

**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, June 11, 2019, 1:00 P.M.**

**Meeting No. 1230**

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

1. Approval of **Minutes** of May 14, 2019 (Meeting No. 1228).

**UNFINISHED BUSINESS**

2. **22617—Jarrett Metzler**  
Variance to allow a detached accessory structure to exceed 500 square feet or 40% of the of the floor area of the principal structure (Section 45.030-A); Variance to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Section 90.090-C-2); Variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate (Section 90.090.C-2); Special Exception to exceed the allowable driveway width within the right-of-way (Section 55.090-F.3). **LOCATION:** 7431 East 7<sup>th</sup> Street South **(CD 3)**
3. **22619—Christian Harvell**  
Variance to reduce the minimum ground floor ceiling height requirement (Table 10-4); Variance to reduce the minimum ground floor window transparency requirement (Table 10-4). **LOCATION:** **TENANT SPACE:** 1121 South Lewis Avenue East **(CD 4)**

**The application has been withdrawn by the applicant.**

4. **22626—Barbara Carson**  
Variance to reduce the required street setback in an RS-3 District (Table 5-3).  
**LOCATION:** 252 South Quebec Avenue East **(CD 4)**

**NEW APPLICATIONS**

5. **22649—Elizabeth Koelle**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 1215 South Houston Avenue West **(CD 4)**

6. **22650—Julio Miranda**  
Special Exception to permit a carport in the street setback and street yard, and to exceed the allowable height requirements and to exceed 20 feet in length (Section 90.090-C1). **LOCATION:** 4233 North Evanston Place East **(CD 1)**
7. **22651—Robin Stanley**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 8010 East 106<sup>th</sup> Street South **(CD 8)**
8. **22652—Robin Stanley**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6026 South Memorial Drive East – **OVERALL PARCEL** --- **TENANT SPACE:** 6024 South Memorial Drive East **(CD 7)**
9. **22653—Mary Jo Masterson**  
Special Exception to allow a second story addition to a non-conforming structure due to the less than 25-foot front setback (Section 80.030-D). **LOCATION:** 1314 West Easton Street North **(CD 4)**
10. **22654—Terance McDonald**  
Variance to allow less than a 35-foot front setback (Section 5.030-A) in a RS-1 District. **LOCATION:** 6906 South Gary Avenue East **(CD 2)**
11. **22655—Joshua Shuck**  
Verification of the 300-foot spacing requirement for a bar from schools, and religious assemblies and 50 feet from an R-zoned lot; Variance to allow a bar within 300 feet of a public park (Section 40.050-A.1, 2). **LOCATION:** 507 South Main Street **(CD 1)**
12. **22656—Ed Sharrer**  
Variance to reduce the street (rear) setback requirement in an RS-3 District (Table 5-3). **LOCATION:** 1719 West Easton Court North **(CD 4)**
13. **22657—Claude Neon Signs**  
Variance to allow a sign to project above the parapet wall (Section 60.040-C). **LOCATION:** 120 North Elgin Avenue East **(CD 1)**
14. **22658—Claude Neon Signs**  
Variance of the maximum sign height for a projecting sign (Section 60.080-D). **LOCATION:** 2 North Elgin Avenue East **(CD 1)**

**15. 22659—Nathan Young**

Variance of the minimum lot width (Table 5-3). **LOCATION:** 124 East 26<sup>th</sup> Street South **(CD 4)**

**Staff requests a continuance to June 25, 2019 for additional relief needed.**

**16. 22660—Kevin Pattah**

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

**LOCATION:** 7111 South Mingo Road East – **OVERALL PARCEL** --- **TENANT SPACE:** 7117 South Mingo Road East **(CD 7)**

**OTHER BUSINESS**

- 17. Election** of Vice Chair due Ms. Carolyn Back's retirement from the Board.

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

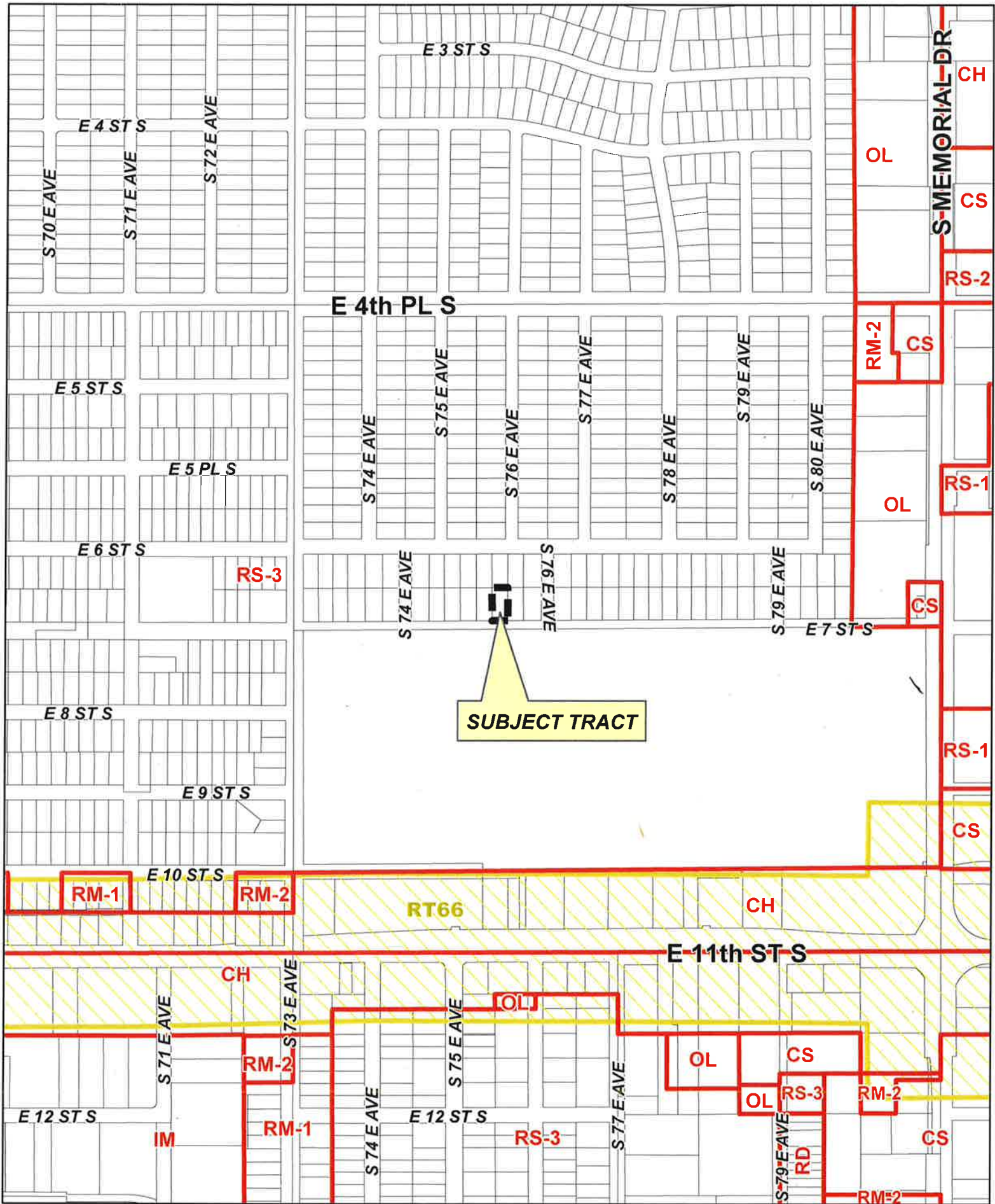
**Website:** [www.cityoftulsa-boa.org](http://www.cityoftulsa-boa.org)

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

**CD = Council District**

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office @ (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning Office, INCOG. **ALL** electronic devices **MUST** be **silenced** during the Board of Adjustment meeting.

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



BOA-22617

2.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9302  
CZM: 38  
CD: 3  
A-P#:

Case Number: **BOA-22617**

**HEARING DATE:** 06/11/2019 1:00 PM (continued from 5/14/2019 and 04/23/2019)

**APPLICANT:** Jarrett Metzler

**ACTION REQUESTED:** **Variance** to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure (Section 45.030-A); **Variance** to permit an accessory building to exceed 30% coverage of the floor area in the rear setback (Sec. 90.090-C-2) ; **Variance** to allow an accessory structure to exceed 10 feet in height to the top of the top plate (Sec. 90.090.C-2); Special Exception to exceed the allowable driveway width within the right-of-way (Sec. 55.090-F.3)

**LOCATION:** 7431 E 7 ST S

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 8712.04 SQ FT

**LEGAL DESCRIPTION:** LOT-14-BLK-10, PAMELA ACRES

## **RELEVANT PREVIOUS ACTIONS:**

### **Surrounding Properties:**

**BOA-15247;** on 10.19.89, the Board **approved** a *variance* of the required 5' side yard requirement to 1' to permit a carport. At the 09/21/89 meeting the board approved a variance of the required 50' setback from the centerline of East 6th Street to 32' to permit the same carport. Located; 7504 E. 6<sup>th</sup> St.

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

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract abuts RS-3 zoned residences to the north, east and west; McClure Park is immediately south of the subject property.

**CURRENT STAFF COMMENTS:**

The Board continued #BOA-22617 to allow time for staff to evaluate the need for additional relief. Staff found that the subject property will exceed the 4,000 sq. ft. open space requirement with the proposed garage and driveway. However, it appears that the driveway width exceeds the allowable 26 ft. in the right-of-way.

Per the code, the below table shows the maximum driveway width requirements:

55.090-F Surfacing

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

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

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

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

The subject lot has 65 ft. of frontage on E. 7<sup>th</sup> St S. The applicant is allowed by right a driveway width of 30 ft. within the street setback and 26 ft. within the right-of-way. As shown on the attached exhibit, the driveway width is approximately 30 ft. in the street setback. It appears on the attached photo of the property that the 30 ft. driveway width extends into the right-of-way.

Therefore, the applicant is before the Board requesting an additional **Special Exception** to allow a 30 ft. driveway within the right-of-way along E. 7<sup>th</sup> St. S.

The Board also requested that the applicant provide additional information regarding the color, finish, and materials that would be used in the construction of the detached garage.

**PREVIOUS STAFF COMMENTS:**

As shown on the attached exhibits, the applicant is proposing to construct a two-car garage. The Code states detached accessory buildings are limited to a floor area of 500 sq. ft. or 40% of the principal dwelling, whichever is greater, in an RS-3 district. The applicant is proposing to construct a detached accessory garage that will be 1500 sq. ft. Based on the size of the existing house (1304 sq. ft.) the applicant is allowed 521 sq. ft. of detached accessory floor area on the lot. The proposed detached structure exceeds 500 sq. ft. and 40% of the size of the existing house.

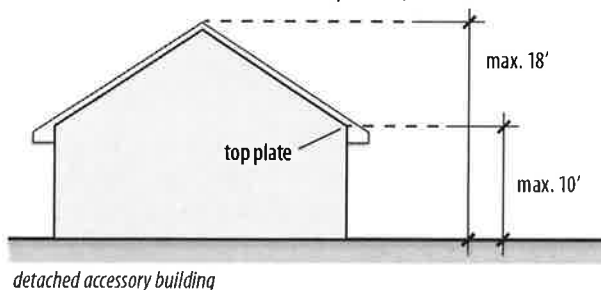
The applicant has requested a **Variance** to increase the maximum permitted floor area of a detached accessory building on the lot from 521 sq. ft. to 1500 sq. ft (Sec. 45.030-A).

The Code states that detached accessory buildings can only cover up to 30% of the required 20 ft. rear setbacks in an RS-3 district. The rear setback is defined as the minimum distance set out by the zoning code of open, unoccupied space between the rear lot line and the required rear setback (Section 90.090-C-2)

The maximum 30% area that is allowed by the Code on this lot is 390 sq. ft.(65'x20'x30%). The proposed new addition to the existing garage will result in 700sq. ft. of coverage in the rear setback. The applicant has requested a **Variance** to exceed 30% of coverage in the required rear setback to permit construction of an addition to an existing detached garage as shown in the conceptual plan.

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

Figure 90-9: Maximum Height of Accessory Buildings In Rear Setbacks (RE, RS and RD Districts or RM Zoned Lots Used for Detached Houses or Duplexes)



As shown on the attached building plans, the proposed garage will be 12 ft in height at the top of the top plate. The applicant has requested a **Variance** to increase the allowable height at the top of the top plate from 10 ft. to 12 ft.

### Sample Motion

Move to \_\_\_\_\_ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure to be increased from 521 sq. ft. to 1500 sq. ft. (Section 45.030-A); **Variance** to permit an accessory building to exceed 30% coverage of the floor area in the rear setback to be increased from 390 sq. ft. to 700 sq. ft. (Sec. 90.090-C-2) ; **Variance** to allow an accessory structure to exceed 10 feet in height to the top of the top plate to be increased to 12 ft. (Sec. 90.090.C-2); **Special Exception** to exceed the allowable driveway width within the right-of-way (Sec. 55.090-F.3)

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

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

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

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

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 549  
Thursday, October 19, 1989, 1:00 p.m.  
Francis F. Campbell Commission Room  
Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bolzle Bradley Chappelle Fuller	White	Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, October 18, 1989, at 11:28 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **BOLZLE**, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Bradley, "abstaining"; Fuller, White, "absent") to **APPROVE** the Minutes of September 28, 1989.

On **MOTION** of **CHAPPELLE**, the Board voted 2-0-1 (Bolzle, Chappelle, "aye"; no "nays"; Bradley, "abstaining"; Fuller, White "absent") to **APPROVE** the Minutes of October 5, 1989.

**UNFINISHED BUSINESS**

**Case No. 15247**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 5' sideyard to 1' to permit an existing carport, located 7504 East 6th Street.

**Presentation:**

The applicant, **Geraldine Alverson**, Route 2, Box 428-P, Ft. Smith, Arkansas, was not present.

**Comments and Questions:**

Mr. Jones explained that the plot plan for the existing carport was submitted at the previous hearing and the application was approved; however, it was discovered later that the applicant was also in need of a variance of the required side yard. He pointed out that, due

**Case No. 15247 (continued)**

to the fact the applicant lives in another state, she asked that the Board hear the additional request for the side yard relief without her presence. Mr. Jones noted that there were no protestants at the previous meeting. A plat of survey (Exhibit A-1) was submitted.

**Protestants:** None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 5' sideyard to 1' to permit an existing carport; per plat of survey submitted; on the following described property:

Lot 6, Block 10, Pamela Acres, City of Tulsa, Tulsa County, Oklahoma,

**Case No. 15250**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206 - Request a variance of the required 25' rear yard to 5' to permit an addition to an existing residence, located 7157 South Evanston.

**Presentation:**

The applicant, **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit B-1) that Case No. 15250 be stricken from the agenda. Mr. Norman stated that the design plan for the addition has been revised and his client is no longer in need of the requested relief.

**Board Action:**

On **MOTION** of **CHAPPELLE**, the Board voted 3-0-0 (Bolzie, Bradley, Chappelle, "aye"; no "nays"; no "abstentions"; Fuller, White, "absent") to **STRIKE** Case No. 15250, as requested by the applicant.

**Case No. 15269**

**Action Requested:**

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1213 - Request a variance of the required 200' of spacing between an R zoned district and a flashing sign to 175', located 215 North Garnett Road.

**Presentation:**

The applicant, **Joe Westervelt**, was not present.



Case No. 15245 (continued)

Protestants: None.

Board Action:

On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to APPROVE a Special Exception (Section 310 - Permitted Uses In The Agriculture District - Use Unit 1205) to allow a rowing club in on AG and FD zoned district; per plot plan submitted; finding that the use will be compatible with the area, and in harmony with the spirit and intent of the Code; on the following described property:

All that part of Lot 11, Section 11, T-19-N, R-12-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official US Government Survey thereof more particularly described as follows, to-wit:

Beginning at the northwesterly corner of an existing concrete boat ramp on the westerly bank of the Arkansas River and West 21st Street South; thence due west a distance of 14.94'; thence N 49°22'9" W a distance of 45.49'; thence due west a distance of 35.36'; thence W 63°13'30" W a distance of 89.54'; thence N 32°5'53" W a distance of 142.38'; thence N 57°54'7" E a distance of 70.00'; thence N 73°42'5" E a distance of 127.10'; thence S 32°5'53" E a distance of 250.00'; thence S 55°0'0" W a distance of 90.00' to the Point of Beginning, containing 45,993.0 sq ft or 1.0559 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15247

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206 - Request a variance of the required 50' front setback (measured from the centerline of East 6th Street) to 32' to permit an existing carport, located 7504 East 6th Street.

Presentation:

The applicant, **Geraldine Alverson**, Route 2, Box 428-P, Ft. Smith, Arkansas, stated that she is representing her mother who lives at the above stated location. She informed that a carport was recently constructed on her mother's property, and asked the Board to allow it to remain. A plat of survey (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Chappelle asked how long the carport has been constructed, and the applicant replied that the carport was completed in August of this year. She explained that the existing garage and carport were destroyed by fire, and her mother paid the contractor to get a permit to convert the garage area into a den. She said that her mother did not know there was no permit for the carport.

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Case No. 15247 (continued)

Mr. Chappelle inquired as to the length of time the previous carport had been on the property, and Ms. Alverson replied that it was there for a few years before the fire.

Ms. White stated that she has viewed the property and there is a carport next door to the subject property that extends further toward the street than the one under application.

**Protestants:** None.

**Board Action:**

On **MOTION** of FULLER, the Board voted 4-0-0 (Bolzie, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; Bradley, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential District - Use Unit 1206) of the required 50' front setback (measured from the centerline of East 6th Street) to 32' to permit an existing carport; per plat of survey submitted; finding that the new structure will replace the carport that was previously existing; and finding that there are other carports in the immediate vicinity that have been constructed closer to the street than the one in question, and the granting of the request will not be detrimental to the neighborhood; on the following described property:

Lot 6, Block 10, Pamela Acres, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15248**

**Action Requested:**

Variance - Section 122.13 General Use Conditions for Business Signs - Use Unit 13 - Request a variance to permit a flashing sign within 200' of an "R" Zoned district.

Appeal - Section 1650 - Appeals From an Administrative Official - Request an appeal from the building inspectors interpretation in regards to a flashing sign, located Southwest corner of Garnett Road and I-44 Expressway.

**Presentation:**

The applicant, **Joe Westervelt**, QuikTrip Corporation, 901 North Mingo, Tulsa, Oklahoma, requested permission to install a gasoline price sign at the above stated location. He pointed out that the sign in question will be the same as other QuikTrip gasoline signs in the City. Mr. Westervelt stated that he is appealing the Building Inspector's interpretation that the sign is flashing, and noted that the time and temperature signs are currently allowed, while the QuikTrip gasoline signs are still being determined to be flashing. He stated that he is aware of the fact that a future sign ordinance is pending, but requested that the price changing sign currently used by QuikTrip be allowed by right during the interim.





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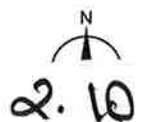
Subject Tract

**BOA-22617**

19-13 02

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

Aerial Photo Date: February 2018







0 Feet 50 100



Subject Tract

**BOA-22617**

19-13 02

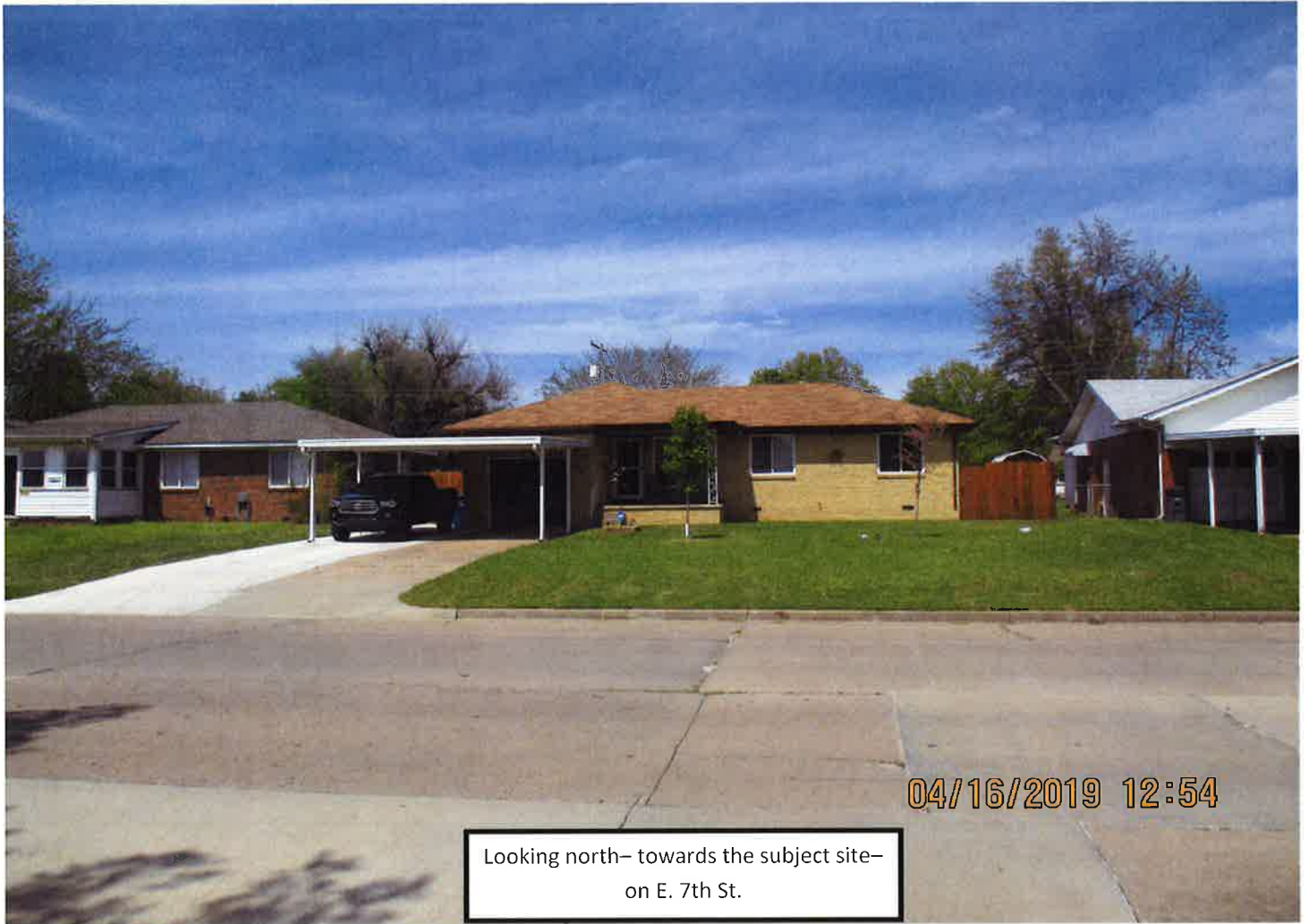
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 20



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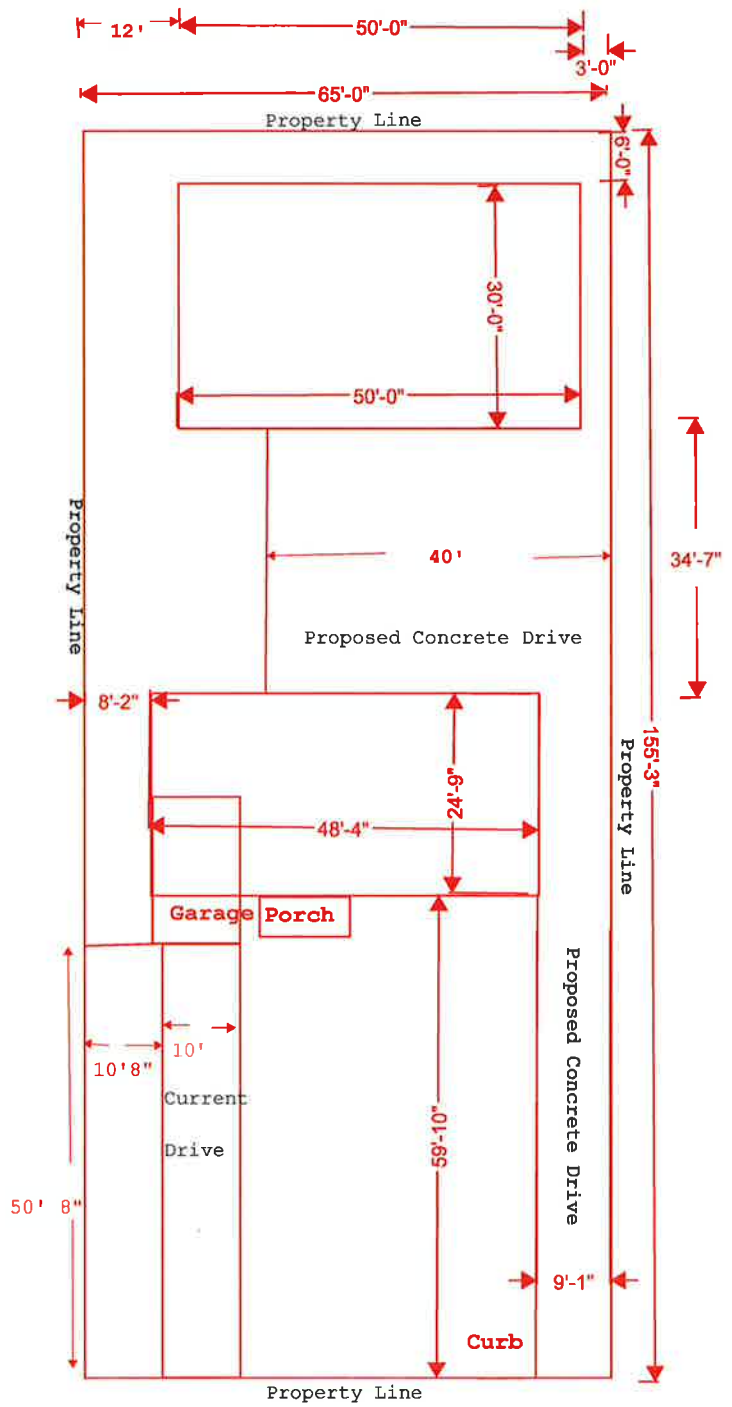
Looking north- towards the subject site-  
on E. 7th St.

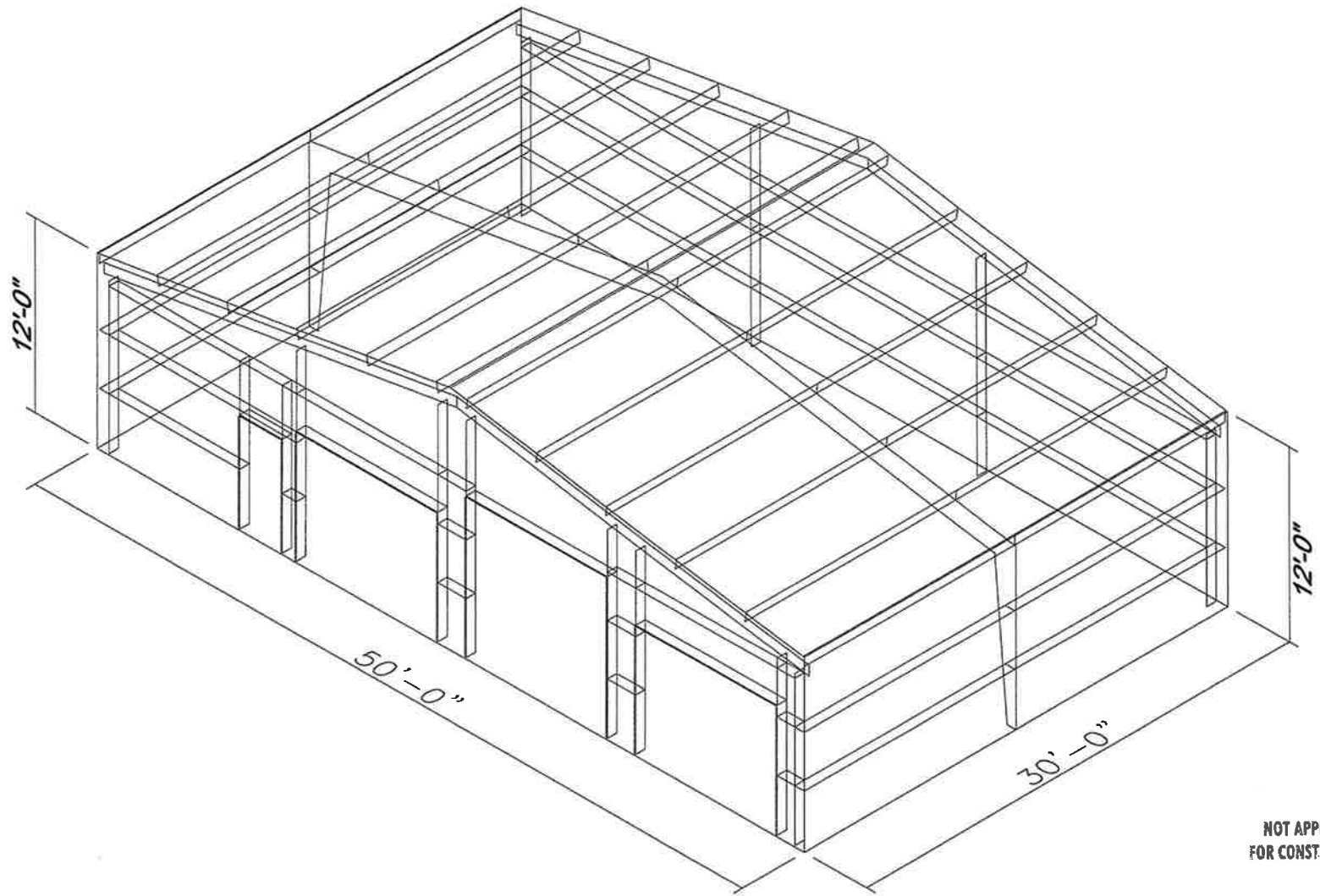




Jarrett Metzler  
7431 E 7th St  
Tulsa, OK 74112

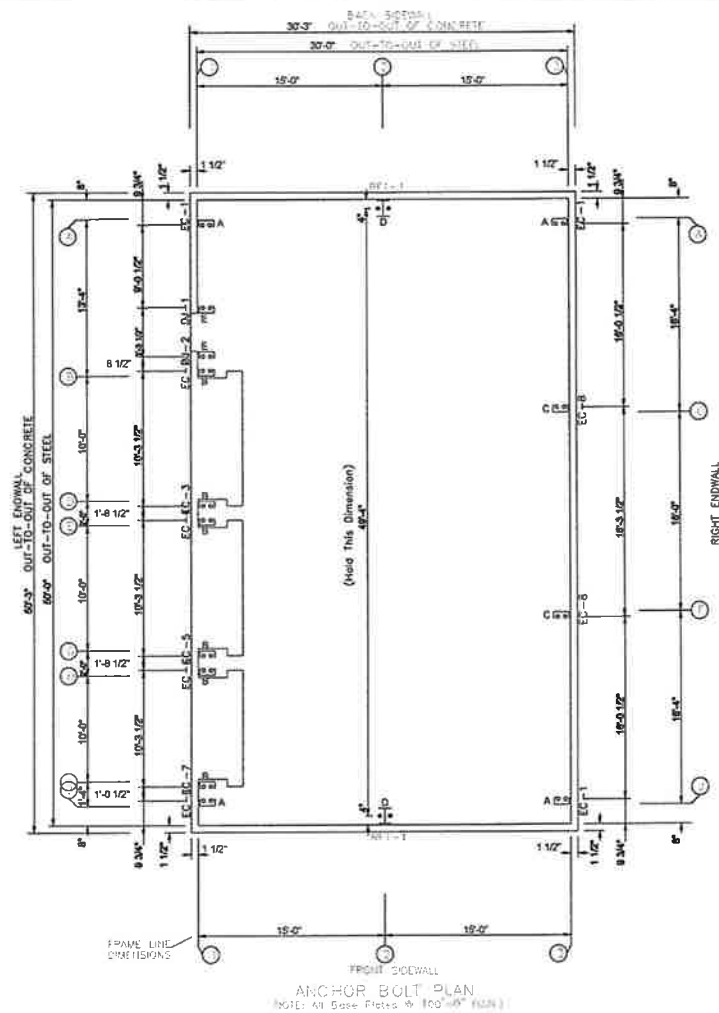
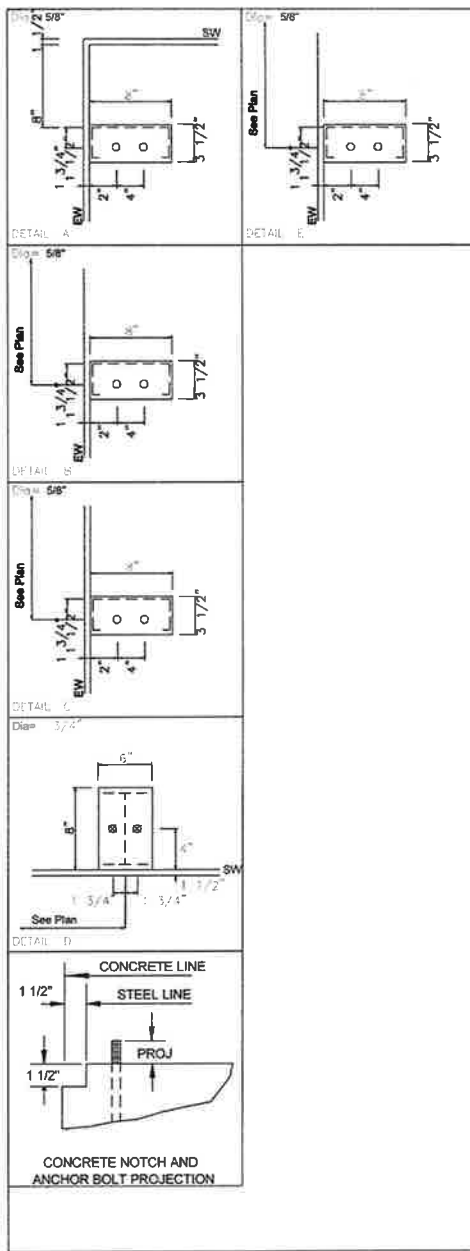
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NOT APPROVED  
FOR CONSTRUCTION

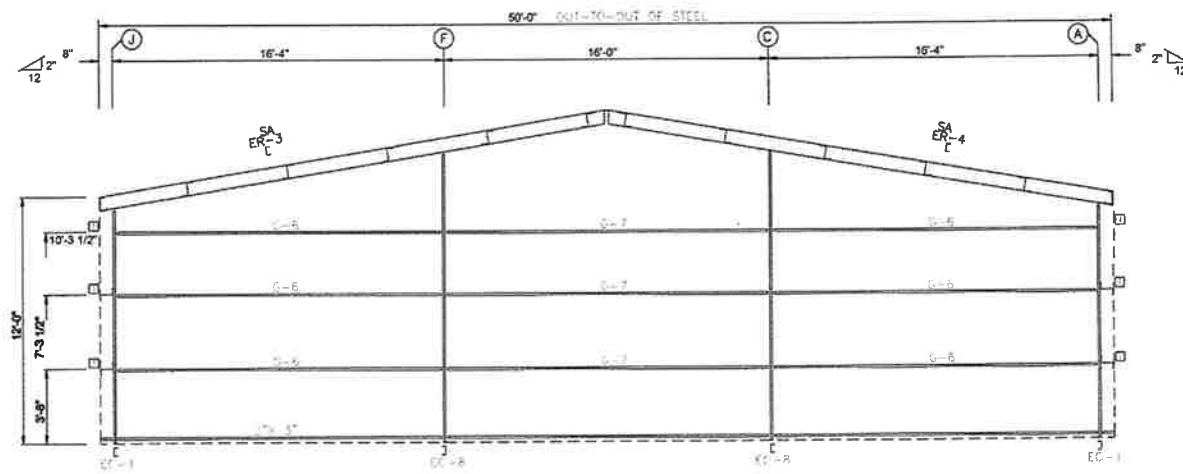
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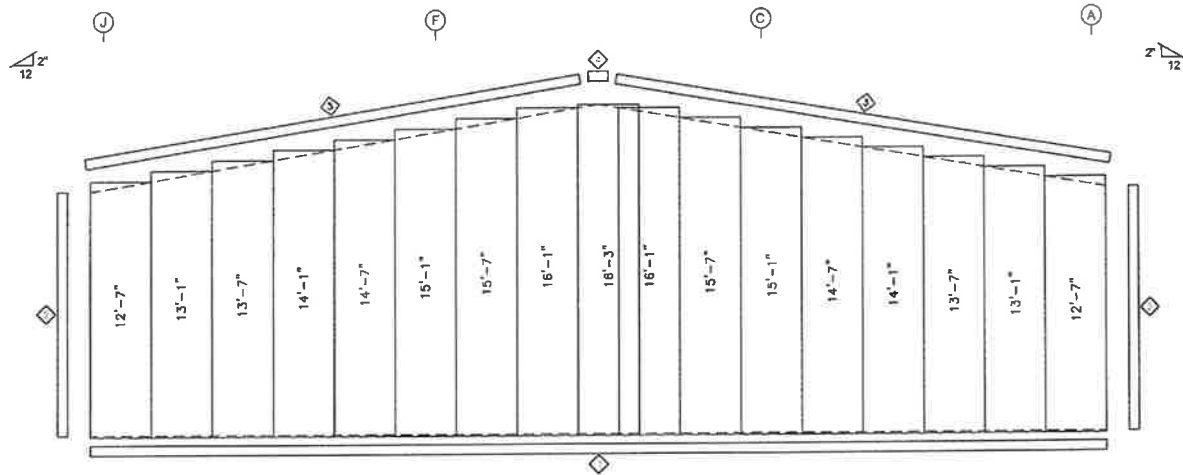
NOT APPROVED  
FOR CONSTRUCTION

PROJECT		Jarrett Metzler	
ID		Q18-297JM-Rev1	
PROJECT ADDRESS		DATE: 12/3/18	SHEET OF
		Jarrett Metzler	
		ANCHOR BOLT PLAN & DETAILS	
		DESIGN: WDH	CHECK:





ENDWALL FRAMING: FRAME LINE 3



ENDWALL SHEETING & TRIM: FRAME LINE 3

PANELS: 26 G90 R - STANDARD COLOR

GENERAL NOTES:  
TEST NOTES FOR SIDEWALL DRAWINGS

REV	DATE	DESCRIPTION	BY	CHK
1	12/13/18	ENDWALL FRAMING	JM	WDH
2	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
3	12/13/18	ENDWALL FRAMING	JM	WDH
4	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
5	12/13/18	ENDWALL FRAMING	JM	WDH
6	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
7	12/13/18	ENDWALL FRAMING	JM	WDH
8	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
9	12/13/18	ENDWALL FRAMING	JM	WDH
10	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
11	12/13/18	ENDWALL FRAMING	JM	WDH
12	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
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32	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
33	12/13/18	ENDWALL FRAMING	JM	WDH
34	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
35	12/13/18	ENDWALL FRAMING	JM	WDH
36	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
37	12/13/18	ENDWALL FRAMING	JM	WDH
38	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
39	12/13/18	ENDWALL FRAMING	JM	WDH
40	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
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44	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
45	12/13/18	ENDWALL FRAMING	JM	WDH
46	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
47	12/13/18	ENDWALL FRAMING	JM	WDH
48	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
49	12/13/18	ENDWALL FRAMING	JM	WDH
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96	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
97	12/13/18	ENDWALL FRAMING	JM	WDH
98	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH
99	12/13/18	ENDWALL FRAMING	JM	WDH
100	12/13/18	ENDWALL SHEETING & TRIM	JM	WDH

NOT APPROVED  
FOR CONSTRUCTION

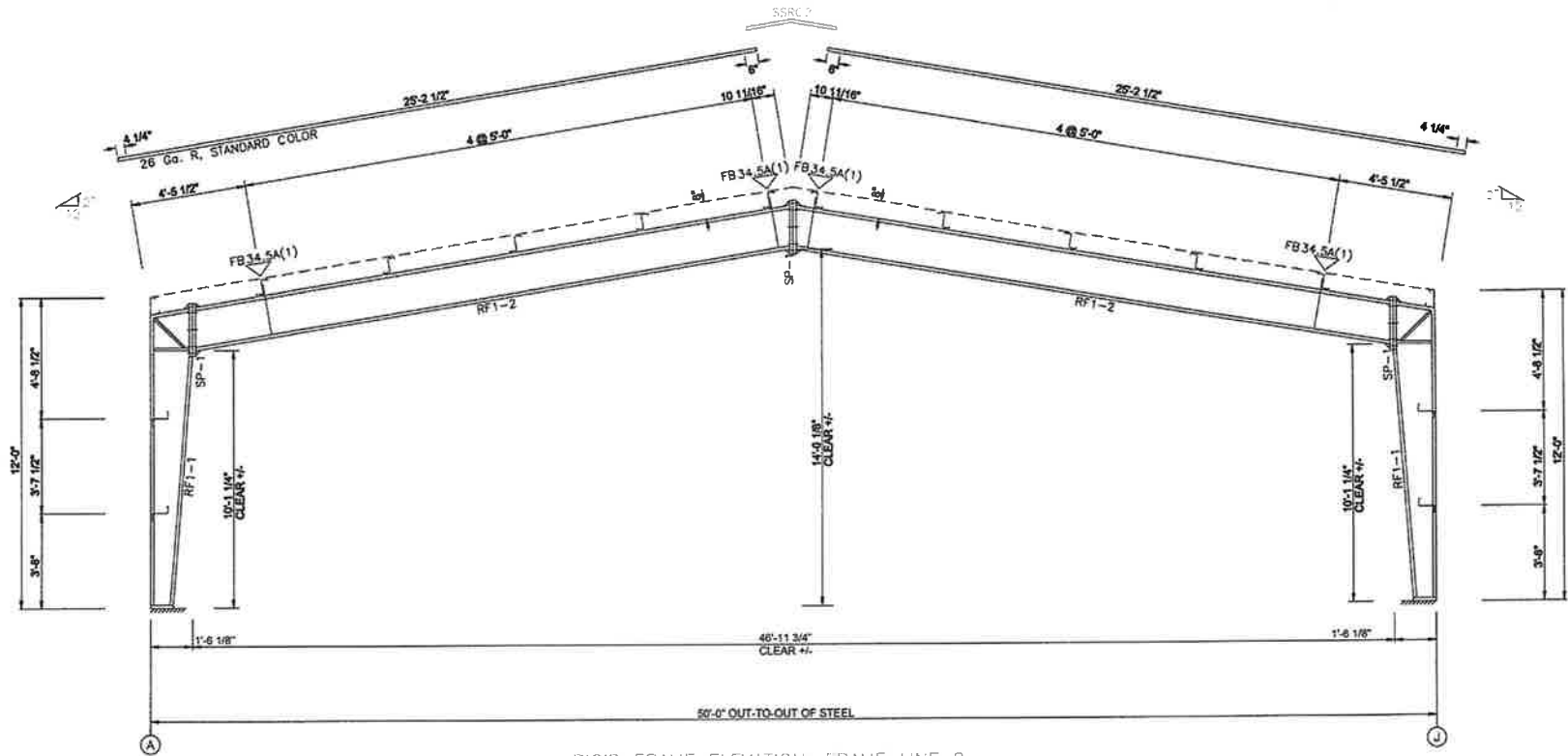
PROJECT	Jarrett Metzler	Jarrett Metzler
ID	Q18-297JM-Rev1	ENDWALL FRAMING
PROJECT ADDRESS	Tulsa, OK 74116	DESIGN: DRAFT: WDH CHECK: OF
		DATE: 12/3/18

21.2

Spec	Part	Qty	Unit	Notes
26 Ga. R.	STANDARD COLOR	1	Sheet	

1. RIGID FRAME ELEVATION: FRAME LINE 2  
 FB 34.5A(1) (Length) 113.7  
 2 = 113.7

Spec	Part	Qty	Unit	Notes
26 Ga. R.	STANDARD COLOR	1	Sheet	



RIGID FRAME ELEVATION: FRAME LINE 2

NOT APPROVED  
FOR CONSTRUCTION

GENERAL NOTES:  
RIGID FRAME DRAWING NOTES TEST

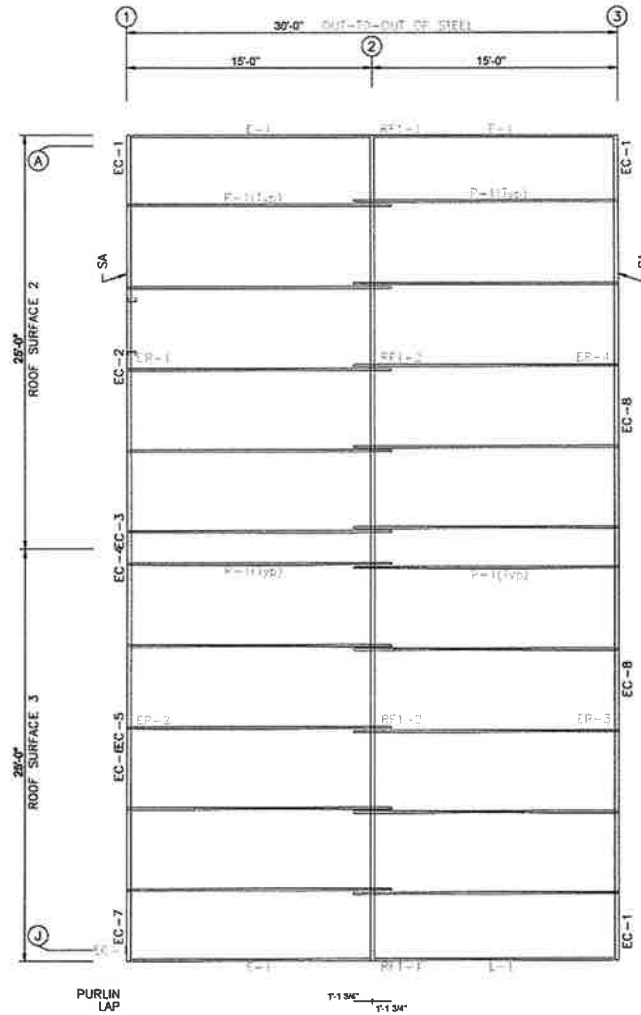
PROJECT		Jarrett Metzler	
ID		Q18-297JM-Rev1	
PROJECT ADDRESS		Tulsa, OK 74116	
DESIGN		DRAFT: WDH	
DATE: 12/3/18		SHEET OF	

2.19



22.2

GENERAL NOTES:  
ROOF DRAWING TEST NOTES



ROOF FRAMING PLAN

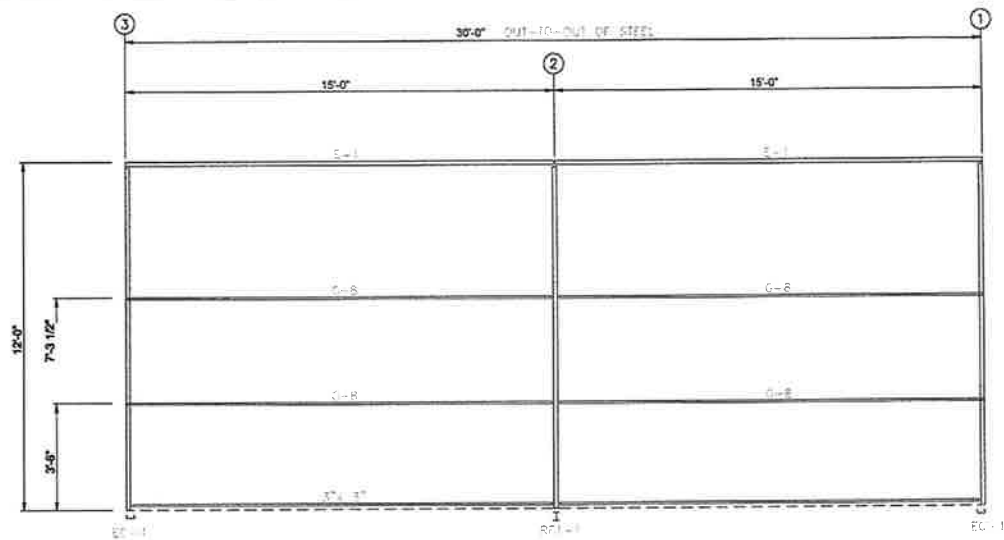
ROOF SHEETING

PANELS: 25 Gals. P  
STANDARD COLOR

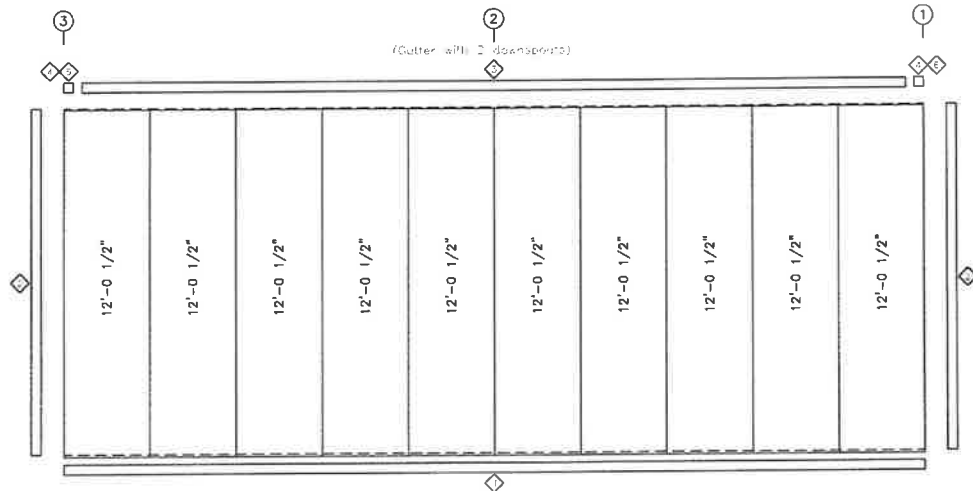
NOT APPROVED  
FOR CONSTRUCTION

TITLE TABLE			
ROOF PLAN			
0	DATE	12/20/18	12/20/18
1	NO.	1	1
REVISION TABLE			
ROOF PLAN			
0	DATE	12/20/18	12/20/18
1	NO.	1	1

PROJECT		Jarrett Metzler	Jarrett Metzler	
ID		Q18-297JM-Rev1	ROOF FRAMING	
PROJECT ADDRESS		Tulsa, OK 74116	DESIGN:	DRAFT: WDH CHECK:
			DATE: 12/3/18	SHEET OF



SIDEWALL FRAMING: FRAME LINE A



SIDEWALL SHEETING & TRIM: FRAME LINE A  
PANELS: 26 G9; P = STANDARD COLOR

SHEET SPEC			
FRAME	TYPE	SIZE	QUANTITY
2x4	CT	12x12	1
2x6	CT	12x12	1
2x8	CT	12x12	1
2x10	CT	12x12	1
2x12	CT	12x12	1
2x14	CT	12x12	1
2x16	CT	12x12	1
2x18	CT	12x12	1
2x20	CT	12x12	1
2x22	CT	12x12	1
2x24	CT	12x12	1
2x26	CT	12x12	1
2x28	CT	12x12	1
2x30	CT	12x12	1
2x32	CT	12x12	1
2x34	CT	12x12	1
2x36	CT	12x12	1
2x38	CT	12x12	1
2x40	CT	12x12	1
2x42	CT	12x12	1
2x44	CT	12x12	1
2x46	CT	12x12	1
2x48	CT	12x12	1
2x50	CT	12x12	1
2x52	CT	12x12	1
2x54	CT	12x12	1
2x56	CT	12x12	1
2x58	CT	12x12	1
2x60	CT	12x12	1
2x62	CT	12x12	1
2x64	CT	12x12	1
2x66	CT	12x12	1
2x68	CT	12x12	1
2x70	CT	12x12	1
2x72	CT	12x12	1
2x74	CT	12x12	1
2x76	CT	12x12	1
2x78	CT	12x12	1
2x80	CT	12x12	1
2x82	CT	12x12	1
2x84	CT	12x12	1
2x86	CT	12x12	1
2x88	CT	12x12	1
2x90	CT	12x12	1
2x92	CT	12x12	1
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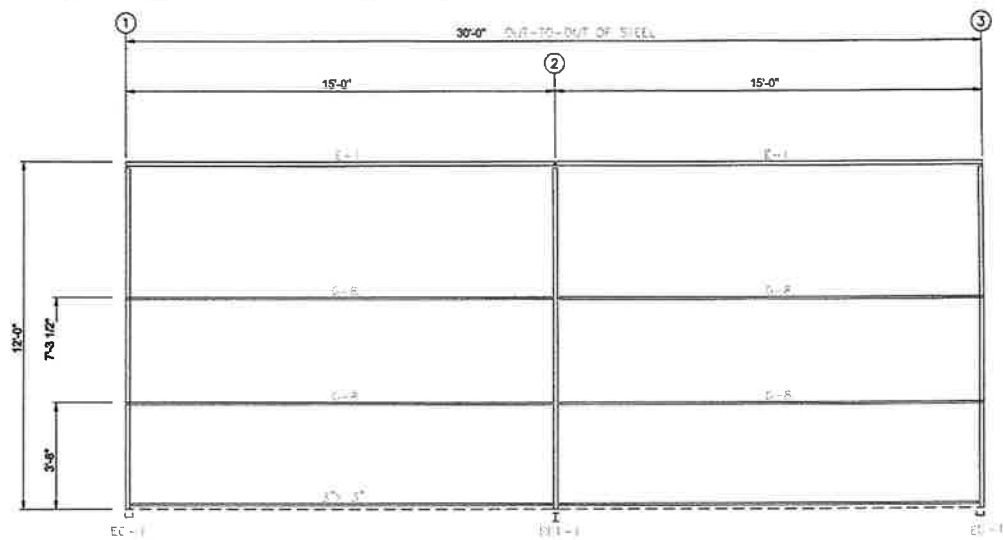
NOT APPROVED  
FOR CONSTRUCTION

GENERAL NOTES:  
SIDEWALL DRAWING TEST NOTES

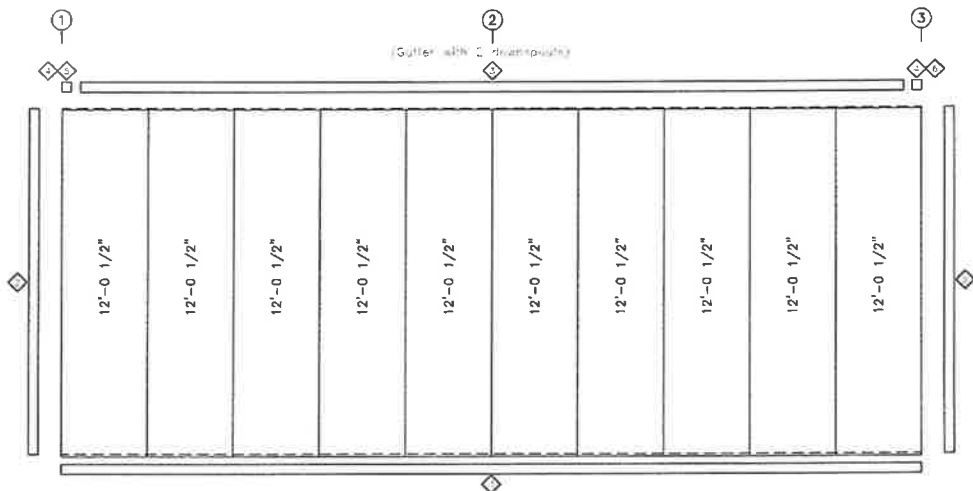
PROJECT		Jarrett Metzler	Jarrett Metzler	
ID		Q18-297JM-Rev1	SIDEWALL FRAMING	
PROJECT ADDRESS		Tulsa, OK 74116	DESIGN:	DRAFT: WDH CHECK:
			DATE: 12/3/18	SHEET OF

2  
2  
1

2.22



SIDEWALL FRAMING: FRAME LINE J



SIDEWALL SHEETING & TRIM: FRAME LINE J  
PANELS: 26 GA. P - STANDARD COLOR

GENERAL NOTES:  
SIDEWALL DRAWING TEST LUGS

REV		DATE	BY	CHKD
1	12/3/18	WDH	WDH	WDH
2	12/3/18	WDH	WDH	WDH
3	12/3/18	WDH	WDH	WDH
4	12/3/18	WDH	WDH	WDH
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7	12/3/18	WDH	WDH	WDH
8	12/3/18	WDH	WDH	WDH
9	12/3/18	WDH	WDH	WDH
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21	12/3/18	WDH	WDH	WDH
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23	12/3/18	WDH	WDH	WDH
24	12/3/18	WDH	WDH	WDH
25	12/3/18	WDH	WDH	WDH
26	12/3/18	WDH	WDH	WDH
27	12/3/18	WDH	WDH	WDH
28	12/3/18	WDH	WDH	WDH
29	12/3/18	WDH	WDH	WDH
30	12/3/18	WDH	WDH	WDH

NOT APPROVED  
FOR CONSTRUCTION

PROJECT		Jarrett Metzler	
PROJECT ID	Q18-297JM-Rev1	DESIGN:	DRAFT: WDH CHECK:
PROJECT ADDRESS	Tulsa, OK 74116	DATE: 12/3/18	SHEET OF

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

2/14/2019

**APPLICATION NO: BLDR-22258-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 7431 E 7<sup>th</sup> St S**

**Description: Detached Accessory Building**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

## REVIEW COMMENTS

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

Application No. **BLDR-22258-2018**

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

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

### 1. **45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts**

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

**Review comments:** You are proposing 1500 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1304) you are allowed 521 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 521 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

### 2. **90.090-C.2 Detached Accessory Buildings**

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90-2:

#### **Review Comments:**

**#2.** This lot is zoned RS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (65' X 20' X 30%) allows 390 sq ft of coverage. You are proposing 700 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the rear setback.

