AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 13, 2019, 1:00 P.M.

Meeting No. 1234

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of July 23, 2019 (Meeting No. 1233).

UNFINISHED BUSINESS

2. 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)

3. 22668—1 Architecture, LLC – Nick Denison
   Special Exception to allow a High-Impact Medical Marijuana Processing Facility
   in an IM (Industrial-Moderate) District (Section 15.020). LOCATION: 1316
   South Sheridan Road East (CD 5)

4. 22674—Allie Ogden
   Special Exception to permit a single household detached house in the CBD
   District (Section 15.020, Table 15-2). LOCATION: 306 South Kenosha Avenue
   East (CD 4)

5. 22694—Raymond McDonald
   Variance to allow a non-all weather parking area (Section 55.090-F); Variance to
   allow an accessory structure to exceed more than 20% coverage in the rear
   setback (Section 90.090-C.2); Variance to allow a detached accessory structure
   to exceed 40% of the floor area of the principal residential structure (Section
   45.030-A). LOCATION: 3715 South 82nd Avenue East (CD 5)

NEW APPLICATIONS

6. 22697—Luke Janger
   Verification of the 1,000-foot spacing requirement for a medical marijuana
   dispensary from another medical marijuana dispensary (Section 40.225-D).
   LOCATION: 9136 South Sheridan Road East (CD 8)
7. **22700—Scott Tully**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 9435 East 51st Street South (CD 7)

8. **22701—Diamond Dampf**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 121 North Denver Avenue West (CD 4)

9. **22702—Seed Cannabis Company**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 4201 South Sheridan Road East (CD 5)

10. **22703—Eufloria, LLC**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 11730 East 11th Street South (CD 6)

11. **22704—Michael Velasquez**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 4117 South Southwest Boulevard West (CD 2)

12. **22706—Ryan Coulter**  
Variance to reduce the 75-foot setback for an industrial zoned property from a residentially zoned property (Section 15.030, Table 15-3).  
**LOCATION:** 1316, 1320, & 1324 West 41st Street South (CD 2)

13. **22707—Carlos Aguirre**  
Special Exception to permit a fence to exceed 4 feet in the front setback (Section 45.080-A); Variance to permit a fence to be located in the City of Tulsa right-of-way (Sections 5.030-A and 90.090-A).  
**LOCATION:** 6633 South Birmingham Avenue East (CD 2)

14. **22708—Charles Lyon**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 8153 East 41st Street South (CD 5)
15. **22709—Ryan McCarty**  
Variance to reduce the 75-foot setback for an industrial zoned property from a residentially zoned property (Section 15.030, Table 15-3). **LOCATION:** South of the SW/c of East 58th Street South and South Mingo Road East **(CD 7)**

16. **22710—Carly Goodnight**  
Variance to increase height for a freestanding sign to 50 feet tall with a 72-foot setback from the C/L (centerline) of East 51st Street South (Section 60.080-D).  
**LOCATION:** SE/c of South Lewis Avenue East & East 51st Street South **(CD 9)**

17. **22711—Valveeta Ware**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 6030 South Peoria Avenue East **(CD 9)**

18. **22712—Eufloria Gypsy, LLC**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 303 North Martin Luther King, Jr. Drive East **(CD 4)**

19. **22705—Eller & Detrich – Lou Reynolds**  
Parking Variance from Table 55-1 of the Tulsa Zoning Code to permit ten existing, nonconforming parking spaces within the CS District; Variance from Section 55.090-B requiring parking areas to allow vehicles to enter and exit a street in a forward motion.  
**LOCATION:** 553 South Zunis Avenue East **(CD 4)**

20. **22713—Eller & Detrich – Lou Reynolds**  
Special Exception to permit Commercial Vehicle Sales & Rentals and Commercial Vehicle Repair/Maintenance in a CS District pursuant to Table 15-2 of the Tulsa Zoning Code.  
**LOCATION:** 550, 556, 560 North Memorial Drive East **(CD 3)**
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website: www.cityoftulsa-boa.org  E-mail: esubmit@incog.org

CD = Council District

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

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

STR: 9304
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 08/13/2019 1:00 PM (continued from 05/14/2019, 06/11/2019, 6/25/2019 and 07/09/2019)

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

PRESENT USE: residential

ZONED: RS-3

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.”
BOA-22626
Subject Tract

0 300 600

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Looking west—towards subject site—on S. Quebec Ave.
Looking northwest—towards subject site—on S. Quebec Ave.

Looking west—towards subject site—on S. Quebec Ave.
Looking west—towards subject site—on S. Quebec Ave.
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
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> 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.
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 918-596-2518 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
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 90. Regulations governing accessory uses and structures can be found in Chapter 45.

Table 5-3: R District Lot and Building Regulations

<table>
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### Table 5.3: Table Notes

The following notes refer to the bracketed numbers (e.g., [17]) in Table 5.3:

1. See Section 40.2[17] 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

[Signature]
Applicant’s Signature

4.3.19
Date

Approved by: ________________________________
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!
Mr. Metzler requested a continuance.

**Board Action:**

On MOTION of BACK, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) to CONTINUE the request for a 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) to the June 11, 2019 Board of Adjustment meeting; for the following property:

LOT-14-BLK-10, PAMELA ACRES, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

22626—Barbara Carson

**Action Requested:**

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

**Presentation:**

Barbara Carson, 624 South Denver, Tulsa, OK; stated her client purchased the subject house in February, and it was vacated at the time of purchase. After closing her client found the posted zoning notice violation, and it was posted prior to the closing but her client was not aware of it. Her client lives in California and want to move here because they have family here. There are two zoning violations in the original violation; one is the carport and she is not here for that, and the second violation is regarding the building setbacks in the front. The house is over those building setbacks.

Mr. Van De Wiele asked Ms. Carson if that was the brown wood structure on the front of the house. Ms. Carson answered affirmatively. Mr. Van De Wiele asked Ms. Carson how much the structure was over the setbacks. Ms. Carson stated that she thinks it is 20.7 feet.

Ms. Carson stated that what her client has found out by talking to a neighbor that has lived in the neighborhood since 1993, that structure was already existing at that time. Ms. Carson stated she has not been able to find any permits for the structure so she cannot be precise. What she is asking for is a Variance on that structure because if the structure has to be removed it will affect the structural integrity of the main house.
Mr. Van De Wiele asked Ms. Carson where the front door of the house is located. Ms. Carson stated that it is the right side. Mr. Van De Wiele asked Ms. Carson if the carport is to be removed. Ms. Carson answered affirmatively. Mr. Van De Wiele asked Ms. Carson if the carport can be removed without any structural issues but removing the front addition will cause the house to fall. Ms. Carson answered affirmatively.

Mr. Van De Wiele asked Ms. Carson to state her hardship. Ms. Carson stated the hardship is that the structure has been in existence for so long, at least 20 years.

Ms. Radney asked Ms. Carson if she has a structural engineer's report. Ms. Carson stated that she does not. Ms. Radney asked Ms. Carson who inspected the property and advised her that the front section is actually an integral part of the structured house. Ms. Carson stated that no contractor has gone to the house, but her client has renovated other houses but there has been no structural engineer. Ms. Radney asked Ms. Carson if the house had been purchased with cash or was it financed? Ms. Carson stated that she does not know.

Mr. Van De Wiele stated that he finds it hard to believe that this box (addition) could not be pulled off the house with very little issue. He guesses that it is a square footage issue for Ms. Carson's client.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
Ms. Radney stated that in the absence of having an engineer's report she does not think the Board has enough information to be able to make a judgment about removing the structure is going to do damage to the property. A licensed engineer would be able to tell Ms. Carson and the Board that, and also be able to show the Board what might have to be done to remediate any damage that was done to the structure.

Ms. Back stated the Board is to stay with the Code and what is the hardship to reduce the setback, and the hardship is that the removal would cause structural damage. There is no evidence to that, and she thinks it would cause a financial hardship.

Mr. Van De Wiele stated that there is a balance in some of what the Board does between the pure aesthetics of it and the hardship get blended together. Part of what is working in the applicant's disfavor is that somebody put a brown box on the front of the Craftsman style house, and it is not a good looking addition. If somebody had bumped the front of this property out by a few feet and it had a pitched roof with white clap board and pretty front porch the odds would be much better for the applicant. That is some of what works in the applicant's favor or disfavor in these types of settings.
Ms. Radney stated she would be more inclined to be more supportive if the applicant would present something that would allow the Board to understand that the addition is actually structurally sound.

Ms. Back stated that if the client were to modify the structure to make it enhance the house and was a part of the house instead of the brown box, she would be more inclined to support this request.

**Board Action:**
On MOTION of BACK, the Board voted 3-0-0 (Back, Radney, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond, Ross absent) to CONTINUE the request for a Variance to reduce the required street setback in an RS-3 District (Table 5-3) to the June 11, 2019 Board of Adjustment meeting; for the following property:

**LT 281 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma**

22627—Amanda Prickett

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

**LOCATION:** 3735 South Harvard Avenue East, Unit A (CD 9)

**Presentation:**
Amanda Prickett, 3735 South Harvard Avenue, Suite A, Tulsa, OK; no formal presentation was made at this time.

Travis Horton, 2021 South Lewis Avenue, Suite 520, Tulsa, OK; no formal presentation was made at this time.

Mr. Van De Wiele stated the Board has the spacing exhibit on page 5.6. What has thrown this into a different situation is the existence of another licensed dispensary, but the dispensary does not have a Certification of Occupancy or it has not had its spacing verified from another dispensary in the same strip center. Mr. Van De Wiele asked the applicant to shed some light on the situation and from what is understood about the timeline of the competing dispensary.

Travis Horton came forward and stated that neither entity is grandfathered in, they are both after the December date, so a Variance is required. Both obtained a license in February of this year. Ms. Prickett's Certificate of Occupancy was obtained in March.

Mr. Van De Wiele asked if this was the same landlord for both dispensaries. Ms. Prickett answered no. Mr. Van De Wiele asked if the dispensaries were in the same center. Ms. Prickett stated the very large part of the shopping center is detached from
22668—1 Architecture, LLC

Action Requested:
Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020). LOCATION: 1316 South Sheridan Road East (CD 5)

Presentation:
The applicant has requested a continuance to July 23, 2019.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020) to the July 23, 2019 Board of Adjustment meeting; for the following property:

BEG NEC SE NE TH W200 S280.93 E200 N280.93 POB LESS N30 & E50 FOR ST SEC 10 19 13 .864AC, City of Tulsa, Tulsa County, State of Oklahoma

**********

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today; Mr. Bond is out of town. Most motions the Board makes it will require an affirmative vote of three of the remaining four members. When there is less than a full Board, the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. Mr. Van De Wiele asked if there were any applicants or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

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UNFINISHED BUSINESS

22626—Barbara Carson

Action Requested:
Variance to reduce the required street setback in an RS-3 District (Table 5-3). LOCATION: 252 South Quebec Avenue East (CD 4)

07/09/2019-1232 (2)
**Presentation:**  
*Barbara Carson*, 624 South Denver, Tulsa, OK; stated she has received the report from the Engineer, and in deference to the Board it makes no claim one way or the other as to the structure. She did not want to muddy the waters, but she did not think there was any point in giving the report to the Board because there is no useful information in the report.

Mr. Van De Wiele stated that he will defer to the applicant's judgement as to whether the report should be made part of the record or not. In the absence of the report, Mr. Van De Wiele asked Ms. Carson to tell the Board what the hardship would then be to reduce the street setback.

Ms. Carson stated that she has been able to verify the addition was installed to the main house over 25 years ago. Mr. Van De Wiele asked if that pertained to the front portion that was added and to the covered area on the side of the house. Ms. Carson stated that the side addition will be removed, so the only thing that needs to be focused on is the frontage which goes over the setback line.

The addition has been on the house for over 25 years, and if it is removed the house footprint will cut almost in half. The front addition is over a third of the footprint of the entire house. Ms. Carson stated her client lives in California and wants to come back to Tulsa, but in the interim he bought this piece of property to rehab and then rent it until he makes the move Tulsa, and when he does come back, he will live in the subject house.

Ms. Ross asked Ms. Carson if her client has any intentions of installing new siding on the front addition to match the rest of the house? Ms. Carson answered affirmatively. Ms. Carson stated her client has been working with the neighbor next door to let him know that he plans to remove the side addition and her client wants to make the outside of the house to look better because he does not think the house outside looks good either. Ms. Carson stated that her client does not want to remove the front addition because it is a large living space for the house.

Mr. Van De Wiele stated if the request being discussed because of a slight encroachment, where the front of the house was literally being brought out, and the roof line came out to match it and it had a traditional front entry he would be more sympathetic with the applicant’s cause. What is holding him up is that this addition is fairly unsightly in his opinion. He cannot support this request knowing that this would be the end product. Ms. Carson stated she understands Mr. Van De Wiele’s statement, however, it has been the product in the neighborhood for over 25 years. Ms. Carson stated that she does not know what prompted a zoning violation as soon as her client purchased the subject property.

Mr. Van De Wiele stated he too does not know what prompted the zoning violation, but if the applicant would provide plans it might help the Board in their decision. One of the
things that the Board looks at is how that stylistically matching up with the house. If it was never legally non-conforming, then it is not legally non-conforming now. Mr. Van De Wiele stated he is having a hard time finding a hardship to approve this request.

Ms. Carson stated there is no definition for hardship in the Zoning Code, and she asked the Board for a definition. Mr. Van De Wiele stated that a hardship cannot be self-imposed, they cannot financial, so making the house smaller and thus not rentable at a higher rate is not a hardship the Board could consider. Ms. Carson asked if the client were to remove the front addition and then found out the house is not large enough to move his family into the house, is that a hardship? Mr. Van De Wiele stated that the size of a family is partially a self-imposed hardship.

Ms. Ross stated that she sees the hardship as an individual who purchased a house, and this is how it has existed for 25 years, she finds that to be a hardship. If that front addition is needed for a family that creates a hardship. Ms. Ross stated that she feels that the owner is meeting the Board part of the way by agreeing to remove the carport. Ms. Ross stated that she agrees that a front door in the front of the house would be helpful and seeing the plans for renovation for the house would be nice. The fact that the addition has been there for 25 years and then receives a zoning violation two days before the purchase of the house, or a Letter of Deficiency, is not self-imposed.

Ms. Carson stated that her client did everything properly when he closed on the house. These violations are not found in the title work, and her client found out about the violation four days after he closes.

Mr. Van De Wiele asked Ms. Carson if her client found out about the violation before the closing. Ms. Carson answered no. Ms. Carson stated the violation was posted four days prior to closing, the property was bank owned due to foreclosure, and her client purchased the subject property from the bank, and no one was living in the house. Her client signed the paperwork in California with the closing company and he was never noticed of the violation. Her client saw the posting on the door when he came to look at the property.

Ms. Radney asked Ms. Carson when the survey was done. Ms. Carson stated the closing was February 22\textsuperscript{nd} and the original posting of the zoning violation was February 18\textsuperscript{th}. Ms. Radney asked if the survey that is shown on page 3.1 was provided by Fannie Mae because if the survey provided was in the abstract the buyer was informed. Ms. Carson answered no and stated that it is another one. Ms. Carson stated that her client found someone that had done the survey and he paid for a copy of that survey performed in November 2018, because her client did not want to pay for a new survey.

Mr. Van De Wiele asked Ms. Carson what the owner’s name is. Ms. Carson stated that the owner is Dave Thompson.

Ms. Radney asked Ms. Carson who performed the structural inspection. Ms. Carson stated that it was Knox Inspection.
Ms. Radney asked Ms. Carson if the original footings for the house conform with the setbacks or is it just the front addition that is problem? Ms. Carson stated that it is just the front addition; the original footing was fine.

Ms. Radney stated that she is one of the members that wanted more evidence to support the letter stating the buyer assumed that there would be structural damage if the front was removed. Not having the Knox report today is not helpful. Ms. Carson offered a copy of the Knox report to the Board.

Ms. Ross asked Ms. Carson what the front addition is used for. Ms. Carson stated she would call it a living room.

Ms. Radney asked the front addition had its own ventilation system, is it connected with its own heat and air or is there duct work connecting it to the rest of the house; how is it heated and cooled? Ms. Carson stated she believes it has duct work because everything is in the addition just as though it was built with the house. Ms. Radney asked Ms. Carson if there was one system in the house. Ms. Carson answered affirmatively.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
Ms. Shelton stated she is not for a straight denial of this request. She thinks that even if the front addition were removed the house would still be well over the setback lines. Ms. Shelton stated she would like to see the front addition removed; she does not believe it is structural. She believes the addition is probably a porch that has been covered up.

Mr. Van De Wiele stated he has no problem with approving a reduction of the setback, looking at the point of transition between the brown wood addition and the white siding portion of the house. If this were a more customary addition, he might be able to go with an additional encroachment, but this is certainly sticking out farther than the other houses on the street. He has a hard time approving this without knowing what this will look like in the future.

Ms. Radney stated that she believes there was sufficient time to provide the Board with more information along those lines, because the Board’s prior questions certainly led in that direction.

