## AGENDA

## CITY OF TULSA BOARD OF ADJUSTMENT

Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center
Tuesday, May 28, 2019, 1:00 P.M.

Meeting No. 1229

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

## **UNFINISHED BUSINESS**

None.

#### **NEW APPLICATIONS**

#### 1. 22637—Dominique Henderson

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). <u>LOCATION:</u> 859 South Knoxville Avenue East (overall parcel) – <u>TENANT</u> <u>SPACE:</u> 3609 East 11<sup>th</sup> Street South (CD 4)

## 2. 22638—Crown Neon Signs – Gary Haynes

<u>Variance</u> to permit a digital sign (dynamic display) to be located within 200 feet of an RM-2 and RS-2 zoning district (Section 60.100-F). <u>LOCATION:</u> 4532 East 51<sup>st</sup> Street South (overall parcel) – <u>TENANT SPACE:</u> 4512 East 51<sup>st</sup> Street South (CD 9)

#### 3. 22639—Jose Soriano

<u>Special Exception</u> to permit a carport in the street setback and street yard to exceed the allowable height requirements, to exceed 20 feet in length, and to project more than 20 feet into the street setback (Section 90.090-C.1). <u>LOCATION:</u> 4007 East Ute Street North (CD 3)

## 4. <u>22640—Rosemary Farms, LLC</u>

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). <u>LOCATION:</u> 4111 South 70<sup>th</sup> Avenue East (CD 5)

#### 5. 22641—Tony Varano

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). <u>LOCATION:</u> 9401 East 31<sup>st</sup> Street South (overall parcel) – <u>TENANT SPACE:</u> 9419 East 31<sup>st</sup> Street South (CD 5)

## 6. 22642—TEP – Tim Terral

<u>Variance</u> to reduce the minimum lot-width requirement; <u>Variance</u> of the street setback requirement (Table 5-3). <u>LOCATION:</u> 4444 South Gary Avenue East (CD 9)

## 7. 22643—Stephen Schuller

<u>Variance</u> to increase the allowed display surface area for a sign abutting a minor street (Section 60.080-C); <u>Variance</u> to permit a sign to exceed the maximum permitted height (Section 60.080-D). <u>LOCATION:</u> 1617 West 51<sup>st</sup> Street South (CD 2)

## 8. <u>22644—M. Scott Phlenz</u>

<u>Variance</u> to reduce the rear setback requirement in an RS-1 District (Section 5.030-A). <u>LOCATION:</u> 4636 South Wheeling Avenue East (CD 9)

## 9. <u>22645—M. Scott Phlenz</u>

<u>Variance</u> to reduce the street setback requirement in an RS-2 District (Section 5.030-A); <u>Variance</u> to reduce the side setback requirement in an RS-2 District (Section 5.030-A). <u>LOCATION</u>: 2212 South Terwilleger Boulevard East **(CD 4)** 

## 10. 22646—A-Max Sign Company

<u>Special Exception</u> to allow a dynamic display sign in an R District (Section 60.050-B); <u>Special Exception</u> to permit a dynamic display sign to be located within 200 feet of an RS-3 District (Section 60.100-F). <u>LOCATION:</u> 11702 East 25<sup>th</sup> Street South. **(CD 6)** 

#### 11. <u>22647—Gabe Palacios</u>

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). <u>LOCATION:</u> 621 South Kenosha Avenue East **(CD 4)** 

## 12. <u>22648—Tom Beverage</u>

<u>Variance</u> to allow a non-all-weather parking surface material (Section 55.090-F). <u>LOCATION:</u> 5615 West Young Street North (CD 1)

## **OTHER BUSINESS**

#### **NEW BUSINESS**

## **BOARD MEMBER COMMENTS**

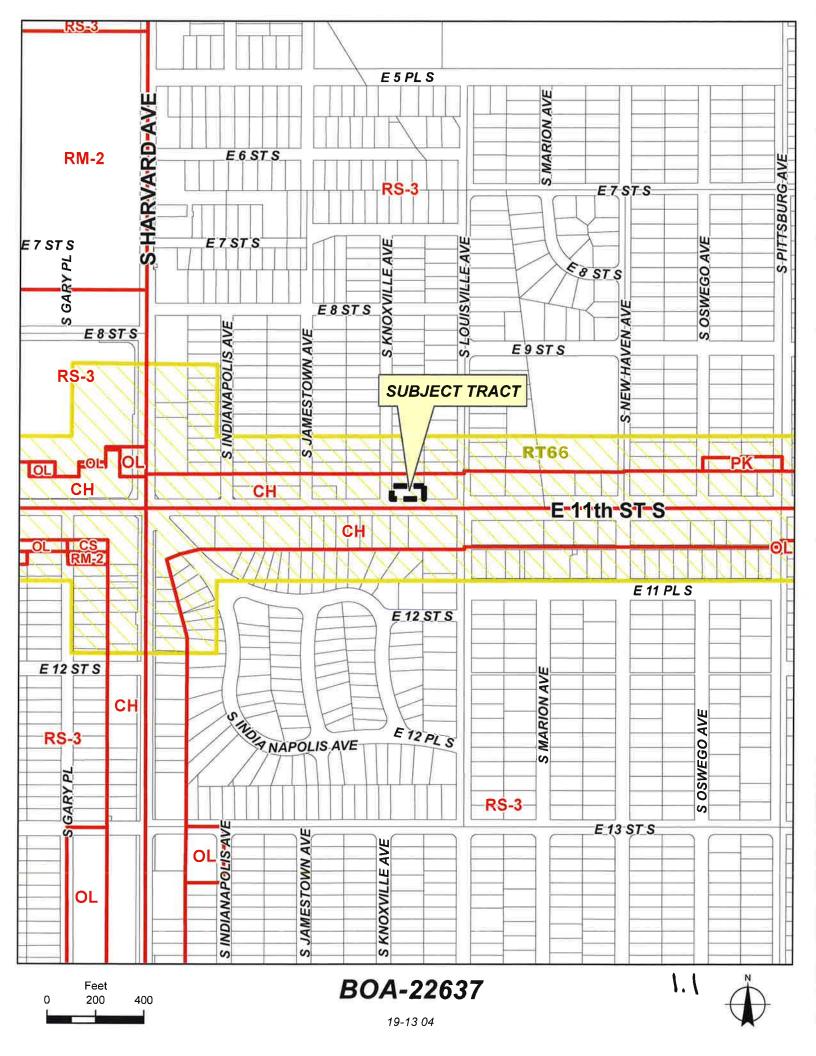
## **ADJOURNMENT**

Website: www.cityoftulsa-boa.org <u>E-mail:</u> esubmit@incog.org

**CD = Council District** 

<u>NOTE:</u> 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. <u>ALL</u> electronic devices <u>MUST</u> be <u>silenced</u> during the Board of Adjustment meeting.

<u>NOTE:</u> This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at (918) 584-7526 if you require an official posted agenda.



# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9304

Case Number: BOA-22637

**CZM:** 37 **CD:** 4

A-P#:

**HEARING DATE**: 05/28/2019 1:00 PM

**APPLICANT: Dominique Henderson** 

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**: 859 S KNOXVILLE AV E (overall parcel)

3609 E. 11th St. (tenant space) ZONED: CH

PRESENT USE: Commercial TRACT SIZE: 7427.01 SQ FT

**LEGAL DESCRIPTION:** LT 15 BLK 5, BRADEN HGTS ADDN

## **RELEVANT PREVIOUS ACTIONS:**

## **Subject Property:**

**BOA-18118;** on 7.28.98, the Board **approved** a *special exception* to allow a single-family dwelling in a CH zoned district, conditioned upon two residential parking spaces being provided. Located; 859 South Knoxville, northeast corner East 11th Street and South Knoxville.

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

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.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by CH zoned lots to the north east and west; E. 11<sup>th</sup> St. S. abuts the property to the south.

## **STAFF COMMENTS:**

The applicant is proposing to convert an existing building 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 CH 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 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.

#### Presentation:

Wilma Williams, 511 North 23<sup>rd</sup> West Avenue, stated that she received a permit to build a garage on the back and side of their house. Since that time, they purchased other property to back their dump trucks, etc., and turned their garage into an apartment. They were unaware that approval for a garage apartment was necessary. She was informed that the garage apartment was in violation of the zoning code and she is before the Board to make it legal. She presented a copy of the site plan, Exhibit I-1, and the zoning violation, Exhibit I-2.

#### Comments and Questions:

Mr. White voiced staff's concerns regarding the hardship. Ms. Williams stated that the property is one and one-half lots combined, and it has woods behind it.

Mr. Ballentine presented a copy of two photographs of the property, Exhibit I-3.

## **Interested Parties:**

None.

#### **Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a Variance to allow two dwelling units on one lot of record. **SECTION 207**. **ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD** – **Use Unit 6** finding that the lot is unusually large on the following described property:

Lot 11 & N/2 Lot 12, Block 4, Monticello Addition, City of Tulsa, Tulsa County, Oklahoma.

\* \* \* \* \* \* \* \* \* \* \*

#### Case No. 18118

#### Action Requested:

Special Exception to allow a single-family dwelling in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** — **Use Unit 6**, located 859 South Knoxville (Northeast corner East 11<sup>th</sup> Street & South Knoxville).

#### Presentation:

Charles Yuan, 2908 East 37<sup>th</sup> Street, referred to the site plan, Exhibit J-1, and stated that the structure was originally built as a house, but with the high intensity of 11<sup>th</sup> Street, has operated as a nightclub or bar for over 15 years. The last bar tenant caused various problems, so he decided not to lease the property as a bar to the next tenant, not wanting the same kinds of problems the previous caused. He rented the property to a man that has lived on the property for almost four years now, and was shocked when he received a letter from Code Enforcement that this was a violation of

the zoning code. He added that there are other people living across the street. Mr. Yuan presented a map reflecting other properties where people are residing and the properties of persons that signed the petition, attached to the map, Exhibit J-4. He canvassed the neighborhood to have a petition signed and stated he received two complaints about the building on the east being an eye-sore, so he tore the east building down. Regarding the cars, Code Enforcement stated that the cars were permissible. He presented seven photographs, recorded as Exhibit J-2.

#### Comments and Questions:

In response to the Board's questions, Mr. Yuan stated that the occupant does sell autos at a very low volume; there are 14 parking spaces on the lot; and there are five exits in the building. The house is approximately 1,200 SF, and the attached garage is 1,500 SF serves as the auto sales office.

#### **Interested Parties:**

Patricia Meyers, 840 South Knoxville, stated that there are more than two people in the area that are opposed to this application. She stated that Mr. Yuan told people he would have to put a bar or arcade on the premises if this application was not approved in order to get people to sign his petition. She presented 17 photographs, recorded as Exhibit J-6. She stated that she objects to this application because the property is trashy.

A letter was received in support of the application from Norman S. Cass, Exhibit J-3.

## Applicant's Rebuttal:

Mr. Yuan stated that the single-family dwelling is the least intense use, which was the use of the property.

#### Comments and Questions:

Ms. Parnell stated that the property is a small rectangular lot with a building and no parking. "Ms. Vicki's" was an illegal bar that did cause problems for the neighborhood. The property cannot meet the parking requirements of a CH zoned district. Mr. Beach stated that the number of required parking spaces is based upon the amount of outdoor display area and floor area. From the information on the site plan, he would guess that there are seven spaces required for auto sales and two spaces required for the residence. He questioned if the site plan was accurate, and if the shown parking spaces were legal parking spaces. It appeared that autos were being parked in the right-of-way.

Mr. Stump interjected that the lowest intensity for the CH district would be a single-family dwelling, which does require two parking spaces, but those two autos could be one behind the other. He also pointed out that the single-family dwelling would not restrict the property from other permitted uses, as long as the code was met. Ms. Turnbo pointed out that the tenant would have to apply to the Board for a Variance of the off-street parking.

Mr. Ballentine presented a copy of two photographs of the property, Exhibit J-5.

## **Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays"; no "abstentions"; Cooper "absent") to **APPROVE** a Special Exception to allow a single-family dwelling in a CH zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6 conditioned upon two residential parking spaces being provided on the following described property:** 

Lot 15, Block 5, Braden Heights Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \* \* \* \* \* \* \*

#### Case No. 18121

## Action Requested:

Special Exception for U.U. 5 in an RS-3 zoned district to allow a driveway from E. 36<sup>th</sup> St. to Boevers Elementary School. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 13329 East 36<sup>th</sup> Street South.

#### Presentation:

Kenneth Bradford, 1350 South Boulder, stated that currently Boevers Elementary School has only one entrance and exit on 133<sup>rd</sup> Street, pointing out that other schools try to have two entrances and exits to help improve the traffic flow. He stated that he would like to make a one-way drive through the school with left-turn and right-turn lanes onto 36<sup>th</sup> Street. He submitted a site plan, recorded as Exhibit K-1. The intent is to have the drive open only during school times and during the evening during special school events. Currently the children walk through the grass, and they proposed to add a sidewalk along the drive.

#### Comments and Questions:

In response to Mr. Dunham's question, Mr. Bradford stated that the entire lot would be purchased with the drive being located in the middle of the lot, the sidewalk to the east. The present house to the west has a high shrub that would be retained as a buffer.

## **Interested Parties:**

Vernon Harmon, Union Public School Assistant Superintendent, stated that the K-5 school had 561 students, with approximately 20% of the students living to the south of the school. He stated that although the traffic congestion is short lived, it is very intense in the morning and afternoon, especially during inclement weather. There is one bus and five to six day care vehicles that provide transportation to and from the school. The intent is to lessen the traffic congestion, and to provide a safe, and orderly flow of traffic. In response to Mr. White's question about the bus route, Mr.



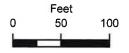
BOA-22637

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

Aerial Photo Date: February 2018









BOA-22637

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

Aerial Photo Date: February 2018



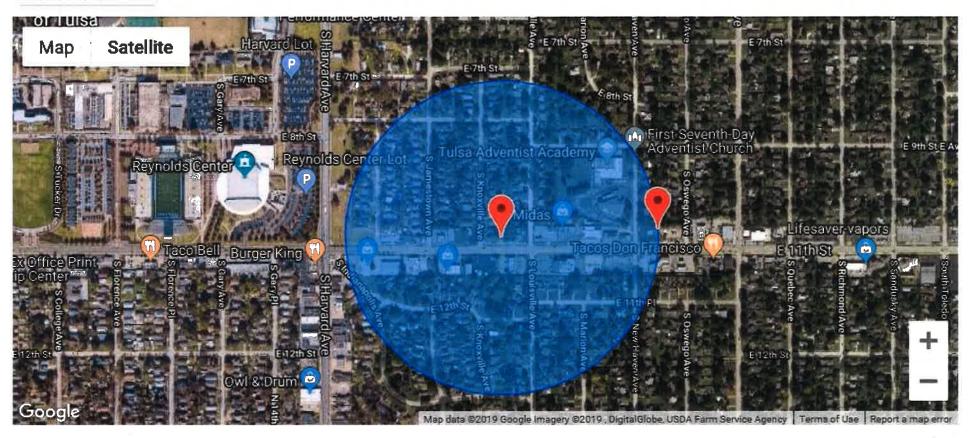
#### **MAP RADIUS CALCULATOR**

3609 e 11th st tulsa ok 74112

Search

**Coordinates:** (36.1480225252121, -95.93656053019111) **Radius:** 304.90 Meters | 0.30 Km | 0.19 Miles | 1000 Feet

Zoom to Area Clear Ali







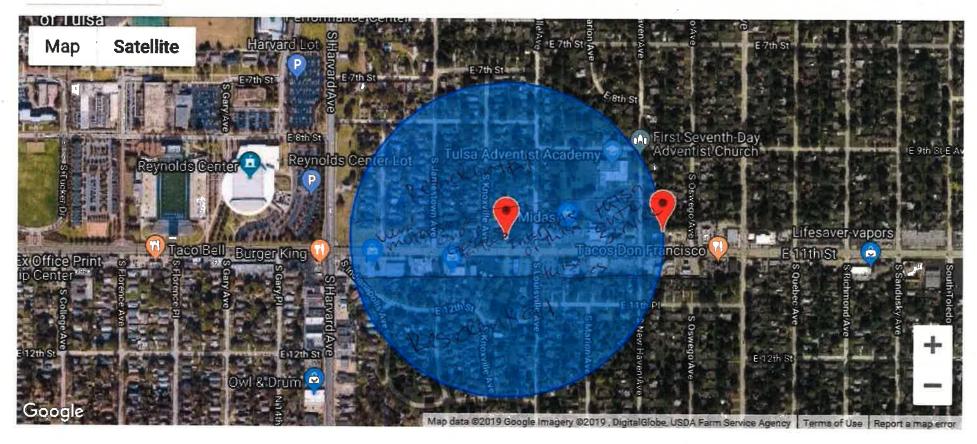
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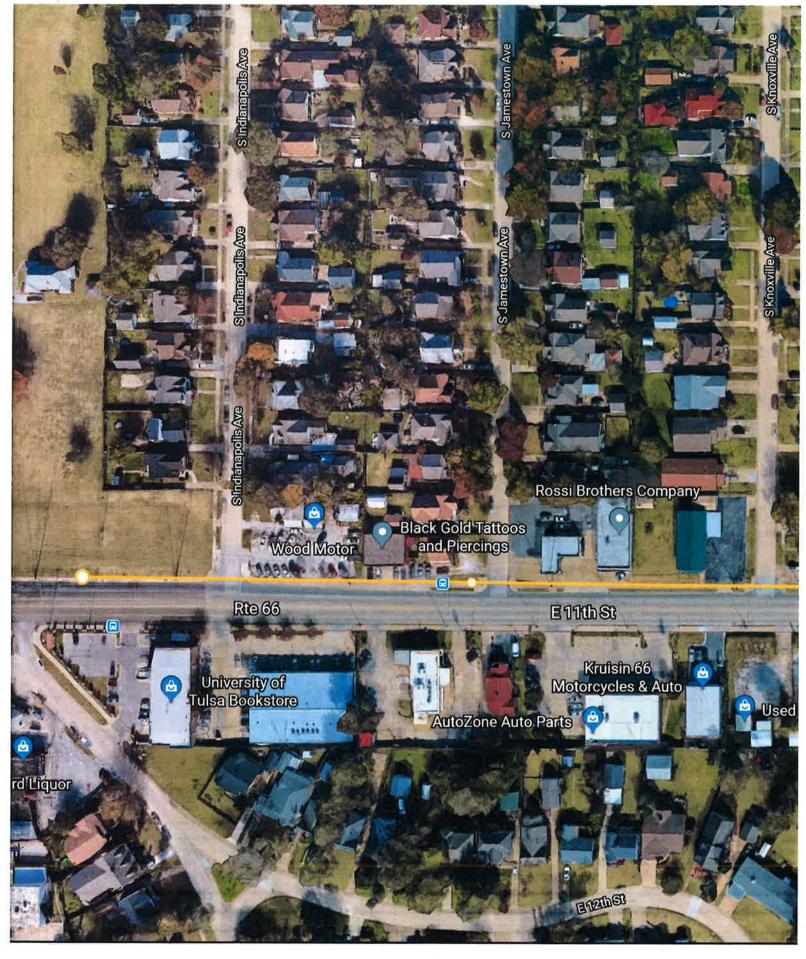
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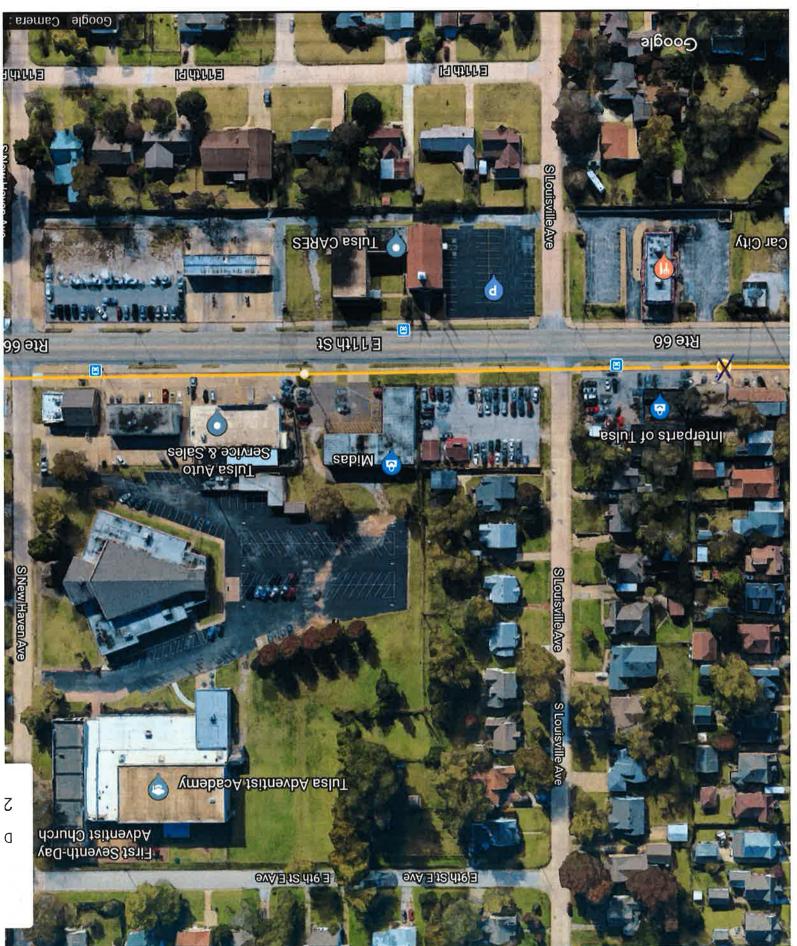
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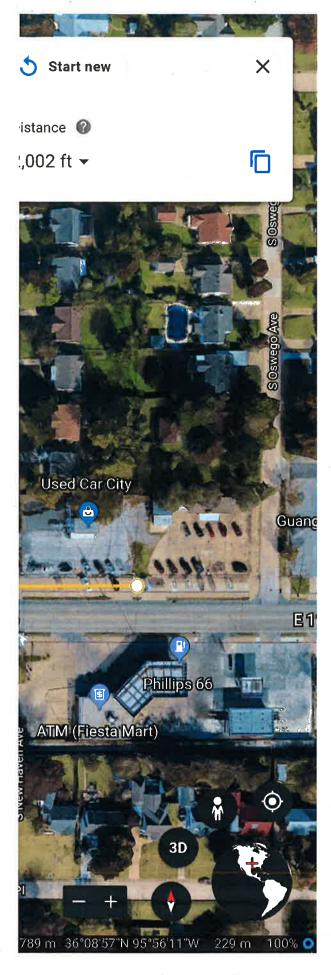


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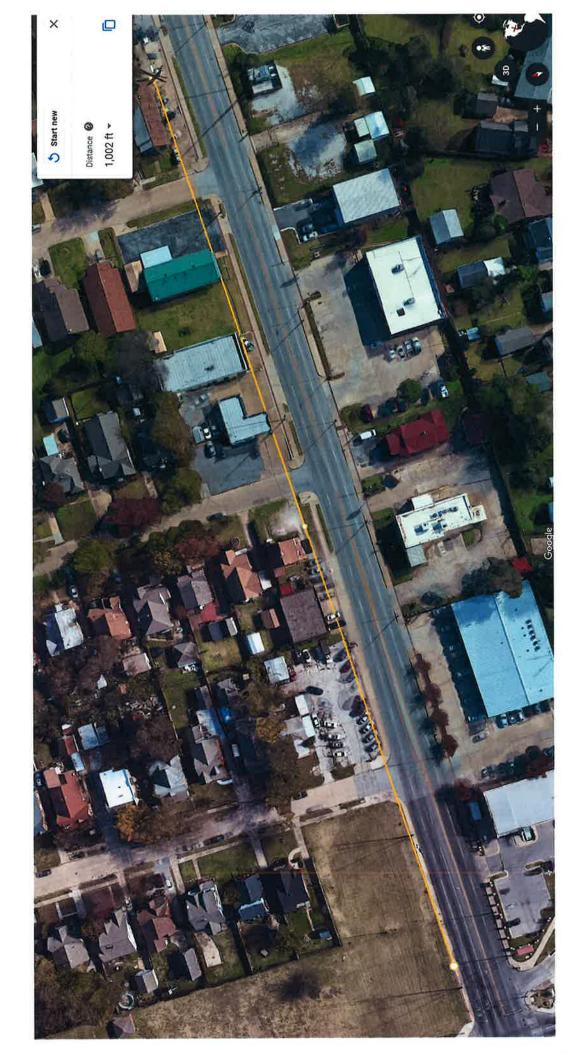
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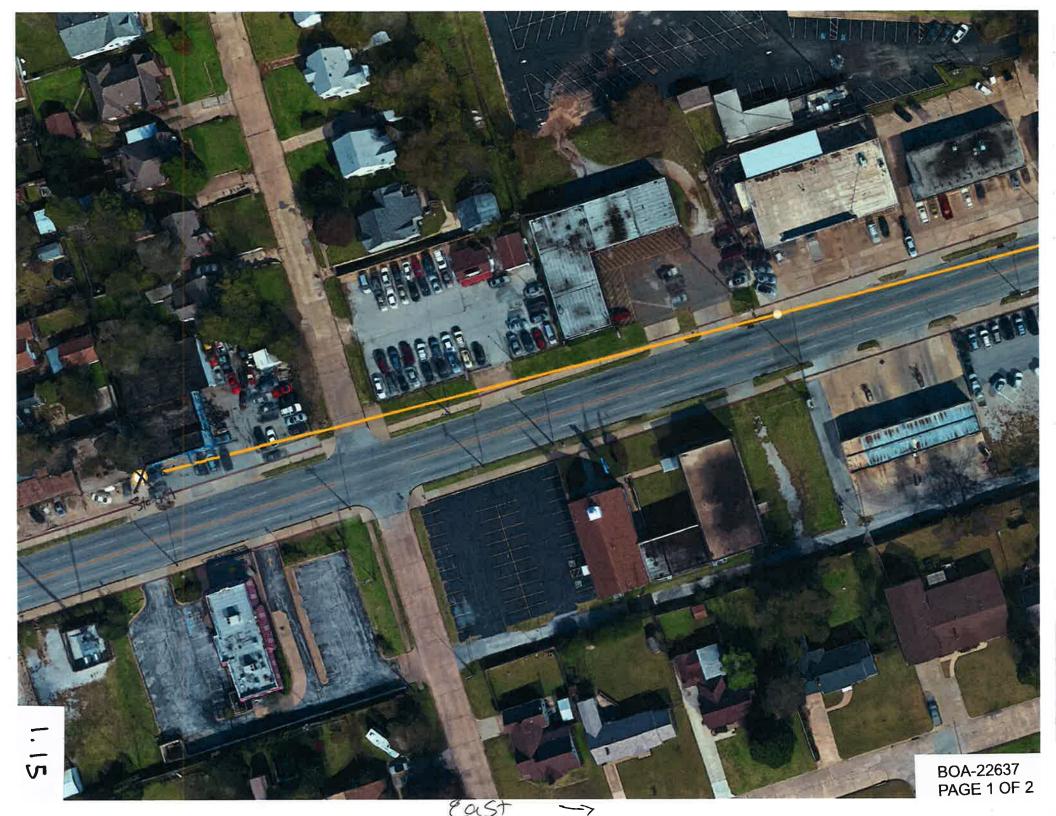
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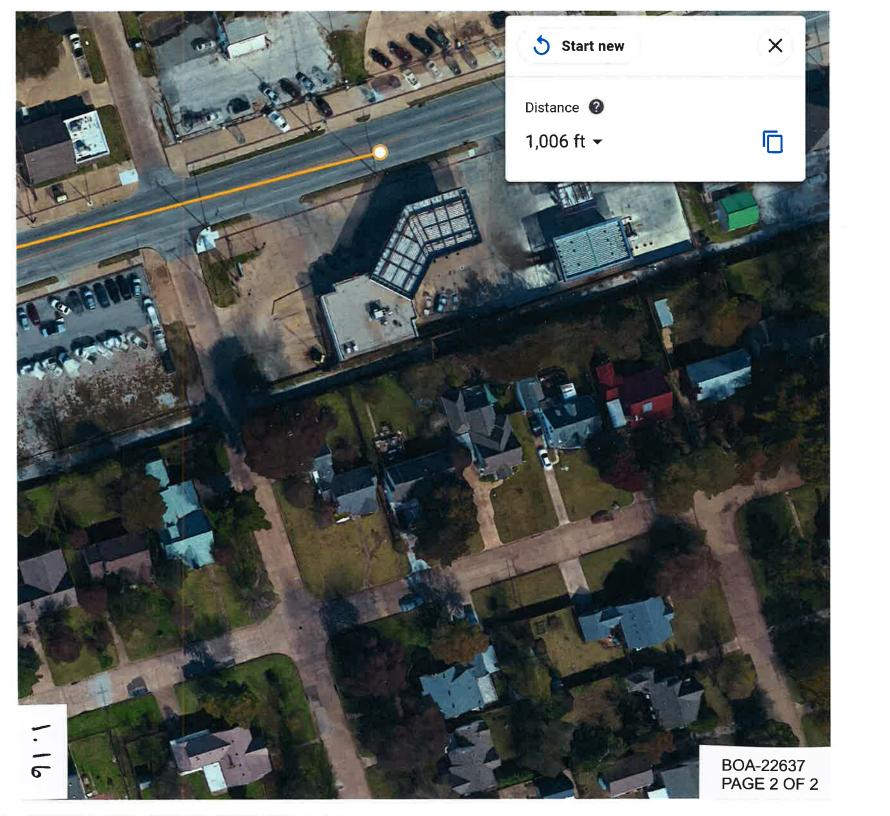


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CHUCK LANGE ZONING OFFICIAL PLANS EXAMINER

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

CHI CANULSA OKUM

DEVELOPMENT SERVICES
175 EAST 2nd STREET SUITE 450

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

## **ZONING CLEARANCE PLAN REVIEW**

LOD Number: 1

April 13, 2019

Juan Ocampo 3609 E 11 ST Tulsa OK 74112 Phone: 918.313.4669

Tulsa, OK 74112

APPLICATION NO:

COO-027271-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

3609 E 11 ST

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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### **IMPORTANT INFORMATION**

- 1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
- SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISION 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 <a href="https://www.incog.org">www.incog.org</a> 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**

COO-027271-2019

3609 E11 ST

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

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other 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**

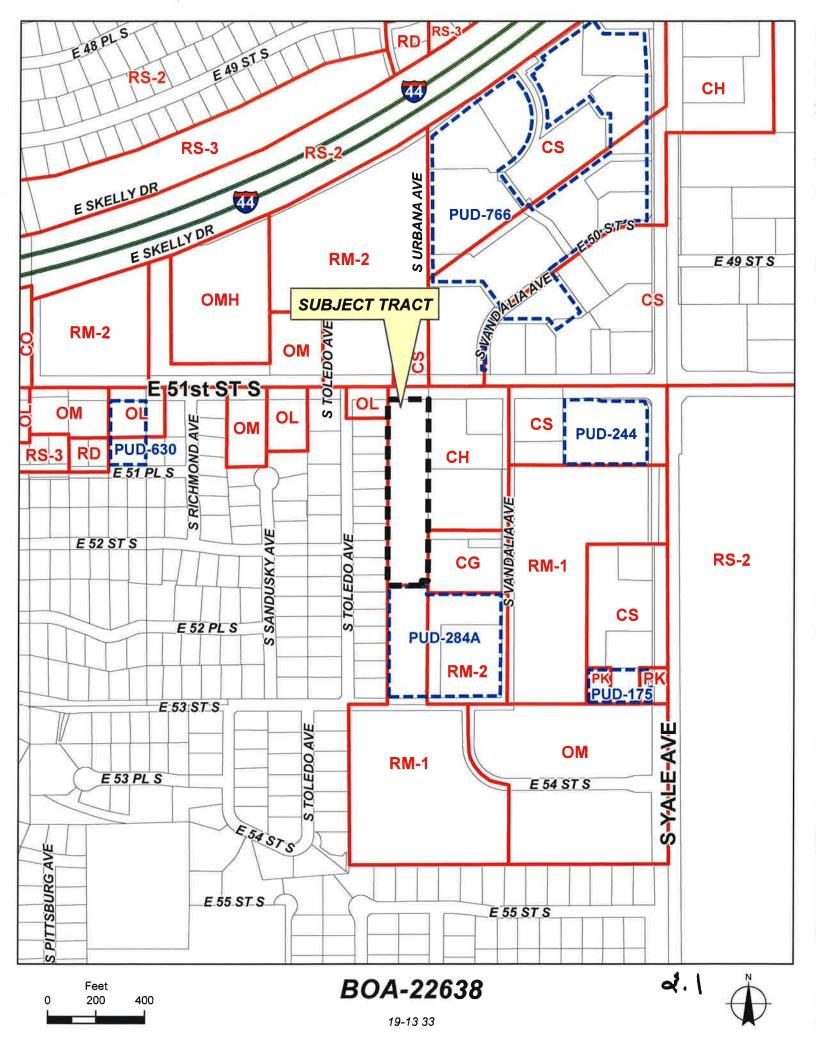
**NOTE**: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9333

Case Number: BOA-22638

**CZM**: 47

**CD**: 9 **A-P#**:

**HEARING DATE:** 05/28/2019 1:00 PM

**APPLICANT**: Gary Haynes

ACTION REQUESTED: Variance to permit a digital sign (dynamic display) to be located within 200ft.

of an RM-2 and RS-2 zoning district (Section 60.100-F).

