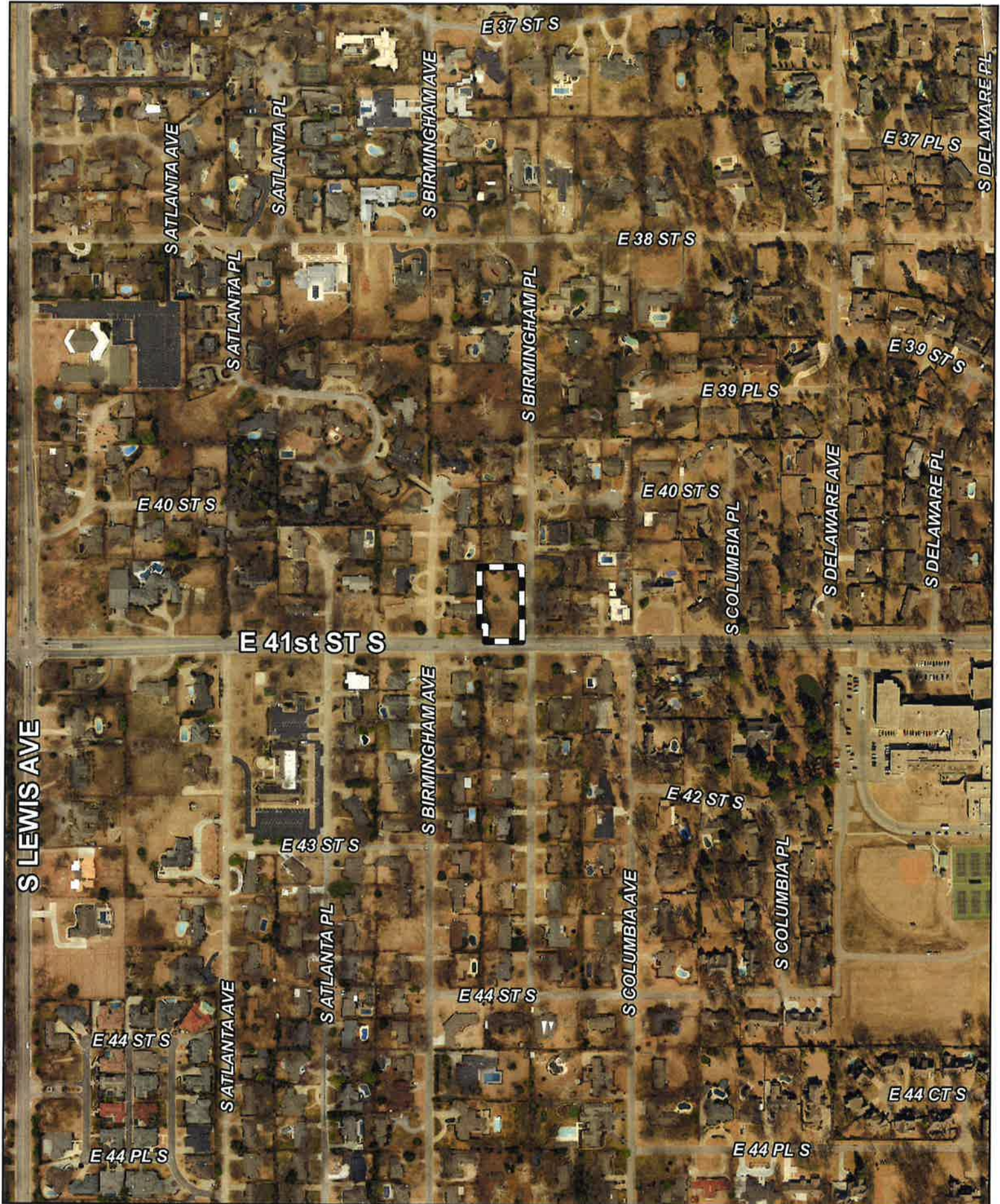
19-13 20

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

Aerial Photo Date: February 2016



5.16



0 Feet
200
400



Subject
Tract

BOA-22611

19-13 20

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

Aerial Photo Date: February 2018



5.17



S BIRMINGHAM AVE

E 40 PL S

E 41st ST S

S BIRMINGHAM PL

0 50 100
Feet



Subject
Tract

BOA-22611

19-13 20

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

Aerial Photo Date: February 2018

5.18





Looking south— towards subject site— on S. Birmingham Pl.

04/01/2019 10:22



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

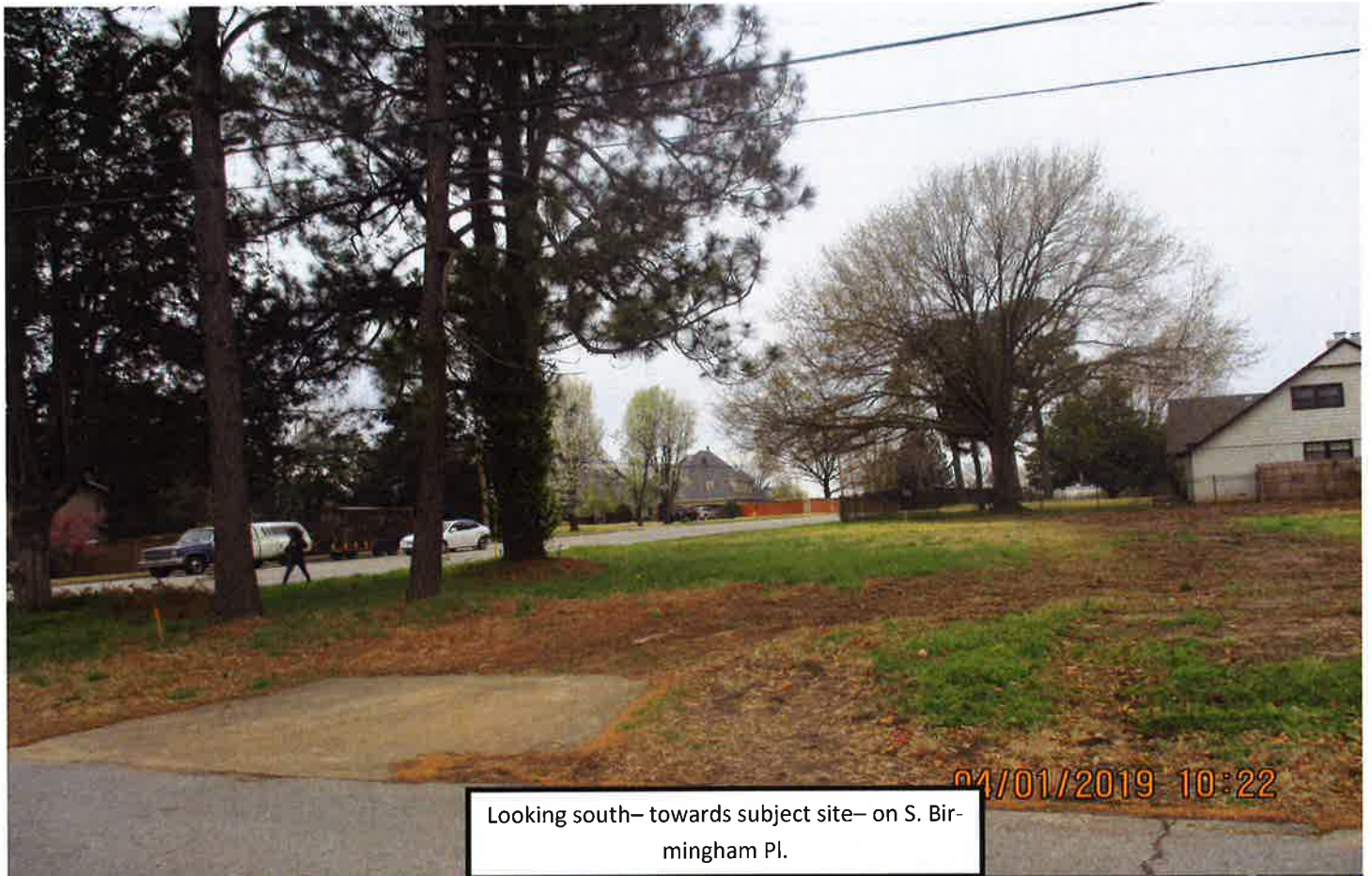
04/01/2019 10:22



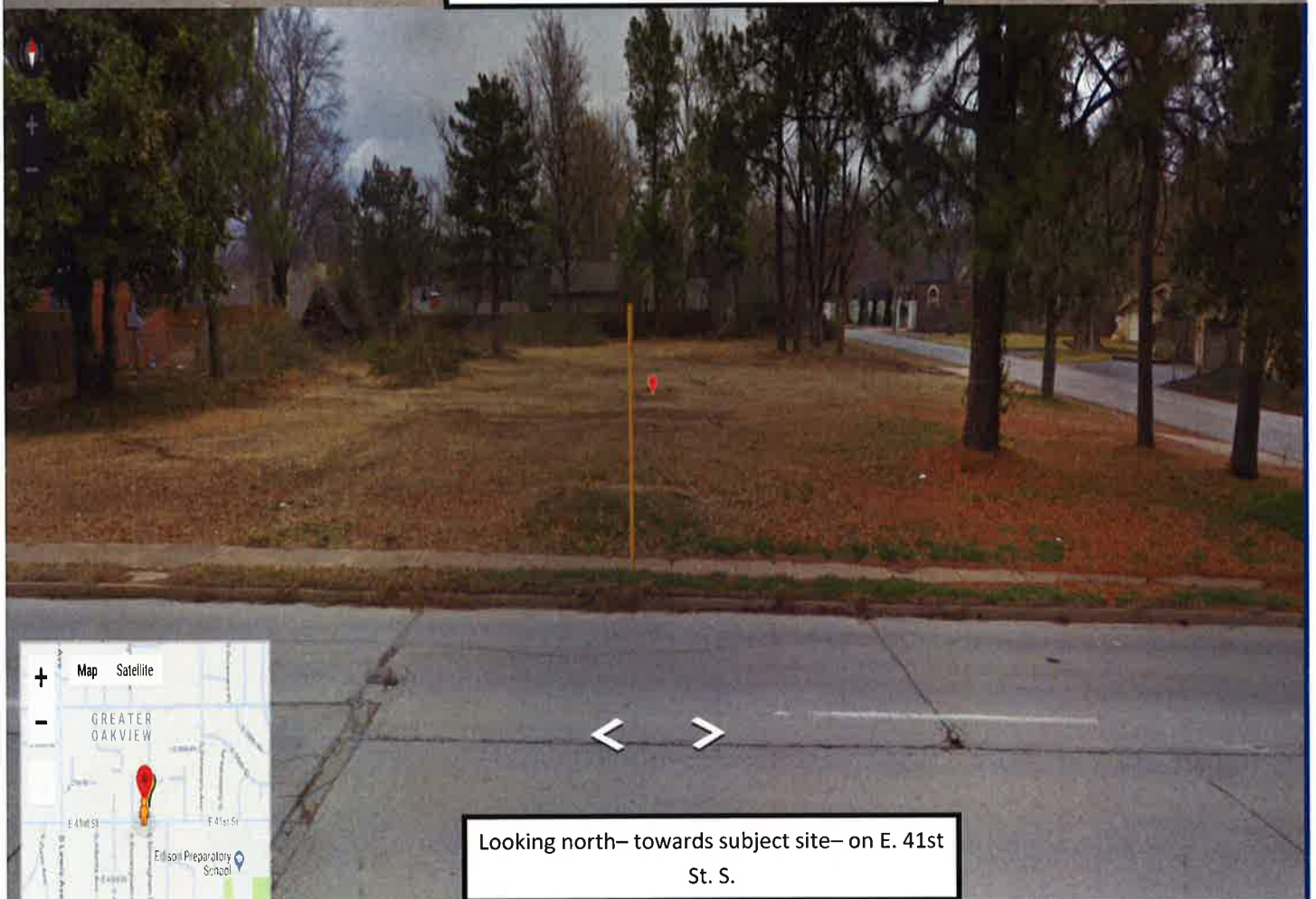
Looking northwest— towards subject site— on S. Birmingham Pl.