Ms. Ross stated she could approve the request if she knew there was going to be siding around the addition and a front door would be added, only because it has been there for so long.
Ms. Radney stated these are questions to be asked during the inspection period and she is not buying this. Ms. Radney stated she is sympathetic but everything about this property screams that it is not conforming. To not have done a survey at the time of purchase seems derelict, whether it is a cash purchase or not. She is unconvinced; she thinks this is self-imposed.

Mr. Chapman stated the applicant, Ms. Carson, waived the Letter of Deficiency requirement so there was never a Letter of Deficiency received, so there is not a pending permit to be released. The only issue they are dealing with is the notice of violation.

Ms. Radney stated that she would like a diagram of the roof line for the structure; both the flat roof that extends out on the front with the brown siding as well as the pitched roof that goes to the west, and with documentation showing the Board where those transitions occur as it relates to the property line and the building setback line, overlaying that on top of the survey in a measured fashion. Ms. Radney stated she would also like information that would describe how the addition could be made more aesthetically pleasing to tie it all together and get a front door. Ms. Radney stated she would also like to know exactly how much square footage is under the brown portion of the addition; she does acknowledge if that is livable space and it suddenly had to disappear that would be a hardship.

**Board Action:**

On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Variance to reduce the required street setback in an RS-3 District (Table 5-3) to the August 13, 2019 Board of Adjustment meeting; for the following property:

LT 281 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

22661—City of Tulsa – Jackie Bubenik

**Action Requested:**

Special Exception to permit a parks and recreation use in an AG District (Table 25-1). **LOCATION:** 7301 South Riverside Drive East (CD 2)

**Presentation:**

Jackie Bubenik, Landscape Architect, Tulsa Parks Department, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the old plan for this park was approved “per plan” and he would like approval for the conceptual plan. Construction is under way for the new playground sign and shelters.

Mr. Van De Wiele asked Mr. Bubenik if this would involve the north end of the park. Mr. Bubenik stated that it would not.

07/09/2019-1232 (6)
UNFINISHED BUSINESS

22626—Barbara Carson

Action Requested:
Variance to reduce the required street setback in an RS-3 District (Table 5-3).
LOCATION: 252 South Quebec Avenue East (CD 4)

Presentation:
Barbara Carson, 624 South Denver, Tulsa, OK; stated that at the last meeting the case was continued in order to get an inspection or engineering report. As of this morning the report is being typed; the inspection is complete, but she does not have the report. Ms. Carson requested a continuance to the next Board of Adjustment meeting so the report can be reviewed and discussed.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Radney absent) to CONTINUE the request for a Variance to reduce the required street setback in an RS-3 District (Table 5-3) to the July 9, 2019 Board of Adjustment meeting; for the following property:

LT 281 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

22651—Robin Stanley

Action Requested:
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 106th Street South (CD 8)

Presentation:
Robin Stanley, 8010 East 106th Street, Tulsa, OK; stated the facility will be located on the corner of the center next to Papa John's.
Action Requested:
Variance to reduce the required street setback in an RS-3 District (Table 5-3).

LOCATION: 252 South Quebec Avenue East (CD 4)

Presentation:
The applicant requests a continuance to June 25, 2019.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to CONTINUE the request for a Variance to reduce the required street setback in an RS-3 District (Table 5-3) to the June 25, 2019 Board of Adjustment meeting; for the following property:

LT 281 BK 1, RODGERS HGTS SUB, City of Tulsa, Tulsa County, State of Oklahoma

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MINUTES

On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Ross, Radney, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to APPROVE the Minutes of the May 14, 2019 Board of Adjustment Special meeting (No. 1228).

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UNFINISHED BUSINESS

22617—Jarrett Metzler

Action Requested:
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 7th Street South (CD 3)
Re: Structural Inspection of House Located at 252 South Quebec Avenue, Tulsa, Oklahoma

June 24, 2019

David Thompson
2802 East Los Alamos Court
Gilbert, Arizona 85295

Dear Mr. Thompson:

PURPOSE AND SPECIFIC CONDITIONS OF THE INSPECTION

This inspection report is provided to the above named customer only upon the terms stated in the Inspection Agreement (IA) between the customer and Knox Inspection Services, Inc. (KIS). If the customer does not accept the terms of the Inspection Agreement, the customer shall immediately contact the office of KIS, and the inspection reports shall remain the sole property of KIS. Possession of this written inspection report by the customer shall constitute acceptance of the terms of the Inspection Agreement. The Inspection Agreement is available at our office, from any of our inspectors, or, upon request it will be faxed, mailed or delivered electronically to you.

The following inspection report is intended to comply with the Customer's specific request and/or the Oklahoma Uniform Contract of Sale of Real Estate as approved by the Oklahoma Real Estate Commission 11-2009. Paragraph 7. B. The items inspected herein were generally evaluated by the definition of "Normal Working Order" as defined in said Contract of Sale. Components and improvements outside of the main building are not included herein and only available by separate request for inspection. Please review the important information at the end of this report.

This portion of the inspection has been performed by Mr. Barrick S. Rosenbaum., P.E., a professional engineer, registered with the State of Oklahoma Board of Professional Engineers and Land Surveyors. (OK PE 17230). Mr. Rosenbaum is an independent contractor operating under the professional name Barrick S. Rosenbaum, P.E.

The following inspection report is for an examination of the main building for evidence of defects in the readily visible structural components. Evaluation of improvements detached from the main building is available by specific request to our office and not included herein. The inspection was performed on June 22, 2019.
DESCRIPTION OF PROPERTY AND IMPROVEMENTS

The house faces east for report purposes and is a one story, timber framed structure with vinyl siding and trim on the exterior, asphalt composition shingle roofing and a detached garage towards the northwest area of the subject property. The detached garage was not included in this inspection. The house was reportedly constructed in 1928 with multiple add-ons at an unknown date.

The original foundation system appeared to be conventional continuous concrete footings with concrete stemwalls supporting a wood framed floor system above a crawl space. The foundation for the east addition of the house was provided by concrete block stemwalls, which supported the wood framed first floor. The visible first floor framing was 2x8 joists at 16" on center supporting plywood east and 1x8 solid wood floor decking (original home) placed diagonally across the tops of the joists. Roof framing was 2x6 site-built rafters at 24" on center, with stiff backs, and diagonal struts to tops of interior load bearing partitions providing support, and ceiling joists acting as collar ties. Plywood decking, compressed waferboard decking, and 1x4 stripping had been provided to support the roofing layer. 1x4 spaced stripping had been provided to support the original wood shingle roof surface. Roof flashing and penetrations consisted of galvanized metal and appear tight. The rubber boots at the penetrations were noted as having moderate deterioration. Sheet metal air distribution ducts for the first floor were located in the attic.

There was a wood framed porch at the front covered with an extension of the roof framing and a wood framed deck in the back which was covered with a prefabricated metal roof. The house is located on a site which slopes gently downward toward the east. Grade differential was provided by concrete block retaining walls in the front yard along the east side of the elevated subject property. Masonry retaining walls may consist of layers of different materials.

The elevation of interior floors was not measured or evaluated for "level" conditions. Where "levelness" may be a concern, KIS offers a Floor Elevation Survey using a ZipLevel Pro-2000 by Technidea, Corp to develop a topographic plan of the floor as and additional service. A survey of this type may be used to make recommendations for interior floor elevation adjustments as required.

OBSERVATIONS

STRUCTURAL

On the interior, a representative number of doors as possible were checked for proper operation and to verify that the edges of the doors were parallel with the jambs and heads. Interior ceiling and wall surfaces were examined as possible to determine if any visible evidence of structural activity was present at the time of inspection. Floor surfaces were examined as possible depending upon covering and/or adequate crawl space access to determine if there was evidence of structural activity or deformation.
On the exterior of the home, the visible and readily accessible portions of the roof surfaces, siding or trim, exposed foundation elements and exterior door and window openings were carefully examined for evidence of structural activity.

The function of interior doors is checked because contact or misalignment at the edges is a common indicator of interior slab or perimeter foundation movement. A representative number of doors appeared to be functioning properly at the time of this inspection. However, typical minor misalignment and varying widths of the gaps around the doors was noted.

No locations of significant interior cracking were noted at the time of this inspection.

Throughout the interior of this home, the wood framed floors were slightly uneven. This is a normal characteristic of floor structures of this type. Wood floor and ceiling framing has a tendency to sag over an extended period of time under the weight of permanently applied materials. This long-term deflection results in minor misalignment between the edges of the doors and the door frames, minor cracking at the corners of door and window openings, and occasionally minor cracking of ceiling surfaces. Minor cracking and seasonal binding of doorways is also common with the swelling and shrinkage of the supporting clay soils beneath the foundation. These types of evidence were noted throughout the interior of this home with no pattern established to any cracking or misalignment that might indicate any unusual or unexpected floor framing or foundation activity. Although cracking and misalignment were minimal at the time of this inspection, such evidence of normal framing movement may appear at some time in the future.

The inspection of the attic included examination of the decking and framing elements, which were visible from the access in the hallway. General configuration of the framing and a representative number of readily visible components were examined for damage or distortion. A complete examination of every framing member or decking area was not made. Loose fill insulation covered much of the ceiling framing. The limited examination of the attic revealed no unusual or unexpected conditions. Attic ventilation was provided by gable vents.

An examination of the reasonably accessible portions of the crawl space revealed no issues.

On the exterior, no cracks were noticed due to vinyl siding on the exterior.

Guttering had been installed at some areas of the roof. Sagging guttering was observed along north side of carport area. Missing splash pads and downspouts were noticed.
CONCLUSIONS

STRUCTURAL

Considering the evidence described above, it is the opinion of this inspector that there has not been a history of movement or damage that should be considered structurally defective.

Please note that it is common for structures built in areas with mildly active clay soils at the foundation level to experience minor amounts of foundation movement and/or slab movement over the expected life of the structure. If this activity should occur, it may be indicated by some of the types of evidence described above. In most cases the movement is not significant and does not detrimentally affect the structural integrity of the home. However, if any evidence indicates that significant amounts of movement or damage have occurred, it may be necessary to consider remedial measures.

RECOMMENDATIONS (Often referred to as "requirements" by lenders)

STRUCTURAL

There are no recommendations for remedial structural measures (i.e. piering) resulting from evidence available at the inspection.

The condition of existing deteriorated wood and conditions conducive to deterioration of structural components is reportedly detailed in the Wood Destroying Insect (WDI) and Wood Destroying Organism (WDO) inspections that are available from a Pest Inspection Company and provided independent of Knox. By specific request, a Structural Wood Deterioration Inspection Report is available by a licensed member of our staff to inspect for deterioration of structural and wood components. Deteriorated wood components should be removed and replaced as they become known.

It is recommended that the floor of the crawl space be covered with a vapor barrier to minimize humidity levels. It is recommended that masonry curbs be placed around the crawl space access hatch on the south side of the house to prevent surface water from entering the crawl space area. A detail of a typical crawl space access hatch is attached.

As with any structure, it will be necessary for the owner to exercise normal maintenance procedures to minimize or eliminate future structural activity in the home. It is extremely important to provide a complete copy of this report, including all descriptions, observations, conclusions, recommendations, drawings, and specifications to all repair personnel who may be providing cost estimates and/or repair services. Details of cosmetic repairs or similar improvements are not included as part of this inspection.
Important information about this report:

Per the Requirements prescribed by the State Board of Licensure for Professional Engineers and Land Surveyors, determination of need for repair and design of repairs to defective structural components (if any) is to be performed by a Licensed Professional Engineer. The complete remediation design, including but not necessarily limited to the drawings, specifications, and details of the repair(s) to the defective structural components (if any) described in this inspection report, is often beyond the scope of this initial inspection.

This inspection report represents only the inspector's opinion and visual observations at the time of the inspection. The report is based on the information provided to the inspector, the weather and soil moisture conditions, and the experience of many previous inspections. The inspection and report are not intended to provide a warranty, guarantee, or assurance of latent or disguised defects that may be discovered in the future. A bid or estimate of repair costs should be obtained from repair contractors in the respective trades. Failure to obtain contractors' bids and perform all of the repairs recommended in this report before "closing" is a serious mistake! There are often additional problems found when the original report recommendations are performed, resulting in a greater cost than anticipated. This singular inspection does not provide for a "complete" property inspection. The Inspection Agreement is an essential part and condition of this inspection report.

At the discretion of the Customer the repair process recommended by the Professional Engineer can be monitored by the Engineer or the Engineer's representative until completed by the repair contractor. A written document of completion will be provided to the Customer as prescribed in the Guidelines by the State Board of Professional Engineers. There is a fee (other than the original Inspection fee) for monitoring the repair process and providing the written document of completion to the Customer.

If may be necessary for the Engineer to consult with the repair contractor of the Customer's choice, re-visit the site to thoroughly investigate the visible conditions, and take measurements, to prepare the repair design drawing(s) and specifications by the State Board of Professional Engineers. Acquisition of any previous repair documentation for consideration by the Engineer is the responsibility of the Customer. There is a fee (other than the original inspection fee) to prepare the drawing(s) and specifications (beyond the documents originally provided) for the recommendations described herein.

As directed by the customer's choice of inspection services, this inspection and report does not meet the terms of the Oklahoma State Law prescribing a particular type of general home inspection. The items included in this inspection were performed at the specific request of our client and to the terms described in this Report. We offer many different types of home inspections which include a variety of items to be inspected and criteria by which those items are evaluated, including the home inspection prescribed by the Oklahoma Home Inspection, Title 158, Chapter 70.
This Inspection does not include probing and/or inspection for deteriorated structural components as described in Oklahoma Statutes 158:70 as regulated by the Construction Industries Board. Any discussion or report of the items referenced in these sections of the law does not constitute an inspection of the referenced items, and scope of this inspection does not include inspection for the deterioration of the items referenced in the Oklahoma Statutes above. Inspection for the structural and exterior components described in the herein referenced Oklahoma Statutes is available only by a separate inspection individually offered on our price list and in the MAXIMUM INFORMATION INSPECTION GROUP.

If you have any questions regarding the contents of this report, please feel free to contact me at 918-744-8128.

Sincerely,

Barrick S. Rosenbaum, P.E.
Professional Engineer Barrick S. Rosenbaum. (OK PE 17230)
Engineering services performed on behalf of
Knox Inspection Services, Inc. (CA 1555)
BSR/ck

Reviewed By,

D. Douglas Helt, P.E.
Engineer of Record for
Knox Inspection Services, Inc. (CA 1555)
DDH/ck

Thompson/#190867
6
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9310
CZM: 38
CD: 5


APPLICANT: Nick Denison

ACTION REQUESTED: Special Exception to allow a High-impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020)

LOCATION: 1316 S SHERIDAN RD E
ZONED: IM

PRESENT USE: Automotive / Storage
TRACT SIZE: 37640.35 SQ FT

LEGAL DESCRIPTION: BEG NEC SE NE TH W200 S280.93 E200 N280.93 POB LESS N30 & E50 FOR ST SEC 10 19 13 .864AC,

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-22616; on 4.23.19, the Board approved a special exception to allow an Industrial/High-Impact Medical Marijuana Processing Facility in the IM district subject to plans submitted by the applicant. LOCATED: 1202 S. Sheridan Road (Directly north of subject property)

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

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

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

3.2
REVISED 7/31/2019
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IM zoned lots on all sides.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to allow an Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020) in an existing industrial building.

Per the Code, a Special Exception is required for any high-impact manufacturing and industry use in the IM district due to potential adverse effects on surrounding properties that could be controlled through additional conditions. Additional consideration is needed for these uses to ensure compatibility of land use and prevent injury to surrounding properties. High-impact manufacturing and industrial uses are uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete batch plants, and tanneries.

In Section 35.070-C.2, a High-Impact Medical Marijuana Processing Facility is defined as an establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.

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

Sample Motion

Move to ________ (approve/deny) a Special Exception to allow a High-impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020)

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit a projecting sign to be located within the City of Tulsa planned street right-of-way (Section 60.020-E), subject to conceptual plans 3.11 and 3.12 of the agenda packet. The Board acknowledges that a license and/or removal agreement is required. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

Lt 20 & 21, Blk 4, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22616—Sequoyah Industrial Group — Gabe Palacios

Action Requested:
Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020). LOCATION: 1202 South Sheridan Road East (CD 5)

Mr. Van De Wiele recused at 1:49 P.M. and left the room.

Presentation:
Gabe Palacios, 516 South Boston Avenue, Tulsa, OK; stated this project encompasses every aspect of the cannabis industry; cultivation, extraction, culinary, testing lab, retail supply store. The retail supply store takes up about 10,000 square feet of the proposed 140,000 square foot facility. The project will have an impressive impact on the area and Tulsa. Mr. Palacios read and submitted a letter to the Board from Greg Mosley, Thompson Manufacturing Company which is located across the street to the north; the letter was supportive. About 2,000 square feet of the subject building is proposed for ethanol extraction; ethanol is a food grade material, like Everclear. The building occupies an entire city block and has a 300-foot radius within its own property. Architecturally and structurally the extraction room will be surrounded by concrete walls. This will be a state-of-the-art facility operated by some of the experts and leaders of the industry in the nation. When the property belonged to Warehouse Market the chemicals that were stored there were much more dangerous than the chemicals to be used; i.e., Warehouse Market had a 5,000-gallon diesel storage container on site and several pallets of lighter fluid. Mr. Palacios stated that he met with Mr. Paul Ator of City of Tulsa HazMat team, and Mr. Ator toured the facility, looked at all the documentation and said there is no issue with this type of process on site. The extraction process is a closed
loop system where there is no open flame exposure, and when it is stored it is in a freezer unit.