**LOCATION:** 4532 E 51 ST S (overall parcel); 4512 E. 51st St. (tenant space) **ZONED**: CH

PRESENT USE: Shopping Center TRACT SIZE: ±2.936 acres

LEGAL DESCRIPTION: N828 E/2 W/2 W/2 NE NE LESS N50 LESS E25 S19 THEREOF SEC 33

19 13 2.94AC

## **RELEVANT PREVIOUS ACTIONS:**

## Surrounding Property:

**BOA-16648**; on 5.10.94, the Board **approved** a *variance* of the maximum display surface area and height to permit a sign per plan and conditions. Located; 5087 South Toledo Avenue.

**BOA-16164**; on 10.27.92, the Board **denied** a *variance* of the maximum permitted 44 square feet of signage in an OM zoned district to 105 square feet. Located; west of the northwest corner of East 51st Street South and South Yale Avenue (4325 East 51st Street South).

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" 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.

**Town Centers** are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

ANALYSIS OF SURROUNDING AREA: The subject tract abuts Ch zoned commercial tracts to the east, OL and RS-2 zoned lots the west, and RM-2 and CS zoned tracts to the north.

## **STAFF COMMENTS:**

The applicant is proposing a multi-tenant panel sign with dynamic display along E. 51st St. S.

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

The applicant has requested a **Variance** to permit a dynamic display sign to be located within 200 ft. of an R zoned district (Section 60.100-F). The proposed 32 sq. ft. dynamic display sign appears to be within 200 ft. of an RS-2 zoning district to the wast and an RM-2 zoning district to the north.

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	to (approve/deny) <b>Variance</b> to permit a digital sign (dynamic display) to be located 200ft. of an RM-2 and RS-2 zoning district (Section 60.100-F).
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

- "a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."

## FLE COPY

#### Case No. 16647

Action Requested:

Special Exception to permit a dry cleaning business in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 15, located SW/c of East 71st Street and South Memorial Drive.

Presentation:

The applicant, Roy Johnsen, 201 West 5th Street, submitted a plot plan (Exhibit L-1) and explained that the proposed dry cleaning business will occupy the northwest tenant space in the main building (2900 sq ft). He informed that the business will comply will all requirements imposed on dry cleaning establishments.

Comments and Questions:

Mr. Doverspike asked if the actual dry cleaning is done at this location, and the applicant answered in the affirmative.

#### **Protestants**:

None.

**Board Action**:

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception to permit a 2900 sq ft dry cleaning business in a CS zoned district-SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 15; per plan submitted; subject to Health Department approval; finding that approval of the use, per conditions, will not be detrimental to the area; on the following described property:

Lot 1, less beginning 60' west SE/c NE/4, NE/4, thence west 440.5', north 44.36', NWLY 591.45', northeast 5.62', southeast 269', NLY 708.55', southeast 257.54', south 57.9', east 35', south 72', east 201', south to POB, and less beginning 226' west NE/c Lot 1, thence south 131.5' thence on crv rt 22.78', west 191.48' thence on crv rt 30.63', north 126.5', east 225.48' POB, Block 1, Raphael Plaza, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 16648

Action Requested:

Variance of the maximum display surface area and height to permit a sign - SECTION 402.B.4. Signs - Use Unit 8, located 5087 South Toledo Avenue.

Presentation:

The applicant, William Jones, 15 East 15th Street, #3800, submitted a plot plan (Exhibit M-1) and stated that he is representing the owner of the Yacht Club Apartments. He explained that an amusement park was approved on abutting property and the apartment complex immediately experienced a decline in occupancy. Mr. Jones stated that his client is proposing to renovate the complex and add a main entry feature, consisting of a sailing ship with the name of the apartments. He informed that the sign is in compliance with the Code if the ship is not included in calculating the signage.

#### Case No. 16648 (continued)

#### Comments and Questions:

In reply to Mr. Doverspike, Mr. Jones informed that, if the entire ship is calculated as signage, the permitted display area would be exceeded by approximately 25% and the height by 14'.

#### **Protestants:**

None.

#### **Board Action:**

On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the maximum display surface area and height to permit a sign - SECTION 402.B.4. Signs - Use Unit 8; per plan submitted; subject to an entry feature (one sailing ship) being located on the 51st Street entry; finding that the RM-2 tract is surrounded by properties with commercial and office zoning classifications; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lot 1, Block 1, Lincoln Estates Third Addition, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 16650

## Action Requested:

Special Exception to permit a restaurant and Use Unit 14 uses (Shopping Goods and Services) in an IL zoned district, and a variance to permit required off-street parking on a lot other than the lot containing the principal use - SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS and SECTION 1301.D. GENERAL REQUIREMENTS - Use Units 12 and 14, located 11339 East 61st Street.

#### Presentation:

The applicant, Dan Rickman, 1166 North 166th East Avenue, filed the application for the property owner, who was represented by Roy Johnsen, 201 West 5th Street. He explained that his client owns two lots that have 150' of frontage on 61st Street and are zoned for industrial uses. He informed that a 12,000 sq ft building, with parking, is located on the westernmost lot, and the eastern lot has 50% grassy area and 50% hard surface. Mr. Johnsen stated that his client is proposing to lease 3520 sq ft of the building for restaurant use, and parking to serve the use will be located on the southern half of the easternmost lot. He noted that, although zoned for industrial uses, numerous retail uses have been approved in the area. Mr. Johnsen requested that restaurant parking be permitted on a lot other than the one containing the principal use. He also requested that Use Unit 14 uses be permitted in the remainder of the building. A plot plan (Exhibit N-1) was submitted.

#### **Protestants:**

None.



Interested Parties: There were interested parties present.

#### Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to APPROVE a Variance of the required 10' setback from a freeway right-of-way to permit a sign - SECTION 1221.C.1 - GENERAL USE CONDITIONS FOR BUSINESS SIGNS - Use Unit 17; per the plan submitted; finding the shape of the lot and topography as the hardship on the following described property:

A tract of land in the South Half of the Southeast Quarter of the Southeast Quarter (S/2, SE/4, SE/4) of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government survey thereof, being more particularly described follows, to-wit: Beginning at a point on the South line of said Section 30, said point being 660' Westerly of the Southeast corner thereof; thence Northerly and parallel to the East line of said Section 30, a distance of 240' to a point on the Southerly right-of-way line of the 51st Street By-Pass; thence Westerly along the Southerly right-ofway line of the 51st Street By-Pass; a distance of 130.33' to a point; thence Southwesterly along the Southeasterly right-of-way line of the 51st Street By-Pass a distance of 56.41' to a point; thence Southerly and parallel to the East line of said Section 30, a distance of 227.22' to a point on the south line thereof; thence Easterly along the South line of said Section 30, a distance of 185' to the Point of Beginning, less and except the South 35' for street purposes.

#### Case No. 16164

## Action Requested:

Variance to exceed the permitted 44 SF of display surface area for a sign to 105' SF to permit a sign - SECTION 602.B.4.a. Signs - Use Unit 11, located 4325 E. 51st St.

#### Presentation:

The applicant, Eva Thaper, 6810 East 50th Place, submitted some pictures (Exhibit L-1) and informed she is taking an existing sign and pulling it all the way down to the ground and making it 2 feet narrower. They will be using the existing pole. The new sign will list all the tenants in her building.

#### Comments and Questions:

Mr. Doverspike asked what the hardship is, and Ms. Thaper informed she is concerned about losing her tenants if they do not have their name appearing on the sign.

Mr. Doverspike suggested that the applicant just put the name of the building on the sign, and put the names of all the tenants on an inside directory. Ms. Thaper informed she already has an inside directory.

Ms. Wilson asked if the old sign was up when the majority of the tenants moved in, and Ms. Thaper informed it has only been up about five or six years, and some of the tenants have been in there longer than that. Some of the tenants were promised their names on a sign when they moved into the building.

Mr. Doverspike informed he agrees with the Staff comments in that he does not believe that the intent of the Zoning Code is to identify individual tenants in an office complex, but to identify the office complex itself. He does not see anything that is unique to the property which would warrant the establishment of a hardship associated with the property which would warrant this kind of relief.

Ms. White agreed with Mr. Doverspike, and informed she feels it would definitely violate the intent of the Code where office complexes are concerned.

#### Board Action:

On MOTION of DOVERSPIKE, the Board voted 4-0-0 (Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to <u>DENY</u> a Variance to exceed the permitted 44 SF of display surface area to 105' SF to permit a sign - SECTION 602.B.4.a. Signs - Use Unit 11; finding no hardship on the following described property:

The West 220' of Lot 3, Moreland Second Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

#### Case No. 16165

#### Action Requested:

Appeal from the decision of the code enforcement officer that a business is being conducted from a single-family dwelling - SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL - Use Unit 6, located 8004 East 87th St.

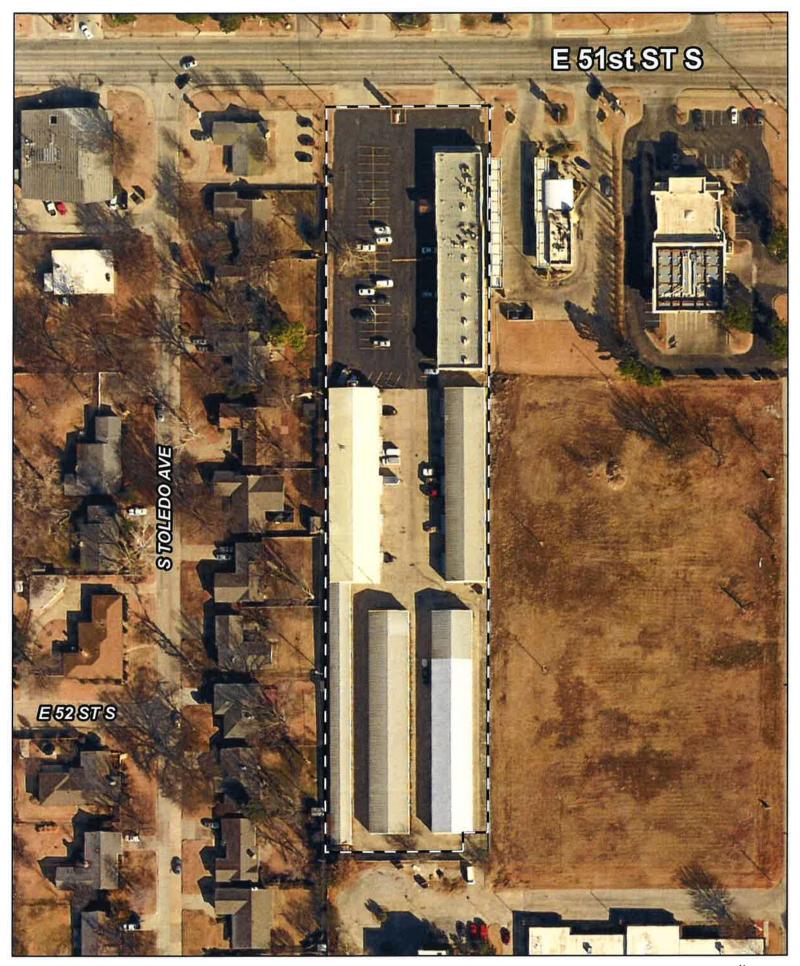


**BOA-22638** 

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

Aerial Photo Date: February 2018





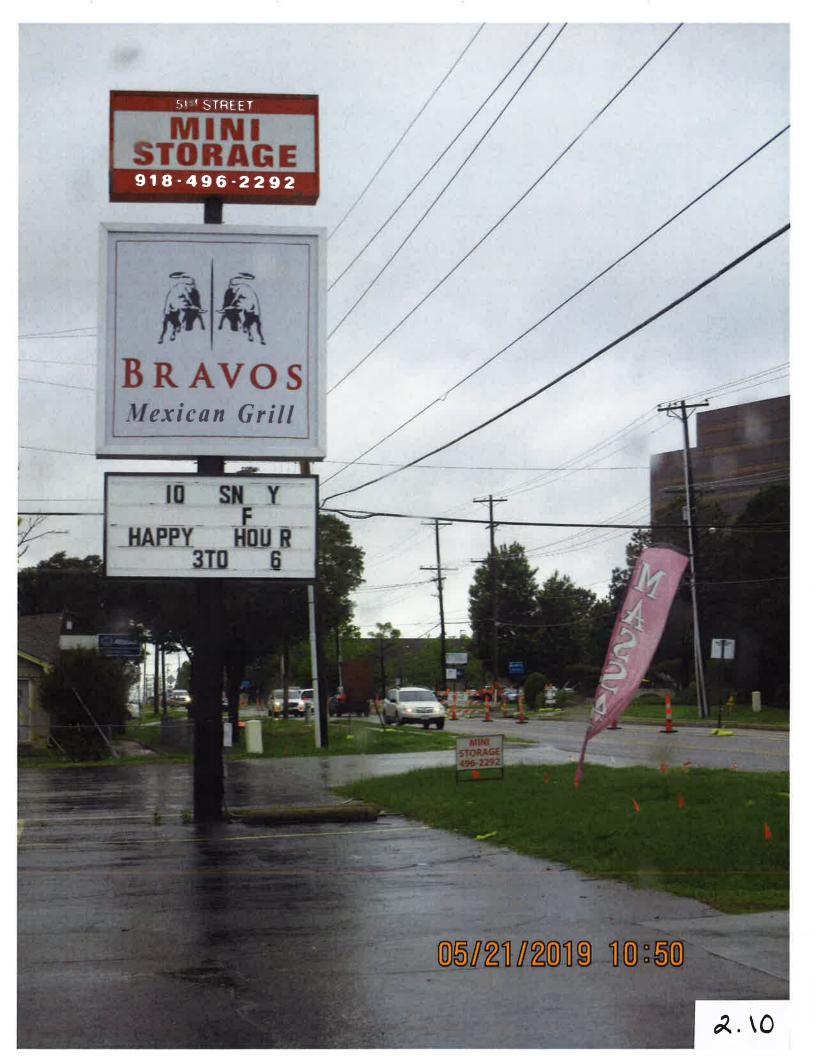


BOA-22638

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

Aerial Photo Date: February 2018







## Black Gold Group

CLIENT

Pole Sign

4512 E 51st St

ADDRESS

Tulsa, OK 74135 CITY, STATE, ZIP CODE

4-9-2019

DATE

040919-01

**DESIGN NUMBER** 

Vanessa Davis

DRAWN BY

APPROVED

DATE



<u>A\</u>

6

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THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE Requirements of Article 600 of the National Electric Code And/Or Other Applicable Local Codes This Includes Proper Additional and National Of the Sign.



www.crownneonsigns.com 5676 S. 107th E. Ave Tulsa, OK 74146 918.872.8425 Sales

## **Proposed New Signage:**

128 Sq Ft of Total Signage 32 Sq Ft of LED Display 96 Sq Ft of Multi-Tenant Cabinet (internally LED Illuminated)

## Existing Signage:

129 Sq Ft of Total Signage





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Approved by:

(print)

(signature)

918 Date:\_\_\_\_\_

Black Gold Group

CLIENT

Pole Sign

4512 E 51st St

**ADDRESS** 

Tulsa, OK 74135 CITY, STATE, ZIP CODE

4-9-2019

DATE

040919-01

DESIGN NUMBER

Vanessa Davis

DRAWN BY

**APPROVED** 

DATE

<u>/1\</u> <u>/2\</u>

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<u>A</u>

(g)

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THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRIC CODE AND/OR OTHER APPLICABLE LOCAL CODES THIS INCLUDES PROPER GROUNGING AND BOXIONG OF THE SIGN.



www.crownneonsigns.com

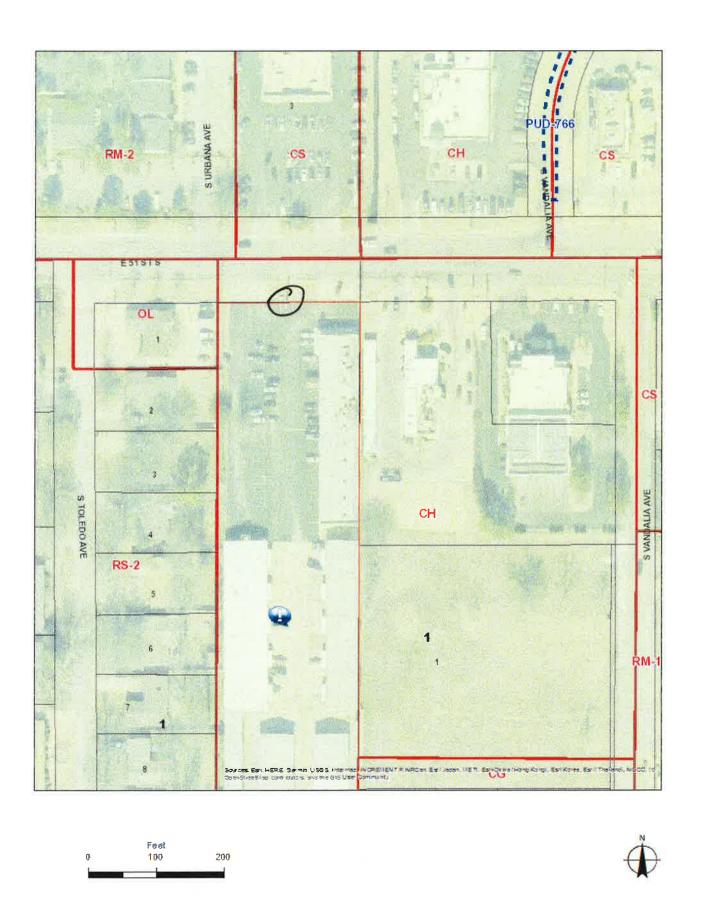
5676 S. 107th E. Ave Tulsa, OK 74146 918.872.8425 Sales

Existing Sign - From property line to east is 88'; to west is 77'.

Middle of road to edge of existing sign is 53'.

165 Linear Ft Property Line





2.14

### Ulmer, Amy

From:

Gary Haynes <gary@crownneonsigns.com>

Sent:

Wednesday, April 24, 2019 1:41 PM

To: Subject: Ulmer, Amy BOA - 22638

Amy,

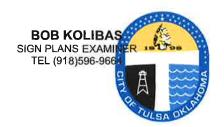
I need to get a hardship for this application, Hopefully you can help me with this.

Hardship: Owners would like to put the LED Display on a rebuilt pylon sign so that the Tenants will be able to be seen and the storage facility will be able to advertise. There isn't much space to put any adverflags out by the road, plus that requires and permit if I'm not mistaken. The storage facility sets off the road approximatley 315' from 51st. and is not noticeable. Also the other tenants face the west in this building not towards 51st.

Let me know if you can add this to the application for me, and if not let me know who I need to send this to.

Thanks

Gary Haynes Crown Neon Signs 5676 S. 107th E. Ave. Tulsa, Ok 74146 918-346-1897 Mobile 918-872-8425 Office



### **DEVELOPMENT SERVICES**

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

### SIGN PLAN REVIEW

April 16, 2019

LOD Number: 1

Crown Neon Signs 5676 S. 107<sup>th</sup> E. Avenue Tulsa OK 74146 (918)872-8425

**APPLICATION NO:** 

SIGN-28868 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:

4512 E 51st Street

**Description:** 

**Tenant Panel Sign with Dynamic Display** 

### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

- 1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT <u>WWW.INCOG.ORG</u> OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
- 3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

### **REVIEW COMMENTS**

Application No. SIGN-028868

4512 E 51st Street

April 16, 2019

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

### 1.) Section 60.100 Dynamic Displays

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

**Review Comments:** The proposed 32 sq. ft. dynamic display sign appears to be located within 200 feet of an RS-2 and RM-2 Residential zoning district to the North and West. You may pursue a variance from the BOA to permit a digital sign (dynamic display) to be located within 200 feet of an RM-2 and RS-2 zoning district.

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

### END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

### Ulmer, Amy

From:

Gary Haynes <gary@crownneonsigns.com>

Sent:

Wednesday, April 24, 2019 1:41 PM

To: Subject: Ulmer, Amy BOA - 22638

Amy,

I need to get a hardship for this application, Hopefully you can help me with this.

Hardship: Owners would like to put the LED Display on a rebuilt pylon sign so that the Tenants will be able to be seen and the storage facility will be able to advertise. There isn't much space to put any adverflags out by the road, plus that requires and permit if I'm not mistaken. The storage facility sets off the road approximatley 315' from 51st. and is not noticeable. Also the other tenants face the west in this building not towards 51st.

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**Thanks** 

Gary Haynes Crown Neon Signs 5676 S. 107th E. Ave. Tulsa, Ok 74146 918-346-1897 Mobile 918-872-8425 Office

### Ulmer, Amy

From:

patricia nash-williams <drmompnw4@cox.net>

Sent:

Thursday, May 23, 2019 11:54 AM

To:

esubmit

Cc:

Ulmer, Amy

Subject:

PROPOSED SIGN: CASE NUMBER BOA-22638

City Council, I am writing this letter in response to the information I received at my home, 5124 S. Toledo Ave, Tulsa, Ok 74135, concerning my objection to the proposed Led Lighting of a new sign which is going to be installed at 4532 E 51st St in Tulsa.

I am not able to be at Tuesday's meeting as I recently returned home from the hospital and am not well enough to attend.

I do not oppose the new sign, but **do strongly oppose the Led Lighting of the sign**. I live on the street adjacent West of the area and we already have a light in the proposed new sign area tall enough to shine into our homes at night. It is very disturbing and **does infringe on our rights living in the neighborhood.** 

This additional lighting is very disturbing to me and others in the neighborhood.

I vote against the Led Lighting.

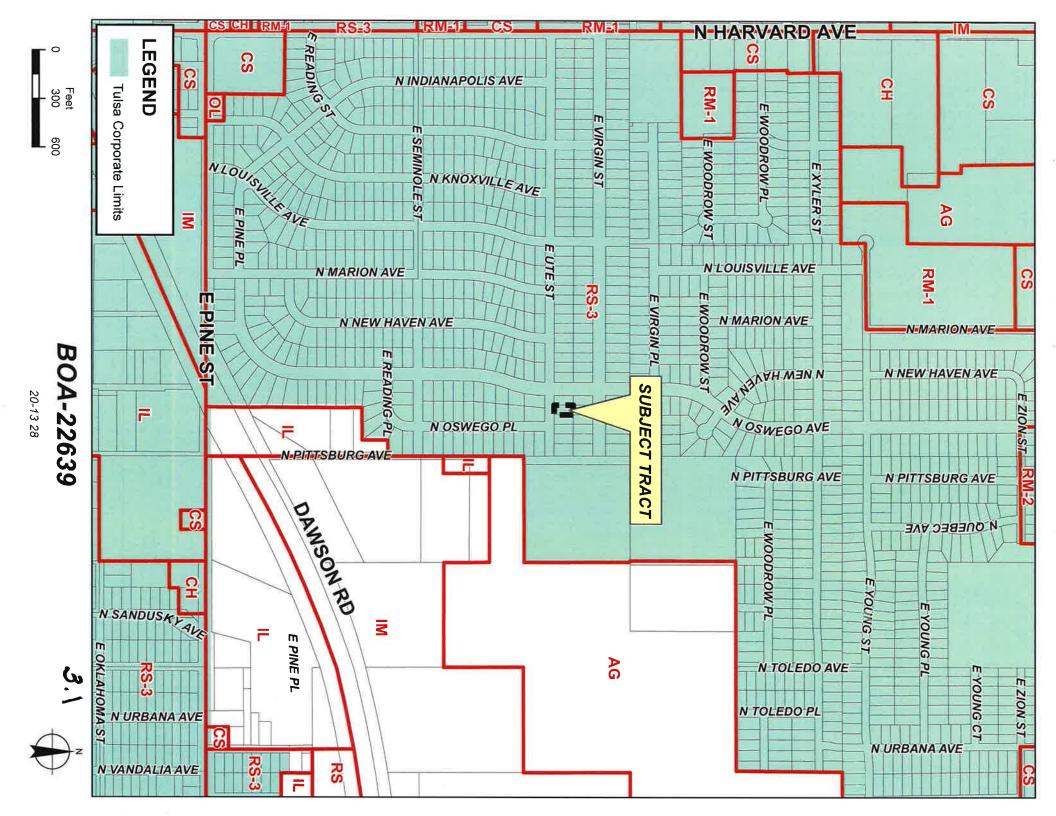
I pray we are not forced to take legal action.

Respectfully, Patricia Nash-Williams, Dr.Min. (918-764-8381)

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### BOARD OF ADJUSTMENT CASE REPORT

STR: 328 Case Number: BOA-22639

CZM: 29 CD: 3 A-P#:

**HEARING DATE:** 05/28/2019 1:00 PM

**APPLICANT**: Jose Soriano

<u>ACTION REQUESTED</u>: Special Exception to permit a carport in the street setback and street yard to exceed the allowable height requirements, to exceed 20 ft. in length, and to project more than 20 ft. into the street setback (Sec. 90.090-C.1).

**LOCATION**: 4007 E UTE ST N **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 7200.5 SQ FT

**LEGAL DESCRIPTION:** LT 8 BLK 21, LOUISVILLE HGTS ADDN B9-30

### **RELEVANT PREVIOUS ACTIONS:**

None Relevant.

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

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

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

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

### **STAFF COMMENTS:**

As shown on the attached plans, the applicant is proposing a carport within the required street setback and street yard of the subject property. Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception:

- The area of a carport may not exceed 20 feet in length by 20 feet in width. According to the site plan supplied by the applicant, the proposed carport will be 21ft. x 18 ft. The applicant has requested that the Board modify the size requirement to permit the carport as proposed.
- A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. As indicated on the attached exhibits, the proposed carport will be 10 feet in height. The applicant has requested that the Board modify the height requirement to permit the carport as proposed.
- The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback. According to the site plan the carport will extend 21 ft. into the front (street) setback. The applicant has requested that the Board permit carport to project more than 20 ft. into the street setback to allow it to project 21 ft. into the front setback.

The applicant is requesting a **Special Exception** to permit a carport in the street setback and street yard to exceed the allowable height requirements, to exceed 20 ft. in length, and to project more than 20 ft. into the street setback (Sec. 90.090-C.1).

### **Sample Motion**

and s	to (approve/deny) a <b>Special Exception</b> to permit a carport in the street setback treet yard to exceed the allowable height requirements, to exceed 20 ft. in length, and to project than 20 ft. into the street setback (Sec. 90.090-C.1).						
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.						
•	Subject to the following conditions (including time limitation, if any):						
	<u> </u>						

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

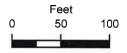


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018









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

Aerial Photo Date: February 2018





61/6 New Kitchen 0/6 old Kitchen PARPORT 10'- height Jose Sorians 19 Mary Con E. WIE ST. 3.7

Height overall

2200 N. Granville Ave. **Muncie, IN 47303** Phone: (765) 284-0694 Toll Free: (800) 730-7908 Fax: (765) 284-2689 www.allsteelcarports.com

Invoid	ra #	260	079
HIVUR	ii: #	20	

Order Date: 6/1/2018

Installed Date:

Status: Dealer:_ Buyer N	River	Quote City Sa JOSE	□In Shop ales SORIAN		tallation	□ Instal Co	led unty:	Phane:_ <sup>9</sup>	18-688-6060
						City:	TULSA	State: O	K zip: 74115
Phone (Day) 918-859-9652 (Evening)					(Evening)_	W. C	(Cell) 918-949-7999		
			E UTE S	ST, TUL	SA, OK	,74115			
mail A	ddress	<u></u>							
Description Width Roof Frame Leg Gauge		Gauge	Price	ALL ORDERS C.O.D.					
		18.00	21.00	20.00	Height 8.00	14.00	1195.00	Total Sale	\$ <u>1655</u>
ptions:		ular Frame			ical Roof	All Vertical	100.00	Tax	\$
	ADD	LEG	HEIGHT	8'			120.00	Tax Exempt	\$ SCOGIN
	6 M	НА					150.00	(Include Tax Form)	a
	1 EX	TRAS	SHEET	LEFT S	SIDE		90.00	Non-Tax Contractor Fee	\$
	BRING GENERATOR AREA MARKED AREA ESTARA MARCADA						Total	<b>\$</b> 1655	
							10% Deposit	<b>\$</b> 182.05	
					·	£ 9	50% Deposit (Special Orders Only)	\$	
	2.							Balance Due	\$ <u>1472.95</u>
		5 - (18 · · · · · · · · · · · · · · · · · · ·			*******			Special Instructions:	
									MICHAEL MARKET PROFITS AND ST
	Doof			lo:					
Colors:	Roof BRC	FOWN BROWN			installation SGround Cement Asphalt Other				
	Ends			Trim			Land Level Yes No (Building will be installed "as is")		
				LT STONE			Electricity   ☐ Yes		
Steel Cal	ports, Inc	., (hereinaft ist be level o	r unit will be ins	<i>t responsible t</i> stalled <i>"AS IS"</i>	on lat. Prior to it	istaliation, nleas	e have any undergroup	ease contact your local Building ins Id cables, gas lines or any other uti Ilability and weather conditions.	llity lines located and marked ASC

tax) is required on all orders and 50"" on special orders. Any credit card refunds will be charged 5%. Balance must be paid in full upon installation. No refunds on special orders. Deposits are non-refundable. A \$50 return trip fee (subcontractors) applies. Additional fees may vary upon jobs (cuts, ground leveling, or anything additional the contractors have to do extra on site). A fee of \$35 will apply on returned checks.

Buyer agrees that the balance shall be due and payable at the time of installation. In the event that balances due and owing at the time of installation are not paid in full, buyer shall be in default under this agreement. ASC may elect to repossess the carport/garage and buyer hereby consent to allow ASC access to the carport/garage to repossess the carport/garage, or at its sole discretion ASC may assess interest at a rate of 18% per annum on any unpaid balance. Buyer agrees that in the event of any default under this agreement, buyer shall be responsible for sole discretion ASC may assess interest at a rate of 10% per annum on any unpare default. JURISDICTION, it is expressly agreed that in any dispute, suit, claim or legal proceeding of reasonable collection agency costs, any attorney's fees and costs incurred as as result of the default. JURISDICTION, it is expressly agreed that in any dispute, suit, claim or legal proceeding of

ASC reserves the right to terminate	this agreement at any time. All Steel Carpa	rts Must Approve All Pricing.	diana and be comboled by the law of the State of Indiana.
	I have read and completely understand	the above information and give my approval for 6	onstruction of the above.
Buyer:	Date:	Contractor Name:	Date:

Jeff S. Taylor Zoning Official Plans Examiner

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



### **DEVELOPMENT SERVICES**

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

### **ZONING CLEARANCE PLAN REVIEW**

Jose Soriano 4007 E Ute St Tulsa, OK. 74115 2/6/2019 4/9/2019-resent

APPLICATION NO: BLDR-22529-2018 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE

Project Location: 4007 E Ute St N

Description: Carport

### INFORMATION ABOUT SUBMITTING REVISIONS

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

### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

- 1. A COPY OF THIS DEFICIENCY LETTER
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### SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.