Looking south— towards subject site— on S. Birmingham Pl.



Looking south— towards subject site— on S. Birmingham Pl.



Looking north— towards subject site— on E. 41st St. S.

REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number: BoA-22611


Applicant's Signature

3-7-19
Date

Approved by: _____

S3G DEVELOPMENT LLC

TMAPC
INCOG – 2 WEST 2ND Street, Suite 800
Tulsa, Ok 74103

TO: TMAPC Board

Dear Board,

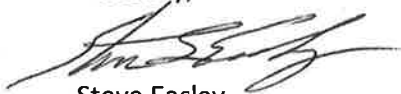
Our development group is currently in the process of placing two homes on the lot previously addressed as 2611 E 41st St Tulsa, Ok 74105. We have been approved for a lot split and the addresses will be 4094 and 4098 S. Birmingham Place. Each house will face Birmingham and be roughly 5,000 SF. When the home that previously sat on this lot was built and all the homes within several blocks the set back from the center of 41st was 50 feet from center plus 25 feet. In the most recent changes the setback from arterial streets was expanded to 50 feet plus 35 feet.

These changes have impacted our land in such a way that the width of the house will be in appropriate for the current homes in the neighborhood. This home will become the southern gateway to the neighborhood and for that reason we are spending more on the Landscape and highly visible structure. We can build under the current restrictions but fear the house will not be either as marketable or as attractive to the neighbors as we would like to be.

If we were allowed to have a variance to return to the 50 feet from center plus 25 feet, we would be able to have a home with a 62 foot width and build a home that would be in proportion to the neighborhood and greatly enhance the entrance to the neighborhood. The house would also be in line with every other house on the north side of 41st Street in that area.

We believe that this is in the best interest of the city of Tulsa and the Neighborhood. We greatly appreciate your consideration.

Sincerely,



Steve Easley
Manager
S3G Development LLC

525



SEE EXHIBIT 'A' FOR TRACT DESCRIPTIONS.

HRAOK AND I, SALVADOR TITONE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE ABOVE MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYOR'S AS OF THIS DATE.

WITNESS MY HAND AND SEAL THIS 28TH DAY OF SEPTEMBER 2017.

HRAOK

SALVADOR TITONE
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1460

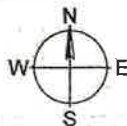


BOA-22611



BEFORE YOU DIG
CONTACT OKLAHOMA
ONE-CALL:
1-800-522-6543

EXISTING UNDERGROUND LINES HAVE
BEEN SHOWN TO THE EXTENT KNOWN



0 15 30 60

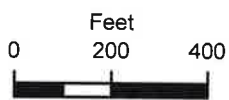
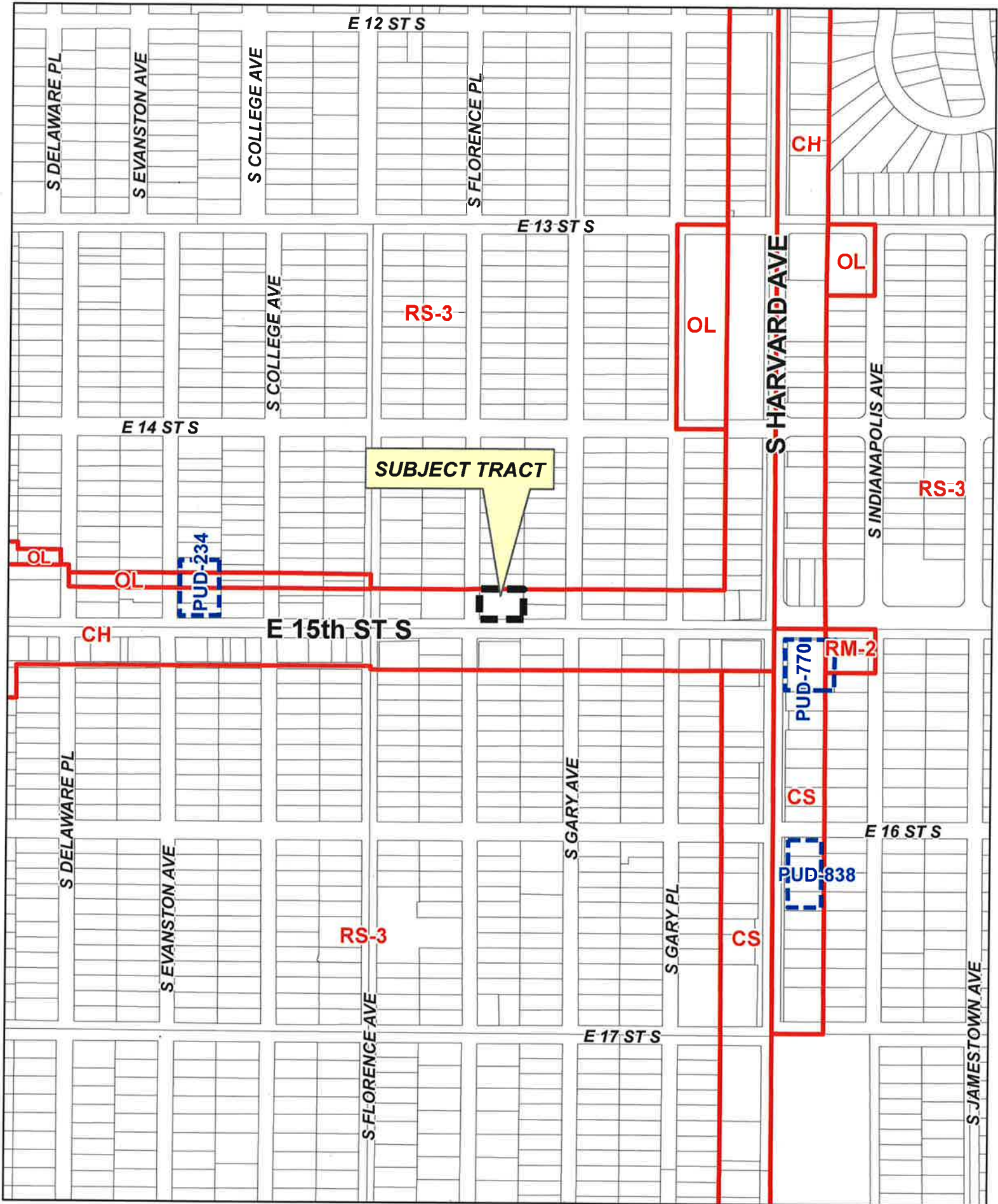
SCALE: 1"=30'

PREPARED FOR: S3G DEVELOPMENT, L.L.C.

CHECKED BY:	ST	SCALE:	30
SURVEY BY:	N/A	DRAFTED BY:	DWM
SURVEY DATE:	9-28-17	JOB NUMBER:	170927.401
BOOK / PAGE:	FILE	FILE NUMBER:	1913.2023



1913 WEST TACOMA - SUITE A
BROKEN ARROW, OKLAHOMA 74012
CALL 5843 EXPIRATION DATE: 06-30-2017



BOA-22612

19-13 08

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: BOA-22612

CZM: 37

CD: 4

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Keith Construction

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

LOCATION: 3135 E 15 ST S

ZONED: CH

PRESENT USE: commercial

TRACT SIZE: 14000.24 SQ FT

LEGAL DESCRIPTION: LT 13 & 14 BLK 10, EAST LAWN ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Site:

BOA- 3985; on 1.9.63. the Board **approved** a request to extend a non-conforming use (paint and body shop).

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is along a commercial corridor. The subject tract abuts CH zoned commercial uses to the east and west; RS-3 residences to the north; E. 15th St. S. is immediately to the south.

6.2

STAFF COMMENTS:

The applicant is proposing to convert an existing building into a liquor store. To permit the proposed liquor store the applicant is before the Board requesting a Spacing Verification for a liquor store in a CH district from other liquor stores, plasma centers, day labor hiring centers, bail bond offices or pawnshops (Sec. 40.300-A).

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

The applicant submitted an exhibit indicating a radius around the subject property and an exhibit indicating all commercial uses of properties within the 300 ft. radius in support of the verification.

Sample Motion:

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

Case No. 3981-A ✓
 Pandora Parsons
 Lots 1 & 2, Block 1,
 Auda's Addition

This being the date set down for public hearing on the application of Pandora Parsons for permission to use garage for a flower shop on Lots 1 & 2, Block 1, Auda's Addition. There appeared Pandora Parsons. No protest was offered.

MOVED by Avery (Shaul) that this matter be granted for a period of two years.

All members voting yea.

Carried.

Case No. 3983-A ✓
 Hoil Thompson
 Lot 19, Block 4,
 36th Street Suburb

This being the date set down for public hearing on the application of Hoil Thompson for permission to operate a home beauty shop on Lot 19, Block 4, Thirty-sixth Street Suburb Addition. There appeared Mrs. Hoil Thompson. No protest was offered.

MOVED by Shaul (Avery) that this application be approved.

All members voting yea.

Carried.

Case No. 3985-A ✓
 Fifteenth Street Paint
 & Body Shop
 Lot 14, Block 10,
 East Lawn Addition

This being the date set down for public hearing on the application of the Fifteenth Street Paint & Body Shop for permission to extend a non-conforming use (paint and body shop) in a U-3-E District on Lot 14, Block 10, East Lawn Addition. There appeared Mr. W. K. Powers, Attorney on behalf of the applicant. No protest was offered.