Ms. Ross asked why the map has the boundary line going through the middle of the building. Mr. Palacios stated that he does not know why it is that way on the map, but the entire building is included. Mr. Wilkerson stated it is there because of the legal description that was provided. Mr. Palacios stated all three parcels were submitted as part of application, so why the boundary line shows in the middle of the building is unclear.

Ms. Back asked Mr. Palacios if he received anything in writing from Mr. Ator about his visual conclusions of the subject site. Mr. Palacios stated that he did not bring it to the meeting, but he could provide a copy later. Ms. Back asked Mr. Ator to provide a copy to INCOG for the case file.

Mr. Swiney stated that the item before the Board today is only for the extraction processing facility; it has nothing to do with the retail section. There is a retail feature that appears on Exhibit 4.10 and there are other requirements of the Zoning Code when it pertains to dispensaries and that is not before the Board right now.

Mr. Palacios stated that the retail he spoke of earlier is actually a grow supply store, i.e., drain trays, lights, soil, etc.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of BOND, the Board voted 4-0-1 (Back, Bond, Radney, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to APPROVE the request for a Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020), subject to conceptual plans 4.10 and 4.11 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**BEG** 655S & 50W NEC NE TH S635.92 TO N R/W E13TH ST TH W299.27 N235.30 W151 N399.52 TO S R/W E 12TH ST TH E447.57 POB SEC 10 19 13 5.754ACS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 2:02 P.M.
SEQUOYAH INDUSTRIAL GROUP
1200 S SHERIDAN RD, TULSA, OK 74112

LEGAL DESCRIPTION
SEC 16 W T/P Osage R 13
NW 1/4, NE 1/4, SE 1/4, SE 1/4 NRM 13TH ST
TH N 200, 210 SOK 3 91 14 94.02 TO S RM 13TH ST
Rm 11-149, 159 POB SEC
UNPLATTED SURVEY, CITY OF TULSA, TULSA COUNTY

PROPOSED USE: LOW, MODERATE, & HIGH IMPACT MANUFACTURING
ZONING: KM - MODERATE MANUFACTURING (CITY OF TULSA JURISDICTION)
HIGH IMPACT MANUFACTURING BY SPECIAL EXCEPTION (PER 2200)
MIN LOT AREA = NA (PER TABLE 15.8)
STREET (FRONTAGE) = 130' (PER TABLE 3.8)
MAX STREET WIDTH = 120 FT (MAX friction MAY PER TABLE 3.8)
SETBACKS - 10' FROM STREET
25' FROM O DISTRICT - NA (BONDING WITHIN 2,000 FEET)
MAX BUILDING HEIGHT - NA

PARKING:
LOW, MED, & HI MANUFACTURING - 1,300+ SPACE X 125 SPACES PROVIDED ON SITE

SUITES:
SUITE A - 6,000 SF - OFFICES, EMPLOYEE HYGIENICS, & EQUIPMENT STORAGE
SUITE B - 5,555 SF - GROWTH MEDIUM STORAGE
SUITE C - 4,000 SF - CLONE LAB
SUITE D - 3,000 SF - GROW ROOMS
SUITE E - 3,000 SF - GROW ROOMS
SUITE F - 11,862 SF - DRYING, CURING, BUCKTRIM, KITCHEN, FREEZER, & EXTRACTION LAB
SUITE G - 9,804 SF - RETAIL SPACE
SUITE H - 4,700 SF - THIRD PARTY TESTING & RETAIL SPACE

TOTAL BUILDING SQUARE FOOTAGE:
BUILDING A - 135,000 SF
BUILDING B - 4,700 SF
Subject Tract
BOA-22668
19-13 10

SHERIDAN RD
E 13 STS

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

Aerial Photo Date: February 2018
View from Sheridan Road

View from 13th Street
Permit Number: ZCO-029652-2019

Review Type: Zoning Reviews (Comm)
Status: Requires Re-submit
Version: 1
Received Date: 04/18/2019
Due Date: 05/09/2019
Completed Date: 05/21/2019

Review Items

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Completed Date: 05/21/2019
Assigned To: Kolibas Bob
Review Item: Details

Results per page: 10 of 1

Comments: No comments to display.
Recommendations: No records to display.
Corrections:

Correction Order:
1
Type:
General
Resolved:
No
Resolved On:

https://tulsaok.tylertech.com/EnerGov4934/Service#/permit/a7cad71c-b77d-4ad7-ac81-6f0e881cbf17/submittal/f0b46e63-1388-4aac-a221-940e7...
Comments

15.020-C Special Exception Uses: Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special exception procedures of Section 70.120. Special exception uses are subject to compliance with any supplemental regulations identified in the final column of Table 15-2 and with all other applicable regulations of this zoning code.

Corrective Action

Review Comments: The proposed high-impact medical marijuana processing facility requires a special exception from the BOA located in an IM zoning district.

<< < 1 > >>

Results per page 10 ▼ 1 - 1 of 1

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Chapman, Austin

From: Nick Denison <nick@1architecture.com>
Sent: Monday, July 15, 2019 4:42 PM
To: Chapman, Austin; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

My mistake, I thought the BOA meetings were held every 2 weeks.
If you could please make note on the agenda that the Owner is requesting a continuance from 07.23.19 to 08.13.19.
I will be in attendance on 07.23.19 to address any questions.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074

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From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Monday, July 15, 2019 4:36 PM
To: Nick Denison; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

Nick,

We don’t have a meeting on the 6th we have a meeting on the 13th of August. The Board approved your continuance to the 23rd so they would have to approve the continuance at their 23rd meeting. I don’t think there would be an issue but we would recommend you have a representative present in case they have any questions.

Best,
Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
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.

From: Nick Denison <nick@1architecture.com>
Sent: Monday, July 15, 2019 4:21 PM
To: Chapman, Austin <AChapman@incog.org>; Sparger, Janet <JSparger@incog.org>
Cc: tim.townhill@gmail.com <tim.townhill@gmail.com>
Subject: RE: Application 22668 - Request for Continuance

Austin,

I apologize, but would it be possible to push back our meeting date until 08.06.19?
The Owner is having difficulty making it into town on 07.23.19, and I believe you had said that the agenda that day was pretty booked up as it is.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074
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Received thank you.

From: Nick Denison <nick@1architecture.com>
Sent: Tuesday, July 2, 2019 11:34 AM
To: Chapman, Austin <AChapman@incog.org>; Sparger, Janet <JSparger@incog.org>
Cc: tim townhill (tim.townhill@gmail.com) <tim.townhill@gmail.com>
Subject: RE: Application 22668 - Request for Continuance

Yes, my apologies.
I did mean the 07/23/19 meeting date.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074
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From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Tuesday, July 02, 2019 11:32 AM
To: Nick Denison; Sparger, Janet
Cc: tim townhill (tim.townhill@gmail.com)
Subject: RE: Application 22668 - Request for Continuance

Janet,

Nick do you mean the 7/23/2019 meeting?

Best,

Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
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.
From: Nick Denison <nick@larchitecture.com>
Sent: Tuesday, July 2, 2019 11:27 AM
To: Chapman, Austin <AChapman@incog.org>
Cc: tim townhill (tim.townhill@gmail.com) <tim.townhill@gmail.com>
Subject: Application 22668 - Request for Continuance

Austin,

Per our phone conversation, the Owner is requesting that the date for the continuance be pushed from 07/09/19 to the following BOA Hearing Date of 09/23/19 so that they can make arrangements to travel into town. Would you please provide confirmation that this request is acceptable.

Thank you,

Nick Denison
Principal
1Architecture, LLC
1319 E. 6th Street
Tulsa, OK 74120
PH-(918) 764-9996
FX-1-866-834-9074
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Ms. Radney stated that on the map The House of Bud appears in the center of the 1,000-foot radius circle but it looks as though the 1,000-foot radius does not reach out correctly.

Ms. Leonard stated that there is not another dispensary for about 1 ½ miles from her location.

Mr. Van De Wiele asked Ms. Blank if the Board can accept the verbal testimony from the applicant that there is nothing within the 1,000-foot radius. Ms. Blank stated that it is at the Board’s discretion; it is helpful to be consistent in what is required from applicants and in the decision process.

Ms. Ross stated that for purposes of the record the Board needs to have an accurate map.

Interested Parties:
The there were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to CONTINUE the request for a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) to the July 9, 2019 Board of Adjustment meeting; for the following property:

LTS 1 2 BLK 1, 3RD CRESTVIEW ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

Action Requested:  
Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020). LOCATION: 1316 South Sheridan Road East (CD 5)

Mr. Van De Wiele recused and left the meeting at 1:38 P.M.

Presentation:  
Nick Denison, 1Architecture, 1319 East 6th Street, Tulsa, OK; stated he is representing the owner of the subject site today. The site is located in an industrial moderate zoning
district and the owner would like to be able to do high impact processing using the butane processing. There has been another entity to the north approved for the same high impact processing.

Ms. Ross asked Mr. Denison to explain what is involved in high impact processing. Mr. Denison stated there are different types of processing but this one would be butane processing. Mr. Denison stated the owner has a more profound knowledge of the process and they were to be here today but have not made it.

Ms. Radney asked Mr. Denison where the other entity is located in relation to his subject site and asked if all the buildings were contiguous. Mr. Denison stated the 15,000 square foot facility is all one building with a smaller building in front. Mr. Denison stated the site that was approved for processing is north of the subject site and it is across 13th Street.

Ms. Shelton asked Mr. Denison if the subject site would have a retail center. Mr. Denison stated that it will be a growing facility primarily.

Mr. Bond asked Mr. Denison what type of emissions would there be with the butane manufacturing. Mr. Denison stated he did not know.

Ms. Ross asked Mr. Denison if his client was a national corporation that does this process or is the client some one local. Mr. Denison stated the owner of the building is local and his client is leasing the facility and they are based in Texas. Ms. Ross asked if it was an individual. Mr. Denison stated there are three partners.

Ms. Shelton asked Mr. Denison if there would be any outdoor storage or will all the product be kept indoors. Mr. Denison stated there would be no product kept outside.

**Interested Parties:**

**Travis Anderson,** 1202 South Sheridan Road, Tulsa, OK; stated he is the neighbor to the north of the subject property, and he owns Sequoyah Industrial. Mr. Anderson stated the really safe product that he uses is ethanol and he does like butane; it is a fairly safe product if it is used in a closed loop extraction system and if the butane is stored correctly. Mr. Anderson stated that his facility has eight-inch concrete walls, 30-foot high ceilings, and an interior self-contained ceiling with an explosion proof and spark proof room for the butane facility. Butane is completely different from ethanol. Ethanol burns and butane explodes. Mr. Anderson stated he has fire protection that starts with eight-inch mains. Grow houses in the City of Tulsa and in Tulsa County now require fire protection sprinkler systems. This is a learning experience is the industry as well as the people that are responsible at the City for making the decisions. Mr. Anderson stated that he does not have a neighborhood that is within 300 feet of his facility, and the subject site has neighbors to the west within 30 feet.
**Rebuttal:**

Nick Denison came forward and stated his client is starting with a metal shell and the owner is prepared to do whatever is required with the butane processing.

Mr. Bond asked Mr. Denison if there were any obnoxious emissions with the butane processing. Mr. Denison stated that he is not aware of any.

**Comments and Questions:**

Ms. Ross stated she needs more information about the applicant’s processing. Is it injurious to the neighborhood? Is it detrimental to the public welfare? She needs more information.

Ms. Radney stated this is outside the scope of her expertise, but she does appreciate that the facility to the north presented the Board with a lot more information in his case so the Board knew what they would be doing to ensure public safety. It would be nice to have more information in this case.

Ms. Shelton stated that she does not want to approve this assuming the applicant will do right with the safety factors.

Mr. Bond asked Ms. Blank if there were extraction models that are permitted within the City. Mr. Wilkerson stated that he believes that is managed through the Fire Code, and that is part of the building code. Mr. Wilkerson stated that was part of the discussion when it was decided what processes should be called high impact and which should be moderate and which should be light, and the Fire Code was relied on heavily throughout that discussion and what the Fire Marshall had to say.

**Board Action:**

On MOTION of ROSS, the Board voted 4-0-1 (Bond, Radney, Ross, Shelton "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to CONTINUE the request for a Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020) to the July 9, 2019 Board of Adjustment meeting; for the following property:

BEG NEC SE NE TH W200 S280.93 E200 N280.93 POB LESS N30 & E50 FOR ST SEC 10 19 13 .864AC, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 1:55 P.M.
22668—1 Architecture, LLC

Action Requested:
Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020). LOCATION: 1316 South Sheridan Road East (CD 5)

Presentation:
The applicant has requested a continuance to July 23, 2019.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020) to the July 23, 2019 Board of Adjustment meeting; for the following property:

BEG NEC SE NE TH W200 S280.93 E200 N280.93 POB LESS N30 & E50 FOR ST SEC 10 19 13 .864AC, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele explained to the applicants and interested parties that there were only four board members present today; Mr. Bond is out of town. Most motions the Board makes it will require an affirmative vote of three of the remaining four members. When there is less than a full Board, the Board will entertain a request to continue agenda items to a later meeting date, at which all five members of the Board may be present. Mr. Van De Wiele asked if there were any applicants or an interested party would like to postpone his or her hearing until the next meeting he or she could do so. The audience nodded their understanding and no one came forward to request a continuance.

****************

UNFINISHED BUSINESS

22626—Barbara Carson

Action Requested:
Variance to reduce the required street setback in an RS-3 District (Table 5-3). LOCATION: 252 South Quebec Avenue East (CD 4)
BOARD OF ADJUSTMENT  
CASE REPORT  

STR: 9201  
CZM: 36  
CD: 4  
HEARING DATE: 08/13/2019 1:00 PM (Continued from 7/09/2019 and 07/23/2019)

APPLICANT: Allie Ogden

ACTION REQUESTED: Special Exception to permit a Single Household Detached House in the CBD district (15.020 Table 15-2)

LOCATION: 636 E 3 ST S  
ZONED: CBD

PRESENT USE: Mixed use  
TRACT SIZE: 3297.51 SQ FT

LEGAL DESCRIPTION: N40 LT 9 BLK 113, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Property:

BOA-20928; On June 9th, 2009 the Board Approved a Special Exception to permit a duplex dwelling in the CBD at 814 East 3rd St.

BOA-20927; On June 9th, 2009 the Board Approved a Special Exception to permit a single-family dwelling unit in the CBD at 804 East 3rd Street.

BOA-20642; On March 11th, 2009 the Board Approved a Special Exception to permit two single-family dwelling units in the CBD at 820 East 3rd Street.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the "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 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 sits at the SW/c of East 3rd Street South and South Kenosha Avenue in Downtown’s East Village. The structure is an existing brick building being converted into a single-family detached house.

**STAFF COMMENTS:** The Applicant is requesting a special exception to permit a Single Household Detached House in the CBD, which is allowed per Sec. 15.020 Table 15-2.

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Per Sec.15.010-B.9 The CBD is defined by the following traits:

**CBD District**
The CBD district is primarily intended to:

a. Accommodate and encourage the most desirable, most productive, most intense use of land, without regard to the regulation of building height, floor area, land coverage and parking requirements, within the central core area of the city.

b. Encourage a diversity of high-intensity uses that mutually benefit from close proximity to, and from the available services of, the high transportation carrying capacity afforded by locations within the boundaries of the Inner Dispersal Loop.

c. Preserve and promote the public and private investment of the existing central core area.

**SAMPLE MOTION:**

Move to _________ (approve/deny) a **Special Exception** to permit a Single Household Detached House in the CBD district (15.020 Table 15-2)

- 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.
Case No. 20927

Action Requested:
Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), located: 804 East 3rd Street.

Presentation:
Micah Alexander, 1773 East 31st Street, Tulsa, Oklahoma, stated he is the property owner. He proposed to build a four-story, single-family dwelling on the subject property (Exhibit G-1). He pointed out the surrounding properties that he owns. He plans to market it for sale. It was approved by the permit office pending one foundation correction.

Interested Parties:
Janet Padler-Davy, 808 East 3rd Street, Tulsa, Oklahoma, stated she and her husband own the building next door on the east. Their building was constructed in 1916. They are in support of development and just wanted to know how close it is to their lot line.

Applicant's Rebuttal:
Mr. Alexander declined to make a rebuttal.

Board Action:
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), 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, per plan as shown on page 10.6 of the agenda packet, on the following described property:

PRT LT 12 BEG 7NE SWC LT 12 TH E59 N39 SWLY TO POB BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

************

Case No. 20928

Action Requested:
Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, located: 814 East 3rd Street.

Presentation:
Micah Alexander, 1773 East 31st Street, stated this is an existing building with a small footprint of approximately 1,800 sq. ft. He planned to split it in half for two, two-story duplexes, to lease initially and sell in the future.
**Case No. 20927**

**Action Requested:**
Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), located: 804 East 3rd Street.

**Presentation:**
Micah Alexander, 1773 East 31st Street, Tulsa, Oklahoma, stated he is the property owner. He proposed to build a four-story, single-family dwelling on the subject property (Exhibit G-1). He pointed out the surrounding properties that he owns. He plans to market it for sale. It was approved by the permit office pending one foundation correction.