### IMPORTANT INFORMATION

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

### **REVIEW COMMENTS**

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

Application No. BLDR-22529-2018

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

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

### Special exception approval required; see §90.090-C1.

- 1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:
- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations <u>underlined</u> above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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

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

### **END -ZONING CODE REVIEW**

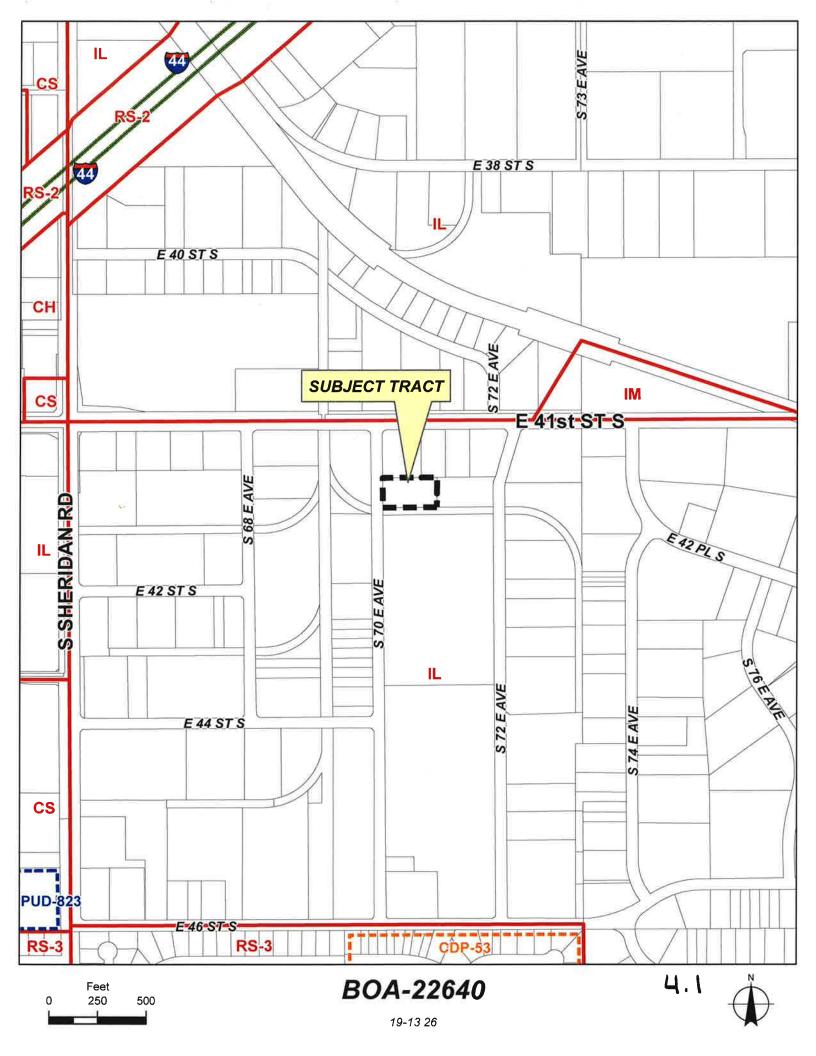
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

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### BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9326

Case Number: BOA-22640

**CZM**: 48 **CD**: 5

A-P#:

**HEARING DATE:** 05/28/2019 1:00 PM

<u>APPLICANT</u>: Kayvon Olomi

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:** 4111 S 70 AV E

ZONED: IL

**PRESENT USE**: Industrial Property

**TRACT SIZE**: 42458.11 SQ FT

**LEGAL DESCRIPTION:** W276.85 OF LTS 19 & 20 W276.85 OF S32 OF LT 21 BLK 6, .98 AC,

KATY FREEWAY INDUSTRIAL PARK ADDN

### **RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by IL zoned lots on all sides.

### **STAFF COMMENTS:**

The applicant is proposing to convert an existing building into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in an IL district from other medical marjuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the IL 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 nearest dispensaries outside of 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.

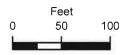


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 4. 4





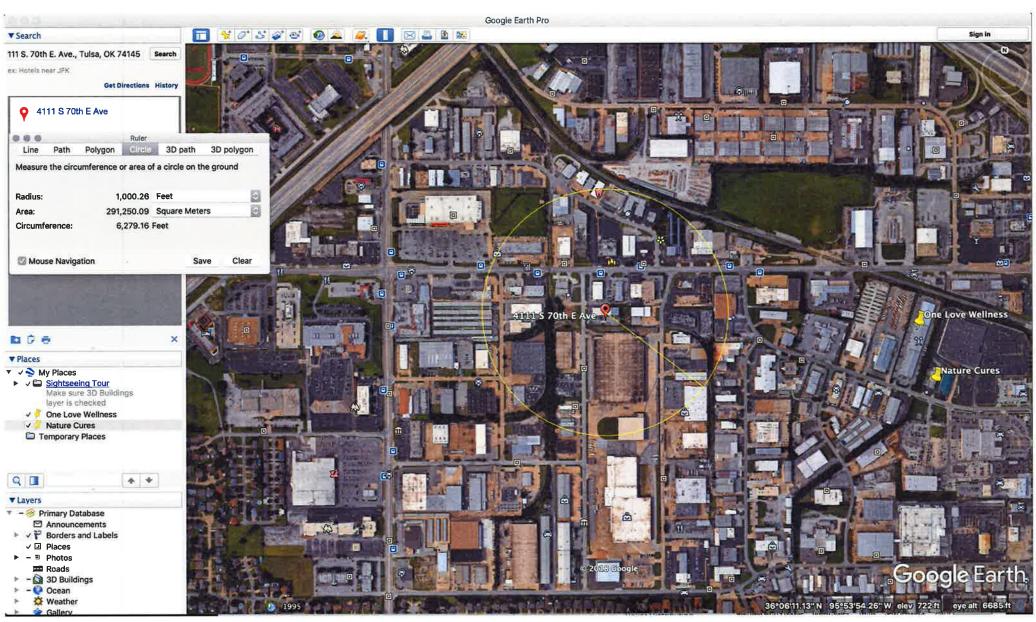




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Aerial Photo Date: February 2018







**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

**April 16, 2019** 

**Kavon Olomi** 4111 S 70 EA Phone: 918.906.4524

Tulsa, OK 74145

**APPLICATION NO:** 

COO-028725-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

4111 S 70 EA

Description:

Medical Marijuana Dispensary/West Side of Building

### INFORMATION ABOUT SUBMITTING REVISIONS

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(continued)

### **REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="https://www.cityoftulsa-boa.org">www.cityoftulsa-boa.org</a>

COO-028725-2019 4111 S 70 EA April 16, 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.

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

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other 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.

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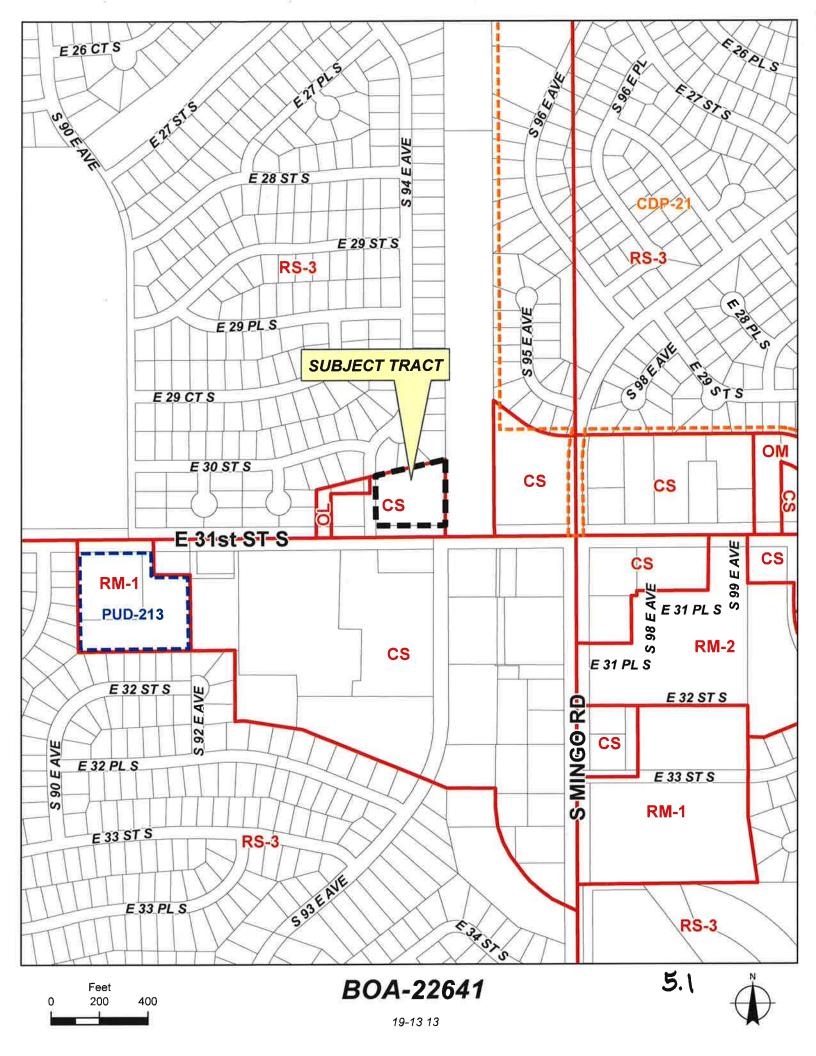
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### BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9313

Case Number: BOA-22641

**CZM**: 38 **CD**: 5

A-P#:

**HEARING DATE**: 05/28/2019 1:00 PM

**APPLICANT**: Tony Varano

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: 9401 E 31 ST S (overall parcel); 9419 E. 31st St. S. (tenant space) ZONED: CS

PRESENT USE: Commercial TRACT SIZE: 69177.92 SQ FT

**LEGAL DESCRIPTION: LOT 1 BLK 2, LONGVIEW CENTER** 

### **RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

**Town Centers** are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract abuts City of Tulsa owned property to the east; commercial CS zoned property to west; RS-3 zoned residences to the north; E. 31<sup>st</sup> St. S. is immediately to the south of the property.

### **STAFF COMMENTS:**

The applicant is proposing to convert an existing storefront in a 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).

5.2

Per the Code, a medical marijuana dispensary is permitted by right in the CS 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.

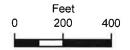
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The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

### **Sample Motion:**

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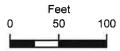


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Aerial Photo Date: February 2018









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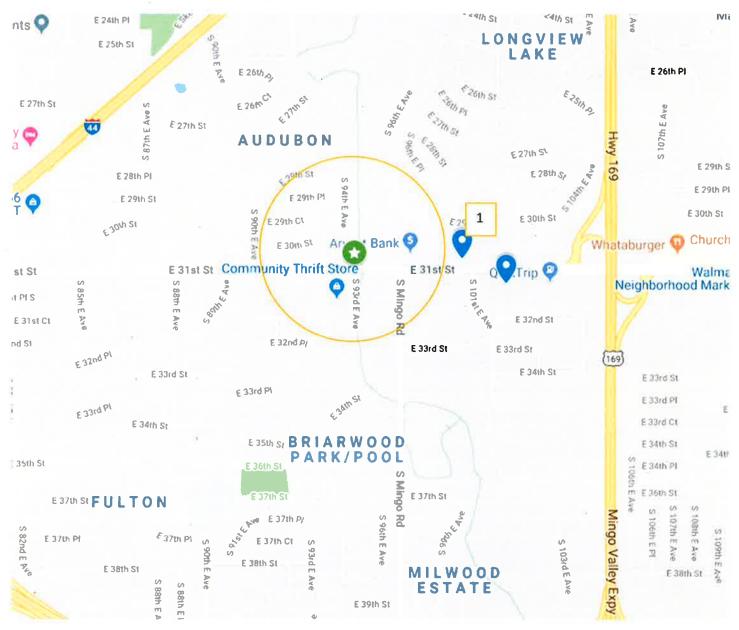
Aerial Photo Date: February 2018

#### **KUSH 918**

### 9419 E. 31st Street

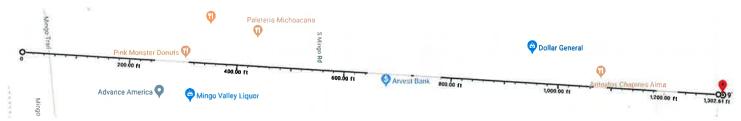
### Tulsa, OK 74145

### Proof of distance from another dispensary:



### #1: Nearest Dispensary located at 9757 E. 31st Street, Tulsa

= 1,300 feet away when calculated using the exterior walls that are nearest one another, easily exceeding the 1,000 foot minimum distance requirement.



Closest:

9757 E. 31st St

1,354 FT



**CHUCK LANGE** ZONING OFFICIAL PLANS EXAMINER

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



#### **DEVELOPMENT SERVICES**

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

#### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

April 12, 2019

**Tony Verano** 1675 N Lynn Lane Rd Phone: 918.902.5101

Catoosa, OK 74105

COO-26873-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

APPLICATION NO:

9419 E 31st ST

Location: Description:

Med MJ Dispensary

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(continued)

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COO-26873-2019

9419 E 31st ST

April 12, 2019

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

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

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other 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**

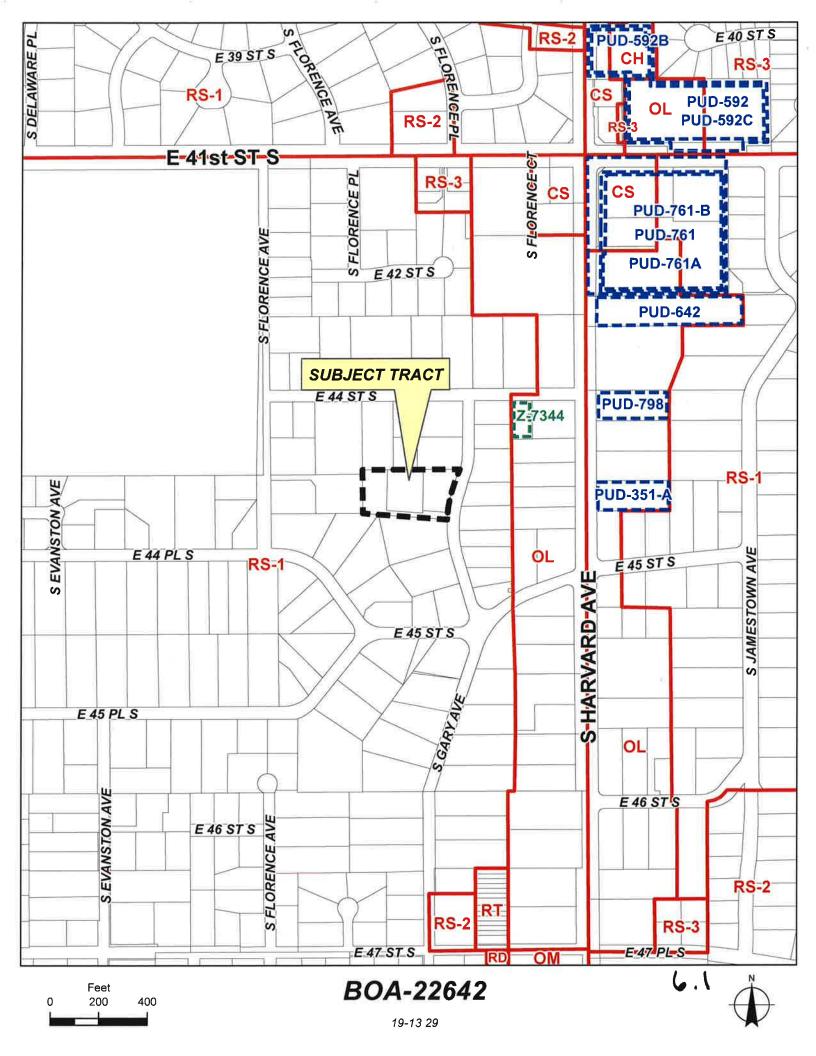
**NOTE**: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

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## BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9329

Case Number: BOA-22642

**CZM**: 47

**CD**: 9 **A-P#**:

HEARING DATE: 05/28/2019 1:00 PM

**APPLICANT**: Tim Terral

ACTION REQUESTED: Variance to reduce the minimum lot-width requirement; Variance of the

street setback requirement (Table 5-3)

LOCATION: 4444 S GARY AV E ZONED: RS-1

PRESENT USE: residential TRACT SIZE: 72540.77 SQ FT

LEGAL DESCRIPTION: PT LTS 1 & 2 BEG. 104. 65 E. OF SWC LT 2 N 185 17 E 149 PARL TO N. L. LT 1 S 203.77 WLY 149 TO BG LESS S 20 ST BLK 5; PT LTS 2 BG SWC TH N172 1 E104 65 PARL TO N. L. LT 1 S185 17 WLY TO BEG PLUS R OF W ON S TO GART AV BLK 5; PRT LTS 1 & 2 BEG SECR LT 2 TH NW101.95 N201.67 E152 SW223.66 POB LESS S30 THEREOF BLK 5, VILLA GROVE PARK

#### **RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** 

BOA-21765; on 8.26.14, the Board approved a *Variance* to reduce the minimum lot-width requirement from 100' to 85'; a *Variance* of the street setback requirement from 35' to 30'.

Surrounding Property:

**BOA-21852**; on 2.24.15, the Board **approved** a *Variance* of the required front yard setback in the RS-1 district from 35' to 21' to permit an addition; a *Minor Variance* of the required rear yard setback in the RS-1 district from 25' to 24' to permit an addition. Located; 4470 S. Gary Ave.

**BOA-19467**; on 11.12.02, the Board **approved** a *Variance* of the average lot width in an RS-1 zoned district from 100' to 78', per the survey submitted. Located; 4455 S. Gary Ave.

**BOA-18186**; on 9.22.98, the Board **approved** a *Variance* of the required lot width from 100' to 94.8' and 90.2' per plan submitted. Located; 3108 East 44th Street South (SE of E 44th St S & Florence Ave)

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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.

REVISED5/20/2019

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, south, east, and west.

#### **STAFF COMMENTS**:

In BOA-21765, the Board approved a *Variance* to reduce the minimum lot-width requirement from 100 ft. to 85 ft.; a *Variance* of the street setback requirement from 35 ft. to 30 ft. to at the subject property. The applicant originally requested that the seback be reduced to 25 ft. The Board conditioned the approval based on a 30 ft. setback along S. Gary Ave. Please see the attached minutes for details.

The lot-split and lot-combination were not completed within the required 3-year time period. Therefore, the applicant is before the Board proposing the original request.

As shown on the attached Exhibit B, the applicant is proposing to create two new tracts. For a detached house use in the RS-1 district the Code requires a minimum lot width of 100 ft. The lot width is measured as the average (mean) horizontal distance between the side property line of the lot. The applicant has requested a **Variance** to reduce the required minimum lot width for "Lot 1" from 100 ft. to 85 ft.

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

The applicant provided the following hardship statement: "The tract has a significant amount of 100-year floodplain and floodway onsite, as well as two easements (sanitary and storm sewer) located in the western half of the tract, leaving the developable area substantially reduced. There is precedent in the immediate area for a reduction in the lot width (BOA-19467), which reduced the min. lot width from 100 ft. to 78 ft. This tract is located across S. Gary Ave. from the tract under consideration. With the encroachment of the floodplain and easements on the site, the lot depth of developable area is reduced as well, which is the reason for the request for the reduction of the front yard setback."

The applicant will be required to complete a lot-split and lot-line adjustment if approved.

#### **Sample Motion**

Move t 1" ; <b>Va</b>	o (approve/deny) a <b>Variance</b> to reduce the minimum lot-width requirement for "Loriance of the street setback requirement (Table 5-3).
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

The Board finds that the requested Special 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."

local restaurants for use and consumption in those restaurants; for the following property:

S253.84 E515 N/2 SE NE LESS E50 THEREOF FOR ST SEC 6 19 14 2.71ACS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

#### 21765—Tim Terral

FILE COPY

**Action Requested:** 

Variance to reduce the minimum lot width from 100 feet to 85 feet; Variance to reduce the front yard setback from 35 feet to 25 feet (Section 403.A). LOCATION: 4444 South Gary Avenue (CD 9)

#### **Presentation:**

**Tim Terral,** Tulsa Engineering and Planning Associates, 9820 East 41<sup>st</sup> Street, Suite #102, Tulsa, OK; stated the subject site has a significant amount of flood plain on the western part. There a large storm sewer easement and a sanitary sewer easement on the back half. Ultimately there will be a lot split on the subject property. If the site is split down the middle it will be a couple of feet shy of the minimum lot width. There are a number of lots in the area that are less than 100 feet in lot width. There is a precedent across the street at 4455 South Gary, BOA-19467, which was heard in 2002. At that time the lot width was reduced to 78 feet. The request for the reduction of the setback is because of the same issues of the flood plain. The lots in the surrounding area vary in how far back they sit off the road. There are some that are 25, 30, 35 feet and some more than that. Mr. Terral stated that he has received calls from some interested parties and he has spoke with them and they seem comfortable with the proposal. The house was demolished because it was not in good shape. With a lot split there can be two new homes in turn increasing the value of the subject lot.

Mr. Van De Wiele asked Mr. Terral about the setbacks for the couple of houses to the north and the couple of houses to the south. Mr. Terral stated the setbacks for those houses are 25 feet and 35 feet. Mr. Terral pointed out several houses with varying setbacks from the aerial map displayed on the overhead projector.

Mr. Van De Wiele asked Mr. Terral about the 85 foot lot width. Mr. Terral stated the 85 feet lot width is an average width. If it were not for the flood plain the lot width would possible average 98 feet. Mr. Van De Wiele and Mr. Terral discussed the lot widths of several houses in the area that are on the aerial map displayed on the overhead projector.

#### **Interested Parties:**

Mark Capron, 4445 South Gary Avenue, Tulsa, OK; stated he lives across the street and down a couple of houses. His house is the case that was granted the same exception in 2002. There were serious criminal issues with the subject house before it was razed so he is looking forward to the possibility of developing the subject lot. The

### BDA-21765

subdivision was platted before the war, World War II, and there are a lot of inconsistencies throughout the neighborhood. The area was subdivided into one acre lots with small homes, and the platted lot lines from the 1930s or 1940s are lot different than they are now because the area has been diced up. He thinks that is something that should be taken under consideration. The neighbors have been concerned over how the lot was divided and that it may never be developed, so today's proposal would seem beneficial. In regards to the setback, because of the flood plain, the request makes sense to him and he does not have a problem with the front setback. Mr. Capron stated he is here representing himself as the homeowner and not as a representative of his company.

Mark Castell, 4462 South Gary Avenue, Tulsa, OK; stated the lot he resides on is also partially in the flood plain. His primary concern is that similar action was taken in the neighborhood sometime in the last year, and it looks to him as if it would very difficult to place a second home on the adjacent lot. He is concerned about the proximity to the street because his home and several others have a larger setback. He is concerned about the lots that have been split and whether or not the lots are being divided up into too small fashion.

Mr. Henke stated the neighborhood is zoned RS-1, not RE. The neighbors could get together and have the neighborhood rezoned if they would like to do that.

#### Rebuttal:

Mr. Terral came forward and stated that if the 35 feet is too tight could a compromise be met at 30 feet? He would be willing to meet the 30 foot setback.

#### Comments and Questions:

None.

#### **Board Action:**

On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the request for a Variance to reduce the minimum lot width from 100 feet to 85 feet; Variance to reduce the front yard setback from 35 feet to 30 feet (Section 403.A), subject to conceptual site plan 7.11 with the exception that the 25 foot building line is only approved at a 30 foot setback. The Board has found that the property in question made up of these three lots, as shown in the Board's agenda packet, have a unique shape, and certainly a significant change in the terrain. The lots are significantly covered by both flood plain issues as well as various storm sewer easements impacting the buildable area on the lot or the resulting lots. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

### BOA-21765

PRT LTS 1 & 2 BEG SECR LT 2 TH NW101.95 N201.67 E152 SW223.66 POB LESS S30 THEREOF BLK 5, VILLA GROVE PARK; PT LTS 1 & 2 BEG. 104. 65 E. OF SWC LT 2 N 185 17 E 149 PARL TO N. L. LT 1 S 203.77 WLY 149 TO BG LESS S 20 ST BLK 5; PT LTS 2 BG SWC TH N172 1 E104 65 PARL TO N. L. LT 1 S185 17 WLY TO BEG PLUS R OF W ON S TO GART AV BLK 5, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

#### 21766—Wallace Engineering – Jim Beach

#### Action Requested:

<u>Variance</u> to reduce the lot width from 60 feet to 56 feet in an RS-3 District; <u>Variance</u> to reduce the required setback from an Urban Arterial from 85 feet to 60 feet from the centerline (Section 403, Table 3). <u>LOCATION:</u> 2407 East 20<sup>th</sup> Street (CD 4)

#### Presentation:

Jim Beach, Wallace Engineering, 200 East Brady Street, Tulsa, OK; before starting his presentation Mr. Beach pointed out to the Board that under "Staff Comments" in the second paragraph it states the client wants to build two new residential units on each of the two lots that are trying to be created, and there will only be two units total or one for each lot. In regards to the lot width Variance, the subdivision of this property on the east side of Lewis, virtually every lot in the area is the same size and shape. All the lots are 56 feet wide. The two lots that are before the Board today are 47 feet and 65 feet currently containing one residence. He does not how this came about but they were originally platted at 56 feet, so this would restore them back to the 56 feet. His client's goal is to raze the existing single family home and build two houses, one on each lot. In regards to the second Variance request, Lewis Avenue is designated an urban arterial with a minimum right-of-way of 70 feet. Currently the east half of Lewis is 50 feet as if it were a secondary arterial. The right-of-way is already wider than normal which is partially squeezing the subject lots down. By allowing the setback at 60 feet it would allow a little more room to utilize the full 56 foot width. Mr. Beach stated that he had taken Google map measurements on a house to the north of the subject lot and there is a garage on that house that is approximately two feet into the existing right-of-way. A house to the south of the subject lot is even closer to Lewis than the house to the north of the subject lot.

#### **Interested Parties:**

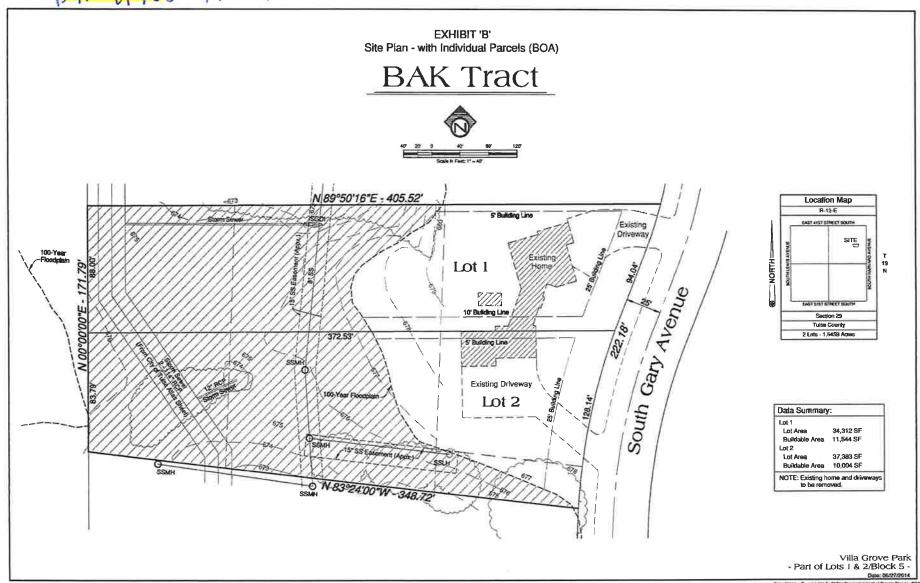
There were no interested parties present.

#### Comments and Questions:

None.

#### **Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a



BOB KOLIBAS ZONING OFFICIAL PLANS EXAMINER TEL 918-596-9664



#### **DEVELOPMENT SERVICES**

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

#### **ZONING CLEARANCE PLAN REVIEW**

LOD Number: 821354-1

July 18, 2014

TULSA ENG & PLANNING ASSOC INC 9820 E 41 ST S STE 102 BLAINE BUILDING TULSA, OK 74146Phone: (918)252-9621

**APPLICATION NO:** 

7423 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

4444 S GARY AV E

Description:

**RESIDENTIAL/LOT SPLIT** 

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### IMPORTANT INFORMATION

- SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 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 <u>WWW.INCOG.ORG</u> OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 3. A COPY OF A "RECORD SEARCH" [ ] IS [ X ] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

Application No. 7423

4444 S GARY AV E

July 18, 2014

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.

### 1.) SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS (Table 3).

Review Comments: Based on the proposed future lot split lot 1 will require a variance from the BOA to reduce the required lot width in an RS-1 zoning district from 100 feet to 85 feet.

## 2.) SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS (Table 3).

Review Comments: Based on the proposed future lot split, lots 1 and 2 will require a variance from the BOA to reduce the building setback distance in an RS-1 zoning district from 35 feet to 25 feet.

NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding BOA/TMAPC application forms and fees to an INCOG representative at (918) 584-7526. It is your responsibility to send decision of any actions by the BOA or TMAPC affecting the status of your application for a Zoning Clearance Permit to our office so we may continue to process your application.

#### **END – ZONING CODE REVIEW**

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

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

FILE COPY

#### 21852—Chris Zemanek

**Action Requested:** 

<u>Variance</u> of the required front yard setback in the RS-1 District from 35 feet to 21 feet to permit an addition (Section 403, Table 3); <u>Minor Variance</u> of the required rear yard setback in the RS-1 District from 25 feet to 24 feet to permit an addition (Section 403, Table 3). <u>LOCATION</u>: 4470 South Gary Avenue (CD 9)

Presentation:

Steve Curtis, 4470 South Gary Avenue, Tulsa, OK; stated he is the property owner. The proposed addition is for a two-story living space with a garage underneath. The original proposed addition was to be set farther back but was told the house is in a flood plain and the addition would need to be dropped two feet below the rest of the house which would create the need for a two foot retaining wall down the middle of the driveway. The architect recommended to pull the proposed addition forward and ask for the Variance for the offset from the street so the property line could be on the same elevation as the rest of the house. He has spoke with the neighbors and the neighbors to the north gave him their written approval for the addition.

Mr. Henke asked Mr. Curtis if he was saying his hardship is terrain, topography and the flood plain. Mr. Curtis answered affirmatively.

Mr. Swiney asked Mr. Curtis if he had the letter from his neighbor. Mr. Curtis stated that he has it on his cell phone in an e-mail. Mr. Swiney asked Mr. Curtis if he could see it and Mr. Curtis provided it to Mr. Swiney.

#### **Interested Parties:**

There were no interested parties present.

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

None.

**Board Action:** 

On MOTION of SNYDER, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to APPROVE the request for a Variance of the required front yard setback in the RS-1 District from 35 feet to 21 feet to permit an addition (Section 403, Table 3); Minor Variance of the required rear yard setback in the RS-1 District from 25 feet to 24 feet to permit an addition (Section 403, Table 3), subject to conceptual plan 13.9. The Board has found that due to the shape of the lot and the fact that there is a flood plain that crosses over the property it requires the relocation of the addition. 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



## BOA - 21852

apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

PRT LT 5 BEG 116.13E SWC TH E68.61 CRV LF 86.68 NW111.50 SW110.27 SE146.44 POB BLK 5, VILLA GROVE PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

#### 13745-B-Sack & Associates - Ted Sack

Action Requested:

Modification to a previously approved site plan (BOA-13745-A); <u>Variance</u> to increase the permitted height from 35 feet to 39 feet (Section 403, Table A). <u>LOCATION:</u> 6363 South Trenton Avenue (CD 2)

Presentation:

**Ted Sack**, Sack & Associates, 3530 East 31<sup>st</sup> Street, Tulsa, OK; stated he represents Metro Christian and what they have is an indoor practice facility. Metro Christian does own the property adjacent property that is north. The height variance is needed to get as much height as possible because the facility is for indoor football practice.

#### **Interested Parties:**

There were no interested parties present.

#### Comments and Questions:

None.

**Board Action:** 

On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to APPROVE the request for a Modification to a previously approved site plan (BOA-13745-A); Variance to increase the permitted height from 35 feet to 39 feet (Section 403, Table A). The Board has found that on the modification the condition is necessary and reasonably related to the request to ensure the proposed modifications are compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements per code. 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:

#### Board Action:

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit Use Unit 14 in an IM zoned district; and a Variance of required parking from 86 to 84 spaces, finding there is sufficient parking and thirty-three additional parking spaces that cannot be counted that would more than offset the deficiency, on the following described property:

A tract of land in the NE/4 of Section 10, T-19-N, R-13-E of the IBM. City of Tulsa, Tulsa County, State of Oklahoma, said tract being that part of the SW/4 SW/4 NE/4 NE/4 less the S 30.00' thereof, and a part of the NW/4 SW/4 NE/4 NE/4 and a part of the SW/4 NW/4 NE/4 NE/4 less the W 150.00' of the N 50.00', and a part of the SE/4 SW/4 NE/4 NE/4, more particularly described as: Beg. at a point, said Point being on the N right-of-way line of 13th Street, a distance of 30,00' N 0°27'40" E of the SW/c NE/4 NE/4 of Section 10, with bearings based on the S boundary of Section 10 being due E; thence N 89°55'48" E along the N right-of-way line of 13th Street a distance of 593.66' to a point for corner, said Point being the intersection of the N right-of way line of 13th Street and the W right-of-way line of Norwood Ave.; thence N 0°26'48" E, along the W right-of-way line of Norwood Ave. a distance of 272.13' to a point for corner, said point being 1.025.45' S (along the E boundary of Section 10) and 730.00' W (perpendicular to the E boundary of Section 10) of the NE/c of Section 10; thence N 89°33'12" W. a distance of 263.50' to a point for corner; thence N 0°27'40" E a distance of 685.49' to a point for corner; thence S 89°55'48" W, a distance of 180.00' to a point for corner; thence S 0°27'40" W a distance of 50.00' to a point for corner; thence S 89°55'48" W, a distance of 150.00' to a point for corner on the W boundary of the SW/4 NW/4 NE/4 NE/4 of Section 10; thence S 0°27'40" W, a distance of 910.00' to the POB.

#### Case No. 19467

#### Action Requested:

Variance of the average lot width in an RS-1 zoned district from 100' to 78'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 4455 S. Gary.

\*\*\*\*\*\*

#### Presentation:

Loren Ashford, 1611 S. Utica, Ste.195, submitted a packet of information (Exhibit A-2). She stated that fire damaged the house and they plan to have it removed in the next thirty days. She pointed out that all of the lots that are not in the flood plain have been split, except for her lot. Her lot is 220' deep on one side and 190' deep on the other side. She noted that several lots in the neighborhood do not meet the minimum lot width of 100'. A survey (Exhibit A-1) was submitted.