### 3. **90.90.C: Detached Accessory Buildings**

a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

(1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and



**Review Comments:** Revise plans to indicate that the detached accessory building will not exceed 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed 10 feet in height to the top of the top plate.

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

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

#### END -ZONING CODE REVIEW

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

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

## Ulmer, Amy

---

**From:** Jarrett Metzler <metzlej@gmail.com>  
**Sent:** Monday, May 6, 2019 3:20 PM  
**To:** Ulmer, Amy  
**Subject:** Re: Jarrett Metzler - Building/Plat Design  
**Attachments:** 5504E5thPlace\_2StoryGarage2.JPG; 5504E5thPlace\_2StoryGarage.JPG; 7401E7thSt\_5Car\_Driveway.JPG; 7401E7thSt\_5Car\_Driveway2.jpg; Color Chart Back.pdf; Color Chart Front.pdf; 247.jpg

Hello Amy, good afternoon.

Per our conversation, I am attaching a sample photo from Honeycutt Contruction which is similar to what we would like to build. The difference is the roll up door is on the end whereas ours will be on the side. In addition, I have attached a couple samples of the siding and warranty information.

We did find some other examples of neighbor properties in our immediate area. The 7401 E 7th which is 3 doors down has almost a 5 car driveway on the 74th East Avenue side with quite a bit of concrete in the back yard. Further findings have a house 7 or 8 blocks to the east where the detached garage is over two stories. Yes, the lot is bigger than ours but the garage is much taller than the house. This is located 5504 E 5th Place. Have attached a few pictures.

Thanks again for your help.

Jarrett

On Tue, Apr 30, 2019 at 12:16 PM Jarrett Metzler <[metzlej@gmail.com](mailto:metzlej@gmail.com)> wrote:  
Hello Amy,

Yes, I remeasured again. The current driveway is 20' 8" and the proposed is 9' 1" so the total would be 29' 9". Are there any zoning restrictions regarding the concrete for the backyard in between the building and the house? Can I apply for the extra variance online or will I need to come in again? Also, any idea of the cost to apply for the add'l variance?

Did you have a chance to research the property I sent earlier? Just curious if they were any variance exceptions granted.

Thanks again for your help.

Jarrett

On Tue, Apr 30, 2019 at 11:01 AM Ulmer, Amy <[aulmer@incog.org](mailto:aulmer@incog.org)> wrote:

Good morning,

# Choose a panel quality that works best for your project and budget.

		CENTRALGUARD® PROTECTION	FADE RESISTANCE	DENT RESISTANCE	RUST RESISTANCE	WARRANTY
<b>Prime</b> 26 Gauge The industry leader	For a small amount more than Thrifty, upgrade to Prime.	<b>Yes</b>	<b>40% More Resistance Than Thrifty</b>	<b>17% More Resistance Than Thrifty</b>	<b>135% More Coating than Thrifty</b>	<b>20</b> Year Rust-Through <b>30</b> Year Chalk & Fade <b>40</b> Year Paint Adhesion
<b>Thrifty</b> 26 Gauge	Our least expensive option.	<b>No</b>	<b>Basic Resistance</b>	<b>Basic Resistance</b>	<b>Basic Coating</b>	<b>NO</b> Rust-Through <b>NO</b> Chalk & Fade <b>20</b> Year Paint Adhesion

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CentralGuard® is an advanced system engineered by Central States®, to protect our metal against fade, dent, and rust. It combines the durability of ceramic and select inorganic pigments with the strength of a proprietary silicone polyester resin to deliver a durable finish, no matter the weather.

- Ceramic pigments are practically unaffected by acid rain and pollution.
- They resist color fade even in the most hostile environments.
- Silicone polyester resin resist dirt, staining and abrasion.
- Excellent fade and chalk resistance.

	Brand New Roof Just installed. Perfect color match.	After 7 Years No noticeable color change. Still looks new.	After 15 Years Still no apparent color change. Curb appeal is still strong	After 22 Years Minimal color change. Your home still looks great.	After 30 Years Still barely noticeable. Roof will look great for years to come.
<b>CentralGuard®</b>					
<b>Other Paint Systems</b>					
	Brand New Roof Just installed. Perfect color match.	After 7 Years A slight discoloration is beginning to be noticeable.	After 15 Years Significant fade, noticeable in shaded areas. Energy savings is decreased.	After 22 Years Very noticeable color change. Roof looks faded and old.	After 30 Years Overdue to replace. This time call Central States®.

For more information visit [www.AllMetalNotEqual.com](http://www.AllMetalNotEqual.com)



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**Charcoal**  
Thrifty | Prime



**Desert**  
Prime



**Gray**  
Thrifty | Prime

**Polar**  
Thrifty | Prime

**Brilliant**  
Prime

**Fern**  
Prime



**Hunter**  
Thrifty | Prime



**Colony**  
Prime



**Crimson**  
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**Rustic**  
Thrifty | Prime



**Burgundy**  
Prime



**Gallery**  
Prime



**Hawaiian**  
Prime



**Light Stone**  
Thrifty | Prime



**Tan**  
Thrifty | Prime



**Brown**  
Thrifty | Prime



**Burnished  
Slate**  
Prime



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# Commercial

## Industrial Color Selection Tool

M-Loc™  
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All colors meet  
ENERGY STAR® requirements  
for steep slope roofs.

\* Copper Metallic available in Fluoropon® 70% PVDF only. Contact your sales person for accurate pricing.  
Copper Metallic panels must be installed in the same direction. See directional arrows or stickers provided on your panels.  
Color variation between orders is normal and not cause for rejection.

† Weathering and appearance variation, including color, sheen, and spangle, is common in non-painted materials and is not a cause for rejection. For consistent appearance, choose a paint-finished product.

Colors on this chart are close representations of actual metal color, limited by printing and viewing conditions.  
Color matching is optimized for outdoor viewing.

CHRT\_COML\_160125

**Galvalume®†**  
Prime  
Clear acrylic coating  
NOT ENERGY STAR RATED



**Copper  
Metallic\***  
Prime  
Fluoropon® 70% PVDF

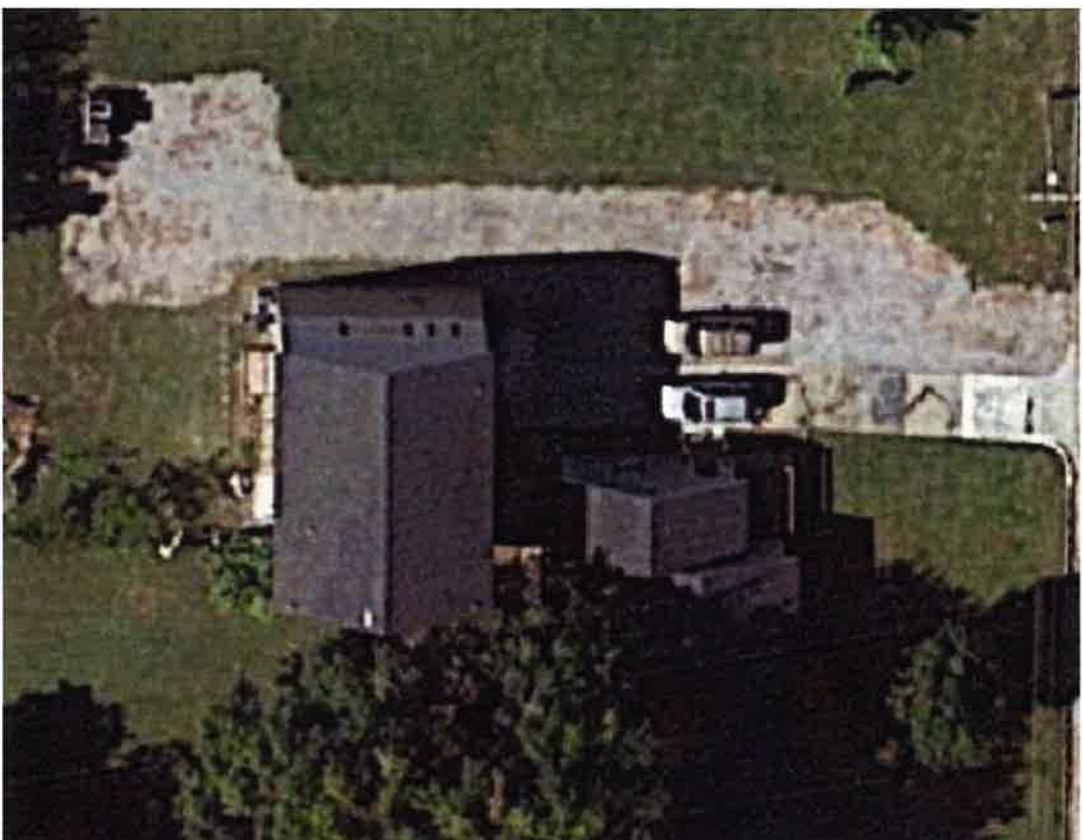






2.29













2.33

## Ulmer, Amy

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**From:** Jarrett Metzler <metzlej@gmail.com>  
**Sent:** Wednesday, April 24, 2019 8:38 AM  
**To:** Ulmer, Amy  
**Subject:** Re: Jarrett Metzler - Building/Plat Design

Hello Amy,

Good morning. Thanks for your help yesterday and wanted to check back with you to see if if you could provide me anymore information regarding the concrete zoning for our house?

Also, I checked and the house that I was referring to is at 7711 E 4 PL S TULSA 74112  
They have 3 different driveways - 1 on the west side (larger than a single car) and 2 x on the south side on 4th place (1 x double car drive way and 1 single car driveway). Also, they have a fairly large concrete slab as well between the detached steel building and their house.

I sent an email to the Honeycutt Construction asking for the materials list for the building.

Not sure if I was following the correct process as the city permit office required me to furnish stamped drawings of the concrete for the building which was \$1000.00 and it was over \$500 to get this opportunity to try and get the approval. A lot of the homes here are older which people not taking great care of them. We have invested quite a bit and plan on staying here through retirement.







Thanks,

Jarrett Metzler  
918-510-6423

On Fri, Apr 5, 2019 at 8:39 AM Jarrett Metzler <[metzlej@gmail.com](mailto:metzlej@gmail.com)> wrote:  
Hello Amy,

Good morning.

The attached drawings are from Honeycutt Construction who is providing the building.  
Please let me know if you were looking for something different.

Thanks,

Jarrett

On Fri, Apr 5, 2019 at 8:29 AM Ulmer, Amy <[aulmer@incog.org](mailto:aulmer@incog.org)> wrote:

Good morning,

Thank you. I will add this information to your application. Do you have any elevation drawings for the accessory building?

## Ulmer, Amy

---

**From:** Jarrett Metzler <metzlej@gmail.com>  
**Sent:** Monday, June 3, 2019 8:22 AM  
**To:** Ulmer, Amy  
**Subject:** Re: BOA-22617  
**Attachments:** HUD\_Reasonable\_Accommodation.pdf; 7711E4thPI.JPG; AR\_Board.pdf

Hello Amy,

Good morning. I have a few items to add to the packet in preparation of the June 11 meeting.

I found that the property at 7711 E 4th PI that I previously provided as an example shows a picture dated 1994 on the Tax Assessor's website. I am assuming that they did go through the Permit process since the Tax Assessors office has a record of it. Would you be able to verify it? I believe you previously stated that there was no record of a variance exception. Have attached a screen shot from the Tax Assessors website.

In addition, as previously stated in the previous BOA meetings, I am a person with a disability which is why I have requested the larger garage and taller walls. This is to accommodate a car lift and shelving units on the walls for car parts, etc.

Per Department of Justice and Housing and Urban Development - as a person with a disability I am requesting the city to make reasonable accommodation in their zoning regulations for me to enjoy the use of this dwelling. Please see attached the DOJ and HUD documentation. As for verification of my disability - in the past I have utilized the services of Vocational Rehabilitation for my education. Also, I am currently serving as Board of Directors President for Ability Resources which has a Federal requirement of the majority of the Board being persons with a disability. Since I meet both the State and Federal guidelines of being a person with a disability - this would also apply to the City of Tulsa.

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/reasonable\\_accommodations\\_and\\_modifications](https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications)  
<https://www.justice.gov/crt/us-department-housing-and-urban-development>

Thanks,

Jarrett Metzler

On Tue, May 7, 2019 at 2:42 PM Ulmer, Amy <[aulmer@incog.org](mailto:aulmer@incog.org)> wrote:

Jarrett,

I will add this new exhibit to the case file. Yes, I did include the examples you sent me with my staff report to be put into the agenda packet. Also, I cannot find any Board history/ approval associated with the property at 7401 E. 7<sup>th</sup> St. Let me know if you have any other questions.



## REASONABLE ACCOMMODATIONS AND MODIFICATIONS

Federal nondiscrimination laws require housing providers to grant requests for reasonable accommodations and modifications in housing, programs, and activities.

[Rights and Obligations Under Federal Law](#)

[Reasonable Accommodations](#)

[Reasonable Modifications](#)

[Examples](#)

[Questions and Answers](#)

[Additional Resources](#)

### Rights and Obligations Under Federal Law

Various federal laws require housing providers to make reasonable accommodations and reasonable modifications for individuals with disabilities. Federal nondiscrimination laws that protect against disability discrimination cover not only tenants and home seekers with disabilities, but also buyers and renters without disabilities who live or are associated with individuals with disabilities. These laws also prohibit housing providers from refusing residency to persons with disabilities, or placing conditions on their residency, because they require reasonable accommodations or modifications.

### The Fair Housing Act

Under the Fair Housing Act a reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. The Fair Housing Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling and public and common use areas.

In addition, the Fair Housing Act prohibits a housing provider from refusing to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.

## **Section 504**

Unlike the Fair Housing Act, Section 504 does not distinguish between reasonable accommodations and reasonable modifications. Instead, both are captured by the term "reasonable accommodations. Under Section 504, the requirement to make reasonable accommodations applies to any changes that may be necessary to provide equal opportunity to participate in any federally-assisted program or activity. This includes a change, adaptation or modification to a policy, program, service, facility, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in housing, or perform a job. Reasonable accommodations also include any structural changes that may be necessary. Reasonable accommodations may include changes which may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces, or participate in the federally-assisted program or activity. Under Section 504, reasonable accommodations must be provided and paid for by the housing provider unless providing them would be an undue financial and administrative burden or a fundamental alteration of the program. In such cases, the provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program. In addition to the statutory requirement to make reasonable accommodations under Section 504, HUD's Section 504 regulation provides for making "housing adjustments" at 24 C.F.R. § 8.33.

## **Americans with Disabilities Act (ADA)**

Similar to and based upon the Section 504 reasonable accommodation requirement, Titles II and III of the ADA require public entities and public accommodations to make reasonable modifications to policies, practices, or procedures to avoid discrimination. This obligation applies unless the public entity can demonstrate that the modifications would fundamentally alter the nature of its service, program, or activity (Title II), or the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations (Title III). For more information, see the Department of Justice ADA page.

## Reasonable Accommodations

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations. Please note that the ADA often refers to these types of accommodations as “modifications.”

Any change in the way things are customarily done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements is a reasonable accommodation. In other words, reasonable accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities, including both private housing and in federally-assisted programs or activities. Housing providers may not require persons with disabilities to pay extra fees or deposits or place any other special conditions or requirements as a condition of receiving a reasonable accommodation.

Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny persons with disabilities an equal opportunity to enjoy a dwelling or participate in the program. Not all persons with disabilities will have a need to request a reasonable accommodation. However, all persons with disabilities have a right to request or be provided a reasonable accommodation at any time.

Under Section 504 and the ADA, public housing agencies, other federally-assisted housing providers, and state or local government entities are required to provide and pay for structural modifications as reasonable accommodations/modifications.

## Reasonable Modifications

Under the Fair Housing Act, a reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. Examples include the installation of a ramp into a building, lowering the entry threshold of a unit, or the installation of grab bars in a bathroom. Under the Fair Housing Act, prohibited discrimination includes a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.



Under Section 504, a housing provider is required to provide and pay for the structural modification as a reasonable accommodation unless it amounts to an undue financial and administrative burden or a fundamental alteration of the program. If an undue burden or fundamental alteration exists, the recipient is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular recipient and/or constitute a fundamental alteration of the program.

For more information, visit [Section 504 Frequently Asked Questions](#) page.

Note: This requirement to accommodate an individual's request for accessible features under Section 504 is separate from a recipient's affirmative obligation to provide program access and to have an inventory of accessible units available for persons with disabilities. Similarly, under the Fair Housing Act, there are design and construction requirements for covered properties irrespective of the requirement to provide reasonable modifications. Additional information on these physical accessibility requirements is available on the [Physical Accessibility](#) page.

## Examples

- Assigning an accessible parking space for a person with a mobility impairment
- Permitting a tenant to transfer to a ground-floor unit
- Adjusting a rent payment schedule to accommodate when an individual receives income assistance
- Adding a grab bar to a tenant's bathroom
- Permitting an applicant to submit a housing application via a different means
- Permitting an assistance animal in a "no pets" building for a person who is deaf, blind, has seizures, or has a mental disability. Additional information about assistance animals is available [here](#).

## Questions and Answers

### **Who must comply with these requirements?**

The requirement to provide reasonable accommodations and modifications applies to, but is not limited to individuals, corporations, associations and others involved in the provision of housing or residential lending, including property owners, housing managers, homeowners and condominium associations, lenders, real estate agents, and brokerage services. This also applies to state and local governments, including in the context of exclusionary zoning or other land-use decisions.

### **When is a reasonable accommodation or modification necessary?**

A requested accommodation or modification may be necessary when there is an identifiable relationship, or nexus, between the requested accommodation or modification and the individual's disability.

**What information may a provider seek when a reasonable accommodation or modification is requested?**

A provider is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation or modification may be necessary because of a disability. If a person's disability is obvious, readily apparent, or otherwise known to the provider, and if the need for the requested accommodation or modification is also readily apparent or known, then the provider may not request any additional information. If the disability and/or the disability-related need for the requested accommodation or modification is not known or obvious, the provider may request only information that is necessary to evaluate the disability and/or disability-related need for the accommodation. This information may be from the requesting individual, medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry and may be inappropriate.

**When may a housing provider deny a requested accommodation or modification?**

A housing provider can deny a request for a reasonable accommodation or modification if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation or modification. In addition, a request for a reasonable accommodation or modification may be denied if providing the accommodation or modification would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the housing provider's program. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors. If an undue burden or fundamental alteration exists, the housing provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the particular housing provider and/or constitute a fundamental alteration of the program.

When a housing provider denies a requested accommodation or modification, the provider should discuss with the requester whether there is an alternative accommodation or modification that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden. As part of this interactive process, the housing provider should recognize that the individual requesting the accommodation or modification is most familiar with his or her disability and is in the best position to

determine what type of aid or service will be effective to meet a disability-related need. These discussions often result in an effective accommodation or modification for the requester that does not pose an undue financial and administrative burden for the provider.

**What can I do if my housing provider did not acknowledge my request or denied my request, or we could not reach an agreement regarding my request for a reasonable accommodation or reasonable modification?**

A provider has an obligation to provide prompt responses to reasonable accommodation requests. An undue delay in responding to a reasonable accommodation request may be deemed to be a failure to provide a reasonable accommodation. A failure to reach an agreement on an accommodation request is in effect a decision by the provider not to grant the requested accommodation. When a person with a disability believes that he or she has been subjected to a discriminatory housing practice, including a provider's wrongful denial of a request for reasonable accommodation, he or she may file a complaint with FHEO. If the individual who was denied an accommodation files a complaint with FHEO to challenge that decision, then HUD (or the state or local agency receiving the complaint) will review the evidence in light of applicable law and assess whether the housing provider violated that law

## Additional Resources

[Joint Statement of HUD and DOJ on Reasonable Accommodations](#)

[Joint Statement of HUD and DOJ on Reasonable Modifications](#)

[Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs](#)

[Back to FHEO Home](#)



Sales/Documents

Date	Grantee	Grantor	Price	Doc Type	Book- Page/Doc#
20130114	Dead				20130114/17
201207	Dead				201207/668
200909	on Dr				200909/1252
0903	g Drive				0903/03069



Image 2 of 4

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2.43

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### Our Mission

"Assisting people with disabilities in attaining and maintaining their personal independence through advocacy and services"

### Latest News

- [Social Security Number Removal Initiative \(SSNRI\)](#)
- [Virtual Braille Tablet for the Blind](#)
- [Including Young Children with Disabilities in Typical Early Childhood Settings](#)

### Newsletter

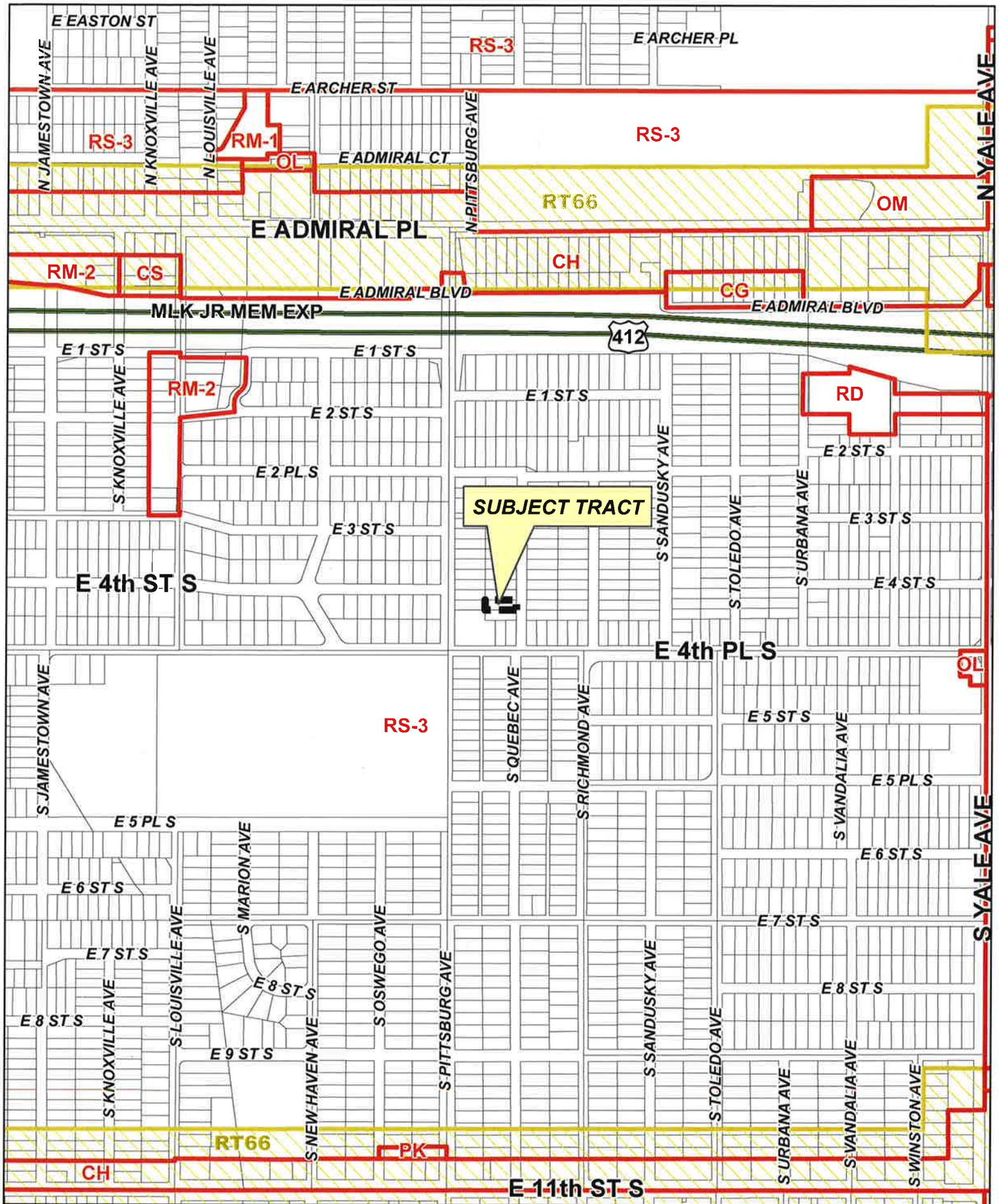
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**BOA-22619 – CHRISTIAN HARVELL**

**THE APPLICANT HAS WITHDRAWN THE  
APPLICATION**



BOA-22626

19-13 04

4.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9304

Case Number: **BOA-22626**

CZM: 37

CD: 4

A-P#:

**HEARING DATE:** 06/11/2019 1:00 PM (continued from 05/14/2019)

**APPLICANT:** Barbara Carson

**ACTION REQUESTED:** Variance to reduce the required street setback in an RS-3 District (Table 5-3)

**LOCATION:** 252 S QUEBEC AV E

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 7501.06 SQ FT

**LEGAL DESCRIPTION:** LT 281 BK 1, RODGERS HGTS SUB

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

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

### CURRENT STAFF COMMENTS:

The Board continued #BOA-22626 to the 6/11/19 meeting to allow time for the applicant to present a structural engineer's report regarding the front addition of the existing house.

### PREVIOUS STAFF COMMENTS:

As shown on the attached exhibits, the existing building encroaches into the required 25 ft. building setback in an RS-3 district. Please see the attached statement provided by the applicant detailing the history of the request.

The applicant is requesting a **Variance** to reduce the front street setback from 25 ft. to approximately 9 ft. along S. Quebec Ave. Based on the submitted exhibits, S. Quebec Ave. 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 25 feet in an RS-3 zoned district (Table 5-3).

### **Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required street setback (Table 5-3).

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

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

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

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

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

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

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

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

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





0 300 600  
Feet



Subject  
Tract

**BOA-22626**

19-13 04

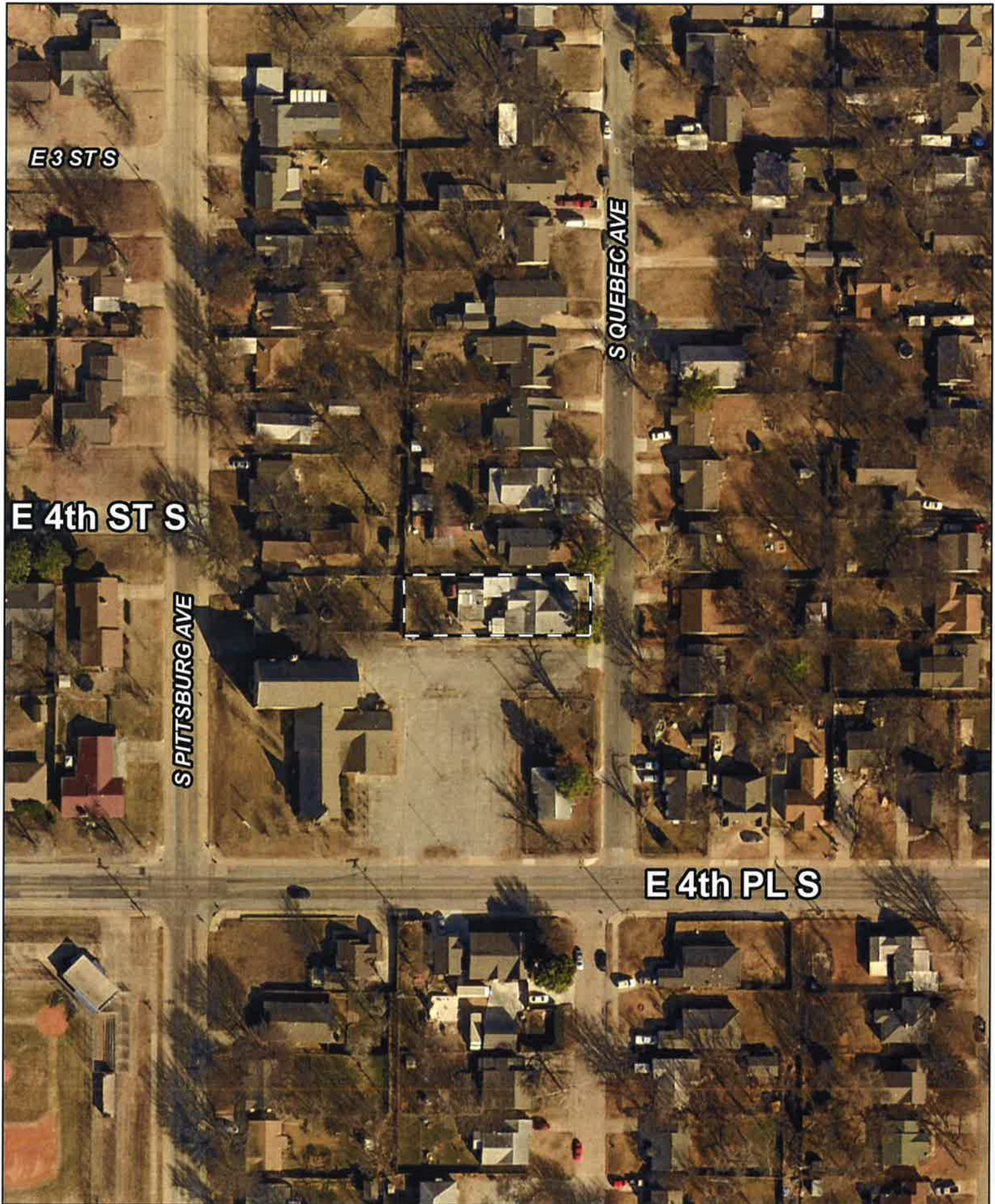
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018

4.4







0 50 100  
Feet



Subject  
Tract

**BOA-22626**

19-13 04

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

Aerial Photo Date: February 2018 4.5







Looking west- towards subject site- on S. Quebec Ave.

05/06/2019 10:48



Looking west- towards subject site- on S. Quebec Ave.

05/06/2019 10:48





Looking northwest— towards subject site— on S.  
Quebec Ave.



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









**CARSON LAW FIRM, PLLC**

624 S. Denver, Suite 202

Tulsa, OK 74119

Office: (918) 605-8862/Fax: (918) 582-5022

barbaracarsonlaw@gmail.com

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April 9, 2019

City of Tulsa Board of Adjustment  
INCOG

ATTN: Amy Ulmer

Re: Case No. BOA-22626  
Variance

To Whom It May Concern:

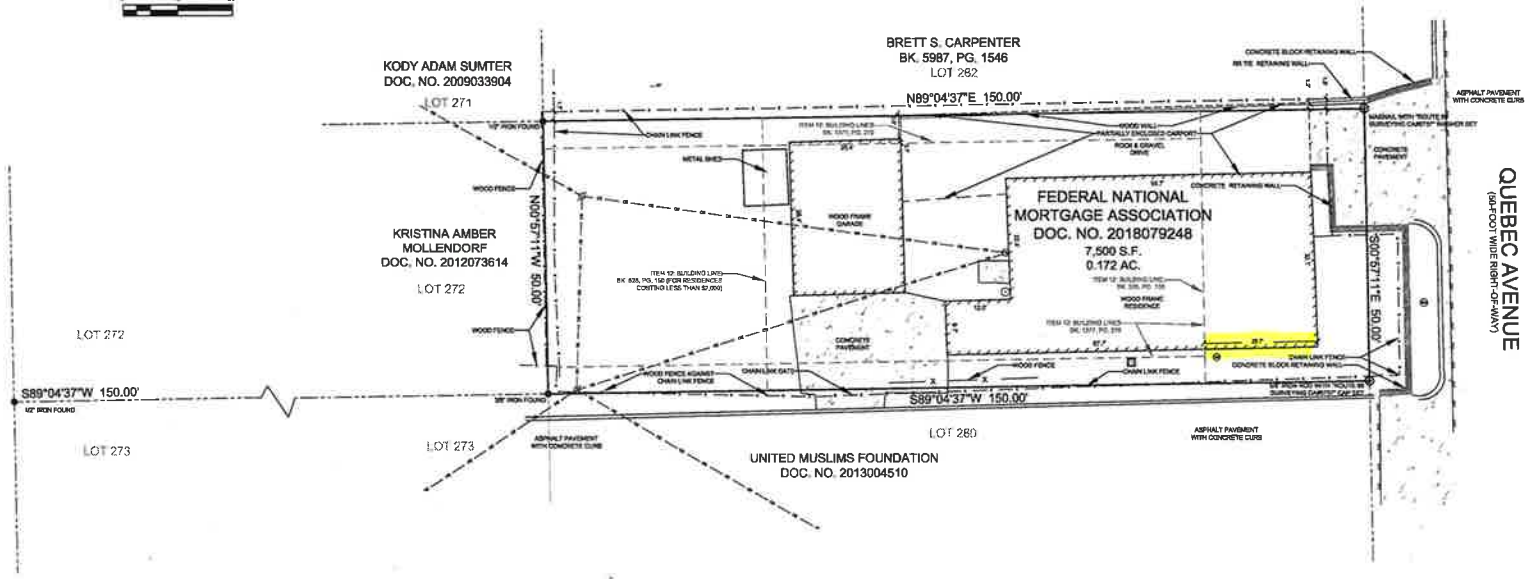
My clients, Dave Thompson and Stephanie Thompson, purchased the real property located at 252 S. Quebec Ave., Tulsa, Oklahoma on February 22, 2019. The property was vacant at the time, and after purchase my clients found a Zoning Notice of Violation posted on the property dated February 18, 2019. We were finally able to contact the Neighborhood Inspectors, who met with agents of my clients at the property to determine exactly what was needed to bring everything into compliance. It was then determined that the client would be able to satisfy the requirement of the structure in the 5-foot building set back line from the side by tearing down the structure. The issue remained with the addition built on the primary structure in the 25-foot building set back in the front of the house. There is no feasible way to tear down this addition without damaging the integrity of the house itself.

This home was built in 1928 according the records of the Tulsa Assessor. The home has had an addition built although we cannot determine exactly when. I have been informed from Shannon Perry at the Permits Library that the addition would have happened too long ago for the library to retain a copy of any permits potentially pulled.

My clients have spoken with some neighbors in the area and we can verify through one neighbor who moved into his residence in 1993 that the addition existed at that time. Therefore, because of the length of time the addition has been on this property and the hardship it would cause to tear it down, we are asking for a variance of the required 25 foot street setback in an RS-3 District.

Very truly yours,

Barbara L. Carson



QUEBEC AVENUE  
(66-FOOT WIDE RIGHT-OF-WAY)

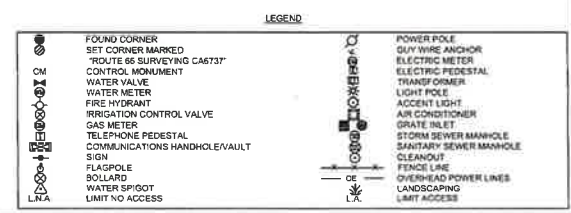
**Legal Description**  
Lot Two Hundred Eighty-one (281) of the RESUBDIVISION OF LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14 AND 15, OF BLOCK 1 RODGERS HEIGHTS SUBDIVISION, Tulsa County, State of Oklahoma, according to its recorded Plat No. 381.

**Notes**

1. Basis of bearings is the Oklahoma State Plane Coordinate System NAD83 (2011). Elevation is NAVD1983 based on GPS observations taken on 05/10/2018.
2. By graphic plotting only the subject tract lies within Zone X Unmarked defined as "Areas determined to be outside the 0.2% natural chance footprint" as shown on FIRM Map Panel Number 40143C10243L with an effective date of 10/18/2012.
3. The subject tract has improvements from South Quebec Avenue (a dedicated right of way).
4. There are no visible encroachments except as shown on the face of this survey.
5. Visible utilities are shown. There may be others the existence and location of which are unknown.
6. The survey was performed with the benefit of American Eagle Title Insurance Company's Title Commitment No. 1810-0050-12 dated September 16, 2018. The items from Schedule B are addressed as follows:  
Items 1 thru 10: Not addressed by surveyer.  
Item 11: Building restrictions, easements and utility easements as shown by the recorded plat. There were no easement lines or building restriction lines shown on the recorded plat.  
Item 12: Covenants and Restrictions recorded in Book 528, Page 150. Amended Restrictions recorded in Book 1277, Page 270. Amended Restrictions recorded in Book 1739, Page 489, but deleting any covenant, condition or restriction indicating a preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c). Instruments recorded in Book 528, Page 150 and Book 1277, Page 270 do cover the subject property and are shown instrument recorded in Book 1739, Page 489 does not cover the subject property (covers only Lots 274, 275, 276).
7. This survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

**Certification**  
To Gerd Greer, US Mortgage Corporation, Federal National Mortgage Association Commercial Real Estate Service and American Eagle Title Insurance Company.  
I hereby certify that this map is an accurate survey of the land and the corner monuments shown hereon were located under my supervision.

*John L. Gable, P.E., L.S.*  
John L. Gable, P.E., L.S.  
Professional Engineer and Land Surveyor



ROUTE 66 SURVEYING, LLC  
4845 S SHERRIDAN RD. SUITE 508  
TULSA, OK 74146  
(918) 846-8833  
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 8727  
www.route66surveying.com  
john.gable@route66surveying.com

BOUNDARY SURVEY  
LOT 281, RODGERS HEIGHTS  
252 SOUTH QUEBEC AVENUE, TULSA OK



## Ulmer, Amy

---

**From:** Barbara Carson <barbaracarsonlaw@gmail.com>  
**Sent:** Wednesday, May 1, 2019 2:01 PM  
**To:** Ulmer, Amy  
**Subject:** Re: BOA-22626 Site Plan Inquiry  
**Attachments:** 252 S Quebec Sketch 2019-05-01.pdf

Amy:

Attached is the information from the surveyor.

Let me know if you have any other questions.

Thank you.

Barbara,

Here is a pdf showing the distance from the front of the building to the front property line.

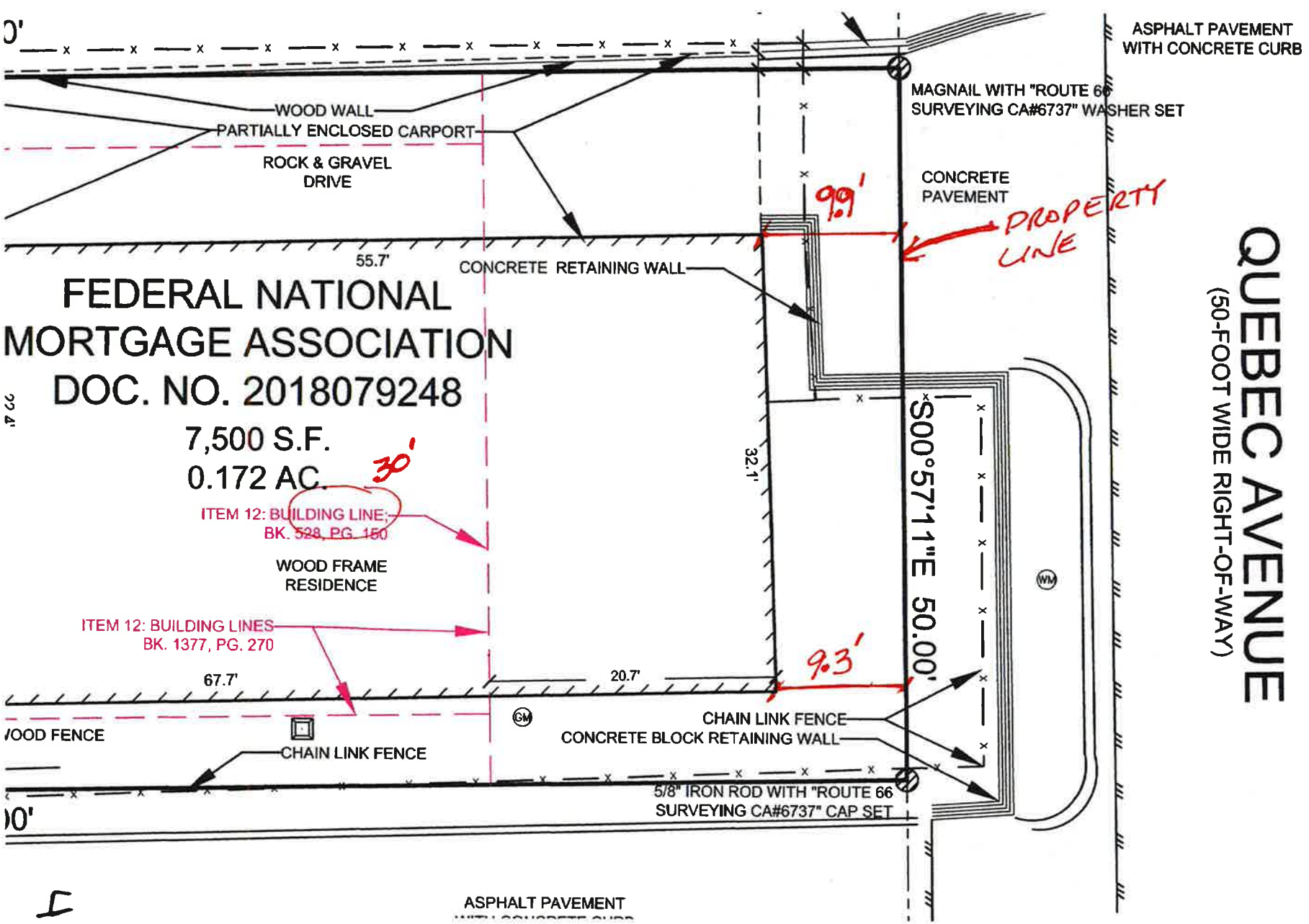
Thanks, John

Barbara L. Carson, Esq.  
Carson Law Firm, PLLC  
624 S. Denver, Suite 202  
Tulsa, OK 74119  
(918) 605-8862

On May 1, 2019, at 1:01 PM, Ulmer, Amy <[aulmer@incog.org](mailto:aulmer@incog.org)> wrote:

Hello,

Could you indicate on the attached site plan the distance from the front of the build to the front property line? I believe this information would make this more clear to the Board. Let me know if you have any questions.



FEDERAL NATIONAL  
MORTGAGE ASSOCIATION  
DOC. NO. 2018079248  
7,500 S.F.  
0.172 AC.

QUEBEC AVENUE  
(50-FOOT WIDE RIGHT-OF-WAY)

4.12



Neighborhood Investigations  
WORKING IN NEIGHBORHOODS

Case Number: NUZO-010421-2019  
Case Type: NUZO  
Notice Date: 03/29/2019  
Compliance Deadline: 04/12/2019

### ZONING NOTICE OF VIOLATION

The City of Tulsa To:

FNMA  
PO BOX 650043  
DALLAS TX 752650043

You are hereby notified that the violation(s) maintained, operated or permitted to exist by you at: LT 281  
BK 1, RODGERS HGTS SUB City of Tulsa, Tulsa County, State of Oklahoma;

And located at the address of: 252 S QUEBEC AVE E

Consisting of: (Official Ordinance Cited Information is included.)

**Title 42, Chap. 5, Sect. 30**

This Violation requires:

There is a 25- foot building set back starting at the end of the right of way. The addition built on to the primary structure in the front will have to be removed.

There is a 5-foot building set back from the side of the property line. The structure built to the fence line will have to be removed or cut back from the property line.

You may also seek a variance with the Board of Adjustment.

A final inspection is set for 04/12/2019.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days business. FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL PENALTIES NOT TO EXCEED \$1,000.00 PER DAY. You may appeal the administrative official's decision within 10 BUSINESS DAYS by filing a complete appeal application with the administrative official and INCOG located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma, 74103. Appropriate fees must accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain information on filing an application for a special exception or variance related to your violation instead of appealing the decision.

CASE NO. NUZO-010421-2019

Caleb Perkins  
Neighborhood Inspector  
918-596-2518

Meetings with inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):

OCCUPANT  
252 S QUEBEC AVE E  
Tulsa OK 74112

BARBARA CARSON  
624 S DENVER AVE W SUITE 202  
TULSA OK 74119



THOMPSON, DAVID AND STEPHANIE  
2802 E LOS ALAMOS CT  
GILBERT AR 85295

## Section 5.030 Lot and Building Regulations

### 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 20. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>Minimum Lot Area (sq. ft.)</b>													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
<b>Other allowed buildings/uses</b>													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
<b>Min. Lot Area per Unit (sq. ft.)</b>													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses (2)	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street (3)													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) (4)	15	5	5	5	5	5	5	5(5)	5(6)	5(6)	5(6)	5(7)	10
Rear (4)	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000(8)	2,500	600	2,000	1,200	1,200	600	200	-	2,500
Max. Building Height (feet)	35	35	35	35	35	35	35	35	35	35	35	-	35

#### 5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5-3:

- [1] See Section 40.240 for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

## REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

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

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

BOA-22626



Applicant's Signature

4.3.19

Date

Approved by: \_\_\_\_\_

## Ulmer, Amy

---

**From:** Miller, Susan  
**Sent:** Thursday, May 9, 2019 3:49 PM  
**To:** Ulmer, Amy; Sparger, Janet  
**Subject:** FW: BOA 226 26

**Susan Miller, AICP**

Director

**Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9470

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



---

**From:** Diane Denham <[ddenham67@gmail.com](mailto:ddenham67@gmail.com)>  
**Sent:** Wednesday, May 8, 2019 1:50 PM  
**To:** Miller, Susan <[SMiller@incog.org](mailto:SMiller@incog.org)>  
**Subject:** BOA 226 26

I am writing about the board of adjustments decision on the property at 252 South Quebec in Tulsa, Ok. I live caddy corner to this property, and have for 40 years. The man who owned it until recently having lost in a reverse mortgage, built all the extensions without permits. The north side of the driveway and carport are on the neighbor's property. I can't say when they were built, as they went up little by little over time. My partner and I are registered voters, and want the request to leave it as is denied! It slowly grew to be a monstrosity, and is an eyesore in the neighborhood. Sincerely, Diane Denham and Michelle Richison 257 S Quebec. If you need photos before the Tuesday meeting, I would be happy to provide them. Thank you!

Sent from [Mail](#) for Windows 10





4.18

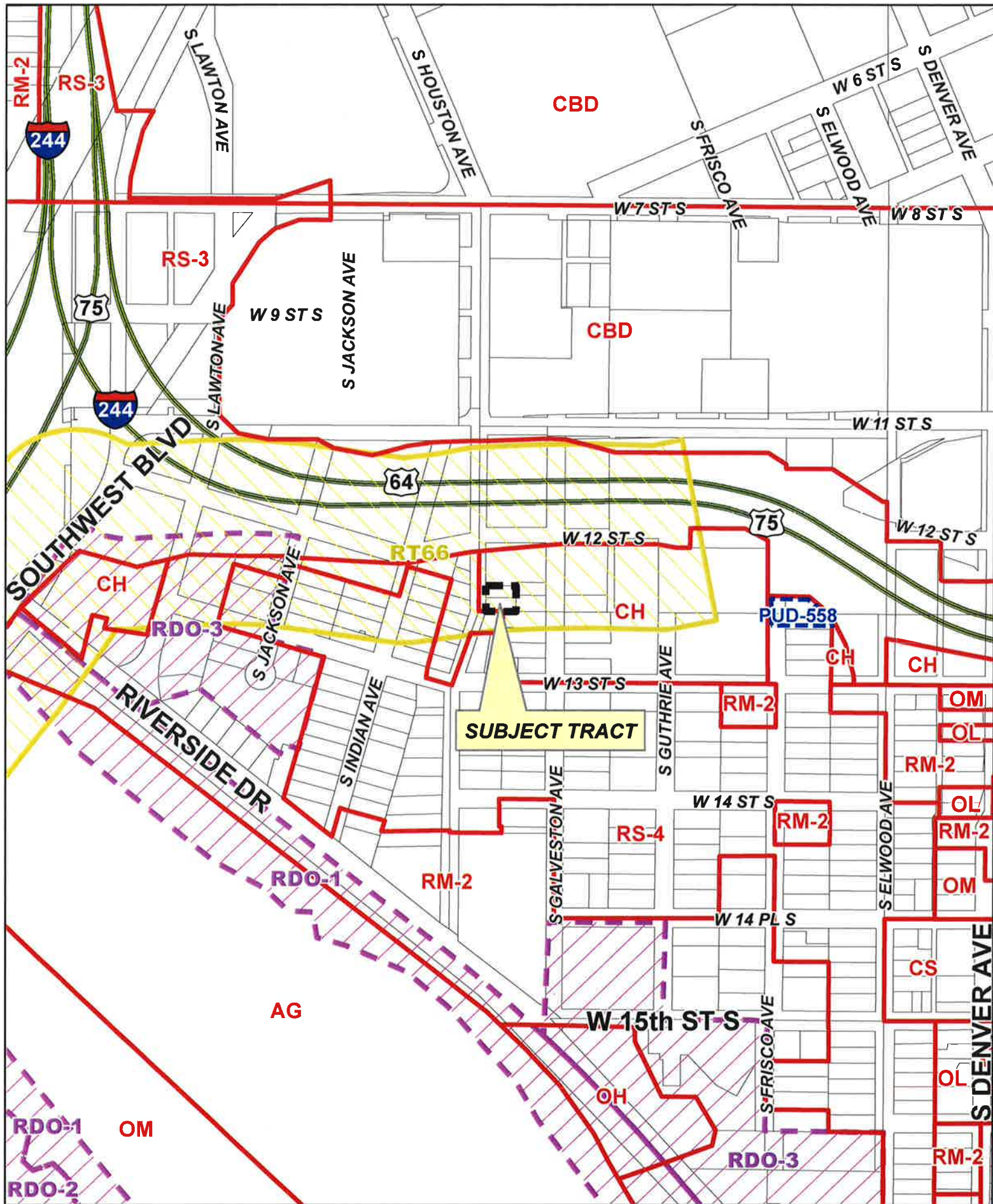




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BOA-22649

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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9211

Case Number: **BOA-22649**

**CZM:** 36

**CD:** 4

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Elizabeth Koelle

**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:** 1215 S HOUSTON AV W; 1213 S HOUSTON AV W **ZONED:** CH

**PRESENT USE:** vacant

**TRACT SIZE:** 8032.5 SQ FT

**LEGAL DESCRIPTION:** S 43 OF W 97.5 LT 4 BLK 15; S 10 OF W 97 .5 LT 3 & N 29 OF W 97.5 LT 4 BLK 15, LINDSEY THIRD ADDN

**RELEVANT PREVIOUS ACTIONS:** NONE

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 formerly a daycare center and bounded by a small commercial strip center to the North, a barber shop to the South and residential properties to the East and West. The subject Tract is roughly 150' from W 12<sup>th</sup> St which serves as a frontage road for the South leg of the Inner Dispersal Loop.

## **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.

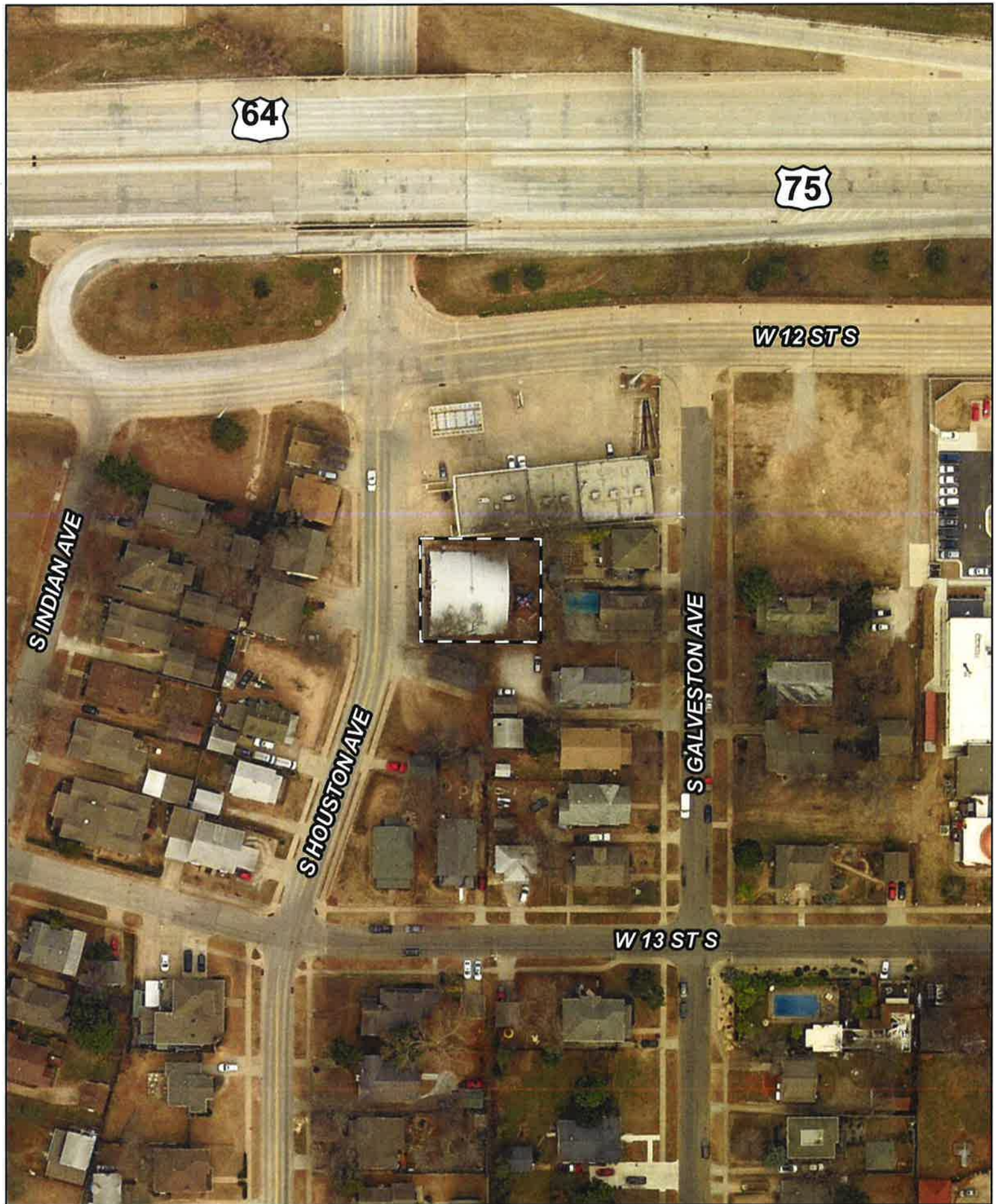
In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section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





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Feet



Subject  
Tract

**BOA-22649**

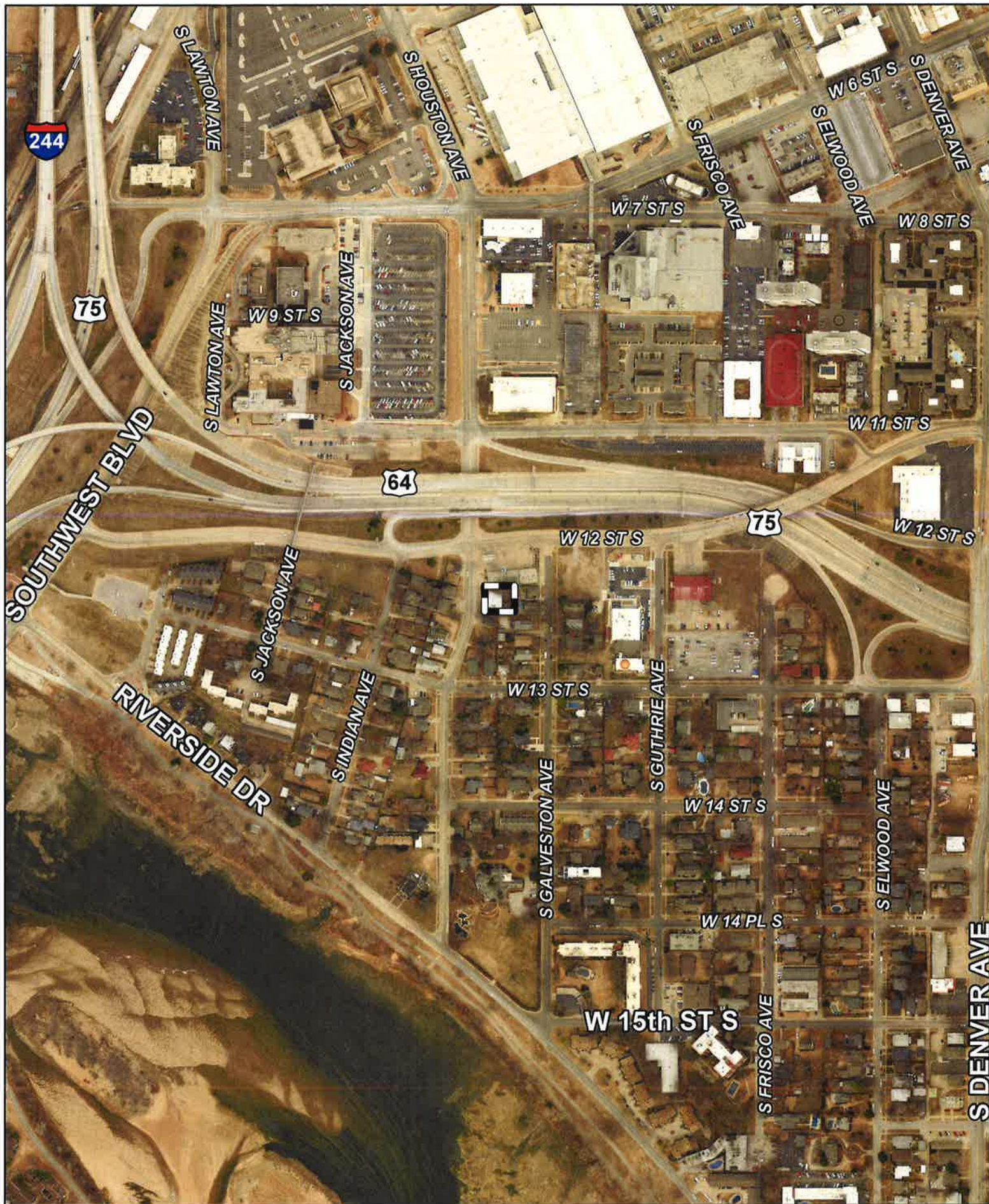
19-12 11

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

Aerial Photo Date: February 2018







0 200 400  
Feet



Subject  
Tract

**BOA-22649**

19-12 11

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

Aerial Photo Date: February 2018

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05/16/2019 12:44

S.V.