**Interested Parties:**
Janet Padler-Davy, 808 East 3rd Street, Tulsa, Oklahoma, stated she and her husband own the building next door on the east. Their building was constructed in 1916. They are in support of development and just wanted to know how close it is to their lot line.

**Applicant's Rebuttal:**
Mr. Alexander declined to make a rebuttal.

**Board Action:**
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "abstentions") to APPROVE a Special Exception to permit a single family dwelling (Use Unit 6) in the CBD (Section 701), 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, per plan as shown on page 10.6 of the agenda packet, on the following described property:

PRT LT 12 BEG 7NE SWC LT 12 TH E59 N39 SWLY TO POB BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

---

**Case No. 20928**

**Action Requested:**
Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, located: 814 East 3rd Street.

**Presentation:**
Micah Alexander, 1773 East 31st Street, stated this is an existing building with a small footprint of approximately 1,800 sq. ft. He planned to split it in half for two, two-story duplexes, to lease initially and sell in the future.
Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a duplex dwelling (Use Unit 7) in the CBD (Section 701); in the existing building, 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, on the following described property:

W.40 OF LT 1 BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

************

Election of Officers
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Frazier Henke as Chair.

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Clayda Stead as Vice Chair.

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to retain Michael Tidwell as Secretary.

************

There being no further business, the meeting adjourned at 3:24 p.m.

Date approved: 6.23.09

Chair
building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

LT 34 LESS BEG SEC R TH W16.50 NE 23.33 S16.50 POB FOR ST BLK 3
WINDSOR PARK SOUTH, City of Tulsa, Tulsa County, State of Oklahoma

***********

**Case No. 20642**

**Action Requested:**
Special Exception to permit two single family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), located: 820 East 3rd Street South.

**Presentation:**
Brian Freese, 1634 South Boston, Tulsa, Oklahoma, 74119, represented his client. He proposed a two-unit condominium dwelling on a single lot in a CBD-zoned district. He provided a site plan (Exhibit F-1). He added that it would be in harmony and in the spirit and intent of the code and the comprehensive plan. He indicated this would be downtown revitalization by the improvement of an abandoned building. The plans include off-street parking, although parking is not required in a CBD district.

**Interested Parties:**
There were no interested parties who wished to speak.

**Board Action:**
On Motion of White, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit two single family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), finding the special exception will be in the harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, per plan, as shown on pages 7.6, 7.7 and 7.8 in the agenda packet.

Question on the motion by Mr. White.
Mr. White asked the applicant if he was in agreement to an approval per the plans submitted. Mr. Freese replied that he did not have a problem with per plan submitted. He added that the applicant considers this a single, two unit condominium development. He stated the distinction is that these are not two separate residences. Mr. Albery referred to it as single-family attached dwellings on a single lot. He added that the definition of a townhouse would be three units.
On Amended Motion of White, the Board voted 5-0-0 (White, Henke Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit two single, attached family dwellings (Use Unit 6) on a lot in the CBD district (Section 701), per plan, as shown on pages 7.6, 7.7 and 7.8 in the agenda packet, finding the special exception will be in the harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

E46 LT 1 BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

************************

Case No. 20647

Action Requested:
Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the design standards for required parking to permit linear or stacked parking spaces (Section 1301.F & 1303); and a Variance of the loading berth requirement (Section 1211.D), located: Southeast and Southwest corners of East Admiral Place and North Sandusky Avenue.

Presentation:
Charles Norman, 2900 Mid-Continent Tower, represented the applicant/owners of the subject property. He proposed the church was to become a funeral home chapel in the CG district. This is an existing church building no longer in use. He reviewed the property with the use of photographs (Exhibit G-2). He suggested a tie agreement for all three parcels. He informed the Board of the proposed uses for the buildings. The applicant has no objection to repair and maintenance of the sidewalks. Mr. Norman stated that the calculations for parking was based on square footage including the basement space. He pointed out the plan for linear or stacked parking.

Interested Parties:
Gwen Chancey, 4179 East Admiral Boulevard, Tulsa, Oklahoma 74115, was concerned about being surrounded by the applicant's proposed uses. She asked about the parking. She was not opposed to the application.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit required parking on a lot not containing the principal use (Section 1301.D); Variance of the design standards for required parking to permit linear or stacked parking spaces (Section 1301.F & 1303); and a Variance of the loading berth requirement (Section 1211.D), subject to the narrative submitted as exhibit A, pages 8.7 and 8.8 of the agenda packet, and the site plan exhibit B, page 8.9; and subject to the repair, reconstruction or new construction of sidewalks as shown on the site plan; asphalt or concrete parking surface on the northern
View from Opposing Corner

View from Across Kenosha
Subject Tract BOA-22674 19-12 01

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
SMITH RESIDENCE
PROJECT # 1P06B
301 S. KENOSHA
TULSA, OK
74120

CONSULTANT:

REVISIONS:

ISSUE DATE:
5.10.2019

SHEET NAME:
ELEVATIONS

SHEET #:
A4
INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

3. A COPY OF A “RECORD SEARCH” [ THIS IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

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

Application No. BLDR-031545-2019

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.

Section 15.020 Table 15-2: The proposed Detached House Use is located in a CBD zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow a detached House Use in a CBD district.

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.
Ms. Ross asked Ibbini where the Canna Club is located because the City of Tulsa states that it is currently in operation without permits. Mr. Ibbini stated that he is Canna Club dba Natural Leaf.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
Ms. Radney stated that in terms as to what is before the Board, we have a verified spacing of 1,000 feet. The Board has not been able to determine that there is any functional business at 3801 South Harvard, and in fact that space is still available for lease. She would not have any problem approving this request.

**Board Action:**
On MOTION of RADNEY, the Board voted 3-0-1 (Radney, Ross, Shelton "aye"; no "nays"; Van De Wiele "abstaining"; Bond absent) 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; for the following property:

PRT LT 9 BEG 69E SWC TH E8.8 N0.4 W8.8 S0.4 POB & ALL LTS 10 THRU 12 BLK 2, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 1:56 P.M.

**22674—Allie Ogden**

**Action Requested:**
Special Exception to permit a single household detached house in the CBD District (Section 15.020, Table 15-2). **LOCATION:** 306 South Kenosha Avenue East

**Presentation:**
Weldon Bowman, W Design, 815 East 3rd Street, Suite C, Tulsa, OK; stated his firm is the architects on this project. A building permit was submitted for a single-family residence, and everything has been approved with the exception of the zoning. Previous use of the subject property was a mixed use; the second floor was a residence and the first floor was used for business. There are a couple of garages that are used for storage. There is a full-size roof deck on the third floor. His client is investing in this downtown building to turn it into their primary residence for a family of six, who has multiple businesses close by. Per the CBD zoning a single-family detached residence requires a Special Exception, so primarily the change he is seeking is to change the bottom floor from business use to single-family use. The East Village is an eclectic area
in the City of Tulsa, and it is a very sought after area. There are restaurants, retail, coffee shops, multi-family, single family and businesses. Across Kenosha there is a single-family detached residence that was previously approved. Across 3rd Street from the subject site is the Urban 8 buildings which is almost 100% occupied. There is a duplex that was approved for a Special Exception and it is located across the street from his office. There are multiple buildings in the area that have mixed use; a retail office on the bottom floor and multi-family on the second floor. He is requesting the Board look at this building to be a single-family use.

Ms. Radney asked Mr. Bowman what portion of the subject building will be retrofitted; all of the first floor? Mr. Bowman stated that there would be three bedrooms, game room, and a bathroom on the first floor, on the second floor there would be master bedroom, another bedroom, living room, kitchen and the roof deck would be used by the family.

Mr. Van De Wiele asked Mr. Bowman if there would be any changes to the exterior of the building. Mr. Bowman answered no, but that there would be a new front door added and replacing some windows. Mr. Bowman stated the way the building is set up currently is residential, so it is not set up for retail. A lot of the smaller mixed use are smaller apartments, 500 square feet, and that is what makes those popular on the second floor. This building is not set up that way, to create a smaller apartment complex on the second floor.

Interested Parties:  
There were no interested parties present.

Comments and Questions:  
Ms. Shelton stated that from a development pattern standpoint she does not like it. She has no problem with residential being in the building, obviously it has been in the building before, but the ground floor being residential is causing her difficulty. This proposal would stop the commercial development from moving to the east more.

Ms. Radney agreed with Ms. Shelton. Ms. Radney stated there is a reason the building is mixed use, and this would really change the street scape. If this building were on the other side of the street she would probably feel differently, but she could be persuaded. She thinks the street facing activity in a mixed-use zone is really important to the dynamism of that zone. Looking at the schematics she can see that right now there would only be the one door and then the garage doors.

Board Action:  
On MOTION of ROSS, the Board voted 2-2-0 (Ross, Van De Wiele "aye"; Radney, Shelton "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to permit a single household detached house in the CBD District (Section 15.020, Table 15-2), subject to conceptual plans 8.13, 8.14, 8.15, 8.16, 8.17 and 8.18 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

07/09/2019-1232 (12)
N40 LT 9 BLK 113, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

**MOTION FAILS**

**Comments and Questions:**
Mr. Van De Wiele asked what is the concern of the injury or harm to the neighborhood or detriment to the public welfare of granting this request?

Ms. Radney stated that for her it is partly because it is on the corner. Corners are critical to the way these neighborhoods work, and she will acknowledge that having such a large residence already on the second level would probably limit its attractiveness to whoever would live in the building and/or work in the building. Being there it is a node within the district, and she thinks it would change the character of the district to have two sides of that street with large single-family houses. It is a delicate balance. She does not intrinsically have a problem with the idea, and she gets why it would be attractive to live in that district. Ms. Radney thinks it is important for the corners to be anchored with business activity.

Ms. Shelton stated this corner is a gateway to downtown. If this had been a little farther down the street, she would have felt different about the request.

On **MOTION** of ROSS, the Board voted 4-0-0 (Bond, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Radney absent) to **CONTINUE** the request for a Special Exception to permit a single household detached house in the CBD District (Section 15.020, Table 15-2) to the July 23, 2019 Board of Adjustment meeting; for the following property:

N40 LT 9 BLK 113, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

**22675—A-Max Sign Company**

**Action Requested:**
Special Exception to allow a free-standing sign with dynamic display in RS-3 District (Section 60.050); Variance to permit a dynamic display sign to be located closer than 20 feet to the edge of the curb/roadway (Section 60.100-e).

**LOCATION:** 6727 South Sheridan Road East (CD 7)
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9324
CZM: 48
CD: 5

HEARING DATE: 08/13/2019 1:00 PM (Continued from 07/23/2019)

APPLICANT: Raymond McDonald

ACTION REQUESTED: Variance to allow a non-all weather parking area (55.090-F); Variance to allow an accessory structure to exceed more than 20% coverage in the rear setback (Sec. 90.090, Table 90-2); Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (45.030-A)

LOCATION: 3715 S 82 AV E ZONED: RS-1

PRESENT USE: Residential TRACT SIZE: 30100.08 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 4, LAZY CIRCLE ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Property:

BOA-20917; On 6.09.09 the Board denied a special Exception to permit a carport in the front yard Located 3742 South 82nd East Ave.

BOA-11715; On 12.03.81 the Board approved a variance to the size of an accessory building from 750 sf to 1,360 sf, located 3732 S 82nd East Ave.

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

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 at the SE/c of E 37th Street S and S 82nd E Ave. The Subject Property is surrounded by RS-1 zoned lot in the Lazy Circle Acres Addition.

STAFF COMMENTS: The Applicant is requesting a Variance to allow a non-all weather parking area (55.090-F); Variance to allow an accessory structure to exceed more than 20% coverage in the rear setback (Sec. 90.090, Table 90-2); and a Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (45.030-A).

55.090-F Surfacing

1. All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090-F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
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<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
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<tr>
<td>RS-2 District</td>
<td>25%</td>
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<tr>
<td>RS-3, RS-4, RS-5 and RD Districts</td>
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<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

Table 90-2: Accessory Building Coverage Limits in Rear Setback

Section 45.030 Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

1. RE and RS-1 Districts

   In RE and RS-1 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 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

SAMPLE MOTION:

Move to _________ (approve/deny) a Variance to allow a non-all weather parking area (55.090-F); Variance to allow an accessory structure to exceed more than 20% coverage in the rear setback (Sec. 90.090, Table 90-2); and a Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (45.030-A).

- Finding the hardship(s) to be ________________________________.
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
• Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

• Subject to the following conditions ________________________.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

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

View of neighborhood from subject property facing South
View of subject property facing North
NEW APPLICATIONS

Case No. 20917

Action Requested:
Special Exception to permit a carport in the required front yard in an RS-1 district (Section 210.B.10.g), located: 3742 South 82nd East Avenue.

Presentation:
Linnie and Jerry Howell, 3742 South 82nd East Avenue, sought a contractor to pave a driveway and build a carport. Ms. Howell stated they asked the contractor if they needed to get any permits and were informed they did not need to. The carport was constructed. They were cited for non-compliance. There are other carports on this street.

Comments and Questions:
Ms. Stead noted this carport is in the front yard. Ms. Howell submitted photographs (Exhibits B-1) of the other carports. It was noted that the other carports immediately surrounding the subject property were not in front yards.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to DENY a Special Exception to permit a carport in the required front yard in an RS-1 district (Section 210.B.10.g), finding the special exception would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

LT 5 BLK 2, LAZY CIRCLE ACRES, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20919

Action Requested:
Variance of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a church in the R district (Section 402.B.4); to permit an existing sign, located: 2800 South Yale Avenue.

Presentation:
Richard Wagner, stated he is a member of the church and introduced two other gentleman with him to help answer any questions, Mr. Don Thompson and Dr. Mark Dryer. They proposed to update their sign to inform the neighborhood of services and activities (Exhibit C-1). He informed the Board that the church tried
Presentation:
Jack Ellis, 3732 South 82nd East Avenue, was present to address the Board asking for an increase in the size of an accessory building. Mr. Ellis stated that he intends to place the accessory building in the west back portion of his corner lot. A plot plan was submitted of the proposed building (Exhibit "J-1").

Comments and Questions by the Board:
Chairman Lewis asked what the building would be used for and Mr. Ellis stated that it will be a garage for three automobiles, a garden tractor, and other equipment.

Mrs. Purser asked if a business would be conducted in the building and Mr. Ellis advised that there would be no business. Mr. Ellis also stated that he and his wife refinish furniture, but it would not be sold commercially.

Mr. Victor asked how close his nearest neighbor was from the garage. Mr. Ellis said that the nearest one is approximately 200' on one side with a vacant lot on the north side and commercial zoning to the west.

Mrs. Purser advised Mr. Ellis that if he were to sell his property the new owners would be informed that it was not to be for commercial purposes.

Chairman Lewis inquired about the appearance of the proposed building and Mr. Ellis stated that it would be constructed with the same kind of materials as his house including a double and a single garage door.

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) of the size of an accessory building from 750 square feet to 1,360 square feet in an RS-1 District, subject to a restrictive covenant being filed with the County Clerk, and subject to the description of the appearance of the garage, per plot plan, on the following described property:

Lot 6, Block 2, Lazy Circle Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11716

Action Requested:
Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680 - Request for an exception to permit an oil well in an IM District, located at 913 North Wheeling Avenue.
UNFINISHED BUSINESS:

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts) to use property for church use; and a Variance (Section 1005.3 (1) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1470) for a variance of one acre minimum lot area for a church in an RS-1 District located at the southwest corner of 37th Street and 82nd East Avenue.

Presentation:
Joel Bledsoe, representing the Southeast Congregation of Jehovah Witnesses, submitted a corrected plot plan (Exhibit "I-1") requesting a waiver of parking in the front yard to satisfy the number of parking spaces required for the auditorium, further advising that this amount of parking will not be needed for a long period of time, based on the past history of the Church. In the past the congregations have been forced to divide because of the size of the present building and they are now proposing a larger building. In reviewing the plot plan it was determined that 65 parking spaces are required by the Code with 69 shown on the plan; however, it was stated that the parking variance for parking in the front yard was not advertised and not properly before the Board.

Mr. Gardner advised that 65 spaces are all that is required by Code and the application could be approved as submitted. Since there is no parking problem at the present time, an application can be made at a later date for the four additional spaces shown on his plot plan.

Board Action:
On MOTION of SMITH, the Board (3-0) approved an Exception (Section 140 - Principal Uses Permitted in Residential Districts) to use property for church use; and a Variance (Section 1005.3 (1) - Community Services, Cultural and Recreational Facilities - Use Conditions - Under the Provisions of Section 1470) for a variance of one acre minimum lot area for a church in an RS-1 District on the following described tract:

Lot 6, Block 2, Lazy Circle Acres Addition to the City of Tulsa, Oklahoma.