Comments and Questions:

Mr. White questioned the 78' lot width requested. Ms. Ashford explained that INCOG used a formula to figure the average lot width. The street has a curve that cut into one corner of the lot front.

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 of the average lot width in an RS-1 zoned district from 100' to per the survey submitted, finding the original lot is far bigger than the average lot in the area and the proposed split would be more in keeping with the other lots in the neighborhood, on the following described property:

Lot 6, Block 2, Villa Grove Park, City of Tulsa, Tulsa County, State of Oklahoma.

#### **NEW APPLICATIONS**

\* \* \* \* \* \* \* \* \* \*

#### Case No. 19464

Action Requested:

Variance of the requirement that a corridor development's access shall be principally from an internal collector street. SECTION 804. ACCESS REQUIREMENTS – Use Unit 17, located N of NW/c of E. 101<sup>st</sup> St. S. & Memorial Dr.

Presentation:

**Darin Akerman**, 6111 E. 32<sup>nd</sup> Pl., stated he is an engineer with Sisemore, Weisz and Associates, Inc. He stated there is a 500' depth between Memorial Dr. right-of-way and the rear property line of the site. He informed the Board there is a plan for a mutual access easement through the Jim Norton PUD project along the frontage of their site from 98<sup>th</sup> to the subject site. Mr. Akerman considered it to be the most feasible and proper way to gain access to these properties on Memorial Dr. He added that with Audubon Park established, it would be prohibitive to run a collector road on the subject site to 98<sup>th</sup> Street.

Interested Parties:

**Shannon Benge**, 9945 S. 79<sup>th</sup> E. Ave., stated she is a resident in Audubon Park within 300' of the subject property. She noted that the pending PUD has not been approved by the City Council so it appears to be too soon for this action. She also pointed out that the access requirements in Section 804 are to prevent exacerbation of existing traffic problems. The area is very congested because 101<sup>st</sup> St. is still a two-lane road. She stated there have not been proper traffic studies to show whether it would be a negative impact to the commercial and

#### Case No. 18185

**Action Requested:** 

Special Exception to allow a nightclub in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 12A, 2610 N. Yale

Presentation:

Dr. Eric Michael, 909 E. 36<sup>th</sup> St. N., stated that the existing building previously housed a convenience store. He submitted a site plan, Exhibit B-1, which reflects the property as it exists, with added dimensions.

Comments and Questions:

Mr. White referred to Staff's comments on the previous site plan submitted. Dr. Michael responded that the person providing the site plan was unaware of the size and lengths of the parking spaces. He responded that he would be removing the canopy.

Mr. Stump interjected that the landscaping requirements were not met on the submitted site plan.

#### Interested Parties:

None.

**Board Action:** 

On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE a Special Exception to allow a night club in an IL zoned district. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS — Use Unit 12A subject to the landscaping and parking requirements being met on the following described property:

Lot 2, Block 5, Gilcrease Freeway Industrial Park B3-10, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18186

Action Requested:

Variance of the required lot width from 100' to 94.8' and 90.2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6. 44<sup>th</sup> St. & Florence

\*\*\*\*\*

Presentation:

Fred Roundtree stated that there is an existing dwelling on the property which will be removed. The two new dwellings will be built within a range of \$250,000 - \$300,000 each, being an asset to the neighborhood.

#### Case No. 18186 (continued)

Comments and Questions:

The Board noted that the request is in keeping with the neighborhood's activities and the lot is larger than other lots.

#### Interested Parties:

None.

**Board Action:** 

On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE a Variance of the required lot width from 100' to 94.8' and 90.2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6 per plan submitted on the following described property:

W 185' of Lot 11, Block 5, Villa Grove Park, City of Tulsa, Tulsa County, State of Oklahoma

#### Case No. 18187

Action Requested:

Variance of the required setback from an arterial street (S. 129th E. Ave.) from 85' SECTION 403. BULK AND AREA to 53' to construct a carport. REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, 12905 E. 34<sup>th</sup> St.

Presentation:

Bruce Christian, 12509 E. 34th St. S., stated that the setback is 85' from 129th E. Ave., about the center of his property. He presented 15 photographs of his property and neighborhood properties, Exhibit D-1. He added that there is no access from 129th E. Ave.

#### Interested Parties:

None.

**Board Action:** 

On MOTION of DUNHAM, the Board voted 4-0-0 (Dunham, Perkins, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE a Variance of the required setback from an arterial street (S. 129<sup>th</sup> E. Ave.) from 85' BULK AND AREA SECTION 403. to 53' to construct a carport. REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6 finding that the requirements of Section 1607.C. have been met on the following described property:

Lot 15, Block 10, Briarglen Park



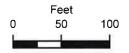
BOA-22642

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

Aerial Photo Date: February 2018









BOA-22642

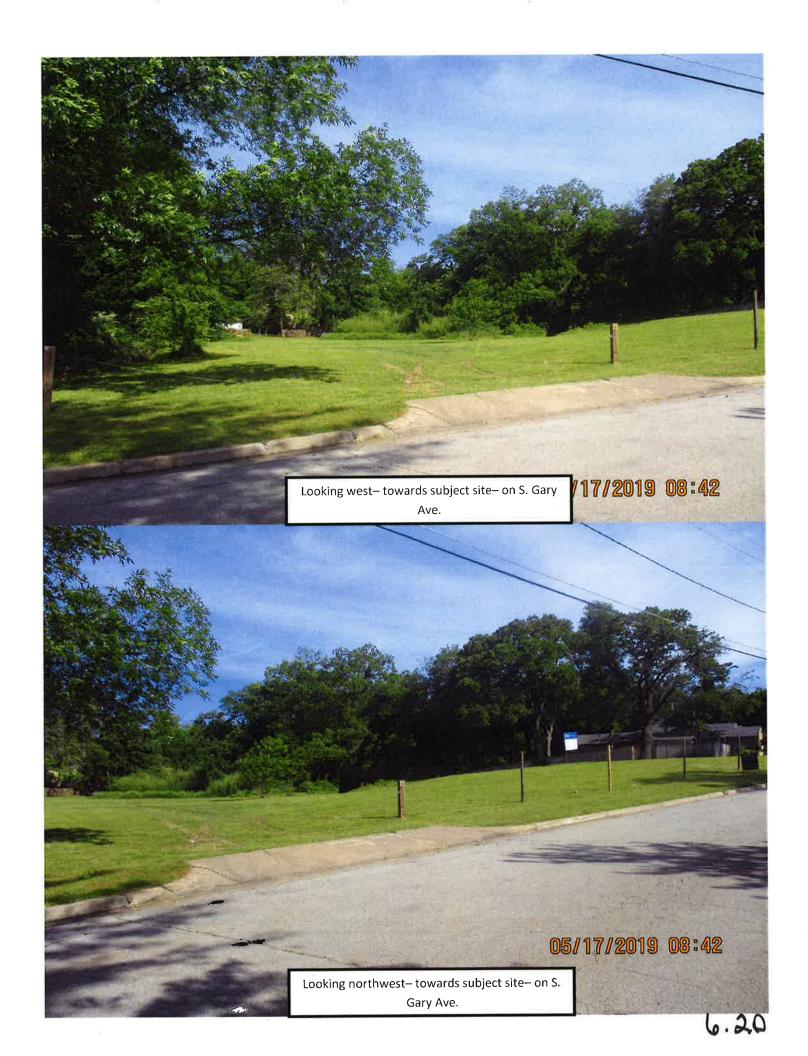
Note: Graphic overlays may not precisely align with physical features on the ground.

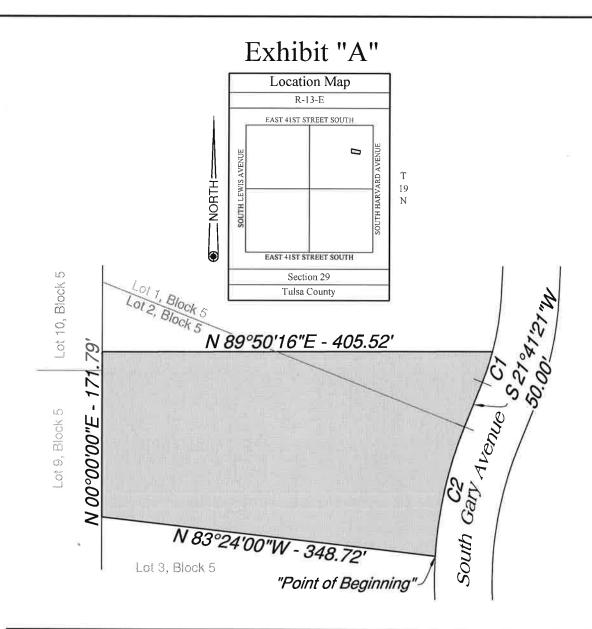
Aerial Photo Date: February 2018





6.19





Cui	rve Tab	le		V	
No.	Delta	Radius	Length	Chord Bearing	Chord Distance
C1	06°49'59"	282.80'	33.73'	S 18°16'21"W	33.71'
C2	18°11'08"	436.20'	138.45'	S 12°35'47"W	137.87'

### BOARD OF ADJUSTMENT - BAK TRACT PART OF L1 & L2, B5, "VILLA GROVE PARK"



## Tulsa Engineering & Planning Associates, Inc. 9820 East 41st Street, Suite 102 Tulsa, OK 74146

Phone: 918-252-9621 Fax: 918-250-4566

Civil Engineering . Land Surveying . Land Planning

Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2015



Job No: 18-092.00

1" = 100' Scale: Date: 04/24/2019

Sheet 1 of 2

#### Exhibit "A"

#### Description for **BAK Tract**

A tract of land located in Lots 1 and 2, Block 5, "Villa Grove Park", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 1270, as filed in the records of the Tulsa County Clerk's office, being more particularly described as follows:

Beginning at the southeast corner of Lot 2, Block 5, "Villa Grove Park"; Thence N 83°24'00" W along the south line of Lot 2, Block 5, "Villa Grove Park", a distance of 348.72 feet to the southwest corner of Lot 2, Block 5, "Villa Grove Park"; Thence N 00°00'00" E along the west line of Lot 2, Block 5, "Villa Grove Park", a distance of 171.79 feet; Thence N 89°50'16" E a distance of 405.52 feet to the westerly right of way for Gary Ave; Thence southerly along the westerly right of way for Gary Ave and along a non-tangent curve to the right with a central angle of 06°49'59", a radius of 282.80 feet, an arc length of 33.73 feet, a chord bearing of S 18°16'21" W and a chord length of 33.71 feet; Thence S 21°41'21" W along the westerly right of way for Gary Ave and tangent to the previous curve a distance of 50.00 feet to a tangent curve to the left; Thence along the westerly right of way for Gary Ave and along a tangent curve to the left with a central angle of 18°11'08", a radius of 436.20 feet, an arc length of 138.45 feet, a chord bearing of S 12°35'47" W and a chord length of 137.87 feet to the "Point of Beginning".

Said tract contains 71,695 square feet or 1.6459 acres.

The non-astronomic bearings for said tract are based on an assumed bearing of N 00°00'00" E along the west line of Lot 2, Block 5, "Villa Grove Park", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 1270, as filed in the records of the Tulsa County Clerk's office.

#### **CERTIFICATE**

I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that the foregoing legal description closes in accord with existing records and is a true representation of the real property as described and meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Bobby D. Long, P.L.S. 1886

Date:





Tulsa Engineering & Planning Associates, Inc.

9820 East 41st Street, Suite 102 Tulsa, OK 74146

Phone: 918-252-9621 Fax: 918-250-4566 Civil Engineering . Land Surveying . Land Planning

Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2019

Job No: 18-092.00

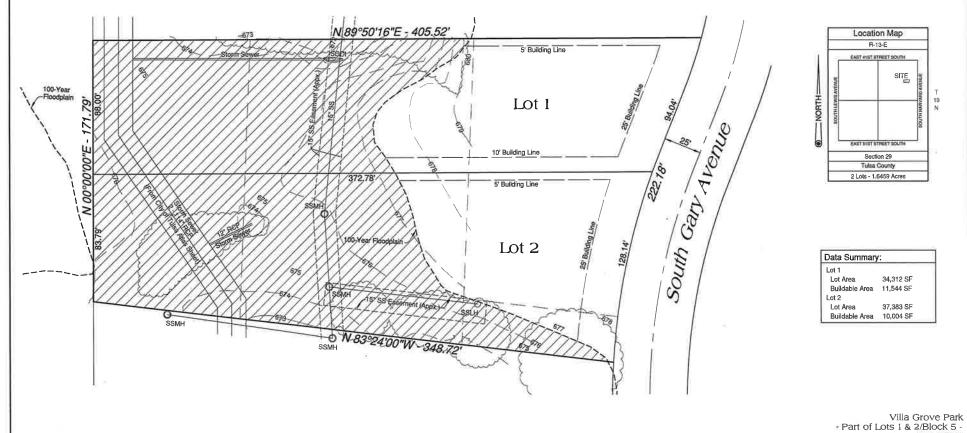
Scale: N/A

Date: 03/20/2019



### **BAK Tract**

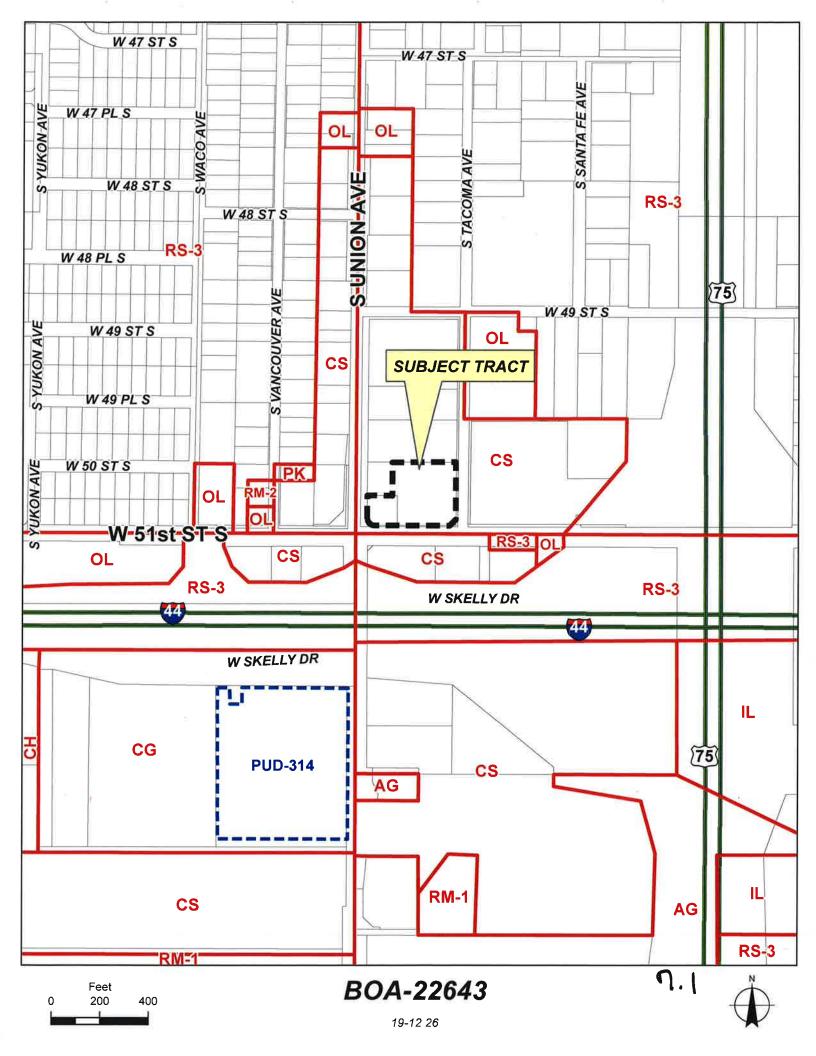




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## BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9226

Case Number: BOA-22643

**CZM**: 46 **CD**: 2

A-P#:

HEARING DATE: 05/28/2019 1:00 PM

**APPLICANT: Stephen Schuller** 

<u>ACTION REQUESTED</u>: Variance to increase the allowed display surface area for a sign abutting a minor street (Section 60.080-C); Variance to permit a sign to exceed the maximum permitted height (Section 60.080-D).

**LOCATION**: 1617 W 51 ST S **ZONED**: CS

PRESENT USE: Convenience Store TRACT SIZE: 1.87 acres

**LEGAL DESCRIPTION:** A TRACT OF LAND THAT IS PART OF LOTS 3 AND 4, BLOCK 4, SUBURBAN HIGHLANDS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED A FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 12 EAST, TULSA COUNTY, OKLAHOMA; THENCE N 89°05'45" E ALONG THE SOUTHERLY LINE OF THE SW/4 OF SAID SECTION 26 FOR 50.00 FEET; THENCE N 00°54'47" W PARALLEL WITH THE WESTERLY LINE OF SAID SW/4 FOR 60.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING N 00°54'47" W PARALLEL WITH SAID WESTERLY LINE FOR 95.70 FEET; THENCE N 89°03"51" E FOR 104.32 FEET; THENCE N 01°08'13" W FOR 138.25 FEET; THENCE N 89°05'45" E FOR 261.23 FEET; THENCE S 00°54'47" E FOR 239.00 FEET; THENCE S 40°50'07" W FOR 35.35 FEET; THENCE S 89°05'45" W PARALLEL WITH AND 30.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SW/4 FOR 310.01 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 89°59'28", A RADIUS OF 30.00 FEET, A CHORD LENGTH OF 42.42 FEET, A CHORD BEARING OF N 45°54'31" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CONTAINING 81,467.27 SQUARE FEET OR 1.87 ACRES

#### **RELEVANT PREVIOUS ACTIONS:**

#### **Subject Site:**

**BOA-21367;** on 1.10.12, the Board **approved** a *Variance* of the maximum permitted height for a ground sign in the CS district from 25 ft to 60 ft.; a *Variance* of the setback requirement for a ground sign from an abutting street from 65 ft to 47 ft.

#### Surrounding Property:

**BOA-15608**; on 12.20.90, the Board **approved** a *Variance* of the required 50 feet setback from both South Union Avenue and West 51st Street South to 41 feet to permit the replacement of a sign. Located; Northwest corner of South Union Avenue and West 51st Street South.

**BOA-15580**; in 2009 the Board **approved** a *Variance* of the maximum square footage of sign display surface area from 32 SF to 64 SF to permit replacement of an existing sign; a *Variance* of the required 50' setback from an R district on the west property line to 44' to permit a business sign. Located: 1722 W 51<sup>st</sup> Street.

**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 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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by CS zoned commercial uses on all sides.

#### **STAFF COMMENTS:**

The applicant is proposing to replace an existing QuikTrip sign on the subject property. The applicant has provided the following hardship statement: "Requested variances were granted in Case No. 21367 in 2012. ODOT has launched proceedings to acquire additional highway right-of-way and utility easement, creating irregularly-shaped parcel and necessitating relocation of sign to remove same from ODOT utility easement."

The Code states that signs allowed on lots with frontage on only minor streets may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

As shown on the attached exhibits, the applicant is proposing a freestanding sign located in an CS zoning district abutting W. 51<sup>st</sup> Street, which is considered a minor street. The proposed sign will have a display surface area of 162.28 sq. ft. The proposed sign exceeds the allowable display surface area of 73 sq. ft. (364 ft. of minor street frontage x .20) by approximately 89 sq. ft.

The applicant is requesting a **Variance** to increase the allowed display surface area for a freestanding sign abutting a minor street from 73 sq. ft. to 162.28 sq. ft. (Section 60.080-C).

In Section 60.080-D, the Code states that on-premise projecting signs and freestanding signs on lots with frontage on only minor streets may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less. The proposed freestanding sign height of 60 feet exceeds the maximum height of 20 feet for a freestanding sign abutting a minor street.

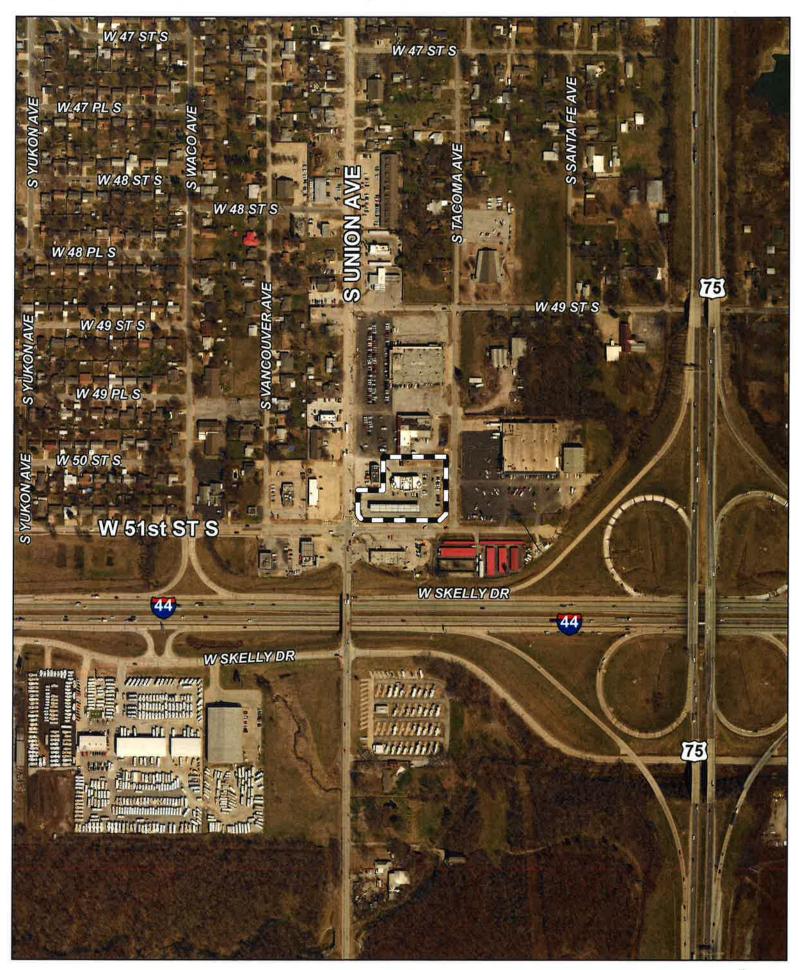
The applicant is requesting a **Variance** to permit a freestanding sign height abutting a minor street be increase from 20 feet to 60 feet.

#### **Sample Motion**

Move to (approve/deny) a <b>Variance</b> to increase the allowed display surface area for a sign abutting a minor street from 73 sq. ft. to 162.28 sq. ft. (Section 60.080-C); <b>Variance</b> to permit a sign to exceed the maximum permitted height from 20 ft. to 60 ft. (Section 60.080-D).
Finding the hardship(s) to be
<ul> <li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li> </ul>
Subject to the following conditions

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

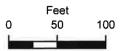
- "a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."



BOA-22643

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







BOA-22643

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

Aerial Photo Date: February 2018



#### Comments and Questions:

None.

**Board Action:** 

On MOTION of STEAD, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the Special Exception to permit a duplex dwelling (Use Unit 7) in an RS-3 district (Section 401); and a Variance of the minimum required lot area for a duplex dwelling in the RS-3 district from 9,000 square feet to 7,000 square feet (Section 404.C.1); and a Variance of the minimum frontage requirement from 75 feet to 50 feet (Section 404.C.3). In granting the special exception the Board has found that the original duplex built in the late 1920s burned and the Board is granting the special exception so that it may be replaced. The replacement shall 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 variances, for the same reasons that the original duplex built in the late 1920s burned and the replacement structure makes this 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 variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to conceptual plan on page 11.13; for the following property:

W1/2 N1/2 OF LT 1 BLK 5, PEORIA GARDENS ADDN AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

#### 21367—QuikTrip

FILE COPY

**Action Requested:** 

Variance of the maximum permitted height for a ground sign in the CS district from 25 feet to 60 feet (Section 1221.D.1); and a Variance of the setback requirement for a ground sign from an abutting street from 65 feet to 47 feet (Section 1221.D.1). Location: 1617 West 51st Street South (CD 2)

Presentation:

Kevin Bledsoe, QuikTrip, 4705 South 129th East Avenue, Tulsa, OK; stated the 60 foot height is being requested because QuikTrip wants to give the passing traffic a ten second lead time to see the sign.

#### Interested Parties:

There were no interested parties present.

#### Comments and Questions:

None.

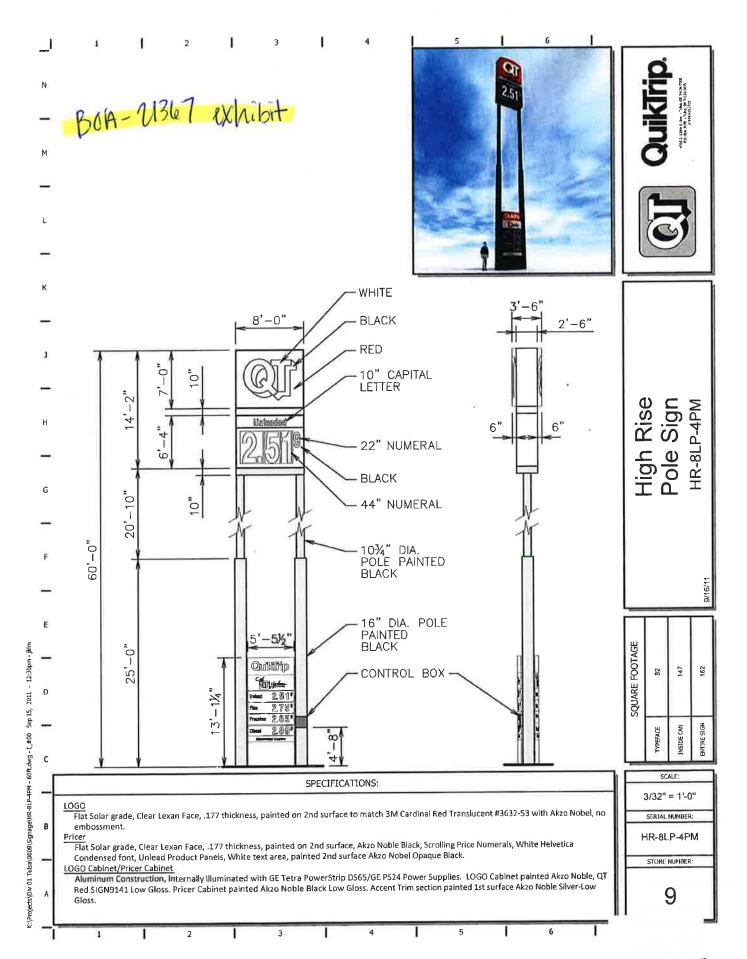
BOA-21367

FILE COPY

**Board Action:** 

On MOTION of STEAD, the Board voted 4-1-0 (Henke, Stead, Tidwell, White "aye"; Van De Wiele "nay"; no "abstentions"; none absent) to APPROVE the Variance of the maximum permitted height for a ground sign in the CS district from 25 feet to 60 feet (Section 1221.D.1); and a Variance of the setback requirement for a ground sign from an abutting street from 65 feet to 47 feet (Section 1221.D.1). The Board grants these variances in view of the fact that there are numerous foliages and desparities in elevation. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, subject to conceptual plan on 12.6 for location and conceptual plan on 12.7 for sign design; for the following property:

A TRACT OF LAND IS PART OF LOTS THREE (3) AND FOUR (4), BLOCK FOUR (4), SUBURBAN HIGHLANDS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 4, SUBURBAN HIGHLANDS; THENCE NORTH 89°05'45" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 3 FOR 25.00 FEET; THENCENORTH 00°54'47" WEST 25.00 FEET EASTERLY OF AS MEASURED PERPENDICULARLY TO THE WESTERLY LINE OF SAID LOT 3 FOR 5.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 00°54'47" WEST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 3 FOR 264.00 FEET; THENCE NORTH 89°05'45" EAST PARALLEL WITH THE SOUTHERLY LINES OF LOTS3 AND 4, BLOCK 4, SUBURBAN HIGHLANDS, FOR 365.00 FEET TO A POINT THAT IS 10.00 FEET WESTERLY OF AS MEASURED PERPENDICULARLY TO THE EASTERLY LINE OF SAID LOT 4; THENCE SOUTH 00°54'47" EAST PARALLEL WITH THE EASTERLY LINE OF SAID LOT 4 FOR 264.00 FEET TO A POINT THAT IS 5.00 NORTHERLY OF AS MEASURED PERPENDICULARLY TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE SOUTH 89°05'45" WEST PARALLEL WITH THE SOUTHERLY LINES OF LOTS 4 AND 3, BLOCK 4, SUBURBAN HIGHLANDS, FOR 365.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



#### Case No. 15612 (continued)

#### Comments and Questions:

In response to Mr. Fuller, Mr. Bracken informed that the lot to the east is vacant and a house in being constructed on the lot to the west.

There was Board discussion concerning other setbacks in the area, and Mr. Bracken informed that the houses across the street have a 25' front yard setback.

#### **Interested Parties:**

The Board received a letter (Exhibit C-2) from **Kevin Coutant**, counsel for the property owner to the east of the lot in question. Mr. Coutant stated that his client is not opposed to the construction of the house, per plot plan submitted; however, if any alterations are made to the plan, a continuance is requested.

#### Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Minor Variance of the required front yard from 35' to 28' to permit construction of a new dwelling - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per plot plan submitted; finding a hardship imposed on the applicant by the location of Crow Creek along the northwest corner of the property; finding that there are other homes in the immediate area that are closer to the street than the proposed construction; and finding that the granting of the request will not be detrimental to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lot 6, Block 5, Avalon Place Addition, City of Tulsa, Tulsa County, Oklahoma.

#### NEW APPLICATIONS

#### Case No. 15608

#### Action Requested:

Variance of the sign setback requirements, measured from the centerline of West 51st Street and South Union Avenue, from 50' to 41' on both streets to permit the replacement of an existing nonconforming sign - Section 1403. NONCONFORMING SIGNS - Use Unit 21, located 4966 South Union.

#### Presentation:

The applicant, Claude Neon Federal, was represented by Joe Westervelt, 901 North Mingo Road, Tulsa, Oklahoma, who submitted a sign plan (Exhibit D-1), and requested that the sign in question be allowed to remain at the present location. He pointed out that the new replacement sign would be in the QuikTrip driveway if installed at the required setback. A photograph (Exhibit D-2) was submitted.

Case No. 15608 (continued) Protestants: None.

#### Board Action:

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzie, Bradiey, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the sign setback requirements, measured from the centerline of West 51st Street and South Union Avenue, from 50' to 41' on both streets to permit the replacement of an existing nonconforming sign - Section 1403. NONCONFORMING SIGNS - Use Unit 21; per sign plan submitted, and subject to a removal contract; finding that the new sign will replace the nonconforming sign; and finding that, if installed at the required setback, the sign would be located in the driveway of the business; on the following described property:

Lots 5 and 6, Block 2, Greenfield Acres Subdivision in the E/2, E/2, SE/4, Section 27, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 15609

Action Requested:

Variance of the required rear yard coverage limitation from 20% to 31% to permit the reconstruction of a detached garage destroyed by fire - Section 210. YARDS - Use Unit 6, located 1015 East 19th Street.

#### Presentation:

The applicant, Jim Moore, 1015 East 19th Street, Tulsa, Oklahoma, informed that his garage was destroyed by fire, and requested permission to construct a new one at the same location. He informed that large trees prevent relocation of the garage to another part of the yard. Mr. Moore informed that there are other houses in the area with similar detached garages. A plot plan (Exhibit R-1) was submitted.

#### Comments and Questions:

Ms. White asked the applicant if the living quarters in the garage will also be replaced, and he replied that they will not be replaced, as the living area in the old garage was only used for storage.

Mr. Gardner asked if the new garage will be more than 40% of the square footage of the house, and Mr. Moore stated that his garage will contain 936 sq ft of floor space, which is less than 40% of the 3600 sq ft house.

#### Case No. 15579 (continued)

#### Board Action:

On MOTION of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Bolzie, Chappelle, "absent") to APPROVE a Variance of the side yard requirement from 5' to 18" to permit replacement of a detached accessory building - Section 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; subject to the existing 6' solid screening fence being properly maintained; finding that the new 8' by 10' wood storage building will replace a metal building that has been at this location for many years, and will not encroach further into the required side yard than the existing building; on the following described property:

Lot 19, Block 11, Shadow Mountain Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 15580

#### Action Requested:

Variance of the maximum square footage of sign display surface area from 32 sq ft to 64 sq ft to permit replacement of an existing sign and a variance of the required 50' setback from an R district on the west property line to 44' to permit a business sign - Section 602.B.4 - SIGNS - Under Provisions of Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21.

#### Presentation:

The applicant, Claude Neon Federal, was represented by Larry Waid, 533 South Rockford, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1) and a photograph (Exhibit G-2), and requested permission to replace a sign located on an existing structure.

#### Comments and Questions:

Mr. Fuller asked if the sign in question is the same size as the sign previously located on the pole, and he answered in the affirmative.

Ms. White advised that Staff has recommended that, if approved, all signage be limited to 51st, with no signs being installed on Vancouver.