MOVED by Shaul (Galbreath) that this matter be approved.

All members voting yea.

Carried.

Cas
 Case No. 3989-A ✓
 Tulsa Scottish Rite
 Part of Section
 22-19-13

This being the date set down for public hearing on the application of the Tulsa Scottish Rite Building Company for permission to construct a Scottish Rite Masonic Temple and related Masonic Buildings in a U-2-B District on the following described property:

A part of the SE 1/4 of Section 22, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

There being no protest offered it was,

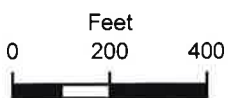
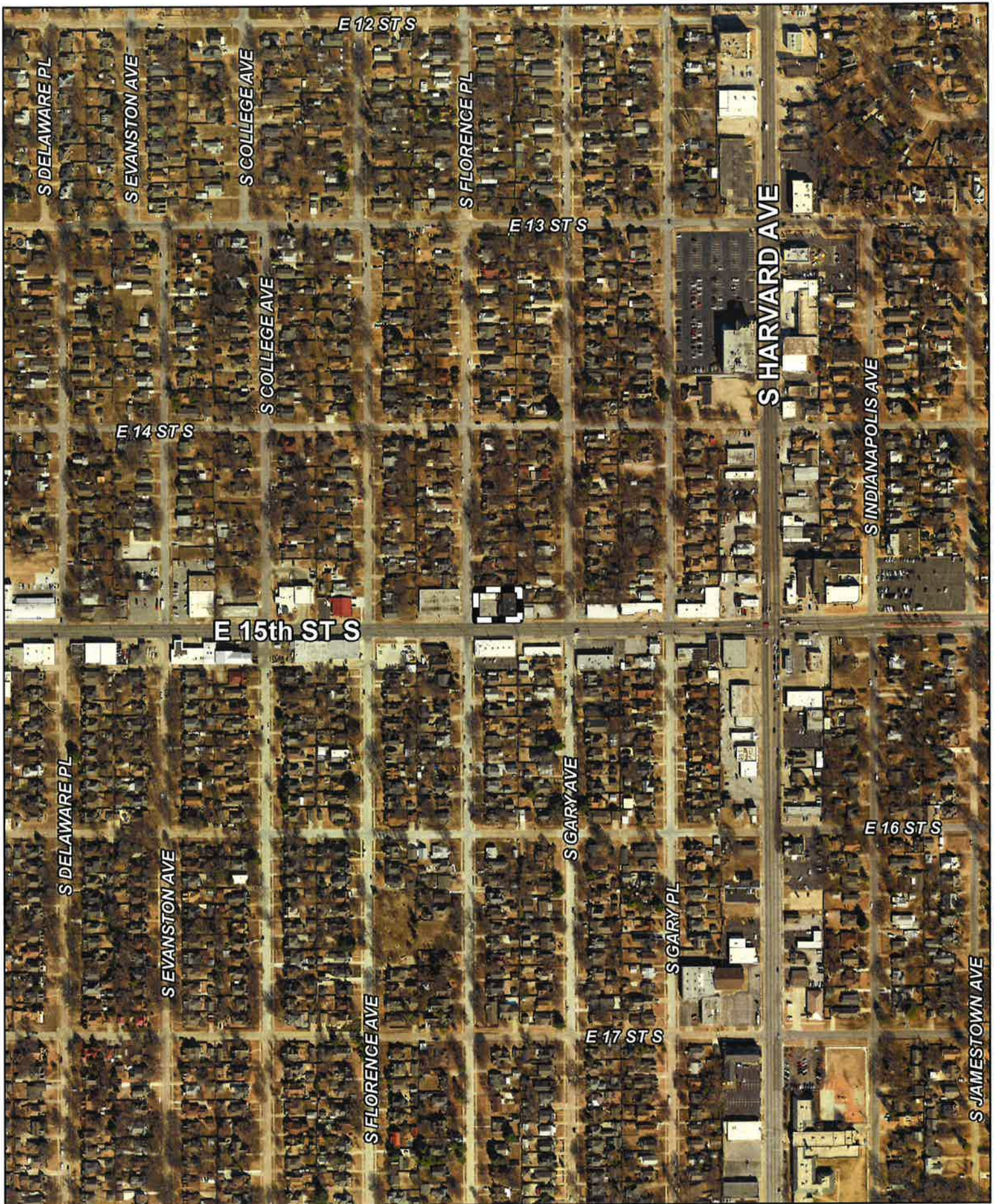
MOVED by Galbreath (Shaul) that this application be approved.

All members voting yea.

Carried.

Case No. 3993-A ✓
 West Tulsa Church of
 the Nazarene
 Lot 4, Block 5,
 Clinton Addition

This being the date set down for public hearing on the application of the West Tulsa Church of the Nazarene for permission to use Lot 4, Block 5, Clinton Addition for off street parking. There appeared Reverend J. L. Emmert on behalf of the church. No protest was offered.



Subject
Tract

BOA-22612

19-13 08

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

Aerial Photo Date: February 2018

6.5

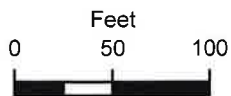




E 15th ST S

SFLORENCE PL

SGARY AVE



Subject
Tract

BOA-22612

19-13 08

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

Aerial Photo Date: February 2018

6.6





Looking east— towards the subject site— at the intersection of S. Florence Pl. & E. 15th St. S.

04/01/2019 10:45



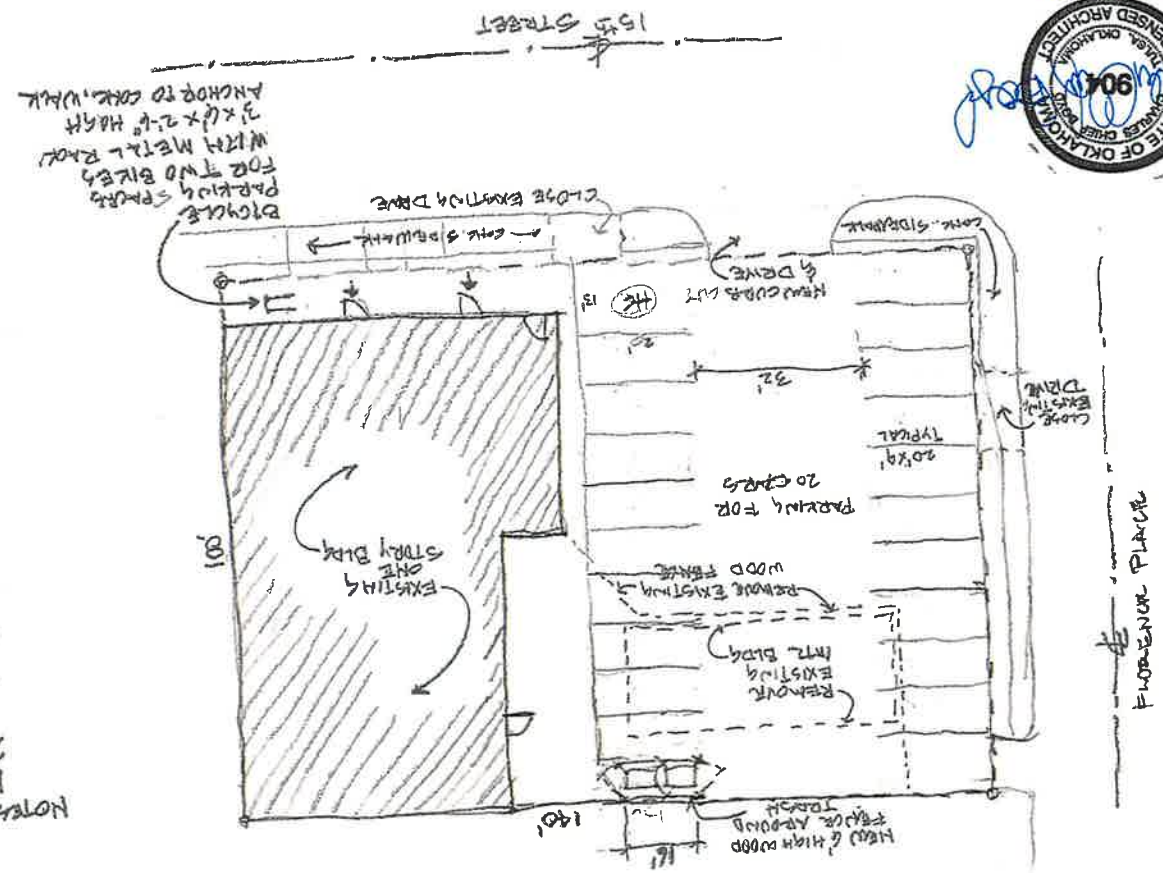
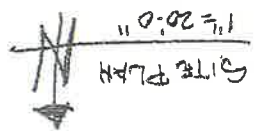
Looking north— towards the subject site— along E. 15th St. S.