5.16.74:164(18)
**APPLICATION NO: BLDR-027517-2019**  
(Please reference this number when contacting our office)

**Project Location:** 3715 S 82nd Ave E  
**Description:** 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 2nd Street, Suite 450, Tulsa, Oklahoma 74103, phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

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**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.inco.org](http://www.inco.org) or at INCOG offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, phone (918) 584-7526.

3. A copy of a "Record Search" [**IS**] [x] **IS NOT** included with this letter. Please present the "Record Search" along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the board of adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).

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

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

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-1. 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, 25 feet from the rear property line). A maximum 20% area can be covered by the accessory building; (140' X 25' X 20%) allows 700 sq ft of coverage. You are proposing 900 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 20% coverage in the rear setback.

3. 45.030-A RE and RS-1 Districts
   In RE and RS-1 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 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

Review comments: You are proposing 1800 sq ft of detached accessory structure. The proposed detached structure exceeds 750 sq ft and 40% of the size of your house. Based on the size of your house (2349 sq ft) you are allowed 940 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structure to be less than 940 sq ft or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

Please Notify Plans Examiner By Email When You Have Submitted A Revision. 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.
REGISTERED LAND SURVEYOR'S
MORTGAGE INSPECTION REPORT

THIS PROPERTY IS LOCATED IN ZONE X (UNDERWRITTEN) PER FLOOD INSURANCE RATE MAP # 140597-7, EFFECTIVE OCTOBER 10, 1985.

ZONE X (UNDERSIZED) AREA OF MINERAL FLOOD HAZARD

LENGTH:
Bank of Oklahoma Mortgage

WIDTH:
Beaver Bank Mortgage

ORDERED BY:
True Title and Escrow, Inc.

LEGAL DESCRIPTION:
Lot One (1), Block Four (4), LAST CYCLE
Parcel a subdivision located in Tulsa County, State of Oklahoma, according to the recorded Plat number 1952.

STPS South, 88th East Avenue, Tulsa, OK.

STATEMENTS:

Exemptions shown per recorded plat.
Right of Way Easement in favor of Public Service Company of Oklahoma dated January 28, 1942 in Book 1471 Page 532 (does not affect)
Right of Way Easement in favor of Tulsa County filed October 14, 1942 in Book 1515 Page 409 (does not affect)
Right of Way Easement in favor of Southeast Water Company filed October 23, 1951 in Book 2254 Page 161 (does not affect)
Right of Way Easement in favor of Public Service Company of Oklahoma filed March 29, 1959 in Book 2580 Page 263 (does not affect)
Right of Easement filed June 22, 2016 under Document #2016062210, (additional subject property)

REDUCTION:
The Mortgage Inspection Report was prepared for True Title and Escrow, Inc. and Bank of Oklahoma Mortgage. It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of line, building or other boundaries. The accompanying sketch is a true representation of the condition that was observed at the time of the inspection. September 13, 2016. and the lines and coordinates shown on the sketch, if any, are based on records of deed information and have not been verified with the plat.

Signed this 13th day of September, 2016.

TIMOTHY L. KING, RPLS
ABRASUR STATE ROAD
BOKA OFOKA "600120" 
911-911-1252

2016-5150
Mr. Daniel,

I will forward your comments on to the Board members. There has been no communication from the applicant that their request is to support a business but I will make sure the Board is aware of your concerns.

Best,

Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
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.

From: Damon Daniel <damon_dak87@hotmail.com>
Sent: Saturday, July 20, 2019 2:15 PM
To: Chapman, Austin <AChapman@incog.org>; esubmit <esubmit@incog.org>
Subject: Case number BOA-22694

Good day,

As a long time resident of the street just around the corner from the property in case BOA-22694 I must voice my reservations and opposition to the proposed property change to be heard on Tuesday 07/23/2019. This neighborhood has been strictly residential for it's entire existence and I think allowing a business to park it's vehicles in the proposed manner at the main entrance to the neighborhood sets a bad precedent. I and I suspect other concerned neighbors will be unable to attend the upcoming meeting on this matter as I (we) have to earn a living to pay property tax among other necessities. The city has long treated this area as a bit of a step child (no underground storm water, sidewalks, curbed streets) for over 60 years so please don't lower our property values by approving this request!

Thanks for your time,
Damon Daniel
8255 East 37th Place
Tulsa, OK 74145

918-232-5546
All,

Please see the comments below regarding BOA-22694. To clarify the applicant has not requested any relief that would allow them to operate a business on the property.

Best,

Austin Chapman
Planner, City of Tulsa Board of Adjustment
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9471
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.

From: Damon Daniel <damon_dak87@hotmail.com>
Sent: Saturday, July 20, 2019 2:15 PM
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Subject: Case number BOA-22694

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Thanks for your time,

Damon Daniel
8255 East 37th Place
Tulsa, OK 74145

918-232-5546
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22694
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 7/23/19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22,694
OFFICIAL RECORD EXHIBIT 3
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT
7/23/19
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 2694
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 7/23/19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22691
OFFICIAL RECORD EXHIBIT ENTERED IN THE MINUTES OF THE TULSA CITY BOARD OF ADJUSTMENT

7/23/19
TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22694
OFFICIAL RECORD EXHIBIT
ENTERED IN THE 7/29/19
MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8322
CZM: 57
CD: 8

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Luke Janger

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: 9136 S SHERIDAN RD E

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 28688.73 SQ FT

LEGAL DESCRIPTION: LT 1 BEG NEC THEREOF TH S127.50 W225 N127.50 E225 POB LESS 127.50S NEC LT 1 TH S242.46 W192.47 CRV RT 16,39 NW29.44 CRV RT 43.84 N5.45 N134.45 E225 POB BLK 1, BOATMEN'S BANK I

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 located south of the SW/c of E 91st Street South and South Sheridan Road inside of an existing commercial development. The property is zoned CS and is a part of PUD 206.
The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

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

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 circle around their location with a 1,000 ft radius and providing the location of the nearest state issued license to operate a dispensary located at 7717 E 91st Street which is described as 4,635 ft away.

**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.
View Facing West from Sheridan sidewalk

View from sidewalk facing North
View from sidewalk facing South
State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

NKO RETAIL, LLC

3313 Charles Page Blvd, Tulsa, OK, 74127

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 360 CHAP. 181. THE LICENSE IS
SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREOF, 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.

01/13/2020

LICENSE NUMBER:
DAAA-EJDD-HAW8

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
ZONING CLEARANCE PLAN REVIEW

June 18, 2019

Luke Janger
3311 Charles Page Blvd
Tulsa, OK 74114

APPLICATION NO: COO-032193-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 9136 S Sheridan 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN “SUPPORTING DOCUMENTS”, IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

4. A COPY OF A “RECORD SEARCH” IS 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)
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:

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-22697: NKO Retail, LLC Dispensary Spacing Exhibits

1) Map with 1000' radius drawn around 9136 S Sheridan Rd, Tulsa, OK and surrounding businesses
2) Weedmaps – no operating dispensaries in the area of 9136 S Sheridan Rd, Tulsa, OK:
3) Weedmaps with closest operating dispensaries in the area of 9136 S Sheridan Rd, Tulsa, OK. Closest operating location is located at the intersection of 91st and Yale Ave ~4,750 ft in distance.
4) Nearest State Issued License
   a. The map below shows NKO Retail, LLC (tagged "K") and the nearest State Licensed Dispensary, Grass Inc (Tagged "G")
   b. Grass Inc is located at 7717 E 91ST ST, TULSA 74133 Straight line distance between them is 4,635 ft as shown measured on Google Maps.
Subject Tract

BOA-22697

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9325
CZM: 48
CD: 7

CASE REPORT

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Scott Tully

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: 9435 E 51 ST S
ZONED: CS

PRESENT USE: Medical Marijuana Dispensary
TRACT SIZE: 128833.58 SQ FT

LEGAL DESCRIPTION: PRT LT 2 BEG 5N SWC TH N580.99 E221.78 S585.69 W48 N5 W173 POB BLK 1, REGENCY PARK EAST, REGENCY CENTER AMD

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” area and an “Area of Growth.”

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 located West of the NW/c of East 51st Street South and South Mingo Road. It is a part of a CS zoned Shopping development and is surrounded by CS zoning on the East and South and RS-3 zoning on the North and West.
The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. 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 circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensaries known as "Rollin Vapor" and "High Roller".

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.
View of subject property from 51st Street

View facing East from sidewalk
View facing West from sidewalk
Feet

Subject
Tract

BOA-22700

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

Aerial Photo Date: February 2018

19-13 25
Note: Graphic overlays may not precisely align with physical features on the ground.

Subject Tract

BOA-22700

19-13 25

Aerial Photo Date: February 2018
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State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

THE GREEN GOAT DISPENSARY, LLC

9435 E 51ST ST STE C, TULSA, OK, 74145

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE LICENSEE HAS FULLFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 20-151 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 36, CHAPTER 6. THE LICENSE IS SUBJECT TO THE REQUIREMENTS MADE ON THE APPLICATION THEREOF, 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.

04/06/2020

LICENSE NUMBER:
DAAA-41LC-S000

DO NOT COPY

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

[Signature]
APPLICATION NO: 33512-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 9435 E. 51st Street
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)

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A $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 OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8th 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

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<th>SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="http://WWW.INCOG.ORG">WWW.INCOG.ORG</a></th>
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<td>Application No. 33512-2019</td>
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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. **Section 40.225 Medical Marijuana Uses**: The supplemental uses of this section apply to medical marijuana sales.

   40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

   40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.

   40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
   - A ventilation/air filtration system that prevents odor from being detectable at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectable outside the tenant space housing the use. An electronic security system and surveillance camera.

   40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issued by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.

   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 State Department of Health for the particular use at the particular location.

   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 location.

   **Review Comment: Review comment**: Submit evidence you have been granted a state license and the date it was approved. The separation distance (spacing verification) 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 location.

2. **Section 55.020 Minimum Parking Ratios**: off-street required parking.

   **Review Comments**: Provide a parking analysis on the lot (site plan) for the proposed medical marijuana dispensary.

---

**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.

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<td>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.</td>
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<tr>
<td>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.</td>
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 4

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Diamond Dampf

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: 121 N DENVER AV W

ZONED: CBD

PRESENT USE: Bail bonds

TRACT SIZE: 7248.41 SQ FT

LEGAL DESCRIPTION: E 50 OF W95 OF N/2 LT 6 & W95 OF S/2 LT 6 BLK 38, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-19519: On 02/11/2003 the Board denied a variance to add an additional number of signs per street frontage from 1 per 100' to 2 signs and a variance of the required 30' distance to 20'.

Surrounding Property:
BOA-22613: On 04/09/2019 the Board approved a Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry/Low-Impact Medical Marijuana Processing Facility in the CBD District (Section 15.020). Located at 15 E. Matthew Brady St. N.

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.

REVISED 7/29/2019
ANALYSIS OF SURROUNDING AREA:  The subject tract is zoned CBD and is surrounded by CBD zoning.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CBD district from other medical marijuana dispensaries (Section 40.225-D).

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

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

The applicant submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest OMMA dispensary license holder located at 224 N Boulder Avenue. This location is within 1,000 ft of the subject property. At this time this report is being written, no records for a City Building Permit or Certification Occupancy Application were found for a dispensary at that location. After a site visit on 8.02.19, there was no evidence of a dispensary being in open for business.

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.
View facing South from the NE/c of Denver and Reconciliation Way

Subject Property
View facing East from subject property
OMMA License ID #: DAAA-EIPP-PZIK

4EVERGREEN LLC

224 N BOULDER AVE

View from Boulder Ave., as of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary.
one residence, and finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Part of the NW/4 NW/4 NW/4 of Section 26, T-19-N, R-12-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beg. at a point 50' S and 35' E of the NW/c of said NW/4 NW/4 NW/4; thence S parallel to and 35' distant from the W line of said 10 acre tract a distance of 75'; thence E to the N line of said 10-acre tract a distance of 154'; thence N a distance of 75' to a point 50' S of the N line of said tract; thence W parallel to and 50' distant from said N line a distance of 154' to the POB.

Case No. 19519

Action Requested:
Variance to add additional number of signs per street frontage from 1 per 100' to 2 signs. SECTION 1221.C.9. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs – Use Unit 21; and a Variance of the required 30' distance to 20'. SECTION 1221.C.10. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs, located 121 N. Denver Ave.

Presentation:
Pete Messler, 1500 S. Utica, Ste. 400, stated he is the attorney for the applicant. He pointed out the building in question and the sign pole. The applicant wants to decrease the confusion for customers about the location of his building since there are several bail bond businesses within close proximity. They want to put up a small directional sign.

Interested Parties:
Jim Norton, 321 S. Boston, Ste. 321, stated he does not understand the hardship. He stated another sign was not acceptable and would cause a traffic hazard. He indicated that the applicant knew the situation when they went into business there. He considered the Board's suggestion that an arrow in the place of the second sign would be reasonable. He did not think the applicant submitted a hardship.

Doyle Davis, 125 N. Denver, stated he owns the building on the corner. He submitted a photograph (Exhibit E-2). He indicated things should be left as they exist. There are already plenty of signs.

Dwight Ringo, 105 N. Denver, stated his business is directly south of the subject property. He also has the problem of his customers going into another business. He stated that he redirects customers that are looking for one of the other businesses. He indicated this is a self-created hardship.
Ron Nunnley, 111 N. Denver, stated he also has the same problem at his business. He thought the idea for an arrow would be sufficient.

A letter of opposition (Exhibit E-1) was submitted to the Board.

Applicant's Rebuttal:
Mr. Messler stated that when the sign was erected there was no building in front.

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; no "abstentions"; Cooper "absent") to DENY a Variance to add additional number of signs per street frontage from 1 per 100' to 2 signs; and a Variance of the required 30' distance to 20', for lack of a hardship, on the following described property:

The E 50' of the W 95' of the N/2 of Lot 6, and the W 95' of the S/2 of Lot 6, and the E 45' of Lot 6, together with the W 10' of the vacated Alley, all in Block 38, Original Town, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19523
Action Requested:
Minor Variance of side yard requirement to be varied from 5.0' to 4.7' (4'10").

SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 8127 S. 68th E. Ave.

Presentation:
Jerry Emanuel, 111 S. Elgin, stated he is with Sack and Associates. He informed the Board that an error was made the way it was placed on the lot. The construction was slightly in error. A site plan was provided (Exhibit H-1).

Comments and Questions:
Mr. White commented they had attempted to make allowance for the wedge shaped lot.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On MOTION of Perkins, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to APPROVE a Minor Variance of side yard requirement to be varied from 5.0' to 4.7' (4'10"), per plan, finding the shape of the lot, on the following described property:

Lot 8, Block 12, The Crescent, City of Tulsa, Tulsa County, State of Oklahoma.
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing to permit the liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 13 & 14 BLK 10, EAST LAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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

Mr. Van De Wiele recused and asked Mr. Bond to chair this matter, and he left the meeting at 3:24 P.M.

Presentation:
Amanda Lowe, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated the request is for the production of medical marijuana edibles at an existing currently closed commercial kitchen. The production would be in the back portion of the building. Currently the commercial kitchen produces regular candies and chocolates. Ms. Lowe stated that her client would also be producing candies and chocolates but with the added ingredient of cannabis oil. The cannabis oil would be processed at an offsite location, brought to the kitchen, and the liquid cannabis oil formed, mixed and baked into the chocolates, and the end product edibles would then be sold to dispensaries around the Tulsa area. Ms. Lowe stated that her client's use would be in line with the current and continued use of the property, and there would be no noticeable or observable changes to the neighborhood or in the perception of the general public.

Interested Parties:
There were no interested parties present.
Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 3-0-1 (Bond, Radney, Ross, "aye"; no "nays"; Van De Wiele "abstaining"; Back absent) to APPROVE the request for a Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020), subject to conceptual plans 7.11 and 7.13 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 3 BLK 28 & E10 VAC ALLEY ADJ ON WL, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:27 P.M.

22615—Bradley Anderson

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

Presentation:
Bradley Anderson, 1563 North Frankfort Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that the Board has the applicant’s spacing verification exhibits on pages 8.11, 8.12, 8.13 and 8.14.

Mr. Anderson stated that he has spoke with the people in the strip mall and they seem to be happy, and people have been stopping by as he is setting up the shop.

Interested Parties:
Shellie Clark, 8126 East 16th Street, Tulsa, OK; stated she is the manager of the apartment complex behind the strip mall. The apartment complex parking lot is right behind the subject building to the east. A bar went into the shopping center and there have been shootings there, and she has had to install a gate to keep people from parking in the apartment’s parking lot. The club does not close until 4:00 A.M. and she has heard that the dispensary is not going to close until 2:00 A.M.
ZONING CLEARANCE PLAN REVIEW

June 21, 2019

Phone: 918.202.6111

BLDC-033092-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

121 N Denver
Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

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(continued)
**REVIEW COMMENTS**

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

BLDC-033092-2019 121 N Denver Ave June 21, 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.

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:


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

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

THE GREEN SCENE DISPENSARY, INC.

121 N DENVER AVE STE B, TULSA, OK, 74103

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 360 CHAPERT 6S1. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREOF, 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.