05/16/2019 12:44

5.7

Amy Ulmer  
Board of Adjustments  
2 W 2<sup>nd</sup> St, Tulsa  
918-584-7526

8th Floor

April 25, 2019

## INCOG Marijuana Dispensary Separation Verification

Uptown Wellness has Oklahoma Medical Marijuana Authority (OMMA) medical dispensary license #:DAAA-4KEA-G8SD.

We are seeking the necessary permits to open a medical marijuana dispensary at 1215 S Houston Ave, Tulsa 74127.

This location is zoned CH.

There are no other medical marijuana dispensaries located within 1000 feet of any corner of our building.

We verified this using the latest OMMA dispensary list, dated April 17, 2019. We plotted all the dispensaries in the 74127 zip code where we are located, and in the adjacent zip codes 74119 and 74103.

On page 2, we included a map showing our location and the surrounding zip codes. The green circle shows the 1000 ft radius prohibited area. We included the OMMA listings on pages 3-5. The map shows that there are no other medical marijuana dispensaries on the map, let alone within 1000 feet of our location.

The location of the closest licensed dispensaries in relation to Uptown Wellness are:

**Zip code 7127** (listings on page 5)

NKO Retail, 3313 Charles Page Blvd [1.8 miles away]

Jake's Beyond Bud, 6524 Charles Page Blvd [3.8 miles away]

**Zip code 74103** (listings on page 3)

4Evergreen, 224 N Boulder Ave [1.0 miles away]

Black Rain, 15 E Mathew Brady St [1.0 miles away]

**Zip code 74119** (listings on page 4)

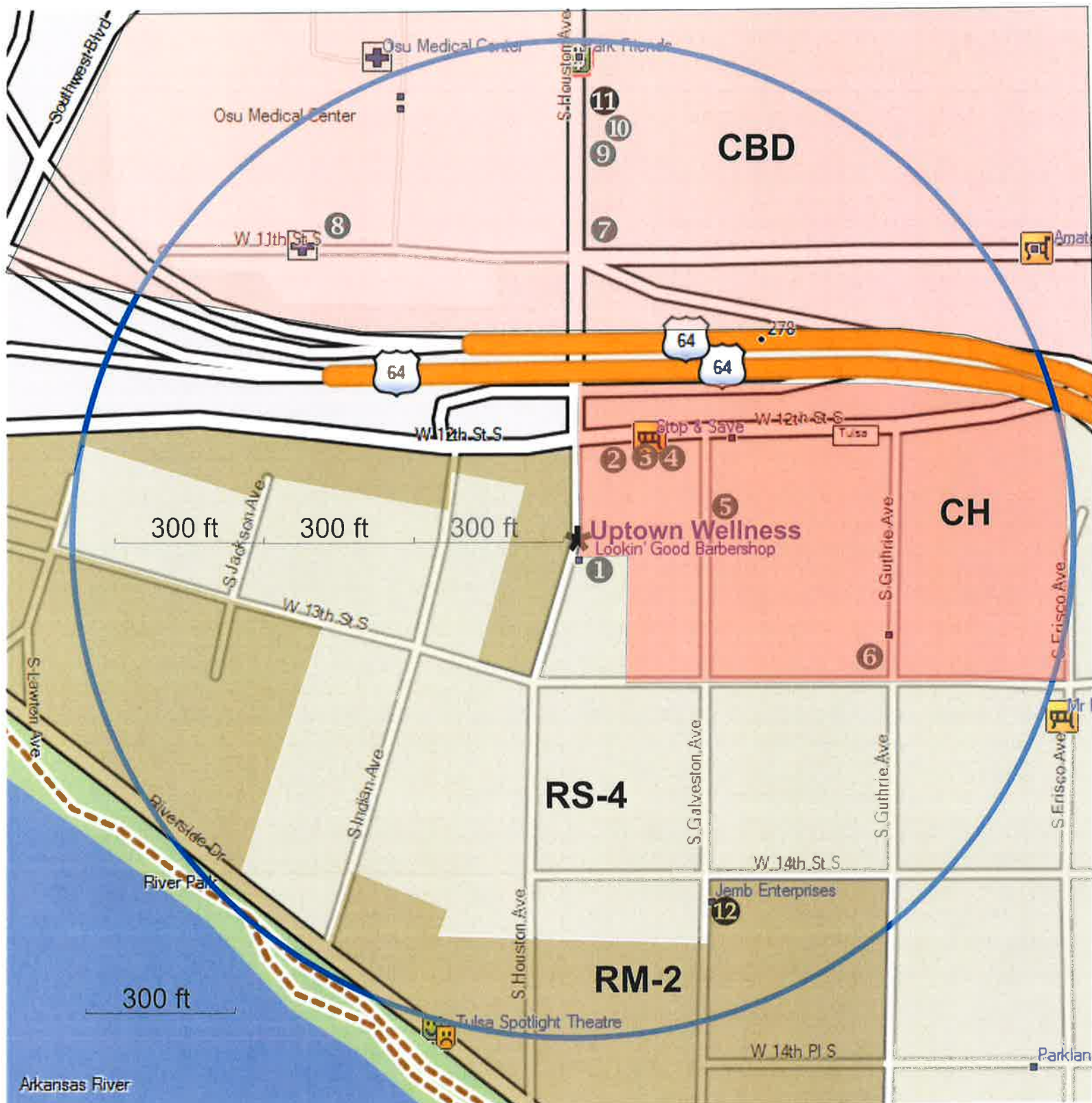
No dispensaries are licensed in Zip Code 74119.



Attn: Amy Ulmer - All Known Businesses within 1000' of Uptown Wellness, 1215 S Houston Ave, Tulsa 741227  
 Lizz Koelle Phone: 918-852-6872 [420.uptown.wellness@gmail.com](mailto:420.uptown.wellness@gmail.com)



- #1 Looken Good Barbership, 1217 S Houston Ave, 74127
- #2 Stop -N-Save convenience store, 634 W 12<sup>th</sup> Street, 74127
- #3 Emmaus Community, 632 W 12<sup>th</sup> Street, 74127
- #4 Coco Massage, 630 W 12<sup>th</sup> Street, 74127
- #5 Galveston Law Center, 1219 S Galveston Ave, 74127
- #6 Holy Trinity Greek Orthodox Church, 1222 S Guthrie Ave, 74119
- #7 Family Childrens Services, 791 S Houston Ave, 74103
- #8 OSU Medical Center, 802 S. Jackson Ave, 74127
- #9 Walgreen's Pharmacy, 717 S Houston Ave, 74127
- #10 Baxter's Interurban Grill, 717 S Houston Ave, 74127
- #11 OSU Medical Center, 717 S Houston Ave, 74127
- #12 Jemb Enterprises, 1405 S Galveston Ave, 74127







170  
17  
6  
193

## NAME

## CITY

## ZIP

## COUNTY

License ID #: DAAA-VYGS-SB18

**PURE WELLNESS EXIT 1**  
22995 US HIGHWAY 77

THACKERVILLE

73459

LOVE

License ID #: DAAA-4JJY-AULS

**SATIVA INC.**  
11054 ROGERS RD

THACKERVILLE

73459

LOVE

License ID #: DAAA-EJ4Q-WLDP

**TAYLOR'D INVESTMENTS LLC**  
29971 HWY 77

THACKERVILLE

73459

LOVE

License ID #: DAAA-4K87-EVJV

**THACKERVILLE HEMP COMPANY DISPENSARY, LLC**  
22062 US HIGHWAY 77

THACKERVILLE

73459

LOVE

License ID #: DAAA-4JSX-MTQN

**ALTCARE 10 LLC**  
9606 N MAY AVE

THE VILLAGE

73120

OKLAHOMA

License ID #: DAAA-VKJY-QVF8

**JJLARNER LLC**  
10413 N MAY AVE

THE VILLAGE

73120

OKLAHOMA

License ID #: DAAA-4YCA-CROS

**MR. GREEN LLC**  
10840 N PENNSYLVANIA AVE

THE VILLAGE

73120

OKLAHOMA

License ID #: DAAA-E1CJ-WZBW

**CJ'S DISPENSARY LLC**  
1533 W MAIN ST

TISHOMINGO

73460

JOHNSTON

License ID #: DAAA-VKPY-RIPL

**NATIVE MEDS LLC**  
1004 E MAIN ST

TISHOMINGO

73460

JOHNSTON

License ID #: DAAA-4YXS-W1AL

**XTREME GREENZ LLC**  
104 S. CAPITOL AVE

TISHOMINGO

73460

JOHNSTON

License ID #: DAAA-VJL2-HN3E

**TONKAWA MEDICAL DISPENSARY LLC**  
1909 E NORTH AVE

TONKAWA

74653

KAY

License ID #: DAAA-EJPP-PZIK

**4EVERGREEN LLC**  
224 N BOULDER AVE

TULSA

74103

TULSA

License ID #: DAAA-4KFV-E5VR

**BLACK RAIN LLC**  
15 E MATHEW BRADY ST

TULSA

74103

TULSA

License ID #: DAAA-VYQG-OQCP

**777CC LLC**  
777 S UTICA AVE

TULSA

74104

TULSA

License ID #: DAAA-V1GA-RSDD

**CENTRAL PURP LLC**  
2504 E 14TH ST

TULSA

74104

TULSA

License ID #: DAAA-EJPU-2YGY

**DOCTOR GREEN LLC**  
3232 E 15TH ST

TULSA

74104

TULSA

License ID #: DAAA-4K2J-BQRA

**GR COMPANIES OK, LLC**  
307 S UTICA AVE

TULSA

74104

TULSA

## NAME

## CITY

## ZIP

## COUNTY

License ID #: DAAA-4YPD-T3DH

**VVR ENTERPRISES, LLC**  
1316 S SHERIDAN RD

TULSA

74112

TULSA

License ID #: DAAA-4YPD-T3DH

**VVR ENTERPRISES, LLC**  
1316 S SHERIDAN RD

TULSA

74112

TULSA

License ID #: DAAA-EKV7-T38R

**DEADHEAD MEDS INC.**  
5126 E 21ST ST

TULSA

74114

TULSA

License ID #: DAAA-EYVA-LCYS

**DR Z LEAF LLC**  
3020 S HARVARD AVE

TULSA

74114

TULSA

License ID #: DAAA-41BK-OGUL

**CROYBL17 LIMITED LIABILITY COMPANY**  
6914 E ADMIRAL PL

TULSA

74115

TULSA

License ID #: DAAA-NKGI-3CRN

**HERBAL JUNCTION MARKET LLC**  
7498 E ADMIRAL PL

TULSA

74115

TULSA

License ID #: DAAA-4YRN-7QGY

**LOVELIGHT CANNABIS LLC**  
3618 E ADMIRAL PL

TULSA

74115

TULSA

License ID #: DAAA-4YRN-7QGY

**LOVELIGHT CANNABIS LLC**  
3618 E ADMIRAL PL

TULSA

74115

TULSA

License ID #: DAAA-4YW2-MFI4

**OKLAFLORA, LLC**  
7 N HARVARD AVE

TULSA

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License ID #: DAAA-NKS4-LZSK

**THE ROYAL TREE LLC**  
4903 E ADMIRAL PL

TULSA

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License ID #: DAAA-NKS4-LZSK

**THE ROYAL TREE LLC**  
4903 E ADMIRAL PL

TULSA

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TULSA

License ID #: DAAA-VY4Q-JG9P

**VVR ENTERPRISES, LLC**  
7839 E ADMIRAL PL

TULSA

74115

TULSA

License ID #: DAAA-VY4Q-JG9P

**VVR ENTERPRISES, LLC**  
7839 E ADMIRAL PL

TULSA

74115

TULSA

License ID #: DAAA-E1KV-YD5R

**GREEN LOVE TULSA LLC**  
1535 N 107TH EAST AVE

TULSA

74116

TULSA

License ID #: DAAA-EYBT-MNWW

**STAR LEAF ORGANICS INC**  
12212 E ADMIRAL PL

TULSA

74116

TULSA

License ID #: DAAA-VYVX-QXJT

**EVERGREEN LLC**  
1303 E ADMIRAL BLVD

TULSA

74120

TULSA

License ID #: DAAA-VYHB-OGYW

**COVEY RISE, LLC**  
1414 E 3RD ST

TULSA

74120

ADAIR



## NAME

License ID #: DAAA-VKZW-VFJ1

**TEA PAD, LLC**  
723 E 2ND ST

License ID #: DAAA-4YXW-EC9I

**THE ROYAL TREE LLC**  
222 S KENOSHA AVE

License ID #: DAAA-N1CP-PWIP

**TJD NATURAL SUPPLEMENTS LLC**  
1402 S PEORIA AVE

*50K6*

License ID #: DAAA-4JJI-JAZ7

**TREEHOUSE CANNABIS, LLC**  
621 S KENOSHA AVE

License ID #: DAAA-4KX1-AHPP

**TULSA HEALTH CLINICS, LLC**  
1236 S PEORIA AVE

License ID #: DAAA-N1J1-JY9V

**918 BUDS MEDICAL MARIJUANA DISPENSARY LLC**  
7425 N PEORIA AVE

License ID #: DAAA-E1AJ-ABNY

**GIBBS GREEN DELIVERY SERVICE INC**  
4604 N PEORIA AVE

License ID #: DAAA-N1QU-PXZO

**PREMIUM CANNABIS PLUG LLC**  
5264 N PEORIA AVE

License ID #: DAAA-VJMY-AVHZ

**JAKE'S BEYOND BUD**  
6524 CHARLES PAGE BLVD

License ID #: DAAA-EJDD-HAW8

**NKO RETAIL, LLC**  
3313 CHARLES PAGE BLVD

License ID #: DAAA-4KEA-G8SD

**UPTOWN WELLNESS INCORPORATION**  
1215 S HOUSTON AVE

License ID #: DAAA-VYPH-MEEE

**EUFLORIA LLC**  
11730 E 11TH ST

License ID #: DAAA-4YNY-NSUR

**VVR ENTERPRISES, LLC**  
1901 S GARNETT RD

License ID #: DAAA-4YNY-NSUR

**VVR ENTERPRISES, LLC**  
1901 S GARNETT RD

License ID #: DAAA-EYNK-WDE7

**A PLUS DISPENSARY, LLC**  
10330 E 21ST ST

License ID #: DAAA-VKXC-WETB

**AROMATICS RX**  
8112 E 21ST ST

License ID #: DAAA-V1BD-HMT4

**BLACK FOX PRODUCTIONS, LTD**  
2606 S SHERIDAN RD

## CITY

## ZIP

## COUNTY

TULSA

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TULSA

**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

April 17, 2019

Phone: 918.892.1961

LOD Number: 1  
Elizabeth Koelle  
1215 S Houston Ave  
Tulsa, OK 74127

APPLICATION NO: **COO-029458-2109**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

Description:

**1215 S Houston Ave**  
**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.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[ X ] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

## REVIEW COMMENTS

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

COO-029458-2019

1215 S Houston Ave

April 17, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) 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, separation distance, 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.
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.  
**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.

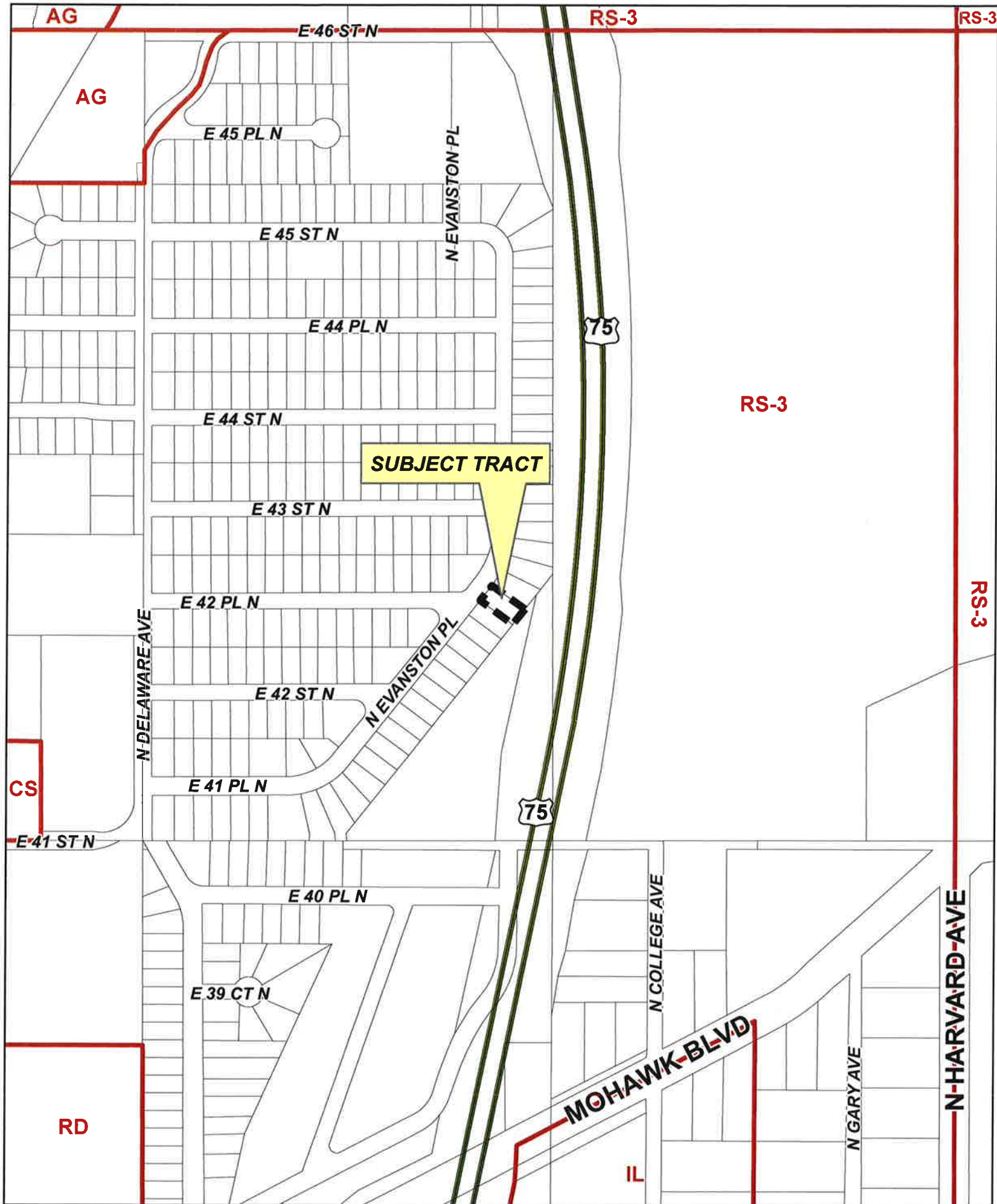
A hard copy of this letter is available upon request by the applicant.

## 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.





**BOA-22650**

20-13 17

6.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 0317

Case Number: **BOA-22650**

CZM: 22

CD: 1

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Julio Miranda

**ACTION REQUESTED:** Special Exception to permit a carport in the street setback and street yard and to exceed the allowable height requirements and to exceed 20 ft. in length (Sec. 90.090-C.1).

**LOCATION:** 4233 N EVANSTON PL E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 8319.99 SQ FT

**LEGAL DESCRIPTION:** LT 24 BLK 10, LAKE-VIEW HGTS AMD RESUB PRT B1-2 & B3-6

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None

**Surrounding Area:**

**BOA-15363;** On 02.01.1990, The Board approved a Variance of the maximum 20% rear yard lot coverage permitted with detached accessory building from 522 sf to 600 sf. Located 2888 E 43<sup>rd</sup> St N (Roughly 100' NW of Subject Property).

**BOA-22176;** on 12.13.2016, The Board approved a Special Exception to permit to carports in the front (street) yard with a modification of the requirement that all sides of the carport be open and unobstructed. Located 2867 East 44<sup>th</sup> Pl. N (Roughly 500' S of Subject property).

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is a single-family residence bounded by other single-family residences to the North, West and South and Highway 75 right-of-way to the East. I was only able to find 1 other carport that was granted a special exception for a carport in the Subdivision (BOA-22176). There is an existing non-conforming carport in the area, located at 4135 N Evanston, approximately 500' South of the subject property. Immediately North of the subject property there is a non-conforming gazebo in the front yard of the adjacent lot as seen in the attached picture. Most of the lots in this addition do not have garages and they consistently have carports that align with the principal structure and do not protrude past the building line.

**STAFF COMMENTS:**

Per the zoning code a special exception is required to permit a carport in the Street Yard and street setback subject to the conditions below that can be adjusted through a Special Exception (sec. 90.090-C1).

**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.

The applicant is requesting a special exception to permit the carport in the street yard and street setback and to allow the carport to be greater than 8 feet at its perimeter and to exceed 8 feet in height within 10 feet of the side lot line and to exceed 20' in length. The requested carport would be 9' at its perimeter. The applicant did not note the height of the carport at its highest point, but it does not appear to exceed 18 feet in height. The applicant did not provide the total length of the carport including the existing carport and may not need the requested relief if he can verify that at the meeting.

The Code's limitation on the carport size is intended to ensure that carports located within front yards are compatible with a minimum desired residential character found in the neighborhood and don't consume an entire required front yard eclipsing the presence of the home on the streetscape.

### Sample Motion for a Special Exception

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a carport in the street setback and street yard and to exceed the allowable height requirements and to exceed 20 ft. in length (Sec. 90.090-C.1).

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

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

LT 7 BLK 8, MAPLEWOOD 2ND ADDN OF TR A POLSTON ACRES, City of Tulsa,  
Tulsa County, State of Oklahoma

**22176—Lety Bustos**

**FILE COPY**

**Action Requested:**

Special Exception to permit two carports in the front (street) yard with a modification of the requirement that all sides of the carport be open and unobstructed (Section 90.090-C). **LOCATION:** 2867 East 44<sup>th</sup> Place North (CD 1)

**Presentation:**

**Lety Bustos**, 7128 North Trenton Avenue, Tulsa, OK; stated she would like to have two carports on the subject house.

Mr. Van De Wiele asked if the property was a duplex. Ms. Bustos stated that it is not a duplex.

Mr. White asked Ms. Bustos if she was going to add to the existing carports. Ms. Bustos stated that she is not going to add to the existing carports.

**Interested Parties:**

**Delores Gibbons**, 2873 East 44<sup>th</sup> Place North, Tulsa, OK; stated that the two carports block her view and it should not. She has no objections to the two carports but they are blocking her view. The owners are making the subject property a shop and it is not zoned for a work shop. Ms. Gibbons stated that she has to walk all the way to the curb to see her grandchildren get off the school bus and she should not have to do that. She is not aware of any closed in carports in the neighborhood. Ms. Gibbons stated that she is opposed to this request.

**Rebuttal:**

**Lety Bustos** came forward and stated there is a side on the carport but she is willing to have it removed. Ms. Bustos agreed the carport should not be blocking the view of anything.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Back, Bond, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Flanagan absent) to **APPROVE** the request for a Special Exception to permit two carports in the front (street) yard with a modification of the requirement that all sides of the carport be open and unobstructed (Section 90.090-C), subject to "as built". The two carport sides are to be unobstructed and open with the siding on the carports currently be removed. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not



BOA-22176

FILE COPY

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

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

**22179—John Gabarino, III**

**Action Requested:**

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

**Presentation:**

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

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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

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

\*\*\*\*\*

**OTHER BUSINESS**

None.

\*\*\*\*\*

**NEW BUSINESS**

None.

Case No. 15355 (continued)

Dorothy Brumfield, 530 East Woodrow Street, Tulsa, Oklahoma, asked the Board to deny the application and preserve the quiet and peaceful character of the neighborhood.

**Applicant's Rebuttal:**

Mr. Bolzle asked the applicant if the house on Frankfort Place is occupied and he replied that a church member lives there temporarily. He stated that the church is attempting to be a good neighbor, and informed that the lot would probably not be in use except on Wednesday and Sunday.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit church uses (future parsonage, classrooms, parking area) in a residential zone - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, located 2218 North Frankfort Place; and to APPROVE** a **Special Exception** to permit church uses (future parsonage, classrooms, parking area) in a residential zone - **Section 410. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 5, 2111 North Frankfort Avenue; subject to the execution of a tie contract between the property at 2111 North Frankfort Avenue and the remaining church property; finding that the bulk of the property owned by the church is along Frankfort Avenue and church use on the abutting property would be compatible with the established uses on that street; however, the removal of the house and construction of a parking lot on Frankfort Place would be an encroachment into the residential area and detrimental to the neighborhood; on the following described property:**

Lot 7, Baldwin Place Addition (2111 North Frankfort Avenue);  
Lot 15, Block 2, Reedlawn Addition (2218 North Frankfort Place), City of Tulsa, Tulsa County, Oklahoma.

**NEW APPLICATIONS**

**Case No. 15363**

**Action Requested:**

Variance of the maximum 20% rear yard lot coverage permitted with detached accessory building 522 sq ft to 888 sq ft - **Section 240. YARDS - Use Unit 6, located SW/c 43rd Street North and Evanston Place.**

Presentation:

The applicant, **Johnny L. Smith**, 2888 East 43rd Street North, Tulsa, Oklahoma, stated that he is in the process of building a 20' by 30' carport to protect two vehicles that are being restored. He explained that there are three cars parked in the back yard, which will be removed when his brother-in-law's estate is settled in March. The applicant stated that the existing storage building will also be removed from the premises when the carport is completed. A plot plan (Exhibit J-1) was submitted.

Comments and Questions:

Ms. Bradley asked Mr. Smith if he is in the car restoration business, and he replied that he is employed by Public Service and restores cars as a hobby. He informed that he began the project approximately two years ago, and has occasionally had help from a friend and relative.

Mr. Jackere asked the applicant if he has sold a car within the last two years, and Mr. Smith replied that he has not completed the restoration of a car within the last two years.

In response to Mr. Fuller, the applicant informed that the carport is 20' by 30' and is constructed with 4" by 6" wood posts, with the north side being attached to the house and the west end enclosed. He stated that the carport is 90% complete.

Ms. Hubbard advised that the applicant presently has accessory buildings covering more than 20% of the rear yard (600 sq ft carport and 288 sq ft portable building).

Protestants: None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Bradley, Chappelle, Fuller, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the maximum 20% rear yard lot coverage permitted with detached accessory building from 522 sq ft to 600 sq ft - **Section 240. YARDS** - Use Unit 6; per plot plan submitted; subject to removal of the portable building upon completion of the carport; subject to the execution of a Restrictive Covenant prohibiting the use of the carport for commercial activities; finding a hardship demonstrated by the irregular shape of the property; and the corner lot location; on the following described property:

Lot 1, Block 7, Lakeview Heights Addition, City of Tulsa, Tulsa County, Oklahoma.





Feet  
0 200 400



Subject  
Tract

**BOA-22650**

20-13 17

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

Aerial Photo Date: February 2018



6.9





E 43 ST N

E 42 PL N

NEVANSTON PL

75

75

0 50 100  
Feet



Subject  
Tract

**BOA-22650**

20-13 17

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

Aerial Photo Date: February 2018







05/16/2019 12:00

Subject Property– looking east on N. Evanston  
Pl.



05/16/2019 12:01

View from subject property– looking south





Non-conforming Gazebo immediately adjacent to the subject property



Existing carport south of the subject property

Plans per BOA-22650  
page 1 of 3

Property line

70 Ft

property line

4233 N Elston PL

old  
Carport

House

5 Ft

10 Ft

Property line

5 Ft  
New  
car port

16'

PO(2)

14'

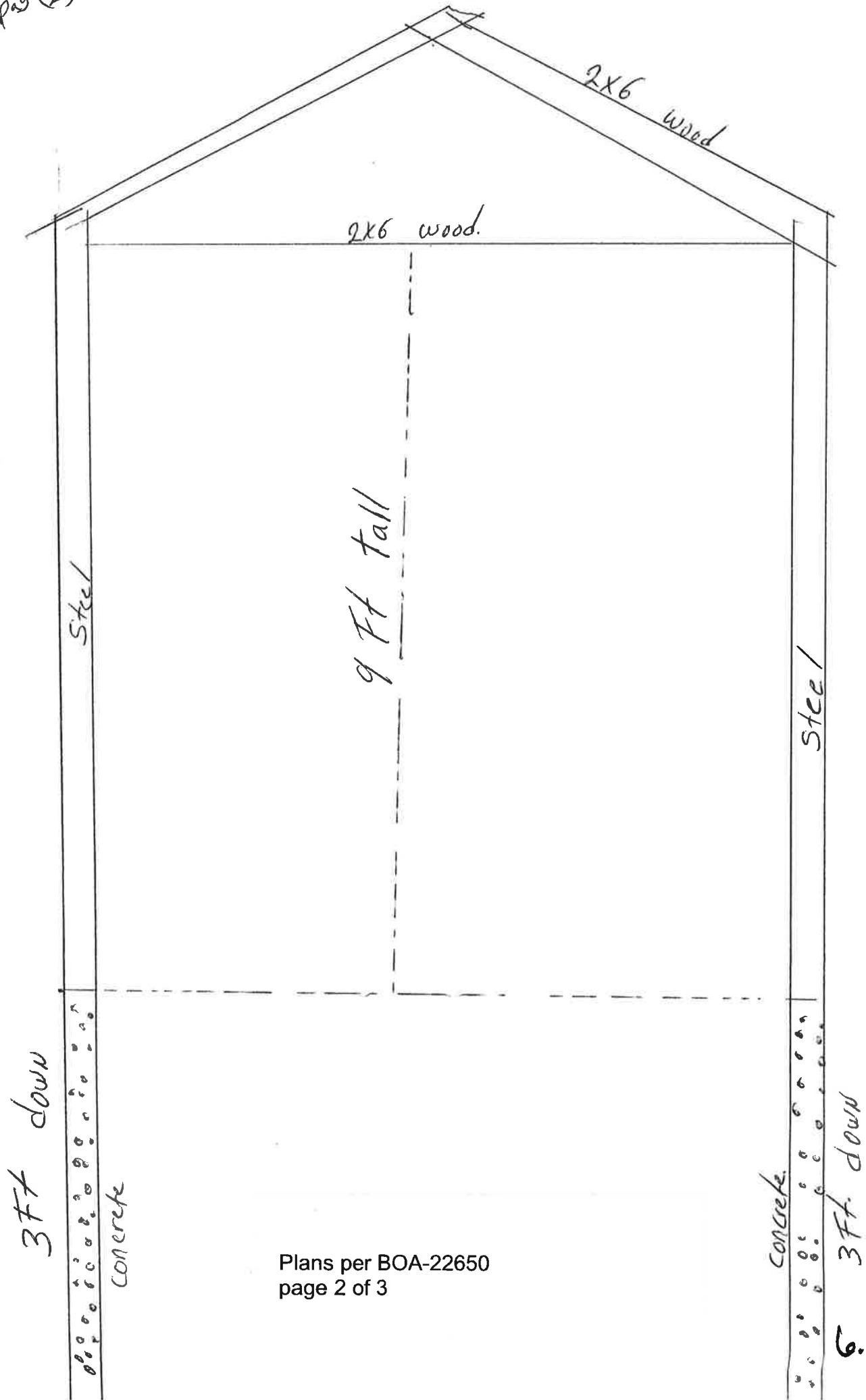
70 Ft

52 Ft

street

6.13

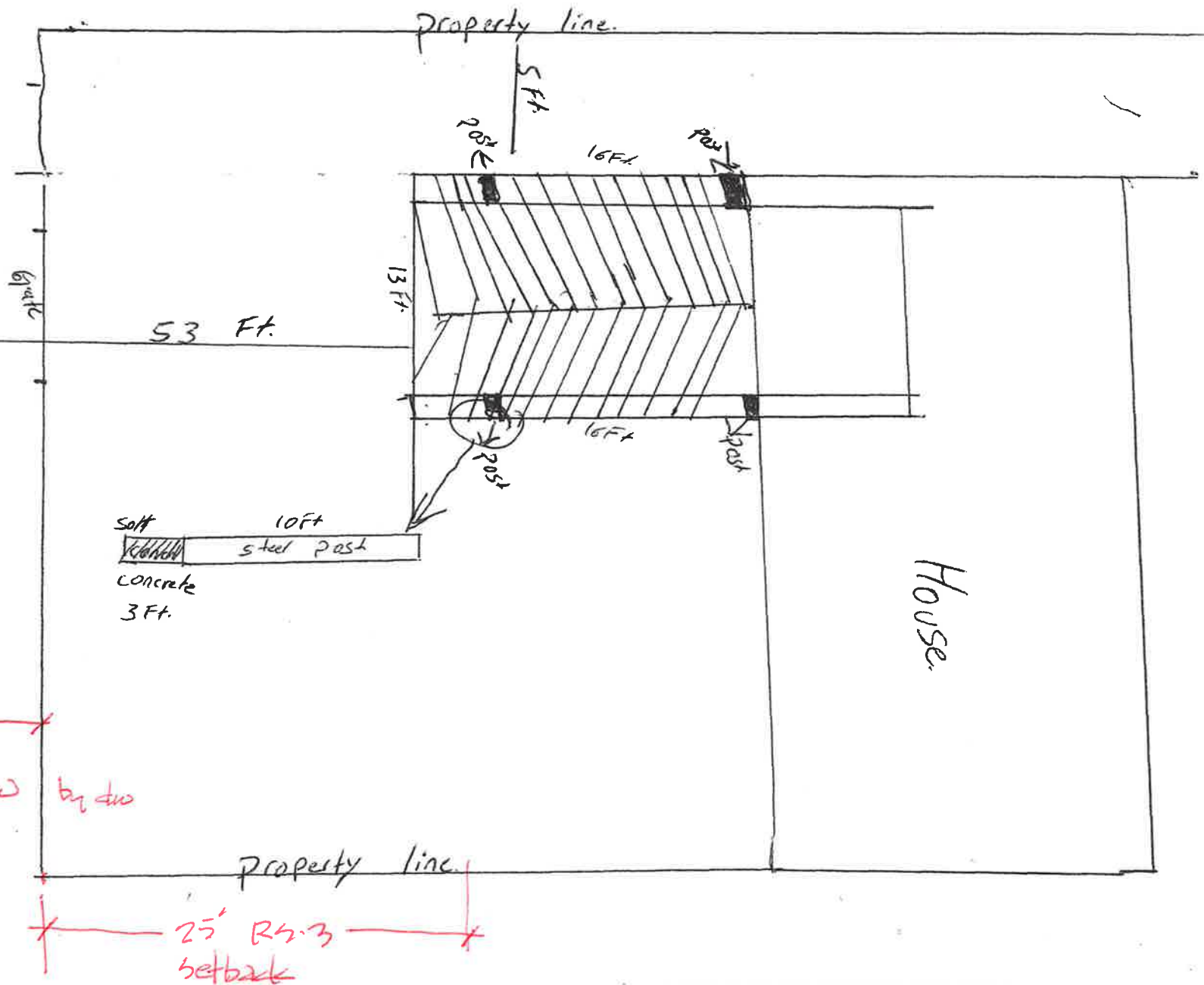
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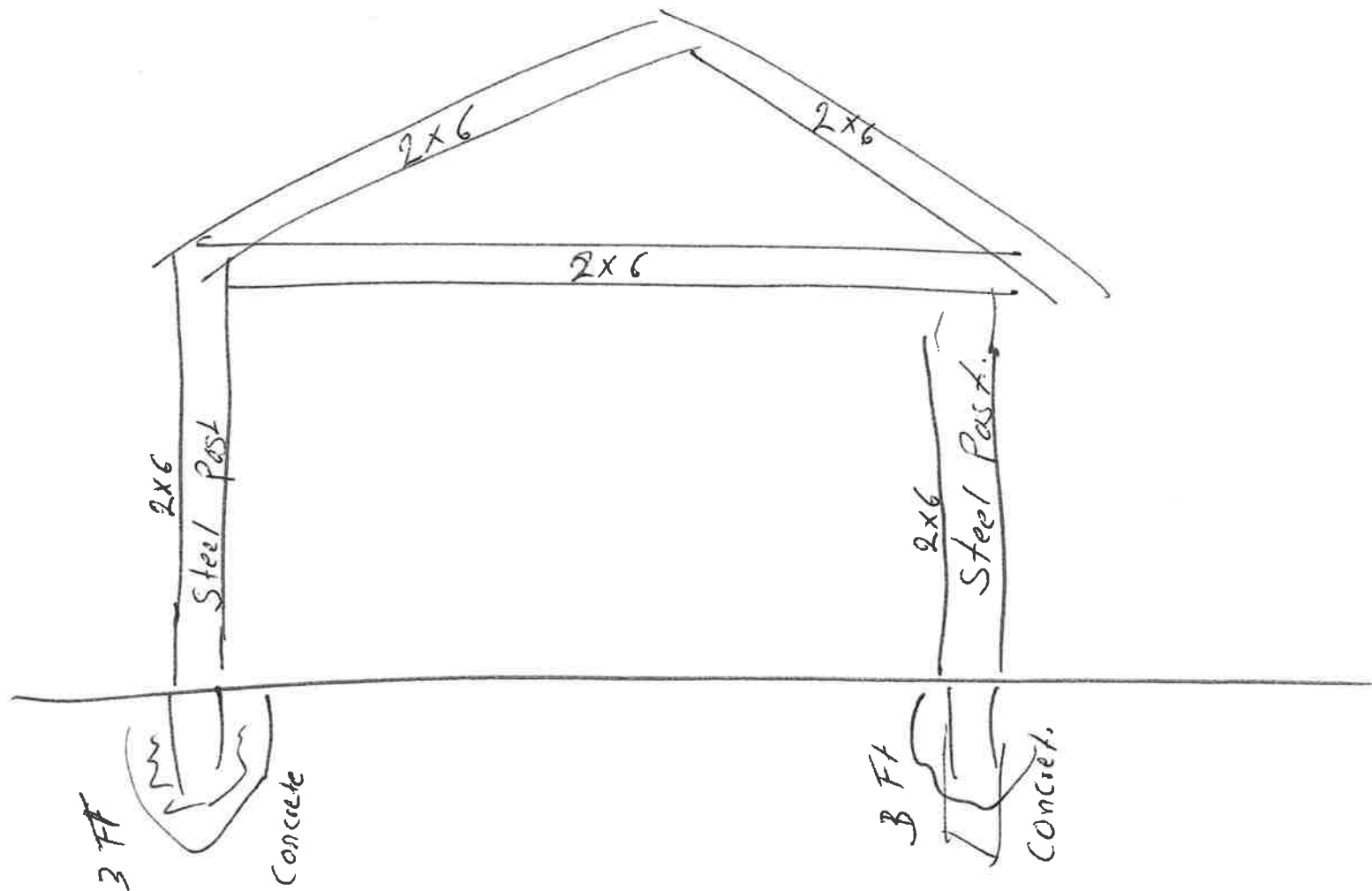


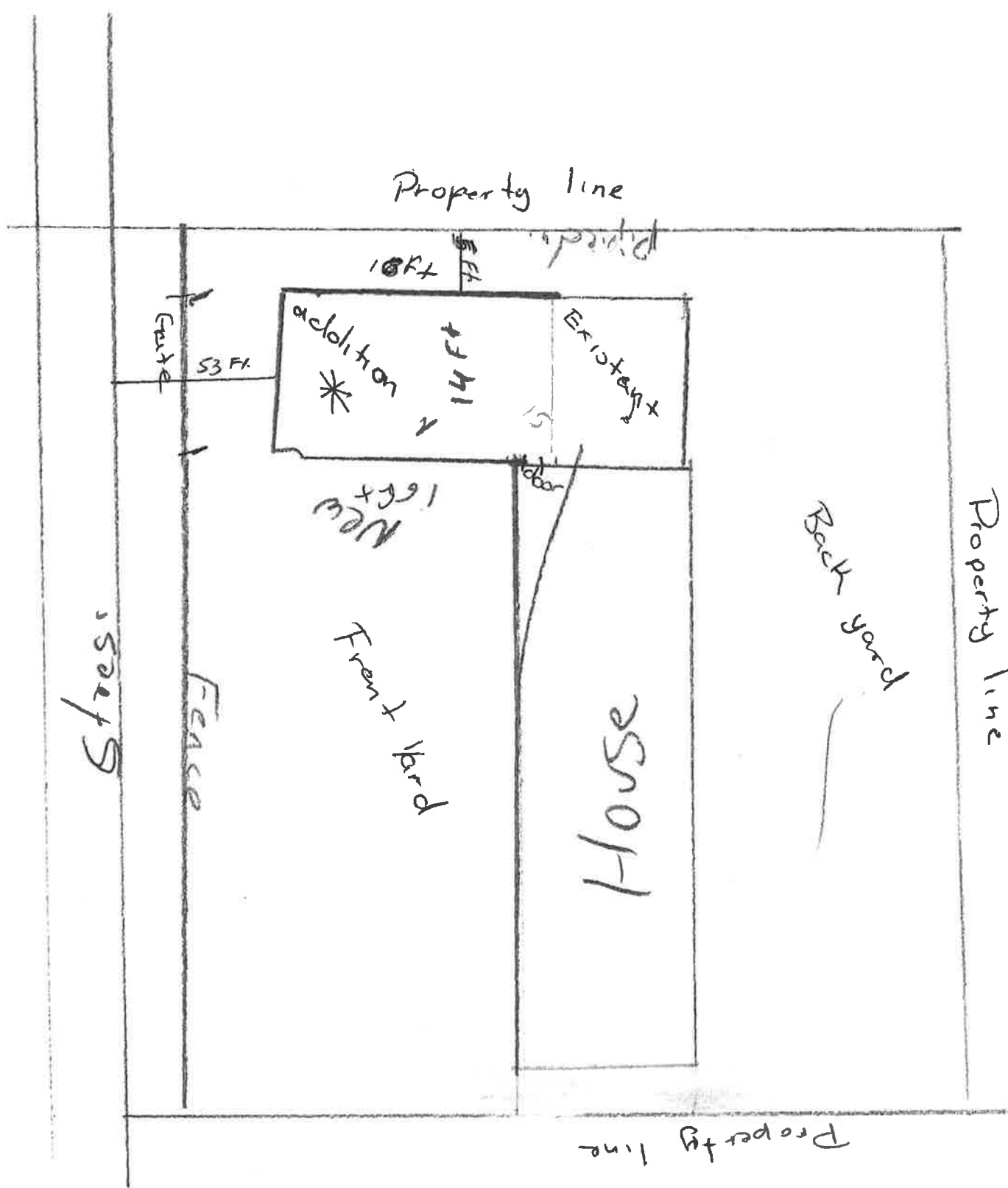
Plans per BOA-22650  
page 2 of 3

6.14











**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

**Adolfo Vargas**

1/8/2019

**APPLICATION NO: BLDR-20380-2018** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 4233 N Evanston Pl**

**Description: Carport**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

## REVIEW COMMENTS

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

Application No. **BLDR-20380-2018**

**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 underlined above must be addressed as part of the special exception process as the proposed structure is not in compliance with said regulations as submitted. If approved, submit a copy of the approved special exception as a revision to your application.

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

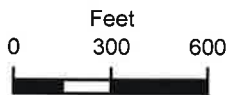
**Please Notify Plans Examiner By Email When You Have Submitted A Revision.**

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

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

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





18-13 26



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8326

Case Number: **BOA-22651**

**CZM:** 57

**CD:** 8

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Robin Stanley

**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:** 8010 E 106 ST S

**ZONED:** CS,OL

**PRESENT USE:** commercial center

**TRACT SIZE:** 58571.02 SQ FT

**LEGAL DESCRIPTION:** LTS 21 & 22 BLK 1, AVALON PARK ON MEMORIAL PRT RSB TRINITY ADD AMD

**RELEVANT PREVIOUS ACTIONS:** NONE

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is apart of a commercial/ office development located at the SW/c of S Memorial Drive and E. 106<sup>th</sup> St S. After a site visit staff did not see any evidence that would indicate another medical marijuana dispensary is operating within 1,000' of the subject property.

## **STAFF COMMENTS:**

The applicant is proposing to convert an existing business into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical

7.2

marijuana dispensary in a CS/OL/PUD 370-B district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code and PUD Standards, a medical marijuana dispensary is permitted by right inside PUD 370-B 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 exist presently, 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.









E REGAL PL

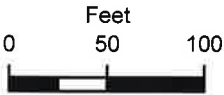
S MEMORIAL DR

E 105 ST S

E 106 ST S

64

E 106 PL S



Subject  
Tract

**BOA-22651**

18-13 26

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

Aerial Photo Date: February 2018

7.5



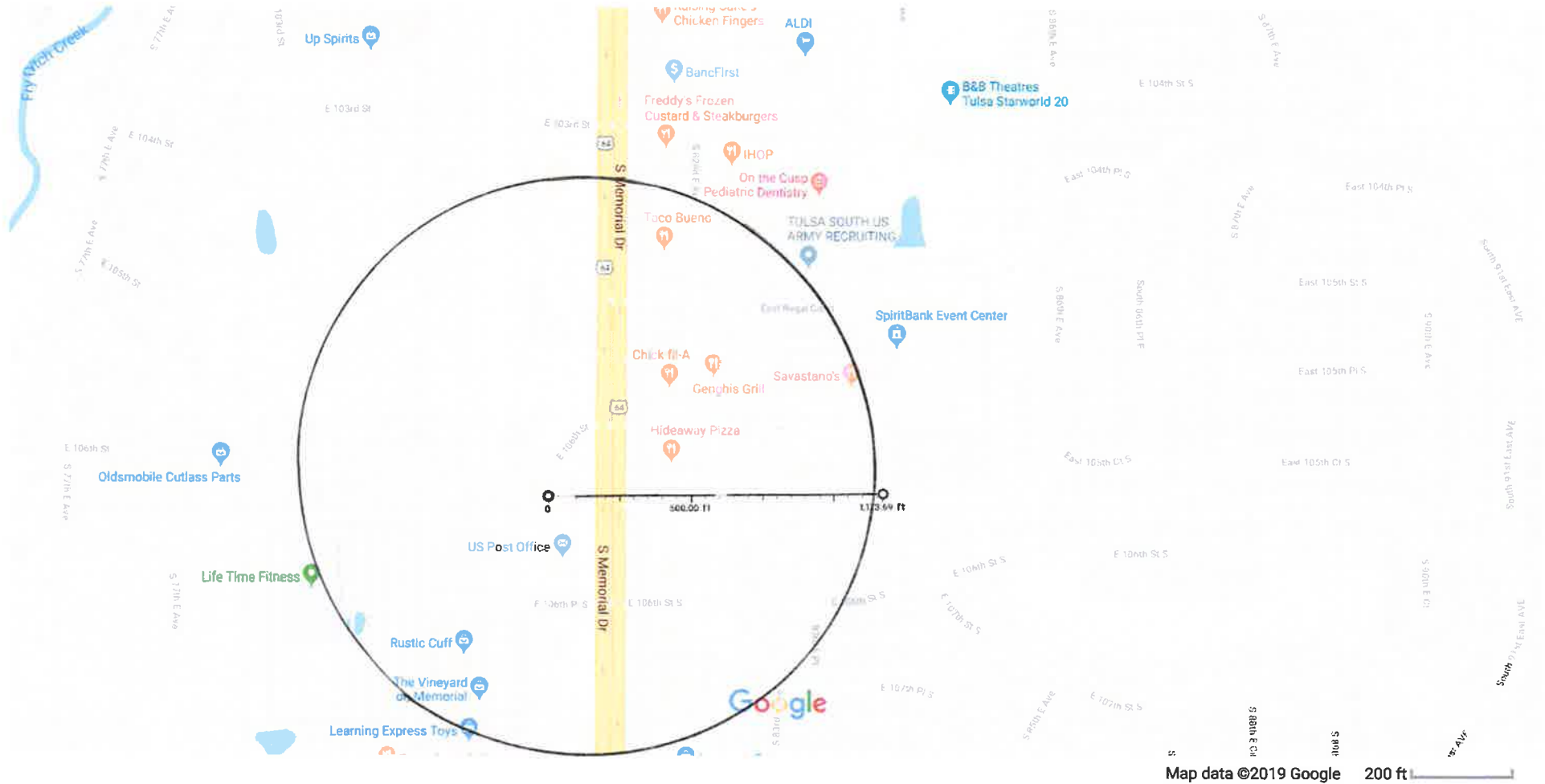






8010 E 106<sup>th</sup> St.

Google Maps



Measure distance

Total distance: 1,173.69 ft (357.74 m)

7.7

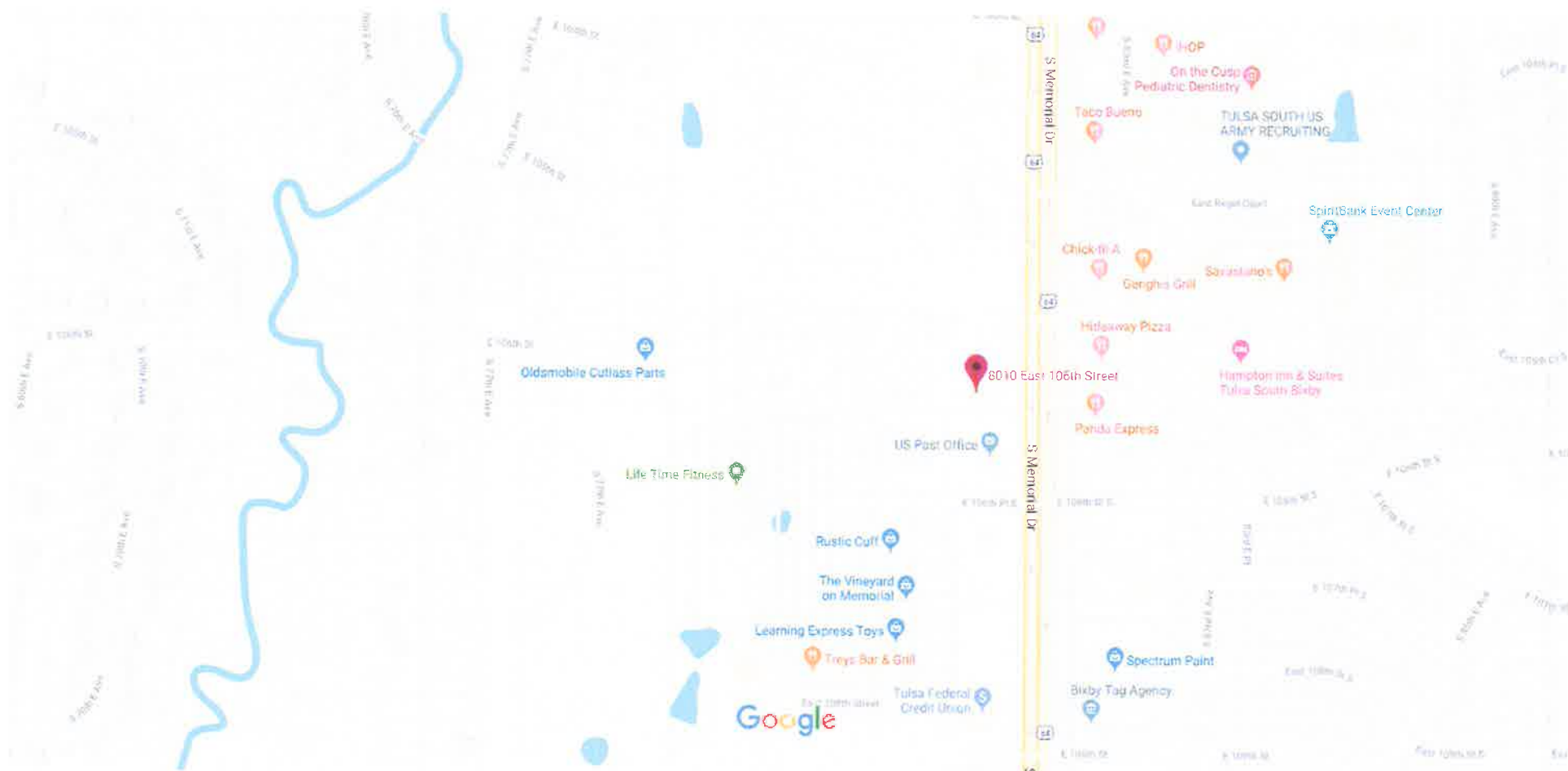
Business List around 8010 E. 106th

Inventory ID	Name	Description	Unit Price	Quantity In Stock	Reorder Level	Reorder Time In Days	Quantity In Reorder	Discontinued?
	lifetime fitness							
	us post office							
	taco bueno							
	chick filet							
	ghengis grill							
	savastanos							
	hideaway pizza							
	hampton inn & suites							
	panda express							
	treys bar & grill							
	learning express toys							
	the vinyard on memorial							
	rustic cuff							
	popeyes la kitchen							
	subway							
	bravos							
	papejohn pizzeria							
	eternity nail bar							
	great clips							
	fort night							
	bella vita spa							
	dry clean super centre south							
	eno serve							
	sprint							
	wine loft bar							

Inventory ID	Name	Description	Unit Price	Quantity in Stock	Reorder Level	Reorder Time in Days	Quantity in Reorder	Discontinued?
	panera bread							
	aqua viva oasis							
	farm bureau ins.							
	studio 2 hair design							
	gerber collision & glass							
	kubota construction equipment							
	home haardware							
	regus ok postrock							
	barnett music exchange							
	lws1							
	air force recruiting							
	spectrum paint							
	ou physicia clinic							

7.9





Map data ©2019 Google 200 ft

8010 E. 106

North 1000'

Popeyes  
Louisiana Kitchen



East Re



Chick-fil-A

64

E Regal Blvd

Hideaway Pizza



E 106th St

Panda Express



US Post Office



E 106th Pl S

S Memorial Dr

E 106th St S

stic Cuff



e Vineyard  
Memorial



South 1000'

S 83rd E Ave

Tulsa Federal  
Credit Union



64

7.11





Chick-fil-A



8010 E 106th St,  
Tulsa, OK 74133

E 106th St

US Post Office



Rustic Cuff



E 106th St S

83rd E Pl

Tulsa Federal  
Credit Union



64

East

r Tree



GameStop Prestige



S 83rd E Ave

7.12

East 1



**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 26, 2019**

**Susan Kapuchuck**  
7727 E 28 CT  
Tulsa, OK 74129

**Phone: 918.808.0654**

**APPLICATION NO: COO-030152-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 8010 E 106 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.
2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.
3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2<sup>nd</sup> ST., 8<sup>th</sup> FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" **[ X ] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

7.13

## REVIEW COMMENTS

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

Application Number

Address

Date

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA 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. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

**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**

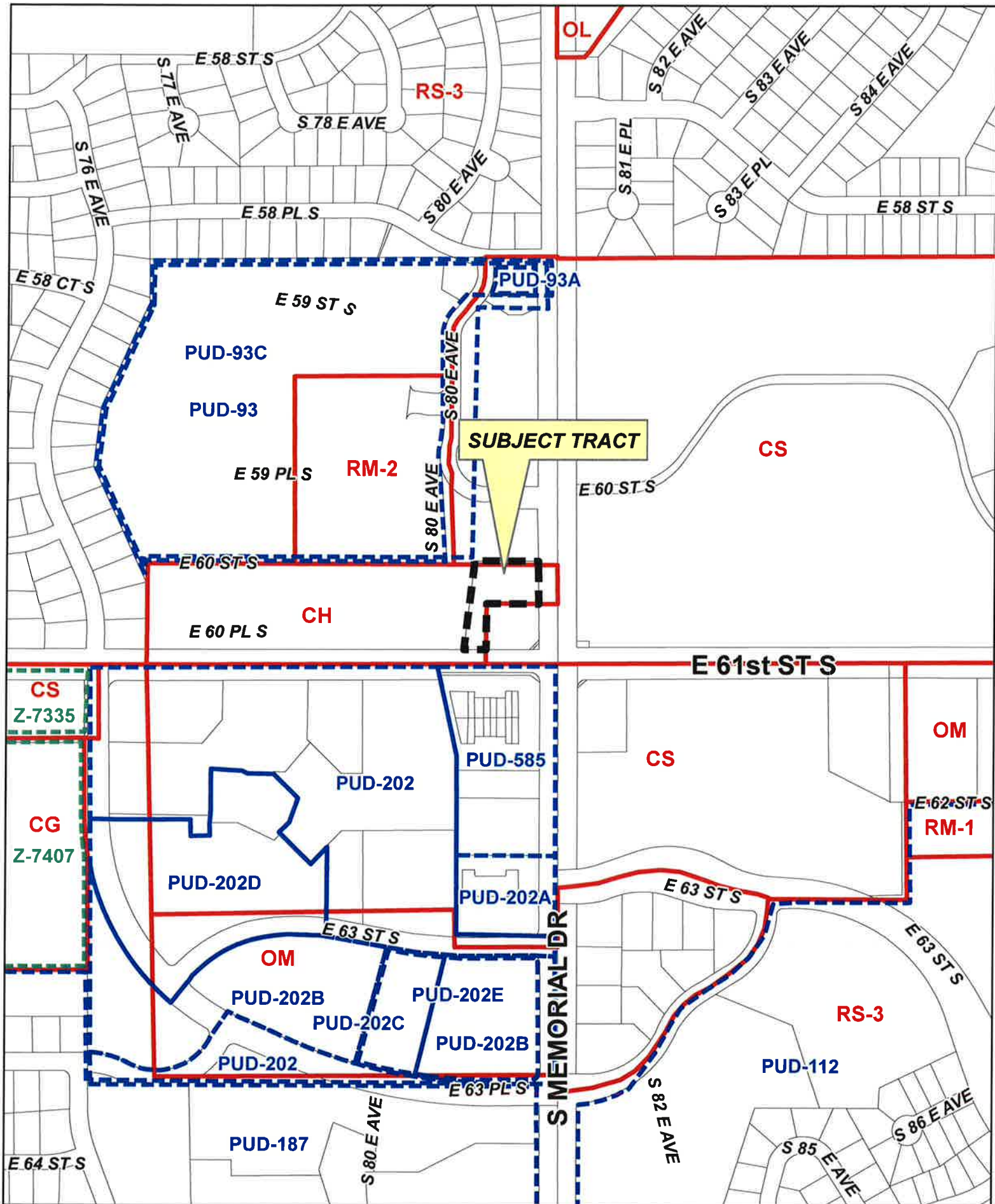
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



BOA-22652

8.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9335

Case Number: **BOA-22652**

CZM: 48

CD: 7

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Robin Stanley

**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:** 6026 S MEMORIAL DR E (overall parcel; 6024 S MEMORIAL DR E (tenant space)

**ZONED:** CH

**PRESENT USE:** commercial center

**TRACT SIZE:** 43290.11 SQ FT

**LEGAL DESCRIPTION:** PRT LT 1 BLK 1 DEBORAH ADD & PRT LT 13 BLK 1 THE FALLS ADD  
BEG NEC LT 2 BLK 1 DEBORAH ADD TH N137.02 W233.63 S287 E75.29 N150 E160 POB, THE  
FALLS, DEBORAH ADDN

**RELEVANT PREVIOUS ACTIONS:** None

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CH zoned commercial uses to the north and west; a CS zoned lot to the south; S. Memorial Dr. abuts the property to the east.