6.7

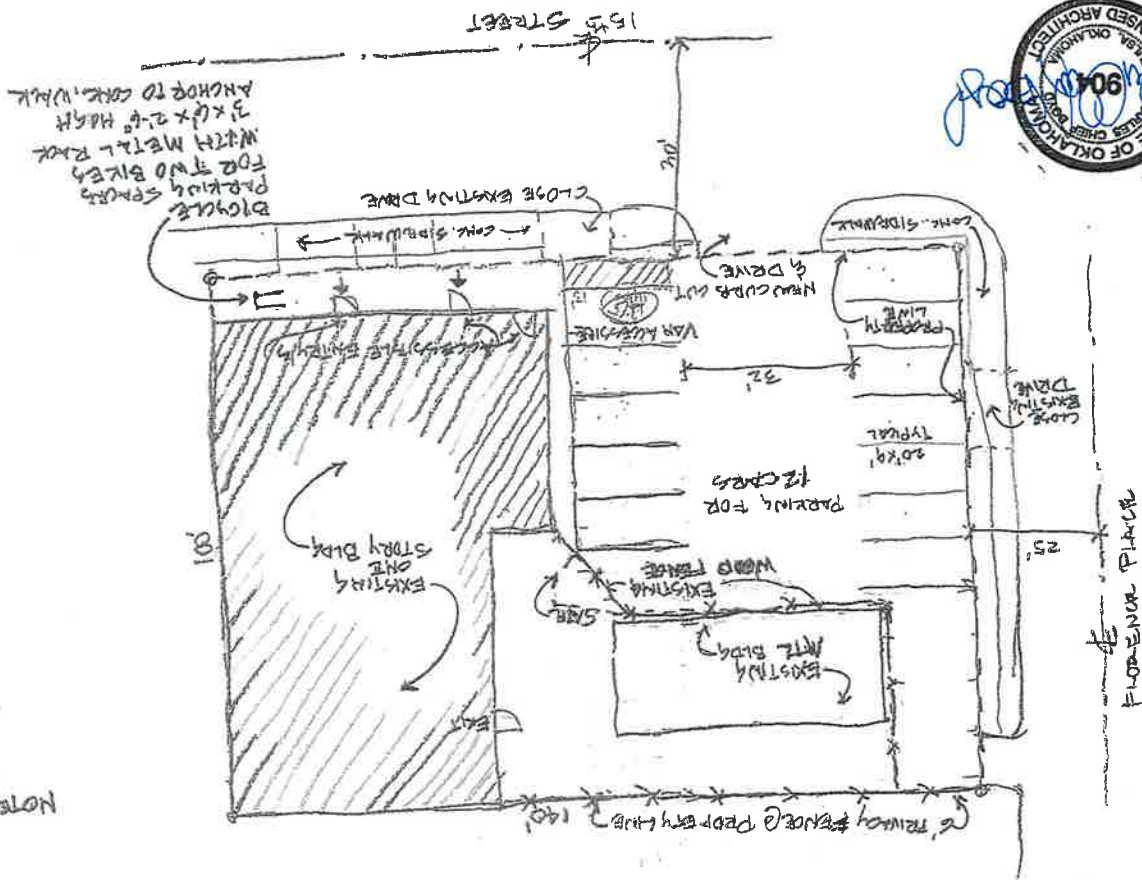
SHEET # S-1
BOA-22612



- NOTES:
1. CURB CUT FOR CITY OF TULSA STANDARDS
 2. III-E TYPE CONSTRUCTION
• MASONRY BRG WALLS
• STEEL & WOOD ROOF
 3. NO STRUCTURAL CHANGES TO BLDG.
 4. NO CHURCH, SCHOOL, PLASMA CENTER, DAY LAURE HIGH CENTER, BAL BOA OFFICES OR PARK SHOP WITHIN 300 FT OF ANY CORNER OF EXISTING BLDG.



20 FEB 2019
7 MAR 2019
1 MAR 2019



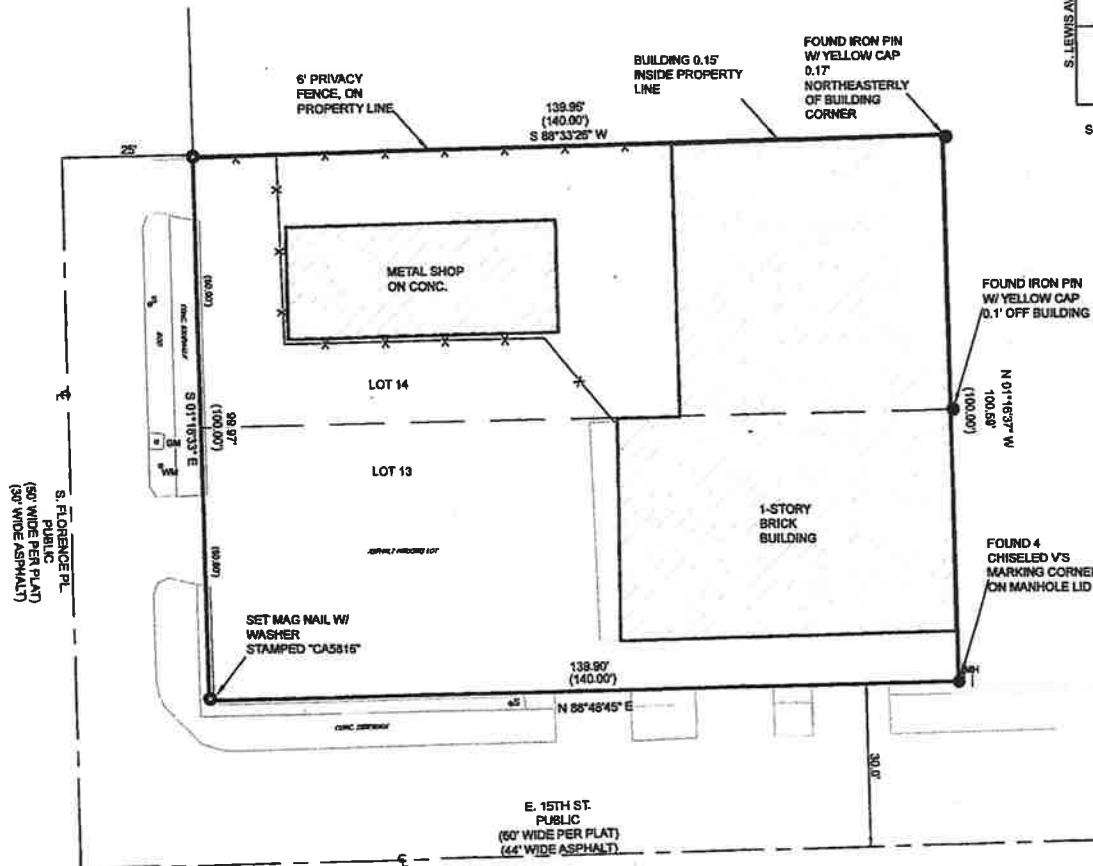
1" = 20'-0"
SITE PLAN

- NOTES:
1. CURB CUT FOR CITY OF TULSA STANDARDS
 2. IIR TYPE CONSTRUCTION
• MASONRY BRG WALLS
• STEEL & WOOD ROOF
 3. NO STRUCTURAL CHANGES TO BLDG.
 4. NO CHURCH, SCHOOL, PLASMA CENTER, DAY CARE, HIRING CENTER, ETC. WITHIN 300' OF ANY CORNER OF EXISTING BLDG.

SHEET #
S-1

BOA-22612

PLAT OF SURVEY



GENERAL NOTES:

BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, OKLAHOMA STATE PLANE, NORTH ZONE, NAD 83, AS DETERMINED BY GPS OBSERVATION.

ALL UNITS ARE U.S. SURVEY FEET.

NO EFFORT WAS MADE TO LOCATE ANY UNDERGROUND UTILITIES.

LEGAL DESCRIPTION:

LOTS THIRTEEN (13) AND FOURTEEN (14), BLOCK TEN (10), EAST LAWN ADDITION TO TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. ALSO KNOWN AS: 3135 EAST 15TH STREET, TULSA, OK 74104

SURVEYOR'S NOTE:

THE FOLLOWING FOUND IN TITLE COMMITMENT #18-4361H, DATED SEPTEMBER 27, 2018 AT 7:59A.M. DOES AFFECT SUBJECT PROPERTY: EASEMENTS, SETBACK LINES, AND RESTRICTIONS, AS SHOWN ON THE PLAT OF EAST LAWN ADDITION, AND AS PROVIDED FOR IN THE DEDICATION THEREOF, DATED OCTOBER 23, 1919, FILED FEBRUARY 28, 1920 IN THE OFFICE OF THE TULSA COUNTY CLERK.

LEGEND

- FOUND MONUMENT
- SET 1/2" IRON PIN W/ CAP
- (XXX') RECORD DIMENSIONS
- XXX' MEASURED DIMENSIONS
- PROPERTY LINE
- PP POWER POLE
- EB ELECTRIC BOX
- SM STREET SIGN
- WM WATER METER
- EM ELECTRIC METER
- GM GAS METER
- B BOLLARD
- C COVERLID
- MH MAN HOLE
- W GUT WIRE
- FENCE



ALTA/NSPS SURVEY
EAST LAWN SUBDIVISION
LOT 13 AND LOT 14, BLOCK 10

DATE: November 29, 2018
SCALE: 1"=20'
DRAWN BY: GWS
CHECKED BY: RW
MAPPING PROJECTION: OF NORTH
DRAWING BY: GWS
JOB #: 102

BAKER
SURVEYING, LLC
4677 E. 13TH ST. N.
TULSA, OK 74143
CA 00018 Expires 6/30/20

SHEET 1 OF 1

REVISION
1

CERTIFICATION:

I, GERALD BAKER, PLS #1701, CERTIFY TO FIDELITY NATIONAL TITLE INSURANCE COMPANY, BIRD FAMILY INVESTMENTS LLC, BANC FIRST, AND COMMERCIAL TITLE AND ESCROW SERVICES, INC. THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS OF ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 5, & 16 OF TABLE A THEREOF. ALL FIELD WORK WAS COMPLETED BETWEEN 10/10/18 AND 10/16/18

SIGNED OCTOBER 16TH, 2018

GERALD W. BAKER, PLS #1701
BAKER SURVEYING, LLC
4677 SOUTH 83RD EAST AVENUE, TULSA OK 74145
OKLAHOMA CA #5816 EXPIRES 6/30/20

REVISED 11/28/18-REVISED CERTIFICATION STATEMENT & ADDED STREET WIDTHS



6.10

BOA-22612



Regarding BLDC-024877 Revised
Located at 3135 East 15th Street South
Tulsa, Oklahoma

6 Mar 2019

Response to revised Review Comments:

- North Arrow indicated on Site Plan
- Legal description of Lot on attached site survey
- Lot size on attached site survey (140' x 100')
- Public rights-of-way and property lines on Site Plan and attached site survey
- Building dimensions and distance to property lines on attached site survey
- No architectural projections on the buildings
- The storage building remains storage the Garage becomes a liquor store
- Setbacks on attached site survey – no new buildings
- Site plan shows parking and maneuvering spaces
- Property is zoned CH and requires 1 parking space – 5075 sq. ft. with the 5,000 sq. ft. reduction. 12 spaces provided with 1 being handicapped van

Sincerely,

Chief

Charles "Chief" Boyd
President



The Boyd Group, Inc
Tulsa

6945 South 69th East Ave. Suite A
Tulsa, OK 74133
cell • 918.633.3712
work • 918.587.7445
fax • 918.587.7446
email • chief@tbgarch.net

16 East 16th Street • Suite 500 • Tulsa, Oklahoma 74119 • (918) 587-7445 • Fax (918) 7446

6.11

Address	Radius	
<input type="text" value="3135 East 15 St., Tulsa, OK"/>	<input type="text" value="300.00"/>	<input type="text" value="Feet"/>
Circle	Border	<input type="checkbox"/> Only Show Border
<input type="text" value="AAAAAA"/>	<input type="text" value="000000"/>	
<input type="button" value="Zoom to Address"/>	<input type="button" value="New Circle"/>	<input type="button" value="Edit Circle"/>
	<input type="button" value="Remove Circle"/>	

[illegible]

<https://www.mapdevelopers.com/draw-circle-tool.php?circles=%5B%5B91.44%2C45.1721097%2C-98.9414063%2C%22%23AAAAAA%22%2C%22%23000000%22%2C0.4%5D%2C%5B91.44%2C36.1407484%2C-95.9432871%2C%22%23AAAAAA%22%2C%22%23000000%22%2C0.4%5D%5D>

You can use this tool to add as many radius circles to the map as you want. This allows you to find out where they intersect, and what areas are not within the radius of any of your locations.