06/11/2020

LICENSE NUMBER:
DAAA-VYUU-SMMR

TRANSPORTATION LICENSE ONLY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
Write a description for your map.
W CAMERON ST

N CHEYENNE AVE

W RECONCILIATION WAY

N DENVER AVE

W ARCHER ST

BOA-22701

Subject Tract

19-12 02

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9326
CZM: 48
CD: 5

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Seed Cannibas Co.

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: 4201 S SHERIDAN RD E

PRESENT USE: vacant

TRACT SIZE: 45389.71 SQ FT

LEGAL DESCRIPTION: LTS 33 THRU 35 & PRT LT 18 BEG SWC LT 35 TH E152 S40 W152 N40 POB BLK 2, KATY FREEWAY INDUSTRIAL PARK ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 located at the SE/c of E. 42dn Street and South Sheridan Road. The property is zoned IL and is surrounded by IL zoning.

STAFF COMMENTS:
The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the...
required spacing for a medical marijuana dispensary in an IL district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in an IL district as long as it meets the spacing requirement of 1,000 ft. 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 circle around their location with a 1,000 ft radius and providing the location of the nearest dispensary outside of that circle located 1,610.66 ft NW of the subject property. At the time this report was written the following items had been requested form the applicant but not received:

- Copy of OMMA issued license for a dispensary

**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.
View of subject property from SE/c of Sheridan and 42nd Street

View facing South from SE/c of Sheridan and 42nd Street
View facing North from SE/c of Sheridan and 42nd Street
APPLICATION NO: ZCO-034921-2019
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Phone: 918.282.1691

June 28, 2019

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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-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. 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: Certificate of Occupancy will be required. A Building permit for any interior or exterior remodeling will also be required.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

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

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A hard copy of this letter is available upon request by the applicant.
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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
Congratulations! Your application has been approved by the Oklahoma Medical Marijuana Authority. Your license number is DAAA-4J60-PITZ. Your license expiration date is 01/13/2020. Your application reference code is 26257. Application Submission Date: 12/28/2018 8:17 AM Application Approval Date: 01/08/2019 8:47 AM

General Information

- **Entity Name:** Tulsa Herbal Connection LLC
- **Entity Phone:** 9186051513
- **License Type:** Dispensary
- **Business Structure:** Limited Liability Corporation (LLC)
- **Trade Name:**
- **Website:**

**Operating Hours of Entity:**

**Persons of Interest**

- **First Name:** Bonnie
- **Middle Name:** L
- **Last Name:** Caldwell
List of businesses within 1000-foot radius of 4201 S. Sheridan Rd Tulsa, OK 74145 - NO DISPESARIES WITHIN 1,000 ft per physical search and review of OMMA addresses

Darr Equipment Co.
Kelly-Moore Paints
West Marine
Best Insurance
Vape This!
S.E. Tulsa Tag Agency
Rice Bowl
Last Call Sports Bar
Sams Club
Crosstown Distribution Center
Party Pro Rents & Events
Plastic Engineering Company
Cox
r.b. akins Company
Woodland Creek Furniture
Oklahoma Disaster Restoration
Canfield & Joseph
Ferguson Plumbing Supply
Mead O'Brien Incorporated
A-AAA Mini Storage
Re-Bath
Gentle Pet Grooming
Dtech Metro
Metro Typewriter
Advanced Aquatics
Batteries Plus Bulbs
Consignment Furniture
Jumbo’s Hamburgers
Appliance Solutions
Enterprise Car Sales
Johnny Carino’s
BOK Financial Operations Center
Resource One
Community Care College
SoccerUSA
Tulsa Stained Glass Co.
First Call
Shawkat’s Deli & Grill
Annie’s Tropical Sno
SecurCare Self Storage
Oklahoma Technical College
Grigsby’s Carpet & Tile
Seed Cannabis Co BOA Meeting on 8/13/2019
Case Number BOA-22702

Verde Dispensary
3920 S Sheridan, Tulsa, OK 74145

Measure distance
Click on the map to add to your path

Total distance: 1,610.66 ft (490.93 m)
BOA-22702

Subject Tract

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

Aerial Photo Date: February 2018
RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-8546: On 05/01/1975 the Board approved with conditions an exception to operate a drive-in restaurant and a variance of the front setback requirements from 100' to 70' from the centerline of 11th St.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” area and an “Area of Growth.”

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 Located East of the of I-44 along East 11th Street South and is zoned CS. The property is surrounded by CS zoned property.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

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

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 circle around their location with a 1,000 ft radius and providing the location of the nearest OMMA License issued to Royalty Buds Medical Marijuana Dispensary located at 10724 East 11 Street near the intersection of 11th Street South and 107th East Ave.

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.
250.3 - Modification of the Screening Wall or Fence Requirements) to remove screening requirements where the purpose of the screening requirement cannot be achieved as advertised and per plot plan, subject to a tie contract being entered into by the Church and the City, in an RS-3 District on the following described tract:

Lots 3, 4, 7, 8, 9, and 10, Block 1, Amended Franklin Second Addition; and Lots 6 and 7, Block 2, Herold Addition; and the North 50 feet of Lot 1, and the North 58 feet of Lot 8, Block 1, Franklin Heights Addition, to the City of Tulsa, Oklahoma.

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1218 - Drive-In Restaurant) to operate a drive-in restaurant; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of front setback requirements from 100' to 70' from the centerline of 11th Street and a variance of frontage requirements from 150' to 100' to permit lot-split #L-13452 in a CS District located at 11722 East 11th Street.

Don Walker, representing the applicant, submitted the plot plan (Exhibit "K-1") requesting permission to operate a drive-in restaurant on the subject tract, a variance of the setback requirements from 100' to 70' from the centerline of 11th Street in order that the canopy might be provided as planned, and a variance of the frontage requirements from 150' to 100' to permit a lot-split. Mr. Walker noted that the lot-split had been approved by the Planning Commission, subject to the approval of the Board, and advised that the restaurant structure would be more than 100' from the centerline of 11th Street, while the canopy would be the only portion encroaching into the setback. Mr. Walker described the area surrounding the subject property, noting that there is a Denny's Restaurant located to the west which is in operation 24-hours a day, there is a Howard Johnson's Motel and restaurant to the south and west, and a Days Inn Motel and restaurant to the east of the subject property.
David Kennedy, the applicant, advised the Board that the setback pertains only to the canopy and should the structure be required to setback farther on the property, it would then be hidden by the Denny's Restaurant to the west. He noted that the canopy and the north wall of the Denny's Restaurant would align with one another.

Jerry Pickerill, 709 Dogwood, Owasso, represented the Foursquare Community Church and advised the Board that the Church was required to purchase an additional one-tenth acre in order that their tract would meet the Code requirements. He stated he would recommend approval of the application subject to certain conditions only if the waiver of the frontage requirement was denied. Mr. Pickerill did not feel that there was a hardship to consider in granting the waiver, only that it is a matter of convenience for the property owner as he owns all the property to the east to the corner. This lot-split would increase the intensity in the area and create an additional lot. Mr. Pickerill expressed concern in regard to the hours of operation of the proposed drive-in, the light that would be cast upon the Church by the cars driving through the facility, the high school traffic, and requested that the fence be required to inhibit the trash problems that would be created by the use. He requested denial of the 100' frontage.

Mr. Gardner cited the four conditions of approval of a drive-in restaurant in the CS District which must be followed, advising that the application before the Commission concerned only the lot-split and had nothing to do with the establishment of the drive-in on the subject property. Mr. Gardner pointed out that the property must have 150' of frontage for access purposes in order for the Board to consider a drive-in restaurant. Upon questioning by Mr. Walker, Mr. Gardner advised that with the 150' of frontage, the drive-in could be placed on the lot with another use also being located on the lot so long as the coverage does not exceed the 50% maximum.

Mr. Kennedy noted that he was attempting to place the drive-in facility as far away from the Church property as possible, and stated that screening would be provided in addition to a mesh fence to stop the blowing debris.
8546 (continued)

After extensive discussion in regard to the 150' frontage, Mr. Kennedy advised that he would be willing to continue the application and again file a lot-split application with the Planning Commission requesting 150' of frontage, noting that the frontage requirement would then be met in order that the Board might grant the exception if they so desired.

In discussion concerning a continuance of the application, the Chair felt that the Board would be agreeable to the variance of the setback requirement from the centerline if a hardship were proven by the applicant.

Board Action:

On MOTION of BLESSING, the Board (5-0) continued application 8546 to May 1, 1975, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8547

Action Requested: Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of side yard requirements from 10' and 5' to 5' on each side, a variance of the setback requirements from 85' to 65' from the centerline of 41st Street, and a variance of the setback requirements from 85' to 75' from the centerline of 129th East Avenue in an RD District located north and west of 129th East Avenue and 41st Street.

Presentation: John Christensen, 3601 South 123rd East Avenue, representing the Park Plaza East Homeowners Association, submitted a protest petition (Exhibit "L-1") containing 232 signatures to the Board and requested a continuance of the subject application to May 1, 1975 in order that all residents and homeowners of Park Plaza East Addition might be notified of the subject application as all have a direct and definite interest in the application. Also, it was felt that the application is in violation of the restrictive covenants of the subdivision.

At this point the Chair advised Mr. Christensen that the applicant is required to notify by publication in a newspaper of general circulation and written notice to only those property owners within a 300' radius of the subject property ten days prior to the hearing of the application. Also, in regard to restrictive covenants, the Chair advised that counsel for the Board has
On MOTION of BLESSING, the Board (5-0) withdrew application 8550 from public hearing and directed the Staff to refund the filing fees to the applicant in a CH District on the following described tract:

Lot 1, Block 3, Bonnie Brae Addition to the City of Tulsa, Oklahoma.

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1218 - Drive-In Restaurant) to operate a drive-in restaurant; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of front setback requirements from 100' to 70' from the centerline of 11th Street, and a variance of frontage requirements from 150' to 100' to permit a lot-split (L-13452) in a CS District located at 11722 East 11th Street.

Don Walker, representing the applicant, advised the Board that his client had received a lot-split via the Planning Commission which provides for 150' of frontage; therefore, the request for a variance to permit the lot-split is no longer a part of this application. He submitted the site plan (Exhibit "C-1") showing the location of the drive-in in relation to the Church property and the plot plan (Exhibit "C-2") noting the location of the structure and parking area on the property. Mr. Walker pointed out that there is a 150' buffer area between the subject property and the Church to the east.

Jerry Pickerill, 709 Dogwood, Owasso, representing the Foursquare Community Church, submitted a list of seven conditions (Exhibit "C-3") to the Board requesting that they be conditions of approval should the Board be inclined to approve the subject request.

Mr. Pickerill noted that the Church sits on a large lot with the rear portion of the Church property being used for open air Church activities. Since the rear portion of the property is also used, the Church would like privacy from the drive-in facility and felt that these conditions would provide that privacy. He stated
he had spoken with the applicant who had advised that he was not constructing the building himself and could not guarantee that the restrictions would be met. Mr. Pickerill noted that the only authority is the Board and requested that a bond also be required to insure that the restrictions would be met.

Mr. Walker advised that if a screening fence were provided it would be located 92' from the rear of the drive-in, that fencing to prevent the blowing of waste paper and refuse will be erected, and noted the fact that the motel facility to the east of the subject property would affect the privacy of the Church far more than the subject use.

Mr. Gardner stated that approval of the application on only a part of the entire property would still require a screening fence on the south. He further stated that the Board did have the jurisdiction to condition approval and that the Board could also require that the occupancy permit be withheld until such time as the conditions have been met.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1218 - Drive-In Restaurant) to operate a drive-in restaurant; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 730) for a variance of front setback requirements from 100' to 70' from the centerline of 11th Street, subject to the erection and maintenance of a 6' screening wall or fence along the south property line, with all bracing placed on the north side of the wall or fence; the erection of fencing to prevent blowing of waste paper and refuse on the east, west and south development area boundaries; that all lighting be directed toward the drive-in facility and hooded where necessary to concentrate illumination to the site; that no area-wide loudspeakers or paging systems be installed or used at the facility; and that traffic circulation be reviewed and approved by the Traffic Engineering Department to include the location of ingress and egress points, in a CS District on the following described tract:

5.1.75:187(6)
The West 100 feet of the North 252.5 feet of the South 590 feet of the West 180 feet of the N/2, E/2, W/2, NE/4, NW/4 of Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma, and the East 80' of the North 252.5' of the South 590' of the West 180' of the N/2, E/2, W/2, NE/4, NW/4. (Minor Variance on front footage)

**NEW APPLICATIONS:**

Action Requested: Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement on the north and south sides where the purpose of the screening cannot be achieved in an IL District located at 2702 North Sheridan Road.

Presentation: C. E. Barton advised the Board that the property to the north of the subject tract is being requested for IL zoning before the Planning Commission at the present time and that the property to the south contains one single-family structure; however, that tract is planned for industrial redevelopment in the future. Mr. Barton advised that there are two structures on the subject property, one being an aircraft sales office, noting that there is another presently under construction which will be utilized as an aircraft engine overhaul shop. Upon questioning, he advised that electrical motors are used for the testing of the aircraft engines within the structure, then they are taken across the street to the aircraft and tested further at that location. He advised the Board of the various uses existing in the area.

Mr. Gardner noted that the subject property and those properties to the north and south are planned for industrial redevelopment. The applicant will be required, however, to screen the west property line between the IL and the RS-3 subdivisions.

Protests: None.

Board Action: On MOTION of SMITH, the Board (5-0) approved an Exception (Section 250.3 (d) - Modifications of the Screening Wall or Fence Requirements) to remove the screening requirement on the north and south sides where the purpose of the screening cannot be achieved in an IL District on the following described tract:

5.1.75:187(7)
Subject property

View facing East from 11th Street sidewalk
**LOD Number:** 1  
**Eric Dangler**  
10 E Archer ST  
Tulsa, OK 74103  
**APPLICATION NO:** COO-33179-2019  
(please reference this number when contacting our office)  
**Location:** 11730 E 11 ST  
**Description:** Medical Marijuana Dispensary

### INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

#### Revisions Need to Include the Following:

1. A copy of this deficiency letter  
2. A written response as to how each review comment has been resolved  
3. The completed revised/additional plans form (see attached)  
4. Board of adjustment approval documents, if relevant

Revisions shall be submitted directly to the city of Tulsa permit center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, phone (918) 596-9601. The city of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

**Submittals faxed / emailed to plans examiners will not be accepted.**

### Important Information

1. If a design professional is involved, his/her letters, sketches, drawings, etc. shall bear his/her Oklahoma seal with signature and date.  
2. Submit two (2) sets of drawings if submitted using paper, or submit electronic revisions in “supporting documents”, if originally submitted on-line, for revised or additional plans. Revisions shall be identified with clouds and revision marks.  
3. Information about zoning code, Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and Tulsa metropolitan area planning commission (TMAPC) is available online at www.INCOG.org or at INCOG offices at 2 W. 2nd ST., 8th Floor, Tulsa, OK, 74103, Phone (918) 584-7526.  
4. A copy of a “record search” *is not included with this letter.* Please present the “record search” along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

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

COO-033179-2019 11730 E 11 ST June 27, 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.

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.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

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

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO:

EUFLORIA LLC

11730 E 11TH ST., TULSA, OK, 74128

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 6, O.S. § 4220 et seq. and the Oklahoma Administrative Code at Title 360 Chapter 96. 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.

02/11/2020

License Number:

DAAA-VYPH-MEEE

DO NOT COPY

TOM BATES J.D.

Oklahoma State Department of Health

Tony Bates
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9227
CZM: 46
CD: 2

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Michael Velasquez

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: 4117 S SOUTHWEST BV W
ZONED: IL

PRESENT USE: Commercial
TRACT SIZE: 15124.09 SQ FT

LEGAL DESCRIPTION: W1/2 LOT-6-LESS NWLY 12.6' FOR ST. & ALL LOTS -7-&-8-LESS ST. BLK-6, PARK ADDN - RED FORK

RELEVANT PREVIOUS ACTIONS: None

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 zoned IL and is surrounded by IL zoning. It is located Along Southwest Boulevard West of I-244. It is located within the RT66 zoning Overlay.

STAFF COMMENTS:

The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the
required spacing for a medical marijuana dispensary in a IL district from other medical marijuana
dispensaries (Section 40.225-D).

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

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

The applicant submitted exhibits indicating the closest OMMA issued license was issued for an
address near the intersection of S 35th West avenue and W 42nd Pl. which is 0.471 miles away.

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.
Subject Location

View facing northeast from sidewalk along Southwest Boulevard
View facing southwest from sidewalk
2 min (0.6 mi)
Fastest route, lighter traffic than usual

Head southwest on E 38th Pl/Rte 66/Southwest Blvd toward W 43rd Pl
Continue to follow Rte 66/Southwest Blvd
0.4 miles
Turn right onto S 33rd W Ave
0.1 miles
Turn left onto W 42nd Pl/W 42th Pl
0.1 miles

3412 W 42nd Pl
Tulsa, OK 74107
**ZONING CLEARANCE PLAN REVIEW**

**LOD Number:** 1  
**June 22, 2019**

**Michael Velasquez**  
7606 E 77 ST  
Tulsa, OK 74133

**APPLICATION NO:** COO-03276-2019  
*(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)*

**Location:** 4117 SW BLVD  
**Description:** Medical Marijuana Dispensary

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### INFORMATION ABOUT SUBMITTING REVISIONS

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

1. A copy of this deficiency letter  
2. A written response as to how each review comment has been resolved  
3. The completed revised/additional plans form (see attached)  
4. Board of Adjustment approval documents, if relevant

**Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.**

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### 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.