**STAFF COMMENTS:**

The applicant is proposing to convert an existing business 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 inside a 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 exist presently, 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.





Feet  
0 200 400



**Subject  
Tract**

**BOA-22652**

19-13 35

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

**Aerial Photo Date: February 2018**

8.4







E 61st ST S

E 60 ST S

S MEMORIAL DR

S 80 EAVE



Subject  
Tract

**BOA-22652**

19-13 35

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

Aerial Photo Date: February 2018

8.5







View looking East

05/16/2019 13:55



View looking Northwest

05/16/2019 13:55







6024 S. Memorial



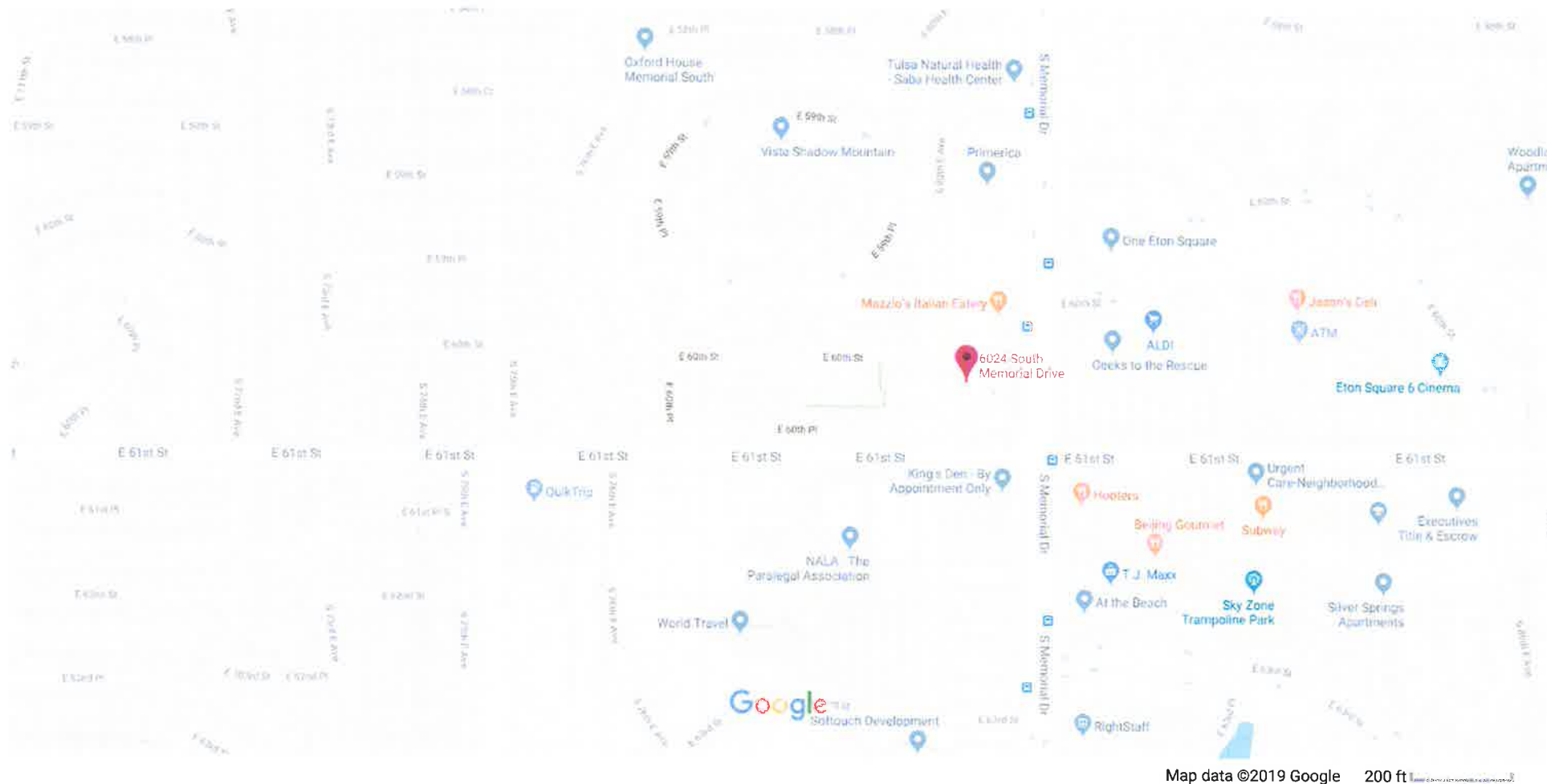
Map data ©2019 Google

200 ft

Businesses within 1000' of 6024 S. Memorial

Vista Shadow Mountain Apts.  
NALA Paralegal Assoc  
Kings Den  
At the Beach  
FedEx Office  
T.J. Maxx  
Honey Baked Ham  
Beijing Gourmet  
Hooters  
Geeks to the Rescue  
Aldi's Grocery  
One Eton Square Apts+  
Image Healthcare

Boost Mobile  
Which Wich Sandwiches  
T-Mobile  
Ultimate Reefs and Aquarium  
Golf Tec  
Mazzios  
Fountains Catering  
Pet Supplies Plus  
Sooner Loans  
Ziggis Coffee  
Randall Young State Farm  
Triad Bank



Map data ©2019 Google 200 ft



NORTH 1000'

One Eton Square



Mazzio's Italian Eatery



E 60th St



6024 S. Memorial

SOUTH 1000'

60th Pl

EAST 1000'

Hooters



Sky Zone

South 1000'

Trampoline Park

E 63rd St

S Memorial Dr

ch Development



63rd Pl

8.11

**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 26, 2019**

**Susan Kapuchuck**  
7727 E 28 CT  
Tulsa, OK 74129

**Phone: 918.808.0654**

**APPLICATION NO: COO-030146-2019**

*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location: 6024 S Memorial Dr**  
**Description: Medical Marijuana Dispensary**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

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2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
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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)

8.12



## REVIEW COMMENTS

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[WWW.CITYOFTULSA-BOA.ORG](http://WWW.CITYOFTULSA-BOA.ORG)

COO-030146-2019

6024 S Memorial Dr

April 26, 2019

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA 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.

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**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.



## Chapman, Austin

---

**From:** Chapman, Austin  
**Sent:** Monday, June 3, 2019 3:41 PM  
**To:** robin@cbdplususa.com  
**Subject:** FW: BOA-22652 Property owner

Robin,

We spoke to and received the following communication from Mr. Alan Harju who appears to be representing the owner of the property you are leasing at 6026 S. Memorial Dr. E. He stated that you did not have their consent for this application. Unless you dispute this and are able to provide a signed letter from the property owner stating their consent to this application we will be withdrawing your spacing verification application BOA-22652.

Best,

**Austin Chapman**  
Planner, Subdivisions  
**Tulsa Planning Office**  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9471  
[achapman@incog.org](mailto:achapman@incog.org)



Determining compliance to zoning or building code requirements is not a function of this office.  
The Building Permits Division will address compliance upon application for a building permit or occupancy permit. {{(918) 596-9456}}

---

**From:** Alan Harju <alan@paramounttulsa.com>  
**Sent:** Monday, June 3, 2019 2:03 PM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** BOA-22652 Property owner

Austin,

Thanks for visiting with me earlier. I wanted to inform you that in regards to BOA-22652 the property Owner, Copper Mountain, LLC has not consented for this space to be used as a Medical Marijuana dispensary. Our lease with this Tenant is very specific that a dispensary use is not allowed at this space and address and have informed the Tenant to this fact with a letter today.

Thank you,

**Alan Harju, Managing Broker**  
**Paramount Commercial Properties, LLC**  
6666 S Sheridan Rd., Suite 106  
Tulsa, OK 74133

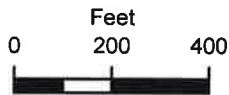
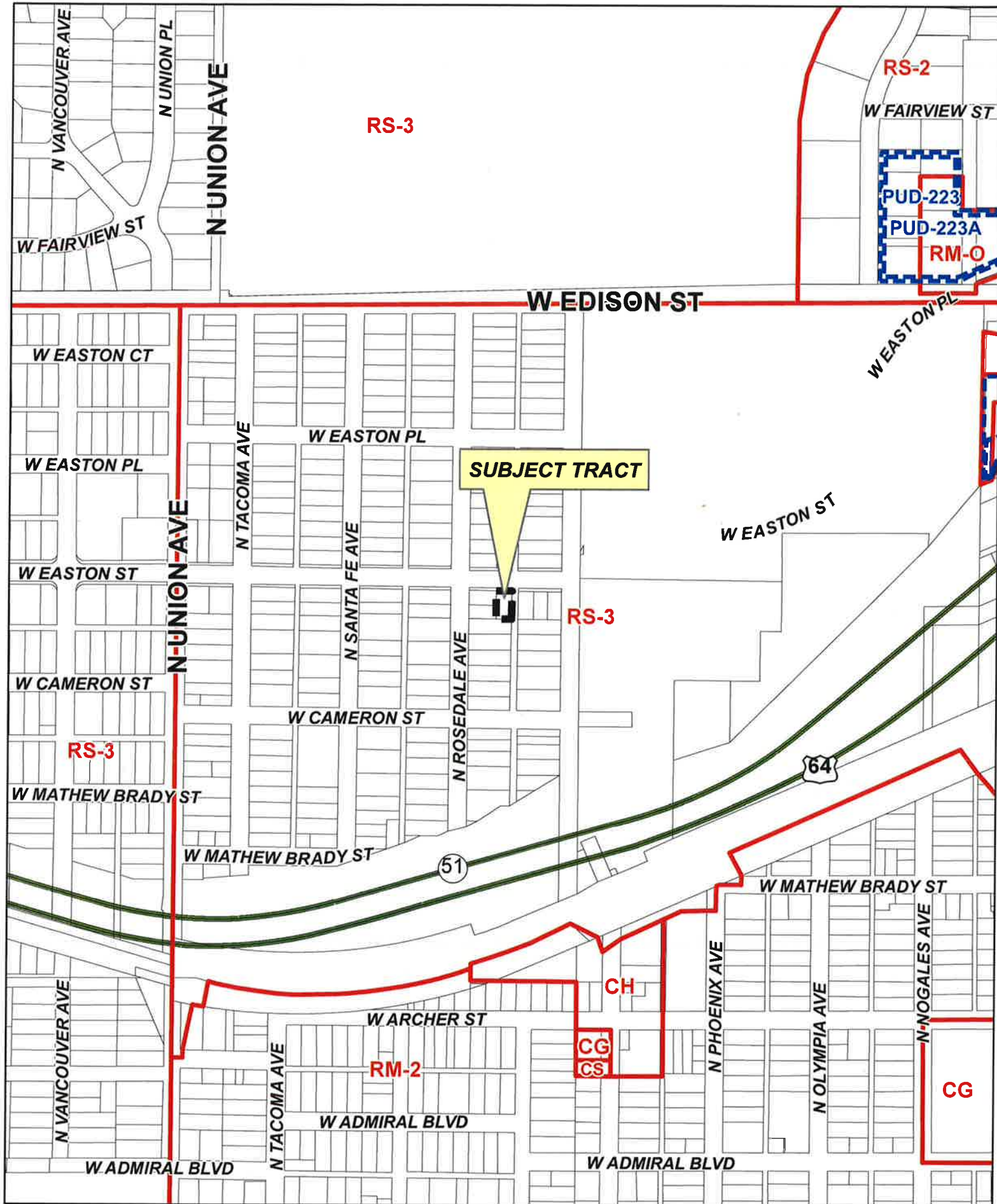
**(918) 743-8000, Cell (918) 645-2355**



Virus-free. [www.avast.com](http://www.avast.com)

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BOA-22653

9.1

19-12 02



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9202

Case Number: **BOA-22653**

CZM: 36

CD: 4

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** MaryJo Masterson

**ACTION REQUESTED:** **Special Exception** to allow a second story addition to a non-conforming structure due to the less than 25-foot front setback (Section 80.030-D).

**LOCATION:** 1314 W EASTON ST N

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 4748.06 SQ FT

**LEGAL DESCRIPTION:** E 50 EA LTS 29 30 31 & E 50 S 15 LT 32 BLK 9, PARK HILL ADDN AMD

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None

**Surrounding Property:**

**BOA-22395;** On 02/27/2019 the Board **Approved** a variance to allow more than 30% coverage in the rear setback and a reduction in the setback for a garage from a public street from 20' to 3'. Located 332 N Rosedale.

**BOA-1531;** On 12/29/1942 the Board **Approved** the conversion of a Single-family dwelling unit to a two-family dwelling unit for use of quarters for an additional living unit. Located 511 N Santa Fe.

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

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 located in Owen Park which is not in a Historical Preservation overlay but is listed on the National Registry of Historic Places. This property is a part of the Amended Plat of Park Hill Addition which was platted in 1911 and consisted of original lots which did not meet the current RS-3 Standards since it was platted prior to our current Zoning Code. Many of the tracts of land in this neighborhood are non-conforming and consist of two or more of the original 25' wide lots tied together.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Special Exception** to permit an second story addition to the existing house as shown on the attached plans. According to the plans the existing house has a setback of 5 ft. which is less than the required 25 ft. street setback from W. Easton Pl. Therefore, the house is considered a non-conforming structure because it does not comply with the applicable setbacks of the RS-3 district. Section 80.030-D of the Code states that horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures. It appears the proposed expansion will not extend further into the existing 5 ft. street setback from W. Easton Pl.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) **Special Exception** to allow a second story addition to a non-conforming structure due to the less than 25-foot front setback (Section 80.030-D).

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

The Board finds that the 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.



Mr. Van De Wiele stated that he would like to see a business plan and the neighbors would probably be more comfortable with the request if there were a business plan. Mr. Van De Wiele encourages Ms. Ingram to speak with the people that spoke out today, and the neighbors on either side of the subject property to give them the opportunity to support the proposal.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a **Special Exception** to allow a residential/group living/transitional living center in the RS-3 District (Section 5.020); **Verification** of spacing for a transitional living center use (Section 40.130) to the April 10, 2018 Board of Adjustment meeting; for the following property:

**LT 5 BLK 42, VALLEY VIEW ACRES SECOND ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22395—David Fugate**

**FILE COPY**

**Action Requested:**

**Variance** to allow more than 30% coverage in the rear setback area; **Variance** to reduce the minimum side yard setback for a garage from a public street to 3 feet (Sections 5.030 and 90.090). **LOCATION:** 332 North Rosedale Avenue West (CD 4)

**Presentation:**

**David Fugate**, 4612 South Birmingham Avenue, Tulsa, OK; stated his clients are seeking a Variance for a new garage. They would like to demolish the old existing garage and rebuild another garage in almost the same location. The new garage will be slightly larger and slightly wider to accommodate today's automobile. The new garage will closely match the appearance of the existing house. There will also be living quarters for the resident's mother. The new garage will be in keeping with the historical nature of the house. The hardship is that the lot is small and dense, and it is located in the historical Owen Park neighborhood. The subject property is bordered on three sides by two streets and an alley.

Mr. Van De Wiele asked Mr. Fugate to confirm that he is building within his property line. Mr. Fugate stated the garage is three feet back from all property lines and behind the property lines.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

BOA -22395

**Board Action:**

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a **Variance** to allow more than 30% coverage in the rear setback area; **Variance** to reduce the minimum side yard setback for a garage from a public street from 20 feet to 3 feet (Sections 5.030 and 90.090), subject to conceptual plan 3.9 in the agenda packet. The Board finds the hardship to be the size of the lot and the need to reconstruct an older structure to accommodate modern vehicles. The exterior construction and building materials be substantially similar to the principle residence. The living quarters in the new garage will be limited to immediate family members. The Board finds that the following facts, favorable to the property owner, have been established:

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

**S 15 LT 1 ALL LT 2 N 5 LT 3 BLK 10, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma**

**22396—Jeremy Bates****Action Requested:**

**Special Exception** to allow the driveway width to exceed 20 feet on the lot and in the Right-Of-Way in an RS-4 District (Section 55.090). **LOCATION:** 18509 East 43<sup>rd</sup> Street South (CD 6)

**Presentation:**

**Jeremy Bates**, 20964 East 38<sup>th</sup> Street, Broken Arrow, OK; stated he would like to build a house on one of the last lots in the area. There will be a three-car garage and the standard driveway width is 27 feet, and he would like to have that also.

Case No. 1531-A  
Wade C. Whiteside  
Lots 21-22, Blk 7,  
Park Hill Addition

This being the date set for a public hearing on the application of Wade C. Whiteside for permission to convert a single-family dwelling into a two-family dwelling, with use of quarters for an additional living unit, on Lots 21 and 22, Block 7, Park Hill Addition, and there being no protest, either written or verbal, it was

MOVED by Borochoff (Deaton) that application be granted. Roll call - All members voting yes. Carried.

Case No. 1532-A  
Maurice A. DeVinna,  
Jr. Lots 1-2-3-4-5-  
6-7-8, Blk 14, Park  
Hill Addition

This being the date set for a public hearing on the application of Maurice A. DeVinna, Jr. for permission to convert a dwelling at 232 North Santa Fe Avenue, being Lots 1, 2, 3, 4, 5, 6, 7, 8, Block 14, Park Hill Addition, into a three unit apartment, with additional unit in quarters, same was opened for discussion, and there being no protest, either written or verbal, it was

MOVED by Borochoff (Deaton) that application be granted. Roll call - All members voting yes. Carried.

Case No. 1533-A  
Fred Phillips  
Lots 10, 11, 12,  
Block 2, Buena  
Vista Park Add.

This being the date set for a public hearing on the application of Fred Phillips for nonconforming use of Lots 10, 11 and 12, Block 2, Buena Vista Park Addition, in order to permit conversion of dwelling at 1729 South Denver Avenue into a four-unit apartment, with additional unit in quarters or rear of property, same was opened for discussion.

Protest entered by W. L. Clark; Wilbur J. Holleman; L. B. Jackson; T. A. Hunt; E. W. Hamilton, by L. B. Jackson, and E. R. Frank, all residents of the neighborhood.

John J. Craig, owner of all of Block 12, Stonebraker Heights Addition appeared in behalf of applicant.

Action deferred to permit the board to make a personal inspection of the neighborhood

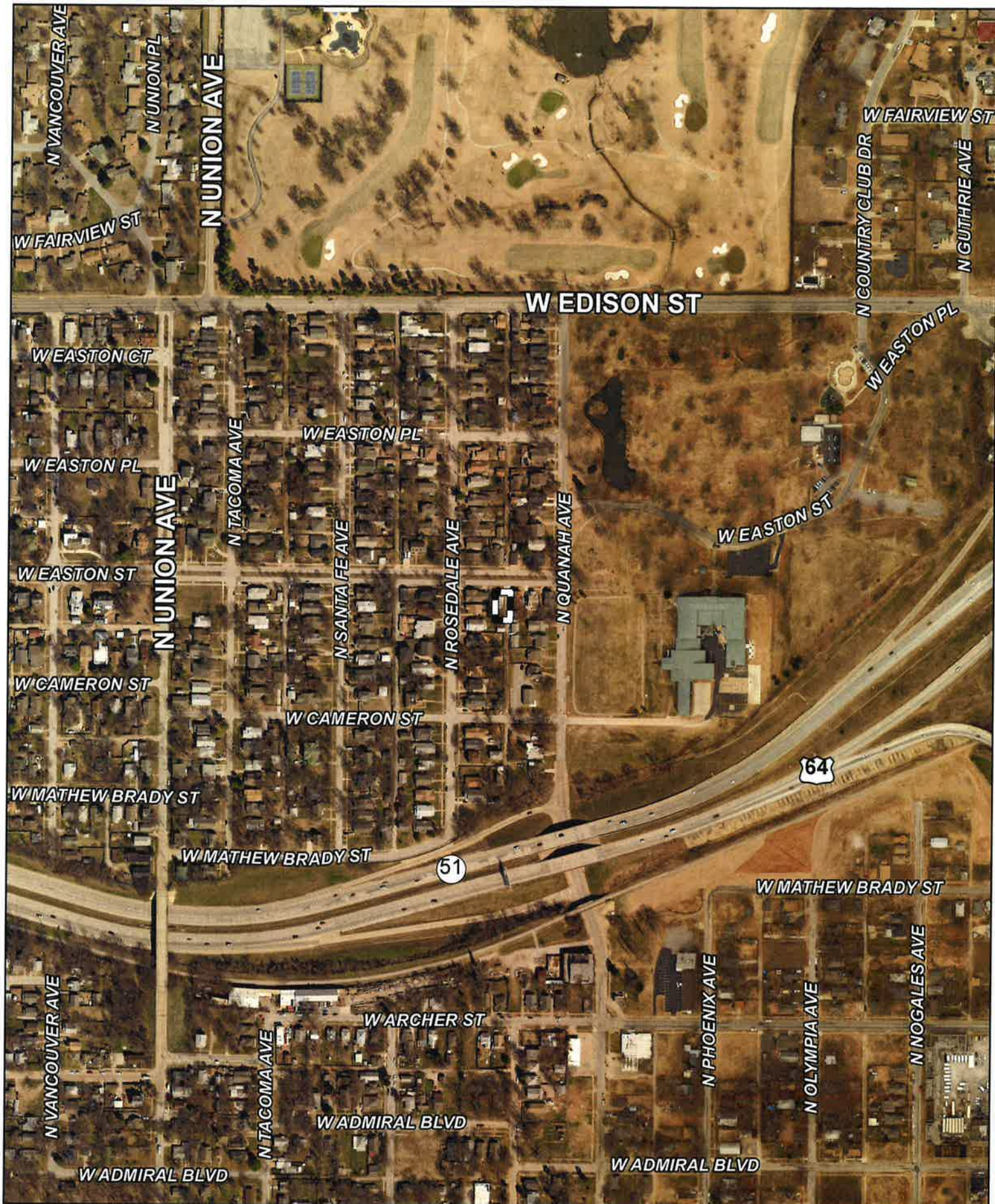
MOVED by Deaton (Borochoff) that application be denied. Roll call - All members voting yes. Carried.

Case No. 1535-A  
Harry Stekoll  
Lots 54-55, Blk.  
7, South Side

Harry Stekoll submits 86% affirmative petition of an affected area and requests further action upon application for nonconforming use of Lots 54 and 55, Block 7, South Side Addition, to permit conversion of a dwelling at 214 E. 19th Street into a four-unit apartment.

MOVED by Borochoff (Wooten) that a public hearing be called for further consideration. Roll call - All members voting yes. Carried.





0 Feet  
200  
400



Subject  
Tract

**BOA-22653**

19-12 02

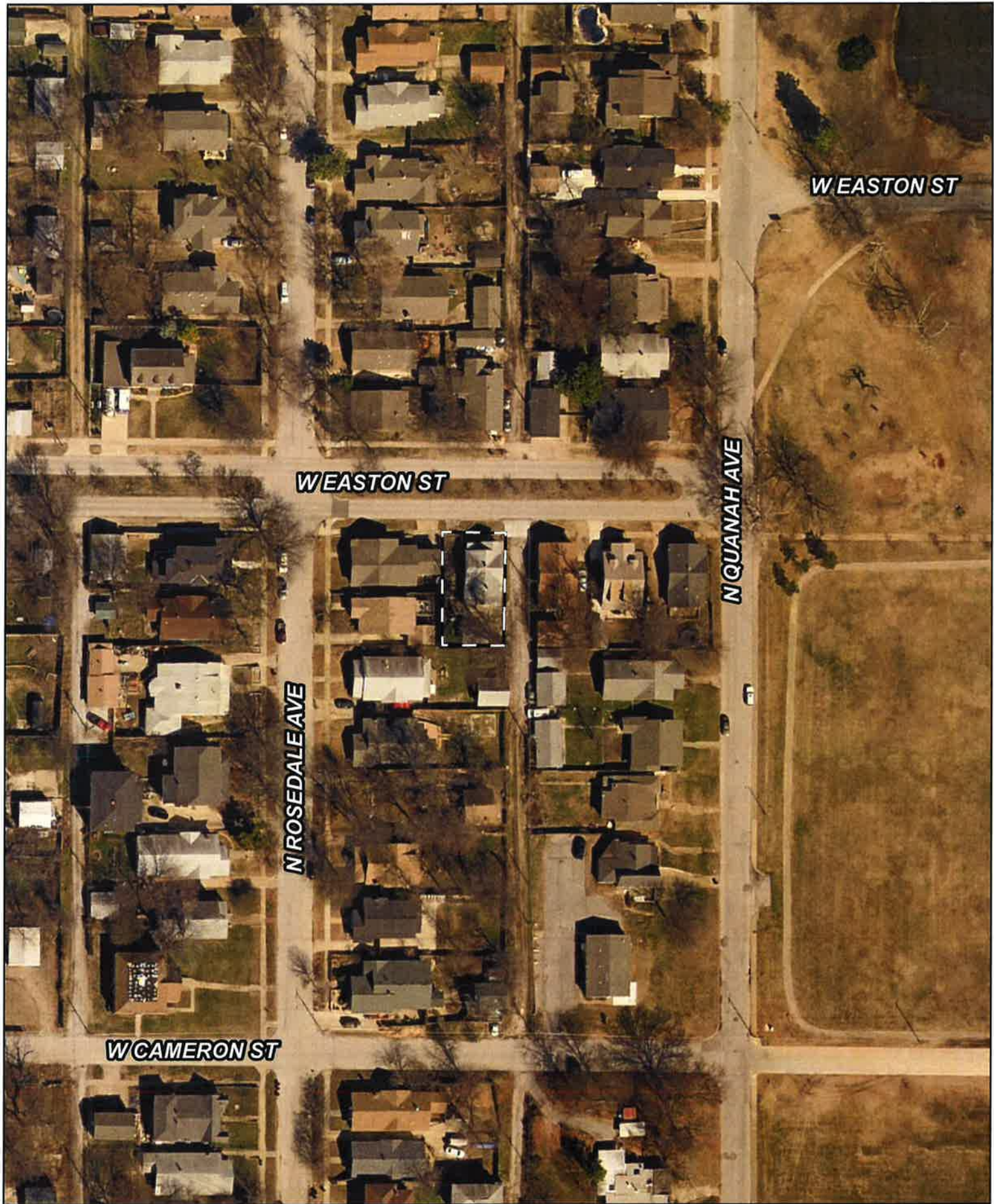
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018



9.7





Subject  
Tract

**BOA-22653**

19-12 02

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

Aerial Photo Date: February 2018

9.8







*Front of house - looking south from W. Easton St. (BOA-22653)*



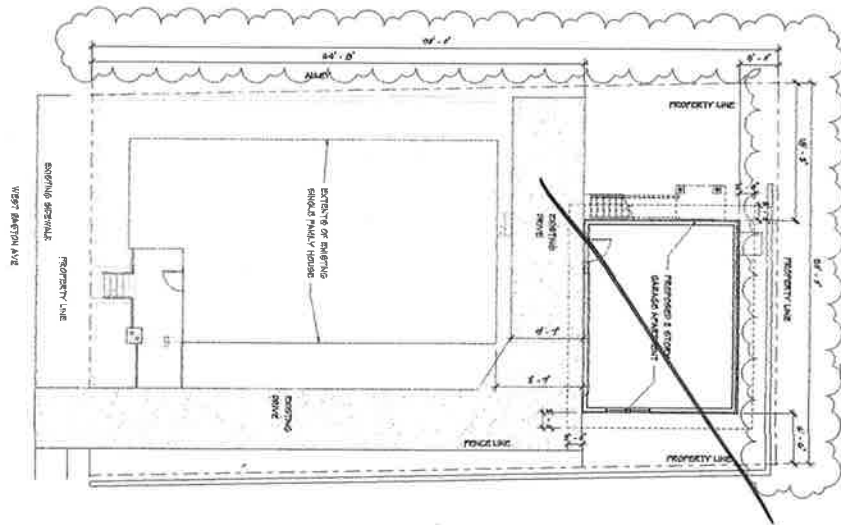
*Alley - looking south from W. Easton St. (BOA-22653)*





*View of backyard from alley off of W. Easton St. (BOA-22653)*

① PLOT PLAN  
 1/8" = 1'-0"



A-001

DATE: 07/11/18  
 DRAWN BY: JMC



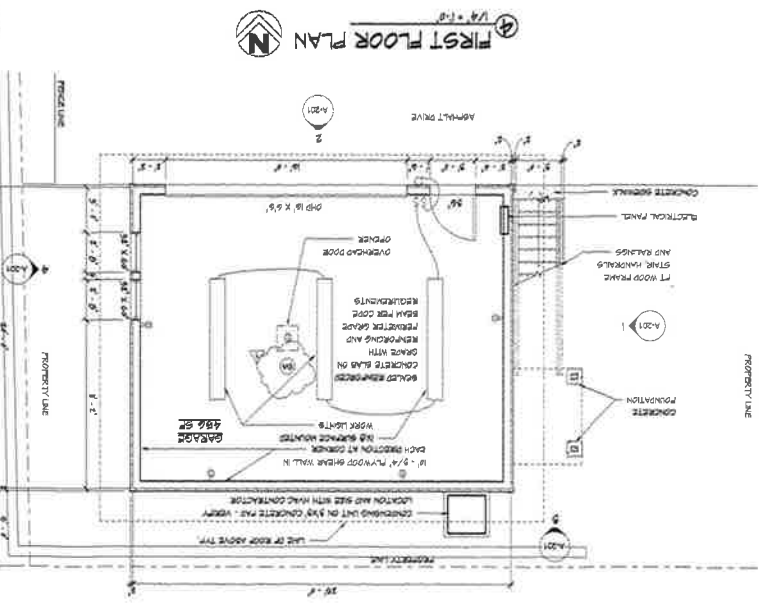
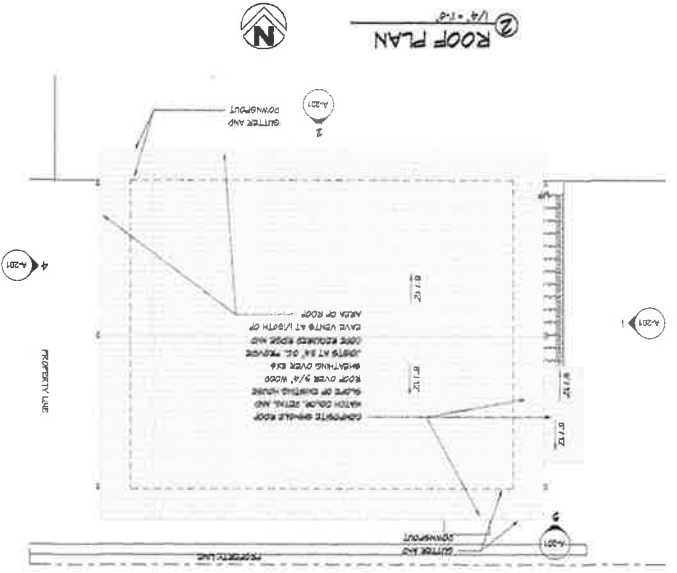
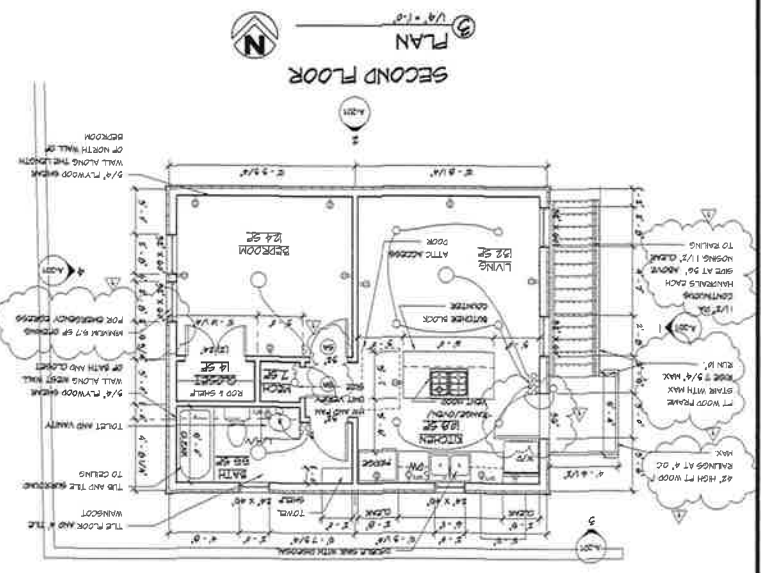
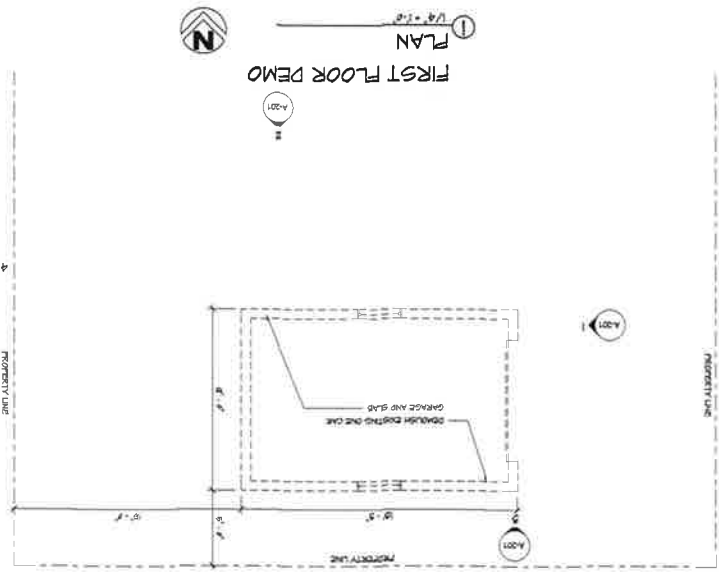
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10	REVISED PER COMMENTS

104 WEST EASTON STREET  
 TULSA, OK 74127

100% CONSTRUCTION DOCUMENTS

ARCHITECTURE  
 RESIDENTIAL COMMERCIAL RETAIL SPACE DESIGN

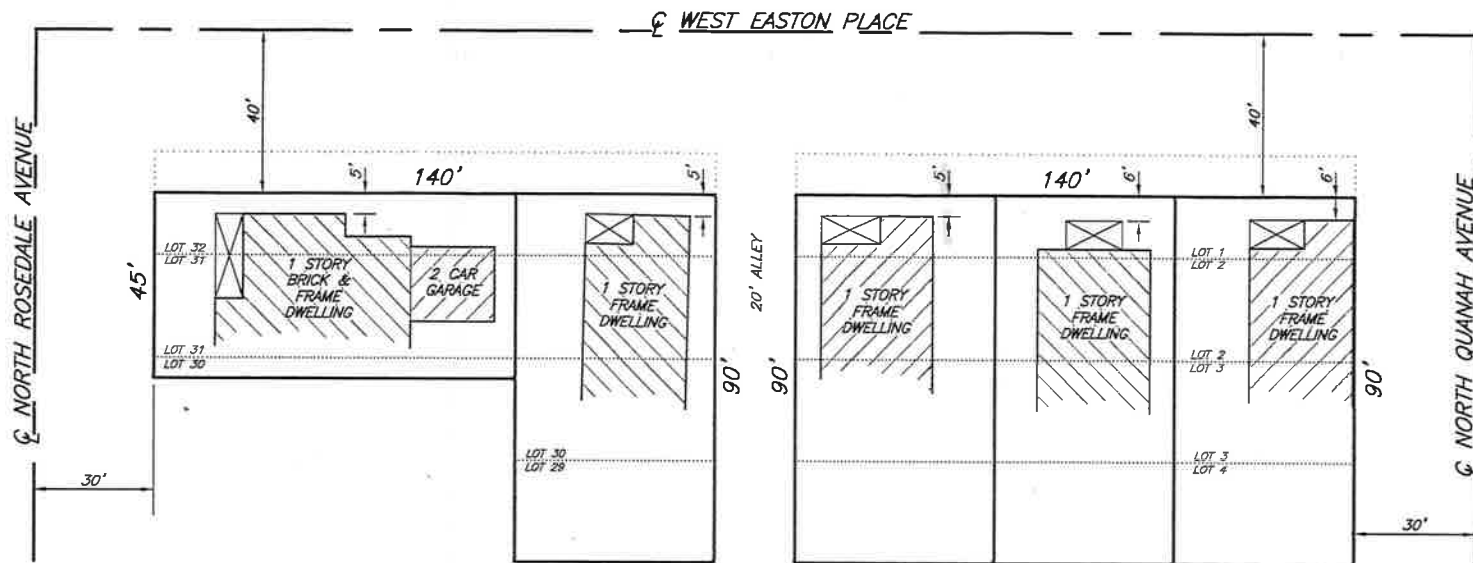
9.11



1. EXISTING WALLS TO BE 1/2\"/>







Subject  
Lot



#### LEGEND

- FENCE
  - U/E UTILITY EASEMENT
  - D/E DRAINAGE EASEMENT
  - M/P METERING POINT
  - B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
  - B.L. BUILDING LINE
  - O.B.L. OUTBUILDING LINE
- BEFORE YOU DIG, CALL OKC 1-800-522-8543



WHITE SURVEYING COMPANY

• 9936 EAST 55TH PLACE TULSA, OKLAHOMA 74146 • (918) 863-6924

## SITE PLAN

#### DESCRIPTION:

A PART OF LOTS ONE (1), TWO (2), THREE (4), TWENTY-NINE (29), THIRTY (30), THIRTY-ONE (31) AND THIRTY-TWO (32), BLOCK NINE (9), PARK HILL AMENDED, AN ADDITION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

INVOICE NO.: STK 19-97015  
CLIENT: MARY JO MASTERTSON



**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

**Adam James**  
Velocity Innovations

4/17/2019

**APPLICATION NO: BLDR-009934-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1314 W Easton St N**

**Description: Addition/Interior remodel**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

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

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

Application No. **BLDR-009934-2019**

**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.

### 80.030-D Alterations, Enlargements and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

**Review Comments:** You are proposing to add a second story to a structure that is non-conforming due to its front setback being less than 25' from the front property line. Apply to BOA for a special exception to allow a second story addition to a non-conforming structure or submit a site plan indicating a contextual setback per section ~~80.090-D~~ will satisfy the front setback requirements.

80.090-D

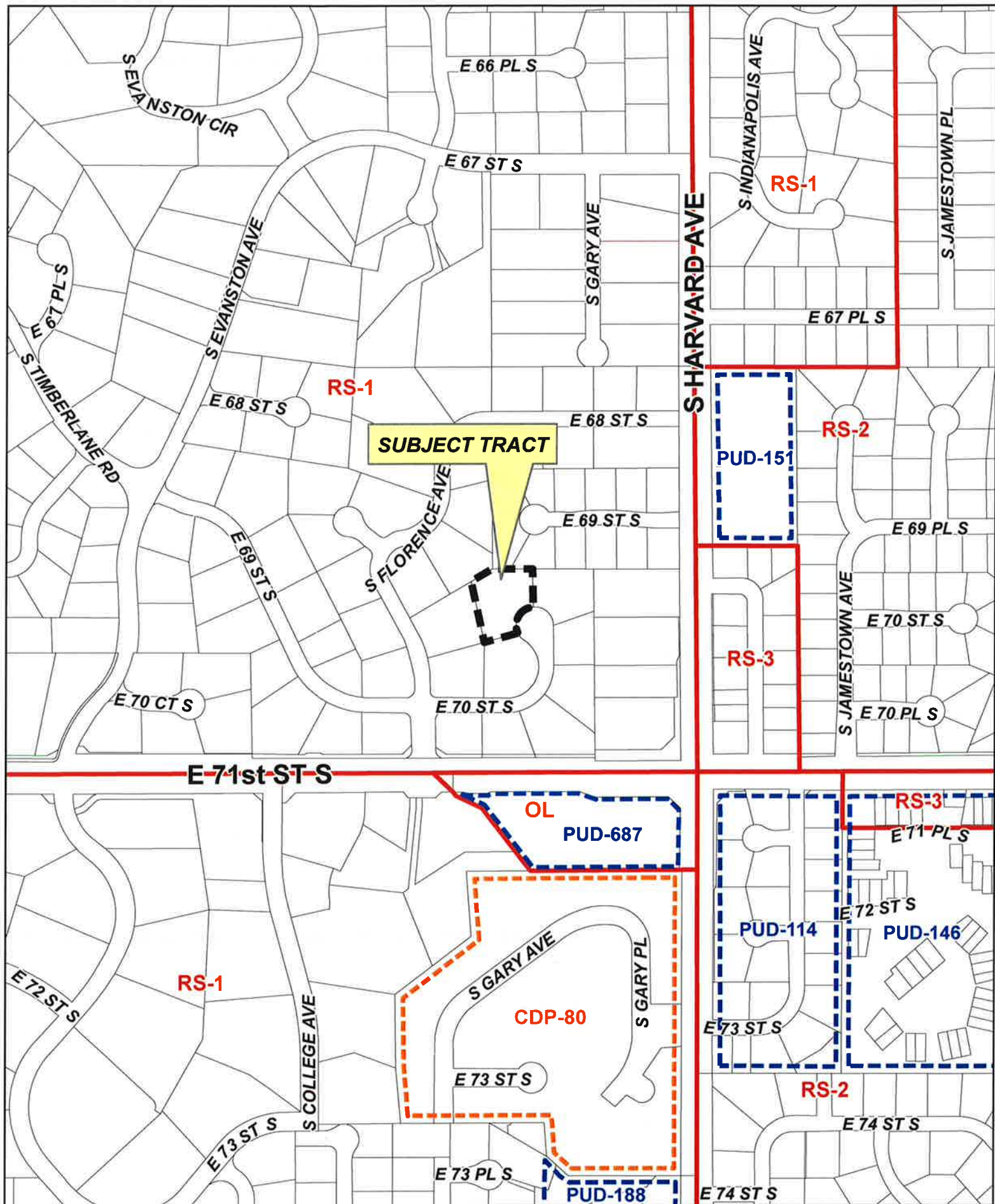
**This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.**

**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.



Feet  
0 200 400

**BOA-22654**

18-13 05



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8305

Case Number: **BOA-22654**

CZM: 52

CD: 2

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Terence McDonald

**ACTION REQUESTED:** Variance to reduce the required 35' street setback to to 25.4' to permit an existing structure (Table 5-3)

**LOCATION:** 6906 S GARY AV E

**ZONED:** RS-1

**PRESENT USE:** Residential

**TRACT SIZE:** 23143.52 SQ FT

**LEGAL DESCRIPTION:** LOT-7-BLK-3, TIMBERLANE HILLS ADDN RESUB PRT B1 BRANIFF HILLS

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None

**Surrounding properties:**

**BOA-21155;** on 10.12.2010, the Board ***approved*** a Minor Special Exception to permit a 5' reduction of the 35' required front yard in the RS-1 district, located 2983 East 69<sup>th</sup> St S approximately 400' W of the subject property.

**BOA-13820;** on 11.07.1985, the Board ***approved*** a variance of the required setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling; located 3239 East 69<sup>th</sup> St. S. approximately 415' NE of the subject property.

**BOA-9786;** on 12.15.1977, the Board ***approved*** a variance of the front setback requirements from 35' to 25' in an RS-1 district, located 2928 E. 68 St S approximately 550' NW of the subject property.

**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

10.2



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 zoning and single-family residences.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** of the required street setback in the RS-1 district from 35' to 25.4' to permit an existing home as shown on the attached site plan.

Construction on the home was completed in 2002. The home was constructed over the required building line in 3 separate places with the largest encroachment being 9.6' near the front entrance. The home has existed as constructed for 17 years and the encroachments were discovered as part of a mortgage inspection plat in anticipation of selling the home.

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.

**Section 70.130-H of the Code states that no variance may be approved unless 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.”***

**Case No. 21155-Duvall Architects**

**FILE COPY**

**Action Requested:**

Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403). **Location:** 2983 East 69<sup>th</sup> Street South

**Presentation:**

**John Duvall**, 1850 South Boulder Avenue, Suite 200, Tulsa, OK; he stated he is the architect working on the project, and the reason for requesting a five foot reduction in the front yard is because it is a sweeping curve and there is no real street line. He is also trying to increase the size of the rear yard because there is a slope to the lot and he wants to be able to resolve the water runoff to the adjacent properties.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Stead, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403); finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; subject to conceptual plan 7.5; for the following described property:

**LT-5-BLK-2, TIMBERLANE HILLS ADDN RESUB PRT B1 BRANIFF HILLS**

\*\*\*\*\*

**OTHER BUSINESS:**

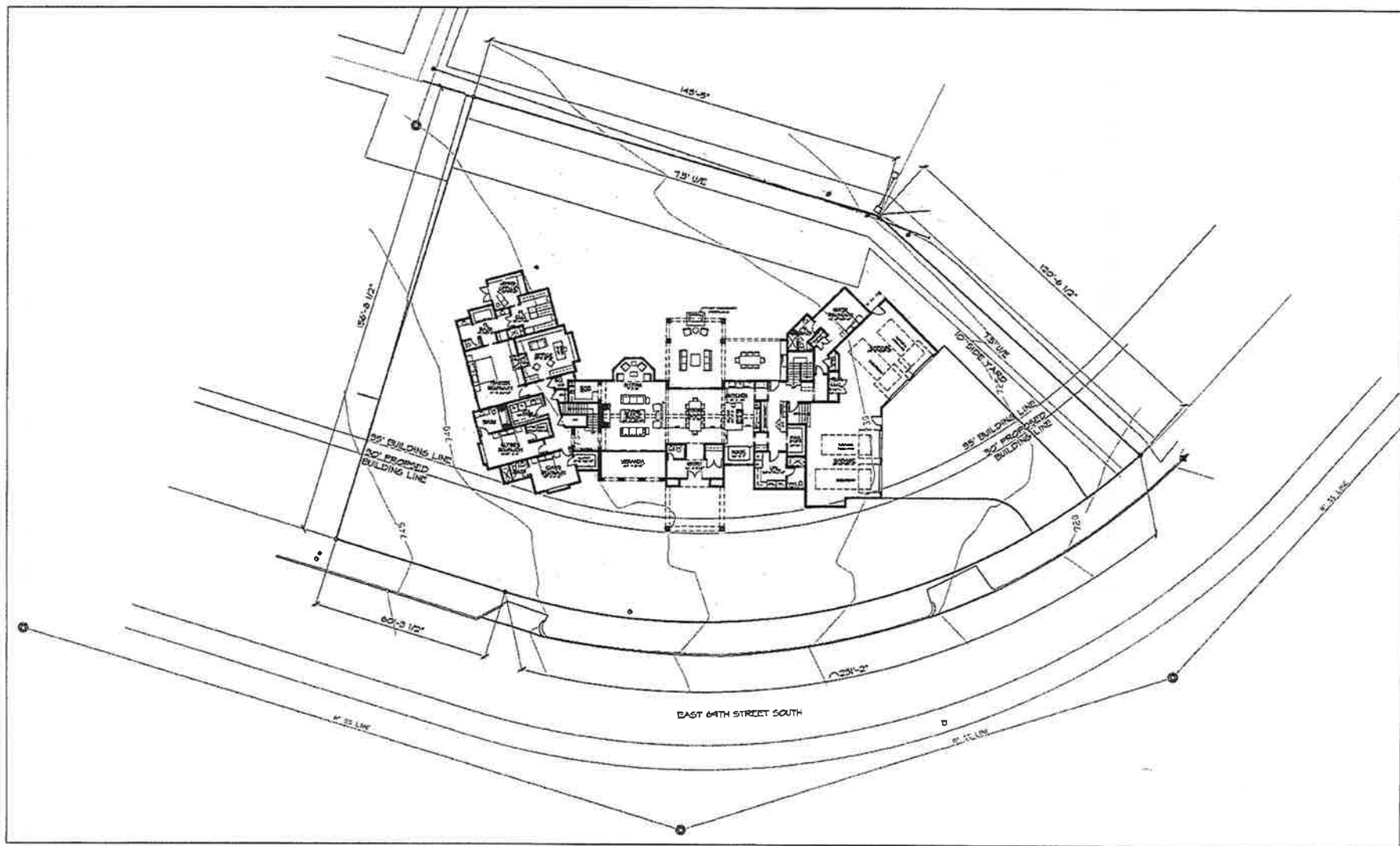
None.

**NEW BUSINESS:**

None.

**BOARD MEMBER COMMENTS:**

None.



duvall Architects, PC

SITE PLAN  
PROPOSED 30' FRONT YARD

SCALE:  $\frac{1}{32}" = 1'-0"$

CLARK DARI0402

SPOOL

SEPTEMBER 16, 2010

BOA-21155

10.5



Case No. 13819 (continued)

Mr. Gardner informed that a 30' sign could be located on the property line if the expressway was not there, but in this case must be moved back 10'. A 50' sign would need to be set back 20'.

Protestants:

Louanna Hamill, 202 West 8th Street, Tulsa, Oklahoma, represented Burger King and stated that she is objecting to the sign in question because it will block their sign.

Frank Keating, 1 Oak Plaza, Tulsa, Oklahoma, represented the Hilton Inn and stated that his client is against the placing of the sign at the proposed location. He suggested that the sign be placed on Yale so it would advertise the Best Inn property and not the property belonging to Hilton Inn.

Terry Dean, 1210 East Knob Hill, Springfield, Missouri, pointed out that the sign on top of Burger King is higher than 50'.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1221) of setback from 10' to 0' from abutting R district (I-44) to allow for a sign; and to DENY a Variance (Section 1221(a) - CS District Use Conditions of Business Signs - Use Unit 1221) to allow a 50' sign height with 0' setback; and to STRIKE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of lot frontage on South Yale Avenue from 150' to 56.8' and on I-44 service road from 150' to 74.63' to allow for a lot split; on the following described property:

A strip, piece or parcel of land lying in part of the NW/4 SW/4 of Section 27, T-19-N, R-13-E, in Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point 50.00' east of the west line and 1,030.50' south of the north line of said NW/4 SW/4 of said Section 27; N 55°13'45" E a distance of 181.39'; thence N 0° 33'30" W a distance of 121.21'; thence N 89°26'30" E a distance of 74.63'; thence S 0°30'44" E a distance of 130.00'; thence N 89°26'30" E a distance of 175.47'; thence S 0°33'30" E 400'; thence N 0°33'30" W a distance of 150.00'; thence S 89°26'30" W a distance of 56.80' to the Point of Beginning and containing 63,364.18 sq. ft. or 1.4546 acres more or less.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13820

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required

11.07.85:451(9)

Case No. 13820 (continued)

setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling, located at 3239 East 69th Street South.

Presentation:

The applicant, Floyd Sessions, 5845 South Maplewood, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1), explained to the Board that he sold his home on September 28, 1985 and the survey revealed that the house is 3 1/2 inches closer to the centerline of Harvard than is allowed.

Comments and Questions:

Ms. Wilson asked the applicant if he is in need of the variance to clear title and he answered in the affirmative.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling; per plot plan; on the following described property:

Lot 1, Block 1, Southern Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13831

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of required lot width from 60' to 50' for a lot split approved by TMAPC, located at 6005 South 33rd West Avenue.

Comments and Questions:

Mr. Gardner informed that physically there are two single family dwellings and they are splitting the lot so they can convey title to each of the houses.

Presentation:

The applicant, Orval Cothran, 506 West 46th Street, Sand Springs, Oklahoma, stated that he is planning to sell one of his dwellings and asked the Board to grant a lot split.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Minor Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of required lot width from 60' to 50' for a lot split approved by TMAPC; on the following described property:

11.07.85:451(10)

**9785 (continued)**

Office a plot plan for the additional building, and that the applicant build a 6-foot screening fence starting at the southwest corner and continuing 150' north on the following described tract:

E/2, S/2, SW/4, NE/4, SE/4; and the East 20' of the W/2, S/2, SW/4, NE/4, SE/4, LESS the East 30' and South 30' in Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

**9786**

**Action Requested:**

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 25' in an RS-1 District located at 68th Street and Evanston Avenue.