BOA-22612

Adjacent Properties to 3135 E 15th St. Tulsa, Ok

- 1.) Admiral Beauty Supply
3115 E 15th
Tulsa, Ok 74104
- 2.) Residence under construction
1449 S Florence Ave.
Tulsa, OK 74104
- 3.) B&G Auto Wholesale
3118 E 15th St.
Tulsa, OK 74104
- 4.) University Wash
3132 E. 15th St.
Tulsa, OK 74104
- 5.) VT Engineering
3134 E. 15th St
Tulsa, Ok 74104
- 6.) Salon Karma
3136 E. 15th St
Tulsa, OK 74104
- 7.) Split Log Farms
3140 E 15th St
Tulsa, OK 74104
- 8.) Soul Blue
3142 E 15th St
Tulsa, OK 74104
- 9.) The Midnight Grill
3144 E. 15th St
Tulsa, OK
- 10.)Tattoo
3146 E. 15th St
Tulsa, OK 74104
- 11.)Nathanael Mattingly Salon
3148 E. 15th St.
Tulsa, OK 74104
- 12.)Merritt's Bakery
3202 E. 15th St,
Tulsa, OK 74104
- 13.)B&B Resale
3215 E. 15th St
Tulsa, OK 74104
- 14.)Silver Wolf Trading
3209 E. 15th ST
Tulsa, OK

15.) Buffalo Stew

3207 E. 15th St

Tulsa, OK

16.) Construction Company

3141 E. 15th St

Tulsa, OK

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1 Revised (corrected)

March 6, 2019

Katy Anderson
2712 S Gary Dr
Tulsa, OK 74114

Phone: 918.381.3923

APPLICATION NO: **BLDC-024877-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **3135 E 15 ST**
Description: **Liquor Store**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. 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 OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th 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)

6.16

REVIEW COMMENTS

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

BLDC-024877-2019

3135 E 15 ST

March 6, 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.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You may have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review.

Review comment: The zoning site plan is required to provide the following: Submit a site plan that provides the information listed below:

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- Public rights-of-way as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:

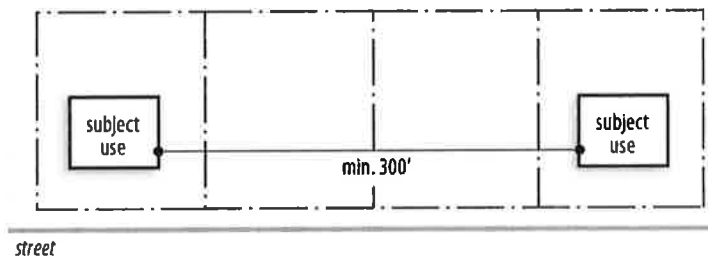
<https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587>

- The location and *dimensions* of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- The setbacks from the proposed new buildings to the centerline of abutting Right-of-Way;
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.
 - This lot is in a CH zoning district. The parking requirement is 3.3 spaces per 1000 sqft of floor space. The area of the liquor store is 5075 sqft. The first 5000 sqft are

exempt from the parking requirement calculation. The parking requirement is one (1) space.

- **NOTE:** The zoning review for your permit application will resume after a zoning site plan is submitted. Additional deficiencies may be found and are required to be resolved prior to approval of your application.
2. **Sec.40.300-A & B:** Plasma centers, day labor hiring centers, liquor stores, bail bond offices and pawn shops must be separated by a minimum distance of 300 feet. For uses established after July 1, 2001, the separation distance requirement of *Sec.40.300-A* must be measured in a straight line from the nearest perimeter wall of the portion of the building occupied by one of the subject uses to the nearest perimeter wall of the portion of the building of any other subject use.

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



Review comment Submit a spacing verification reviewed and accepted by the BOA per *Sec.70.110* that demonstrates compliance with *Sec.40.300-A & B*.

3. **Sec.55.060-B1:** Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in *Table 55-3*. A Commercial/Retail/Convenience Goods Use (grocery store) requires 5% or 2 of the required motor vehicle parking spaces, whichever is greater.
- Review comment:** The proposed liquor store parking requirement is 18 spaces. The required number of bicycle parking spaces is two (2). Submit a site plan providing 2 bicycle parking spaces that comply with the requirements listed below:

- **Sec.55.060-D1a&b:** Short-term bicycle parking spaces must comply with the following location and design criteria.
 - a. **Location:** Short-term bicycle parking spaces must be located in highly visible areas that do not interfere with pedestrian movements. At least 50% of required short-term bicycle parking spaces must be located within 100 feet of a customer entrance, with the remainder located no more than 300 feet from any entrance. Short-term bicycle parking must be located on the subject lot, unless a license agreement has been approved by the city to allow private bicycle parking facilities to be located in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.
 - b. **Design:** Required short-term bicycle parking spaces must:
 - (1) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;

- (2) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (3) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- (4) Be designed so as not to cause damage to the bicycle;
- (5) Facilitate easy locking without interference from or to adjacent bicycles; and
- (6) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

- **Sec.55.060-E1&2:** The BOA is authorized to approve a special exception reducing the number of short-term bicycle spaces required under this section, in accordance with the special exception procedures of *Sec.70.120*. The BOA is also authorized to approve special exception to modify the bicycle parking design and location requirements of this section in accordance with the special exception procedures of *Sec. 70.120*.

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.

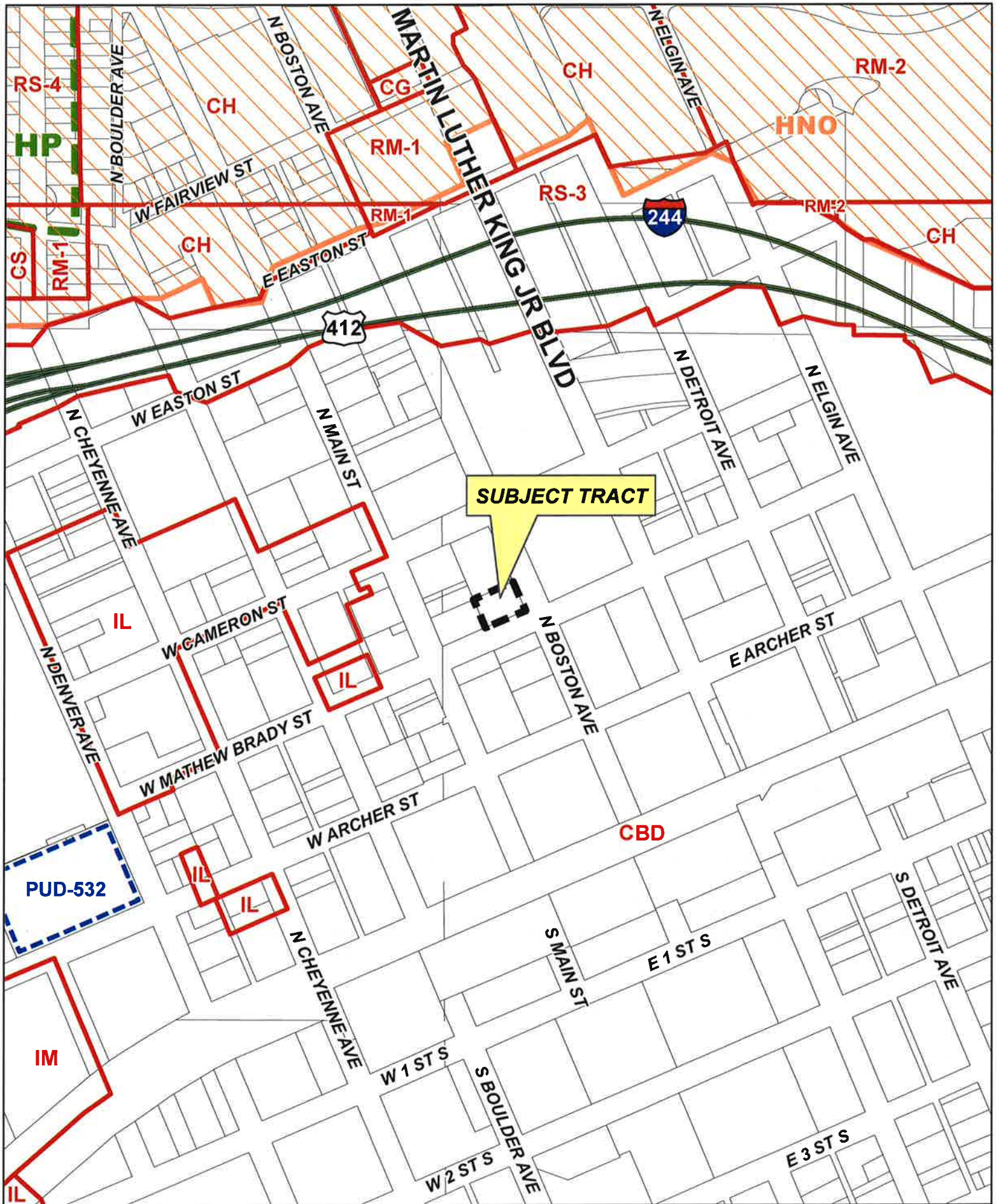
A hard copy of this letter is available upon request by the applicant.

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.

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BOA-22613

19-12 01

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22613**

CZM: 36

CD: 4

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Courtney Kelley

ACTION REQUESTED: Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry in the CBD District (Section 15.020)

LOCATION: 17 E MATHEW BRADY ST (overall parcel)
15 E MATHEW BRADY ST (tenant space)

ZONED: CBD

PRESENT USE: commercial

TRACT SIZE: 15002.13 SQ FT

LEGAL DESCRIPTION: LT 3 BLK 28 & E10 VAC ALLEY ADJ ON WL, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21389; on 2.14.12, the Board **accepted** a *Spacing Verification* for a bar (UU12a) in the CBD district.

Surrounding Property:

BOA-21833; on 1.27.15., the Board **accepted** a *Verification* of the spacing requirement for an Adult Entertainment Establishment of 300 ft. from a church, school, or park and 50 ft. from an R district. Located; 209 N. Boulder Ave.

BOA-20207; on 2.28.06, the Board **accepted** a *Verification* of compliance of spacing for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park - school or church. Located; 222 N. Main St.

BOA-11777; on 1.21.82, the Board **approved** a *Special Exception* to allow the manufacture of oil well pumpers in a CH zoned district. Located; 223 North Main Street.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and

storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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

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

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow an Industrial/Low-Impact Manufacturing and Industry in the CBD District (Section 15.020) in one unit of an existing commercial building to permit the production of medical marijuana edibles using medical marijuana components that are processed elsewhere.