#### Protestants: None.

#### Board Action:

On MOTION of FULLER, the Board voted 3-0-0 (Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Boizie, Chappelle, "absent") to APPROVE a Variance of the maximum square footage of sign display surface area from 32 sq ft to 64 sq ft to permit replacement of an existing sign and a variance of the required 50' setback from an R district on the west property line to 44' to permit a business sign - Section 602.B.4 - SIGNS - Under Provisions of Section 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS - Use Unit 21; per plot plan submitted; subject to no signage on Vancouver Avenue; finding that the replacement sign will be the same size as the previous sign and will be installed on an existing structure; on the following described property:

Case No. 15580 (continued)

The east 84.31 of the south 164.51 of Lot 5, Block 3, Greenfield Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 1:51 p.m.

Date Approved Nov. 15, 1990

About White

#### **Legal & Business Services Division**

200 N.E. 21<sup>st</sup> Street Oklahoma City, OK 73105-3204 www.odot.org

May 7, 2019

Re: Relocation of QuikTrip sign(s) due to the reconstruction of Union Avenue over I-44

To Whom It May Concern:

This highway project is the first phase of reconstruction of the I-44/US-75 interchange in Tulsa. New right-of-way was acquired from the QuikTrip Corporation to facilitate the construction of Union Avenue at 51<sup>st</sup> Street. As such, two signs owned by QuikTrip were required to be removed and/or relocated from the newly acquired right-of-way to facilitate construction as well as the relocation of utilities along Union Avenue and 51<sup>st</sup> Street. The utility relocation for this project includes the City of Tulsa water and sewer lines.

This project is partially funded with a special Federal Infrastructure Grant which must be utilized this Federal fiscal year. Timing is critical. As the QuikTrip has worked with ODOT in the partial acquisition of some of their property, we are requesting assistance to expedite QuikTrip's request for a variance to relocate one or both of their signs.

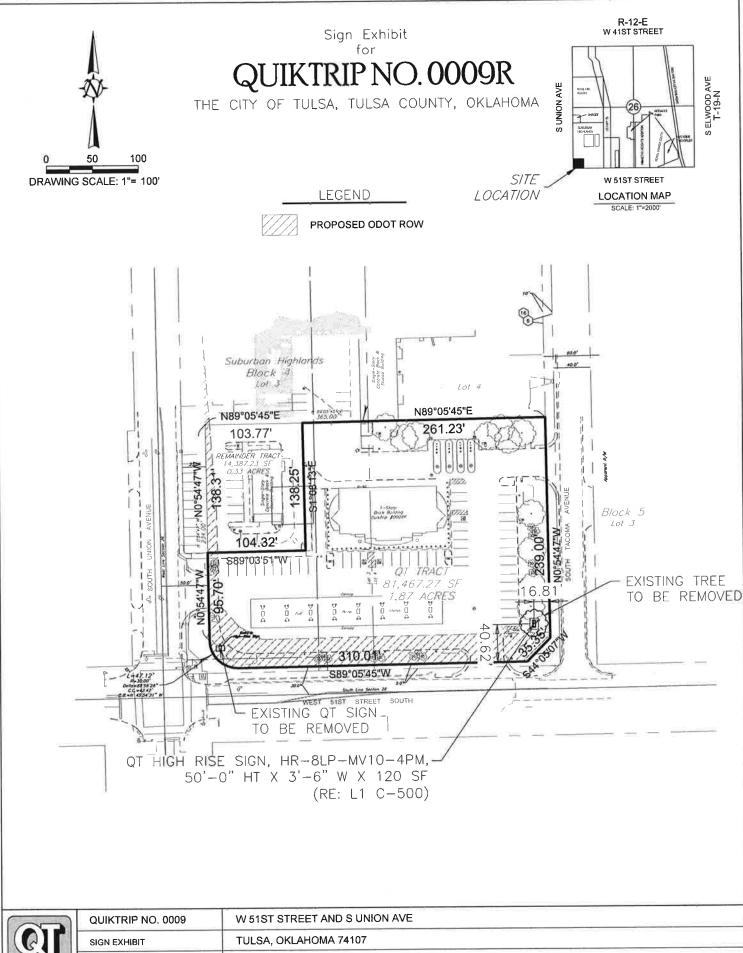
If there is any further information that I could provide, please do not hesitate to contact me.

Best regards,

Becky D. McDown Sr. Trial Attorney

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405.521.2681

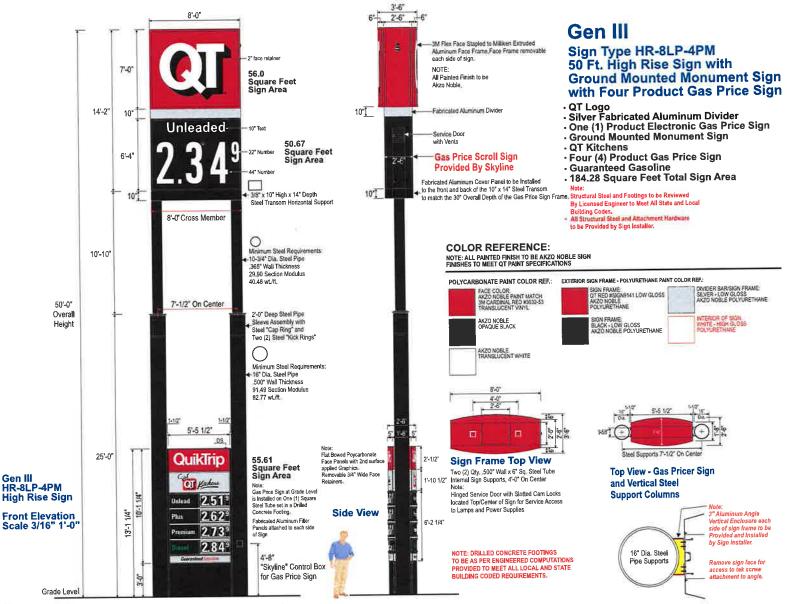


FILE: P:\1912\26-QUIKTRIP #0009\01-0009 CIVIL

LOT DATE: Tue, 02 Apr 2019

A TRACT OF LAND THAT IS PART OF LOTS 3 AND 4, BLOCK 4, SUBURBAN HIGHLANDS, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED A FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 12 EAST, TULSA COUNTY, OKLAHOMA; THENCE N 89°05'45" E ALONG THE SOUTHERLY LINE OF THE SW/4 OF SAID SECTION 26 FOR 50.00 FEET; THENCE N 00°54'47" W PARALLEL WITH THE WESTERLY LINE OF SAID SW/4 FOR 60.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING N 00°54'47" W PARALLEL WITH SAID WESTERLY LINE FOR 95.70 FEET; THENCE N 89°03"51" E FOR 104.32 FEET; THENCE N 01°08'13" W FOR 138.25 FEET; THENCE N 89°05'45" E FOR 261.23 FEET; THENCE S 00°54'47" E FOR 239.00 FEET; THENCE S 44°05'07" W FOR 35.35 FEET; THENCE S 89°05'45" W PARALLEL WITH AND 30.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SW/4 FOR 310.01 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 89°59'28", A RADIUS OF 30.00 FEET, A CHORD LENGTH OF 42.42 FEET, A CHORD BEARING OF N 45°54'31" W, FOR AN ARC LENGTH OF 47.12 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, CONTAINING 81,467.27 SQUARE FEET OR 1.87 ACRES





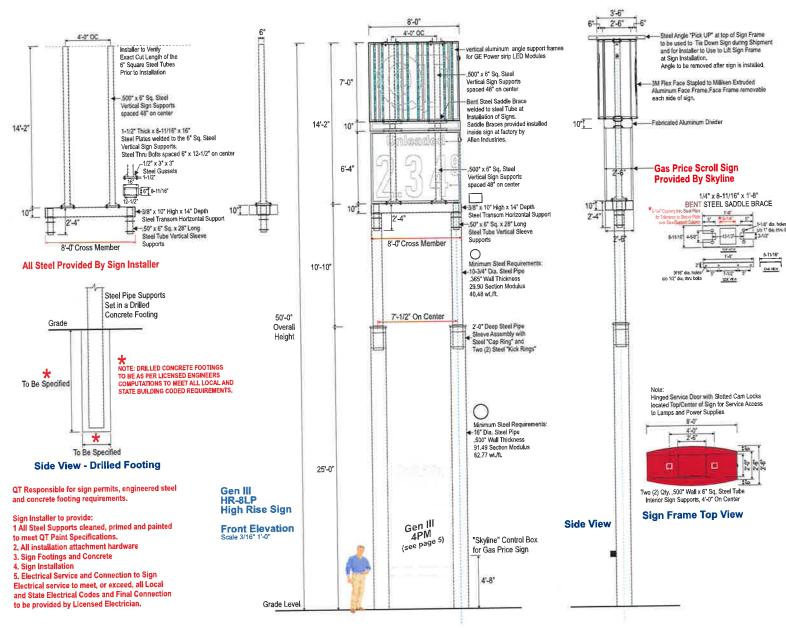
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File Gen3 HR-8LF	P-4PM	Project Manager Betsy Swan
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Any infringement will be subject to legal action.



Corporate Signage Division 6434 Burnt Poplar Road, Greensboro, NC 27409 Phone 800-967-2553 Fax 336-668-2791



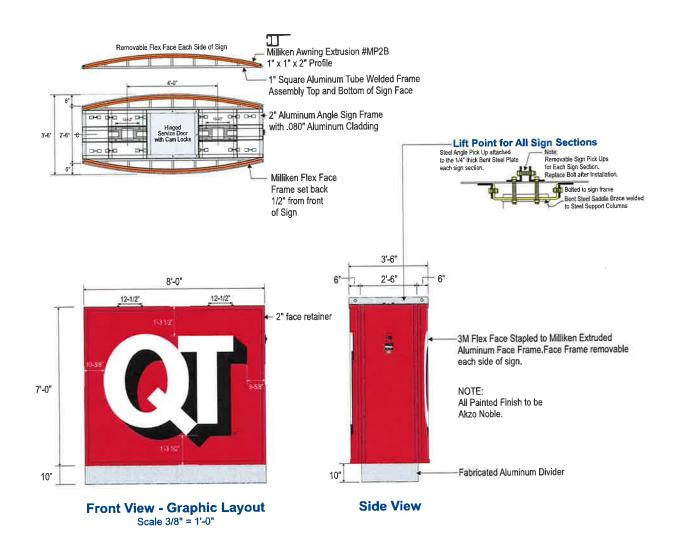




## Allen Industries

Corporate Identity Program

Corporate Signage Division 6434 Burnt Poplar Road, Greensboro, NC 27409 Phone 800-967-2553 Fax 336-668-2791



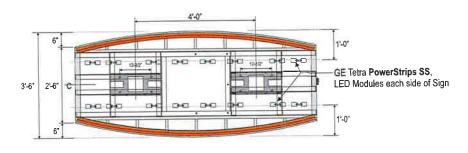


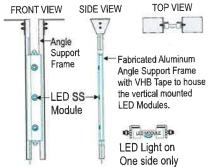
Project Information

Client QuikTrip.	
Location Various Locations	
File Gen3 HR-8LP-4PM	Project Manager Betsy Swan
Sales Tom Allen	Design Sid Nowell
Date / Description	
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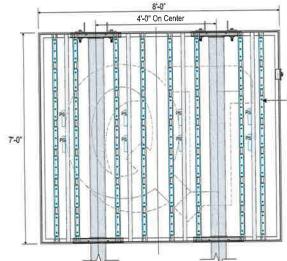


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GE LED PowerStrip SS Construction Detail



QT Logo Sign LED Interior Illumination: One (1) GE Power Supply #GEPS12-60 Powers Two (2) GE Tetra **PowerStrips SS**, with 7 Single Sided LED Modules each Strip, Total of 14 Modules per Power Supply

-56 Total Single Sided LED Modules Per Side of the QT Logo Sign, powered by Four (4) Power Supplies.

112 Total Single Sided LED Modules Per QT Logo Sign, powered by Eight (8) Power Supplies.

120 VOLT, 8 AMPS

Front View - LED Illumination Layout Scale 1/2" 1'-0"



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Sales Tom Allen	Design Sid Nowell
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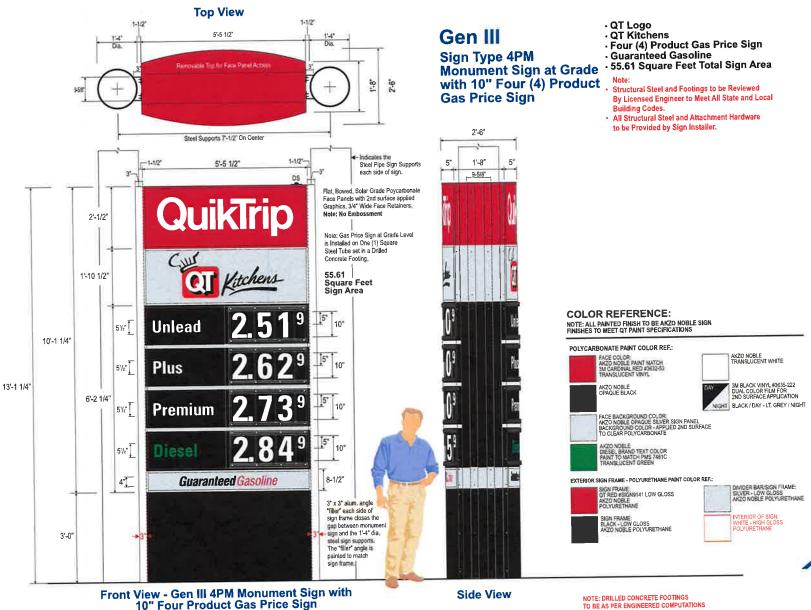
Allen Industries

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without written consent,

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TO BE AS PER ENGINEERED COMPUTATIONS PROVIDED TO MEET ALL LOCAL AND STATE BUILDING CODED REQUIREMENTS.



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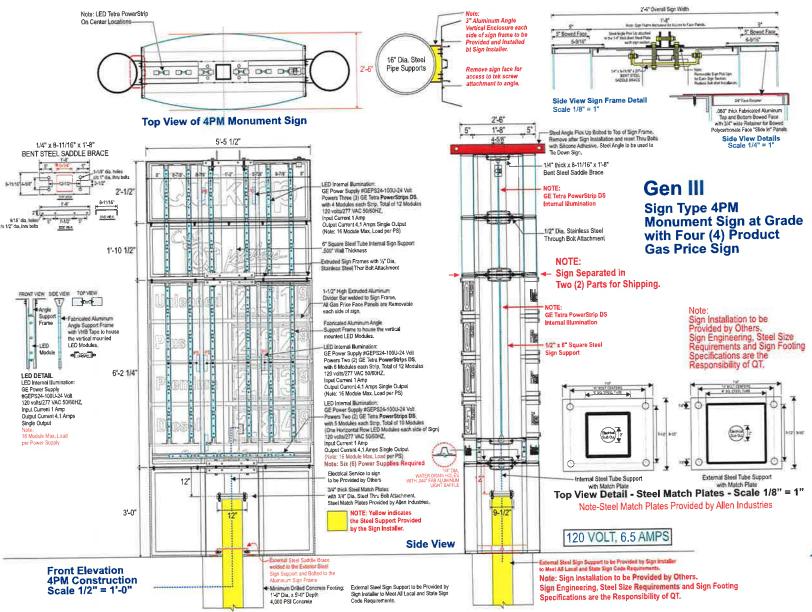
### llen Industries

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Because Image Is Everything

Scale 1/2" = 1'-0"





Project Information

### Quiklirip Various Locations Project Manag Betsy Swan Gen3 HR-8LP-4PM Sid Nowell Tom Allen Date / Description 01/27/11 Issue Date 02/03/11 revised to bowed face & GE LEDs **Client Review Status** Allen Industries, inc. requires that an "El Approved" drawing be obtained from the dient prof to any production release or production release (evision □Approved □Approved as Noted □ Revise & Resubmit Date Declaration The Drawing / Design illustrated is the property of QuikTrip Corporation and Allen Industries, Inc.

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## Gen III

### **4PM Monument Sign at Grade**



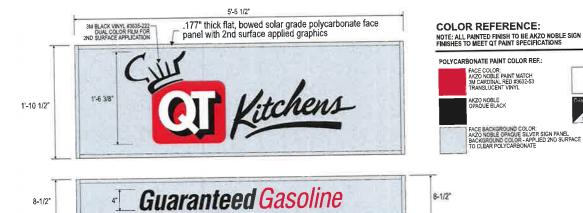
POLYCARBONATE PAINT COLOR REF.: FACE COLOR: AKZO NOBLE PAINT MATCH 3M CARDINAL RED #3632-53 TRANSLUCENT VINYL

FACE BACKGROUND COLOR: AKZO NOBLE OPACUE SILVER SIGN PANEL BACK BOUND COLOR - APPLIED 2ND SURFACE TO CLEAR POLYCARBONATE

AKZO NOBLE TRANSLUCENT WHITE

3M BLACK VINYL #3635-222 DUAL COLOR FILM FOR 2ND SURFACE APPLICATION

NIGHT BLACK / DAY - LT. GREY / NIGHT



#### FRONT VIEW - GRAPHIC LAYOUTS

SCALE 1" = 1'-0'

8-1/2"

Flat Bowed Poycarbonate Face Panels with 2nd surface applied Graphics. Removable  $3/4^{\circ}$  Wide Face Retainers.



Design Sid Nowell
& GE LEDs
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#### Gen III

Sign Type 4PM **Monument Sign at Grade** with Four (4) Product Gas Price Sign

REVISION 04/26/10: GAS BRAND TEXT INCREASED TO 5-1/2" HEIGHT "UNLEADED" REVISED SPELLING TO "UNLEAD" 2'-8" Wide Removable Polycarbonate Panels Plus 1'-4" Panel Height

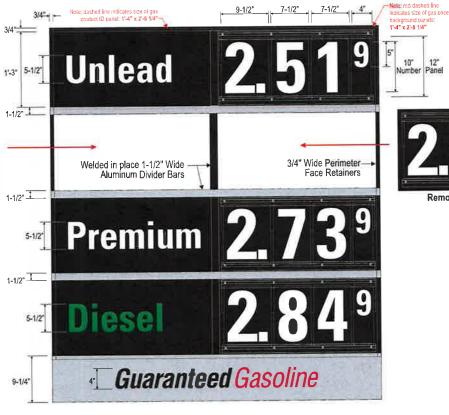
Removable Gas Brand ID Panels

Note: All Gas Price Panels, ATM Panels and Gas Brand Identification Panels are Removable, both sides of sign.

10"

Number Panel

Removable Gas Price Panels



Front Elevation - Gas Price Sign Scale 1" = 1'-0"

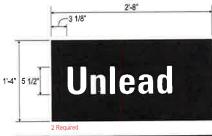


Various Locatio	Project Manager
Gen3 HR-8LP-4PM	Betsy Swa
Sales Tom Allen	Design Sid Nowel
Date / Descrip	tion
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Declaration

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Opaque Black painted Background Panel with Translucent White Text.



**GFN III Gas Price Sign Letter & Number** Font Univers 47 Condensed Light-Bold





Diesel Brand Text Letter Color: To Match PMS 7481C Green

#### Front View Gen III 4PM Gas Pricer Sign **Brand ID Panels** Scale 1" = 1'-0"

#### GAS BRAND ID PANELS:

PMS 7481C GREEN.

.177" THICK CLEAR MATTE SOLAR GRADE POLY-CARBONATE PANELS WITH 1/4" RADIUS CORNERS . PANELS ARE SCREEN PRINTED 2ND SURFACE WITH SPRAYLAT OPAQUE BLACK BACKGROUND WITH WHITE TEXT. SCREEN PRINTED AREAS ARE TOP COATED WITH HIGH HIDING SPRAYLAT COVERLAC #WAS-5008-2 CLEAR FOR SCRATCH RESISTANCE AND UV PROTECTION. "DIESEL" BRAND ID PANEL TEXT COLOR TO PAINT MATCH

Gen III - 10" High Number Four (4) Product Gas Price Sign



**GEN III Gas Price Sign Letter & Number** Font Univers 47 Condensed Light-Bold





#### **Manufacturing Specifications**

Manual Sign Price Panel Layouts Scale 1-1/2" = 1'-0"

.093" THICK CLEAR SOLAR GRADE POLYCARBONATE PANELS WITH 1/4" RADIUS CORNERS . PANELS ARE SCREEN PRINTED 2ND SURFACE WITH AKZO NOBLE OPAQUE BLACK BACKGROUND WITH CLEAR TEXT AND NUMBERS.

SCREEN PRINTED AREAS ARE TOP COATED WITH HIGH-HIDING SPRAYLAT COVERLAC #WAS-5008-2 CLEAR FOR SCRATCH RESISTANCE AND UV PROTECTION.

#### Sign Panel Quantity for Gen III 4 Product Gas Price Sign Display

32 Total Gas Price Panels with Digit and Decimal, (8 EACH 1.,2.,3.,4.) 128 Total Gas Price Panels Required: Refer to Number Panel Qtv. Breakdown with illustration (12 each Number and 16 Qty, for the Numbers 6, 9) 8 - 9/10 Gas Price Panels Total Required

168 Total Pieces Required Per Order



Project Information
Client QuikTrip.
Guirin
Location

Various Locations

File Gen3 HR-8LP-4PM	Project Manager Betsy Swan
Sales	Design
Tom Allen	Sid Nowell

#### Date / Description

01/27/11 Issue Date 02/03/11 revised to bowed face & GE LEDs

#### Client Review Status

Allen Industries, Inc. requires that an " \( \overline{A}\) Approved "drawing be obtained from the client prior to any production release or production release revision □ Approved □ Approved as Noted □ Revise & Resubmit

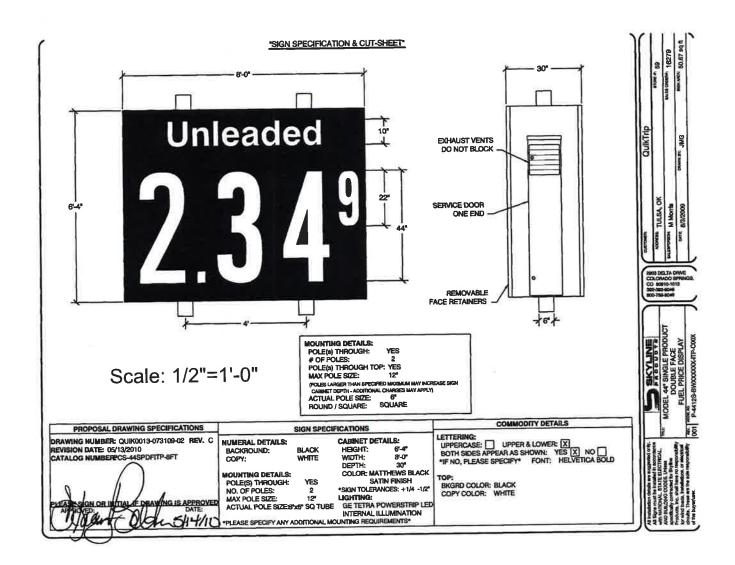
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#### Declaration

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### llen Industries

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file Gen3 HR-8LP-4PM	Project Manager Betsy Swan
Sales Tom Allen	Design Sid Nowell
Date / Description	1
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## Allen Industries

Corporate Signage Division 6434 Burnt Poplar Road, Greensboro, NC 27409 Phone 800-967-2553 Fax 336-668-2791

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



#### **DEVELOPMENT SERVICES**

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

#### SIGN PLAN REVIEW

April 25, 2019

LOD Number: 1

GABLE GOTWALS WEST 5TH STREET Tulsa OK 74145 Phone: (918) 595-4800

**APPLICATION NO:** 

SIGN-028613-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:

1617 W. 51st Street

Description: Quik Trip Hi Rise sign/Ground Sign

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

- SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
- 3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

#### **REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <u>WWW.INCOG.ORG</u>

Application No. SIGN-028613-2019

1617 W. 51st Street

April 25, 2019

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

#### Section 60.080 Signs in Mixed-use, Commercial and Industrial Zoning Districts

#### 1.) 60.080-C Sign Budget

#### 3. Maximum Area

#### a. Lots with Frontage on Only Minor Streets

Signs allowed on lots with frontage on only minor streets may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

**Review Comments:** The proposed ground sign located in an CS zoning district abutting W. 51<sup>st</sup> Street, a minor street, exceeds 73 square feet (364 Ft. of minor street frontage x.20). You may revise the sign display surface area to be a total of 73 square feet or pursue a variance from the BOA to permit the display surface area for a ground sign abutting a minor street to be increased from 73 square feet to 162.28 square feet.

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

1. Lots with Frontage on Only Minor Streets On-premise projecting signs and freestanding signs on lots with frontage on only minor streets may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

**Review Comments:** The proposed freestanding sign height of 60 feet exceeds the maximum height of 20 feet for a freestanding sign abutting a minor street. You may reduce the overall sign height to 20 feet or pursue a variance from the BOA to permit a freestanding sign height abutting a minor street be increased from 20 feet to 60 feet.

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

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

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

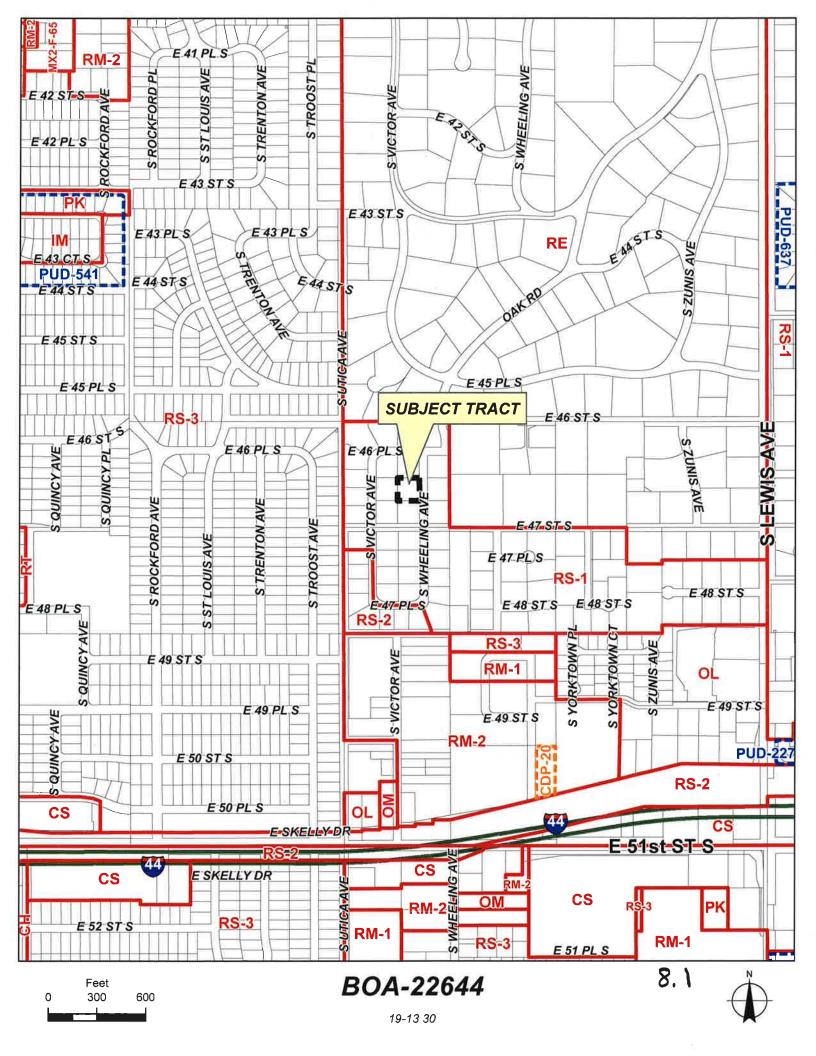
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN

SN PERMIT.

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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9330

Case Number: BOA-22644

CZM: 47 CD: 9

A-P#:

HEARING DATE: 05/28/2019 1:00 PM

**APPLICANT:** M. Scott Pohlenz

<u>ACTION REQUESTED</u>: Variance to reduce the rear setback requirement in an RS-1 District (Section 5.030-A); Variance to reduce the street setback requirement in an RS-1 District (Section 5.030-A).

**LOCATION**: 4636 S WHEELING AV E **ZONED**: RS-1

PRESENT USE: Single family Residential TRACT SIZE: 18900.76 SQ FT

**LEGAL DESCRIPTION:** LT 2 BLK 2, BOLEWOOD ESTATES

#### **RELEVANT PREVIOUS ACTIONS:**

#### Surrounding Property:

**BOA-21240**; on 4.12.11, the Board **approved** a *Variance* of the rear yard requirement in the RS-1 district from 25 ft. to 9 ft. - 10 in. to permit a garage addition to an existing dwelling. Located; 4624 S. Wheeling Ave (immediately north of the subject property).

**BOA-16498**; on11.23.93, the Board **approved**, per plans, a *Variance* of the required rear yard from 25' to 15'; a *Variance* of the required side yard from 20' to 15'. Located; 4646 S. Victor Ave.

**BOA-6067**; on 10.1.68, the Board **approved** a *Variance* waiving the side and rear yard requirements of the U-1-A district, as per plot plan, to permit the construction of a three-car carport and guest room. Located; 4635 S. Wheeling Ave.

**BOA-3866**; on 6.13.62 the Board **approved** a *waiver* of rear yard requirements in a U-1-A district. Located; the northeast corner of E. 47<sup>th</sup> St. and S. Wheeling Av.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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

REVISED5/20/2019

while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

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

#### **STAFF COMMENTS:**

The applicant is proposing to construct an addition to the existing house and detached garage on the site. The applicant has provided the following hardship: "The addition of the house and detached garage are necessary in order to allow for the growing needs of the single family residing at the residence. In order to save the mature tree directly adjacent to the existing garage, the proposed new garage is placed facing the street as a detached garage. With this placement, the garage extends 6 ft. into the rear yard setback in order to allow a standard sized vehicle to park inside. The proposed house addition on the other side of the lot aligns with this placement, extending off the existing master bedroom to allow for more functional bedrooms, closets and bathrooms.

Per the code, the rear setback requirement is 25 feet from the rear lot line. As shown on the attached site plan, both the proposed addition and detached garage will encroach 6 ft. into the required 25 ft. rear setback. The applicant is requesting a **Variance** to reduce the rear setback requirement in an RS-2 zoned district from 25 ft. to 19 ft. (Sec.5.030-A)

When the notices were sent out, the action requested included an additional Variance request to reduce the street setback requirement in an RS-1 District (Section 5.030-A). Due to the age of the existing home, the applicant does not need to request the Variance of the street setback.

#### **Sample Motion**

	to (approve/deny) a <b>Variance</b> to reduce the street setback requirement in an RS-2 d district (Sec.5.030-A)
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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

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

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

#### Case No. 21240-Jeremy Perkins

**Action Requested:** 

Variance of the rear yard requirement in the RS-1 district (Section 403) from 25 feet to permit a garage addition to an existing dwelling. **Location:** 4624 South Wheeling Avenue

#### **Presentation:**

Jeremy Perkins, 2200 South Utica Place, Tulsa, OK; stated he is the architect for the proposed project and is representing the homeowner. The proposal is to add an 18'-9" wide by 26'-0" deep third-car garage onto the existing residence, and it will match the roof line of the existing home. The upstairs in the proposed garage will be unfinished and used like an attic, though it could be finished. The attic will be 234 square feet, and the first floor will be 468 square feet for a total of about 700 square feet. The existing accessory building will be razed.

#### **Interested Parties:**

There were no interested parties present.

#### Comments and Questions:

None.

#### **Board Action:**

On MOTION of STEAD, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "ave": no "navs": no "abstentions") to APPROVE the Variance of the rear yard requirement in the RS-1 district (Section 403) from 25 feet to permit a garage addition to an existing dwelling, subject to conceptual plans 4.6 and 4.7. The powder room shown on page 4.7 is on the lower floor, whereas the storage area is on the upper floor, and the upper floor will contain 234 square feet. No commercial activity will be allowed in any of the additional space. The applicant will demolish the existing accessory building in order to build this garage. There will be no other detached buildings constructed on the property under this approval. The property will remain subject to the RS-1 district's livability space requirements of 7,000 square feet. The orientation of the existing house on this corner lot presents challenges in adding anything. The Board finds these to be extraordinary and exceptional circumstances peculiar to this lot, structure and 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 1 BLK 2, BOLEWOOD ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\* \* \* \* \* \* \* \* \* \* \*

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Case No. 16497 (continued)

Ms. White asked if the sides of the carport will remain open, and Mr. Hensley answered in the affirmative.

Mr. Gardner asked if the water runoff will drain toward abutting property, and Mr. Hensley stated that guttering is in place on the front and the elevation of the yard on the property line prevents the water from draining toward the abutting lot.

Mr. Bolzle inquired as to the distance from the edge of the carport to the neighbors house, and Mr. Hensley replied that there is an approximate 7' separation.

#### Protestants:

None.

#### Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the required setback from the centerline of East 4th Terrace from 50' to 39.5', and a variance of the required side yard from 5' to 0' to permit a carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted (open sides); finding a hardship demonstrated by the narrow shape of the lot; and finding that there are numerous carports in the older neighborhood, and that approval of the request will not violate the spirit and intent of the Code; on the following described property:

Lot 14, Block 5, Toi Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 16498

#### Action Requested:

Variance of the required rear yard from 25' to 15', and a variance of the required side yard from 20' to 15' - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 4646 South Victor Avenue.