**Presentation:**

The applicant H. D. Copeland, 5708 East 36th Street, applied for a variance to permit 25' front yard setbacks in the new subdivision and advised that he is the owner of the Evanston Estate Addition and is proposing to develop homes in the area. Mr. Copeland further added that he is proposing to save trees on the property and because of the shape of the lots, they are short in depth, he needs the variance. He stated that many of the buyers would also like to have a pool in the backyard and need the additional 10 feet. Mr. Copeland informed that he is proposing to install a cul-de-sac street (68th) and the 10' waiver will only effect those on the cul-de-sac. The applicant submitted a plot plan (Exhibit "H-1") showing the shape of the lots. There being a minor change in the setback line on one lot, Board Member Jolly asked the applicant to initial and date the change made on the plan.

**Protests:** None.

**Board Action:**

On MOTION of SMITH, the Board 4-0 (Guerrero, Jolly, Smith and Walden "aye", Purser "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 25' subject to the plot plan as amended by the applicant, on the following described tract:

Evanston Estates Addition to the City of Tulsa, Oklahoma.

**9787**

**Action Requested:**

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) of the street frontage requirements to permit the use of a private easement as a frontage road in an AG District located south and west of 106th Street and 77th East Avenue.

12.15.77:250(12)





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Tract

**BOA-22654**

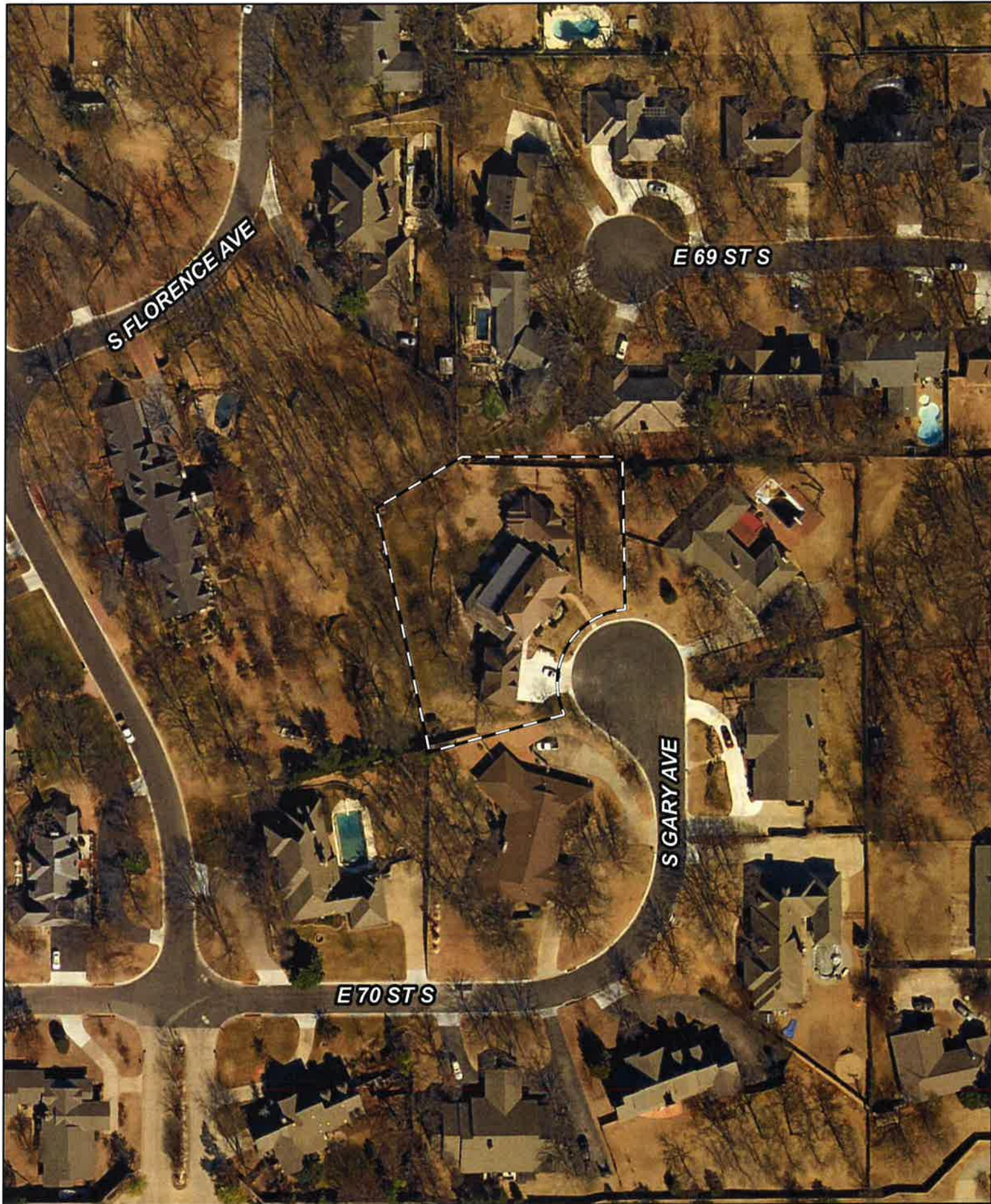
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018







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Subject  
Tract

**BOA-22654**

18-13 05

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

Aerial Photo Date: February 2018

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*Front of house - from S. Gary Ave. (BOA-22654)*



*View looking north into cul-de-sac (BOA-22654)*





*View looking south from S. Gary Ave. (BOA-22654)*



*View of the garage (BOA-22654)*



# MORTGAGE INSPECTION PLAT

PROJECT NO.: 193744-636

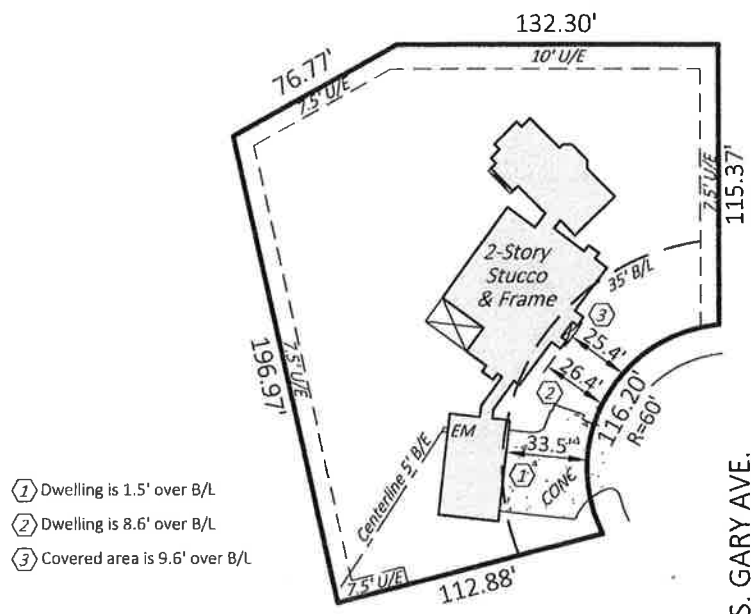
MORTGAGOR: Samuel Shyam Adhikari & Laura Jean Adhikari

CLIENT: Guaranty Abstract Company  
Arvest Mortgage Co.  
File No.: 258362

This property is located in flood zone "X-UNSHADED" as per FIRM  
Community Panel No. 405381 0362L, as last revised October 16, 2012  
& 405381 0354M, as last revised May 2, 2019.

## LEGEND

B/E BURIED ELECTRIC  
SERVICE CABLE ESMT  
(APPROX LOCATION)  
B/L BUILDING LINE  
D/E DRAINAGE EASEMENT  
U/E UTILITY EASEMENT  
EM ELECTRIC METER  
FL/E FENCE & LANDSCAPE  
EASEMENT



- (1) Dwelling is 1.5' over B/L
- (2) Dwelling is 8.6' over B/L
- (3) Covered area is 9.6' over B/L

PLAT NO. 2660

## LEGAL DESCRIPTION AS PROVIDED:

LOT SEVEN (7), BLOCK THREE (3), TIMBERLANE HILLS ADDITION, A RESUBDIVISION OF PART OF BRANIFF HILLS ADDITION, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 2660, AND KNOWN AS 6906 SOUTH GARY AVENUE.

## SURVEYOR'S STATEMENT

Harden & Associates, Surveying and Mapping, PC, an Oklahoma corporation, and the undersigned Registered Professional Land Surveyor, under Certificate of Authorization No. CA4656 renewal date: June 30, 2019, do hereby state that in our professional opinion the above Inspection Plat shows the dwelling as located on the premises described, that it is entirely within the described tract boundaries, and there are no encroachments thereon by visible permanent improvements, except as indicated; that the above Inspection Plat shows all Recorded Plat easements and other such easements which have been disclosed by a current Title Opinion or by Commitment for Title Insurance and copies thereof provided to us; that this Inspection Plat was prepared for identification purposes only for the mortgagee and is not a Land or Boundary Line Survey; that no property corners were set, and is not to be used or relied upon for the establishment of fence, building or other improvements; that underground or above ground utilities were not field located and therefore are not shown on this Inspection Plat unless specifically requested by the client; that this Inspection Plat is prepared solely for the client listed hereon as of this date and may not be used for any subsequent loan closing, refinance, or other transaction and that no responsibility or liability is assumed herein or hereby to the present or future land owner or occupant.

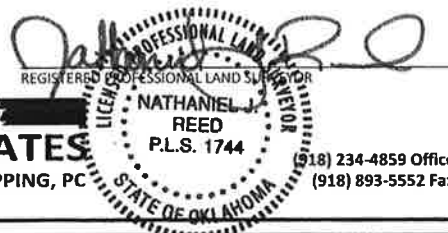
WITNESS MY HAND AND SEAL THIS DATE: 5-3-2019

REVISED: \_\_\_\_\_

UPDATED: \_\_\_\_\_

5807 South Garnett Road, Suite K  
Tulsa, Oklahoma 74146

**HARDEN & ASSOCIATES**  
SURVEYING AND MAPPING, PC

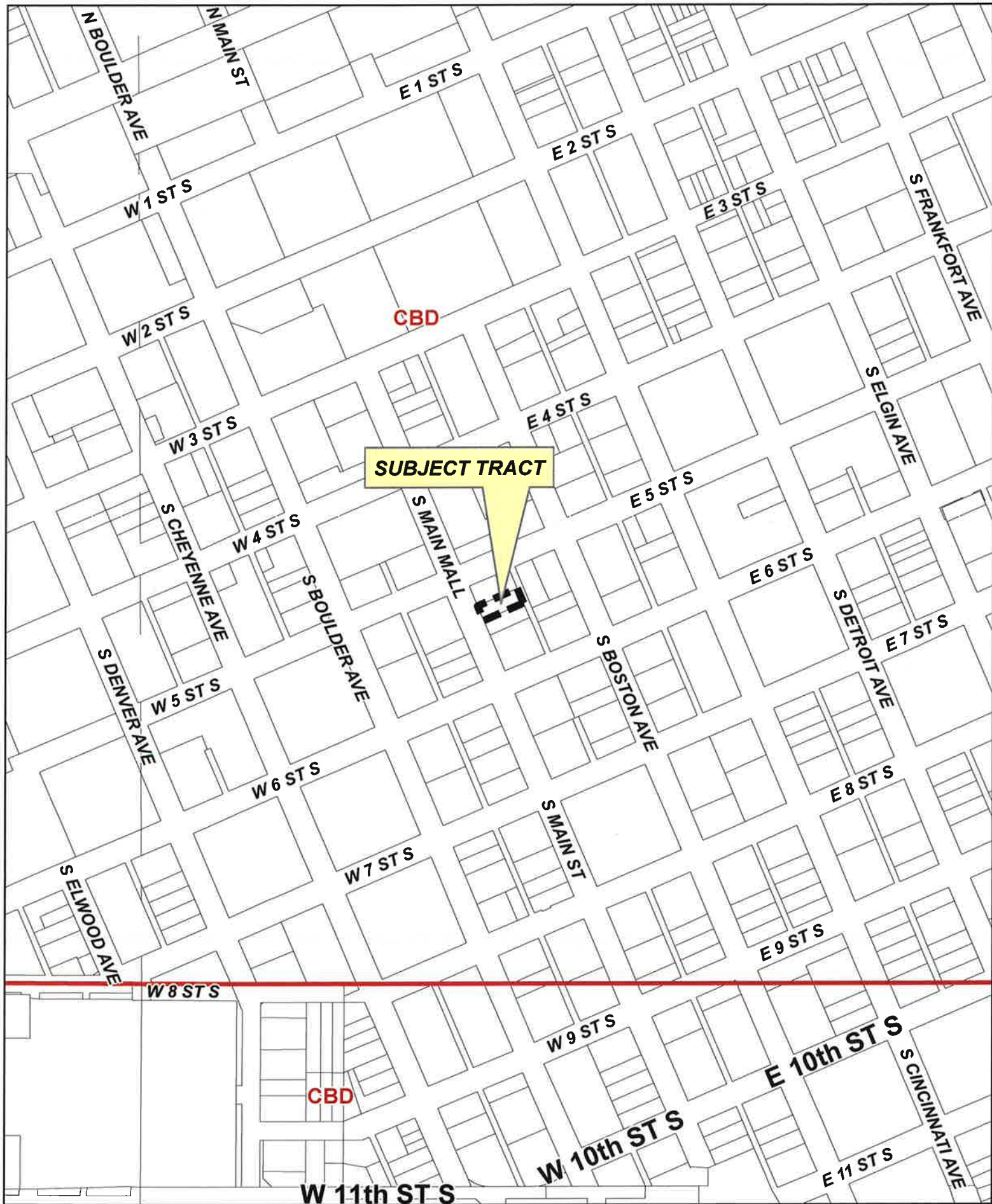


(918) 234-4859 Office  
(918) 893-5552 Fax

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**BOA-22655**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22655**

CZM: 36

CD: 4

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Josh Schrock

**ACTION REQUESTED:** Verification of the 300 foot spacing requirement for a bar from schools, and religious assemblies and 50 ft. from an R-zoned lot; and a Variance to allow a bar within 300 ft of a public park (Section 40.050-A.1, 2)

**LOCATION:** 507 S MAIN ST E

**ZONED:** CBD

**PRESENT USE:** vacant/ mixed-use

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** N50 LT 7 BLK 148, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:**

**SUBJECT PROPERTY:** None.

**SURROUNDING PROPERTIES:**

**BOA-21316:** On 9.03.2011 the Board ***Accepted*** a verification of spacing for an Adult Entertainment Establishment, located 427 S. Boston approximately 300' NE of the subject property.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** 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. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to

11.2

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CBD zoning and commercial development.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** of the spacing requirements for bars from public parks and a **Verification** of all other spacing requirements found in Section 40.050-A of the Code.

A bar is permitted in the CBD district as a use by right – subject to complying with the spacing requirements provided in Section Section 40.050-A of the Code. The Code provides the following spacing requirements for a bar in the CBD:

- 1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.*
- 2. Bars may not be located within 300 feet of a public park, school or religious assembly use; the separation distance must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.*

The applicant has submitted a map indicating the required spacing radius of 300 ft from the perimeter walls of the proposed bar. There are no churches or schools within the 300' radius; however, the H.A. Chapman Green is located within the radius and considered to be a public park. If the Board is inclined to approve the variance of the spacing requirements, all other spacing requirements have been verified and can be accepted. The **Variance** must be approved prior to the acceptance of other spacing requirements.

**Section 70.130-H of the Code states that no variance may be approved unless 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;***



and exceptional conditions or circumstances, which are peculiar to the structure and buildings 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:

**LTS 1 THRU 12 & 16 & 17 & 19 & 23 THRU 25 & 27 THRU 40 & VAC ALLEY ADJ THERETO & W10 VAC TRENTON AVE ADJ ON E LESS BEG 21.675 NEC BLK 3 TH E12.70 S147 W160 N60 W26.66 N27 E26.66 N60 E147.30 POB & LESS N3 LTS 1 & 25 BLK 3, FOREST PARK ADDN RE-AMD, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

FILE COPY

**21316—Eric Richards**

**Action Requested:**

Verification of the spacing requirements for an adult entertainment establishment in a building in the CBD district from an R district, church, school, or park (Section 1212.a.C.3) to permit a bar. **Location:** 427 South Boston

**Presentation:**

**Annie Ballenger**, 5818 East 77<sup>th</sup> Street, Tulsa, OK; stated this request is for a bar that is proposed for the ground floor of the PhilTower. The building is a nationally registered building and it will be an upscale bar.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") it was moved that based upon the facts in this matter as they presently exist, to **ACCEPT** the applicant's verification of spacing for the proposed adult entertainment establishment subject to the action of the Board being void should another conflicting use be established prior to the expansion of this adult entertainment establishment; for the following property:

**LT 4 BLK 137, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**



*View of the front of building from S. Main St. (BOA-22655)*



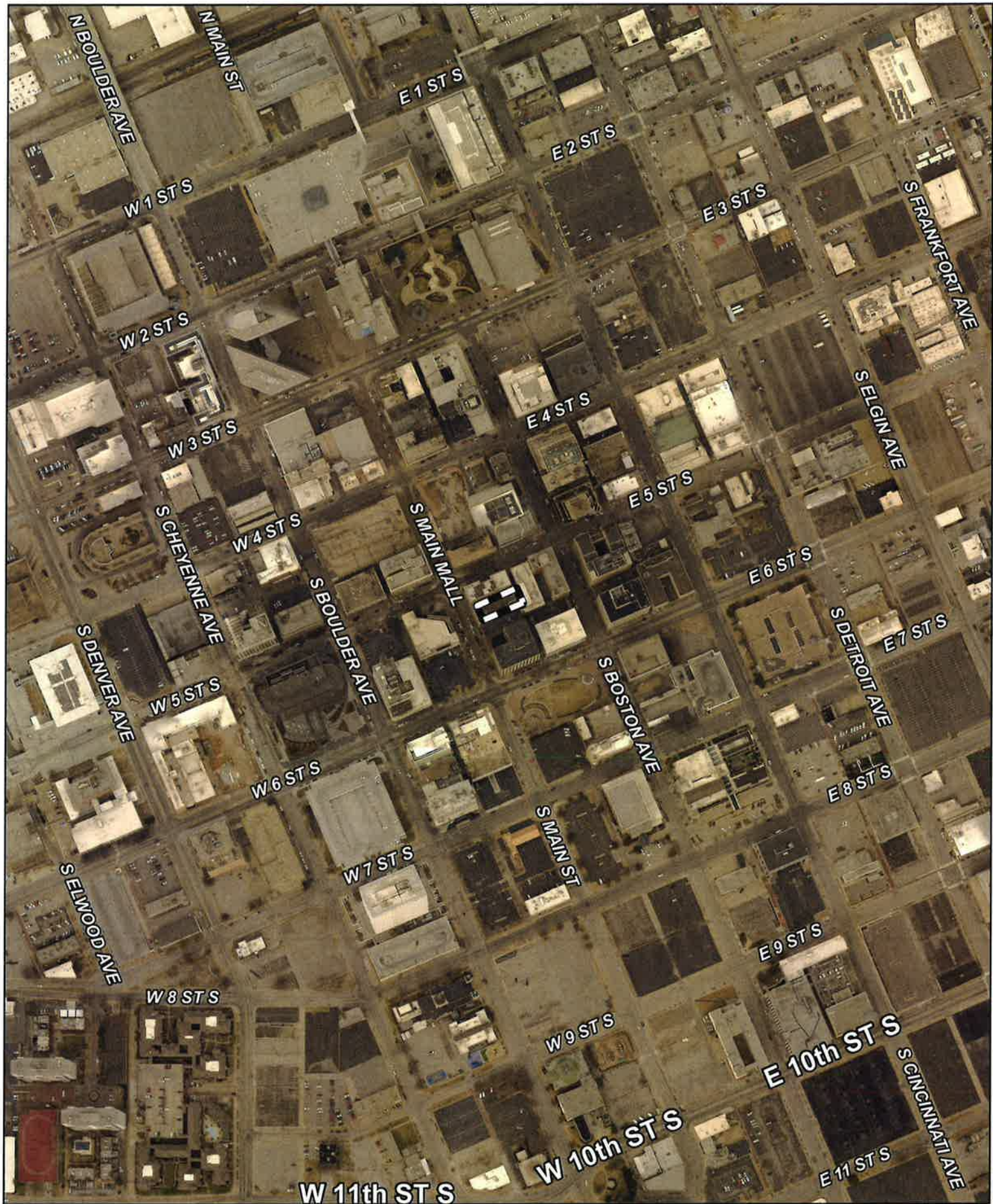
*View of Chapman (BOA-22655)*





*Close-up view of the front of building from S. Main St. (BOA-22655)*





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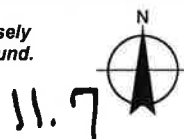
Subject  
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**BOA-22655**

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

Aerial Photo Date: February 2018







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**BOA-22655**

19-12 01

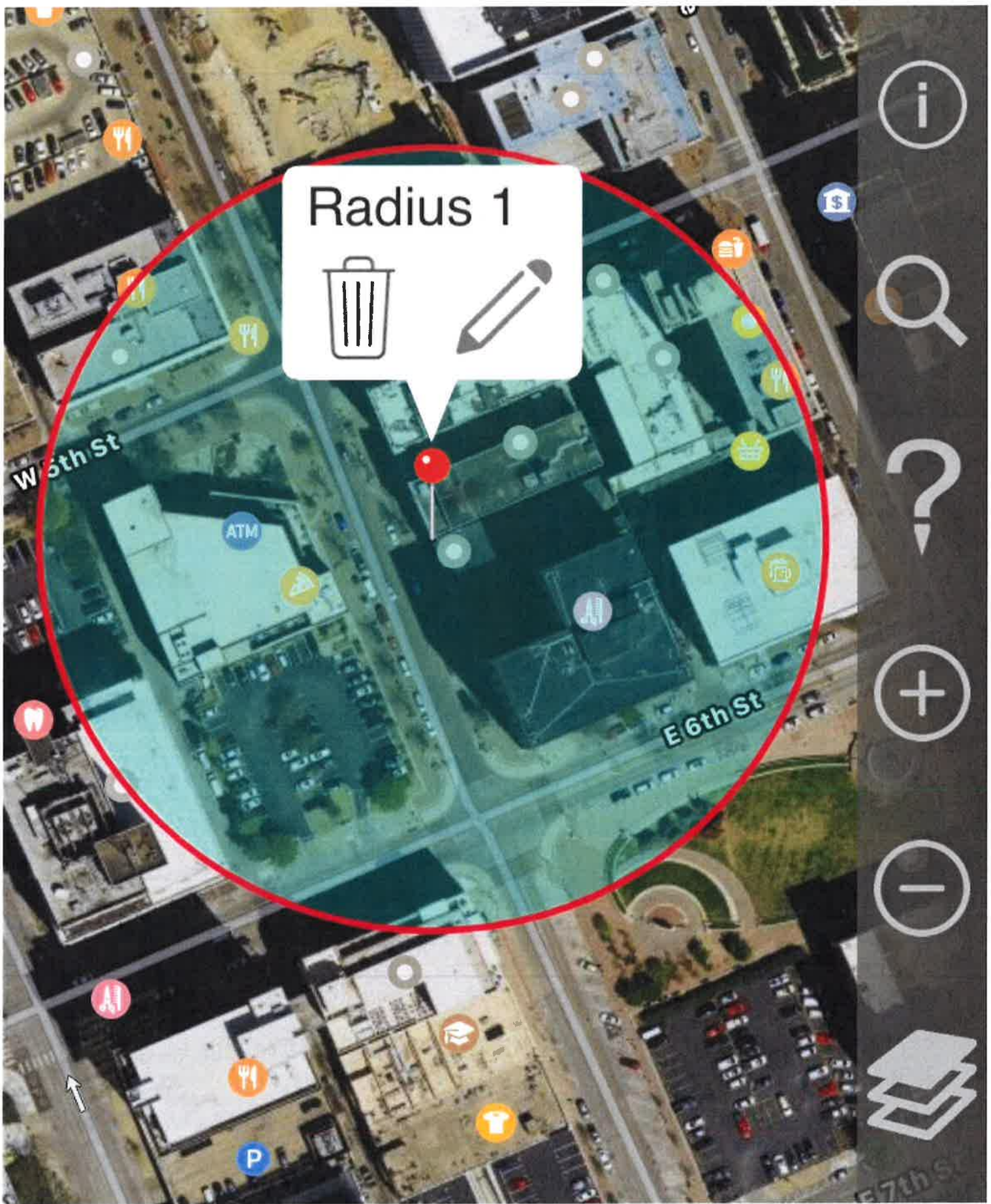
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

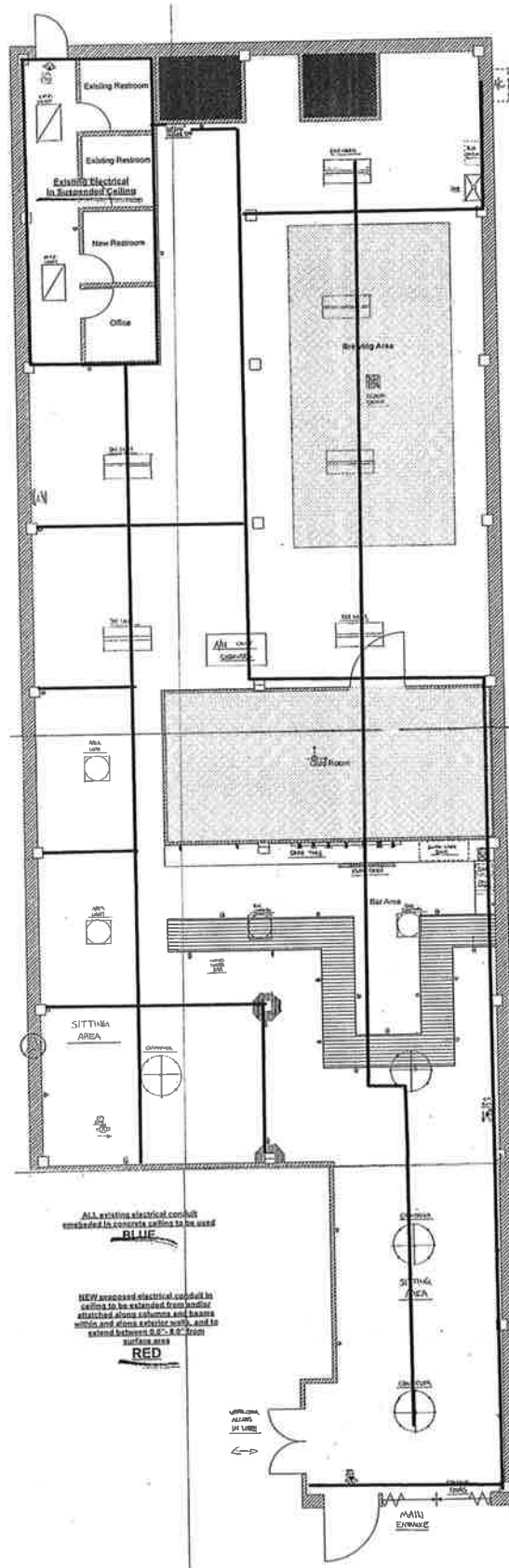
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**BOB KOLIBAS**  
ZONING PLANS REVIEWER  
TEL (918)596-9664



## **DEVELOPMENT SERVICES**

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

### **ZONING REVIEW**

**May 10, 2019**

**LOD Number: 1**

**Joshua Schrock**  
8915 Erie Avenue  
Tulsa OK 74135

**Phone: (918)605-7115**

**APPLICATION NO: 30155-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

**Location: 507 S. Main Street**

**Description: Brew Pub**

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

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### **IMPORTANT INFORMATION**

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

(Continued)

## REVIEW COMMENTS

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

Application No. 30155-2019

507 S. Main Street

May 10, 2019

This letter of deficiencies covers zoning Review items only.

You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for additional deficiencies regarding Utility Easement placement which are not addressed in this letter.

**1. Sec.40.050-A:** The proposed Brewpub is located in the CBD zoning district and is subject to the following separation distance spacing requirements:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
2. Bars may not be located within 300 feet of a public park, school or religious assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.
4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

**Review comment:** Submit a copy of the spacing verification that has been reviewed and approved per *Sec.70.110*. **NOTE:** A variance, reviewed and approved per *Sec.70.130*, is required for any of the spacing distances that cannot be met.

**2. Sec.15.020-G [2]:** Special exception approval is required if intoxicating beverages or low-point beer are sold or served and on a lot that is within 150 feet of any residential zoning district other than R-zoned street right-of-way.

**Review comment:** A Special Exception, reviewed and approved per *Sec.70.120*, is required if the brewpub is located on a lot that is within 150 feet of a residential zoning district.

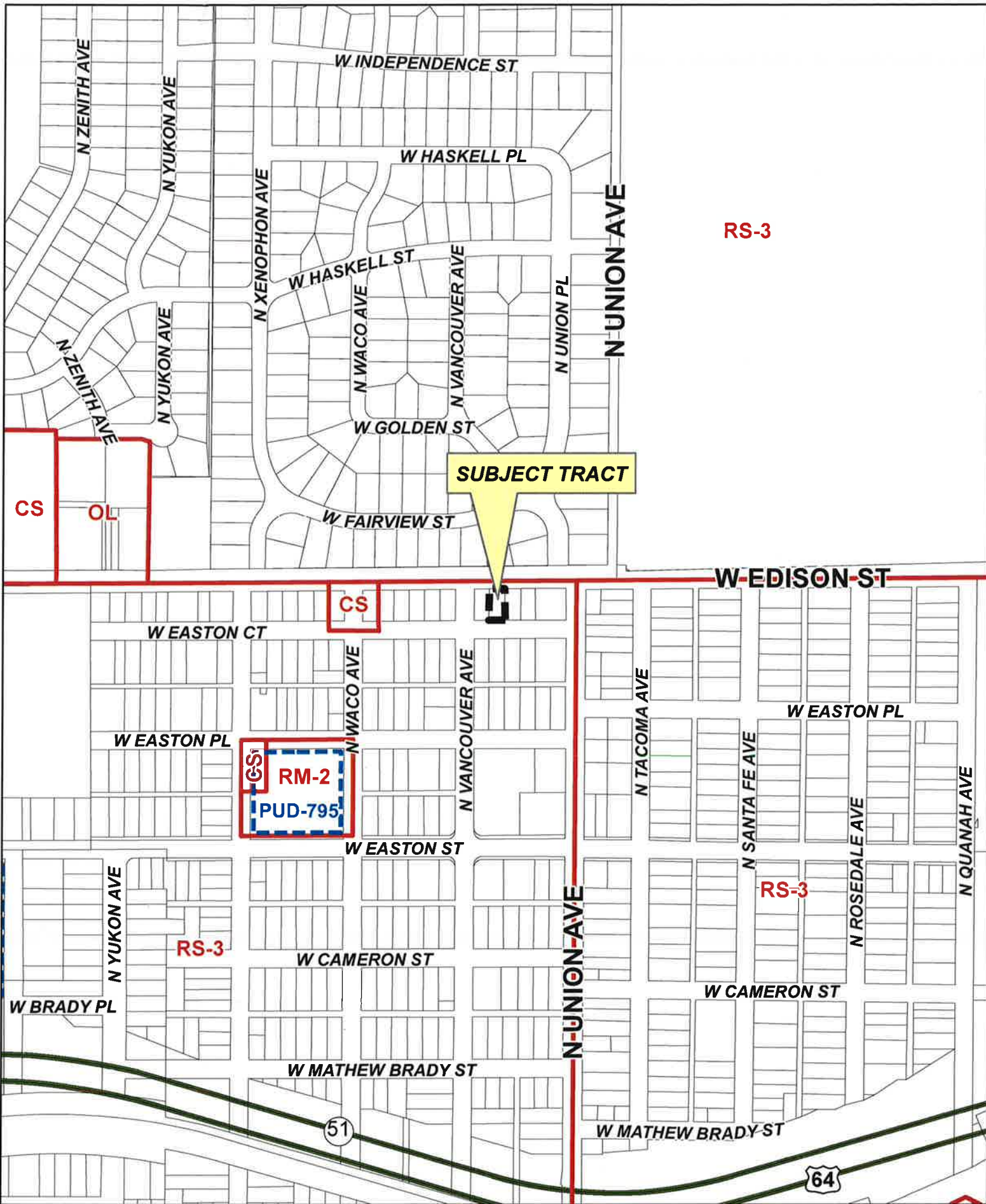
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding (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 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 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.





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**BOA-22656**

19-12 03



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

Case Number: **BOA-22656**

CZM: 36

CD: 4

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Ed Sharrer

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

**LOCATION:** 1719 W EASTON CT N

**ZONED:** RS-3

**PRESENT USE:** residential

**TRACT SIZE:** 5201.09 SQ FT

**LEGAL DESCRIPTION:** LT 5 BLK 1, IRVING PLACE

**RELEVANT PREVIOUS ACTIONS:**

**SUBJECT PROPERTY:** None

**SURROUNDING PROPERTIES:**

**BOA-22530;** on 10.23.18, the Board **approved** a *variance* to reduce the required minimum lot area and lot area per unit(Sec. 5.030-A); *variance* to reduce the required minimum lot width ; a *variance* of the open space requirement; a *variance* to reduce the side and front street setback. Located;

**BOA-19995;** on 3.08.05, the Board **approved** a *variance* of the front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District.

**BOA-19296;** on 2.26.02, the Board **denied** a *variance* to allow a detached accessory building in the front yard; a *variance* of the 25' required front yard; a *variance* of the required 5' side yard to 0'. Located: 1715 West Easton Court

**BOA-16161;** on 10.27.92, the Board **approved** a *variance* of the required side yard. Located: 1906 W. Easton Ct.

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

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

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

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

**STAFF COMMENTS:**

The applicant is proposing to construct an addition to the rear of the existing house along E. Edison St. Please see the attached hardship statement.

Section 90.090-A.3 of the Code states that rear setbacks are measured from the rear lot line, except on double frontage lots. On double frontage lots, street setbacks apply from all property lines that abut streets. According to the Major Streets and Highways Plan, E. Edison St. is designated as an *arterial street*. As shown on the attached exhibit, the proposed street setback to include the new addition from E. Edison St. is 20 ft.

The applicant is requesting a **Variance** to reduce the street (rear) setback requirement in an RS-3 district from 35 ft. to 20 ft. (Table 5-3).

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the street (rear) setback requirement in an RS-3 district (Table 5-3).

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

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

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

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

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

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

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



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

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

PRT SW & SE BEG NEC SW TH E1733.81 S353.83 E50 S709.20 W463.84 N196.65  
NW472.49 NW433.71 W398.17 S978.81 W195.84 N258.29 W348.62 N494.53 CRV RT  
130.18 NW50 NE60 SE50 CRV LF 52 NE167.84 N159.12 NW193.07 E307.78 POB  
SEC 3 18 13 37.121ACS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 4:31 P.M.  
Ms. Miller re-entered the meeting at 4:31 P.M.

**22530—William Wilkins**

**FILE COPY**

**Action Requested:**

Variance to reduce the required minimum lot area and lot area per unit (Section 5.030-A); Variance to reduce the required minimum lot width (Section 5.030-A); Variance of the open space requirement (Section 5.030-A); Variance to reduce the side and front street setback (Section 5.030-A). **LOCATION:** 1614 West Edison Street North (CD 4)

Mr. Bond recused and left the meeting at 4:31 P.M.

**Presentation:**

**Williams Wilkins**, 21521 West 14<sup>th</sup> Street South, Sand Springs, OK; stated this lot is actually a non-conforming lot in an RS-3 District, and it was split from the lots directly to the east some time ago. It fronts along Edison Street and Union; the street along Union is divided by a median with only a single lane of access in each direction. What he is proposing is a single-family residential house on the subject lot. There was previous action on the subject property by the previous owner that changed the front yard setback, however, he could not determine what the previous owner considered to be the front yard.

Mr. Van De Wiele asked Mr. Wilkins what the little building on the southeast corner is. Mr. Wilkins stated it is a storage building or a garage for the house to the east.

Mr. Wilkins stated that he would need an adjustment of the side building setback along Union Avenue and West Edison Street while maintaining the five-foot building line to the east with a 20-foot setback in the rear yard. The City has reviewed the plans.

Mr. Van De Wiele asked Mr. Wilkins if the area on the north side of the lot is a driveway and a parking area? Mr. Wilkins answered affirmatively. Mr. Van De Wiele asked Mr. Wilkins if he would be entering in from Union and not from Edison. Mr. Wilkins answered affirmatively.

BOA-22530

FILE COPY

**Interested Parties:**

**Ray Lutz**, 1712 West Easton Court, Tulsa, OK; stated he has lived in the neighborhood over 30 years. The subject lot has been before the Board of Adjustment approximately ten years ago for the same reason and that request was denied because of insufficient room to build a house. This corner is a dangerous corner and there is a rise in the road near Vancouver and Edison making it hard to see. Mr. Lutz doesn't see where a curb cut can be placed for a driveway that would be far enough away from the corner to not be an issue as well. Also, Mr. Lutz does not see where there can be sufficient parking. Mr. Lutz stated ten years ago there was a big yellow sign placed on the lot and this time there was no sign. In fact, he just became aware of this request in the last week, and a lot of the neighbors were also not aware of this action requested nor does he think the neighborhood association was aware of this. There have been investors move into the neighborhood and are flipping the houses. The plans show this house to be less than 1,600 square feet yet it shows a two-story house, so it will be a two-story almost tiny house.

**Ms. Miller left the meeting at 4:39 P.M.**

Mr. Van De Wiele asked Mr. Lutz if he thinks the area is supporting larger houses versus smaller houses. Mr. Lutz answered no and stated that some of the houses are being restored into their original appearances; some of the houses are close to 100 years in age. Mr. Van De Wiele stated that if the complaint is that the proposed house is too small is it being suggested that nothing be built on the lot? Mr. Lutz stated the lot does not really support that. The builder's sign plan shows the house to be 1,590 square feet and shown as a two-story house; it will not fit into the neighborhood.

Mr. Van De Wiele stated that should the Board deny all the Variance requests the neighborhood would be left with an unbuildable lot. Mr. Lutz stated that is what happened in the first case from the previous owner where the Board denied this same kind of request.

Mr. Van De Wiele asked Ms. Ulmer about the one noted previous action that was in 2005, and it was to approve a Variance of the front yard from 35 feet to 11 feet. Ms. Ulmer stated that is correct, and that is the only relevant history she found on the subject property through her research.

**Ms. Miller re-entered the meeting at 4:42 P.M.**

**Rebuttal:**

**William Wilkins** came forward and stated this request was posted to the Owen Park Neighborhood Facebook page at the time the application was made. Not only was a site plan provided there but also the elevations. There was some feedback, and



everyone seemed to be approving of the request. Mr. Wilkins stated that his telephone number has been out there for the last three weeks and has been contacted by no one in the neighborhood regarding this matter. The house size is a two-story and is commensurate with the lot size; the lot size is 50 x 80. Mr. Wilkins stated he is attempting to erect a house on the subject property that is not too large in scale but just right for the neighborhood; houses in the neighborhood range from 850 square feet up to 2,300 square feet. The houses directly to the east of the subject property are probably 1,200 square feet. The two-story option was taken on to create as much green space on the lot as possible, make access as easy as possible with an arch driveway coming off Union because it is a one-way street given the median, the parking area to provide enough off-street parking and still maintain a backyard and have the utility easement space to the west. Regarding some of the other comments from Mr. Lutz in relation to the previous action, that action was taken by Mr. Simmons and his attempt was to beautify the neighborhood and get rid of the empty lot. Mr. Wilkins stated that Mr. Simmons has passed and that is one of the reasons the first action was not pursued, and another reason it was not pursued was a \$15,000 investment to do a mainline sewer extension that he will be undertaking.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Radney, Ross, Van De Wiele "aye"; no "nays"; Bond "abstaining"; none absent) to **APPROVE** the request for an Variance to reduce the required minimum lot area and lot area per unit (Section 5.030-A); Variance to reduce the required minimum lot width (Section 5.030-A); Variance of the open space requirement (Section 5.030-A); Variance to reduce the side and front street setback (Section 5.030-A), subject to conceptual plan 11.13 of the agenda packet and the conceptual building elevations which are to be e-mailed to staff at INCOG. The Board finds the hardship to be the size of the subject property. The Board finds that the following facts, favorable to the property owner, have been established:

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

BOA-22530

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:

**W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Bond re-entered the meeting at 4:49 P.M.**

**22531—Gant Hinkle**

**Action Requested:**

Variance of the minimum lot width to allow for a lot split (Section 5.030-A).

LOCATION: 4687 South Columbia Avenue East (CD 9)

**Ms. Ross recused and left the meeting at 4:50 P.M.**

**Presentation:**

**Nathan Cross**, 2 West 2<sup>nd</sup> Street, Suite 700, Tulsa, OK; stated his client is seeking a Variance for the lot width in an RS-1 District; from 100'-0" to 77'-6". This would create two still extraordinarily large lots even after it is split. The property is not platted, and the house was built in 1950 which indicates the RS-1 designation was laid over the neighborhood. The east side of the property has an elevation drop that makes it difficult to develop. His client does not see any ability to repurpose the existing house and would like to construct two new houses. There is also a significant wooded area on the east side of the property. The plan is to create two lots, build two houses on them that will in all ways conform to RS-1 zoning but for the lot frontage. All the setbacks and bulk and area requirements will be met. The intent is to keep as many of the trees as possible because it is seen as a benefit to the existing neighborhood.

Mr. Van De Wiele asked Mr. Cross to state the hardship for this request. Mr. Cross stated that the hardship is that the property is an extraordinarily large lot that is not necessarily keeping with current development standards. The house that exists on the property does fit with the neighborhood; the house is old and is in poor repair. Mr. Cross stated that his client believes the house not salvageable.

Mr. Cross stated that at the corner of 49<sup>th</sup> and Columbia Place the Board of Adjustment approved a lot split recently. The subject property is dragging down the value of the houses of the area because of the use of the property.

**Interested Parties:**

Howard Joiner, 7015 East Haskell, stating he came to find out what were the applicant's plans. They were open to family oriented activities and advantageous to the community.

Tim Lewis, 7305 East Latimer Place, stated there has been a history of vandalism, when the bowling alley existed.

Mr. Dunham offered the applicant and interested parties time to discuss the application outside of the room to resolve any issues and be heard later in the meeting.

**Board Action:**

To be heard later in the meeting.

\*\*\*\*\*

**Case No. 19994**

**Action Requested:**

Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), located: 11866 East 36<sup>th</sup> Street South.

**Presentation:**

Jerry Ray, 4750 Hobbyhorse Lane, stated he is the father of the applicant. He added they did a survey and did not find another home day care within 300 ft.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On Motion of Stephens, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a Verification of required 300 ft distance from another family day care home (Section 402.B.5.g), on the following described property:

LT 9 BLK 6, GARNETT PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 19995**

**Action Requested:**

Variance of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4, Use Unit 6, located: 1612 West Edison Street.

FILE COPY



**Presentation:**

**Michael Simmons**, 1719 West Easton Court, the subject property has been neglected with a history of code violations. They are trying to improve the neighborhood and he bought this property to improve it also. This property is unique, being the only lot facing Edison in Owen Park that would have a structure built under the current zoning code. He submitted photographs (Exhibits B-1 and B-2) to support his presentation. He pointed out one house is close to the street and the small lots. There would be no garage and the curb cut is on Union.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Stephens**, the Board voted 4-0-0 (Dunham, Stephens, Stead, Henke "aye"; no "nays"; no "abstentions"; Paddock "absent") to **APPROVE** a **Variance** of front yard requirement from 35 feet to 11 feet to allow for the establishment of a single-family dwelling in the RS-3 District, SECTION 4 -- Use Unit 6, finding the lot was created prior to the current zoning code and created a substandard lot, on the following described property:

W 50' OF LTS 1 2 & 3 BLK 4, PARK HILL ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*.

**Case No. 19996**

**Action Requested:**

Special exception to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), located: 11545 East 43<sup>rd</sup> Street South.

**Mr. Dunham abstained from Case No. 19996.**

**Presentation:**

**Josh Fowler**, stated he is the Executive Vice-President of the Home Builders Association of Greater Tulsa, 11545 East 43<sup>rd</sup> Street. They were not adding onto the structure or changing the use from what they have done for years. It was found that they were originally approved for office space, but they need a special exception to have the members meetings there and comply with the code.

**Interested Parties:**

There were no interested parties present who wished to speak.

**Board Action:**

On **Motion** of **Stead**, the Board voted 3-0-1 (Stephens, Stead, Henke "aye"; no "nays"; Dunham "abstained"; Paddock "absent") to **APPROVE** a **Special Exception** to allow Use Unit 5 - Community Center- in an SR zoned district (Section 851), on the following described property:

**Comments and Questions:**

Mr. Beach commented that the design is for an attached carport. Mr. White noted that the house is built on the building line. Mr. Beach stated that any size carport would extend across the building line. Ms. Perkins asked about the existing garage. Mr. Box responded that the overhead doors on the existing garage are too narrow for cars and a shop has been set up in the garage. Mr. White noted that the lot is only 90' deep compared to larger neighboring properties.

**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 required front yard of 25' plus ½ the planned right-of-way to 29' from the centerline, for the addition of an attached carport, restricting the size of the carport to 20' x 20', finding it would be an attached carport and the depth of the lot would make it difficult to build otherwise, on the following described property:

Lot 1, Block 12, Ridgeview Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*.\*\*\*\*\*.

**Mr. White abstained from Case No. 19296.**

**Case No. 19296**

**Action Requested:**

Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of the 25' required front yard. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the required 5' side yard to 0'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 1715 W. Easton Ct.

**Presentation:**

**Jeffrey C. Fitts**, 1715 W. Easton Ct., stated he has partially built a carport without a building permit. He wants to protect a classic car he purchased. The Neighborhood Inspector asked him to stop construction. He submitted photographs (Exhibit C-1) of the carport as it exists and other carports in the neighborhood. Mr. Fitts stated he would have changed the carport to the required setback but it would have made it a 22' x 7' carport.

**Interested Parties:**

**Robert Brasey**, 1724 W. Easton Ct., stated he and the neighbors on the block have consistently made improvements. They are seeking national designation for

the historical structures in the neighborhood. He complained that the carport in question is not appropriate to the house or the neighborhood.

**Gail Johnson**, 1711 W. Easton Ct., stated that the applicant did not contact her regarding the new construction. She expressed concern that the structure might be partially on her property.

**Allen Bates**, 1715 W. Easton Ct., stated he lives on the subject property. He is in favor of the project. He stated that it was built over the driveway, not attached, and built on piers. He was confident that it was a sturdy structure, and would be complimentary to the house.

**Applicant's Rebuttal:**

Mr. Fitts stated that he owns eight pieces of real estate in the neighborhood. He has made substantial improvements to the house. He added there is not enough room in the back yard to put a carport. He assured the Board that the carport is on his property and not on the neighbor's lot.

**Comments and Questions:**

Ms. Turnbo asked for a hardship. Mr. Fitts indicated that the house does not conform to the Code, as it was built in 1925, and there are only 13' from the house to the lot line. The Board received a letter of opposition (Exhibit C-2).

**Board Action:**

On **MOTION of Perkins**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **DENY a Variance** to allow a detached accessory building in the front yard; a **Variance** of the 25' required front yard; and a **Variance** of the required 5' side yard to 0', finding a lack of hardship on the following described property:

Lot 4, Block 1, Irving Place, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

**Case No. 19297**

**Action Requested:**

Variance of the required setback from an R zoned district for a changeable lettering sign from 200' to 80' on the west and 92' to the south. SECTION 1221.C. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 11, located SE/c E. Independence & N. Memorial.

**Presentation:**

**Roger Lister**, 533 S. Rockford, with Claude Neon Signs, stated the project is for Golden Eagle Credit Union. He informed the Board they propose to put in an electronic variable message sign. The neighboring church does not object to the sign. He suggested the hardship is the uniqueness of the property.



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 25' setback from an abutting R district to 0' on the north and 5' on the west - SECTION 404.G.4. SPECIAL EXCEPTION USES IN THE RESIDENTIAL DISTRICTS, REQUIREMENTS - Use Unit 5, and to APPROVE a Special Exception to permit parking on a lot other than the lot containing the principal use - SECTION 1301.D. GENERAL REQUIREMENTS - Use Unit 10; per the plot plan submitted, subject to the execution of appropriate tie contracts tying the lots together, and subject to storm water management review of drainage finding the use to be in harmony with the Comprehensive Plan and area; on the following described property:

All of Block 13, less Lot 17, Eastmoor Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 16161

Action Requested:

Variance of the required side yard from 5' to 9" to permit an existing carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 1906 W. Easton Court.

Presentation:

The applicants, Bill and Jeanette Ward, Route 8, Box 499, Tulsa, informed they would like to sell their house. Approximately seven years ago, the old garage on the property was torn down and a carport was erected in its place. Mr. Ward submitted a photo of the subject property (Exhibit J-1) which shows there is no other place to put a garage or a carport on the property. Jeanette Ward informed she has lived on the subject property for 14 years. The people she paid to build the carport did not receive a building permit or build the structure to Code.

Comments and Questions:

Mr. Doverspike asked if there is a gutter that runs on the east side of the carport, and Mrs Ward answered in the affirmative.

Mr. Doverspike asked if there are other carports in the immediate vicinity, and Mrs. Ward informed there are others existing on her block. She informed the carport is consistent with others in the area.

Protestants:

Cheryl Snow, 1904 West Easton Court, submitted a letter (Exhibit J-2) and some photographs (J-3) from the gentleman who lives just south of the subject property. Ms. Snow informed she lives on the east side of the subject property. She read her concerns which included a concern that the guttering is over their air space and a concern that drainage and/or overflow from the guttering could cause damage to their property or their existing garage. She informed they were not consulted when this was built so close to the property line. She informed she does not believe there is nine inches between the structure and the property line. She is concerned about selling her property in the future because of the proximity of the carport.

Don Snow, 1904 West Easton Court, informed the contractor who built the structure was the applicant's brother and father. They were not consulted about the construction of the carport.

Applicant's Rebuttal:

Mr. and Mrs. Ward discussed an easement for a shared driveway which they had released at the request of the Snow's.

Comments and Questions:

Mr. White site-checked this property and informed there are other carports on this street, and this is consistent with others in the area.

Board Action:

On MOTION of CHAPPELLE, 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 side yard from 5' to 9" to permit an existing carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; subject to proper drainage and finding that the carport is not injurious to the neighborhood on the following described property:

N100' of Lot 2, Block 6, Irving Place Addition to the City of Tulsa.

Case No. 16162

Action Requested:

Variance to permit 2 ground signs per 100' of lot frontage - SECTION 1221.C.9. GENERAL USE CONDITIONS FOR BUSINESS SIGNS - Use Unit 12, located 3245 S. Harvard.





0      Feet  
200      400



Subject  
Tract

**BOA-22656**

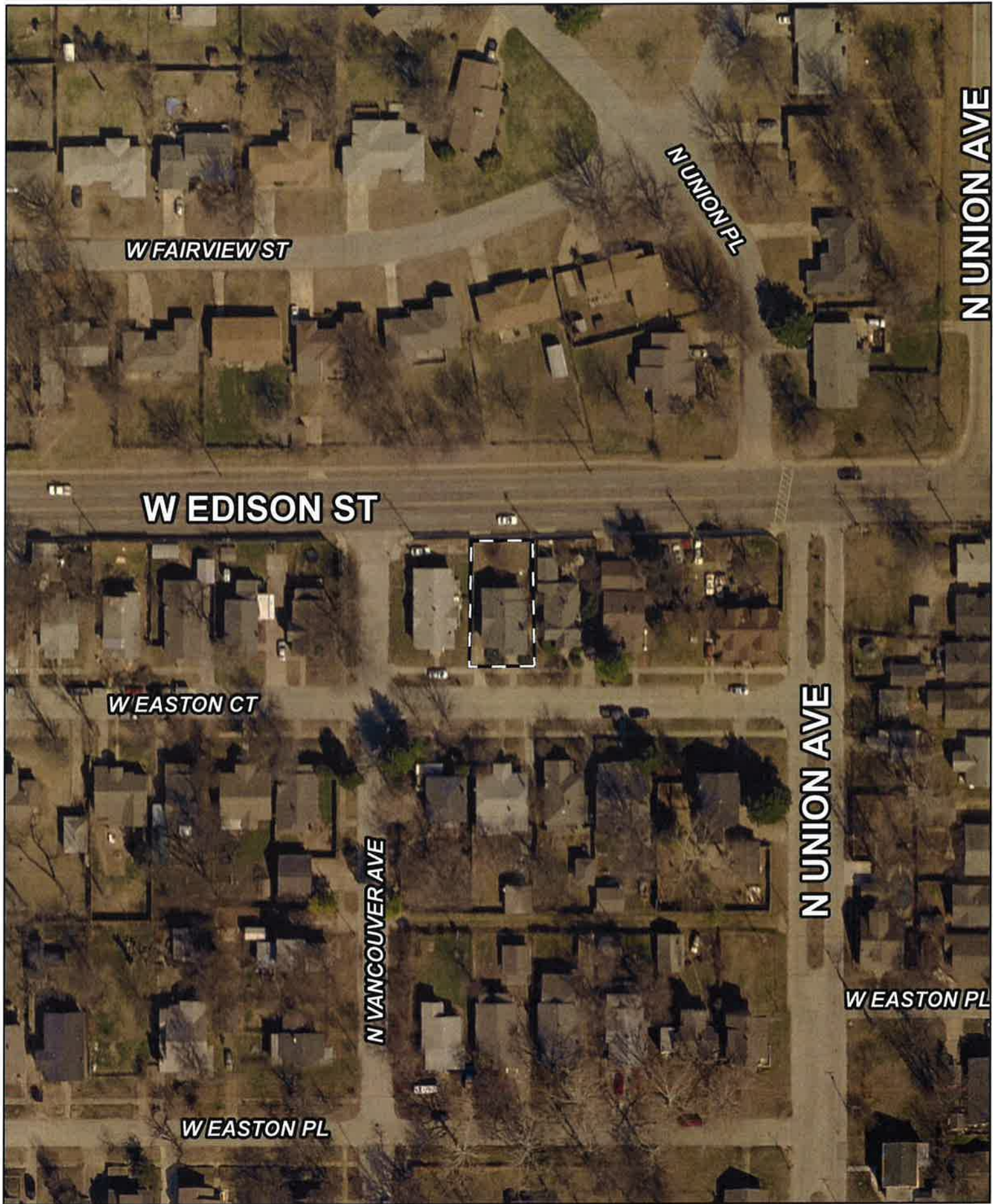
19-12 03

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

Aerial Photo Date: February 2018







Subject  
Tract

**BOA-22656**

19-12 03

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

Aerial Photo Date: February 2018

12.16







*View of backyard from W. Edison St. (BOA-22656)*



*View of backyard from sidewalk on W. Edison St. (BOA-22656)*



*View of driveway from W. Easton Ct. (BOA-22656)*



*View of front of house from W. Easton Ct. (BOA-22656)*



## Ulmer, Amy

---

**From:** Sharrer, Ed  
**Sent:** Monday, May 6, 2019 11:19 AM  
**To:** Ulmer, Amy  
**Subject:** BOA Application

Thank you for helping me, Amy!

Permit # BLDR-027715-2019  
Address: 1719 W Easton Ct, Tulsa 74127

The non-conforming lot size of only 5,200 square feet creates a hardship. The depth of our lot is only 104' with street frontage on both the front and rear of the property. Our house is currently set back 40'-5" from the rear property line. The 35' setback requirement makes an addition to the house impractical without a variance. The proposed addition would otherwise meet the 20' rear setback required by the zoning code if our property didn't back up to a secondary arterial (Edison Street).

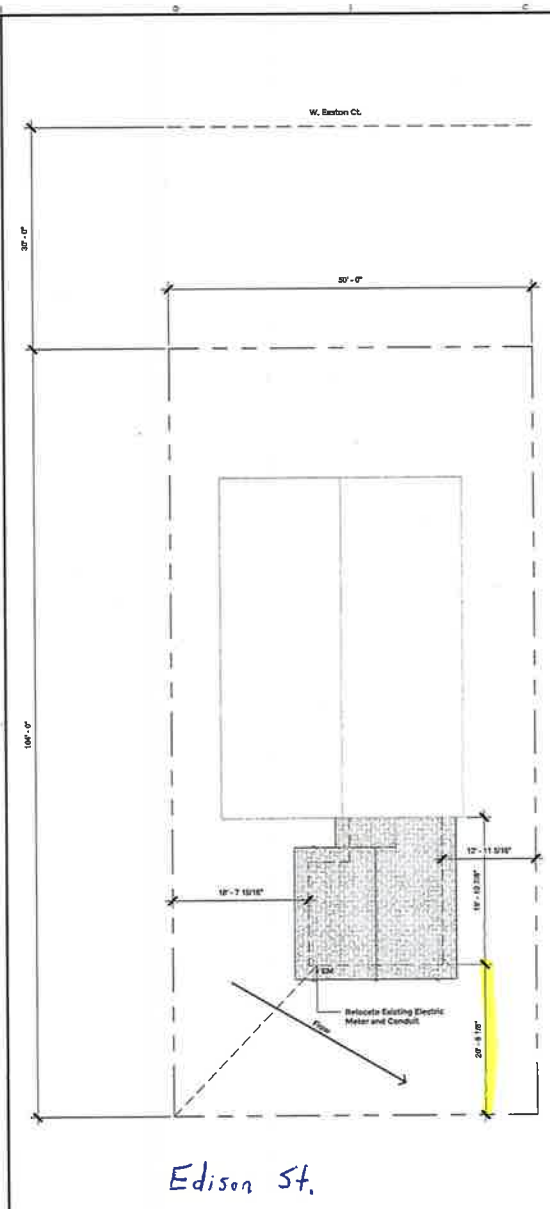
If you need anything else, let me know!