Section 35.070-A states that Low-impact manufacturing and industrial uses are uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.

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

Sample Motion

Move to _____ (approve/deny) a **Special Exception** to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana production in the CBD district (Section 15.020).

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

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

21388—Jeremy Perkins

Action Requested:

Variance of the side yard setback in the RS-4 zone from 5 feet to 0 feet (Section 403, Table 3). **Location:** 1606 South Quincy Avenue East (CD 4)

Presentation:

Jeremy Perkins, 2200 South Utica Place, Suite 216, Tulsa, OK; stated he is the architect for the project. There is an extensive proposed remodel for this home. The home is in the Swan Lake area and the remodel has received approval from the Tulsa Preservation Historic Commission.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance of the side yard setback in the RS-4 zone from 5 feet to 0 feet (Section 403, Table 3). The Board has been advised by the applicant that this house is in a historic preservation area and has been issued a Certificate of Appropriateness which will be furnished to INCOG staff. The Board has found that this extremely narrow lot, only 50 feet in width, creates a hardship for any construction or reconstruction; subject to conceptual plan on page 12.7. In granting this variance the Board had found that these are reasons of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 2 BLK 10 & 10' VAC ALLEY, ORCUTT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21389—Turbo Nitro, Inc.

Action Requested:

Spacing Verification for a bar (Use Unit 12a) in the CBD district (Section 1212a.C.3).

Location: 13 East Brady Street North (CD 4)

FILE COPY

FILE COPY

BOA-21389

Presentation:

Tony DeLesdernier, 928 South Vandalia Avenue, Tulsa, OK; no presentation was made but was available for questions.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) based upon the facts in this matter as they presently exist to **ACCEPT** the applicant's request for a Spacing Verification for the proposed adult entertainment establishment, subject to the action of the Board being void should another conflicting use be established prior to this adult entertainment establishment; for the following property:

LT 3 BLK 28, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OTHER BUSINESS

Request for Interpretation

INCOG requested the Office of Development Services make a **Request for Interpretation** regarding the definition of a sign and the definition of art. (The code does not provide a definition for "art".)

The staff of Inspection Services respectfully requests a determination of the definition of Sign in the Zoning code as it applies to the Ridgeway's sign installed on the East wall of a building located at 324 E 1st Street (photographs attached).

Upon the relocation of the downtown business known as Ridgeway's, their sign was purchased by another downtown business owner, Michael Sager. Mr. Sager had the sign installed on the East wall of his building, facing the parking lot for that business without a permit. Mr. Sager contends the sign does not need a permit because he believes it is art work and not a sign.

The previous Sign & Site supervisor, Margot Heyne-Bell believed the sign is advertising a business elsewhere than the lot on which it is located. She pursued an investigation where she determined the sign could not be at that

elevated so there is no access to the rear lot from the east; the only access is the alley. There is no practical way to access the rear.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Variance** to reduce the required off-street parking requirement to 0 in an CH District (Section 1214.D) to permit a commercial retail use. The Board has found that the age of this subdivision did not allow for an additional area for parking spaces and there is barely enough room to get two cars in the rear of the subject building. Many of the commercial structures in the area have similar parking problems and have come before the Board of Adjustment seeking relief the same which has been granted. 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:

W50 S5 LT 11 & W50 LTS 12 THRU 14 LESS S2.5 THEREOF FOR ST BLK 12, PARK DALE AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21833—John Gaberino

FILE COPY

Action Requested:

Verification of the spacing requirement for an Adult Entertainment Establishment (Bar) of 300 feet from a church, school, or park in the CBD District (Section 1212a.C.3.b). **LOCATION:** 209 North Boulder Avenue (CD 4)

Presentation:

John Gaberino, 1629 East 37th Street, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. Henke stated the Board is in receipt the applicant's survey which is Exhibits 10.9 and 10.10 in the Board's packet.

Interested Parties:

There were no interested parties present.

BOA-21833

FILE COPY

Comments and Questions:

None.

Board Action:

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

N25 LT 5 S25 LT 6 BLK 29, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21834—Rex McCracken

Action Requested:

Variance to enlarge a non-conforming structure (Section 1405.A); Variance to reduce the required west side yard setback; Variance to reduce the required rear yard setback; Variance from the land area per dwelling unit requirement to allow an addition to the existing house (Section 403, Table 3). **LOCATION:** 4169 East 48th Place (CD 9)

Presentation:

Rex McCracken, 4606 West 90th Street, Tulsa, OK; stated he is the contractor for the owner. The way the street curves and the position of the house causes the problem. Initially he believed that area had five foot easements and now they are ten feet on the sides and 15 feet from the rear. The house is in a RS-2 zoned area.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance to enlarge a non-conforming structure (Section 1405.A); Variance to reduce the required west side yard setback; Variance to reduce the required rear yard setback; Variance from the land area per dwelling unit requirement to allow an addition to the existing house (Section 403, Table 3), per Exhibit on page 11.11. The Board has found that the configuration of the lot, both on the street frontage and the side lot lines restrict the buildable area on the rear of the house, and that is which is going to be added per

Verification of the spacing requirement for a bar in the CBD (Use Unit 12a), on the following described property:

E50 LT 3 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20207

Action Requested:

Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, located: 222 North Main Street.

Presentation:

Steve Schuller, 1100 ONEOK Plaza, 100 West 5th Street, stated he has verified there are no churches, parks or schools within the 300' radius. His map of the 300' radius was in the agenda packet.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Verification of spacing requirements for a bar/nightclub - public entrance doors located at least 50 feet from R district and use located a minimum 300 feet from public park, school, or church Section 1212a.C.3 & 5 1601 & 1603, as submitted this day, on the following described property:

S50 LT 1, N70 LT 2 BLK 29, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20208

Action Requested:

Special Exception to allow Use Unit 17 - to permit sales of used cars in a CS zoned district and a Variance of the 300 foot distance from an R district to display merchandise on the property, located: 523 South Sheridan Road East.

Presentation:

Richard Howard, 2431 East 61st Street, Suite 306, proposed a used car lot on the subject property. He responded to questions in the staff report. There is a curb cut for access to the property on the southwest corner of the lot and one on the north side.

Case No. 11777

Action Requested:

Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry - Request for an exception to manufacture pump parts for oil well pumpers in a CH District at 223 North Main Street.

Presentation:

Kenneth L. Stainer, attorney, Suite 1018, 320 South Boston Avenue, was present to address the Board requesting that the John N. Martin Manufacturer, Inc., be permitted to move to the property in question. The subject property is located at the southeast corner of Main Street and Cameron Avenue. They are requesting that Use Unit No. 25, Light Manufacturing and Industry be allowed on the subject property which is presently zoned CH. Mr. Stainer advised that the area surrounding this property has many businesses. He stated that they have a very low noise level and have no furnaces for manufacturing.

Protestants: None.

Board Comments:

Mr. Smith asked if there would be any outside storage and Mr. Stainer answered no. Mr. Wait inquired as to the nature of the manufacturing and Mr. Stainer stated that it is lathe work and fabric punching.

Mr. Gardner advised that there is industrial zoning right across the street from the subject property.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to manufacture pump parts for oil well pumpers in a CH District as presented, on the following described property:

Lot 6, and the North 32' of Lot 5, Block 28, Original Townsite Addition to the City of Tulsa, Tulsa County, Oklahoma.

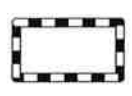
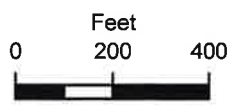
Case No. 11779

Action Requested:

Variance - Section 620.2 (d) (1) - Accessory Use Conditions in The Office Districts - Under the Provisions of Section 1670 - Variances - Request for a variance of the size of a sign from 32 square feet to 256 square feet in an OM District at the NE corner of 67th Street and Lewis Avenue.

Presentation:

Jerry Nichol, attorney, representing Kendallwood Corporation, Rt. 2, Box 13, was present to address the Board and submitted a drawing of the proposed sign (Exhibit "B-1"). Mr. Nichol stated that the property in question has 300' of frontage on Lewis Avenue and 300' of frontage on East 67th Street for a total of 90,000'. The sign in question has already been built and has been in place for approximately 2 months. Mr. Nichol just found out yesterday that a building permit had not been obtained. He advised the Board that the sign will be removed at the end of this year. There are no improvements to be done on the frontage lot, but Mr. Nichol's