#### Presentation:

The applicant, Unique Construction, was represented by Daniel Rich, 6214 East 11th Street, who informed that he is proposing to remove an existing carport and construct a garage. A plot plan (Exhibit B-1) was submitted.

#### Case No. 16498 (continued)

#### Comments and Questions:

Mr. Chappelle noted that the new structure will not extend as close to the lot lines as the existing carport.

Protestants: None.

#### Board Action:

On MOTION of BOLZLE the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the required rear yard from 25' to 15', and a variance of the required side yard from 20' to 15' - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that the proposed garage will replace an existing carport, and the new construction will not result in additional encroachments into the required setbacks; on the following described property:

Lot 8, Block 3, Bolewood Estates, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 16499

#### Action Requested:

Variance of the required setback from the centerline of East 61st street from 100' to 69' - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 15, located 9721 East 61st Street.

#### Presentation:

The applicant, Julie Mueller, 9721 East 61st Street, was represented by Randall Iola, 1323 East 71st Street, Suite 300. He explained that his client is operating a kennel business in a building with a U-shaped courtyard, which she is proposing to enclose (Exhibit C-1) Mr. Iola stated that the new addition will align with the existing building wall and will not encroach farther into the required setback.

Protestants: None.

#### Board Action:

On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Chappelle, S. White, T. White "aye"; no "nays"; no "abstentions"; Doverspike, "absent") to APPROVE a Variance of the required setback from the centerline of East 61st street from 100' to 69' - SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 15; per plan submitted; finding that the wall of the new addition will align with the existing building wall,

#### 6037 (continued)

Presentation:

William E. Manely, representing Southwest Nursery,

Inc., was present.

Protests:

None.

Board Action:

On MOTION of REEDS, the Board of Adjustment (5-0) granted a Variance (Section 23) of the permitted use provisions of U-IC (Section 5 (d)) to permit the sale of Christmas trees during the month of December, 1968, on the following described tract:

Part of Section 18, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

#### COMMUNICATION:

Request to consider Case No. 5880.

Remarks:

Mr. Jones advised the Board that the applicant had to leave the meeting and requested a continuance.

Board Action:

On MOTION of REEDS, the Board of Adjustment (5-0) continued the above request to the November 12, 1968 meeting.

6067

Action Requested:

Variance (Section 23) of the side and rear yard requirements of U-1A (Section 5 (b) (1)) to permit the construction of a three-car carport and guest room on a tract located at 4635 South Wheeling.

Presentation:

Thomas K. Keleher submitted a plot plan to the Board (Exhibit "T-1") and stated that his property was an irregular shaped lot and that the proposed construction does not violate the restrictive covenants of the land.

Protests:

None.

Board Action:

On MOTION of REEDS, the Board of Adjustment (5-0) granted a Variance (Section 23) waiving the side and rear yard requirements of U-1A (Section 5 (b) (1)), as per plot plan, to permit the construction of a three-car carport and guest room, on the following described tract:

Lot 2, Block 1, Bolewood Estates Addition to the City and County of Tulsa, Oklahoma. Case No. 3866 William J. Osher Lot 3, Block 1, Bolewood Estates William J. Osher request for a waiver of rear yard requirements in a U-1-A District on Lot 3, Block 1, Bolewood Estates Addition.

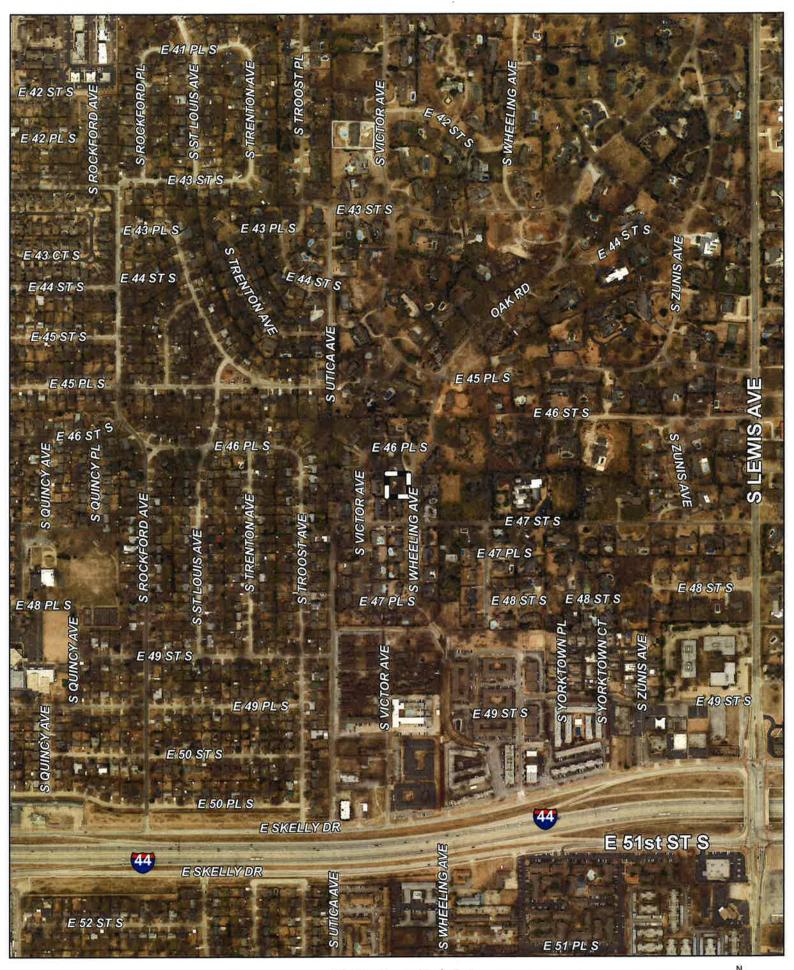
MOVED by Avery (Shaull) that this matter be approved. All members voting yea. Carried.

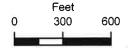
ADJOURNED:

Secretary

APPROVED:

8.9





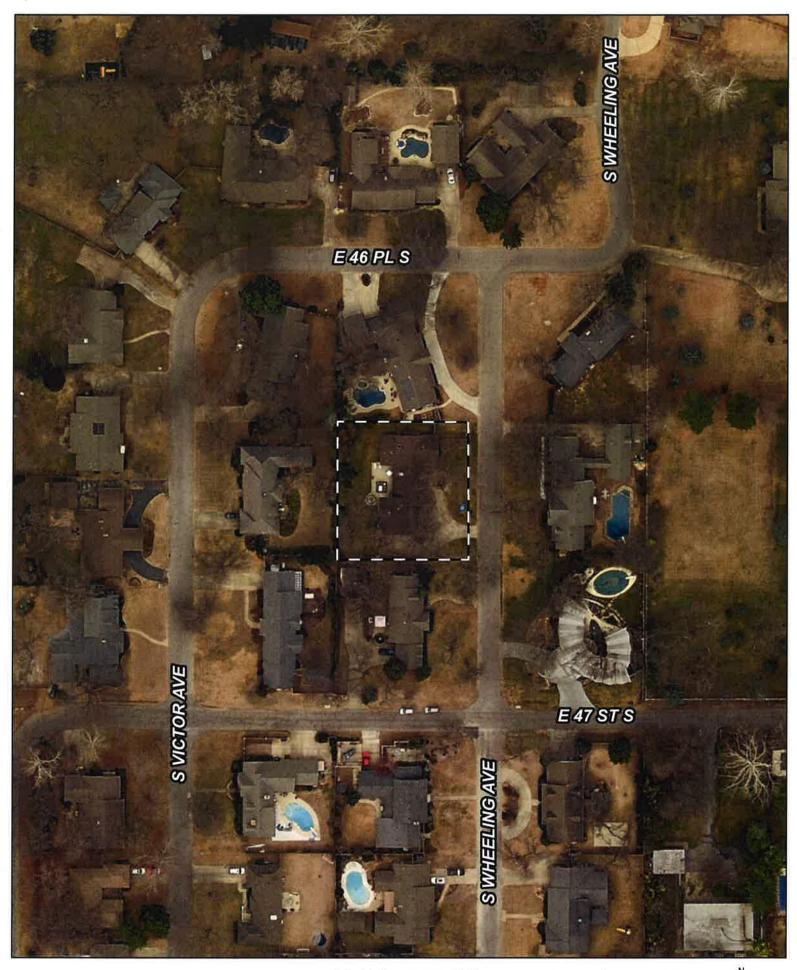


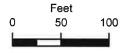
BOA-22644

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

Aerial Photo Date: February 2018









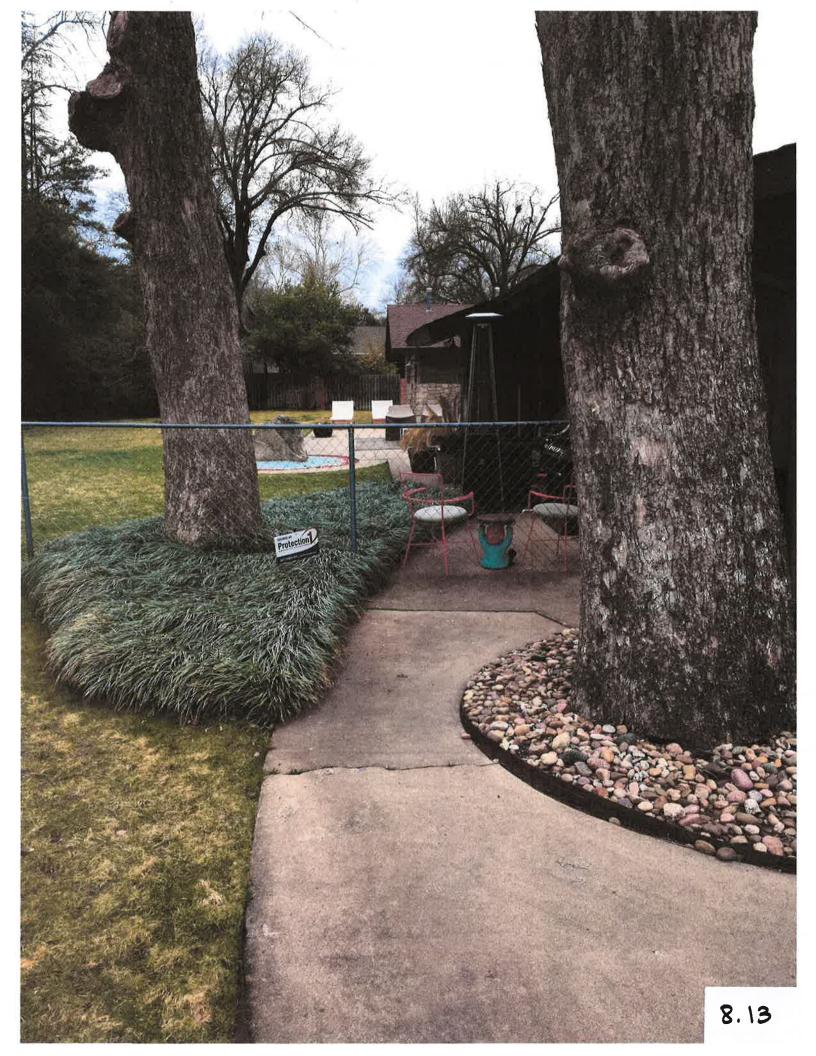
BOA-22644

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

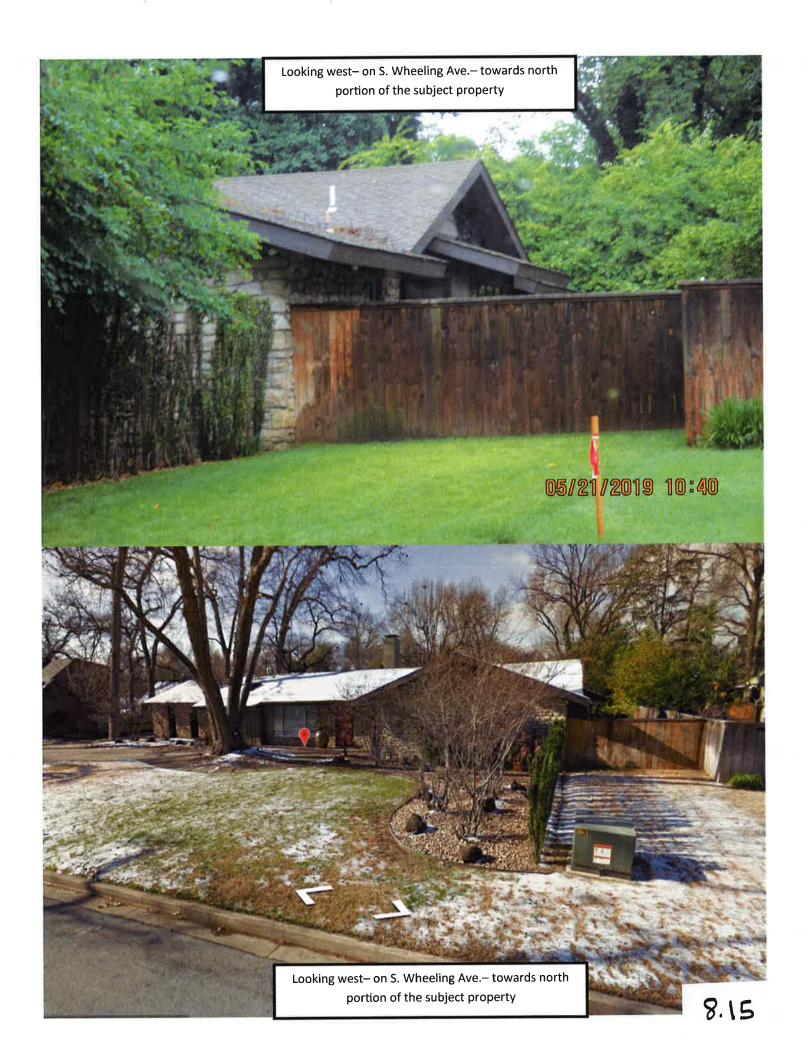


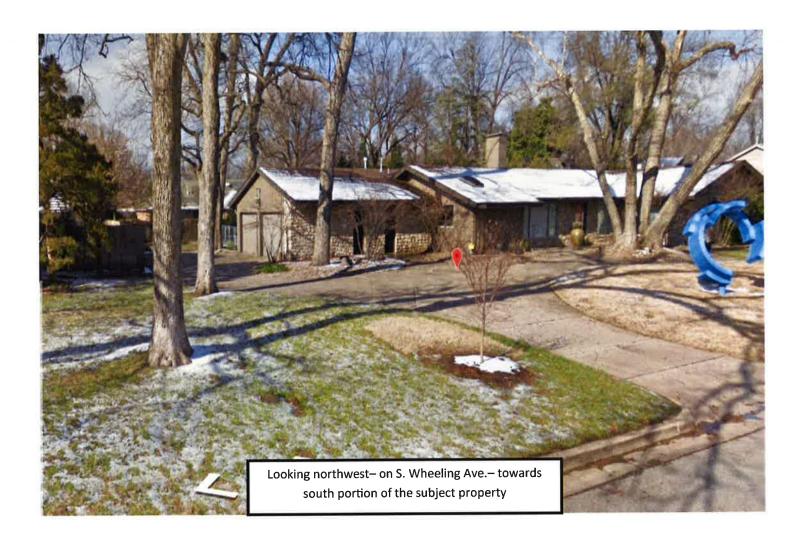


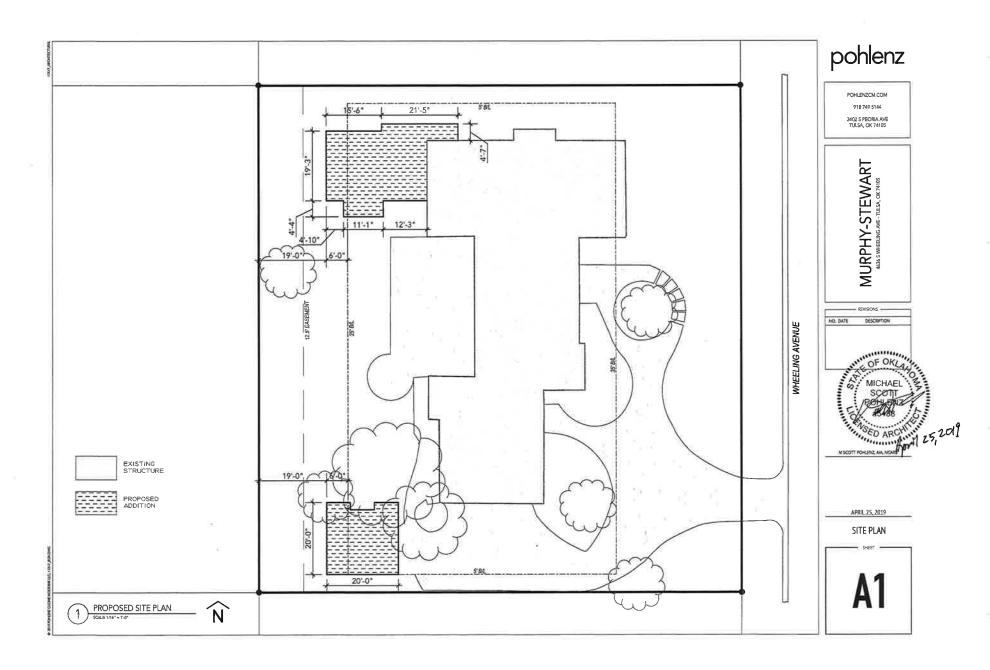


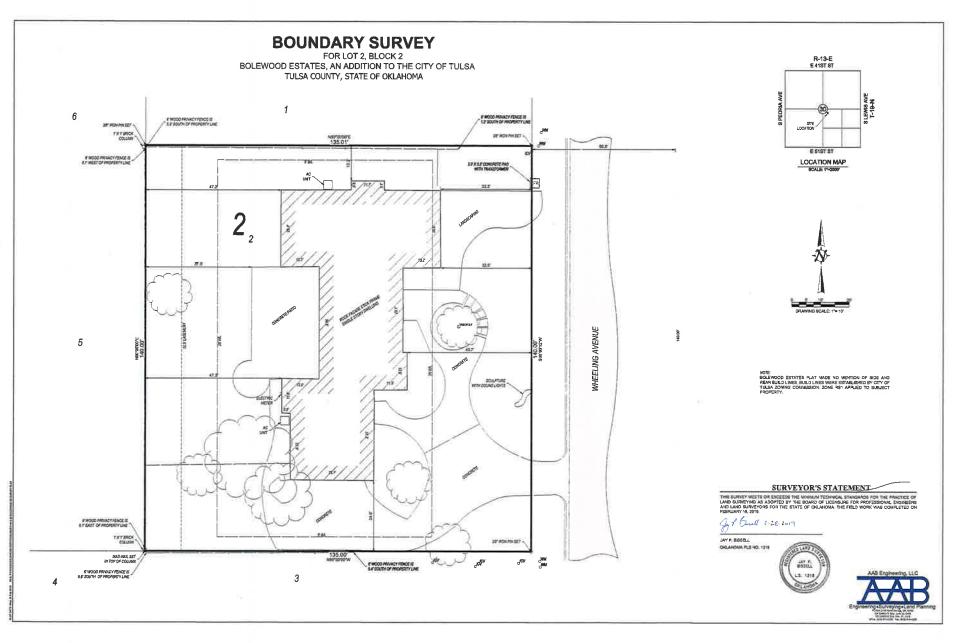












Jeff S. Taylor Zoning Official Plans Examiner A DULSA OKUM

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

Jesse Husmann Pohlenz Cucine Moderne

# **DEVELOPMENT SERVICES**

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

# **ZONING CLEARANCE PLAN REVIEW**

4/22/2019

APPLICATION NO: BLDR-028277-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE)

Project Location: 4636 S Wheeling Ave Description: Addition & Detached Garage

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

#### IMPORTANT INFORMATION

- SUBMIT TWO (2) SETS [4 SETS IF HEALTH DEPARTMENT REVIEW IS REQUIRED] OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 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 <u>WWW.INCOG.ORG</u> OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 3. A COPY OF A "RECORD SEARCH" [ 11S [ x 11S NOT] INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

# **REVIEW COMMENTS**

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

Application No. BLDR-028277-2019

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.

<u>5.030-A</u>: In the RS-1 zoned district the minimum rear yard setback shall be 25 feet from the rear property line.

**Review Comments:** Revise your plans to indicate a 25' rear setback to the property line, or apply to INCOG for a variance to allow less than a 25' rear setback.

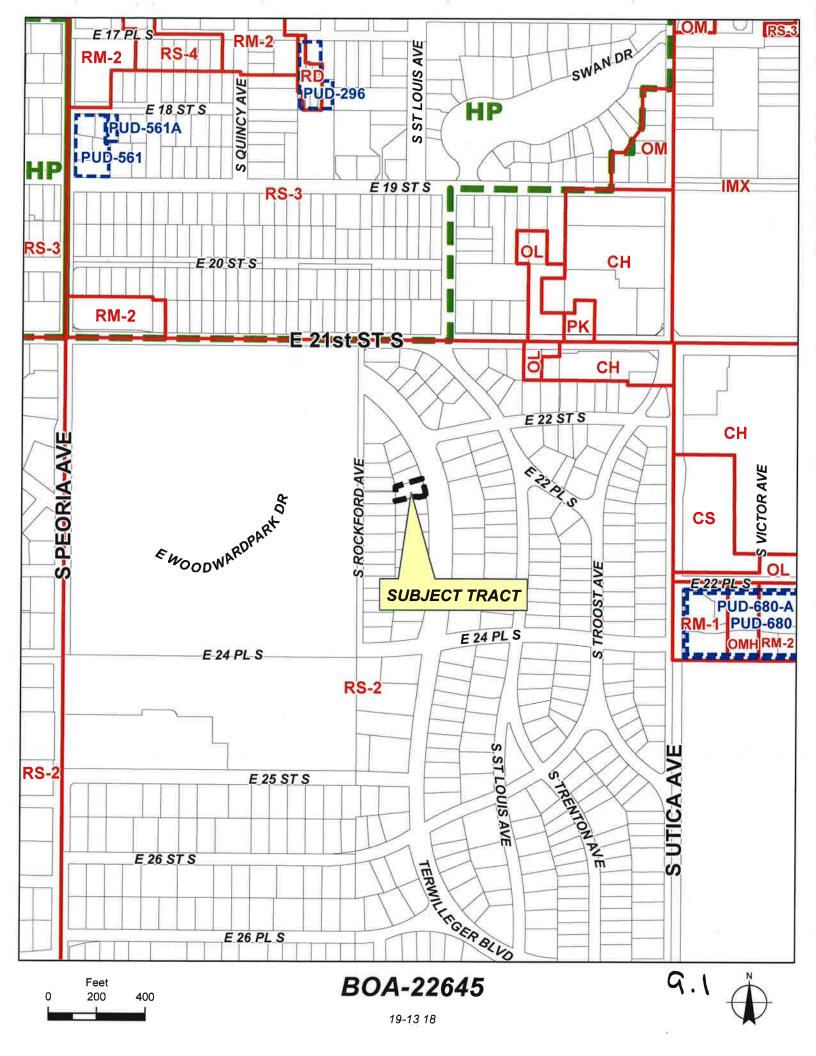
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

# **END -ZONING CODE REVIEW**

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

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



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9318

Case Number: BOA-22645

**CZM**: 37

CD: 4 A-P#:

HEARING DATE: 05/28/2019 1:00 PM

**APPLICANT: M. Scott Pohlenz** 

<u>ACTION REQUESTED</u>: Variance to reduce the street setback requirement in an RS-2 zoned district (Sec.5.030-A); Variance to reduce the side setback requirement in an RS-2 zoned district (Sec.5.030-A).

**LOCATION**: 2212 S TERWILLEGER BV E **ZONED**: RS-2

PRESENT USE: Residential TRACT SIZE: 7893.1 SQ FT

<u>LEGAL DESCRIPTION</u>: PRT LT 26 BEG NEC TH S15 W131.71 N12 E129.41 POB LESS BEG 7.48S NWC LT 26 TH E89 SE8 WLY97.64 WL N4.52 POB & ALL LT 27 BLK 3, TERWILLEGER HGTS

# **RELEVANT PREVIOUS ACTIONS:**

# Surrounding Property:

**BOA 22150 Administrative Adjustment**; on 10.26.16 the Land Use Administrator **approved** a *administrative adjustment* to reduce the required front setback from 30' to 25' to permit an enclosed entryway (Section 5.030 and 70.140). Located; 2251 S. Rockford Ave. E.

**BOA 22150**; on 10.25.16, the Board **approved** a *variance* to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north. Located; 2251 S. Rockford Ave. E.

**BOA-20323**; on 8.8.06, the Board **approved** a *variance* of the required front yard from 30 ft. to 20 ft. to permit a 5 ft. extension onto the front of the existing house. Located; 2112 Terwilleger Blvd.

**BOA-20200**; on 2.14.06, the Board **approved** a *Variance* of the required side yard setback from 5 feet to 2 feet to replace an existing garage. Located; 2246 Terwilleger Blvd

**BOA-19743**; on 1.27.04, the Board **approved** a *Variance* of the required side yard from 5' to 4' for garage addition. Located; 2229 South Rockford Avenue.

**BOA-18621**; on 1.11.00, the Board **approved** a *Variance* of the required rear yard from 25' to 12.5'; a Variance of the required side yard from five feet to one foot, per plan submitted. Located; 2246 South Terwilleger Boulevard.

**BOA-17843**; on 10.14.97, the Board **approved** a *variance* of the maximum allowable coverage of 20% of required rear yard to permit an addition to an existing detached garage per plan submitted. Located; 2220 South Terwilleger Avenue

**BOA-17169**; on 9.26.95, the Board **approved** a *variance* of the required front setback from 30' to 25'; a *variance* of the required livability space from 5000 SF to 3672 SF per plan submitted. Located; 2208 South Terwilleger

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-2 zoned lots on all sides.

# **STAFF COMMENTS:**

The applicant is proposing to construct a covered porch to the front of the house and extend the existing carport. The applicant has provided the following statement: "The covered porch will only extend to the edge of the existing concrete porch and is the average distance between the neighbors on wither side of the property (see site plan). The original setback line at 27 ft. was modified to 30 ft. which makes the original structure non-compliant. This existing porch dimension is needed to create a usable outdoor space that is sheltered from the elements.

The existing attached carport has been on the property for decades and is attached to the dwelling with some roof openings along the North wall of the dwelling. We propose to leave the existing structure in plane and increase the covered area to alleviate water issues in the basement on the North side of the dwelling. By joining the carport roof with the front porch, it will allow for a continuous solution for the front elevation in keeping with the neighborhood."

As shown on the attached site plan, the proposed covered porch will encroach approximately 5 ft. into the required 30 ft. street setback. Based on the submitted exhibits, S. Terwilleger Blvd. is indicated as the front setback. The Major Street and Highway Plan considers this a *non-arterial* street and would therefore be required by code to maintain a building setback of 30 feet in an RS-2 zoned district (Table 5-3). The applicant is requesting a **Variance** to reduce the front street setback from 30 ft. to approximately approximately 25ft. along S. Terwilleger Blvd.

Per the Zoning Code, the side (interior) setback requirements for a RS-2 zoned lot is 5 ft. As shown on the attached exhibits, the extension of the covered portion of the existing carport will encroach 4 ft. into the 5 ft. side yard. The applicant is also requesting a **Variance** to reduce the side setback requirement in an RS-2 zoned district from 5 ft. to 1 ft. (Sec.5.030-A).

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	to (approve/deny) a <b>Variance</b> to reduce the street setback requirement in an RS-2 district (Sec.5.030-A); <b>Variance</b> to reduce the side setback requirement in an RS-2 zoned (Sec.5.030-A).
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."

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# 22150—Eller & Detrich - Lou Reynolds

Action Requested:

Variance to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north (Section 55.080-A); Variance of the required front setback from 30 feet to 25 feet to permit an enclosed entryway in the RS-2 District (Section 5.030-A). LOCATION: 2251 South Rockford Avenue East (CD 4)

Presentation:

Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Max and Laura Mantooth who recently purchased the subject property. Mr. Reynolds stated that the second Variance request regarding the front setback can be met with administrative relief under the new Code so he is withdrawing the second Variance request at this time. On the east side of Rockford almost all of the lots have 50 feet of frontage and RS-2 has a 75 foot frontage. Interestingly the subject property and the lot to the north they are both 75 feet because they are a lot and a half because the two home owners purchased the lot between the two houses and split that lot. The subject property shares a driveway with the house to the south and they have an agreement to purchase an easement for 12'-6". The existing house is approximately 18 feet from the north edge of the easement. The home owners are also in the process of negotiating the right of first refusal to purchase the neighboring house. All the lots were platted in 1923 and on the west side of Terwilleger all the lots are 75 and 100 foot lots which makes for an interesting mix. Mr. Reynolds presented sketches on the overhead projector of the proposed house. Mr. Reynolds stated the hardship is the age of the neighborhood which dates back to 1923, the size of the lots and the additional 25 feet from the existing house to the north and the subject house. The plans are to raze the existing house and build a new one with a detached garage in the rear with a shared driveway for access. This is an unusual situation with the 75 foot lots and they have been in existence for a long time.

Mr. Van De Wiele asked Mr. Reynolds if he understood correctly that the driveway would be a shared driveway. Mr. Reynolds answered affirmatively.

Mr. Swiney asked Mr. Reynolds how close his clients were to finalizing the driveway easement. Mr. Reynolds stated that it is being negotiated and what the Board has before them is a draft of it. Mr. Swiney asked Mr. Reynolds if he thought it would go through. Mr. Reynolds answered affirmatively. Mr. Swiney asked Mr. Reynolds if the easement agreement would be recorded once it is finalized. Mr. Reynolds answered affirmatively pending this Board's approval.

# Interested Parties:

There were no interested parties present.

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Comments and Questions: None.

BOA- 22150

**Board Action:** 

On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Variance to permit part of the maneuvering and drive area of the required off-street parking area to be located in an easement on an abutting lot to the north (Section 55.080-A), subject to the conceptual plan submitted today. The approval is also subject to the recordation of the driveway easement. The Board determines that the following facts, favorable to the property owner, have been established:

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

b. That literal enforcement of the subject zoning code provision is not necessary

to achieve the provision's intended purpose;

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

d. That the alleged practical difficulty or unnecessary hardship was not created or

self-imposed by the current property owner;

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

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

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

comprehensive plan; for the following property:

S1/2 LT 8 ALL LT 9 BK 3, TERWILLEGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

N 95 ft. of LT 4 BLK 13, JEFFERSON HILLS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*\*

# Case No. 20323

# Action Requested:

Variance of the required front yard from 30 ft. to 20 ft. (Section 403) to permit a 5 ft. extension onto the front of the existing house, located: 2112 Terwilleger Boulevard.

Mr. Henke out at 2:09 p.m.

# Presentation:

**Scott Bruman**, stated he is an owner of TriArch Architecture. The subject property is a legal non-conforming in an RS-2 district. The front stoop is 25 ft. off of the front property line and they want to add only five feet to the front of the house. He informed the Board there is a 100 ft. right-of-way on Terwilleger. An elevation and site plan were provided (Exhibit E-1).

# **Interested Parties:**

**Greg Jennings**, 2260 South Troost, expressed concern that approval of this kind of relief in this neighborhood could precipitate the removal of existing houses for construction of homes too large for the lots. He noted that this particular property has more frontage than the usual RS-2 and is a larger lot in an RS-2 district. The street curves so it would not appear to stick out too much. He was opposed to the existing fence to Woodward Park.

#### Mr. Henke returned at 2:11 p.m.

**Craig Gaines**, 2204 Terwilleger Boulevard, wanted to know why they asked for ten feet and they only need five feet. Ms. Stead explained the current zoning code requires a 30 ft. setback and so they have to obtain relief from the current code.

#### Applicant's Rebuttal:

Mr. Bruman responded that one hardship is that the property is a legal, non-conforming and the zoning code changed since it was platted.

# **Board Action:**

On **Motion** of **Dunham**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to <u>APPROVE</u> a Variance of the required front yard from 30 ft. to 20 ft. (Section 403) to permit a 5 ft. extension onto the front of the existing house per the elevation and plan submitted today, finding the code has changed to require a 30 ft. setback; and having read the requirements for a variance in the staff comments, the requirements have been met, on the following described property:

LT 1 BK 3, TERWILLEGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

# Case No. 20324

# **Action Requested:**

Minor Special Exception to reduce the front setback by 4' - 6", located: 2823 East  $25^{th}$  Street South.

# Presentation:

Joshua Livingston, the applicant was not present.

# Interested Parties:

There were no interested parties who wished to speak.

Mr. Henke stated the Board would go to the Other Business on the agenda and return to this case.

# OTHER BUSINESS

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Mr. Cuthbertson noted there has been some debate as to the requirements of a site plan and what it should include. The staff has attempted to provide a guide for items to be included on a site plan. He provided a check list for the Board to review of residential and non-residential properties. Staff would like to receive a response from the Board members as to their opinions of things that need to be added or deleted from the list. He asked the Board about placing it on the next meeting agenda for discussion. Mr. Henke thanked staff for the draft check list for review.