Ed

**Ed Sharrer**  
Manager  
Destination Districts  
**Tulsa Planning Office**  
918.579.9449  
esharrer@incog.org



12.20



D1 Overall Site Plan  
1/8" = 1'-0"

- Building Section
- Wall Section
- Detail Section
- Area/Detail Callout
- Exterior Elevation
- Interior Elevation
- Grid Line - Main
- Grid Line - Auxiliary
- Grid Line - Existing
- Level/Floor Indicator
- Match Line
- Revision Cloud with Delta
- Project North Arrow with True North
- Center Line Indicator

- Beyond
- Contact
- Demolished
- Hidden
- Overhead
- Accessibility Clearance
- Align

Project Symbols Legend  
1/8" = 1'-0"

Sheet Information			
Sheet Index			
No.	Sheet Name	Rev.	Rev. Date
C000	Cover Sheet		
C001	Project Information		
A101	Overall Floor Plan		
A102	BCP & Roof Plan		
A103	Exterior Elevations		
A100	Building Sections And Interior Elevations		



Sharrar Residence  
1719 W Boston Ct. Tulsa, OK 74127

No. Description Date

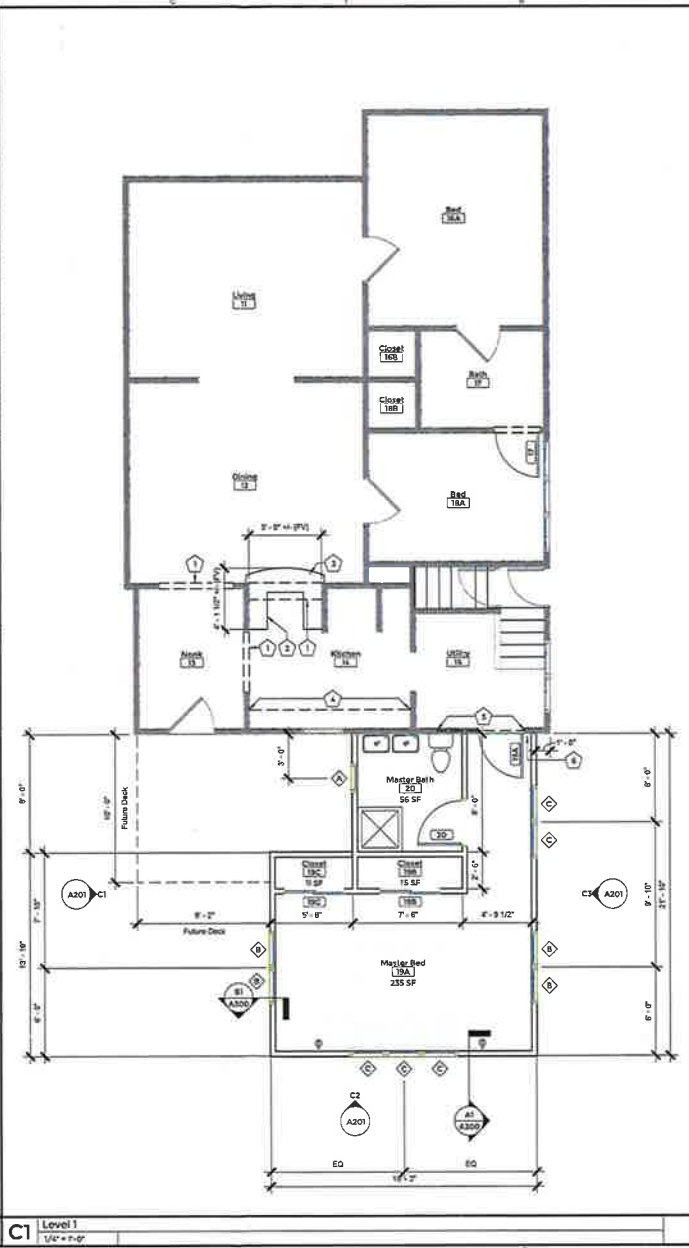


Project No: 16006  
Issued: 05/20/2019  
Drawn By: AG  
Checked By: JK  
This document, and the ideas and designs represented herein, are an instrument of professional service, to the property of the client, and shall not be used for any other project without the written consent of the architect.

G001  
Project Information

12.21

Finish Schedule					
Finish Mark	Finish Description	Finish Manufacturer	Finish Model	Finish	Comments
<b>Ceilings</b>					
C101	Open Board Ceiling				
<b>Flooring</b>					
F1	Ceramic/Porcelain Tile	T&B	Gleazed Hex Mosaic Tile	White Black / Mix	Bedroom Floor Tile
F02	Wood Plank	Match Existing			Bedroom
F03	Grout	T&B			
<b>Millwork</b>					
M02	Stained wood	Match Existing			Field verify and select wood stain
M01	Solid Surface	Caesarsstone	Wild Blue - 4340	Quartz	
<b>Trim</b>					
T01	Trim	T&B			Match Existing
T02	Transition Strip	T&B			Laundry Room To New Addition
T03	Transition Strip	T&B			Vanity to Toilet
T04	Transition Strip	T&B			Room to Patio
<b>Wall Base</b>					
WB1	Wall Base	Match Existing			Field verify dimension and profile
<b>Wall Paint</b>					
PT1	Paint	T&B			Wall Paint - To be approved
PT2	Paint	T&B			Ceiling Paint - To be approved
<b>Wall Tile</b>					
TL1	Wall Tile	T&B	White	4" x 4"	Bathroom Walls
TL2	Grout	T&B			
TL3	Wall Tile	T&B	Black	4" x 4"	Bathroom Walls
<b>Window Treatment</b>					
WT1	2" Blinds	T&B			To be approved
<b>Finish Notes</b>					
1. Walls To Be Painted PT1 Unless Otherwise Noted. Refer To Finish Schedule And Interior Elevations.					
2. Wall Base To Be WB1 Unless Noted Otherwise. Refer To Finish Schedule.					
3. Floor Finishes To Extend Beneath All Appliances, Casework, etc. Unless Noted Otherwise.					
4. Window Sill Finish To Be Match Existing, Unless Noted Otherwise.					
5. Refer To Finish Plan For Floor Finish Pattern and Flooring Orientation.					
6. Wall Access Panels To Be Painted To Match Adjacent Wall.					
7. Center All Transition Strips Under Door Leaf, Where Applicable.					
8. Install Waterproof Membrane At All Restroom Tiled Floors, Overlap And Extend 6 Inches Up Perimeter Walls.					
9. Wall Finish To Be Level 5, Unless Noted Otherwise.					
10. New Windows To Match Existing. Field Verify Dimensions.					
E1	Basement	1/4" = 1'-0"			



Sheet Information			
Sheet Notes			
1. All Construction Shall Be Done In Compliance With The Americans With Disabilities Act (ADA) And The City Of Tulsa Building Code.			
2. Dimensions Shown Are From Face Of Stud Or Masonry, Unless Noted Otherwise.			
3. Area Of Addition Is 335 Square Feet. Room Area Included With Room Tag.			
Demolition Notes			
NO.	NOTE		
1	OPENING TO REMAIN. REMOVE EXISTING ARCH AND STEEL PLATE.		
2	REMOVE EXISTING TILED COUNTER TOP. REPLACE WITH NEW SOLID SURFACE COUNTER TOP.		
3	REMOVE BAR. SEE ELEVATION FOR MORE INFORMATION.		
4	REPLACE EXISTING UPPER CABINETS. NEW CABINETS Y EXTEND TO CEILING FOR FOOD STORAGE.		
5	REMOVE EXISTING WINDOW AND PREPARE FOR NEW CONSTRUCTION.		
6	REMOVE AND RELOCATE EXISTING UTILITY EQUIPMENT.		
7			
Door Schedule			
Mark	Width	Height	Description
Basement			
D08	2'-0"	6'-0"	Pocket Door
Level 1			
D1	3'-0"	6'-0"	
D2	3'-0"	6'-0"	
D3	3'-0"	6'-0"	Sliding Closet Door
D4	3'-0"	6'-0"	Sliding Closet Door
D5	3'-0"	6'-0"	
Window Schedule			
Mark	Width	Height	Description
A	12'-11 1/2"	2'-0 1/2"	Pella® 350 Series Vinyl Double Hung
B	12'-3 1/2"	2'-0 1/2"	Pella® 350 Series Vinyl Double Hung
C	12'-3 1/2"	2'-0 1/2"	Pella® 350 Series Vinyl Double Hung
Notes			
1. Match Sill Height Of Existing Windows.			
2. Sizes Given Are Approximate Sizes Of Existing Adjacent Windows. Contractor To Field Verify Sizes Of Existing Windows.			

**METHOD.**  
Architectural | Interior | Planning | Construction  
www.methodgroup.com

**Sharrer Residence**  
1719 W Easton Ct., Tulsa, OK 74127

**Permit Set**

08/20/2018

COA  
Date Issued

Project No. 18006  
Issued 03/20/2019  
Drawn By AS/AV  
Checked By JK

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**A101**  
Overall Floor Plan



Sheet Information

Roof Plan Notes

- Note
1. Roof Overhang is To Be 2'-0" Beyond Exterior Face Of Framing, Unless Noted Otherwise. Contractor To Field Verify Existing Overhang Dimension.
  2. Roof Slope To Match Existing, Unless Noted Otherwise.

RCP Notes

- Note
1. Ceiling Fixtures To Be Combined In Space, Unless Noted Otherwise.
  2. Contractor To Coordinate Light Fixture Selection And Final Placement With Owner.

Sharrer Residence  
1719 W Ellison Ct. Tulsa, OK 74127

No. Description Date

Permit Set

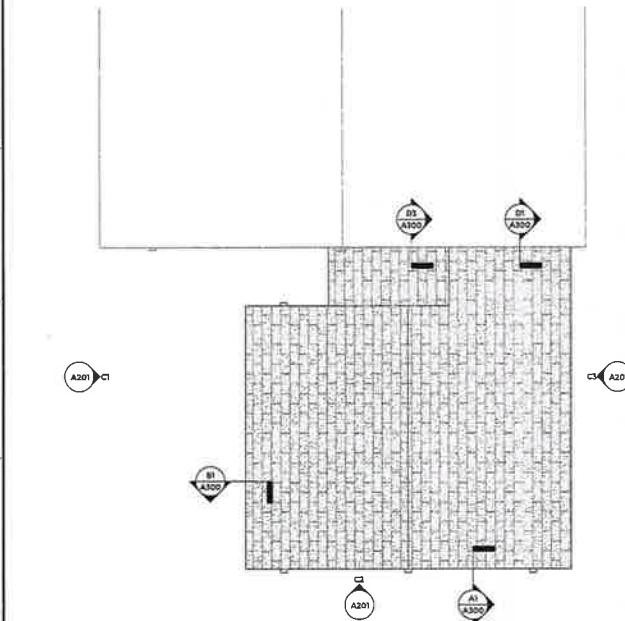


Project No. 180006  
Issued: 05/20/2019  
Drawn By: AS/AV  
Checked By: JK

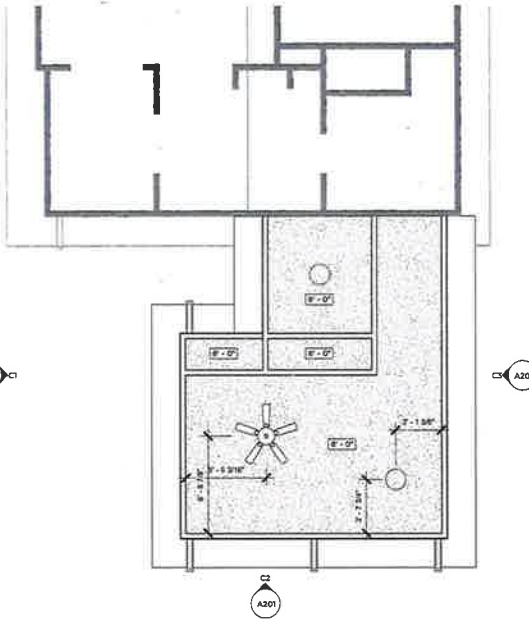
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A102

RCP & Roof Plan



E1 Overall Roof Plan  
1/4" = 1'-0"



C1 Overall RCP - Level 1  
1/4" = 1'-0"

12.22

# Exterior Finishes Schedule

Mark	Description	Manufacturer	Model/Number	Comments
A32	Asphalt Shingle	Match Existing	-	
EPT1	Exterior Paint	Match Existing	-	
SD1	Siding	Match Existing	-	
STC1	Stucco	-	-	On CMU Wall. Paint To Match Existing Foundation Wall

Asphalt Shingle Roofing Material, Match Existing

Gutter And Downspout

Wood Fasia Board, Painted

Exterior Wood Window Trim, Match Existing, Painted

New Exterior Windows, Match Existing Sizes And Sill Locations

Siding, Match Existing

Concrete Masonry Unit Stemwall, Stucco Finish



**C3** Exterior Elevation - 1  
1/4\" = 1'-0\" RE: C1/A101

New Roof Brackets, Match Existing Bracket Dimensions And Design

Existing Roof Bracket, For Reference

Asphalt Shingle Roofing Material, Match Existing

Gutter And Downspout

Wood Fasia Board, Painted

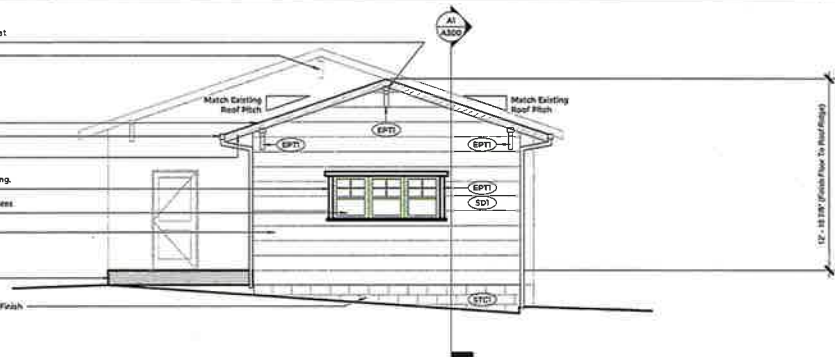
Exterior Wood Window Trim, Match Existing, Painted

New Exterior Windows, Match Existing Sizes And Sill Locations

Siding, Match Existing

Future Deck, Shown For Reference

Concrete Masonry Unit Stemwall, Stucco Finish



**C2** Exterior Elevation - 2  
1/4\" = 1'-0\" RE: C1/A101

Asphalt Shingle Roofing Material, Match Existing

Gutter And Downspout

Wood Fasia Board, Painted

Exterior Wood Window Trim, Match Existing, Painted

New Exterior Windows, Match Existing Sizes And Sill Locations

Siding, Match Existing

Future Deck, Shown For Reference

Concrete Masonry Unit Stemwall, Stucco Finish



**C1** Exterior Elevation - 3  
1/4\" = 1'-0\" RE: C1/A101

**Sharron Residence**  
1719 W Easton Ct. Tulsa, OK 74127

No. Description Date

Permit Set



Project No. 18008  
Issued: 03/20/2019  
Drawn By: AS/AV  
Checked By: JK

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**A201**  
Exterior Elevations

12.23



REMOVE ARCH FEATURE.  
NEW TRIM TO MATCH  
ADJACENT NOOK WINDOW

REPLACE EXISTING TILE  
COUNTER TOP  
SEE FINISH LEGEND FOR  
NEW SOLID SURFACE

**E3** Existing Condition 3  
3/8" x 7'-0"



REMOVE ARCH FEATURE.  
REMOVE STEEL PLATE AND  
REPLACE WITH NEW TRIM TO  
MATCH ADJACENT NOOK  
WINDOW TRIM

REMOVE BAR.

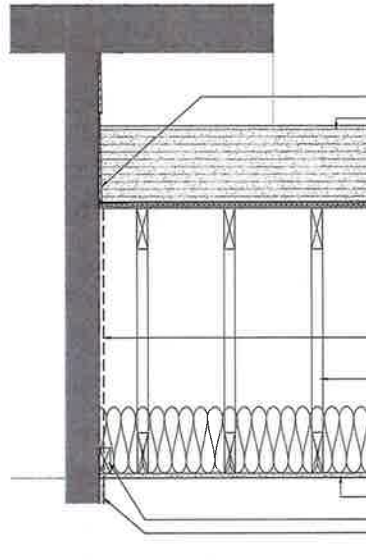
**E2** Existing Condition 2  
3/8" x 7'-0"



REMOVE EXISTING CABINET.  
NEW CABINET TO EXTEND TO  
CEILING FOR EXTRA STORAGE.  
NEW CABINET FINISH TO  
MATCH EXISTING.

REFINISH DOORS AND  
DRAWERS TO MATCH NEW  
UPPER CABINETS

**E1** Perspective 1  
3/8" x 7'-0"



Install New Flashing At  
Reinstalled Siding  
Asphalt Shingles Over  
Underlayment On Roof  
Sheathing.

Remove Existing Siding And  
Sheathing. Salvage Existing  
Siding Where Possible For  
Reinstallation

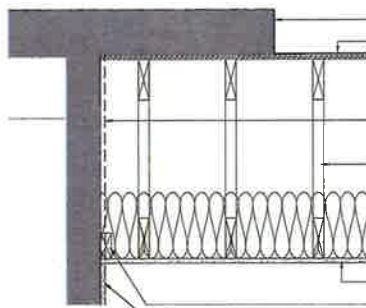
Roof Framing

1/2" Gypsum Ceiling Board,  
Painted

Nominal 2x Ledger

Remove Existing Siding And  
Sheathing. Install 5/8"  
Gypsum Board To Stud Face

**D3** Section - Roof Transition At Existing Wall  
1 1/2" x 7'-0" REF. C1/A102



Install New Flashing At  
Existing Rake Orp Edge  
Asphalt Shingles Over  
Underlayment On Roof  
Sheathing

Remove Existing Siding And  
Sheathing. Salvage Existing  
Siding Where Possible For  
Reinstallation

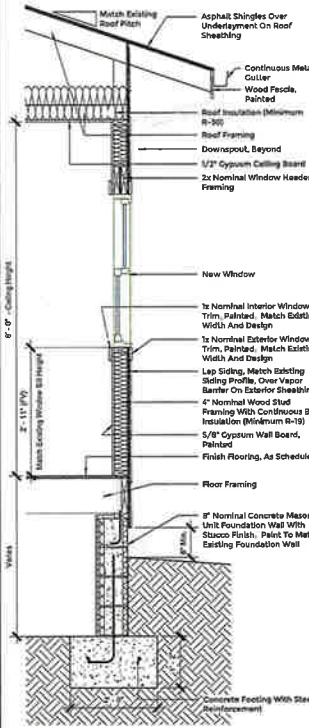
Roof Framing

1/2" Gypsum Ceiling Board,  
Painted

Nominal 2x Ledger

Remove Existing Siding And  
Sheathing. Install 5/8"  
Gypsum Board To Stud Face

**D1** Section - Roof Transition At Existing Roof  
1 1/2" x 7'-0" REF. C1/A102



Match Existing  
Roof Pitch

Asphalt Shingles Over  
Underlayment On Roof  
Sheathing

Continuous Metal  
Gutter

Wood Fascade,  
Painted

Roof Insulation (Minimum  
R-30)

Roof Framing

Downspout, Beyond  
1/2" Gypsum Ceiling Board

2x Nominal Window Header  
Framing

New Window

1/2 Nominal Interior Window  
Trim, Painted, Match Existing  
Width And Design

1/2 Nominal Exterior Window  
Trim, Painted, Match Existing  
Width And Design

Lap Siding, Match Existing  
Siding Profile, Over Vapor  
Barrier On Exterior Sheathing

4" Nominal Wood Stud  
Framing With Continuous Batt  
Insulation (Minimum R-19)

5/8" Gypsum Wall Board,  
Painted

Finish Flooring, As Scheduled

Floor Framing

8" Nominal Concrete Masonry  
Unit Foundation Wall With  
Stucco Finish. Paint To Match  
Existing Foundation Wall

Concrete Footing With Steel  
Reinforcement

8'-0" Ceiling Height

2' x 11' PLY

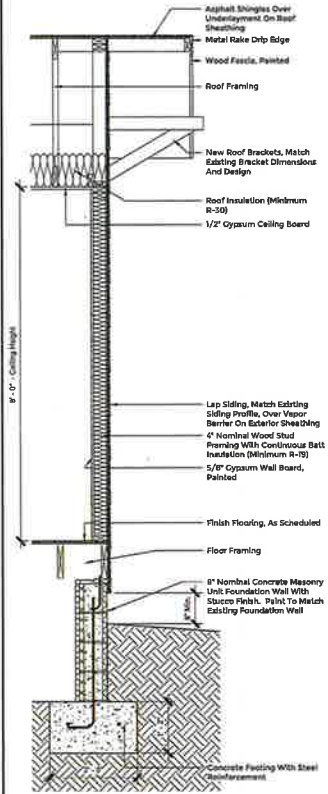
Match Existing Window Sill Height

8" Min.

8" Min.

Wall

**B1** Wall Section - At Eave Overhang  
3/4" x 7'-0" REF. C1/A102



Asphalt Shingles Over  
Underlayment On Roof  
Sheathing

Metal Rake Orp Edge

Wood Fascade, Painted

Roof Framing

New Roof Brackets, Match  
Existing Bracket Dimensions  
And Design

Roof Insulation (Minimum  
R-30)

1/2" Gypsum Ceiling Board

Lap Siding, Match Existing  
Siding Profile, Over Vapor  
Barrier On Exterior Sheathing

4" Nominal Wood Stud  
Framing With Continuous Batt  
Insulation (Minimum R-19)

5/8" Gypsum Wall Board,  
Painted

Finish Flooring, As Scheduled

Floor Framing

8" Nominal Concrete Masonry  
Unit Foundation Wall With  
Stucco Finish. Paint To Match  
Existing Foundation Wall

Concrete Footing With Steel  
Reinforcement

8'-0" Ceiling Height

**A1** Wall Section - At End Wall  
3/4" x 7'-0" REF. C1/A102

Sharrer Residence  
1719 W Eastern Ct., Tulsa, OK 74127

No. Description Date

Permit Set



05/20/2019

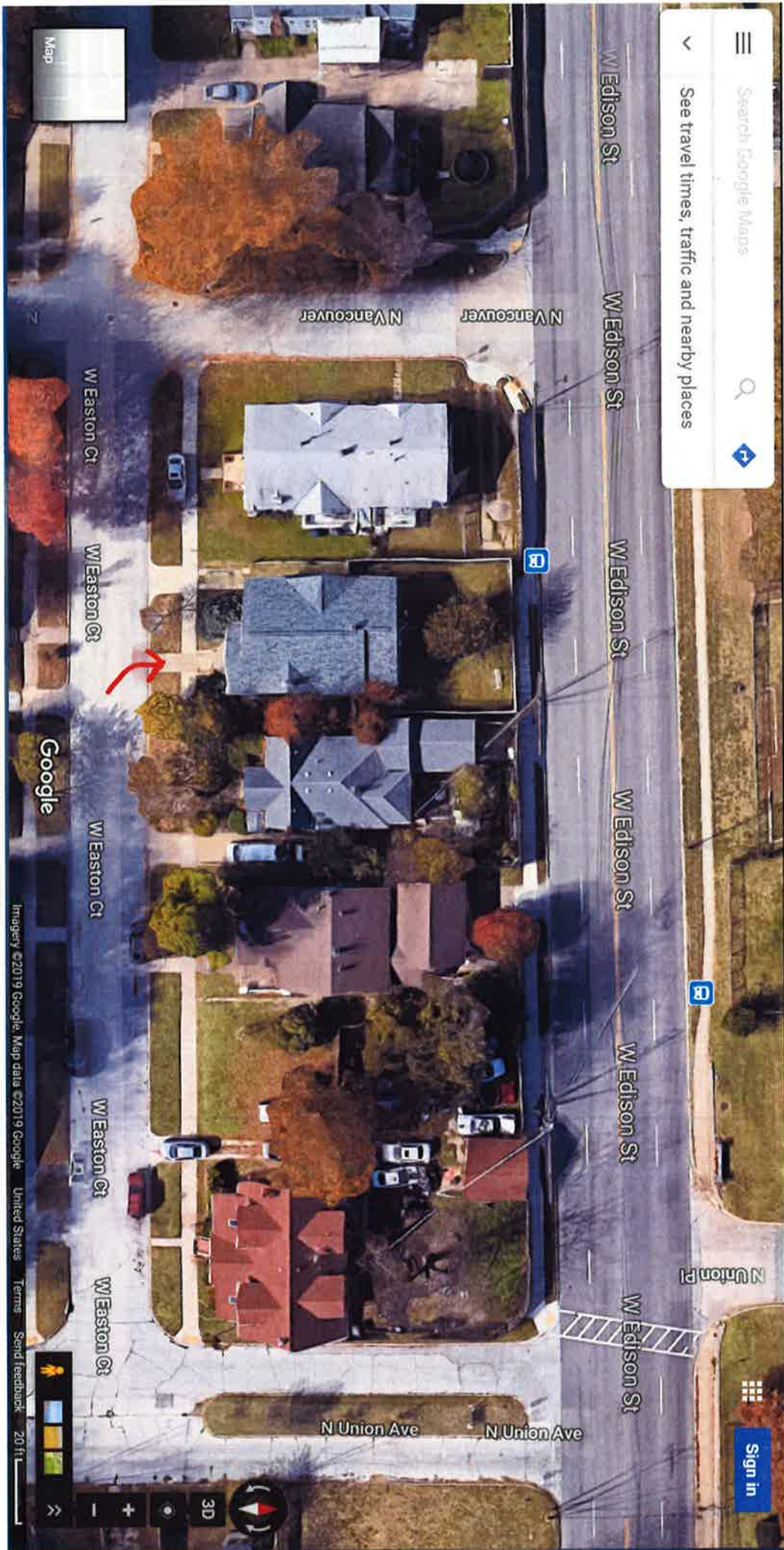
Project No. 18008  
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**A300**  
Building Sections And  
Interior Elevations

12.24





12.25

## Review Items

Sort Review Type

Export

Review Type	Status	Due Date	Completed Date	Assigned To	Review Item
Building	Approved	04/18/2019	04/08/2019	Larkey Roger	<a href="#">Details</a>
Planning/Zoning	Requires Re-submit	04/18/2019	04/09/2019	Taylor Jeff	<a href="#">Details</a>
Water/Sewer/Drainage	Approved	04/18/2019	04/15/2019	Westbrook Randy	<a href="#">Details</a>

Results per page 10 1 - 3 of 3

1

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

## Comments

No comments to display.

## Recommendations

Sort Number

Number	Recommendation	Created On
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No records to display.

## Corrections

Sort Correction Order

Export

Correction Order: 0

Type: General

Resolved: No

Resolved On:

## Comments

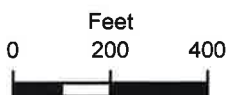
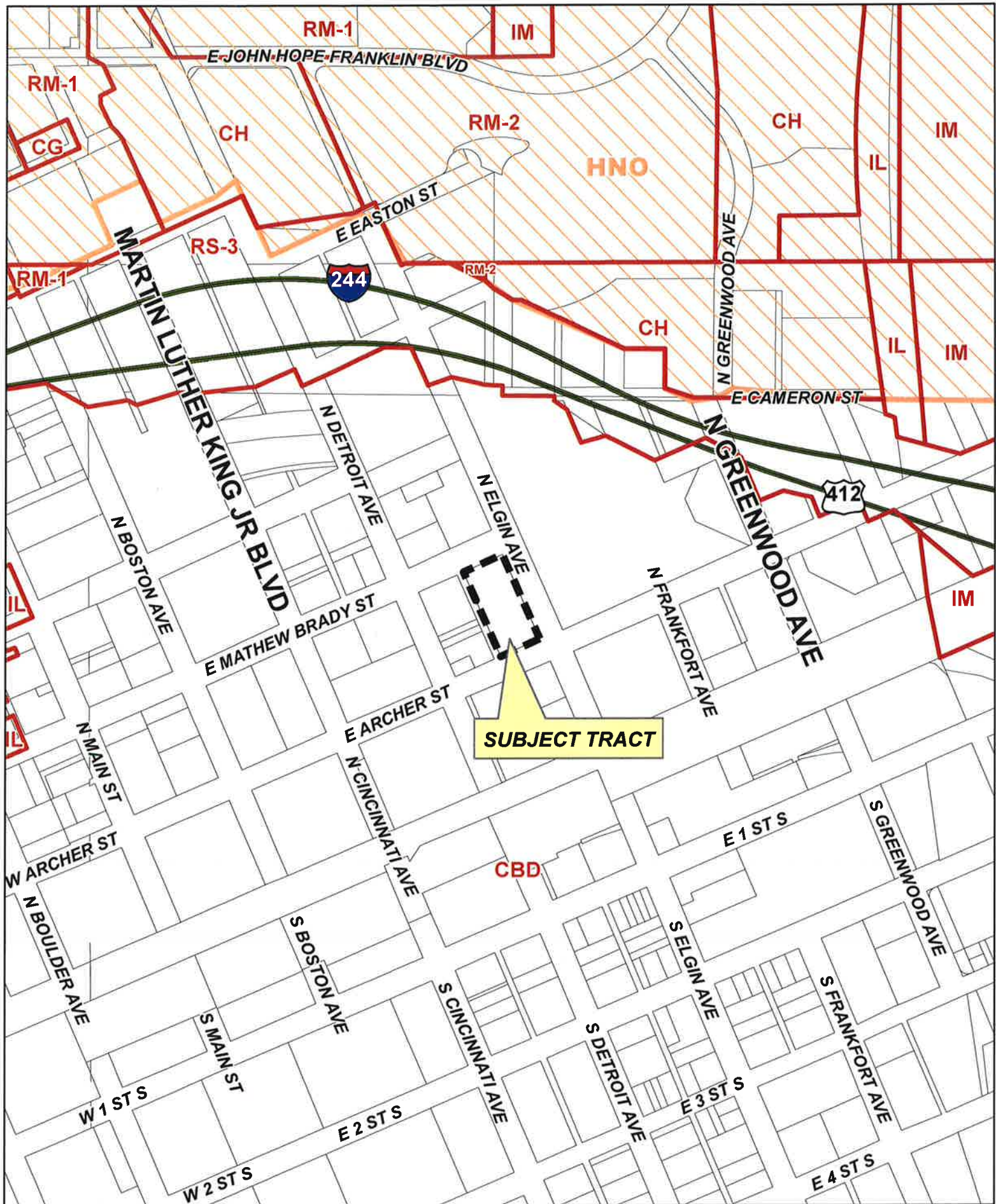
5.030-A: In the RS-3 zoned district the minimum rear yard setback from an arterial street shall be 35 feet from the rear property line.

## Corrective Action

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

12.26





**BOA-22657**

19-12 01

13.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22657**

CZM: 36

CD: 4

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Claude Neon Federal Signs

ACTION REQUESTED: Variance to allow sign to project above the parapet wall (Section 60.040-C)

LOCATION: 120 N ELGIN AV E

ZONED: CBD

PRESENT USE: Bank

TRACT SIZE: 42000.16 SQ FT

LEGAL DESCRIPTION: LTS 1 - 3 BLK 44, TULSA-ORIGINAL TOWN

## RELEVANT PREVIOUS ACTIONS:

SUBJECT PROPERTY: None

## SURROUNDING PROPERTIES;

**BOA-21465;** on 8.28.2012, the Board ***approved*** a variance of the number of permitted business signs from 1 to 2 and variance of the allowed display surface area from 81.2 square feet to 107.2 square feet. Located 109 North Detroit.

**BOA-21608;** on 8.13.2013 the Board ***approved*** a variance to allow a projecting sign to exceed the maximum permitted height measured from the mean curb level of the lot, from 25' to 33' 6". Located 307 East Brady Street North.

**BOA-16820;** on 10.11.1984 the Board ***denied*** a variance to allow an outdoor advertising sign in a CBD zoned district. Located 200 East Matthew Brady St.

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

13.2

REVISED 6/3/2019

redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CBD zoned property including commercial, office, and ONEOK Field.

**STAFF COMMENTS:**

The applicant is before the Board requesting a **Variance** to allow 4 wall signs to be located above the parapet wall of the structure. (Sec 60.040-C)

The applicant provided the following hardship statement with their application:

*"Architectural plans were created to place signs on the upper level wall screens that appear as building walls."*

As shown on the attached plans and drawings, there will be an upper level feature of the building that sits above the parapet walls of the structure. The Code limits wall sign height to being no higher than the top of the parapet wall. The wall screens shown in the plans are determined to be "architectural features" and not building walls; therefore a variance is required.

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

**Section 70.130-H of the Code states that no variance may be approved unless 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."***

**Action Requested:**

Variance of the number of permitted business signs from 1 to 2 (Section 1221.C.8.a); Variance of the allowed display surface area from 81.2 square feet to 107.2 square feet (Section 1221.E.3.b). **LOCATION:** 109 North Detroit Avenue (CD 4)

**Presentation:**

**Lee Brennan**, 109 North Detroit Avenue, Tulsa, OK; stated he has a restaurant and it has two signs, one on Detroit Avenue and one in the alley for the patio. Since the City does not recognize alleyways as frontage he is forced to use the Detroit Avenue side as his frontage. There is zero visibility from Detroit Avenue and it is a one-way street. He is involved in developing downtown, and the subject property is an old factory being converted to a workable restaurant.

Mr. Van De Wiele asked Mr. Brennan what type of sign is in the rear of the building. Mr. Brennan stated it is a two-sided circular sign. The sign on Detroit will be lit and shining south, and on the rear the sign will be a digital graphic.

**Interested Parties:**

There were no interested parties present.

**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 of the number of permitted business signs from 1 to 2 (Section 1221.C.8.a); Variance of the allowed display surface area from 81.2 square feet to 107.2 square feet (Section 1221.E.3.b), and this is subject to conceptual site plan on page 9.7 for the location and on page 9.8. Finding that due to the unique size, shape and location of the property that it poses a hardship, and by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the 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:

**S25 LT 5 BLK 44, S20 N75 LT 5 BLK 44, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**





N

Sign Ground

Sign Location

East Archer

ONE WAY

Detroit Ave, Tulsa, OK

North  
Detroit

13.5

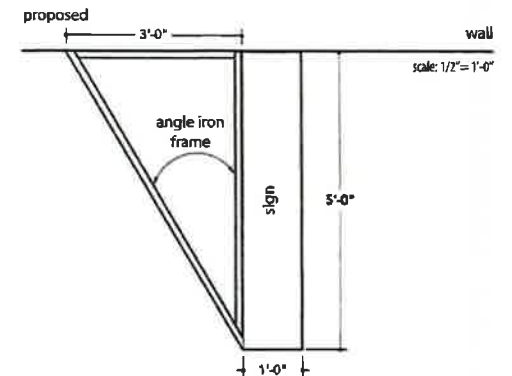
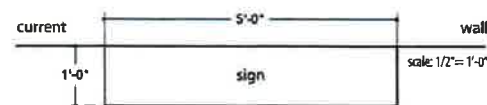
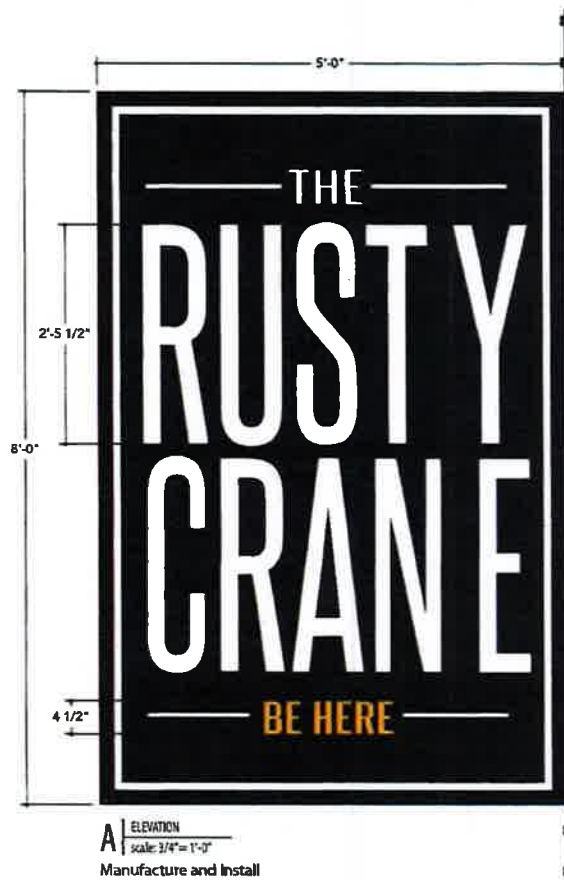
Image Date: 6/8/2011 1995

36 09 32.57 N 95 59 21.70 W elev 704 ft

© 2012 Google

Eye Alt 1067 ft





Current:



Proposed:



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1225 North Lansing Avenue Tulsa, Oklahoma 74106 tel: 918.587.7171 fax: 918.587.7176 web: calogon.com	I hereby give my approval to proceed with fabrication of the signage depicted in these drawings in order to meet the project deadline in a timely fashion. I understand that any changes, additions, deletions, or modifications to the fundamental structure, including design, or the specific layout of the signage that result in changes of the compliance date, additional costs, requirements, or additional parts.	<input type="checkbox"/> Approved as shown <input type="checkbox"/> Approved as noted Date: _____ By: _____	PROJECT/CLIENT NAME <b>THE RUSTY CRANE</b>	LOCATION: 109 NORTH DETROIT TULSA, OK ACCOUNT EXECUTIVE: ED HORNEY	DESIGNER: WADE SANDERS DATE OF ORIGINAL DESIGN: MAY 29, 2012	REVISION HISTORY: 05.29.12 REVIEW	WORK ORDER #: DEPT: METAL FAB COPY: ROUTE/VISUAL	DUE DATE: PAINT: NEON FINAL ASSEMBLY: INSTALLATION	SIGN TYPE/DESCRIPTION OF PROJECTION	SHEET NUMBER <b>ST-1.0</b>
--	---	---	---	--	---	--------------------------------------	--	--	-------------------------------------	-------------------------------

13.6

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a **Minor Special Exception** to permit a 32 foot recreational vehicle to be parked or stored in the required front yard less than the required 12 feet from the face of the curb (Section 402.B.7.a.5.[d]). Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT 2 BLK 4, EASTLAND PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21608—Claude Neon Federal Signs**

FILE COPY

**Action Requested:**

**Variance** to allow a projecting sign to exceed the maximum permitted height measured from the mean curb level of the lot, from 25 feet to 33 feet 6 inches (Secion 1221.E.1). **LOCATION:** 307 East Brady Street North **(CD 4)**

**Presentation:**

**Bob Dale**, Claude Neon Federal Signs, 1225 North Lansing Avenue, Tulsa, OK; stated he is speaking on behalf of Living Arts of Tulsa. They are located in the Brady Arts District and it is the perfect place for them. They are located in an older building and there are unique challenges to the area. Parts of the Brady District is hilly and the Living Arts building is located at the bottom of one of the hills. Because they are lower the 25 foot projecting sign ruling will put them lower than many of the other signs in the area, thus they are requesting compensation for this. The older building has an architectural feature that is unique to the era and it was designed to have a sign up higher on the building. It is requested to place the sign on the building where it belongs and have an opportunity to be more visible to the public on the street.

Mr. Van De Wiele asked Mr. Dale if the sign is lighted. Mr. Dale answered affirmatively.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

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



BOA-21608

FILE COPY

Variance to allow a projecting sign to exceed the maximum permitted height measured from the mean curb level of the lot, from 25 feet to 33 feet 6 inches (Section 1221.E.1), subject to conceptual plan 11.17. The Board has found the sign will be in keeping with the historical character of this older building; not only of this building but other buildings in the same vicinity. The grade change around the property also contributes to the hardship and need for raising of the sign. By reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 4 & W10 VAC ALLEY ADJ ON E BLK 25, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21609—A-MAX Sign Company, Inc.**

**Action Requested:**

Variance to allow more than 1 sign on the west elevation (Section 602.B.4.b);

Variance to allow an additional 181 square feet of display surface are for 2 wall signs on the west elevation (Section 602.B.4.c). **LOCATION:** 6111 East Skelly Drive South (CD 5)

**Presentation:**

**Bruce Anderson**, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated this request is for the west elevation of the Tulsa Technology and Tulsa Community College building. There are two existing signs on the west elevation which are old and dilapidated. The two existing signs will be taken down and new signs be installed in their place. Tulsa Technology and Tulsa Community College are the only two occupants in the building. The lot is a unique lot because the west side of the lot is zoned office and the east side of the lot is zoned commercial; therefore, the west side of the building requires a variance. The hardship is the unique zoning of this building and the way the lot was split.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Tidwell absent) to **APPROVE** the request for a Variance to allow more than 1 sign on the west elevation (Section 602.B.4.b); Variance to allow an additional 181 square feet of display surface area for 2 wall signs on the

2.6

Case No. 16819 (continued)

**Presentation:**

The applicant, **John K. Miller**, 3721 North Garrison, submitted a plot plan (Exhibit F-2) and requested permission to construct a multipurpose building on a lot adjoining church property.

**Comments and Questions:**

Mr. Gardner asked if the existing church is located on the corner of Pine and Norfolk, and the applicant answered in the affirmative. Mr. Miller informed that the church owns four lots and the proposed building is on the fourth lot to the east.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **APPROVE** a **Special Exception** to permit a church in a RS-4 zoned district and a **variance** of the one-acre and minimum lot width - **SECTION 401. PRINCIPAL USES PERMITTED IN USE UNIT 2**; per plan submitted; subject to the execution of a tie contract including all property owned by the church; finding that the lot in question abuts other church property and approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 16, Block 2, Booker Washington Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16820**

**Action Requested:**

Variance to permit an outdoor advertising sign - **SECTION 702. ACCESSORY USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 21, located southeast corner of East Brady and North Cincinnati.

**Presentation:**

The applicant, **Marshall Kottler**, 10008 South Maplewood Place, was represented by **Jeff Cullison**, general manager for Mexicali Border Cafe, who requested that a sign (Exhibit G-1) be permitted at the corner of Cincinnati and Brady to direct customers to the location.

**Comments and Questions:**

Mr. Doverspike asked if the sign in question is 10' by 10' and 6' from the ground, and Mr. Cullison answered in the affirmative.



**Case No. 16820 (continued)**

In response to Ms. Russell, Mr. Cullison advised that the proposed sign will be two blocks from the restaurant.

**W. Douglas Jones**, 4400 One Williams Center, represented Brady Village Association and stated that, after contacting several landowners in the area, he found them to be supportive of the application.

**Protestants:**

**Robert Nichols**, 111 West 5th Street, informed that he is representing the owners of Spaghetti Warehouse, and pointed out that the proposed sign is directly across the street from this restaurant. He stated that a hardship has not been presented that would warrant the granting of a variance to permit the outdoor advertising sign.

**Comments and Questions:**

Mr. Gardner advised that outdoor advertising signs are permitted in a band 450' on either side of the expressway, and the sign in question is more than twice that distance from the expressway.

Mr. Jackere advised that there is also a spacing requirement between outdoor advertising signs along the freeway.

Mr. Nichols noted that the case map appears to be in error as to the location of the proposed sign.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Bolzle, "absent") to **DENY** a **Variance** to permit an outdoor advertising sign - **SECTION 702. ACCESSORY USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 21; finding that a hardship was not demonstrated that would warrant the granting of a variance request; on the following described property:

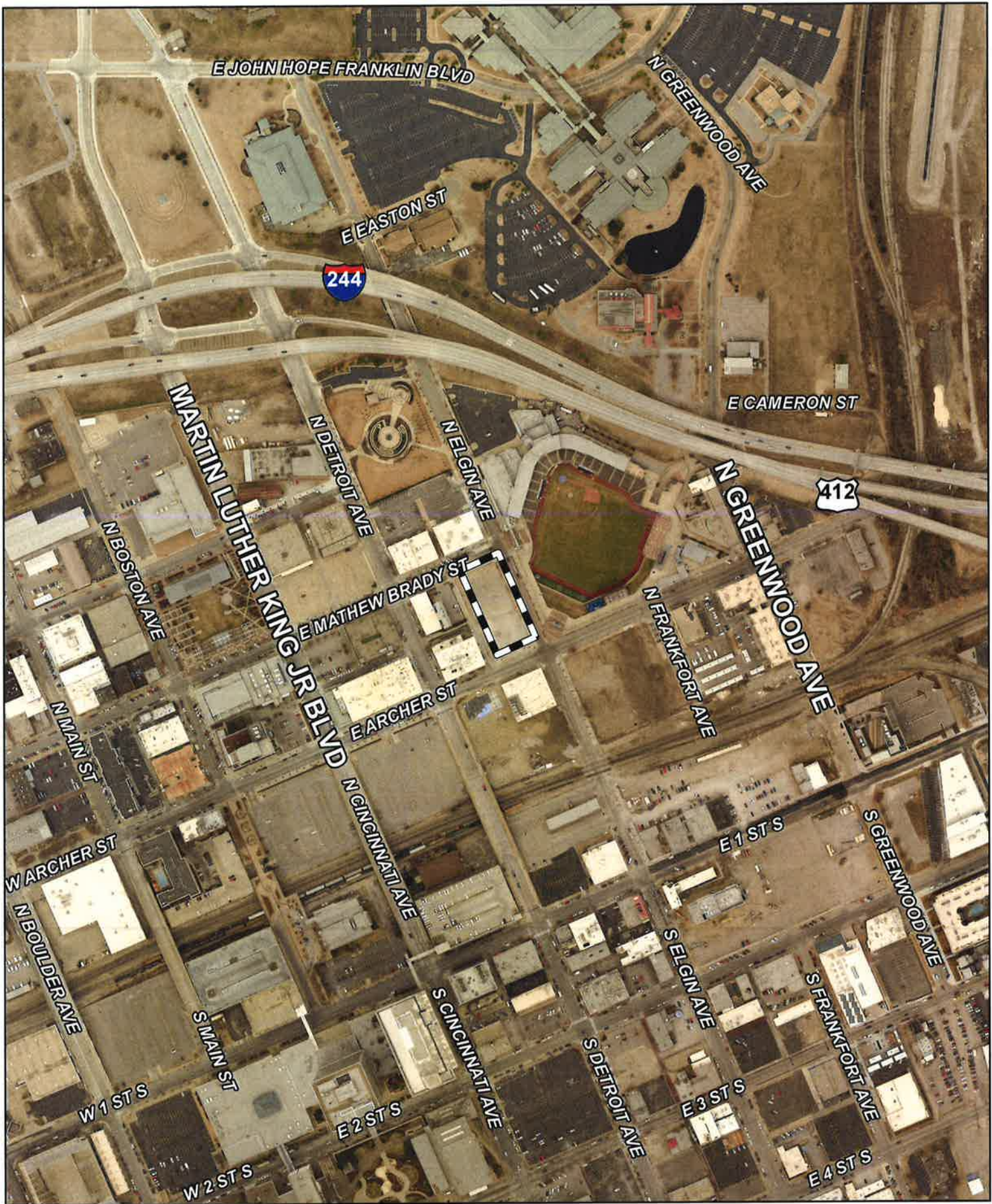
Lots 1 and 6 and the N/2 of Lots 2 and 5, Block 43, Original Town of Tulsa, Tulsa County, Oklahoma.

**Case No. 16821**

**Action Requested:**

Variance of the required setback from the centerline of South Yale Avenue - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** - Use Unit 12, located 6004 South Yale Avenue.





0 Feet 200 400



Subject Tract

**BOA-22657**

19-12 01

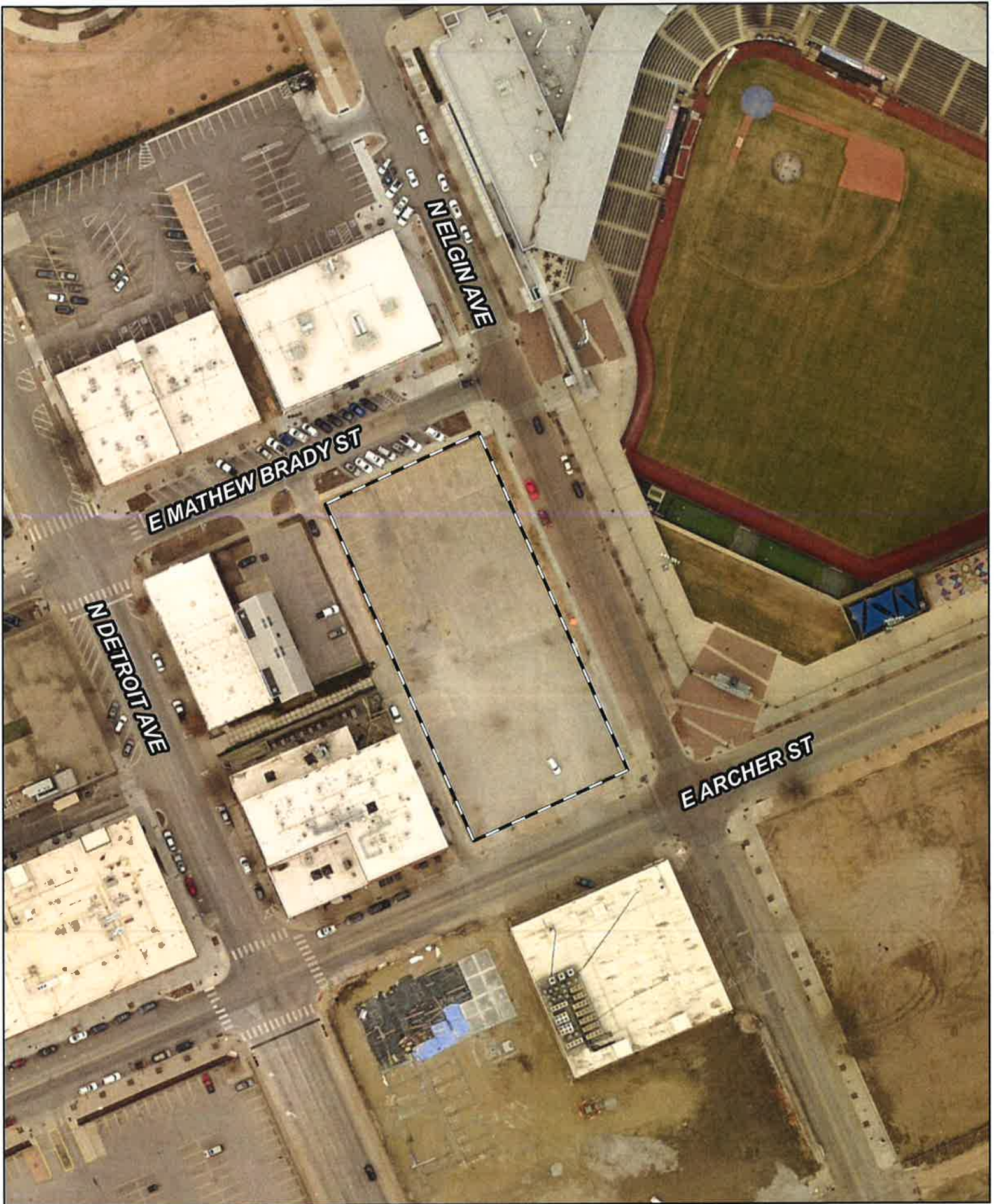
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

13.12







0 50 100  
Feet



Subject  
Tract

**BOA-22657**

19-12 01

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

Aerial Photo Date: February 2018

13.13







*West side of building (BOA-22657)*



*East side of building (BOA-22657)*





*North side of building (BOA-22657)*



*South side of building (BOA-22657)*

# Vast.bank



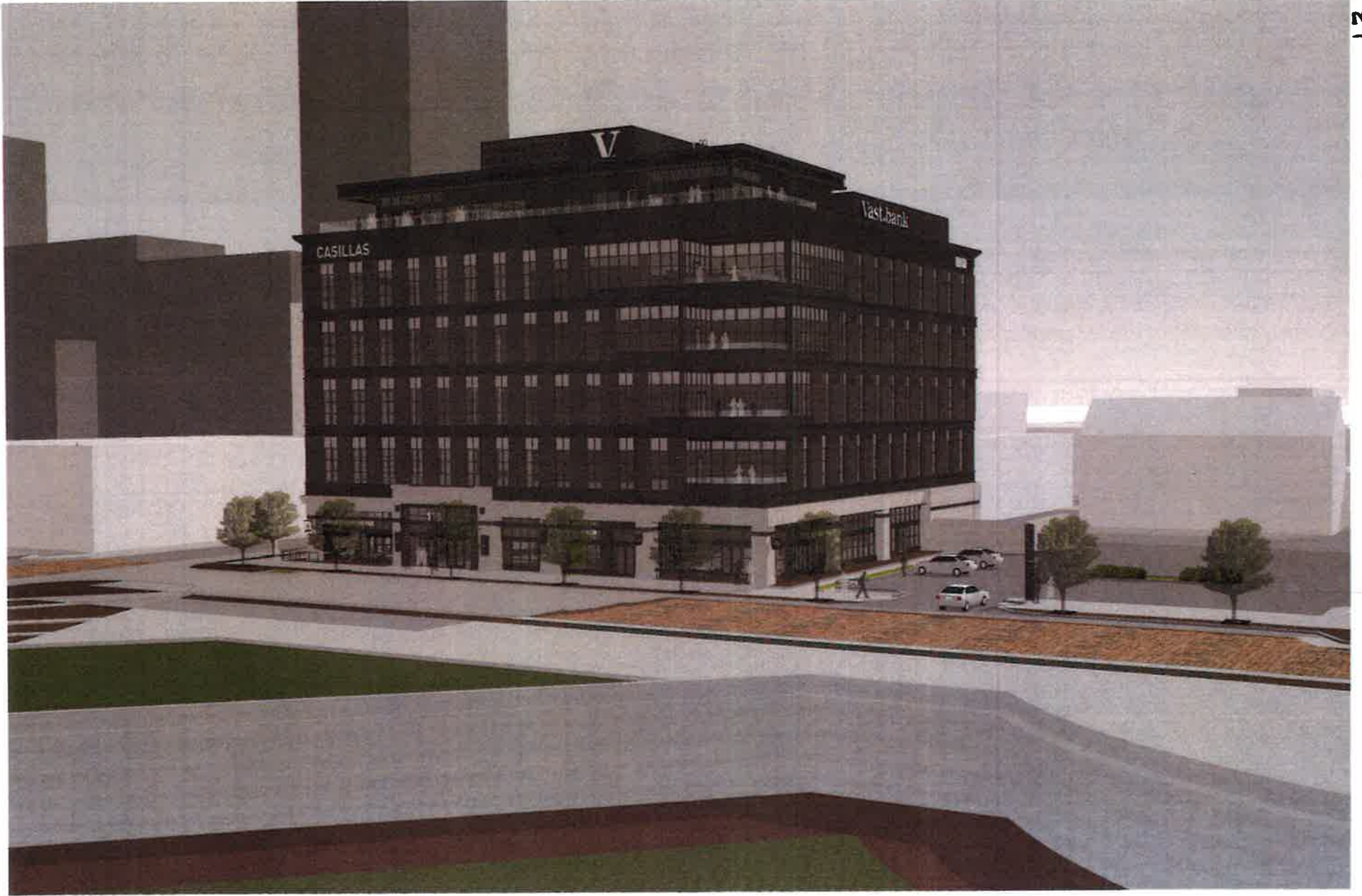
1225 North Lansing Avenue  
Tulsa, Oklahoma 74106  
ph: 918.582.7171  
fax: 918.582.7176  
www.cnfsigns.com

MARCH 2019

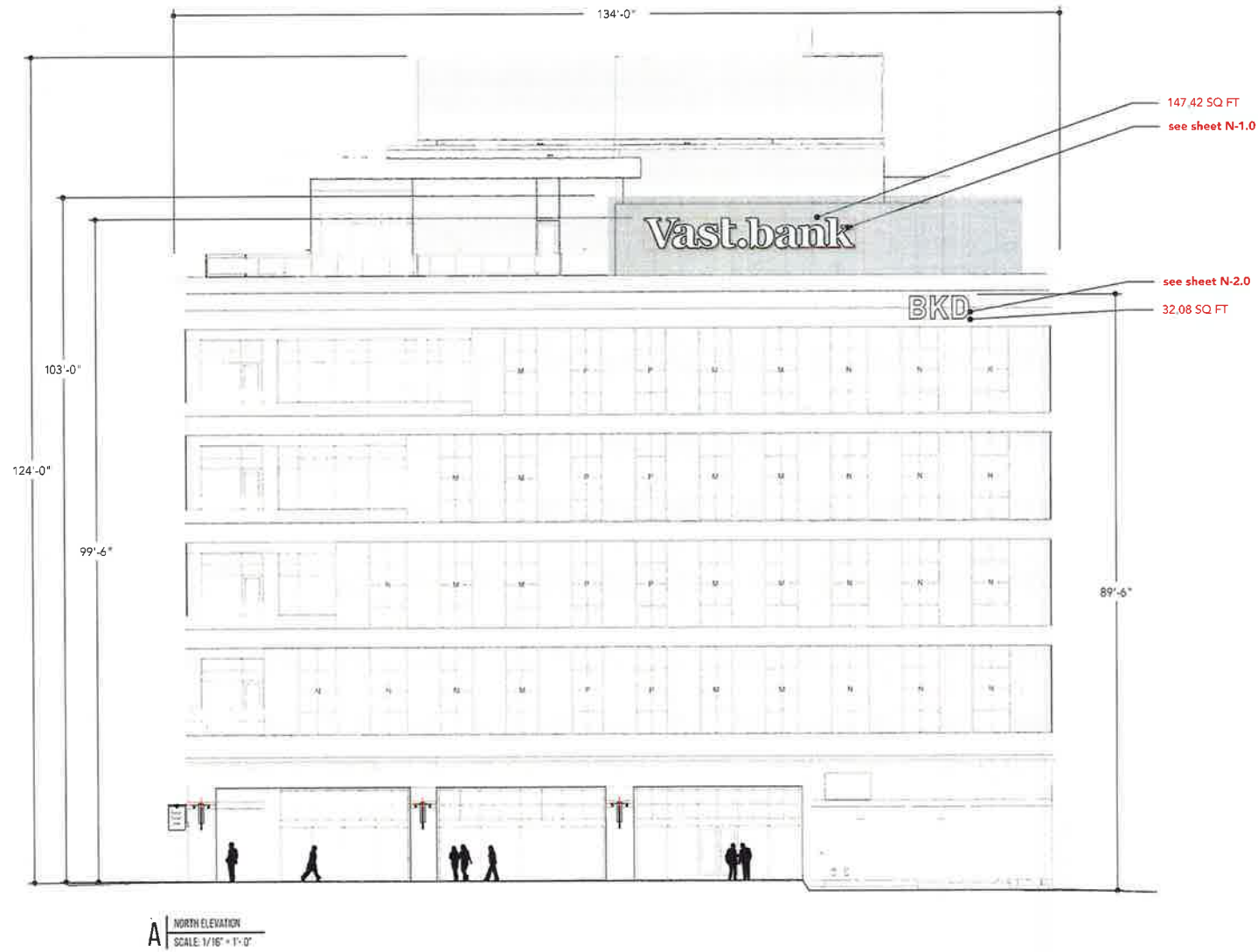
DOWNTOWN TOWER

These drawings are the exclusive property of Cascade North Federal Signs, Inc. and are the result of original work by its employees. They are submitted for the sole purpose of your consideration in whether to purchase these signs or to purchase from CNF signage manufactured in accordance to these plans. Distribution or publication of these plans to others is strictly forbidden. © 2018 CNF Signs





13.17



PERMITTING

 <p>1225 NORTH LAMAR AVE TULSA, OK 74103-1100 P: 918.581.1100 F: 918.581.1101 WWW.CNF-OK.COM</p>	<p>I HEREBY GIVE MY APPROVAL TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN IN THESE DRAWINGS IN ACCORDANCE WITH THE CITY OF TULSA, OK, ORDINANCES AND THE CITY OF TULSA, OK, DEPARTMENT OF PUBLIC WORKS, AND I AGREE TO HOLD THE CITY OF TULSA, OK, HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, THAT MAY BE INCURRED BY THE CITY OF TULSA, OK, AS A RESULT OF MY NEGLIGENCE OR WILLFUL MISFEASANCE IN THE PERFORMANCE OF MY DUTY AS AN ARCHITECT.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p>DATE: _____</p>	<p>PROJECT/CLIENT NAME: <b>VAST BANK</b></p>	<p>LOCATION: <b>DOWNTOWN TULSA, OK</b></p>	<p>ACCOUNT EXEC: <b>JAMES ADAIR</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL DWG: <b>FEBRUARY 19, 2019</b></p>	<p>REVISION HISTORY: <b>02.19.19 V 1.0</b></p>	<p>SIGN TYPE/DESCRIPTION: <b>NORTH ELEVATION</b></p>	<p>SHEET NAME <b>NORTH</b></p>
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13.19

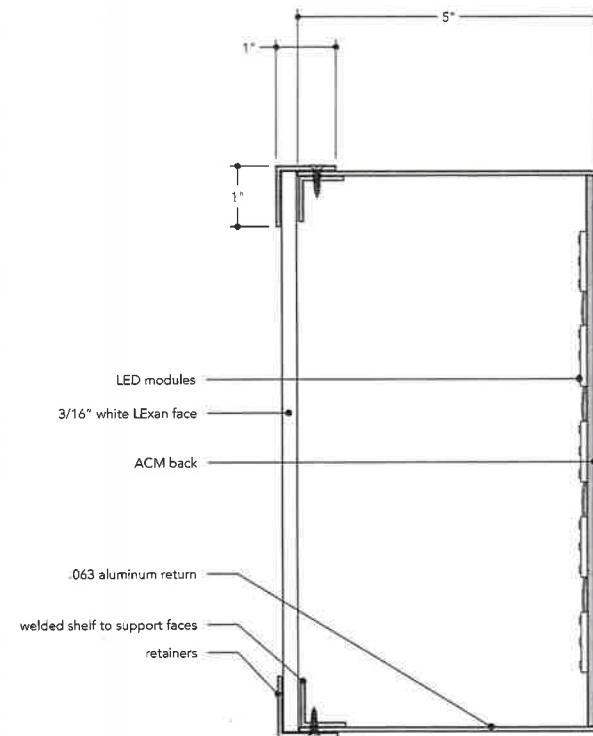


A NORTH ELEVATION-SCREEN SIGN  
SCALE: 3/16" = 1'-0"

147.42 SQ. FT.

illuminated channel letters. Backs routed from 3/16" ACM pre-finished white. Returns are from .063 pre-finished white aluminum. Exterior of letterforms are painted to match grey (COLOR TBD) satin finish. 1" retainers are fabricated to hold 3/16" white Lexan face. Internally illuminated by Principal white LEDs. Power supplies for LEDs installed on back of panel.