Subject
Tract

BOA-22613

19-12 01

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

Aerial Photo Date: February 2018

7.10





BOA-22613

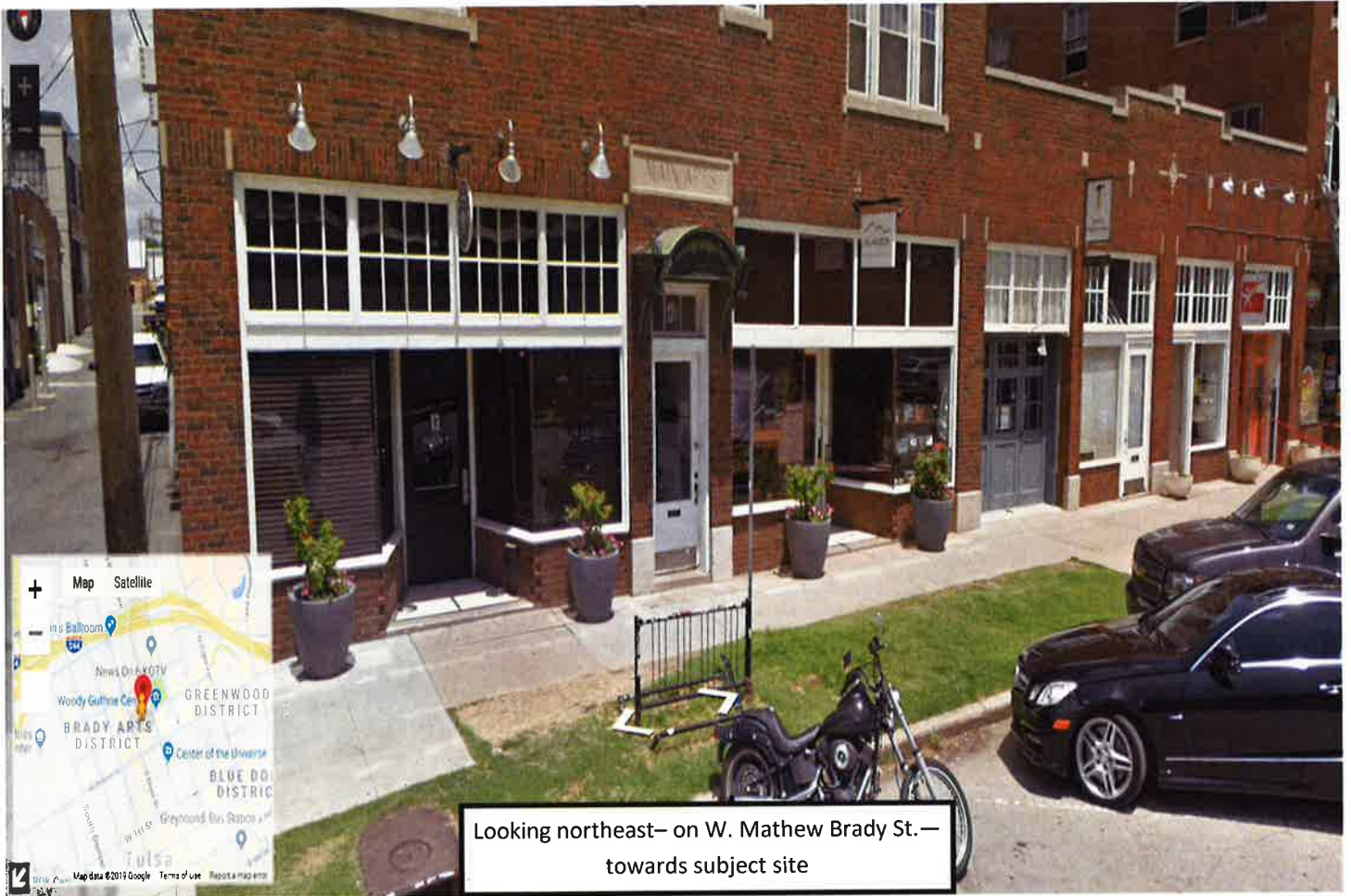
19-12 01

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

Aerial Photo Date: February 2018

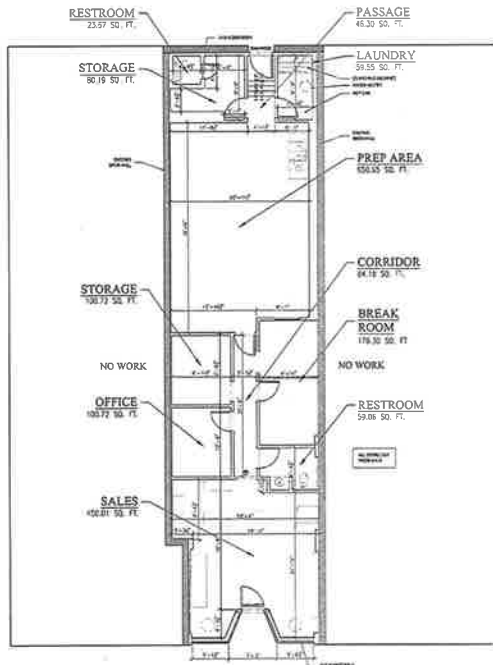
7.11





MABREY OCCUPANCY CHANGE

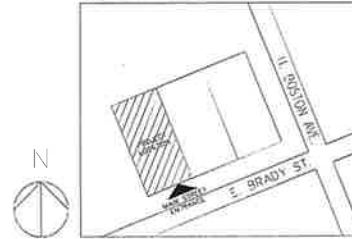
15 E BRADY ST., TULSA, OK



FLOOR PLAN

SCALE 1/8"=1'-0"

CONTEXT MAP



LEGAL DESCRIPTION

SUBDIVISION: TULSA-ORIGINAL TOWN

LEGAL: LT 3 BLK 25 & E10 VAC ALLEY ADJ ON WL

SECTION: 01 TOWNSHIP: 19 RANGE: 12

SCOPE OF WORK

1. NO CHANGE TO EXISTING BUILDING, STRUCTURE, OR OTHERWISE.
2. UPDATE EXISTING OCCUPANCY AND USE FROM BUSINESS TO LOW IMPACT MANUFACTURING.

BUILDING CODE ANALYSIS

LOCAL AUTHORITY (LHA):
CITY OF TULSA
175 E 7th St
TULSA, OK 74103
918-596-9455

BUILDING CODE: 2015 INTERNATIONAL BUILDING CODE
MECHANICAL CODE: 2015 INTERNATIONAL MECHANICAL CODE
PLUMBING CODE: 2015 INTERNATIONAL PLUMBING CODE
ELECTRICAL CODE: 2015 INTERNATIONAL ELECTRICAL CODE
FIRE CODE: 2015 INTERNATIONAL FIRE CODE

PROJECT DESCRIPTION: CERTIFICATE OF OCCUPANCY ONLY

ZONING: CBO - CENTRAL BUSINESS DISTRICT

TYPE OF USE: LOW IMPACT MANUFACTURING AND INDUSTRIAL

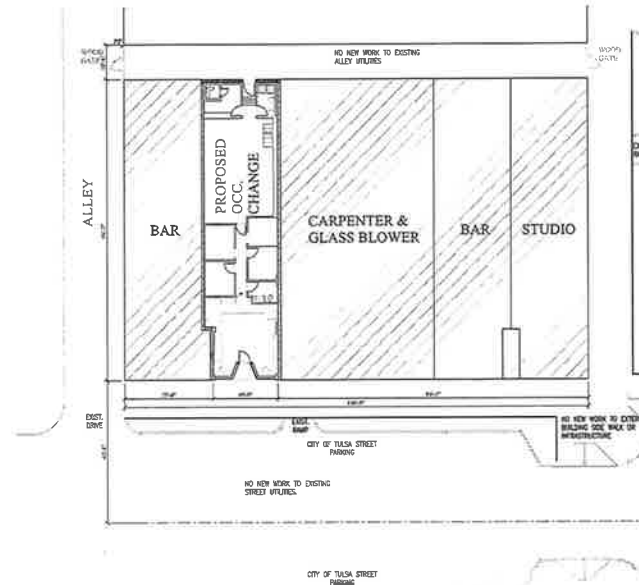
TYPE OF OCCUPANCY: F2

TYPE OF CONSTRUCTION: V-B / NON-SPRINKLERED

TOTAL SQUARE FOOTAGE: (NET)

EXISTING SF: 1,831 SF
TOTAL SF: 1,831 SF

ALLOWABLE OCCUPANCY LOAD: 49



SITE PLAN

SCALE 1/16"=1'-0"

BQA-22613

SGA Design Group, P.C.
Michael Ray Garrett, Architect
1437 South Boulder, Suite 550
Tulsa, Oklahoma 74119-2609
p: 918.587.8600
f: 918.587.8601
www.sgadesigngroup.com

REVISION HISTORY
NUMBER DESCRIPTION DATE



PROJECT NUMBER:
1987301

PROJECT LOCATION:
15 E MATHIEW BRADY ST
TULSA, OK

ISSUE DATE:
03/06/2019

SHEET TITLE:
EXISTING BUILDING SITE
AND FLOOR PLAN

SHEET NUMBER:

A-1

7.13

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

March 22, 2019

Katie Mabrey
15 E Mathew Brady ST
Tulsa, OK 74103

Phone: 918.704.5459

APPLICATION NO: **COO-26015-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 15 E Mathew Brady ST
Description: Medical Marijuana Processing

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. 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 OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. 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

COO-26015-2109

15 Mathew Brady ST

March 22, 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.

Sec.15.020 Table 2: You are proposing an Industrial/Low-Impact/Manufacturing & Industry Use for the production of medical marijuana edibles using medical marijuana components processed elsewhere. This is located in the CBD zoning district.

Review comment: This use is allowed in the CBD zoning district by Special Exception reviewed and approved by the BOA per Sec.70.120. Submit a copy of the approved Special Exception, to allow an Industrial/Low-Impact/Manufacturing & Industry Use for the production of medical marijuana edibles using medical marijuana components processed elsewhere, in the CBD zoning district.

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.

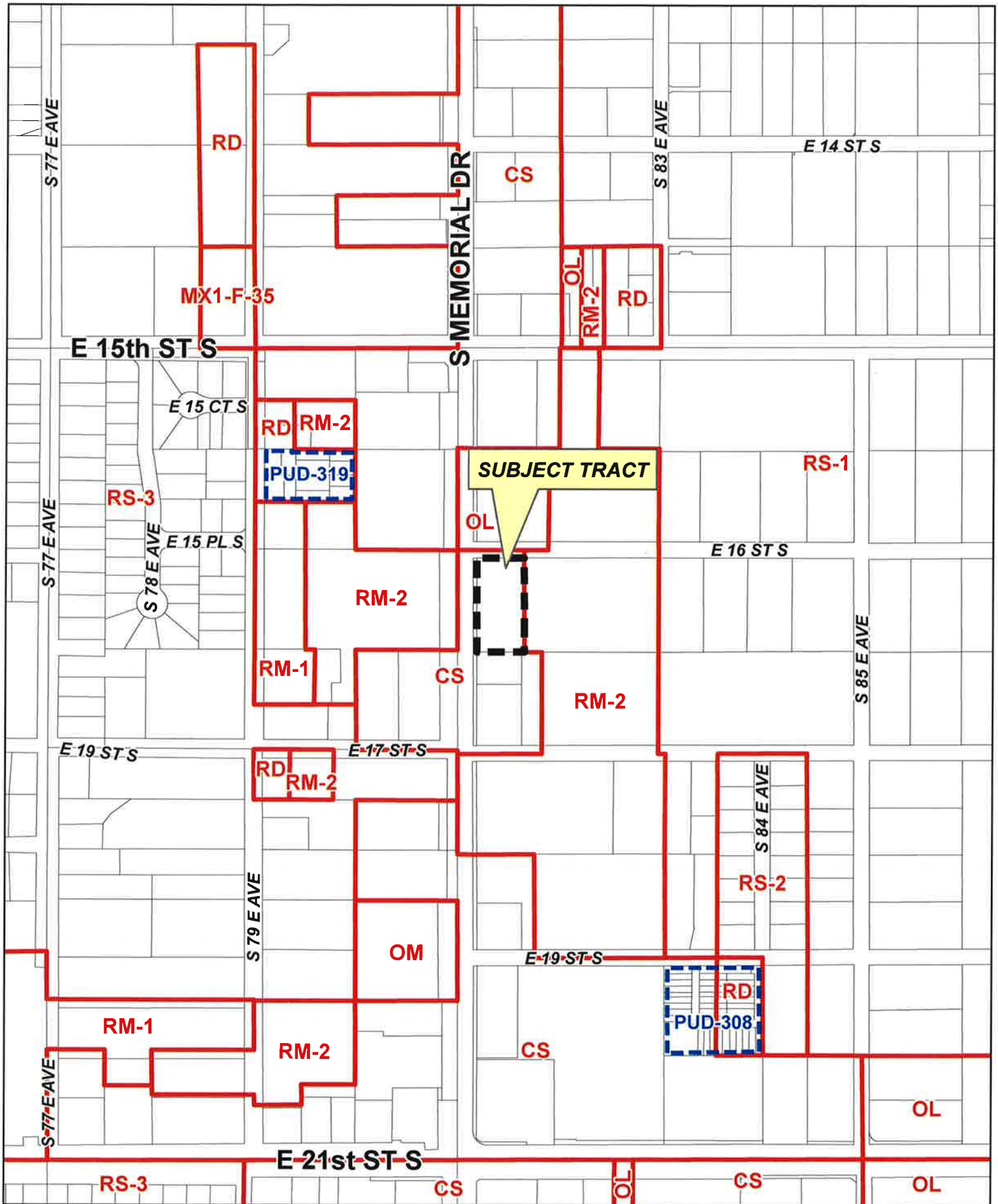
A hard copy of this letter is available upon request by the applicant.