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4. A copy of a "record search" [X] **IS** [ ] **NOT** included with this letter. Please present the "record search" along with this letter to INCOC Staff at time of applying for board of adjustment action at INCOC. Upon approval by the board of adjustment, INCOC Staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)

(continued)
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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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.

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Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:

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

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

END – ZONING CODE REVIEW

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KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOA-22704
Subject Tract
19-12 27

0 200 400

Feet

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9226
CZM: 46
CD: 2

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Ryan Coulter

ACTION REQUESTED: Variance to reduce the 75 ft. setback for an Industrial Zoned property from a Residentially Zoned Property (Sec. 15.030, Table 15-3)

LOCATION: 1324 W 41 ST S; 1320 W 41 ST S; 1316 W 41 ST S ZONED: IL

PRESENT USE: Vacant TRACT SIZE: 74522.75 SQ FT

LEGAL DESCRIPTION: BEG 15S OF NWC OF W63.5 E310.75 S626 OF N/2 NW NW TH S307 SE86.89 N372.23 SW63.7 POB SEC 26 19 12; BEG NWC OF W63.5 OF E247.25 OF S626 OF N/2 NW NW TH S381 SE86.89 N436.46 NW63.7 POB SEC 26 19 12; BEG 125W & 35S NEC NE NW NW TH W58.75 S445 SE TO PT 125W & 500 S NEC NE NW NW N465 POB LESS BEG NWC TH S4.53 NE55.16 TO NL TR TH W55 POB SEC 26 19 12 .611AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-5163: On 09/14/1966 the Board approved a request for permission to erect a church in a U-1-C District.

BOA-15093: On 04/06/1989 the Board approved a variance to permit the replacement of an existing outdoor advertising sign located within 150 feet of a residential zoned district. Located at the southeast corner of W. 41st St. S. and U.S. Highway 75.

BOA-20813: On 12/09/2008 the Board accepted a verification of the spacing requirement for a digital outdoor advertising sign from another outdoor advertising sign on the same side of the highway.

BOA-20375: On 11/14/2008 the Board approved a variance to allow an outdoor advertising sign to locate within 150 ft of an R District and a verification of spacing from another outdoor advertising sign. Located at 1324 W. 41st St. S.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment” area and an “Area of Growth.”

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.
Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 located immediately East of Highway 85 along West 41st Street South. It is zoned IL and is bounded by RS-3 zoned Property on the West, East and South and CS zoned property North of the subject property. The RS-3 zoning consists of Highway 75 right-of-way on the South and West and Cherry Creek on the East.

**STAFF COMMENTS:** The applicant is requesting a **Variance** to reduce the 75 ft. setback for an Industrial Zoned property from a Residentially Zoned Property (Sec. 15.030, Table 15-3)

![Table 15-3: Q, C and I District Lot and Building Regulations](image)

15.030-B  **Table Notes**

The following notes refer to the bracketed numbers (e.g.," [1]"") in Table 15-3:

- [1] Same as required in RT district.
- [2] Same as required in RM-2 district.
- [3] Same as required in RM-3 district.
- [4] Garage doors must be set back at least 20 feet or 20 feet from the back of the sidewalk, whichever is greater.
- [6] Minimum building setback abutting freeway right-of-way that is zoned AG, R or O is 10 feet.

The variance is being requested for the RS-3 zoning that exist over Cherry Creek, the RS-3 zoning covering the highway right-of-way only imposes a 10 ft. (Sec. 15.030-B Table Note 6) building line and no relief has been requested to vary that requirement.
SAMPLE MOTION:

Move to _______ (approve/deny) a Variance to reduce the 75 ft. setback for an Industrial Zoned property from a Residentially Zoned Property (Sec. 15.030, Table 15-3)

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

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
The Church of God request for permission to erect a church in a U-1-C District on the East 165 feet of the NE\text{\textfrac{1}{4}}, NW\text{\textfrac{1}{4}}, NW\text{\textfrac{3}{4}}, SW\text{\textfrac{1}{4}}, Section 26-19-12; less the south 100 feet of the East 160 feet with a building set back on the north property line of 55 feet (30ft. for street) Tulsa County, Oklahoma.

MOVED by Ingle (Sublett) that this matter be set down for a public hearing.
All members voting yea. Carried.

Mrs. Dewey Knott request for permission to operate a home beauty shop in a U-1-C District on Lot 17, Block 8, Federal Heights Addition.

MOVED by Ingle (Sublett) that an affected area be create and applicant circulate a petition and obtain at least 80% of the affected area and upon filing of same with the Secretary this matter be set down for a public hearing.
All members voting yea. Carried.

George S. Keele request for permission to continue selling used furniture in a U-2-B District on Lot 6, Block 4, Midway Addition. There appeared Mr. and Mrs. George S. Keele.

MOVED by Avery (Kruse) that this application be denied.
All members voting yea. Carried.

Jandebeur's Motor Company request for permission to operate a motor cycle sales and service company in a U-3-C District on a Part of the NE, SE, of Section 22-19-13, Tulsa County, Oklahoma.

MOVED by Avery (Sublett) that this application be denied.
All members voting yea. Carried.

Southeastern Inc. request for permission to operate a recreation parlor in a U-3-D District on the S, S, SE, SE, of Section 15-19-13. There appeared Mr. Ed Dubie on behalf of the applicant.

MOVED by Sublett (Ingle) that this matter be granted.
All members voting yea. Carried.

8/10/1964

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

Case No. 5098-A
Nellie Fernandez
Part of Lot 8, O'Connor Park

This being the date set down for public hearing on the application of Nellie Fernandez for permission to operate a children's day nursery on the following described property:

Part of the East Half of Block 8, O'Connor Park Addition more particularly described as beginning at the Southwest corner of the East half of Lot 8, O'Connor Park Addition; thence East 172.5 feet; thence 305 feet North; thence West 172.5 feet; thence South 305 feet to the point of beginning.

There appeared Nellie Fernandez. No protest was offered.

MOVED by Ingle (Sublett) that this application be approved.
All members voting yea. Carried.

Case No. 5149-A
Lot 4, Block 2, Smithville Second
Roy Bolhuis

This being the date set down for public hearing on the application of Roy Bolhuis, after having filed an 80% plus petition of an affected area created by the Board, for permission to operate a home beauty shop on Lot 4, Block 2, Smithville Second Addition. There appeared Roy Bolhuis. No protest was offered.

MOVED by Sublett (Ingle) that this application be approved.
All members voting yea. Carried.

Case No. 5163-A
Church of God
Pt. of NE 1/4, NW 1/4, NW 1/4, SW 1/4
Section 26-19-12

This being the date set down for public hearing on the application of the Church of God for permission to erect a church on the East 165 feet of the NE 1/4, NW 1/4, NW 1/4, SW 1/4, OF Section 26-19-12. There appeared Reverend W. E. Rodgers on behalf of the applicant. There also appeared several protestants.

Reverend Rodgers explained the proposed plans for the church to the Board.
The protestants stated that they had no objections to the church that they had a sanitation problem in the area and if the church were permitted to be erected it would add to the problem.

The Reverend Rogers stated that the Health Department had approved the plans for a septic tank system in the area.

MOVED by Avery (Sublett) that this application be approved.
All members voting yea. Carried.

Mrs is being the date set down for public hearing on the application of Mrs. Dewey Knott, after having filed a 90% petition of an affected area created by the Board, for permission to operate a home beauty shop on Lot 17, Block 8, Federal Heights Addition. There appeared Mrs. Dewey Knott. No protest was offered.

MOVED by Ingle (Sublett) that this application be approved.
All members voting yea. Carried.

This being the date set down for public hearing on the application of the Southeast Free Will Baptist Church for permission to erect a church on the NE ¼, N½, of the SE ½, SW ¼, of Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma. There appeared Mr. Herman Gibson, Jr. on behalf of the applicant. No protest was offered.

MOVED by Sublett (Avery) that this application be approved.
All members voting yea. Carried.

Filley Enterprises, Inc. request for permission to erect a church on the NE ¼, NW ¼, NE ¼, of Section 17-19-14. This being the date set down for public hearing. Mr. Tom Grant, Jr. appeared on behalf of the applicant. No protest was offered.

MOVED by Sublette (Avery) that this application be postponed.
All members voting yea. Carried.
MINOR VARIANCES AND EXCEPTIONS

Case No. 15105

Action Requested:
Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of front setback from 30' to 26.8' to allow for an existing dwelling in order to clear the title, located 8127 South Pittsburg Avenue.

Presentation:
The applicant, Bruce Staub, was represented by Greg Robinson, Robert E. Parker and Associates, 2431 East 61st Street, Tulsa, Oklahoma, who stated that the porch of an existing dwelling extends 3.2' over the building line and asked the Board to grant the variance request in order to clear the title.

Protestants: None.

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 30' to 26.8' to allow for an existing dwelling in order to clear the title; on the following described property:

Lot 4, Block 1, Forrest Creek II Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15093

Action Requested:
Variance - Section 1221.7 (B,D) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a Variance of the 1200' spacing requirement between outdoor advertising signs, and a variance to allow for an outdoor advertising sign to locate within 150' of an R District, located SE/c west 41st Street and US Highway 75.

Presentation:
The applicant, Bill Stokely, 8921 South 70th East Avenue, Tulsa, Oklahoma, stated that he is representing Dale Tate, owner of the property at the location of the proposed billboard. He noted that Mr. Tate purchased the property approximately one year ago, and asked permission to replace a 25-year-old sign with a new structure.
Case No. 15093 (continued)

Mr. Stokely informed that the owner is presently operating a business across the street to the north, and is also the owner of the residential lot abutting the subject tract. It was noted that the area to the east is commercial. He informed that the old sign will be replaced by a single-pole sign. Photographs (Exhibit B-1) were submitted.

Comments and Questions:

Mr. Jackere asked if the new sign will be in the exact location of the existing sign, and the applicant replied that the old sign will be removed and the new sign will be within 30' of the previous location.

Mr. Jackere inquired as to the distance from the proposed sign to the nearest outdoor advertising sign, and Mr. Stokely replied that there are no other outdoor advertising signs in the general area, except for the existing sign.

Mr. Jackere asked if the sign is in violation of any spacing requirement, and Mr. Stokely replied that it is within 150' of the residential district, but is not near any other outdoor advertising sign. (Variance request for relief of 1200 spacing requirement not needed.)

Mr. Smith inquired as to the location of the sign on the property, and Mr. Stokely replied that it will be located on the property line. Mr. Smith asked the use of the remainder of the tract, and the applicant informed that there is a vacant house, a barn, some sheds and other accessory buildings on the property.

Mr. Jackere stated that the applicant has stated that the existing sign will be replaced by the new sign, and suggested that this be made a condition if the variance is approved.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, 'aye'; no 'nays'; no 'abstentions'; none 'absent') to APPROVE a Variance (Section 1221.7 (D) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) to allow for an outdoor advertising sign to locate within 150' of an R District; subject to the old sign being removed and one new sign structure being erected within 30' of the existing sign location; finding that the applicant is the owner of the abutting R zoned property to the south, which would be most affected by the installation of the sign; on the following described property:

The west 63.5' of the east 310.75' of the south 626' of the N/2, NW/4, NW/4, Section 26, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.
**Case No. 20813**

**Action Requested:**
Verification of the spacing requirement for a digital outdoor advertising sign from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 1324 West 41st Street South.

**Presentation:**
Mike Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma, represented the Whistler Sign Company. Verification of spacing was provided.

**Interested Parties:**
There were no interested parties who wished to speak.

**Board Action:**
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to ACCEPT a Verification of the spacing requirement for a digital outdoor advertising sign from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

BEG 15S OF NWC OF W63.5 E310.75 S626 OF N/2 NW NWTH S307 SE86.89 N372.23 SW63.7 POB SEC 26 19 12, City of Tulsa, Tulsa County, State of Oklahoma

**Case No. 20814**

**Action Requested:**
Special Exception to modify the height of a fence in the required front yard from 4 ft. to 8 ft. (Section 210.B.3); and a Variance of the setback requirement for a fence from the centerline of an abutting street (Section 215), located: 1356 East 27th Place.

**Presentation:**
William J. Doyle, III, 551 OneOk Plaza, Tulsa, Oklahoma, 74103, represented his clients. He pointed out this is a four-foot wrought iron fence on top of a two-foot stucco base. The columns are eight feet and support the gate that is still well inside the drive. He referred to the plans (Exhibit B-1). He pointed out that 27th...
**Case No. 20375**

**Action Requested:**
Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 ft. from another Outdoor Advertising Sign on the same side of the highway (Section 1221.F.2); and a Variance of the minimum setback of 200 ft. for an Outdoor Advertising Sign from an R district (Section 1221.F.4.b), located: 1324 West 41st Street South.

**Presentation:**
William R. Grimm, 610 South Main, Suite 300, represented the applicant, Don Jernigan. He stated this property is being re-zoned to IL. A site plan was provided (Exhibit I-1). Mr. Grimm pointed out the hardship is that the abutting residential property is a drainage ditch and is not inhabitable.

**Interested Parties:**
There were no interested parties who wished to speak.

**Board Action:**
On MOTION of Dunham, to APPROVE a Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 ft. from another Outdoor Advertising Sign on the same side of the highway (Section 1221.F.2); and a Variance of the minimum setback of 200 ft. for an Outdoor Advertising Sign from an R district (Section 1221.F.4.b), noting that the R district at this location is uninhabitable; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, Ms. Stead asked for discussion on the motion resulting in an amended motion.

On Amended MOTION of Dunham, the Board voted 5-0-0 (Dunham, Henke, Stead, Stephens, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 ft. from another Outdoor Advertising Sign on the same side of the highway (Section 1221.F.2); and a Variance of the minimum setback of 200 ft. for an Outdoor Advertising Sign from an R district (Section 1221.F.4.b), noting that the R district at this location is uninhabitable, per plan, and subject to the two adjacent properties to the east being zoned IL; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

BEG 15S OF NWC OF W63.5 E310.75 S626 OF N/2 NW NWTH S307 SE86.89 N372.23 SW63.7 POB SEC 26 19 12, City of Tulsa, Tulsa County, State of Oklahoma

11:14:06:945 (16)
View facing West along West 41st Street

Subject Property
View of Cherry Creek which is an R zoned parcel
Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8305
CZM: 52
CD: 2

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Carlos Aguirre

ACTION REQUESTED: Special Exception to permit a fence/wall to exceed 4 ft. in the front setback (Sec. 45.080-A) and a Variance to permit a fence/wall to be located in the City of Tulsa Right-of-Way (Sec. 5.030-A, 90.090-A)

LOCATION: 6633 S BIRMINGHAM AV E
ZONED: RS-1

PRESENT USE: Residential
TRACT SIZE: 48787.4 SQ FT

LEGAL DESCRIPTION: PRT NE SW BEG 185.23N & 30E SWC SW NW NE SW TH E76.7 TH ON A CRV156.59 TH E137.2 N TO NEC SW NW NE SW W TO A PT 30E OF NWC SW NW NE NE SW TH S POB SEC 5 18 13 1.12AC

RELEVANT PREVIOUS ACTIONS:

Subject Property: BOA-20413: On 01/23/2007 the Board approved a variance of the minimum average lot width permitted in an RS-1 district from 100 ft. to 85 ft. to permit a lot split (Section 403).

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 located at the NE/c of S. Birmingham Ave. and E. 66th Court S. The property is surrounded by RS zoning.
STAFF COMMENTS: The applicant is requesting **Special Exception** to permit a fence to exceed 4 ft. in the front setback (Sec. 45.080-A) and a **Variance** to permit a fence to be located in the City of Tulsa Right-of-Way (Sec. 5.030-A, 90.090-A).

The applicant is requesting to build his structure through E. 66th Court, following the road as it is currently built and not the dedicated right-of-way. Currently East 66th Court S. is dedicated right-of-way that was designed as a cul-de-sac, but is not built to city standards serving only three lots with one point of access. The applicant has also been directed to speak with City of Tulsa Engineering to negotiate a license agreement for the structure or in the alternative a possible vacation of the right-of-way. A granting of this variance would not remove the requirement for a license agreement from the City of Tulsa.

**SAMPLE MOTION:**

**Special Exception**
Move to _________ (approve/deny) a **Special Exception Exception** to permit a fence/wall to exceed 4 ft. in the front setback (Sec. 45.080-A)

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

13.3

REVISED 8/1/2019
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.

Variance Request

Move to __________ (approve/deny) a Variance to permit a fence/wall to be located in the City of Tulsa Right-of-Way (Sec. 5.030-A, 90.090-A)

Finding the hardship(s) to be ____________________________.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions ____________________________.

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
overflow parking. The applicant provided an amended site plan and other exhibits (Exhibits D-1 and D-2).