ELECTRICAL: Photocell control. 1-20amp 120v electrical service to back side of panel wall. Final connections by others.



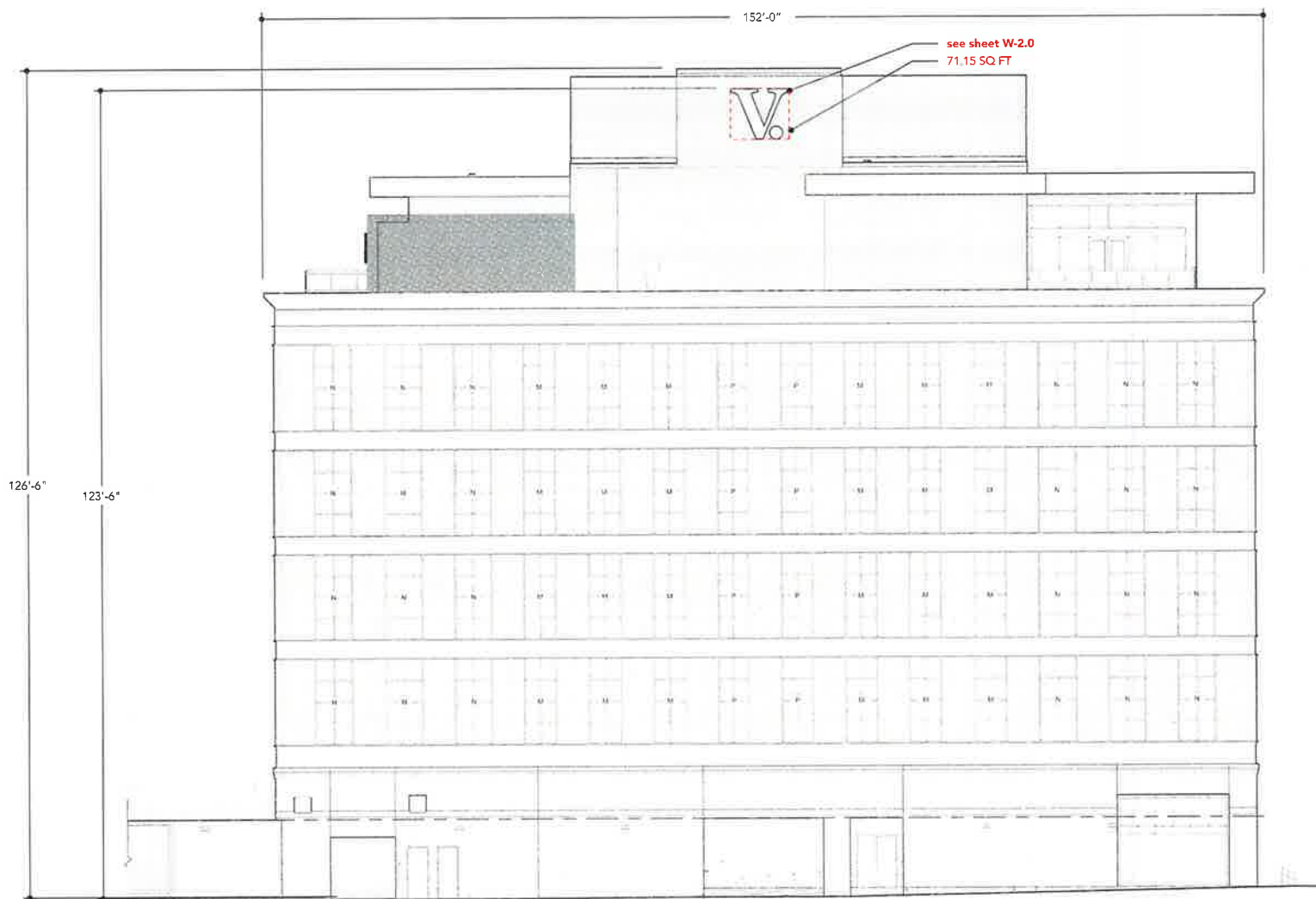
B LETTER SECTION  
SCALE: HALF SCALE

PERMITTING

	1425 NORTH LANSING AVENUE TULSA, OKLAHOMA 74103 PH: 918.587.3713 FAX: 918.587.3714 WWW.VASTBANK.COM	I HEREBY GIVE MY APPROVAL TO PROCEED WITH INSTALLATION OF THE SIGNAGE DESCRIBED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY FASHION. I UNDERSTAND THAT ANY CHANGES (ARCHITECTURAL, ELECTRICAL, OR MECHANICAL) TO THE FOUNDATIONAL STRUCTURE, UNDERLAP DESIGN OR THE NEED TO FEATURE UP THIS SIGNAGE WILL RESULT IN A VIOLATION OF THE CONTRACT. ADDITIONAL REVISIONS WILL BE CHARGED TO THE CLIENT.	<input checked="" type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED DATE: _____	PROJECT/CLIENT NAME: VAST BANK	LOCATION: DOWNTOWN TULSA, OK	ACCOUNT EXEC: JAMES ADAIR	DESIGNER: JOE KESTERSON	DATE OF ORIGINAL DWG: FEBRUARY 19, 2019	REVISION HISTORY: 02.19.19 V 1.0	SIGN TYPE/DESCRIPTION: NORTH BANK ID NOT NAME N-1.0
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13.20



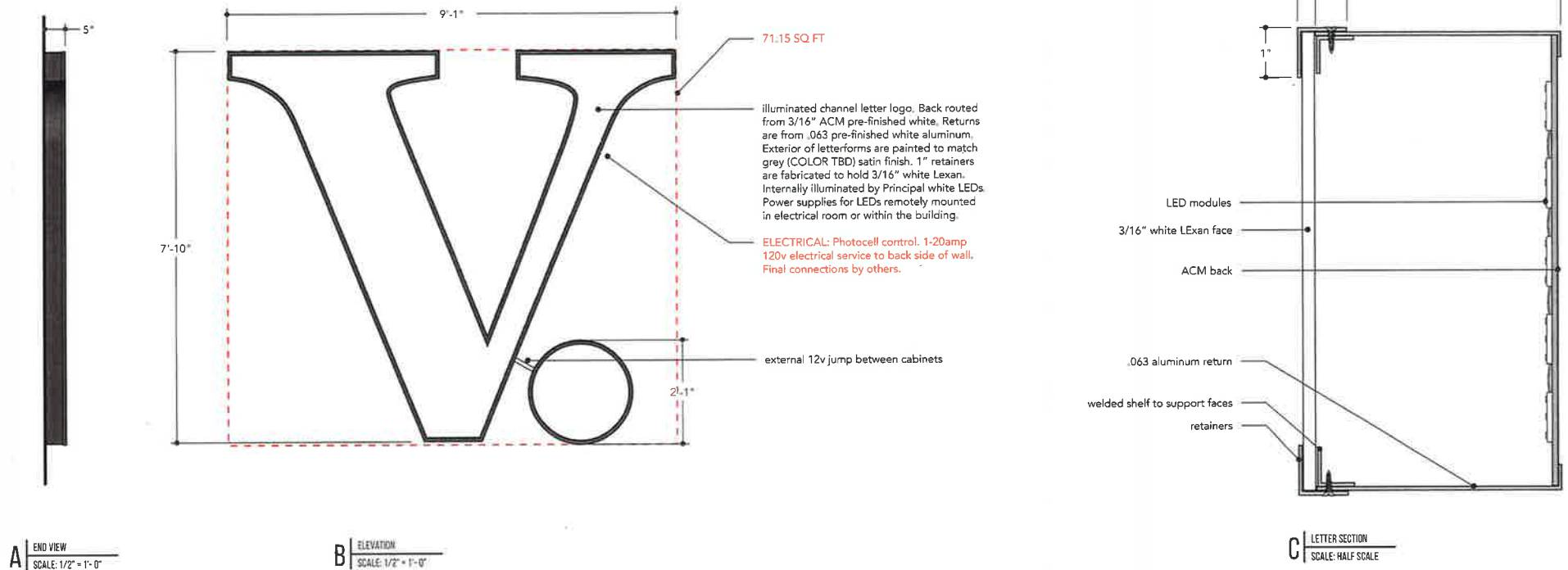
A WEST ELEVATION  
SCALE: 1/16" = 1'-0"

PERMITTING

 <p>1225 NORTH LAURENCE AVENUE TULSA, OKLAHOMA 74106 PH: 918.587.7171 FAX: 918.587.7176 WEB: CNCOK.COM</p>	<p>WE HEREBY GIVE MY APPROVAL TO PROCEED WITH CONSTRUCTION OF THE PROJECT SHOWN ON THESE PLANS AND TO SIGN THE PROJECT DEADLINE IN A TIMELY MANNER AND THAT ANY CHANGES (ADDITIONS, DELETIONS OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, ARCHITECTURAL DESIGN OR THE SPECIFIC FEATURES OF THIS PROJECT MAY RESULT IN A PRICE TO THE SCOPE, ELEVATION, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COST.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p><input checked="" type="checkbox"/> <u>DATE</u> <u>TIME</u></p>	<p>PROJECT/CLIENT NAME: <b>VAST BANK</b></p>	<p>LOCATION: <b>DOWNTOWN TULSA, OK</b></p>	<p>ACCOUNT EXEC: <b>JAMES ADAIR</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL OWD: <b>FEBRUARY 19, 2019</b></p>	<p>REVISION HISTORY: <b>02.19.19 V 1.0</b></p>	<p>SIGN TYPE/DESCRIPTION: <b>WEST ELEVATION</b></p>	<p>SHEET NAME <b>WEST</b></p>
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THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF CNC. NO REPRODUCTION, COPIES, OR USE OF ANY PART OF THESE DRAWINGS IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF CNC. IF ANY PART OF THESE DRAWINGS IS USED FOR ANY OTHER PROJECT, THE USER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMISSIONS FROM CNC. CNC ASSUMES NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THESE DRAWINGS. CNC SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THESE DRAWINGS. CNC SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THESE DRAWINGS.

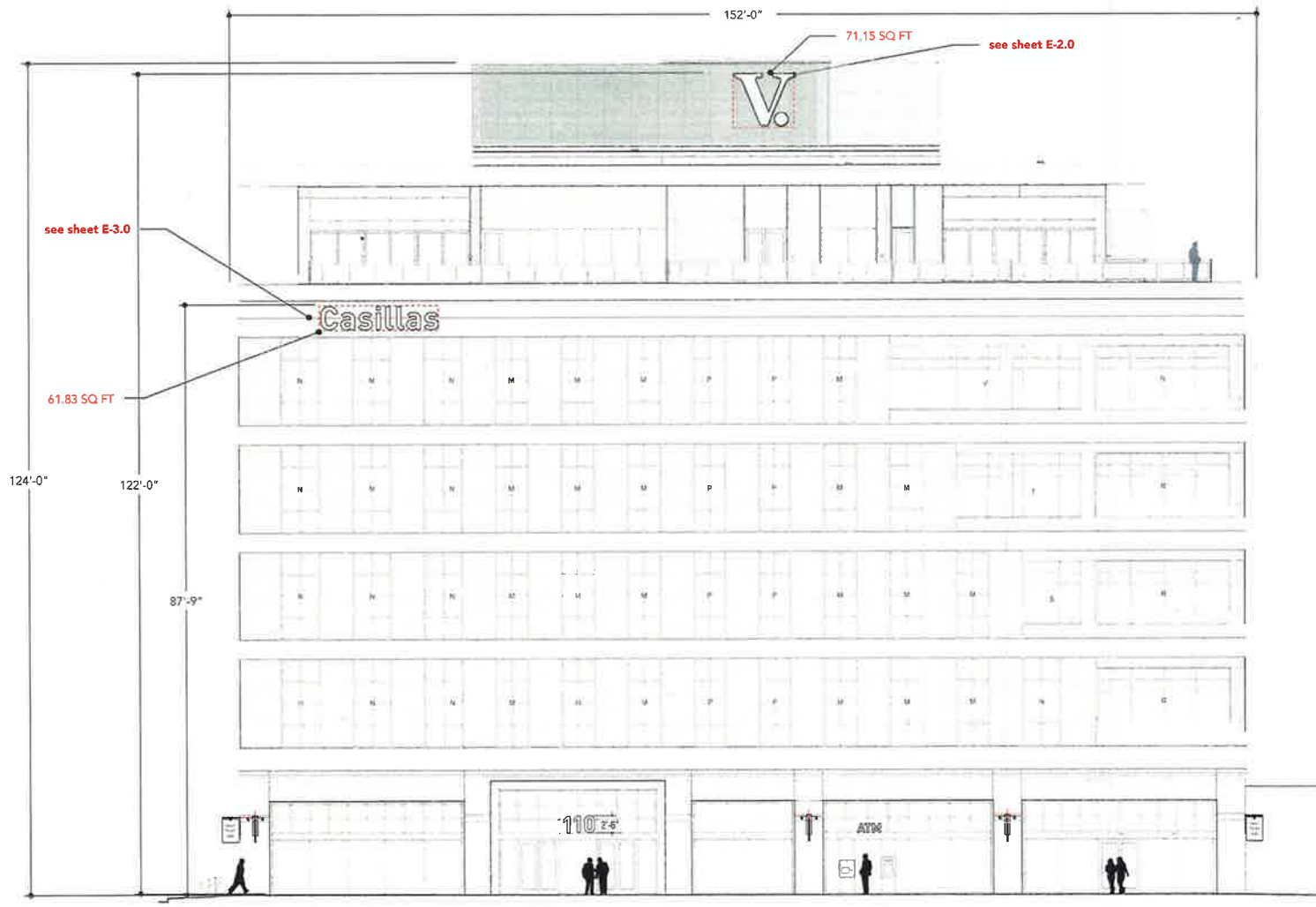
13.21



PERMITTING

 <p>1225 NORTH LANSING AVENUE TULSA, OK 74106 PH: 918.587.7711 FAX: 918.587.7710 WWW.CNF-OK.COM</p>	<p>WE HEREBY GIVE MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT DEADLINE IN A TIMELY MANNER. I UNDERSTAND THAT ANY CHANGES TO THE DRAWINGS OR MODIFICATIONS TO THE FUNDAMENTAL STRUCTURE, UNDERLING LEGION OR THE SPECIFIC FEATURES OF THIS SIGNAGE MAY RESULT IN A 25% INCREASE OF THE COMPLETION DATE, ADDITIONAL RESOURCE REQUIREMENTS OR ADDITIONAL COST.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p>DATE: _____</p>	<p>PROJECT/CLIENT NAME: <b>VAST BANK</b></p>	<p>LOCATION: <b>DOWNTOWN TULSA, OK</b></p>	<p>ACCOUNT EXEC: <b>JAMES ADAIR</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL DWG: <b>FEBRUARY 19, 2019</b></p>	<p>REVISION HISTORY: <b>02.19.19 V 1.0</b></p>	<p>SIGN TYPE/DESCRIPTION: <b>BUILDING TOP ID LETTERFORMS</b></p>	<p>SHEET NAME: <b>W-2.0</b></p>
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13.22



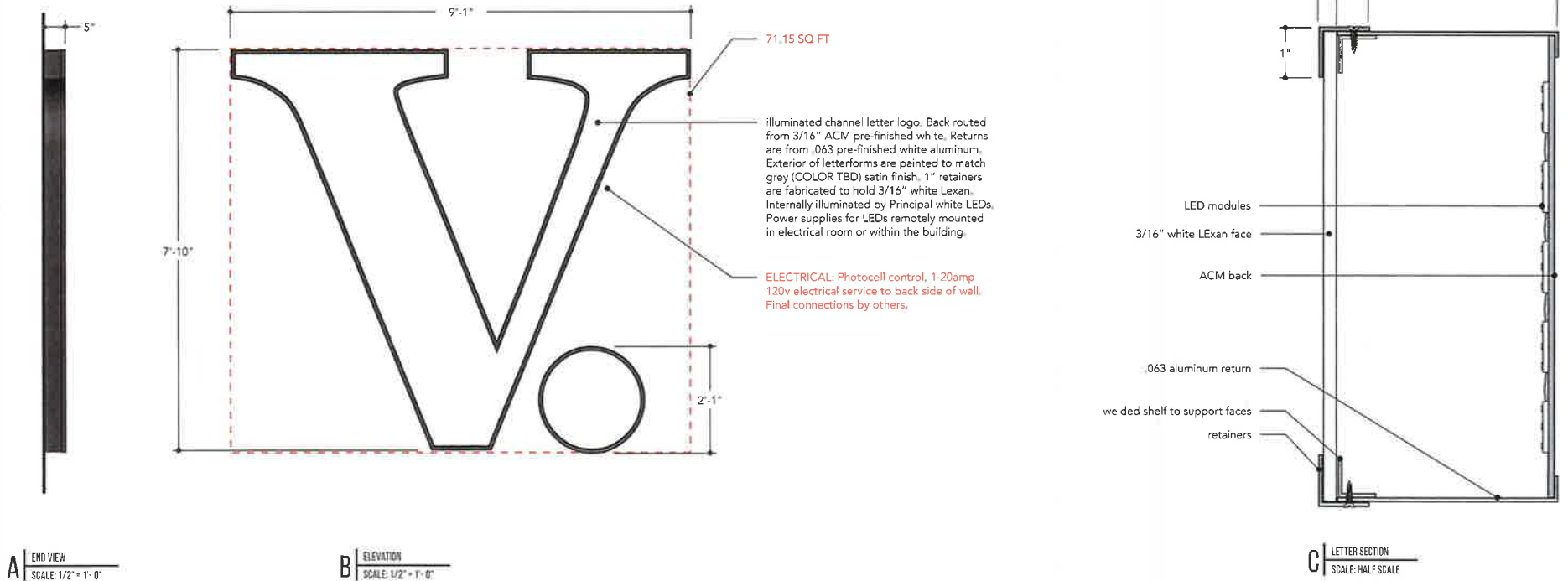
**A** EAST ELEVATION  
SCALE: 1/16" = 1'-0"

PERMITTING

 <p>1225 NORTH LANSING AVENUE TULSA, OK 74103-7100 PH: 918.587.7711 FAX: 918.587.7709 WWW.CNF-OK.COM</p>	<p>IN REPLYING TO THIS REQUEST, YOU ARE REQUESTING THE PROJECT BE REVIEWED BY THE CITY OF TULSA. THE CITY OF TULSA IS NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE PROJECT. THE CITY OF TULSA IS NOT RESPONSIBLE FOR ANY DAMAGE TO YOUR PROPERTY OR PERSONS. THE CITY OF TULSA IS NOT RESPONSIBLE FOR ANY DAMAGE TO YOUR PROPERTY OR PERSONS. THE CITY OF TULSA IS NOT RESPONSIBLE FOR ANY DAMAGE TO YOUR PROPERTY OR PERSONS.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p>DATE: 02/19/2019</p>	<p>PROJECT/CLIENT NAME: <b>VAST BANK</b></p>	<p>LOCATION: <b>DOWNTOWN TULSA, OK</b></p>	<p>ACCOUNT EXEC: <b>JAMES ADAIR</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL DWG: <b>FEBRUARY 19, 2019</b></p>	<p>REVISION HISTORY: <b>02.19.19 V 1.0</b></p>	<p>SIGN TYPE/DESCRIPTION: <b>SOUTH BLDG SCREEN</b></p>	<p>SHEET NAME <b>EAST</b></p>
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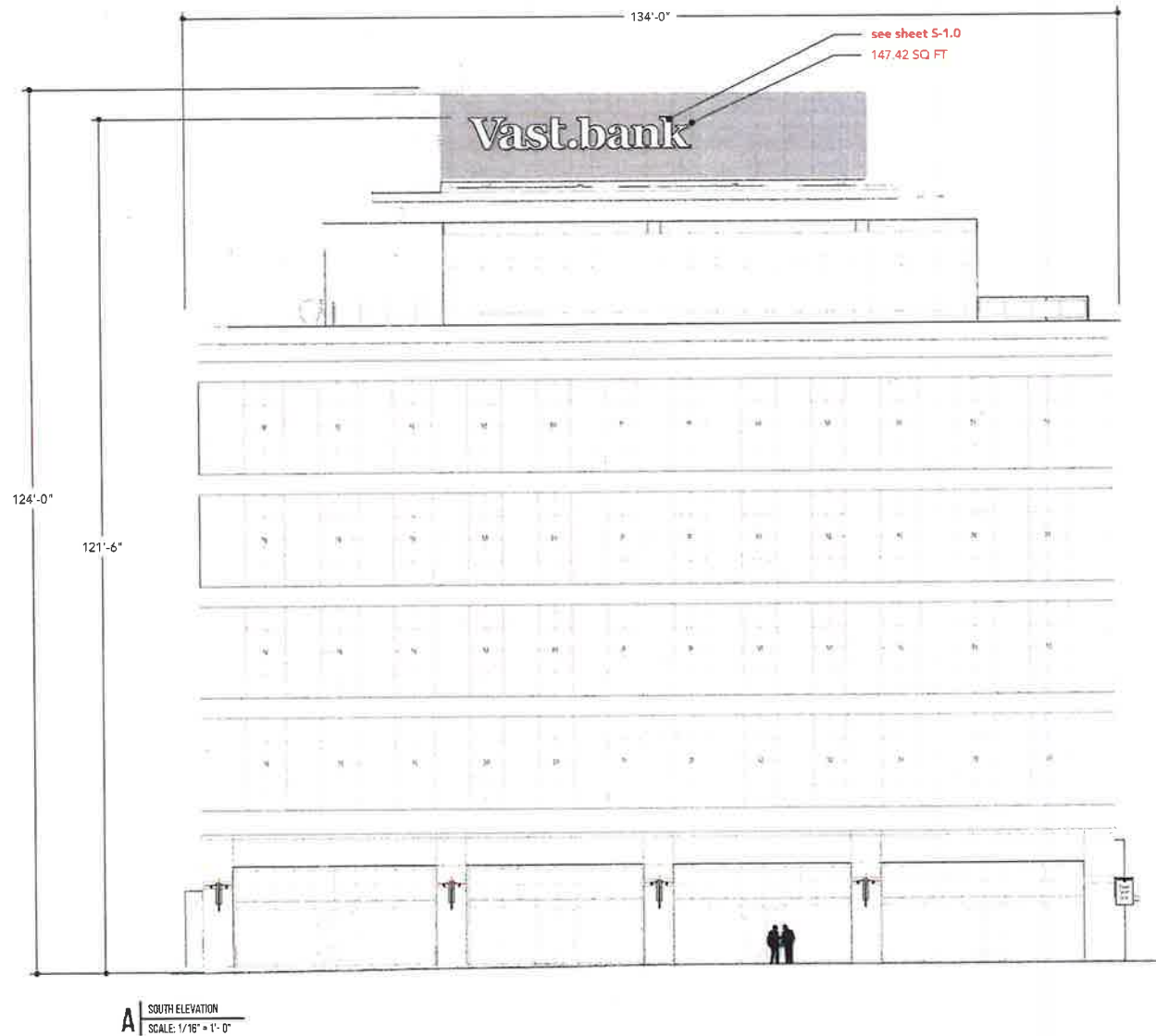
13.23



PERMITTING

 <p>7000 SOUTH AVENUE TULSA, OK 74106 PH: 918 587 7171 FAX: 918 587 7176 WWW.CNCOK.COM</p>	<p>PERMITTING APPROVAL: TO PROCEED WITH CONSTRUCTION OF THE PROJECT, THE CITY OF TULSA, OK, HAS REVIEWED THE PROJECT AND HAS DETERMINED THAT THE PROJECT IS IN COMPLIANCE WITH THE CITY OF TULSA, OK, ORDINANCES AND REGULATIONS. THE CITY OF TULSA, OK, HAS ISSUED THIS PERMITTING APPROVAL TO THE PROJECT. THE PROJECT IS IN COMPLIANCE WITH THE CITY OF TULSA, OK, ORDINANCES AND REGULATIONS. THE CITY OF TULSA, OK, HAS ISSUED THIS PERMITTING APPROVAL TO THE PROJECT.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p>X</p>	<p>PROJECT/CLIENT NAME: VAST BANK</p>	<p>LOCATION: DOWNTOWN TULSA, OK</p>	<p>ACCOUNT EXEC: JAMES ADAIR</p>	<p>DESIGNER: JOE KESTERSON</p>	<p>DATE OF ORIGINAL DWG: FEBRUARY 19, 2019</p>	<p>REVISION HISTORY: 02.19.19 V 1.0</p>	<p>SIGN TYPE/DESCRIPTION: BUILDING TOP ID LETTERFORMS</p>	<p>DRWN: J. KESTERSON E-2.0</p>
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13.24



PERMITTING

<b>CNF</b> 1225 NORTH LANSING AVENUE TULSA, OKLAHOMA 74106 PH: 918.587.7171 FAX: 918.587.7176 WEB: CNFDESIGNS.COM	I HEREBY GIVE MY APPROVAL TO PROCEED WITH CONSTRUCTION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO MEET THE PROJECT'S NEEDS. I HAVE READ AND UNDERSTAND THAT ANY CHANGES TO THE SIGNAGE, INCLUDING THE TYPE, SIZE, OR LOCATION, WITHOUT THE WRITTEN APPROVAL OF THE DESIGNER, COULD BE CONSIDERED A VIOLATION OF THE CITY OF TULSA'S SIGNAGE ORDINANCES. I AGREE TO WAIVE ANY RIGHTS I MAY HAVE TO A LATER REVIEW OF THE SIGNAGE. I AGREE TO WAIVE ANY RIGHTS I MAY HAVE TO A LATER REVIEW OF THE SIGNAGE.	<input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED DATE: _____	PROJECT/CLIENT NAME: <b>VAST BANK</b>	LOCATION: <b>DOWNTOWN TULSA, OK</b>	ACCOUNT EXEC: <b>JAMES ADAIR</b>	DESIGNER: <b>JOE KESTERSON</b>	DATE OF ORIGINAL DWG: <b>FEBRUARY 19, 2019</b>	REVISION HISTORY: <b>02.19.19 V 1.0</b>	SIGN TYPE/DESCRIPTION: <b>SOUTH ELEVATION</b>	DRAWN BY: <b>SOUTH</b>
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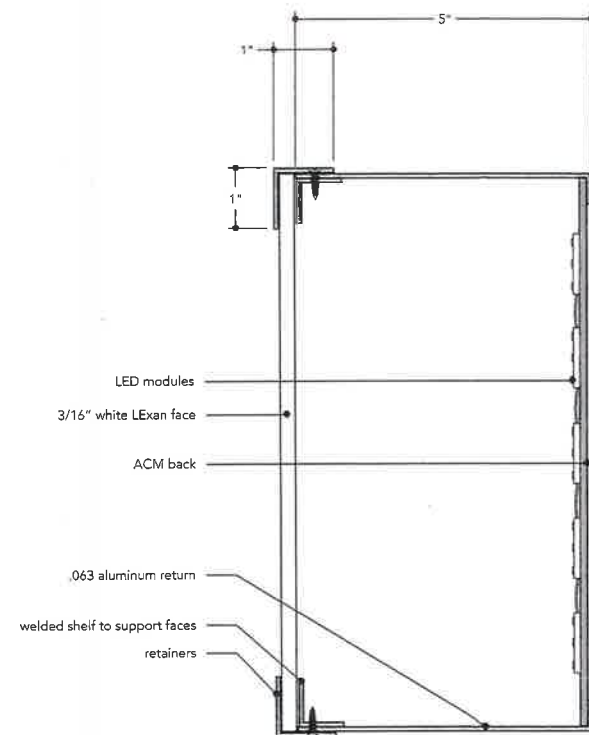
Technical drawing of a rectangular sign. The dimensions are 31'-10 1/2" in width and 4'-7 1/2" in height. The text "Vast.bank" is displayed in a large, outlined, sans-serif font. The drawing includes dimension lines and a dashed red box around the text area.

**A** NORTH ELEVATION-SCREEN SIGN  
SCALE: 3/16" = 1'-0"

147.42 SQ FT

• Illuminated channel letters. Backs routed from 3/16" ACM pre-finished white. Returns are from .063 pre-finished white aluminum. Exterior of letterforms are painted to match grey (COLOR TBD) satin finish. 1" retainers are fabricated to hold 3/16" white Lexan face. Internally illuminated by Principal white LEDs. Power supplies for LEDs installed on back of panel.

**ELECTRICAL:** Photocell control, 1-20amp 120v electrical service to back side of panel wall. Final connections by others.

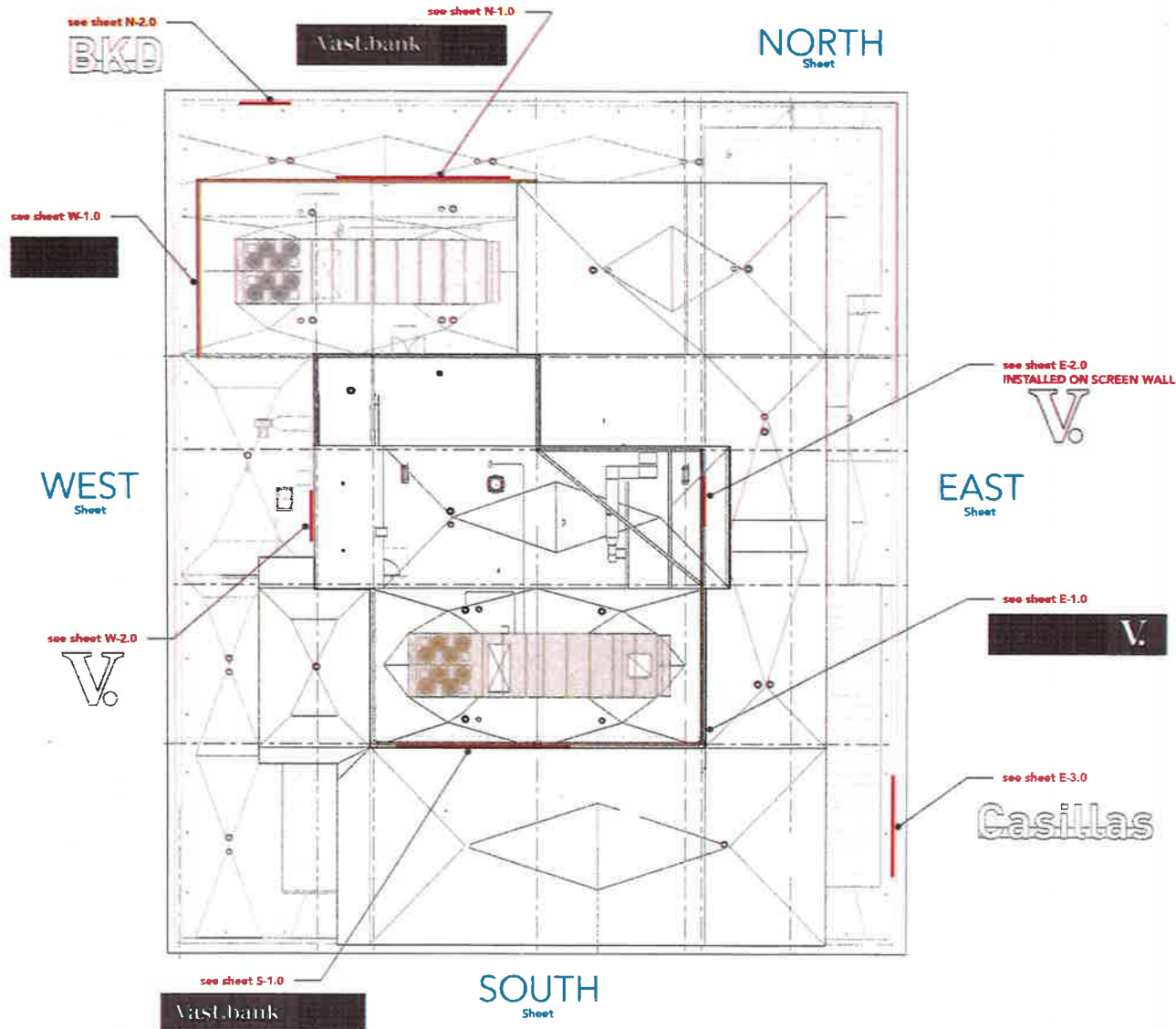


**B** LETTER SECTION  
SCALE: HALF SCALE

PERMITTING

 10755 NORTH LANTANA AVENUE TULSA, OK 74116-2910 TEL: 918.447.7777 FAX: 918.447.7778 WWW.CNFENGINEERING.COM	I HEREBY GIVE MY APPROVAL TO PROCEED WITH APPLICATION OF THE DRAWINGS DEPICTED IN THESE DRAWINGS IN ORDER TO LET THE PROJECT DESCRIBED IN A TARIFF FASHION (UNDERSTANDING THAT ANY CHANGES TO THE PROJECT) BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE OKLAHOMA STATE BOARD OF ARCHITECTS AND THE OKLAHOMA STATE BOARD OF ENGINEERS AND SURVEYORS. I AM NOT PROVIDING ANY GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. I AM NOT PROVIDING ANY GUARANTEE OF THE COMPLETION DATE, ADDITIONAL REQUIRED RESOURCES, OR ADDITIONAL COST.		<input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED X CLIENT NAME _____ DATE _____	PROJECT/CLIENT NAME: <b>VAST BANK</b>	LOCATION: <b>TULSA, OK</b>	ACCOUNT EXEC: <b>JAMES ADAIR</b>	DESIGNER: <b>JOE KESTERSON</b>	DATE OF ORIGINAL DWG: <b>FEBRUARY 19, 2019</b>	REVISION HISTORY: <b>02.19.19 V 1.0</b>	SIGN TYPE/DESCRIPTION: <b>SOUTH BANK ID</b>	SHEET NAME: <b>S-1.0</b>
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	<p>1000 NORTH LAMAR STREET TULSA, OKLAHOMA 74103 PH: 918.587.7771 FAX: 918.587.7772 WWW.CNF-OKLAHOMA.COM</p>	<p>WEEDEN &amp; ASSOCIATES, INC. PREPARED THIS REPRESENTATION OF THE VARIOUS PROJECTS IN THIS WORKBOOK IN ORDER TO MEET THE PROJECT REQUIREMENTS. A LIMITED LIABILITY COMPANY HAS BEEN FORMED TO PROVIDE LIMITED LIABILITY TO THE PROJECTS. THE COMPANY'S LIABILITY IS LIMITED TO THE PROJECTS LISTED IN THIS WORKBOOK. THE COMPANY'S LIABILITY IS LIMITED TO THE PROJECTS LISTED IN THIS WORKBOOK. THE COMPANY'S LIABILITY IS LIMITED TO THE PROJECTS LISTED IN THIS WORKBOOK.</p>	<p>PROJECT/CLIENT NAME: <b>VAST BANK</b></p>	<p>LOCATION: <b>DOWNTOWN TULSA, OK</b></p>	<p>ACCOUNT EXEC: <b>JAMES ADAIR</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL DWG: <b>FEBRUARY 19, 2019</b></p>	<p>REVISION HISTORY: <b>02.19.19 V 1.0</b></p>	<p>SHEET TYPE/DESCRIPTION: <b>BUILDING PLAN VIEW</b></p>	<p><b>PLAN</b></p>
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13.27

- General Construction Notes:**
1. ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT CITY STANDARDS AND SPECIFICATIONS.
  2. EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN AND LOCATIONS HAVE BEEN VERIFIED BY THE OWNERS OF SAID LINES. THE EXACT LOCATIONS AND NOTIFICATIONS OF THE PROJECT AGENCY IS THE RESPONSIBILITY OF THE CONTRACTOR PRIOR TO ANY EXCAVATION.
  3. AFTER CONSTRUCTION IS COMPLETE, ALL DISTURBED AREAS SHALL BE RESEED ACCORDING TO CITY SPECIFICATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR RESEED AREAS UNTIL GROWTH IS ESTABLISHED.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY WORK ORDERS AND PERMITS FROM THE CITY, INCLUDING PROVISIONS OF BONDS AND INSURANCE AS REQUIRED.
  5. BUILDING SITES ARE SHOWN HEREON FOR FINAL GRADING INFORMATION ONLY. KKT, INC. HAS NOT DESIGNED SUBGRADES OR FOUNDATIONS, OR DETERMINED THE SUITABILITY OF THE LOCAL SOIL TO BE USED IN BUILDING SUBGRADES. REFER TO THE GEOTECHNICAL REPORT FOR SUBGRADE PREPARATION SPECIFICS.
  6. ALL WASTE OR SPOIL SHALL BE TAKEN TO A CITY-APPROVED SITE OR SPREAD IN AREAS OUTSIDE OF THE STREET RIGHTS-OF-WAY AS DIRECTED BY THE OWNER AND ENGINEER.
  7. A RIGHT-OF-WAY PERMIT WILL BE REQUIRED FOR ALL WORK IN THE CITY RIGHT-OF-WAY. CALL 918-488-7344 FOR PERMIT INFORMATION.
  8. ALL GRADES ARE BASED ON NAVD 1988 U.S.C.S. VERTICAL DATUM.

Contact List	
EXT ARCHITECTS, INC. MICHAEL WATTS 2200 SOUTH TULSA PLACE, SUITE 200 TULSA, OK 74134 PHONE: (918) 744-4270	OKLAHOMA NATURAL GAS SCOTT GIBSON - NEW SERVICE 3840 EAST 12TH STREET TULSA, OK 74132 PHONE: (918) 831-8886
CITY OF TULSA MICHAEL LING 175 EAST BRADY STREET TULSA, OK 74103 PHONE: (918) 556-7225	SEC TELEPHONE COMPANY JAMES SHADON 3008 EAST 73RD ST TULSA, OK 74136 PHONE: (918) 596-6508
ADP/PSD KATHY BAUDINS 212 EAST 8TH STREET TULSA, OK 74103 PHONE: (918) 588-4503	COX COMMUNICATIONS ROBERT OWEN 1341 EAST 33RD STREET TULSA, OK 74145 PHONE: (918) 385-4027

Sheet Index	
0001	COVER SHEET
0002	CONSTRUCTION PLAN
0003	OVERALL SITE PLAN
0004	DETAILED SITE PLAN
0005	OVERALL GRADING PLAN
0006	SEWER CONTROL PLAN
0007	DRAINAGE AREA MAP
0008	PAVING PLAN
0009	UTILITY PLAN
0010	DETAIL SHEET 1
0011	DETAIL SHEET 2

\*NOTED SHEETS FOR OF REVIEW PURPOSES ONLY AND NOT INCLUDED IN THE REVIEW FEE CALCULATION.

THE FOLLOWING STANDARD DRAWINGS FROM THE CITY OF TULSA ENGINEERING SERVICES AND CDD WILL BE REQUIRED:

126	STANDARD SUT FENCE & CONSTRUCTION ENTRANCE
304	SEWER DETAIL - 18" D.P.P.E.
305	SEWER DETAIL - 24" D.P.P.E.
313	SEWER DETAIL - 30" D.P.P.E.
315	SEWER DETAIL - 36" D.P.P.E.
317	SEWER DETAIL - 42" D.P.P.E.
319	SEWER DETAIL - 48" D.P.P.E.
321	SEWER DETAIL - 54" D.P.P.E.
323	SEWER DETAIL - 60" D.P.P.E.
325	SEWER DETAIL - 66" D.P.P.E.
327	SEWER DETAIL - 72" D.P.P.E.
329	SEWER DETAIL - 78" D.P.P.E.
331	SEWER DETAIL - 84" D.P.P.E.
333	SEWER DETAIL - 90" D.P.P.E.
335	SEWER DETAIL - 96" D.P.P.E.
337	SEWER DETAIL - 102" D.P.P.E.
339	SEWER DETAIL - 108" D.P.P.E.
341	SEWER DETAIL - 114" D.P.P.E.
343	SEWER DETAIL - 120" D.P.P.E.
345	SEWER DETAIL - 126" D.P.P.E.
347	SEWER DETAIL - 132" D.P.P.E.
349	SEWER DETAIL - 138" D.P.P.E.
351	SEWER DETAIL - 144" D.P.P.E.
353	SEWER DETAIL - 150" D.P.P.E.
355	SEWER DETAIL - 156" D.P.P.E.
357	SEWER DETAIL - 162" D.P.P.E.
359	SEWER DETAIL - 168" D.P.P.E.
361	SEWER DETAIL - 174" D.P.P.E.
363	SEWER DETAIL - 180" D.P.P.E.
365	SEWER DETAIL - 186" D.P.P.E.
367	SEWER DETAIL - 192" D.P.P.E.
369	SEWER DETAIL - 198" D.P.P.E.
371	SEWER DETAIL - 204" D.P.P.E.
373	SEWER DETAIL - 210" D.P.P.E.
375	SEWER DETAIL - 216" D.P.P.E.
377	SEWER DETAIL - 222" D.P.P.E.
379	SEWER DETAIL - 228" D.P.P.E.
381	SEWER DETAIL - 234" D.P.P.E.
383	SEWER DETAIL - 240" D.P.P.E.
385	SEWER DETAIL - 246" D.P.P.E.
387	SEWER DETAIL - 252" D.P.P.E.
389	SEWER DETAIL - 258" D.P.P.E.
391	SEWER DETAIL - 264" D.P.P.E.
393	SEWER DETAIL - 270" D.P.P.E.
395	SEWER DETAIL - 276" D.P.P.E.
397	SEWER DETAIL - 282" D.P.P.E.
399	SEWER DETAIL - 288" D.P.P.E.
401	SEWER DETAIL - 294" D.P.P.E.
403	SEWER DETAIL - 300" D.P.P.E.
405	SEWER DETAIL - 306" D.P.P.E.
407	SEWER DETAIL - 312" D.P.P.E.
409	SEWER DETAIL - 318" D.P.P.E.
411	SEWER DETAIL - 324" D.P.P.E.
413	SEWER DETAIL - 330" D.P.P.E.
415	SEWER DETAIL - 336" D.P.P.E.
417	SEWER DETAIL - 342" D.P.P.E.
419	SEWER DETAIL - 348" D.P.P.E.
421	SEWER DETAIL - 354" D.P.P.E.
423	SEWER DETAIL - 360" D.P.P.E.
425	SEWER DETAIL - 366" D.P.P.E.
427	SEWER DETAIL - 372" D.P.P.E.
429	SEWER DETAIL - 378" D.P.P.E.
431	SEWER DETAIL - 384" D.P.P.E.
433	SEWER DETAIL - 390" D.P.P.E.
435	SEWER DETAIL - 396" D.P.P.E.
437	SEWER DETAIL - 402" D.P.P.E.
439	SEWER DETAIL - 408" D.P.P.E.
441	SEWER DETAIL - 414" D.P.P.E.
443	SEWER DETAIL - 420" D.P.P.E.
445	SEWER DETAIL - 426" D.P.P.E.
447	SEWER DETAIL - 432" D.P.P.E.
449	SEWER DETAIL - 438" D.P.P.E.
451	SEWER DETAIL - 444" D.P.P.E.
453	SEWER DETAIL - 450" D.P.P.E.
455	SEWER DETAIL - 456" D.P.P.E.
457	SEWER DETAIL - 462" D.P.P.E.
459	SEWER DETAIL - 468" D.P.P.E.
461	SEWER DETAIL - 474" D.P.P.E.
463	SEWER DETAIL - 480" D.P.P.E.
465	SEWER DETAIL - 486" D.P.P.E.
467	SEWER DETAIL - 492" D.P.P.E.
469	SEWER DETAIL - 498" D.P.P.E.
471	SEWER DETAIL - 504" D.P.P.E.
473	SEWER DETAIL - 510" D.P.P.E.
475	SEWER DETAIL - 516" D.P.P.E.
477	SEWER DETAIL - 522" D.P.P.E.
479	SEWER DETAIL - 528" D.P.P.E.
481	SEWER DETAIL - 534" D.P.P.E.
483	SEWER DETAIL - 540" D.P.P.E.
485	SEWER DETAIL - 546" D.P.P.E.
487	SEWER DETAIL - 552" D.P.P.E.
489	SEWER DETAIL - 558" D.P.P.E.
491	SEWER DETAIL - 564" D.P.P.E.
493	SEWER DETAIL - 570" D.P.P.E.
495	SEWER DETAIL - 576" D.P.P.E.
497	SEWER DETAIL - 582" D.P.P.E.
499	SEWER DETAIL - 588" D.P.P.E.
501	SEWER DETAIL - 594" D.P.P.E.
503	SEWER DETAIL - 600" D.P.P.E.
505	SEWER DETAIL - 606" D.P.P.E.
507	SEWER DETAIL - 612" D.P.P.E.
509	SEWER DETAIL - 618" D.P.P.E.
511	SEWER DETAIL - 624" D.P.P.E.
513	SEWER DETAIL - 630" D.P.P.E.
515	SEWER DETAIL - 636" D.P.P.E.
517	SEWER DETAIL - 642" D.P.P.E.
519	SEWER DETAIL - 648" D.P.P.E.
521	SEWER DETAIL - 654" D.P.P.E.
523	SEWER DETAIL - 660" D.P.P.E.
525	SEWER DETAIL - 666" D.P.P.E.
527	SEWER DETAIL - 672" D.P.P.E.
529	SEWER DETAIL - 678" D.P.P.E.
531	SEWER DETAIL - 684" D.P.P.E.
533	SEWER DETAIL - 690" D.P.P.E.
535	SEWER DETAIL - 696" D.P.P.E.
537	SEWER DETAIL - 702" D.P.P.E.
539	SEWER DETAIL - 708" D.P.P.E.
541	SEWER DETAIL - 714" D.P.P.E.
543	SEWER DETAIL - 720" D.P.P.E.
545	SEWER DETAIL - 726" D.P.P.E.
547	SEWER DETAIL - 732" D.P.P.E.
549	SEWER DETAIL - 738" D.P.P.E.
551	SEWER DETAIL - 744" D.P.P.E.
553	SEWER DETAIL - 750" D.P.P.E.
555	SEWER DETAIL - 756" D.P.P.E.
557	SEWER DETAIL - 762" D.P.P.E.
559	SEWER DETAIL - 768" D.P.P.E.
561	SEWER DETAIL - 774" D.P.P.E.
563	SEWER DETAIL - 780" D.P.P.E.
565	SEWER DETAIL - 786" D.P.P.E.
567	SEWER DETAIL - 792" D.P.P.E.
569	SEWER DETAIL - 798" D.P.P.E.
571	SEWER DETAIL - 804" D.P.P.E.
573	SEWER DETAIL - 810" D.P.P.E.
575	SEWER DETAIL - 816" D.P.P.E.
577	SEWER DETAIL - 822" D.P.P.E.
579	SEWER DETAIL - 828" D.P.P.E.
581	SEWER DETAIL - 834" D.P.P.E.
583	SEWER DETAIL - 840" D.P.P.E.
585	SEWER DETAIL - 846" D.P.P.E.
587	SEWER DETAIL - 852" D.P.P.E.
589	SEWER DETAIL - 858" D.P.P.E.
591	SEWER DETAIL - 864" D.P.P.E.
593	SEWER DETAIL - 870" D.P.P.E.
595	SEWER DETAIL - 876" D.P.P.E.
597	SEWER DETAIL - 882" D.P.P.E.
599	SEWER DETAIL - 888" D.P.P.E.
601	SEWER DETAIL - 894" D.P.P.E.
603	SEWER DETAIL - 900" D.P.P.E.
605	SEWER DETAIL - 906" D.P.P.E.
607	SEWER DETAIL - 912" D.P.P.E.
609	SEWER DETAIL - 918" D.P.P.E.
611	SEWER DETAIL - 924" D.P.P.E.
613	SEWER DETAIL - 930" D.P.P.E.
615	SEWER DETAIL - 936" D.P.P.E.
617	SEWER DETAIL - 942" D.P.P.E.
619	SEWER DETAIL - 948" D.P.P.E.
621	SEWER DETAIL - 954" D.P.P.E.
623	SEWER DETAIL - 960" D.P.P.E.
625	SEWER DETAIL - 966" D.P.P.E.
627	SEWER DETAIL - 972" D.P.P.E.
629	SEWER DETAIL - 978" D.P.P.E.
631	SEWER DETAIL - 984" D.P.P.E.
633	SEWER DETAIL - 990" D.P.P.E.
635	SEWER DETAIL - 996" D.P.P.E.
637	SEWER DETAIL - 1002" D.P.P.E.
639	SEWER DETAIL - 1008" D.P.P.E.
641	SEWER DETAIL - 1014" D.P.P.E.
643	SEWER DETAIL - 1020" D.P.P.E.
645	SEWER DETAIL - 1026" D.P.P.E.
647	SEWER DETAIL - 1032" D.P.P.E.
649	SEWER DETAIL - 1038" D.P.P.E.
651	SEWER DETAIL - 1044" D.P.P.E.
653	SEWER DETAIL - 1050" D.P.P.E.
655	SEWER DETAIL - 1056" D.P.P.E.
657	SEWER DETAIL - 1062" D.P.P.E.
659	SEWER DETAIL - 1068" D.P.P.E.
661	SEWER DETAIL - 1074" D.P.P.E.
663	SEWER DETAIL - 1080" D.P.P.E.
665	SEWER DETAIL - 1086" D.P.P.E.
667	SEWER DETAIL - 1092" D.P.P.E.
669	SEWER DETAIL - 1098" D.P.P.E.
671	SEWER DETAIL - 1104" D.P.P.E.
673	SEWER DETAIL - 1110" D.P.P.E.
675	SEWER DETAIL - 1116" D.P.P.E.
677	SEWER DETAIL - 1122" D.P.P.E.
679	SEWER DETAIL - 1128" D.P.P.E.
681	SEWER DETAIL - 1134" D.P.P.E.
683	SEWER DETAIL - 1140" D.P.P.E.
685	SEWER DETAIL - 1146" D.P.P.E.
687	SEWER DETAIL - 1152" D.P.P.E.
689	SEWER DETAIL - 1158" D.P.P.E.
691	SEWER DETAIL - 1164" D.P.P.E.
693	SEWER DETAIL - 1170" D.P.P.E.
695	SEWER DETAIL - 1176" D.P.P.E.
697	SEWER DETAIL - 1182" D.P.P.E.
699	SEWER DETAIL - 1188" D.P.P.E.
701	SEWER DETAIL - 1194" D.P.P.E.
703	SEWER DETAIL - 1200" D.P.P.E.
705	SEWER DETAIL - 1206" D.P.P.E.
707	SEWER DETAIL - 1212" D.P.P.E.
709	SEWER DETAIL - 1218" D.P.P.E.
711	SEWER DETAIL - 1224" D.P.P.E.
713	SEWER DETAIL - 1230" D.P.P.E.
715	SEWER DETAIL - 1236" D.P.P.E.
717	SEWER DETAIL - 1242" D.P.P.E.
719	SEWER DETAIL - 1248" D.P.P.E.
721	SEWER DETAIL - 1254" D.P.P.E.
723	SEWER DETAIL - 1260" D.P.P.E.
725	SEWER DETAIL - 1266" D.P.P.E.
727	SEWER DETAIL - 1272" D.P.P.E.
729	SEWER DETAIL - 1278" D.P.P.E.
731	SEWER DETAIL - 1284" D.P.P.E.
733	SEWER DETAIL - 1290" D.P.P.E.
735	SEWER DETAIL - 1296" D.P.P.E.
737	SEWER DETAIL - 1302" D.P.P.E.
739	SEWER DETAIL - 1308" D.P.P.E.
741	SEWER DETAIL - 1314" D.P.P.E.
743	SEWER DETAIL - 1320" D.P.P.E.
745	SEWER DETAIL - 1326" D.P.P.E.
747	SEWER DETAIL - 1332" D.P.P.E.
749	SEWER DETAIL - 1338" D.P.P.E.
751	SEWER DETAIL - 1344" D.P.P.E.
753	SEWER DETAIL - 1350" D.P.P.E.
755	SEWER DETAIL - 1356" D.P.P.E.
757	SEWER DETAIL - 1362" D.P.P.E.
759	SEWER DETAIL - 1368" D.P.P.E.
761	SEWER DETAIL - 1374" D.P.P.E.
763	SEWER DETAIL - 1380" D.P.P.E.
765	SEWER DETAIL - 1386" D.P.P.E.
767	SEWER DETAIL - 1392" D.P.P.E.
769	SEWER DETAIL - 1398" D.P.P.E.
771	SEWER DETAIL - 1404" D.P.P.E.
773	SEWER DETAIL - 1410" D.P.P.E.
775	SEWER DETAIL - 1416" D.P.P.E.
777	SEWER DETAIL - 1422" D.P.P.E.
779	SEWER DETAIL - 1428" D.P.P.E.
781	SEWER DETAIL - 1434" D.P.P.E.
783	SEWER DETAIL - 1440" D.P.P.E.
785	SEWER DETAIL - 1446" D.P.P.E.
787	SEWER DETAIL - 1452" D.P.P.E.
789	SEWER DETAIL - 1458" D.P.P.E.
791	SEWER DETAIL - 1464" D.P.P.E.
793	SEWER DETAIL - 1470" D.P.P.E.
795	SEWER DETAIL - 1476" D.P.P.E.
797	SEWER DETAIL - 1482" D.P.P.E.
799	SEWER DETAIL - 1488" D.P.P.E.
801	SEWER DETAIL - 1494" D.P.P.E.
803	SEWER DETAIL - 1500" D.P.P.E.
805	SEWER DETAIL - 1506" D.P.P.E.
807	SEWER DETAIL - 1512" D.P.P.E.
809	SEWER DETAIL - 1518" D.P.P.E.
811	SEWER DETAIL - 1524" D.P.P.E.
813	SEWER DETAIL - 1530" D.P.P.E.
815	SEWER DETAIL - 1536" D.P.P.E.
817	SEWER DETAIL - 1542" D.P.P.E.
819	SEWER DETAIL - 1548" D.P.P.E.
821	SEWER DETAIL - 1554" D.P.P.E.
823	SEWER DETAIL - 1560" D.P.P.E.
825	SEWER DETAIL - 1566" D.P.P.E.
827	SEWER DETAIL - 1572" D.P.P.E.
829	SEWER DETAIL - 1578" D.P.P.E.
831	SEWER DETAIL - 1584" D.P.P.E.
833	SEWER DETAIL - 1590" D.P.P.E.
835	SEWER DETAIL - 1596" D.P.P.E.
837	SEWER DETAIL - 1602" D.P.P.E.
839	SEWER DETAIL - 1608" D.P.P.E.
841	SEWER DETAIL - 1614" D.P.P.E.
843	SEWER DETAIL - 1620" D.P.P.E.
845	SEWER DETAIL - 1626" D.P.P.E.
847	SEWER DETAIL - 1632" D.P.P.E.
849	SEWER DETAIL - 1638" D.P.P.E.
851	SEWER DETAIL - 1644" D.P.P.E.
853	SEWER DETAIL - 1650" D.P.P.E.
855	SEWER DETAIL - 1656" D.P.P.E.
857	SEWER DETAIL - 1662" D.P.P.E.
859	SEWER DETAIL - 1668" D.P.P.E.
861	SEWER DETAIL - 1674" D.P.P.E.
863	SEWER DETAIL - 1680" D.P.P.E.
865	SEWER DETAIL - 1686" D.P.P.E.
867	SEWER DETAIL - 1692" D.P.P.E.
869	SEWER DETAIL - 1698" D.P.P.E.
871	SEWER DETAIL - 1704" D.P.P.E.
873	SEWER DETAIL - 1710" D.P.P.E.
875	SEWER DETAIL - 1716" D.P.P.E.
877	SEWER DETAIL - 1722" D.P.P.E.
879	SEWER DETAIL - 1728" D.P.P.E.
881	SEWER DETAIL - 1734" D.P.P.E.
883	SEWER DETAIL - 1740" D.P.P.E.
885	SEWER DETAIL - 1746" D.P.P.E.
887	SEWER DETAIL - 1752" D.P.P.E.
889	SEWER DETAIL - 1758" D.P.P.E.
891	SEWER DETAIL - 1764" D.P.P.E.
893	SEWER DETAIL - 1770" D.P.P.E.
895	SEWER DETAIL - 1776" D.P.P.E.
897	SEWER DETAIL - 1782" D.P.P.E.
899	SEWER DETAIL - 1788" D.P.P.E.
901	SEWER DETAIL - 1794" D.P.P.E.
903	SEWER DETAIL - 1800" D.P.P.E.
905	SEWER DETAIL - 1806" D.P.P.E.
907	SEWER DETAIL - 1812" D.P.P.E.
909	SEWER DETAIL - 1818" D.P.P.E.
911	SEWER DETAIL - 1824" D.P.P.E.
913	SEWER DETAIL - 1830" D.P.P.E.
915	SEWER DETAIL - 1836" D.P.P.E.
917	SEWER DETAIL - 1842" D.P.P.E.
919	SEWER DETAIL - 1848" D.P.P.E.
921	SEWER DETAIL - 1854" D.P.P.E.
923	SEWER DETAIL - 1860" D.P.P.E.
925	SEWER DETAIL - 1866" D.P.P.E.
927	SEWER DETAIL - 1872" D.P.P.E.
929	SEWER DETAIL - 1878" D.P.P.E.
931	SEWER DETAIL - 1884" D.P.P.E.
933	SEWER DETAIL - 1890" D.P.P.E.
935	SEWER DETAIL - 1896" D.P.P.E.
937	SEWER DETAIL - 1902" D.P.P.E.
939	SEWER DETAIL - 1908" D.P.P.E.
941	SEWER DETAIL - 1914" D.P.P.E.
943	SEWER DETAIL - 1920" D.P.P.E.
945	SEWER DETAIL - 1926" D.P.P.E.
947	SEWER DETAIL - 1932" D.P.P.E.
949	SEWER DETAIL - 1938" D.P.P.E.
951	SEWER DETAIL - 1944" D.P.P.E.
953	SEWER DETAIL - 1950" D.P.P.E.
955	SEWER DETAIL - 1956" D.P.P.E.
957	SEWER DETAIL - 1962" D.P.P.E.
959	SEWER DETAIL - 1968" D.P.P.E.
961	SEWER DETAIL - 1974" D.P.P.E.
963	SEWER DETAIL - 1980" D.P.P.E.
965	SEWER DETAIL - 1986" D.P.P.E.
967	SEWER DETAIL - 1992" D.P.P.E.
969	SEWER DETAIL - 1998" D.P.P.E.
971	SEWER DETAIL - 2004" D.P.P.E.
973	SEWER DETAIL - 2010" D.P.P.E.
975	SEWER DETAIL - 2016" D.P.P.E.
977	SEWER DETAIL - 2022" D.P.P.E.
979	SEWER DETAIL - 2028" D.P.P.E.
981	SEWER DETAIL - 2034" D.P.P.E.
983	SEWER DETAIL - 2040" D.P.P.E.
985	SEWER DETAIL - 2046" D.P.P.E.
987	SEWER DETAIL - 2052" D.P.P.E.
989	SEWER DETAIL - 2058" D.P.P.E.
991	SEWER DETAIL - 2064" D.P.P.E.
993	SEWER DETAIL - 2070" D.P.P.E.
995	SEWER DETAIL - 2076" D.P.P.E.
997	SEWER DETAIL - 2082" D.P.P.E.
999	SEWER DETAIL - 2088" D.P.P.E.