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.

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BOA-22615

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19-13 12



BOARD OF ADJUSTMENT CASE REPORT

STR: 9312

Case Number: **BOA-22615**

CZM: 38

CD: 5

A-P#:

HEARING DATE: 04/09/2019 1:00 PM

APPLICANT: Bradley Anderson

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 1625 S MEMORIAL DR E (overall parcel)
1615 S MEMORIAL DR E (tenant space)

ZONED: CS

PRESENT USE: commercial center

TRACT SIZE: 48800.47 SQ FT

LEGAL DESCRIPTION: LTS 2 3 & 4 BLK 1, RILL ADDN RESUB L3 B4 O'CONNOR PARK,
O'CONNOR PARK

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21664; Special Exception to permit a bar (Use Unit 12a) on a lot within 150 ft of R zoning (Section 701); and a Verification of the Spacing Requirement of 300 ft from any public park, school, or church or any other 12a use (Section 1212a.C.3.b & c); and a Variance of the required parking from 88 to 69 spaces (Section 1212a.D)

BOA-16280; on 3.9.1993, the Board **APPROVED** a Variance of the required 60' setback from the centerline of S Memorial Dr to 50' to permit the replacement of an existing sign. LOCATED: 1605 S Memorial Dr

BOA-8493; on 3.6.1975, the Board **APPROVED** a Special Exception for an extension of time in regard to the screening requirements so long as the two properties remain in the same ownership, per conditions. LOCATED: 1611 S Memorial Dr

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

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.

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to

8.2

integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts a CS zoned property to the south; E. Memorial St. is immediately to the west; large RM-2 zoned lots are to the east; and OL zoned lots are to the north of the subject property.

STAFF COMMENTS:

The applicant is proposing to convert an existing storefront within a larger commercial center into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CH district as long as it meets the spacing requirement of 1,000 ft. from from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of commercial property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they presently exist, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.

N5 OF W82 LT 9 & W82 LT 10 BLK-3, CAMPBELL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21664—Jesus Barraza

FILE COPY

Action Requested:

Special Exception to permit a bar (Use Unit 12a) on a lot within 150 feet of R zoning (Section 701); Verification of the Spacing Requirement of 300 feet from any public park, school, or church or any other 12a use (Section 1212a.C.3.b & Section 1212a.C.3.c); Variance of the required parking from 88 spaces to 69 spaces (Section 1212a.D). **LOCATION:** 1601 South Memorial Drive East – Tenant Space: 1619 South Memorial Drive (CD 5)

Presentation:

Jesus Barraza, 227 South 181st East Avenue, Tulsa, OK; no presentation was made but the applicant was available for any questions.

Mr. White asked if this request is for an existing bar. Mr. Barraza answered affirmatively.

Mr. Van De Wiele asked how long the bar had been in the shopping center. Ms. Suzanne Wills came forward to offer help with the Board's questions.

Interested Parties:

Suzanne Wills, 3531 South Yorktown, Tulsa, OK; stated she has owned the building since 1998, and it was an existing building at that time. The parking for the building has not changed since 1998.

Mr. Van De Wiele asked Ms. Back why this case is before the Board today. Ms. Back stated that it is her understanding the applicant needs a Certificate of Occupancy to align with the expanded area of the building, and their current Certificate of Occupancy does not align with that expansion.

Ms. Wills stated that parking has never been a problem. She stated that are plans to replace the existing fence in the rear with a new screening fence between the bar and the apartments to the east.

Mr. Tidwell asked Mr. Barraza what his hours of operation are to be. Mr. Barraza stated the hours will be from 4:00 P.M. to 2:00 A.M. on weekends.

Comments and Questions:

None.

FILE COPY

BOA-21664

Board Action:

On **MOTION** of **VAN DE WIELE**, 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 **Special Exception** to permit a bar (Use Unit 12a) on a lot within 150 feet of R zoning (Section 701); to **ACCEPT** the **Verification** of the Spacing Requirement of 300 feet from any public park, school, or church or any other 12a use (Section 1212a.C.3.b & Section 1212a.C.3.c); to **APPROVE** the Variance of the required parking from 88 spaces to 69 spaces (Section 1212a.D). Based upon the facts in this matter as they presently exist to **ACCEPT** the applicants **Verification** of spacing for the proposed expansion of an adult entertainment establishment, subject to the action of the Board being void should another adult entertainment establishment or other conflicting use be established prior to this adult entertainment establishment. This approval is subject to the further condition that the screening fence between this subject use and the neighboring property to the east will be maintained. 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. The Board has found that the shopping center and this particular use in question, the hours of operation, and the walk-up nature of several of the businesses would accommodate a lesser quantity of parking spaces such that the required spaces would be a hardship and by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LTS 2 3 & 4 BLK 1, RILL ADDN RESUB L3 B4 O'CONNOR PARK, CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA**

NEW BUSINESS

None.

Case No. 16280

Action Requested:

Variance of the required 60' setback from the centerline of South Memorial Drive to 50' to permit the replacement of an existing sign - Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 13, located 1605 South Memorial Drive.

Presentation:

The applicant, Oklahoma Neon, 6550 East Independence, was represented by Tom Pacewicz, 8316 East 73rd Street, who requested permission to replace an existing Git-N-Go single-pole sign, containing a price sign and logo, with a two-pole sign, which contains the logo, price sign and a marquee. Photographs (Exhibit F-1) were submitted.

J. W. Wakefield informed that Git-N-Go is a tenant in his shopping center and requested that the application be approve.

Comments and Questions:

Mr. Doverspike asked if the replacement sign will be as tall as the existing sign, and Mr. Pacewicz replied that the replacement sign is shorter.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance of the required 60' setback from the centerline of South Memorial Drive to 50' to permit the replacement of an existing sign - Section 1221.C.6. General Use Conditions for Business Signs - Use Unit 13; per photographs submitted; subject to the execution of a removal contract; finding that the replacement sign will be lower than the existing sign, and will be installed at the same location on the lot; finding that approval of the application will not be injurious to the neighborhood or violate the spirit and intent of the Code; on the following described property:

Lots 2, 3 and 4, Block 1, Rill Addition, a resub of Lot 3, Block 4, O'Connor Park, City of Tulsa, Tulsa County.

2-23-75
of the East 80 acres of the NE/4 of Section ~~23~~²⁵, T-19-N, R-13-E, Tulsa County, Oklahoma.

8493

Action Requested: Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a waiver of the screening requirements between a CS and RM-2 District in a CS District located at 1611 South Memorial.

Presentation: John Fulton, representing Mager Properties, advised the Board that Mager Properties owns the shopping center and the multifamily development which abuts the Center. He requested a waiver of the screening requirements between the CS and RM-2 Districts as the two properties were developed as one unit even though there are two different frontages involved. Upon questioning he advised that two apartment buildings face the back of the shopping center and that there are two parking lots between the apartments and the center, stating that the center was constructed with convenience to the apartment dwellers in mind. The shopping center includes a convenience store, a drapery business, a beauty shop, and laundry facilities.

The Chair expressed concern in that one of the two properties might be sold at a later date and then the screening might be necessary.

Interested Party: Wendy Teal, Executive Director of the YWCA which is located to the north, advised the Board that she has been concerned with the safety of the children that play on the YWCA grounds and the safety problems that are created by automobiles entering the off-street parking of the apartments by jumping the curb at 17th Street. She advised that the "Y" had experienced vandalism but did not know that it was by the customers of the convenience center.

Mr. Gardner pointed out that item (c) of Section 250.3 would fit this situation in that the Board would be granting an extension of time providing that the two properties are in the same ownership.

Protests: None.

3.6.75:183(7)

8493 (continued)

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements) for an extension of time in regard to the screening requirements so long as the two properties remain in the same ownership, at such time as the ownerships are split that the fence be required on the east property line of the shopping center, in an RM-2 and CS District on the following described tract:

Lots 2, 3 and 4, Block 1, Rill Addition to the City of Tulsa, Oklahoma.

8494

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District located at 6317 South 103rd East Avenue.

Presentation: John Goedecke requested permission to locate a mobile home on the subject property in order that he might care for his mother.

Protests: None.

Board Action: On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home for a period of one year, subject to the customary removal bond, in an RS-3 District on the following described tract:

The West 327.5' of Lot 2, Block 6, Union Gardens Addition to the City of Tulsa, Oklahoma.

8496

Action Requested: Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of front setback requirements from 100' to 70' from the centerline of Sheridan; and a Variance to permit building 25' in height located 14' 10" from the east lot line abutting an R District; and a variance of the floor area ratio from 50% to 53% lot coverage; and a Variance (Section 1320 (d) - General Requirements for Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the required off-street parking spaces that are not on the same lot containing the use for which the required spaces are to be provided in a CS District located at 821 South Sheridan Road.

3.6.75:183(8)



0 Feet 200 400



Subject Tract

BOA-22615

19-13 12

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

Aerial Photo Date: February 2018

8.9





S MEMORIAL DR

E 16 STS

E 17 STS

0 50 100
Feet



**Subject
Tract**

BOA-22615

19-13 12

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

Aerial Photo Date: February 2018

8.10



Parking Lot



8.12



8.13





CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

March 13, 2019

Bradley Anderson
1615 S Memorial Dr
Tulsa, OK 74112

Phone: 918.808.6201

APPLICATION NO: COO-026292-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1615 S Memorial Dr
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. 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 OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th 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

COO-026292-2019

1615 S Memorial Dr

March 13, 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.40.225-H:** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma Department of Health for the use at the location.

Review comment: Submit evidence you have been granted a state license and the date it was approved.

2. **SEC.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Review comment: Your State license for a Medical Marijuana Dispensary was approved on 3/05/2019. The 1000' separation required under *Sec.40.225-D* is therefore applicable for your dispensary. Submit a copy of the BOA acceptance for the verification for the required 1000' spacing between Medical Marijuana Dispensaries.

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.