Mr. Ackerman asked if staff intended this document to be an official part of the Board policies and procedures. Mr. Cuthbertson put the question to the Board. They discussed the subject but made no decision to make it a part of the policies and procedures. Ms. Stead expressed a desire for something in writing regarding the subject of required sidewalks in residential districts for reconstruction projects. Mr. Ackerman responded that a requirement for sidewalks should bear some rational relationship to the relief requested.

#### Case No. 20324

# **Board Action:**

On **Motion** of **Stead**, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **CONTINUE** Case No. 20324 to the meeting on August 22, 2006, on the following described property:

\* \* \* \* \* \* \* \*

Dunham stated they could not see how the residential is going to be affected either way. Mr. Heroux pointed out signage and trees and the greater distance of the setback. Mr. Henke stated that he did not see why the applicant would not want a ground sign along the street.

# Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion** of **Stead**, the Board voted 2-3-0 (Henke, Stead "aye"; Dunham, Stephens, Tidwell no "nay"; no "abstentions"; no "absences") to **DENY** a Variance for permitted building signage from 1 sign to 2 signs; and a Variance for permitted square footage from 32 sq ft to 84 sq ft., finding a lack of hardship.

For lack of a quorum to deny another motion was made.

On **Motion** of **Stevens**, the Board voted 3-2-0 (Dunham, Stephens, Tidwell "aye"; Henke, Stead "nay"; no "abstentions"; no "absences") to <u>DENY</u> a Variance for permitted building signage from 1 sign to 2 signs; and to <u>APPROVE</u> a Variance for permitted square footage from 32 sq ft to 43 sq ft. on the north side only, finding the building setback is the hardship; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district, on the following described property:

LT 1 BLK 1, OIL CAPITAL FEDERAL CREDIT UNION, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \* \* \* \* \*

# Case No. 20200

Action Requested:

Variance of the required side yard setback from 5 feet to 2 feet to replace an existing garage - Section 1607 & 403, located: 2246 Terwilleger Boulevard.

Mr. Stevens out at approximately 3:24 p.m.

Presentation:

Steve Schuller, 1100 One Oak Plaza, represented Henry and Suzanna Will, who proposed to demolish the existing garage and build a new one. The home was built in 1927 with the garage in the current place. On the architect's recommendation they chose to build a new garage. The lot is narrower in the rear than the front of the lot. The position of the house, trees and landscaping limits the available locations for the garage. He stated the literal interpretation of the code would cause an unnecessary hardship. A site plan was provided (Exhibit H-1).

Mr. Stevens returned at 3:26 p.m.

# Interested Parties:

The one interested party did not wish to speak, except to indicate support to the Chair.

# Board Action:

On **Motion** of **Henke**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to <u>APPROVE</u> a Variance of the required side yard setback from 5 feet to 2 feet to replace an existing garage - Section 1607 & 403, per plan, finding that by reason of extraordinary exceptional conditions or circumstances, which are peculiar to the land, the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; and finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT LTS 19 & 20 BEG 5.28N SECR LT 19 TH NLY84.72 WLY136.14 S76.5 SELY 130.25 POB BLK 3, TERWILLEGER HGTS, City of Tulsa, Tulsa County, State of Oklahoma

# Case No. 20201

# Action Requested:

Variance of the required number of parking spaces from 23 to 22 for office use, located: 1502 South Harvard Avenue East.

#### Presentation:

**R.L. Reynolds**, 2722 East 21<sup>st</sup> Street, stated the original building was reduced in size to a little more than 6,800 s.f. A variance was previously approved for a U.U. 14, with a parking ratio of one space per 300 s.f. They now asked for the same parking variance for a U.U. 11, office use.

#### Interested Parties:

There were no interested parties who wished to speak.

#### **Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the required number of parking spaces from 23 to 22 for office use., finding the age of the facility and the zoning code at the time the building was built creates conditions that the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or

Applicant's Rebuttal

Mr. Samuels informed the Board the owner has invested a lot to put in a storm sewer system there for the first time. They put in a fire hydrant and a sanitary sewer for the first time in that area.

Interested Party:

Roberta Clark, 16 E. 26<sup>th</sup> Pl., agreed that the improvements had been made but the property was built up four feet higher than it was originally. She added there are fifteen storage units in the immediate area. She stated they should abide by the zoning code to prevent additional problems.

**Board Action:** 

On **Motion** of **Dunham**, the Board voted 3-2-0 (White, Dunham, Stephens "aye"; Turnbo, Perkins "nay"; no "abstentions"; no "absences") to **GRANT** the **Appeal** of the decision of TMAPC on 12/3/03 to deny alternative compliance landscape plans, finding there is an attendant on duty that could keep the small area watered, and that the owner is obligated to replace any trees that die in order to continue to meet the landscape requirements, on the following described property:

Lot 1, Block 1, Huang Mini Storage Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*\*

Case No. 19743

**Action Requested:** 

Variance of required side yard from 5' to 2'-3" for garage addition. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS, located: 2229 South Rockford Avenue.

Presentation:

**Kevin Mudd**, 2229 S. Rockford, stated his request. The hardship would be the small size of the lot. He indicated it would increase the value of the property, and improve the neighborhood.

Interested Parties:

Janie Reese, 2235 S. Rockford, stated her house has been in her family for over 50 years. She stated opposition to the application to preserve the architectural integrity of the neighborhood.

Comments and Questions:

Ms. Turnbo responded that there is not a Historic Preservation Zoning for this neighborhood therefore the Board does not have authority to preserve the architecture.

Applicant's Rebuttal

Mr. Mudd stated there has never been a garage in the back. He stated that the other houses have garages and he has the only house without a garage. He would be willing to put in gutters to prevent water from draining onto the neighbor's property.

**Board Action:** 

On **Motion** of **Dunham**, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Stephens "nay"; no "abstentions"; no "absences") to <u>APPROVE</u> a *Variance* of required side yard from 5' to 4' for garage addition, finding the small size of the lot and an existing house, on the following described property:

N 55.00' of Lot 4, Block 3, Terwilleger Heights, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

# Case No. 19744

Action Requested:

Variance of average lot width from 50' to 44' to permit Lot-Split # 19647, located: 228 East Seminole Place North.

Presentation:

Hurst Swiggart, 111 S. Greenwood, stated he represented the Tulsa Development Authority. They are selling an 80' lot to an individual to build a new home. There is a driveway used in common with the neighbor. They propose to quit claim four feet of the driveway to the neighbor on the east so TDA can sell their lot. A site plan, a second plan and a survey were provided (Exhibits D-1, D-2 and D-3).

**Interested Parties:** 

There were no interested parties present who wished to speak.

**Board Action:** 

On **Motion** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of average lot width from 50' to 44' to permit Lot-Split # 19647, per plan, finding the existing lot was 40' and the addition will improve the property; 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:

Lots 8 and 9, Block 11, Meadowbrook, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

# Case No. 18621

# **Action Requested:**

Variance of the required rear yard from 25' to 12.5' and a Variance of the required side yard from 5' to 1'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located at 2246 S. Terwilleger Blvd.

# Presentation:

**Kathleen Page**, 9 E. 4<sup>th</sup> St., is representing the owner of a residential property at 2246 S. Terwilleger Blvd. She is requesting a variance of the side yard from 25' to 12.5' and a variance of the required side yard from five feet to one foot. There is an existing surface flow of water across the northeast corner of property, and owner plans to leave it in the same condition. She submitted a letter from the neighbor on the north and most impacted by the side yard setback, in support of the variance.

# **Comments and Questions:**

Mr. Dunham stated that the earlier relief was for 2.98' and the plan indicates it lines up with that measurement. Ms. Page stated that applicant wants to keep the bulk of the new structure on the existing foundation.

# Interested Parties/Protestants:

None.

# **Board Action:**

On MOTION of Dunham, the Board voted 5-0-0 (Cooper, Turnbo, Perkins, White and Dunham "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE the Variance of the required rear yard from 25' to 12.5' and a Variance of the required side yard from five feet to one foot, per plan submitted, on the following described property:

Part of Lots 19 and 20, Beg. 5.28' N of the SE/c of Lot 19, thence Nly 84.72', Wly 136.14', S 76.5' SEly 130.25' to POB, Block 3, Terwilleger Heights, City of Tulsa, Tulsa County, Oklahoma.

\* \* \* \* \* \* \* \* \* \* \*

#### Case No. 18623

# Action Requested:

Variance to locate a Family Day Care Home within 300' of another Family Day Care Home in an RS-3 district. SECTION 402.B.5.g. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located at 1836 N. New Haven.

# Case No. 17842 (continued)

In response to Mr. White, the applicant stated that he will move the mobile home back 25' and locate it in the center of the subject property facing east and west. He indicated that the subject property has 3 ½ acres.

Mr. Cooper asked the applicant if he would agree to the one year limitation? He answered affirmatively.

Mr. White stated that there are no other mobile homes in the immediate area. From 39<sup>th</sup> West to 43<sup>rd</sup> West there are no mobile homes. The neighborhood is a fragile neighborhood with small homes that are in need of repair, however there were some homes that were well taken care of. He expressed concerns that a mobile home introduced to the area might reverse the revitalization plans. He indicated that the existing mobile home is in definite need of repair.

Mr. Ballentine stated that the existing mobile home has been there for approximately two years.

After a lengthy discussion the Board agreed that the mobile home should only be allowed to remain on the subject property for one year. The applicant will have to come back in one year to determine if the mobile home will be allowed permanently.

#### **Board Action:**

On MOTION of DUNHAM, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to <u>APPROVE</u> a <u>Special Exception</u> to allow a manufactured home in an RM-2 zoned district. <u>SECTION 401.</u> PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9, per plan submitted; subject to a limitation of one year; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

Lot 1, Block 2, Home Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

### Case No. 17843

# Action Requested:

Variance of the maximum allowable coverage of 20% of required rear yard to permit an addition to an existing detached garage. **SECTION 210.B.5. YARDS**, located 2220 South Terwilleger Avenue

# Case No. 17843 (continued)

# Presentation:

The applicant, Barry Suderman, 8207 South College Avenue, submitted a site plan (Exhibit G-1) and stated he would like a variance to extend the first story of the two story garage. He explained that the homeowner's cars will not fit into the existing garage. He indicated the first story of the garage will be extended 2' to the west in the rear yard.

# Comments and Questions:

Mr. Dunham asked the applicant why the extension to the existing garage could not be made into the front yard? Mr. Suderman explained that as you circle into the garage it tightens the radius and makes it difficult to get into the garage.

Mr. White asked the applicant to state the hardship for the variance requested. He stated that the project exceeds the 20% coverage in the rear yard by 40 SF.

Mr. Cooper asked the applicant if he is stating that his hardship is that it is a minor excess of the 20% coverage in the rear yard? He answered affirmatively.

#### **Interested Parties:**

**Belinda Bates-Posey**, stated she lives directly north of the subject property. She expressed concerns with the construction going on in her neighborhood. Ms. Bates-Posey had several questions on how to register her neighborhood with the Historical Preservation Society. She also questioned how to deal with neighbors that have built additions without permits? She indicated that she did not receive notice of today's hearing.

After lengthy discussion, the Board informed Ms. Bates-Posey that she needed to talk with her neighborhood association and discuss their plans with the Tulsa Preservation Commission.

Mr. Stump informed Ms. Bates-Posey to contact Code Enforcement or Kurt Ackerman if she feels that the neighbors have encroached onto her property.

Mr. Beach informed Ms. Bates-Posey that a notice was mailed September 29, 1997, to 2212 Terwilleger Boulevard in care of Marian E. Mills & Stephen Kent, Trustee's of the Marian E. Mills Trust. Mr. Beach stated that INCOG acquires the addresses for the property owners within 300' from the County Assessor's Office.

Mr. Stump advised Ms. Bates-Posey to contact the County Assessor's Office to correct the rolls.

# Case No. 17843 (continued)

# **Board Action:**

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Bolzle, Cooper, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** Variance of the maximum allowable coverage of 20% of required rear yard to permit an addition to an existing detached garage. **SECTION 210.B.5. YARDS**; per plan submitted; finding that the addition exceeds the allowable limit by a minor amount in order to accommodate vehicles that will not fit in the existing older garage; finding that the requirements for a variance in Sec. 1607.C. have been met, on the following described property:

Part Lots 25 & 26, Block 3, Terwilleger Heights, City of Tulsa, Tulsa County, Oklahoma.

# Case No. 17844

# Action Requested:

Variance of the paving requirements for parking area to allow gravel with oil mix. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**; located South, SE/c East Admiral Place & South 85th East Avenue.

#### Presentation:

The applicant, Gary & Regina Strickland, 231-R South 85<sup>th</sup> East Avenue, submitted a site plan (Exhibit H-1). Ms. Strickland stated she has a newly constructed automotive repair shop. She explained that the variance is for the parking area and driveway to the shop. Mr. Strickland stated that he would like to install a gravel drive with oil base binder for three years in order for the ground to setup after the construction work. He explained that with the underground utility work and the construction work the ground is soft and would not support asphalt at this time. He commented that he needed some time to recover from the construction cost before laying asphalt down for the parking area and drive to the shop. Ms. Strickland informed the Board that her home is in front of the repair shop and if there is a problem with dust she will be affected by it before anyone else.

#### Comments and Questions:

Mr. Dunham stated that typically you deal with new ground when you put a new building and parking in. He commented that he did not have a problem with granting the variance on a temporary basis.

Mr. Cooper asked the applicant how it would impact him if the Board reduced his request to one year? Mr. Strickland stated he could comply with one year, but financially it would be easier if he had two years to comply.

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# Case No. 17159 (continued)

# **Additional Comments:**

Ms. Abbott stated that she was not supportive of the previous application because the Tulsa Building Code requires that a residential building have windows.

Ms. Turnbo stated that she finds the building inappropriate for residential use.

Mr. Bolzle noted that the Board has previously approved residential use on a property if it is in conjunction with the existing business (caretaker, security, etc.).

In response to Mr. Doverspike, Mr. Jackere advised that the Board must determine if the application reads the same as the previous application and is essentially the same, or if there have been significant changes in the area that would warrant reconsideration. He noted that it is the burden of the applicant to prove that the use will not be injurious to the neighborhood.

It was the consensus of the Board that this application is not significantly different from the previous application denied by the Board.

# **Board Action:**

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to <u>DENY</u> a Special Exception to permit a residence in a CS zoned district - SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 6; finding that the matter was ruled on at a previous meeting and there has been no change of circumstances that would warrant the granting of the special exception; on the following described property:

North 46' of the south 127' of Lot 1, Block 1, Amended Reid Addition to the City of Tulsa, Tulsa County, Oklahoma.

# **NEW APPLICATIONS**

# Case No. 17169

# Action Requested:

Variance of the required front setback from 30' to 25', and a variance of the required livability space from 5000 sq ft to 3672 sq ft - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 2208 South Terwilleger

# Case No. 17169 (continued)

#### Presentation:

The applicant, Rachel Zebrowski, 320 South Boston, #1400, was represented by Tom Camrud, who informed that he is a friend of the property owner, Tom Herman, who is proposing to modify the front porch (Exhibit B-1) of an existing dwelling. He stated that there will be a small addition to the side of the porch, which will align with the existing structure. Photographs (Exhibit B-2) were submitted.

# Comments and Questions:

In reply to Mr. Doverspike, Mr. Camrud stated that the addition will not extend closer to the street than the existing porch. He added that the house was constructed in 1928 on a very narrow lot and it does not comply with current setback or livability requirements.

# Interested Parties:

Ms. Turnbo advised that seven letters of support (Exhibit B-3) were received.

# **Board Action:**

On MOTION of ABBOTT, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to <u>APPROVE</u> a Variance of the required front setback from 30' to 25', and a variance of the required livability space from 5000 sq ft to 3672 sq ft - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that the dwelling was constructed on a narrow lot prior to the adoption of the current Code; and finding that the porch modification will not extend farther toward the street than the existing structure; on the following described property:

Lot 28, Block 3, Terwilleger Heights, City of Tulsa, Tulsa County, Oklahoma.

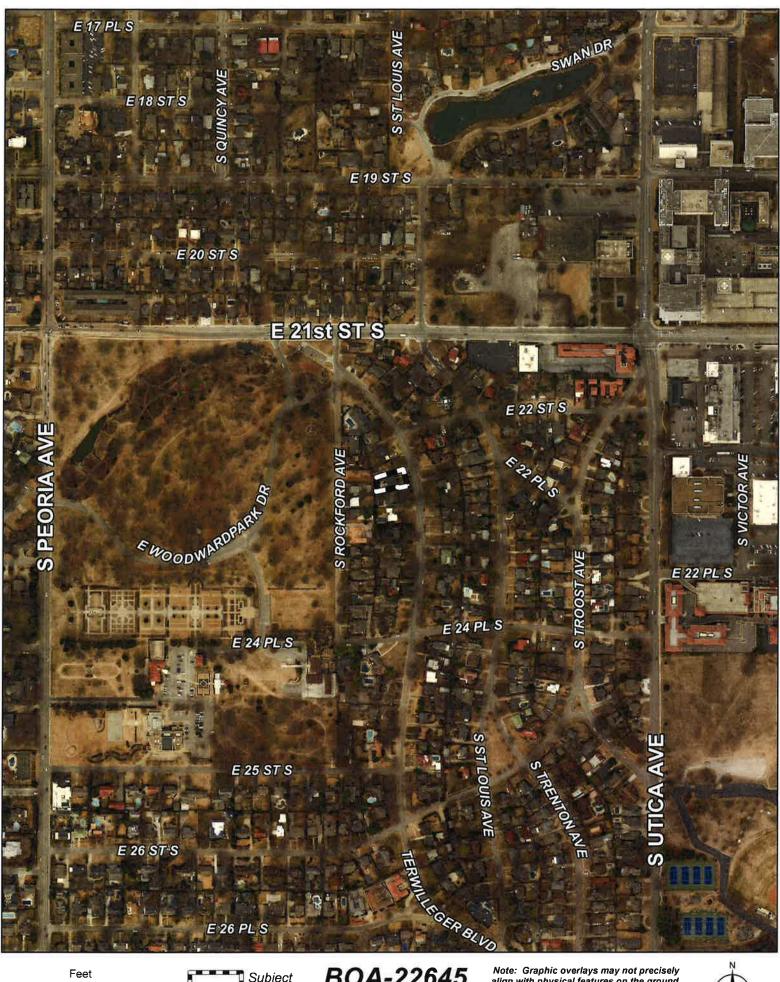
#### Case No. 17178

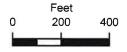
#### Action Requested:

Special Exception to permit church use in an RS-3 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2; and a variance to permit required off-street parking to be on a lot other than the lot containing the principal use - SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING GENERAL REQUIREMENTS - Use Unit 2, located NW/c East 28th Street South and South Yale Avenue.

# Presentation:

The applicant, **Kenneth Miles**, 2626 East 34th Street, submitted a plot plan (Exhibit C-1) and informed that the church has acquired additional property for parking purposes. He stated that abutting lots are currently reserved for parking.





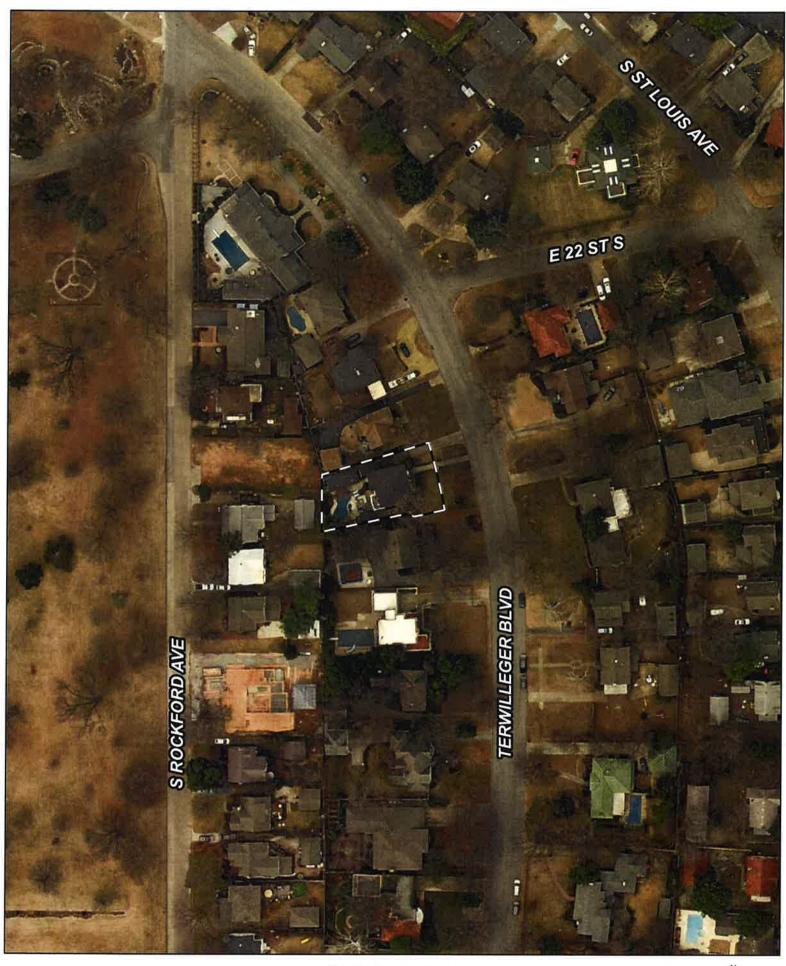


**BOA-22645** 

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

Aerial Photo Date: February 2018







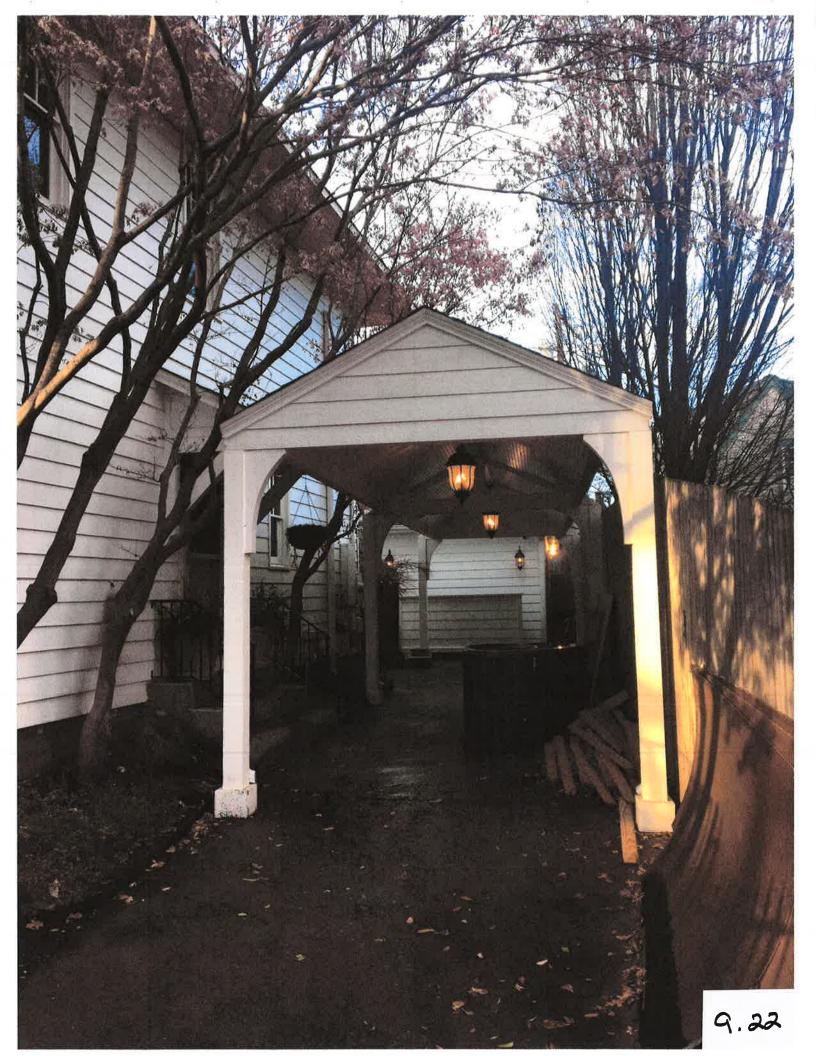
BOA-22645

19-13 18

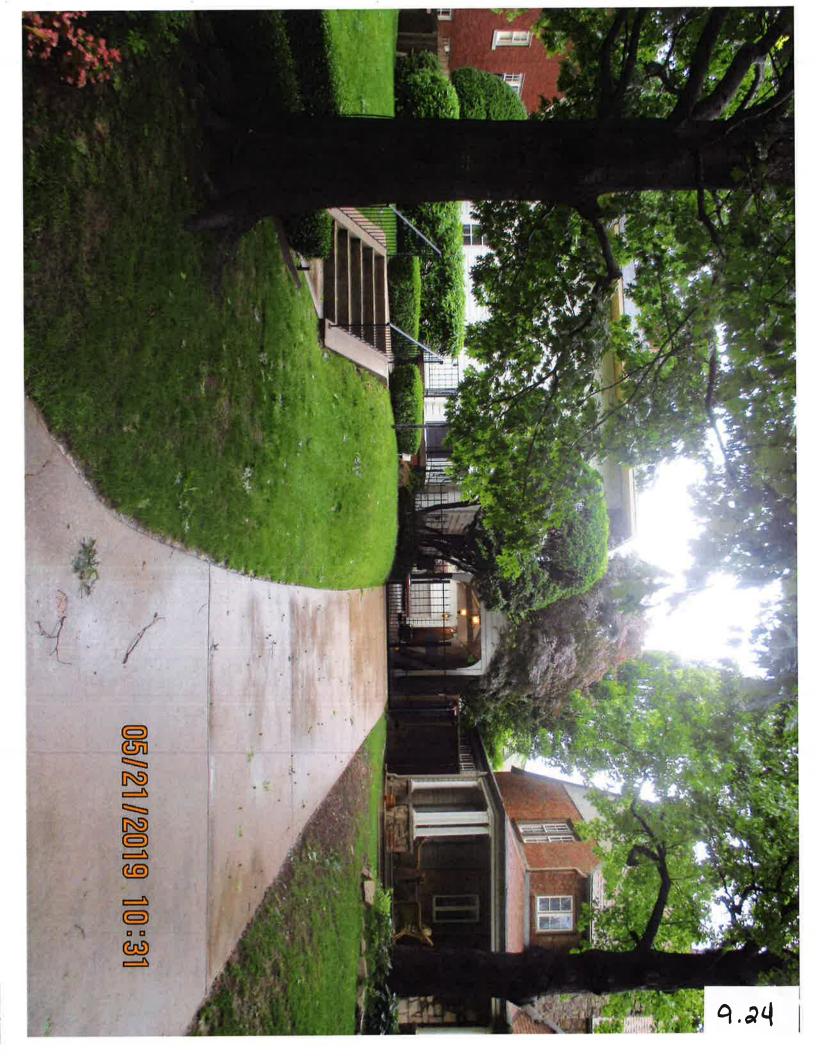
Note: Graphic overlays may not precisely align with physical features on the ground.

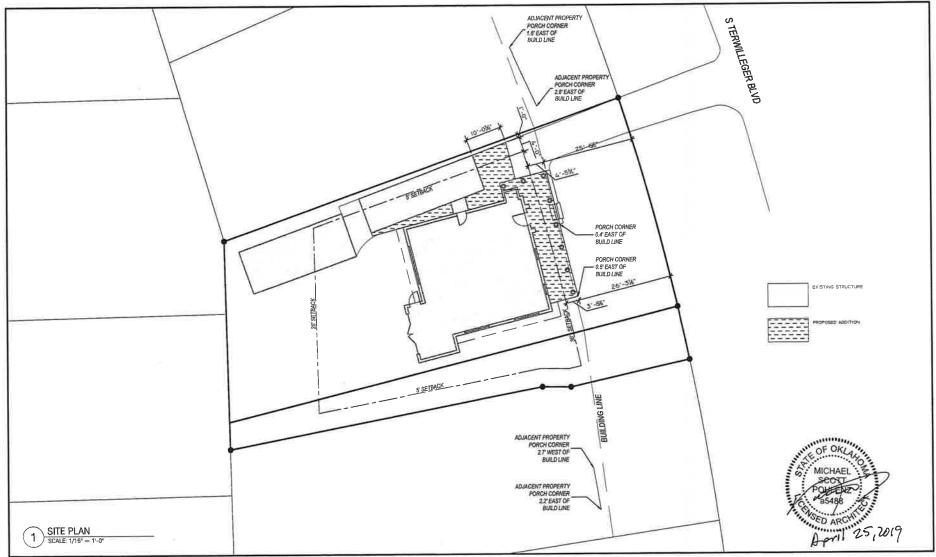
Aerial Photo Date: February 2018 9.20







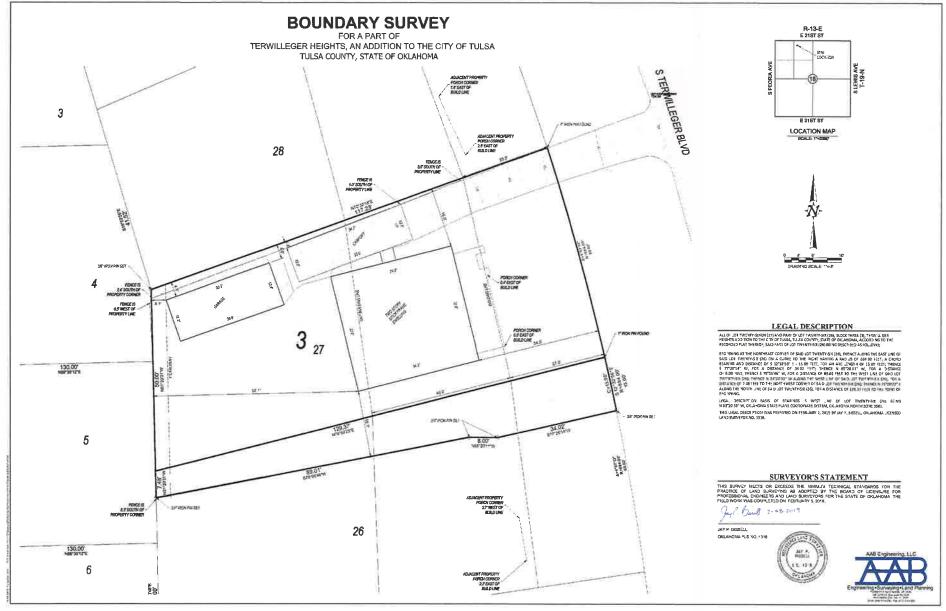




M SCOTT POHLENZ, AIA, NCARB 3402 S. PEORIA AVE TULSA, OK 74105 918 749 5144 POSEY RESIDENCE

2212 S TERWILLEGER BLVD. TULSA, OK 74114 DATE: 04/24/2019





Jeff S. Taylor Zoning Official Plans Examiner

Plans Examiner

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



# **DEVELOPMENT SERVICES**

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

# ZONING CLEARANCE PLAN REVIEW

4/23/2019

Jesse Husmann Pohlenz Cucine Moderne

APPLICATION NO: BLDR-028283-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE)

**Project Location: 2212 S Terwilleger BLVD** 

**Description: Addition** 

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

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

# IMPORTANT INFORMATION

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

(continued)

### **REVIEW COMMENTS**

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

Application No. BLDR-028283-2019

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. <u>5.030-A</u>: <u>Setback(s)</u> (<u>Residential</u>): In the RS-2 zoned district the minimum street setback shall be 30 feet from the front property line, or measured from the centerline of the abutting street add to the setback distance ½ the right-of-way (ROW) designated on the major street plan.

**Review Comments:** Revise your plans to indicate a 30' front setback to the property line, or apply to INCOG for a <u>variance</u> to allow less than a 30' front setback.

2. <u>5.030-A</u>: In the RS-2 zoned district the minimum side yard setback shall be 5 feet from the property line.