Impervious Area	
TOTAL SITE AREA:	41,981.67 SF (0.96 AC)
TOTAL DISTURBED AREA:	41,981.67 SF (0.96 AC)
EXISTING IMPERVIOUS AREA:	41,287.00 SF
PROPOSED IMPERVIOUS AREA:	39,494.45 SF
NET DECREASE:	1,892.55 SF

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



North

## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

April 30, 2019

LOD Number: 1

Claude Neon Federal  
1225 N. Lansing Avenue  
Tulsa OK 74106

Phone: (918)587-7171

**APPLICATION NO:** **SIGN-028603-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 110 N. Elgin Avenue  
**Description:** Vast Bank 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

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

(Continued)



## REVIEW COMMENTS

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

Application No. SIGN-028603-2019

110 N. Elgin Avenue

April 30, 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 60.040 Sign Regulations of General Applicability

#### 60.040-C Mounting Height of Wall Signs and Projecting Signs

Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

**Review Comments:** The proposed Vast Bank wall sign on the North Elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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

### END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

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



## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

April 30, 2019

LOD Number: 1

Claude Neon Federal  
1225 N. Lansing Avenue  
Tulsa OK 74106

Phone: (918)587-7171

**APPLICATION NO:** **SIGN-028607-2018** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 110 N. Elgin Avenue  
**Description:** V. Wall 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

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

(Continued)

13.30

## REVIEW COMMENTS

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[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. SIGN-028607-2019

110 N. Elgin Avenue

April 30, 2019

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### Section 60.040 Sign Regulations of General Applicability

#### 60.040-C Mounting Height of Wall Signs and Projecting Signs

Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

**Review Comments:** The proposed V. wall sign on the West elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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### END – ZONING CLEARANCE AND SIGN 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 CITY OF TULSA SIGN PERMIT.



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



East

## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

April 30, 2019

LOD Number: 1

Claude Neon Federal  
1225 N. Lansing Avenue  
Tulsa OK 74106

Phone: (918)587-7171

**APPLICATION NO:** **SIGN-028600-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 110 N. Elgin Avenue  
**Description:** V. Wall Sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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(Continued)

13.32

## REVIEW COMMENTS

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[WWW.INCOG.ORG](http://WWW.INCOG.ORG)

Application No. SIGN-028600-2019

110 N. Elgin Avenue

April 30, 2019

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### Section 60.040 Sign Regulations of General Applicability

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Wall signs and projecting signs must be mounted so that no portion of the sign extends above the top of the parapet or building wall to which they are attached, except in those cases where the height of the parapet or building wall or the presence of architectural features will not accommodate a wall or projecting sign that is at least 3 feet in height. In such cases, the sign may extend above the parapet or building wall for a distance that will permit a sign with a height of up to 3 feet.

**Review Comments:** The proposed V. wall sign on the East elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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**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 30, 2019

LOD Number: 1

Claude Neon Federal  
1225 N. Lansing Avenue  
Tulsa OK 74106

Phone: (918)587-7171

**APPLICATION NO:** **SIGN-028605-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 110 N. Elgin Avenue  
**Description:** Vast Bank Sign

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(Continued)

13.34



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Application No. SIGN-028605-2019

110 N. Elgin Avenue

April 30, 2019

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**Review Comments:** The proposed Vast.Bank wall sign on the South Elevation extends above the top of the parapet wall and appears to be mounted to an architectural feature. Revise the sign to be mounted below the top of the parapet wall or you may pursue a variance from the BOA to permit a wall sign to be installed onto an architectural feature extending above the top of the parapet wall.

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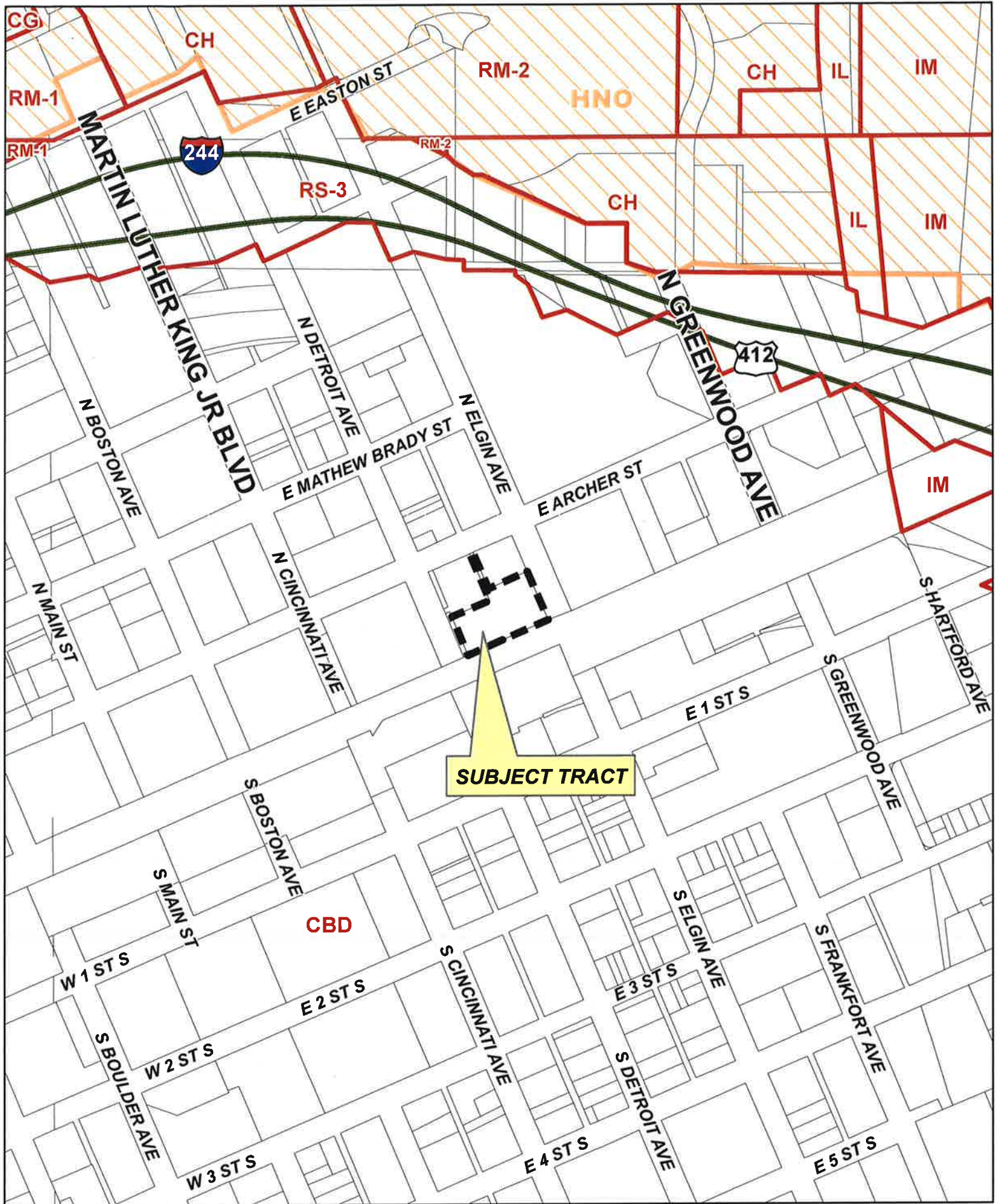
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**BOA-22658**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22658**

CZM: 36

CD: 4

A-P#:

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Claude Neon Federal Signs

**ACTION REQUESTED:** Variance of the maximum sign height for a projecting sign (Section 60.080-D)

**LOCATION:** 2 N ELGIN AV E

**ZONED:** CBD

**PRESENT USE:** parking

**TRACT SIZE:** 44495.2 SQ FT

**LEGAL DESCRIPTION:** PRT BLK 56 BEG 15NE SWC LT 4 TH NW131.90 NE134 NW168.10 NE11 SE132 NE140 SE168 SW285 POB BLK 56, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None relevant history

**Surrounding Property:**

**BOA- 22477;** on 7.10.18, the Board approved a Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50 ft setback from S. Elgin Ave. LOCATED: 121 S. Elgin Ave.

**BOA-21582:** on 7.9.13 the Board approved a Variance to allow one wall sign to extend above the parapet wall in the CBD District LOCATED: 401 East 1<sup>st</sup> Street South

**BOA-21565;** on 5.14.13, the Board approved a Variance to allow 2 projecting wall signs above wall line in the CBD District. LOCATED: 302 E 1ST ST S

**BOA-20502;** on 5.8.07, the Board approved a Variance of the maximum permitted height of a promotional sign in the CBD. LOCATED: 310 E 1st ST S

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is surrounded by CBD zoning and a blend of downtown urban uses to include, but not limited to, office, restaurant, parking, commercial, hospitality, and municipal uses.

**STAFF COMMENTS:**

The applicant is requesting a **Variance** to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 36.5 feet above grade with a 40 foot setback from N. Elgin Avenue (Section 60.080-D)

The applicant provided the following statement with their application: *"We cannot move the projecting sign west from the center of street to add height. Location spacing does not allow for a monument sign."*

The Code (Section 60.080-D) states in the CBD district on-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. The Code limits the height of the proposed projecting sign on the subject lot to 25 ft above grade. The Code attempts to manage the presentation and impact of signage along a given corridor within the CBD district.

**Sample Motion**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to permit a projecting sign to exceed the maximum allowable height of 25 feet to be installed 36.5 feet above grade with a 40 foot setback from North Elgin Avenue (Section 60.080-D).

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

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

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

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

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



**Action Requested:**

Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50-foot setback from South Elgin Avenue East (Section 60.080-D). **LOCATION:** 121 South Elgin Avenue East (CD 4)

**Presentation:**

**Lori Worthington**, A-MAX Sign Company, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated the request is to allow a projecting sign for Hotel Indigo. There has been a four-story building erected next to the subject property making it basically no longer visible from the downtown district. Also, there are railroad tracks and the position of the streets allows for very little visibility for the hotel.

Ms. Miller asked if this was the Santa Fe lot, and Ms. Worthington answered affirmatively.

Mr. Van De Wiele asked if this was part of the Santa Fe Development? Ms. Worthington answered affirmatively. Mr. Van De Wiele recused at this point.

Ms. Back disclosed that her former employer worked on this project and it was not one of her main projects. Ms. Back stated that she can be unbiased. Ms. Blank stated that it is sufficient to disclose.

**Mr. Van De Wiele recused and left the meeting at 3:38 P.M.**

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

Ms. Ross stated that she does not have a problem with this request. This is a hotel in an area where it is very populated with residences and businesses.

Ms. Back stated that also Albert G's has a very unique sign in the area and they received quite a bit of relief for their sign in the same area.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 3-0-1 (Back, Bond, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50-foot setback from South Elgin Avenue East (Section 60.080-D), subject to conceptual plans 16.13, 16.14 and 16.15. The Board finds the hardship to be the four-story building placed across the street prohibiting visibility in the

BOA-22477

downtown district and also the railroad nearby prohibits visibility from downtown. The Board finds that the following facts, favorable to the property owner, have been established:

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

**PRT BLK 85 BEG 44.50SWC BLK 85 TH NE195.50 SE95 SW240 NW69 NE44.50 NW26 POB BLK 85, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma**

**Mr. Van De Wiele re-entered the meeting at 3:42 P.M.**

**22478—Justin Doolin**

**Action Requested:**

**Special Exception** to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3). **LOCATION:** 10212 South Oswego East (CD 8)

**Presentation:**

**Justin Doolin**, 10212 South Oswego Place, Tulsa, OK; stated he would like to increase the driveway for personal usage and parking. His family plays basketball in the street and there is a slope, so the balls roll down to 103<sup>rd</sup>. He thinks with the increase he would not need to park in the cul-de-sac any longer. Several driveways in the neighborhood have multiple entrances and are quite wide.

**Mr. Bond left the meeting at 3:48 P.M.**

\*\*\*\*\*

**NEW BUSINESS**

**21582—Chuck Gawey – dba Albert G's BBQ**

**FILE COPY**

**Action Requested:**

Variance to allow one (1) wall sign to extend above the parapet wall in the CBD District (Section 1221.C.11). **LOCATION:** 409 E 1ST ST S (Tenant Space: 421 E 1<sup>st</sup> St S) (CD 4)

**Presentation:**

**Chuck Gawey**, 2748 South Harvard, Tulsa, OK; stated he would like to install the neon sign on the building to attract business and mark his business.

Mr. White asked Mr. Gawey what his hardship is. Mr. Gawey stated that to move the proposed sign to any other place than proposed it would not have the same affect or be in keeping with the historical warehouse look of the building.

**Interested Parties:**

**Peter Janzen**, Acura Neon Sign Company, 1801 North Willow Avenue, Tulsa, OK; stated Synergy originally designed the awnings for the building to compliment the historical look of the building and keep in the character of the area. The restaurant is next door to McNellie's which is in a building that is approximately 110 years old. The awnings are designed similar to an old-fashioned awning and are to protect the pedestrians on the sidewalk. Mr. Janzen stated that the awnings are required as designed to be part of the building and with that there is not enough room to bring the sign below the parapet creating a hardship. An alternative that was offered by the City of Tulsa is to brick up the parapet to the height of the sign but the applicant would really like to keep the original look of the building.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow one (1) wall sign to extend above the parapet wall in the CBD District (Section 1221.C.11), subject to per plan 5.14 pertaining to the Albert G sign. The hardship is that this is an old building and the applicant wants to keep the parapet of the building so awnings, and once the awnings were installed the sign would not fit on the wall so it must be above the parapet. 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



BOA-21582

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 3 & E65 LT 4 BLK 76 & LT 4 BLK 77 & VAC ALLEYS & VAC FRANKFORT AVE  
ADJ THERETO, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

**20454-A—Charles Martin**

**Action Requested:**

Special Exception to allow automobile sales (Use Unit 17) in a CS District (Section 701, Table 1); Variance to allow open air storage and display of merchandise within 300 feet of an adjoining R district (Section 1217.C.2). **LOCATION:** 1606 North Sheridan Road East (CD 3)

**Presentation:**

**Charles Martin**, P. O. Box 3463, Broken Arrow, OK (18210 East 48<sup>th</sup> Place, Tulsa, OK); stated he has purchased the subject property and was informed that the existing zoning expired.

Mr. Van De Wiele asked Mr. Martin if he planned on having auto repairs. Mr. Martin stated that it would be in house only for the existing cars that were to be sold. The building has a two-bay garage with a lift and there would be supporting activity for a car lot.

Mr. Van De Wiele asked Mr. Swiney if the request could be re-instated or does the Board need a new finding for a hardship? Mr. Swiney stated that it was not so much a hardship that must be found but an extraordinary or unusual condition whereby a literal enforcement of the code would be a hardship. On page 6.4 in the Board's packet it is stated that the subject property is very shallow and the literal interpretation of the code would not permit outside display of merchandise anywhere on the property. That, perhaps, would be the extraordinary circumstance the Board needs.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a

circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**LT 7 BLK 5, MAPLE PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21565—Dale Bennett**

**FILE COPY**

**Action Requested**

Variance to allow 2 projecting wall signs to extend above the parapet wall in the CBD District (Section 1221.C.11). **LOCATION:** 302 East 1<sup>st</sup> Street South (CD 4)

**Presentation:**

**Dale Bennett**, Claude Neon Federal Sign Company, 1225 North Lansing, Tulsa, OK; stated the request is to allow two projecting wall signs be raised 2'-11" above the roof line but not past the parapet line of the building.

**Interested Parties:**

**Seth Nimmo**, Rib Crib, 8802 East 110<sup>th</sup> Place, Tulsa, OK; stated the BBQ arrows on the proposed do not extend above the highest point of the second parapet but will extend above the lower parapet wall. He respectfully requests for the Board's approval on this project.

**Michael Sager**, 328 East 1<sup>st</sup> Street, Tulsa, OK; stated he is the closest party to this building in every direction, and he is absolutely in favor of the redevelopment of this space. Mr. Sager owns the buildings to the east and south, and the building across the street west of the subject property. The building that he owns to the east of the subject property is only about eight inches away and his building has windows facing the proposed project, and he is fully in favor of the proposed sign locations.

**Comments and Questions:**

None.

**Mr. Van De Wiele re-entered the meeting at 1:43 P.M.**

**05/14/2013-1093 (9)**

14.9

FILE COPY

BOA-21565

**Board Action:**

On MOTION of SNYDER, the Board voted 5-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a **Variance** to allow 2 projecting wall signs to extend above the parapet wall in the CBD District (Section 1221.C.11). Finding that the actual sign does not extend above the tallest parapet wall but extends above the lower parapet wall which was done for design purposes. This approval will be per plan on pages 7.10 and 7.11. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**W50 LT 6 BLK 86, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21566—Gregory Helms**

**Action Requested:**

**Variance** to reduce the rear yard setback in an RS-1 District from 25 feet to 10 feet for an addition to existing single-family residence (Section 403.A, Table 3).

**LOCATION:** 10922 South Knoxville Avenue East (CD 8)

**Presentation:**

**Greg Helms**, 424 East Main Street, Jenks, OK; stated the house sits on an irregularly shaped lot, and what prompts the variance request is that the southwest corner of the house sits approximately 100 feet closer to the property line than the opposite corner of the house. The proposed project is to have an addition on the house which will not meet with the 25 foot setback requirement. The 10 feet is not being requested for the entire property but only where the proposed triangular addition will be. Most of this triangular addition is a covered patio that will be a trellised patio not a solid roof. Even with this proposed addition there will still be approximately 125 feet to the closest house. Once the addition is complete the property will be re-landscaped for screening between the properties.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

05/14/2013-1093 (10)

14.10



structure has deteriorated and needs to be replaced for safety and other reasons; 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 there being no kitchen and no commerce in the addition, on the following described property:

PRT LT 7 BEG SECR LT 7 TH N73 W139 S77.86 E138.6 POB LESS BEG 73N  
SECR LT 7 TH W139.83 S4.09 E138.83 POB BLK 1 , SUNSET PARK AMD,  
City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20502**

**Action Requested:**

Variance of the maximum permitted height of a promotional sign in the CBD (Section 1221.E.1), located: 310 East 1<sup>st</sup> Street South.

**Presentation:**

**Tom Green**, 1435 East 50<sup>th</sup> Street, stated this is a temporary use, and they hoped to continue it once a year. The sign would be up from May 15<sup>th</sup> to August 15<sup>th</sup>. The sign will be a type of vinyl material.

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

On **Motion of Stead**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Variance of the maximum permitted height of a promotional sign in the CBD, finding this is temporary in nature, to be erected on or about May 15<sup>th</sup> and removed on or about August 15<sup>th</sup>, finding these are exceptional conditions and do not apply to other property in the same use district; and finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan,

Mr. Cuthbertson mentioned to the Board that as this motion was worded it would only be good for one time rather than temporary as far as the amount of time per year. Mr. Green informed the Board this is the sixth annual event. They trust they will continue to hold the event in the coming years.

On **Motion of Tidwell**, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **Reconsider the Motion**.

On Amended Motion of Stead, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **APPROVE** a Variance of the maximum permitted height of a promotional sign in the CBD, finding this is temporary in nature, to be erected for a period of three months only during the years 2007, 2008 and 2009, finding these are exceptional conditions and do not apply to other property in the same use district; and finding the variance 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:

E90 LT 6 BLK 86, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**NEW BUSINESS**

"Under the Open Meeting Act, this agenda item is authorized only for matters not know about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda."

Lou Reynolds, 2727 East 21<sup>st</sup> Street, stated that the Board denied a request for a special exception and variances related to a carport in Case No. 20479. The applicant's have engaged an architect to redesign the carport to be more conducive with the house and neighborhood (Exhibit C-1). They asked for reconsideration of the application. He pointed out that he located a carport that is very similar in the neighborhood. They were willing to discuss it with the neighborhood and seek their approval.

**Board Action:**

On Motion of Stead, the Board voted 4-0-0 (Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; White "absent") to **Reconsider** Case No. 20479 regarding a carport at 3152 South Cincinnati, at the meeting on May 22, 2007.

\*\*\*\*\*

There being no further business, the meeting adjourned at 3:02 p.m.

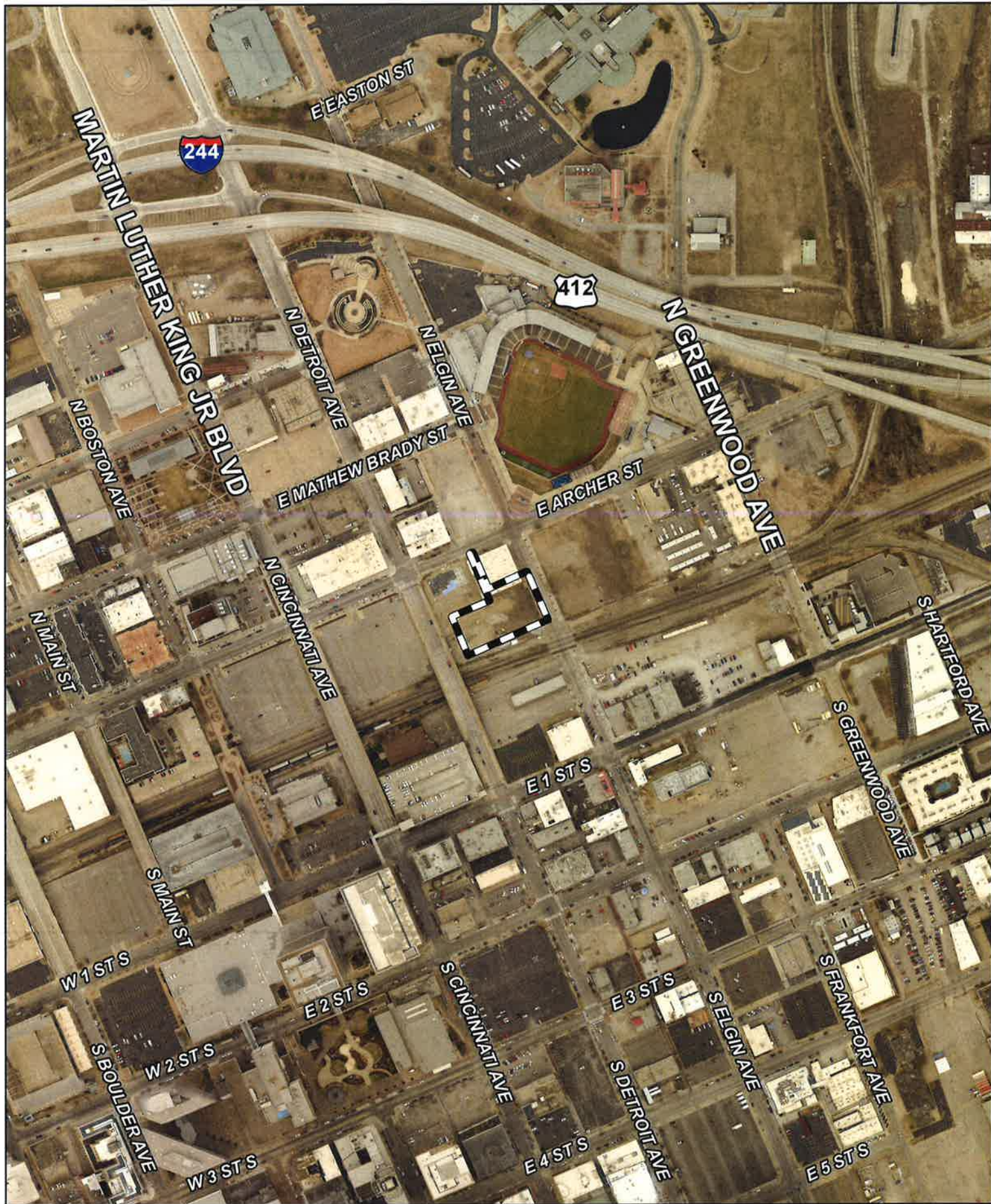
Date approved: 6/12/07

Frank X. Henke, Jr.  
Chair

05:08:07:956 (10)

14.12





Subject  
Tract

**BOA-22658**

19-12 01

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

Aerial Photo Date: February 2018

14.13







0 50 100  
Feet



Subject  
Tract

**BOA-22658**

19-12 01

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

Aerial Photo Date: February 2018

14.14







*View from corner of N. Elgin Ave. & E. Archer St. (BOA-22658)*

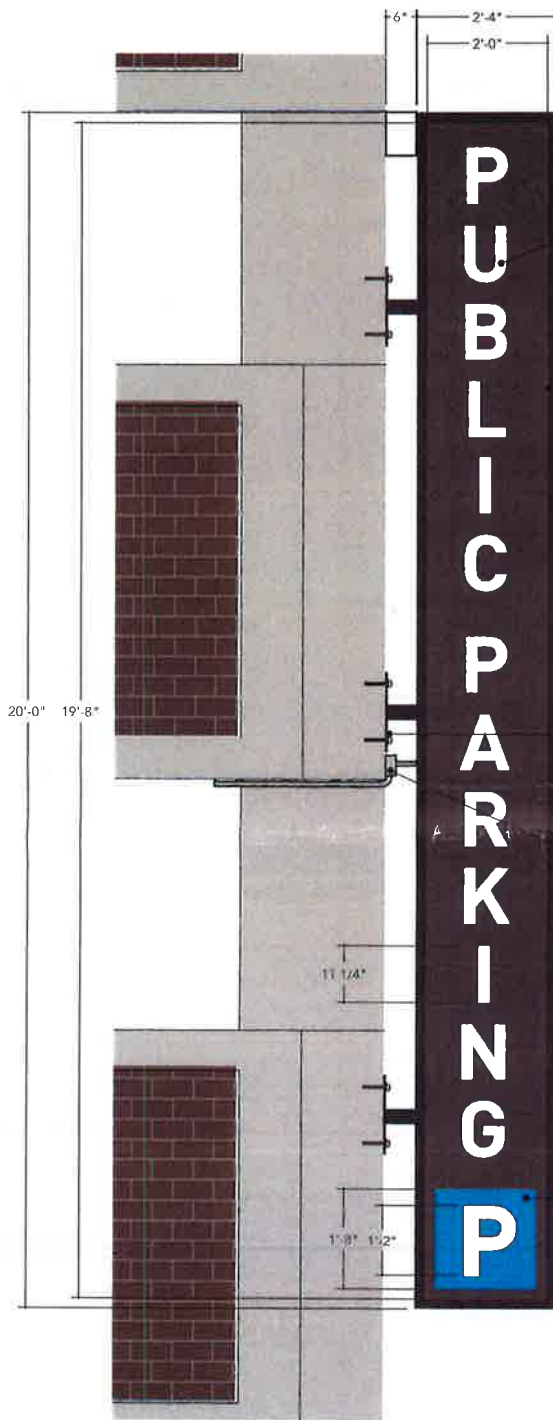


*View of front of parking garage facing west (BOA-22658)*



*View of north side of garage (BOA-22658)*





DOUBLEFACE ILLUMINATED, FLAG MOUNT ID SIGN

FACES FEATURE ROUTED AND BACKED TEXT FROM, 125 ALUMINUM WITH WHITE 3/16" ACRYLIC BACKING, FACE IS MACHINE BROKE WITH 2" BORDER AND RISE, PAINT COLORS TBD, INTERNALLY ILLUMINATED BY WHITE LED MODULES,

STRUCTURE FROM 1.5" STEEL ANGLE WITH .090 FILLER, STREET SIDE FILLER IS FASTENED WITH COUNTERSUNK SCREWS AND IS REMOVEABLE FOR INSTALL AND FUTURE SERVICE ACCESS

INSTALLATION REQUIRES 3 MOUNTING POINTS, 12"x12"x1/2" STEEL PLATES USING 6 CONCRETE ALL-ANCHORS PER PLATE, POSTS ARE 3"x3"x1/4" WALL, FULLY WELDED TO PLATES, INSTALL TO WALL FIRST AND SIGN WILL HAVE INTERNAL STEEL ANGLE SADDLES TO SLIP SIGN OVER AND WELD IN PLACE

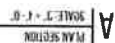
ELECTRICAL INFO- 20AMP CIRCUIT, 120V-240V SELF ADJUSTING POWER SUPPLIES ARE USED, INSTALL PHOTOCELL TO CONTROL ON/OFF. **POWER TO SIGN BY OTHERS.** COORDINATE LOCATION WITH ELECTRICAL CONTRACTOR ON SITE

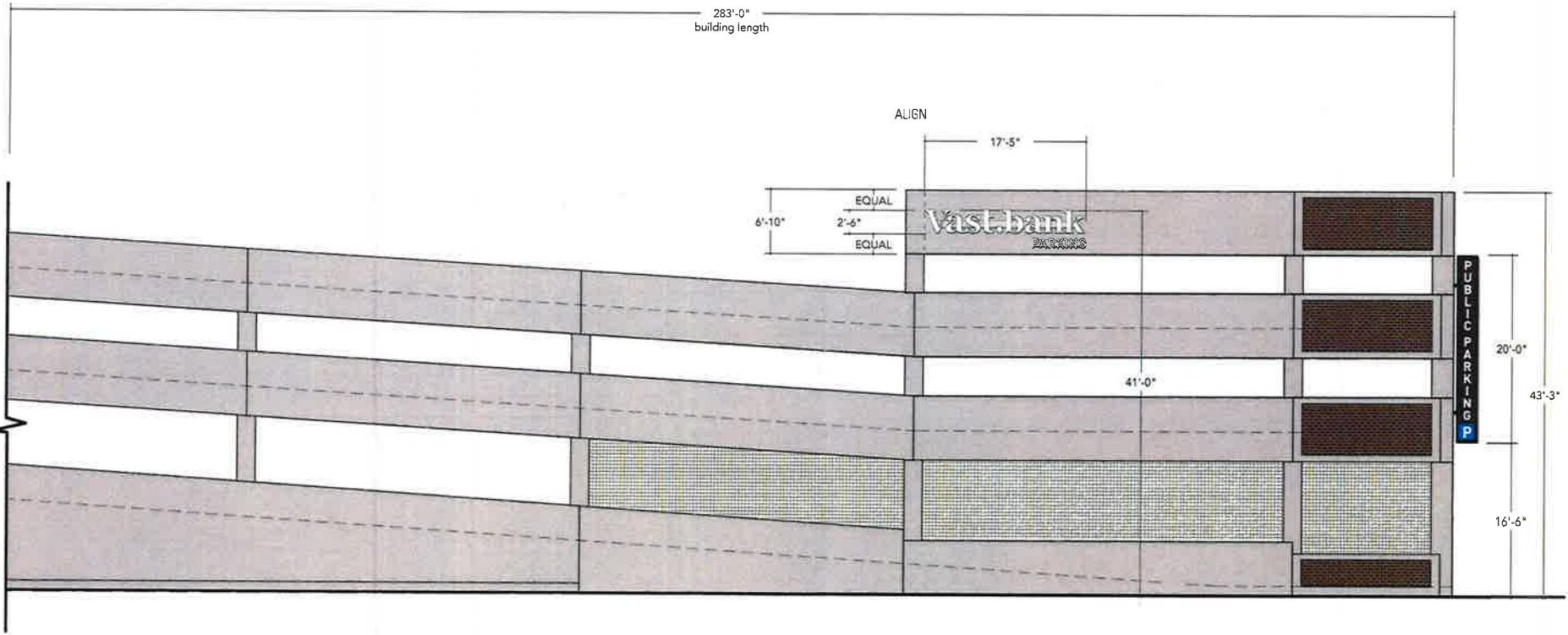
ROUTED OPENING FOR PARKING SYMBOL IS BACK WITH 3/16" WHITE ACRYLIC AND OVERLAYED WITH 3M TRANSLUCENT VINYL IN OLYMPIC BLUE, "P" IS DROPPED OUT TO WHITE PLASTIC.

A ELEVATION  
SCALE: 1/2" = 1'-0"

	APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/>	PROJECT/CLIENT NAME: VAST BANK	LOCATION: TULSA	ACCOUNT / REP: JAMES ADAIR	DESIGNER: JOE KESTERSON	DATE OF ORIGINAL ORDER: MARCH 29, 2019	REVISION HISTORY: 03.29.19 V 1.0	SIGN TYPE/DESCRIPTION: GARAGE ID FLAG	SHEET NAME: G-1.0
	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"	1/2" = 1'-0"

14.17





A SOUTH ELEVATION  
SCALE: 3/32" = 1'-0"

<p>1225 NORTH LANDVIEW AVENUE TULSA, OK 74103-1700 PH: 918.581.7377 FAX: 918.581.7378 WWW.CNSDESIGN.COM</p>	<p>WHEREBY ONE OF MY APPROVAL TO PROCEED WITH FABRICATION OF THE SIGNAGE DEPICTED IN THESE DRAWINGS IN ORDER TO COMPLETE THE PROJECT LOCATED IN A TOWN OF FASHION, HOMESITE AND THAT ANY CHANGES (ADDITIONS, DELETIONS OR MODIFICATIONS) TO THE FUNDAMENTAL STRUCTURE, UNDERPINNING OR THE SIGNAGE FEATURES OF THIS SIGNAGE AND PERIODIC INSPECTION OF THE SIGNAGE DATE, ADDITIONAL REQUIREMENTS OR ADDITIONAL COST.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p><input checked="" type="checkbox"/> <u>DATE</u> <u>DATE</u></p>	<p>PROJECT/CLIENT NAME <b>VAST BANK</b></p>	<p>LOCATION: <b>DOWNTOWN TULSA, OK</b></p>	<p>ACCOUNT EXEC: <b>JAMES ADAIR</b></p>	<p>DESIGNER: <b>JOE KESTERSON</b></p>	<p>DATE OF ORIGINAL DWG: <b>MARCH 28, 2019</b></p>	<p>REVISION HISTORY: <b>03.28.19 V 1.0</b></p>	<p>SIGN TYPE/DESCRIPTION <b>ELEVATIONS</b></p>	<p>SHEET NAME <b>ELEV2</b></p>
---	--	---	---	--	---	---	--	--	--	------------------------------------

14.19





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



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

## SIGN PLAN REVIEW

May 7, 2019

LOD Number: 1

**Claude Neon Federal**  
1225 N. Lansing Avenue  
Tulsa OK 74106

Phone: (918)587-7171

**APPLICATION NO:** **SIGN-028637-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 2 N. Elgin Avenue  
**Description:** Public Parking Projecting 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

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

(Continued)

14.21

## REVIEW COMMENTS

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

Application No. SIGN-028637-2019

2 N. Elgin Avenue

May 7, 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-D Maximum Height of On-premise Projecting and Freestanding Signs

#### 2. Lots with Frontage on Major Streets

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

**Review Comments:** The proposed projecting sign height of 36.5 exceeds the permitted 25-foot height above grade with a 40-foot setback from the C/L of N. Elgin Avenue. You may reduce the projecting sign height to 25 feet seek a variance from the BOA to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 36.5 feet above grade with a 40-foot setback from N. Elgin Avenue.

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.

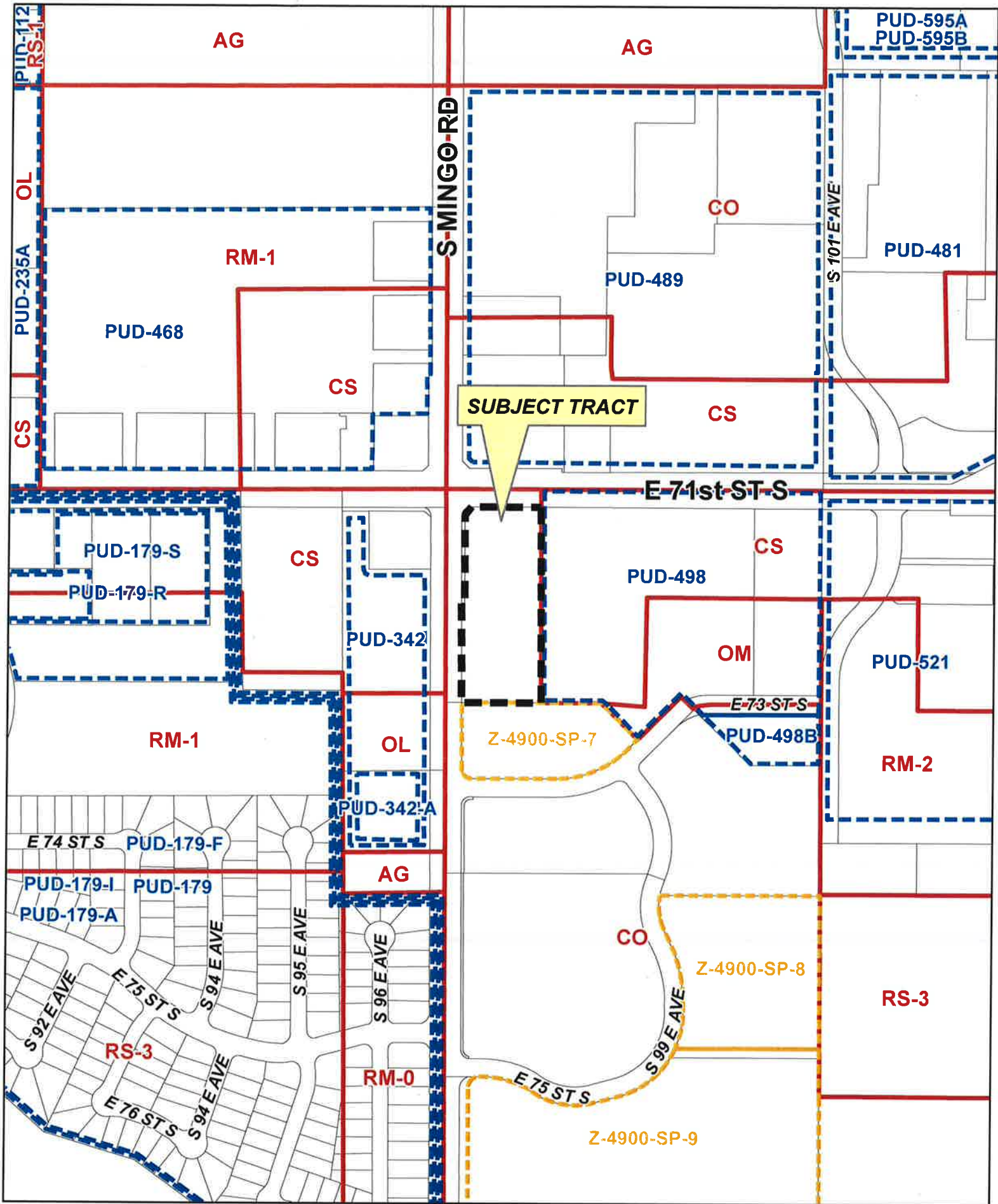
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A CITY OF TULSA SIGN PERMIT.



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**BOA-22659 – NATHAN YOUNG**

**STAFF REQUESTS A CONTINUANCE TO  
06/25/2019 FOR ADDITIONAL RELIEF  
NEEDED**



BOA-22660

18-14 07

16.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8407

Case Number: **BOA-22660**

**CZM:** 54

**CD:** 7

**A-P#:**

**HEARING DATE:** 06/11/2019 1:00 PM

**APPLICANT:** Kevin Pattah

**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:** 7111 S MINGO RD E (overall parcel); 7117 S MINGO RD E (tenant space)

**ZONED:** CO

**PRESENT USE:** Retail

**TRACT SIZE:** 163681.73 SQ FT

**LEGAL DESCRIPTION:** LT 1 LESS BEG 330.01N SWC TH N282.67 TH ON CRV RT 47.24 SW28.34 S292.79 W10 POB BLK 1, EAST POINTE CENTER

**RELEVANT PREVIOUS ACTIONS:**

None relevant.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject site is a part of a commercial center located at the SE/c of S. Mingo Rd. & E. 71<sup>st</sup> St. S. After a site visit staff did not see any evidence that would indicate another medical marijuana dispensary is operating within 1,000' of the subject property.

16.2

REVISED 5/31/2019

## **STAFF COMMENTS:**

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

Per the Code and CO standards, a medical marijuana dispensary is permitted by right inside the CO zoning 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 exist presently, 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.





0 Feet  
200  
400



Subject  
Tract

**BOA-22660**

18-14 07

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

Aerial Photo Date: February 2018







E 71st ST S

S MINGO RD



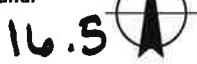
Subject  
Tract

**BOA-22660**

18-14 07

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

Aerial Photo Date: February 2018







*View looking north (BOA-22660)*



*View looking south (BOA-22660)*



*View looking west (BOA-22660)*



*View of subject space looking east (BOA-22660)*



# MEMORANDUM



To: Board of Adjustments  
Company: INCOG  
From: Chris Zemanek  
Date: 05.09.19

Project Number: 19025  
Project Name: Group 13 Holdings  
Re: 7117 S. Mingo Rd.  
1,000 foot verification

## Board of Adjustments

Group 13 Holdings currently holds an OMMA license with the state. The license number is below.

Tulsa: DAAA-4JLW-6ASI - Approved 3/8/19 – Expires 3/13/2020

My clients currently holds an exclusivity agreement with the land lord which allows Group 13 Holdings to be the only medical marijuana dispensary in this complex. See attached affidavit from LaFortune Properties, LLC

---

Chris Zemanek, AIA  
Principal  
**Zemanek A+D, LLC.**



**AFFIDAVIT**

STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF TULSA        )

Joel R. Thompson, being first duly sworn and upon his oath, alleges and states:

Affiant is one of the Managers of LaFortune Properties LLC.

LaFortune Properties LLC is the owner of the East Pointe Shopping Center in Tulsa, Oklahoma. East Pointe Shopping Center is a commercial shopping center with several different tenants.

A prospective new Tenant is Group 13 Holdings, LLC & Cannvest, LLC joint & severally, which will operate a registered medical marijuana dispensary out of its leased space.

A current tenant, Buffalo Fine Jewelry, holds a current license from the State of Oklahoma to sell legal medical marijuana products. However, it is a violation of Buffalo Fine Jewelry's lease with LaFortune Properties LLC to use the space in the East Pointe Shopping Center for the sale of legal medical marijuana products. LaFortune Properties, LLC will take all legal steps necessary to insure that provision of its lease is fully complied with by Buffalo Fine Jewelry and to prevent the sale of legal medical marijuana products from Buffalo Fine Jewelry's current space in the East Pointe Shopping Center.

Further Affiant sayeth not.

  
Joel R. Thompson

Subscribed and sworn to before me, a Notary Public, on this 7<sup>th</sup> day of May, 2019, by Joel R. Thompson.

My Commission Expires:

[SEAL]

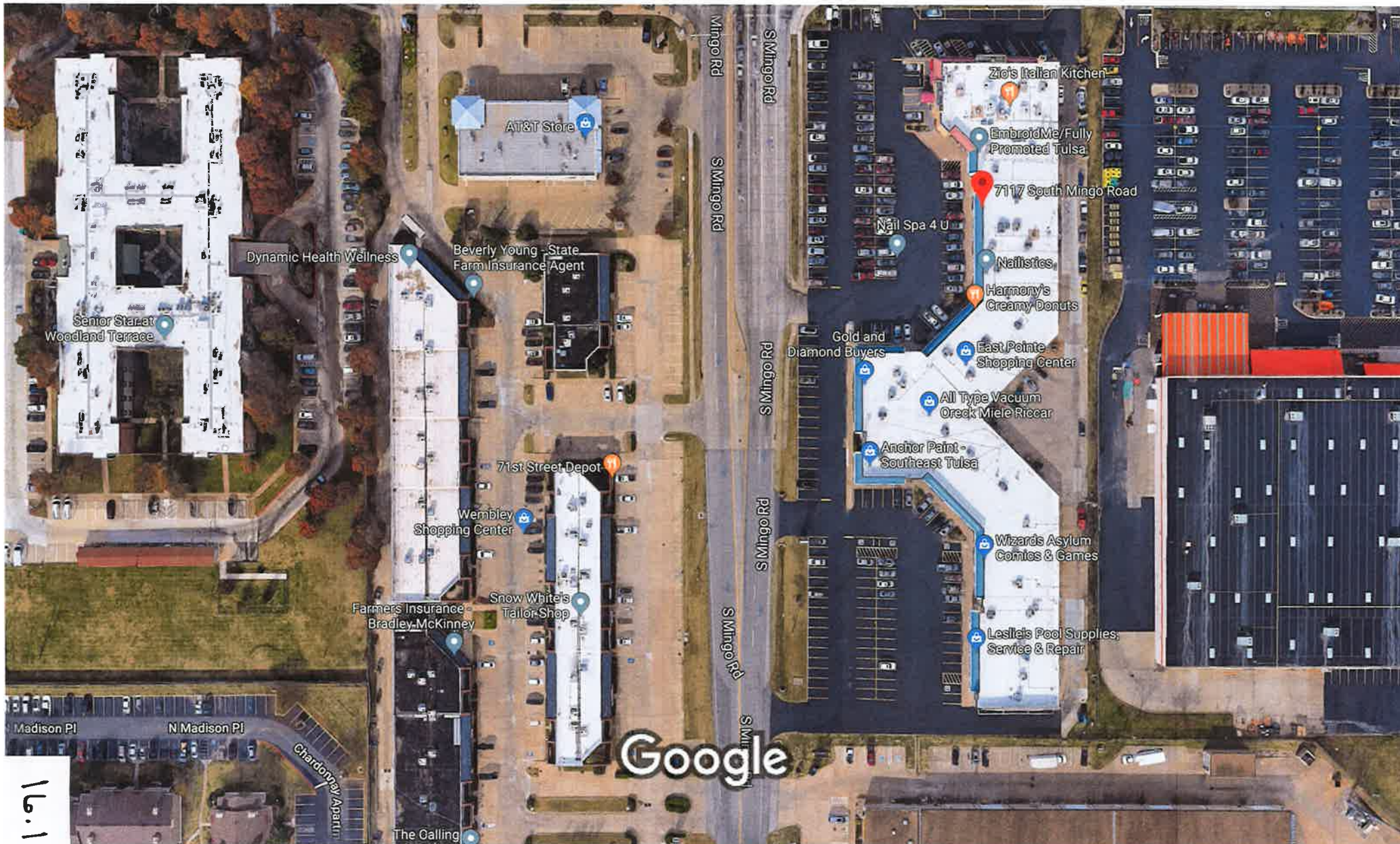


  
Notary Public













# 7117 S Mingo Rd

Tulsa, OK 74133



16.12  
Directions



Save



Nearby



Send to your  
phone



Share

**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 15, 2019

Chris Zemanek  
412A East B ST  
Jenks, OK 74037

Phone: 918.606.2090

APPLICATION NO: **BLDC-028518-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

7117 S Mingo RD

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

(continued)

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## REVIEW COMMENTS

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

BLDC-028518-2019

7117 S Mingo RD

April 15, 2019

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

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

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

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

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

3. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

4. **Sec.70.080-C:** Applications for a Building Permit shall include a site plan that provides zoning data for the Zoning review portion of the Building Permit application. You have not submitted a site plan that covers all pertinent zoning data necessary for a complete review.

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

- North arrow
- Appropriate drawing scale;
- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Lot lines and names of abutting streets;
- The location and dimensions of existing buildings including distances to lot lines;
- The location of the dispensary in the building;
- The intended use of existing and proposed buildings;

- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

**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.

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**CANNVEST GROUP, LLC**

7117 S MINGO RD , TULSA, OK, 74133

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

03/13/2020

LICENSE NUMBER:

DAAA-4JLW-6ASI



*Tom Bates*

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

DO NOT COPY

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