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

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

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

# **END -ZONING CODE REVIEW**

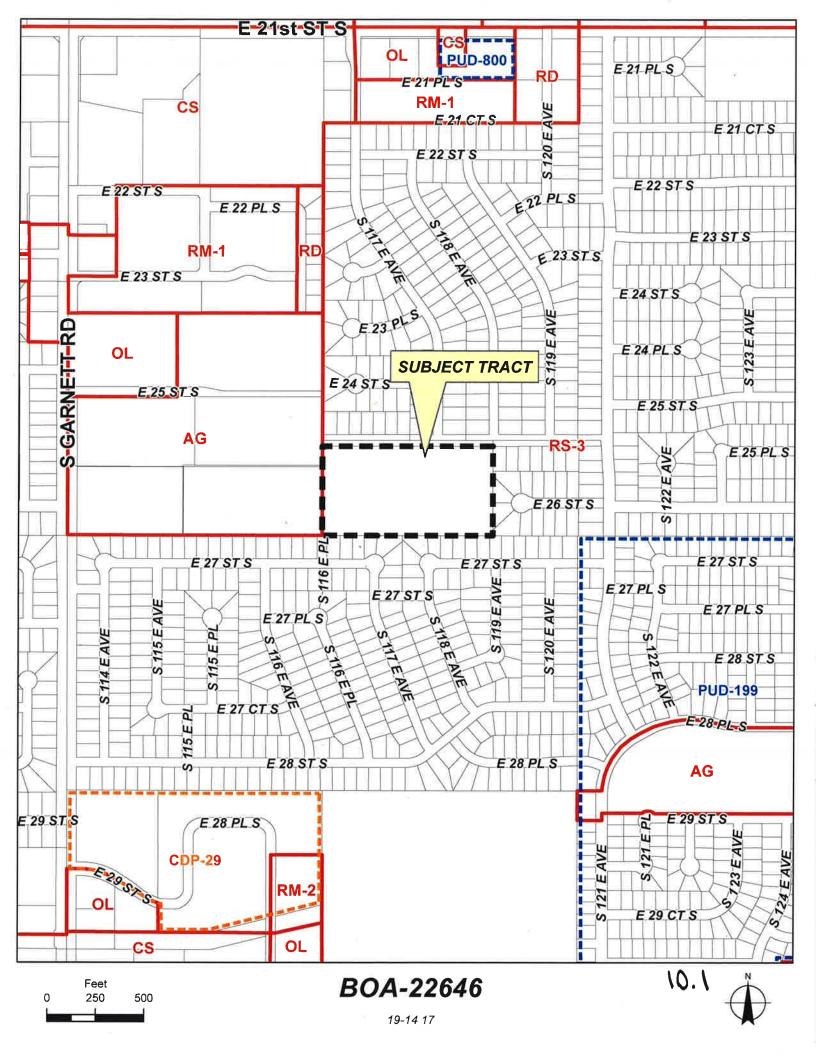
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9417

Case Number: BOA-22646

**CZM**: 39 **CD**: 6

A-P#:

**HEARING DATE:** 05/28/2019 1:00 PM

**APPLICANT:** A-max Sign Company, Inc.

<u>ACTION REQUESTED</u>: Special Exception to allow a dynamic display sign in an R District (Section 60.050-B); Special Exception to permit a dynamic display to be located within 200 feet of an RS-3 District (Section 60.100-F).

**LOCATION**: 11702 E 25 ST S

**ZONED: RS-3** 

PRESENT USE: School

TRACT SIZE: + 10 acres

**LEGAL DESCRIPTION:** S495 W880 E/2 NW SEC 17 19 14,

#### **RELEVANT PREVIOUS ACTIONS:**

Subject Property: None relevant.

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

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

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

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract abuts RS-3 zoned residences to the north, south, and east; RS-1 zoned residences to the west; large AG zoned tracts are immediately to the east.

REVISED5/20/2019

#### **STAFF COMMENTS:**

According to the submitted exhibits, the proposed freestanding sign along E. 25<sup>th</sup> St. S. will contain a 24 sq. ft. dynamic display sign.

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

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

The applicant is requesting a **Special Exception** to allow a dynamic display sign to be located in an RS-3 district (Section 60.050-B.2) for Walt Disney Elementary school.

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

#### Sample Motion

	to (approve/deny) a <b>Special Exception</b> to allow a dynamic display sign in an Rect (Section 60.050-B); <b>Special Exception</b> to permit a dynamic display to be located within 200 f an RS-3 District (Section 60.100-F).
•	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.

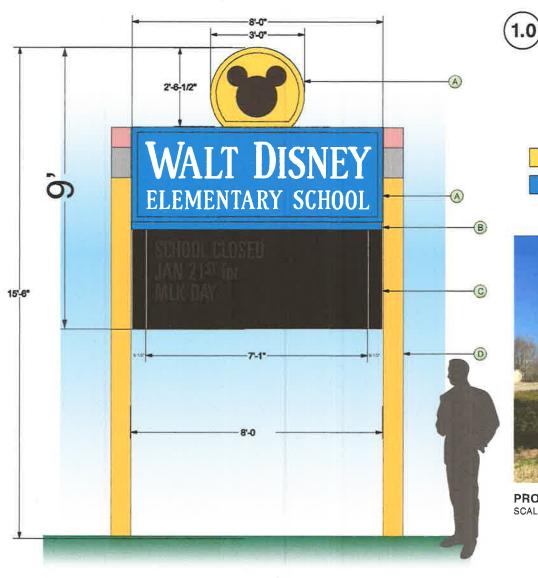




Note: Graphic overlays may not precisely align with physical features on the ground.



#### 9' X 8'=72SQFT



#### **REFURBISH EXISTING SIGN**

SCALE: 1/2" = 1'

- A Fabricated Metal Sign Cabinets. Painted as Shown. 1-1/2" Retainers. White Acrylic Face with Aplied Vinyl Graphics. White LED Illumination
- B 3" Reveal Painted Pantone 300
- C OPTEC Display with Filler Panels
- (D) Repaint Poles (Colors To Be Determined)

Paint: Pantone 1235 Vinyl: 3M 3630-125 Golden Yellow

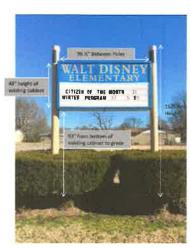
Paint: Pantone 300 Vinyl: 3M 3630-337 Process Blue

Paint: SW6303 Rose

Paint: Silver

ELEMENTARY SCHOOL

**PROPOSED** SCALE: 3/16" = 1"



**EXISTING** SCALE: 3/16" = 1'



ph. (918) 622-0651 ... fax. (918) 622-0659

SCALE: As Shown

DATE: 01-28-19

FILE: Refurbish Main ID-rev

SALES REP: Bruce Anderson

DRAWN BY: BB

PROJECT: Disney Elementary

LOCATION: Tulsa, OK

ADDRESS: 11702 E. 25th

CLIENT APPROVAL SIGNATURE & DATE:

Signs will be built to meet UL specifications as required

All signs and outline lighting must comply with Article 600 of the ILE.C. standards. including proper grounding and boading.

#### REVISIONS:

This drawing is the property of A-May Exp. Co. and should not be explicit, for mixture, or older year in my fashion other transfer the paratities of the protocol surend ton

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Project Manager

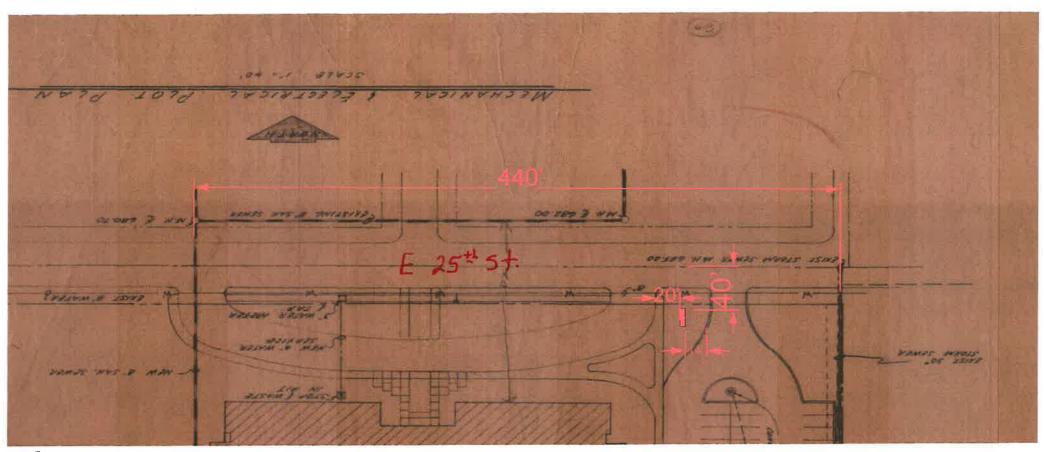
SHEET NUMBER

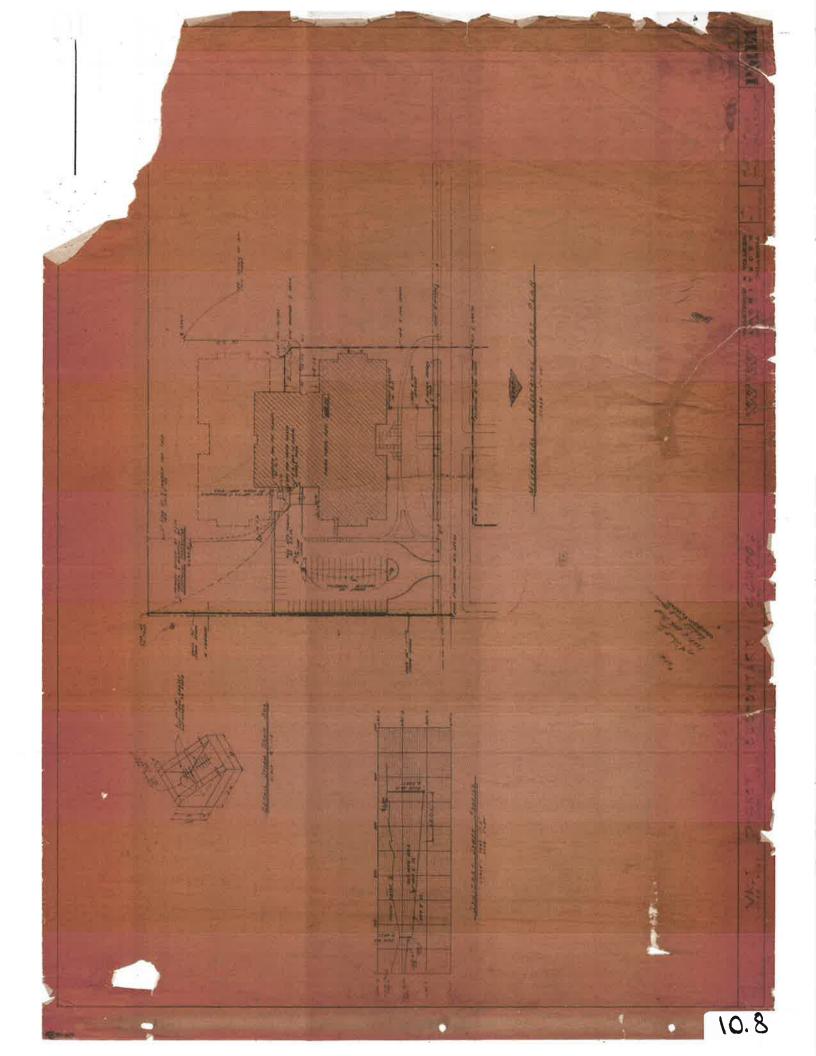
DWG 012289-30



Dimensions, Descriptions and Depictions stated or shown here are subject to minor modifications to accommodate numerous considerations such as final agreements on project pricing, future confirmed site conditions and requirements, fabrication method, and raw material yields. • We will strive to match specific colors, such as Pantone values, and/or matching existing eignage or surrounding building colors and/or textures. We cannot always guarantee on exact match due to the varying differences in materials, age, sheen and how colors are applied.

## DISNEY ELEMENTARY 11702 E 25TH TULSA, OK





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



#### **DEVELOPMENT SERVICES**

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

#### SIGN PLAN REVIEW

April 15th, 2019

LOD Number: 1

Amax Sign Co 5520 E 55<sup>th</sup> Place Tulsa OK 74145 Phone:(918)622-0651

**APPLICATION NO:** 

SIGN-28696 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:

11702 E. 25th Street

Description:

Walt Disney Elementary School/Dynamic Display

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### **IMPORTANT INFORMATION**

- 1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
- 2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 WEST 2<sup>ND</sup> STREET, 8<sup>TH</sup> FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.
- 3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.

(Continued)

#### **REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="https://www.incog.org">www.incog.org</a>

Application No. SIGN-028696

11702 E. 25th Street

April 15, 2019

This letter of deficiencies covers Sign Plan Review items only.

For ground, monument, pole & outdoor advertising structure sign applications only, you may receive additional letters from other disciplines such as Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

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

#### 2. Nonresidential Uses

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

#### c. Dynamic Displays

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

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R districts and in AG districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60,100.

**Review Comments:** The proposed freestanding sign with a 24 sq. ft. (8.0x3.0) dynamic display is located in an RS-3 zoning district and requires a special exception from the BOA prior to issuance of a sign permit. See additional requirements 1-4.

#### 2.) Section 60.100 Dynamic Displays

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

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

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

#### **END - ZONING CLEARANCE AND SIGN CODE REVIEW**

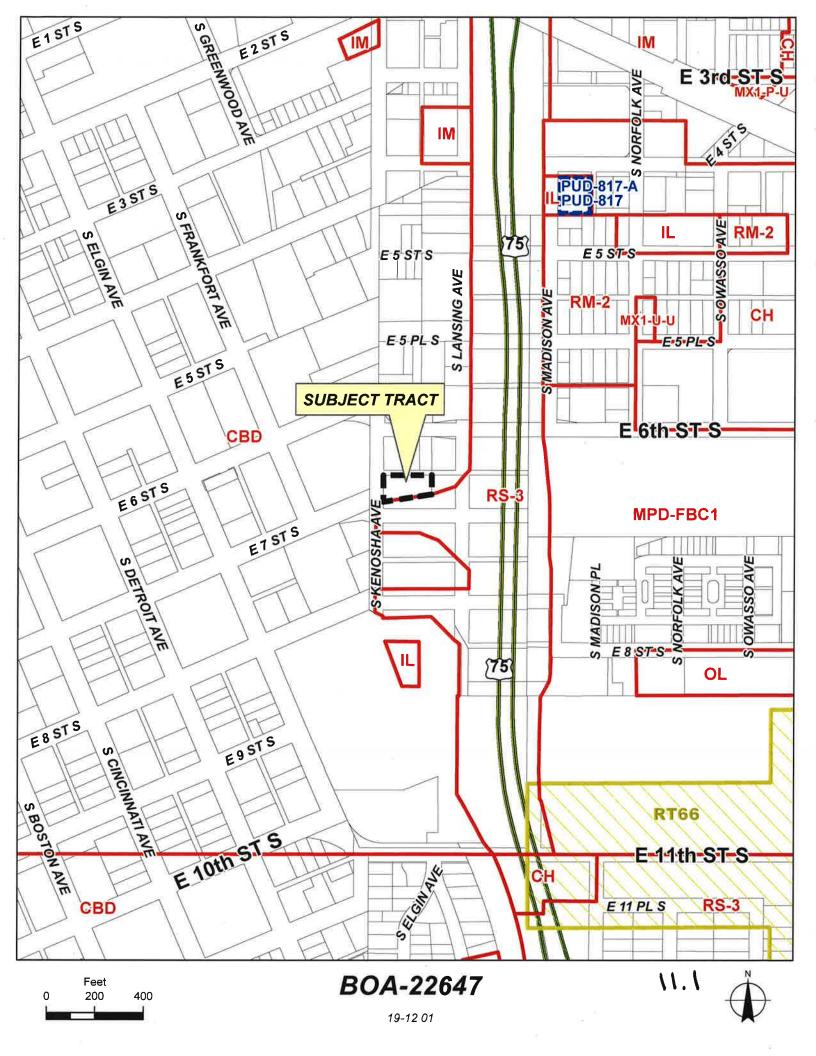
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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

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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9201

Case Number: BOA-22647

CZM: 36 CD: 4 A-P#:

**HEARING DATE:** 05/28/2019 1:00 PM

**APPLICANT:** Gabe Palacios

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**: 621 S KENOSHA AV E **ZONED**: CBD

PRESENT USE: Office TRACT SIZE: 19501.89 SQ FT

LEGAL DESCRIPTION: PRT LTS 13 THRU 20 BEG NWC LT 13 TH E200 NEC LT 20 S85 SW TO

WL LT 13 N110 POB BLK 7, BURNETT ADDN

#### **RELEVANT PREVIOUS ACTIONS:**

None relevant.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: The Tulsa Comprehensive Plan identifies the subject property as part of a "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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is surrounded by CBD zoned lots with a mixture of commercial, retail, office, and restaurant uses.

#### **STAFF COMMENTS:**

The applicant is proposing to convert an existing building 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 CBD district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CBD 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.

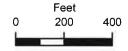
In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 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 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.





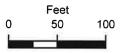


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





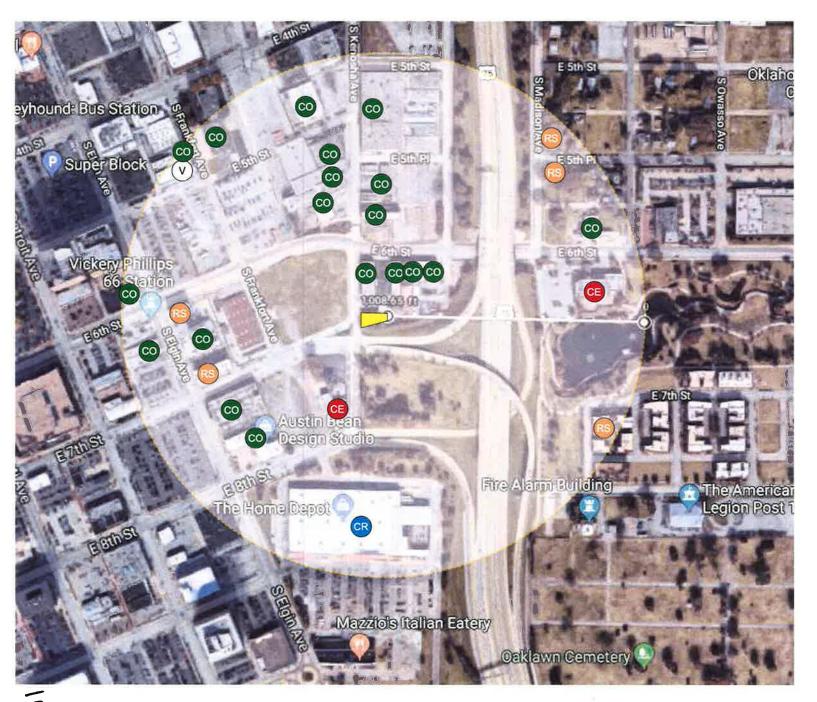




Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





#### 621 S KENOSHA BUILDING ADJACENCIES WITHIN 1,000' RADIUS

**CE** = COMMERCIAL ENTERTAINMENT

CR = COMMERCIAL RETAIL

(60) = COMMERCIAL OFFICE

🔝 = RESIDENTIAL

V = VACANT

\* CURRENTLY THERE ARE NO OPERATING MEDICAL CANNABIS DISPENSARIES WITHIN A 1,000' RADIUS OF 621 S KENOSHA.



## CHARLES LANGE 4.23.19

7

Correction Order: 2

Type: General

Resolved: No

Resolved On:

#### Comments

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.

#### Corrective Action

Review comment: You are required to verify the separation distance. This verification of the separation distance is required to be accepted by the BOA. Contact Amy Ulmer at 918-584-7526 for assistance on the acceptance process. Submit a copy of the BOA accepted separation distance of  $1000^{\circ}$  from other dispensaries.



# State of Oblahoma Micense Certificate Non-transferable

### COMMERCIAL DISPENSARY LICENSE

HERETY GRANTED TO

## TREEHOUSE CANNABIS, LLC

621 S KENOSHA AVE, TULSA, OK, 74120

THE LICENSE IS SSUID BY THE CREATIONA STATE DEPARTMENT OF HEALTH, GREATIONA MEDICAL MARKULANA AUTHORITY TO CERTIFY THE ABOVE HAS RATHREED THE REQUIREMENTS OF TITLE GO Q.S. § AZEA ET SLOL AND THE ORLAHOMM ADMINISTRATIVE CODE AT TITLE 210 CHAPTER 582-THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY SE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSES SHALL DESERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, WILLS AND REQULATIONS OF THE STATE OF DELAHOMA.

01/29/2020

LICENSE NUMBERO

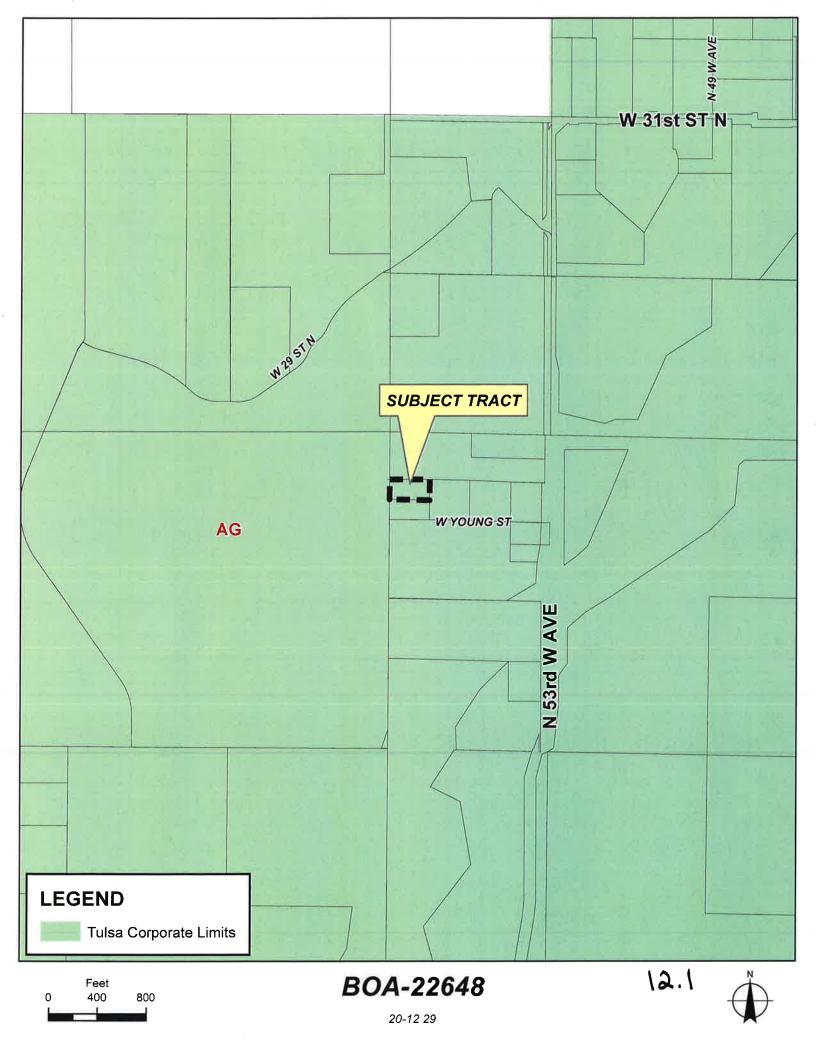
DAAA-4JJI-JAZ7





TOM BATES, J.D. Interim Commissioner Oklahoma State Department of Health

DO NOT COPY



#### **BOARD OF ADJUSTMENT** CASE REPORT

**STR: 9202** 

Case Number: BOA-22648-

Osage

**CZM**: 36 CD: 1, 4 A-P#:

**HEARING DATE:** 05/28/2019 1:00 PM

**APPLICANT:** Tom Beverage

ACTION REQUESTED: Variance to allow a non-all-weather parking surface material (Section

55.090-F).

LOCATION: 5615 W. Young St. N. **ZONED**: AG

PRESENT USE: vacant TRACT SIZE: + 1.25 acres

**LEGAL DESCRIPTION:** A tract of land in the W/2 NW/4 NW/4 of Section Twenty-Nine (29) Township Twenty (20)

North, Range 12 East of the Indian Base and Meridian, Osage County, State of Oklahoma, described as:

The N/2 of the following described tract, to-wit:

Beginning 396 feet South of the Northwest Corner of Section 29, Thence East 330 feet; Thence South 330 feet; Thence

West 330 feet; Thence North 330 feet to the Point of Beginning.

#### **RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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 City of Tulsa limits, but in Osage County; the parcel is surrounded by large AG zoned tracts.

#### PREVIOUS STAFF COMMENTS:

The Code requires that all off-street parking areas and drives be surfaced with a dustless, all-weather surface. The applicant is before the Board requesting a Variance to allow a gravel drive and parking area as shown on the attached plan. As shown on the attached site plan, the proposed gravel drive will be 20ft. in width and connect to a gravel road easement.

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	<b>Motion</b>	for a	<b>Variance</b>
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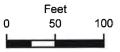
Move (Sect	e to (approve/deny) a <b>Variance</b> to allow a non-all-weather parking surface material ion 55.090-F).
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."





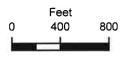


Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018





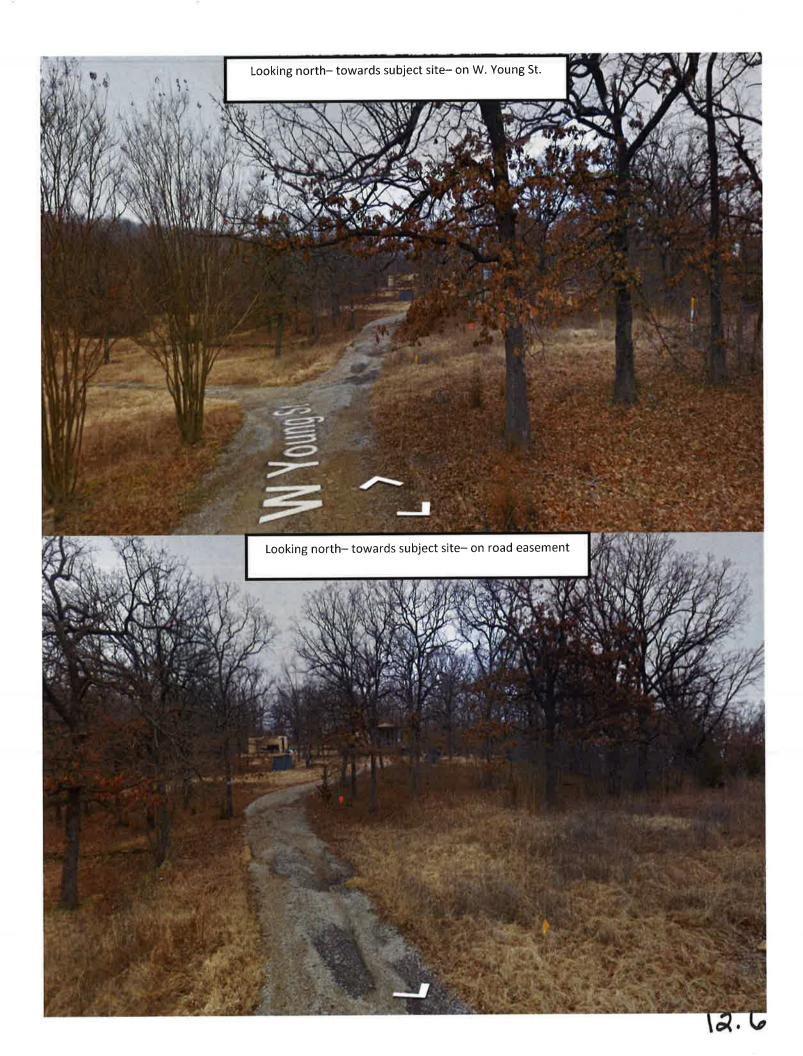




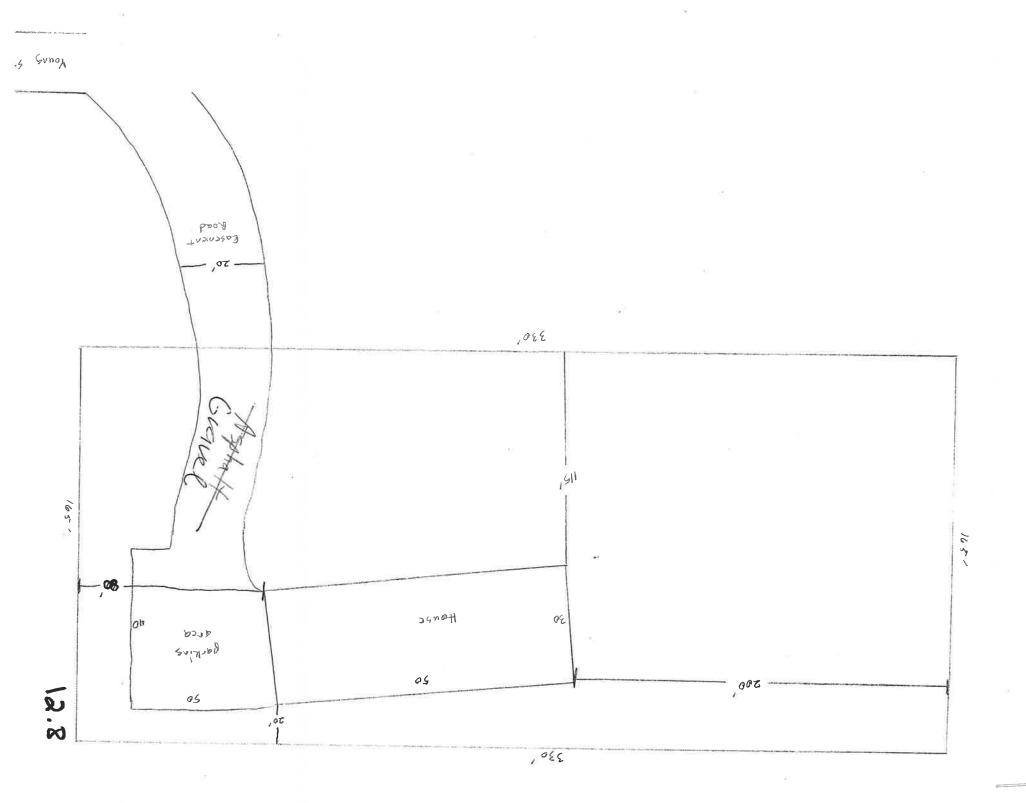
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018 \ 2.5











I-2018-007819 11/05/2018 03:05 PM Book 1701 Page(s) 0526-0533 Fee: \$27.00 Doc: \$0.00 Shelia Bellamy- Osage County Clerk State of Oklahoma

ROAD AND UTILITY EASEMENT

THIS ROAD AND UTILITY EASEMENT is made and entered in to on this 2 day of October 2018.

RECITALS:

"Mary Hlizabeth Stanford, a single person, Pamela Stanford, a single person, and Joseph Walter and Connie Faye Collins, husband and wife, and Cynthia Lavonne Hammons and Tracy Lee Hammons, wife and husband, owner of an undivided one-third interest, Darryi Ray Smith a single person, owner of an undivided one third interest, Timothy Boyd Smith, a single person, owner of an undivided one third interest, and Jason Spivy and Emily Spivy, trustees of the Jason and Emily Spivy 2018 Family Revocable Trust, U/D/T July 13, 2018 (Grantors) are the owners in fee of a tract of land located in Osage County, Oklahoma, referred to herein as "Tract One" and described as follows:

A Twenty (20) foot road easement being 10 feet of each side of centerline of an existing gravel road within the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section Twentynine (29), Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, Osage County, State or Oklahoma, according to the U.S. Government Survey thereof, decribed as Beginning at a point approximately 726 South of the Northeast Corner of said NW/4 NW/4; Thence Westerly along said centerline to a point 330 feet east of the West line of said NW/4 NW/4 being the Point of ending of said easement

Denise Scratte, a single person (Grantee) is the owner in fee of a tract of land located in Osage County, Oklahoma, referred to herein as "Tract Two" and described as follows:

A tract of land in the W/2 NW/4 NW/4 of Section Twenty-Nine (29) Township Twenty (20) North, Range 12 East of the Indian Base and Meridian, Osago County, State of Oklahoma described as:

The N/2 of the following described tract, to-wit:

Beginning 396 feet South of the Northwest Corner of Section 29, Thence East 330 feet; Thence South 330 feet; Thence West 330 feet; Thence North 330 feet to the Point of Beginning.

NOW, THEREFORE in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, Mary Elizabeth Stanford, a single person, Pamela Stanford, a single person, and Joseph Walter and Connie Faye Coilins, husband and wife, and Cynthia Lavonne Hammons and Tracy Lee Hammons, wife and husband, owner of an undivided one-third interest, Darryl Ray Smith a single person, owner of an undivided one third interest, Timothy Boyd Smith, a single person, owner of an undivided one third interest, and Jason Spivy and Emily Spivy, trustees of the Jason and Emily Spivy 2018 Family Revocable Trust, U/D/T July 13, 2018, their successors and assigns, hereby grant and convey unto Grantees a permanent easement and right-of-way over and \*Collins\*

\*\* aka Mary Stanford

·\*\* aka Pamela D. Stanford

Page 1

STATE OF OKLAHOMA OSAGE COUNTY

Documentary Stamps \$ 0.00

Jeff S. Taylor Zoning Official Plans Examiner

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



#### **DEVELOPMENT SERVICES**

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

#### ZONING CLEARANCE PLAN REVIEW

Tom Beverage TC Dirtworks

4/25/2019

APPLICATION NO: BLDR-029679-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE)

Project Location: 5615 W Young St N Description: Detached House

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

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

#### **IMPORTANT INFORMATION**

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

(continued)

#### **REVIEW COMMENTS**

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

Application No. BLDR-029679-2019

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.

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

**Review Comments**: Provide a dustless all-weather parking surface from the public street to the proposed garage or apply to the Board of Adjustment for a <u>Variance</u> (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

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

Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online.

#### **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.