**Interested Parties:**

Dennis Whittaker, 111 South Greenwood, Urban Development, stated they are continuing to implement the Vision 2025 Plan with their resources. He added that they held two public meetings together with the area around the subject property. They sought input from property owners and neighborhood associations since money was allocated to streetscape 11th and Yale. At the first meeting the public indicated a desire for landscaping that would transition from the architecture of the 1950's–70's era to the south side architecture of the 1920's-30's era. The landscape architects provided some ideas at the second meeting, which received support from the property and business owners. Later they determined the area included in the plan was not in the right-of-way so the City backed away from that plan to wait for other alternatives to become available. A revised design for public intersection improvement was then presented.

Board discussion ensued.

**Board Action:**

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the parking requirements, from 36 to 17 parking spaces, to permit a health club and smoothie bar in the existing building (Section 1219.D), per amended plan submitted today # AS101 and dated 12/28/06, with written agreement from the property to the west for additional parking spaces, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

PRT SE SE BEG 35N & 50W SEC 4 TH W150 N115 E150 S115 POB SEC 4 19 13 4AC, City of Tulsa, Tulsa County, State of Oklahoma

**********

**Case No. 20413**

**Action Requested:**

Variance of the minimum average lot width permitted in an RS-1 district from 100 ft. to 85 ft. to permit a lot split (Section 403), located: 6633 South Birmingham Avenue East.
Presentation:
Dane Butterfield, 446 East 113th Street, stated the only requirement he has not met is the average lot width due to the cul-de-sac causing less than 100 ft lot width. The applicant provided a lot-split exhibit (Exhibit E-1).

Mr. Stephens out at 1:50 p.m.

Mr. Butterfield stated he would demolish the existing house, and build a new driveway with the new house.

Mr. Stephens returned at approximately 1:54 p.m.

Interested Parties:
David Thompson, 2620 East 66th Court, stated he is adjacent to the subject property. The property slopes east to west and he noted they would have to make provision for proper drainage.

Barbara Walts, 2606 East 66th Place, stated she is the adjoining owner on the north and west of the subject property. She was opposed to making one lot into three smaller lots. She thought it would make her lot less enjoyable.

Applicant’s Rebuttal:
Mr. Butterfield responded that his hardship is how the cul-de-sac encroached on tracts A and B.

Mr. Alberty reminded the Board that the over-all lot width is 100 ft. but when you take out portions you have to average the lot. The lot area exceeds the RS-1 requirements.

Board Action:
On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell “aye”; no “nays”; no “abstentions”; no “absences”) to APPROVE a Variance of the minimum average lot width permitted in an RS-1 district from 100 ft. to 85 ft. to permit a lot-split (Section 403), in accordance with the agenda page 5.5; finding that the lot-split is in harmony with the infill development in the City of Tulsa, that the conditions and circumstances are peculiar to this land; finding the literal enforcement of the terms of the code would result in an unnecessary hardship, and that such extraordinary exceptional conditions or circumstances do not apply generally to other properties in the same use district; 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:

PRT NE SW BEG 185.23N & 30E SWC SW NW NE SW TH E76.7 TH ON A CRV156.59 TH E137.2 N TO NEC SW NW NE SW W TO A PT 30E OF NWC SW NW NE NE SW TH S POB SEC 5 18 13 1.12AC, City of Tulsa, Tulsa County, State of Oklahoma

01:23:07:949 (6)
View of Subject property from East 66th Court

View facing North from East 66th Court
ZONING CLEARANCE PLAN REVIEW

Mario Galdamez
Galdamez Concrete
9207 S Erie Ave E
Tulsa, OK. 74137

APPLICATION NO: BLDR-027077-2019  (PLEASE REFERECE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 6633 S Birmingham Ave
Description: Fence

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

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

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

IMPORTANT INFORMATION

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

3. A COPY OF A "RECORD SEARCH" [11S] X11S 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.).
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's 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 918-7926. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision maker 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. **45.080-A.** Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height.

   However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses and duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

   **Review Comments:** Provide documentation indicating the proposed fence located in the street setback will not exceed 4' in height measured from grade or apply to BOA for a special exception to allow a fence to exceed 4' in height in a street setback.

2. **5.030-A :Setback(s) (Residential)**: You are proposing to construct in a Right-of-Way (ROW). Required setback from the center of Birmingham st is 30’ and 25’ from center of East 66th Court. Structures are required to be located on your lot outside the ROW.

   **Step # 1**
   
   **Review Comments:** This proposed fence is located in the East 66th Court (R-O-W) and therefore requires a City of Tulsa R-O-W license and removal agreement. Relocate the fence out of the ROW to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a R-O-W license and removal agreement.

   **Step # 2**

   **Review comment:** Revise your site plan showing the structure to be located out of the right of way or you may pursue a variance from INCOG (Indian Nation Council of Government) BOA to permit a structure in the City of Tulsa right of way.

   **Step# 3**

   Submit the approved R-O-W license removal agreement and the BOA variance approval documents to the City Of Tulsa permit center as a revision to your application.
Note: A Right Of Way (ROW) construction permit will be required after your applications for the ROW license and removal agreement and the BOA variance are approved. Right Of Way (ROW) construction permits contact: Jerry Daily at 918-596-9630

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.
Site Plan
Aguirre Residence

Detail - Front Perimeter Fence and Gate
Scale: 1/8"=1'-0"

Sheet No. 1 - Front Perimeter Fence Plan

Project: Perimeter Fence Design

Owner: Mr. Carlos Aguirre
Address: 9992 South Birmingham Avenue, Tulsa, OK 74136

Landscape Plan By: Richard Conrad & Assoc., L.L.C.
Address: 8711 East 71 Street, Suite 240, Tulsa, OK 74136
Phone: 918-669-6221

Date: May 23, 2019

13.12
A Section - Typical Fence Column

B Elevation Detail - Front Perimeter Fence

C Section Detail - Wood Fence on Base Wall

D Elevation Detail - Key Pad Column

E Section - Wrought Iron Gate and Gate Columns

Site Plan

Aguirre Residence
BOA-22707

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Charles Lyon

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: 8153 E 41 ST S

ZONED: IL

PRESENT USE: Retail

TRACT SIZE: 6825.01 SQ FT

LEGAL DESCRIPTION: UNIT 8153 BLDG 1 & 12.5 INT IN COMMON ELEMENTS OF CAMBRIDGE EXECUTIVE OFFICES BEING PRT LT 3 BLK 1, BOND SECOND ADDN AMD

RELEVANT PREVIOUS ACTIONS: None

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

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 located in an IL zoned office/commercial park East of the NE/c of S Memorial Drive and E. 41st Street South. The property is completely bounded by IL zoning.

STAFF COMMENTS: The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board
requesting verification of the required spacing for a medical marijuana dispensary in an IL district from other medical marijuana dispensaries (Section 40.225-D).

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

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

The applicant submitted exhibits indicating a circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensaries known as "Gravity Dispensary" being located outside that radius southwest of the intersection of the Broken Arrow Expressway and E. 41st Street S. At the time this report was written the following items had been requested form the applicant but not received:

- Copy of OMMA issued license for a dispensary

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.
View of Development from 41st Street

View from sidewalk facing West
View from sidewalk facing East
ZONING CLEARANCE PLAN REVIEW

June 20, 2019

CHARLES LYON
8403 S Sandusky
Tulsa, OK 74137

APPLICATION NO: BLDC-032329-2019

LOCATION: 8153 E 41 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN “SUPPORTING DOCUMENTS”, IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

4. A COPY OF A "RECORD SEARCH" IS 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

BLDC-032329-2019 8153 E 41 ST  June 20, 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 Tulsa Planning Office 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. **RESOLVED** 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. **UNRESOLVED** Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

3. **UNRESOLVED** 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.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmaps.org/Documents/TulsaZoningCodeAdopted110516.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.
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.
Kendal,

Please see attached radius maps.

Charlie
UK Hash Radius Map
1,000ft radius showing nearest dispensary/s

Charles Lyon,
Owner
Lyon Construction
918.202.6111
Subject Tract  

BOA-22708  

19-13 24  

Aerial Photo Date: February 2018  

Note: Graphic overlays may not precisely align with physical features on the ground.
Note: Graphic overlays may not precisely align with physical features on the ground.
HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Ryan McCarty

ACTION REQUESTED: Variance to reduce the 75 foot setback for an Industrial Zoned property from a Residentially Zoned Property (Sec. 15.030, Table 15-3)

LOCATION: S of the SW/c of E 58th St S and S Mingo Road

PRESENT USE: Vacant

LEGAL DESCRIPTION: PRT LT 2 BEG SECR LT 2 TH W200 N350 E200 S350 POB BLK 2, ANDERSEN ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-13776: On 10/10/1985 the Board approved with conditions a use variance to allow office use in a residential district.

BOA-14088: On 06/26/1986 the Board denied a variance to allow for a used car lot to be located in a RS-3 zoned district and a variance to waive the required all-weather surface for off street parking.

BOA-21050: On 03/23/2010 the Board approved with conditions a variance of the 75 ft. building setback from an abutting R district (Section 903); a variance of the 5 ft. landscape separation for a parking area from an abutting R district to the north and west (Section 1002.A.3); and a Special Exception to eliminate the screening requirement on the north and west boundary (Section 212.C).

Surrounding Area:
BOA-10922: On 03/06/1980 the Board approved a variance of the setback requirements from an R District from 75' to 61' in an IL District. Located at 9832-C E. 58th St. S.

BOA-18350: On 03/23/1999 the Board approved a variance of building setback from abutting residential district from west boundary (75' to 50'); from north boundary (75' to 25'), to permit Use Unit 14 (retail use) in an IL district. Located south of the southwest corner of East 56th St. S.

BOA-20137: On 10/25/05 the Board approved with conditions a variance of the required 75-foot setback from an R zoned district to 50 feet. Located at 5620 S. Mingo Rd.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Employment" area and an "Area of Growth."
The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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.

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is zoned IL and is located South of the SW/c of East 58th Street S. and S Mingo Road. The property is bounded in the East and South by IL zoning and by RS-3 zoning on the North and West. The RS-3 zoning that abuts the subject property is owned by the City of Tulsa and contains Mingo Creek that is apart of the City of Tulsa Stormwater System.

**STAFF COMMENTS:**

The applicant is requesting a **Variance** to reduce the 75 ft. setback for an Industrial Zoned property from a Residentially Zoned Property (Sec. 15.030, Table 15-3)
SAMPLE MOTION:

Move to ______ (approve/deny) a Variance to reduce the 75 ft. setback for an Industrial Zoned property from a Residentially Zoned Property (Sec. 15.030, Table 15-3)

- Finding the hardship(s) to be ____________________________________.

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

- Subject to the following conditions ________________________________.

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Ms. Wilson asked the applicant why his client is moving the business. Mr. Hubbard stated that the area is in transition and his client is renting at the present location and would like to move in order to expand.

Ms. Bradley stated that there are residences all around the subject tract and stated concern that a precedent might be set if the application is approved.

Mr. Gardner pointed out that the Board should determine if the area is appropriate for office use or is more residential in character.

Mr. Jackere stated that office and residential uses are compatible in certain areas and pointed out that the Board will have to determine if, based on the physical facts, the office would be detrimental to the neighborhood.

Ms. Wilson asked the applicant if his client intends to live in the home and he answered that he does not.

Protestants: None.

Board Action:
On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for office use in a residential district; finding that the office use is not compatible with the residential neighborhood; on the following described property:

Lots 17, 45 and 46, Block 12, Forrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13776

Action Requested:
Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow office use in a residential district, located at 5810 South Mingo.

Presentation:
The applicant, John Hubbard, Jr., 4115 East 98th Street, Tulsa, Oklahoma, stated that the property in question is a 1,350 sq. ft. dwelling located on 4 acres of land at the corner of 58th Street and Mingo. Mr. Hubbard informed that there is a 40' drainage ditch to the rear of the lot and that the property was to be rezoned to IL, subject to flood control work, but it was found that it would cost the owner in excess of $150,000 to comply with the conditions. He
Case No. 13776 (continued)

pointed out that selling the property for IL was abandoned due to the cost factor exceeding the value of the land. Mr. Hubbard asked the Board to approve the variance for light office use.

Comments and Questions:
Ms. Wilson asked the applicant to state the type of business that would be in the house and he replied that that the use has not been determined at this time.

Ms. Bradley asked what is north and south of the subject tract. Mr. Hubbard replied that there is a business area to the north and business and residences to the south.

Mr. Gardner pointed out that all of the property between 58th Street and 61st Street, with the exception of the CS which was already zoned, came in under one application for IL and the City approved it subject to their establishing the back portion FD (floodway). The City agrees that the use is appropriate for light industry or office, but will not zone the property until the floodway is established.

Protestants: None.

Board Action:
On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow office use in a residential district; subject to Hydrology Department and Stormwater Management approval; subject to no additions or buildings being constructed and only the existing building enclosed and it being used for office space only; finding a hardship imposed on the applicant by the topography of the land and changing land use in the area; on the following described property:

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

Case No. 13777

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a special exception to allow for off-street parking, located at 1419 South Denver Avenue.

Presentation:
The applicant, Larry Harral, 1717 East 15th Street, Tulsa, Oklahoma, represented the Tulsa Postal Federal Credit Union. Mr. Harral asked the Board to allow off street parking at 1419 South Denver for staff parking. He noted that the credit union has purchased the lot for this purpose.
Case No. 14087 (continued)

Board Action:
On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of front setback from 35' to 30' 2" and a variance of the rear yard setback from 25' to 18' to allow for an addition to an existing structure; per plot plan submitted; finding a hardship imposed on the owner by the corner lot location and major setbacks from both 71st Street and Birmingham Place; on the following described property:

Lot 1, Block 1, Woodridge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14088

Action Requested:
Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow for a used car lot to be located in a RS-3 zoned district.

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request a variance to waive the required all weather surface for off-street parking, located at 5810 South Mingo Road.

Comments and Questions:
Mr. Jones informed that he received a phone call from a protestant, Charles Ashley, who asked that Case No. 14088 be continued to a later date in order that he will be able to attend. He stated that he has just received notice of the hearing and is unable to attend this meeting as scheduled.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 14088 until June 26, 1986.

Case No. 14089

Action Requested:
Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow custom cracking and retailing of pecans as a home occupation in an RS-3 zoned district, located on the NE/c of 41st and 100th East Avenue.

Presentation:
The applicant, Carole Matheson, 3834 South 91st East Avenue, Tulsa, Oklahoma, stated that she owns a pecan orchard and asked the Board
Case No. 14045 (continued)
Lots 3 & 4, Block 13, Broadmoor Addition, 1400 South Norfolk,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14088

Action Requested:
Use Variance - Section 410 - Principal Uses Permitted in Residential
Districts - Use Unit 1217 - Request a Use Variance to allow for a
used car lot to be located in an RS-3 zoned district.

Variance - Section 1340.(d) - Design Standards for Off-Street
Parking Areas - Use Unit 1217 - Request a variance to waive the
required all weather surface for off-street parking, located at 5810
South Mingo Road.

Presentation:
The applicant, Wesley Thompson, 7978 South Sheridan, Tulsa, Oklahoma
said the property has been approved for IL zoning pending the
publication of the ordinance and wants a use variance on the
property because it is in a flood zone right now and there is
nothing else the property could be used for as far as residential
goes.

Comments and Questions:
Mr. Smith asked Mr. Thompson if he realized the magnitude of the
floodwaters that have crossed the property in the past and Mr.
Thompson replied in the affirmative. Mr. Thompson said that right
now there is a house on the lot and that there would only be a few
cars put on the lot and said that if something happened the cars
could be moved.

Ms. White asked the Mr. Thompson why he was asking for a variance to
waive the required all-weather surface for the parking. Mr.
Thompson said he had been told it would be a disadvantage as far as
the flood zone goes if there was an all-weather surface, such as
pavement, put on it. Mr. Thompson said it would not matter too much
with gravel.

Mr. Quaries asked if this was property the applicant presently owned
or would require a lease and Mr. Thompson said he had a lease on the
property now.

Mr. Smith asked if Mr. Thompson had been to Stormwater Management
regarding this use and Mr. Thompson replied that he had not.

Interested Parties:
Ward Miller, Planning Chief for Stormwater Management, 707 South
Houston, Tulsa, Oklahoma read and passed out a written
recommendation (Exhibit B-1) from the Department of Stormwater
Management stating that his Department could not recommend approval
of this use request.
Case No. 14088 (continued)

Protestants:
A letter of protest and photographs (Exhibit B-2) were received from Charles Ashley, who stated that the used car lot would adversely affect the property value in the area.

Comments and Questions:
Mr. Smith asked Mr. Miller what would be the depth of water during the hundred year on this site and Mr. Miller replied the 100 year vent would be contained in the channel leading up to this area and also contained in a channel leading away from Mingo. Mr. Miller replied that the subject tract is almost totally within the designated floodway.

Board Action:
On MOTION of QUARLES, the Board voted 3-0-0 (Smith, White, Quarles "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to DENY a Variance (Section 410 Principle Uses Permitted in Residential Districts - Use Unit 1217) to allow for a used car lot to be located in a RS-3 zoned district; and to DENY a Variance (Section 1340.d Design Standards for Off-street Parking Areas Use Unit 1217) to waive the required all weather surface for off street parking; finding the used car lot and potential for flooding would be injurious to the neighborhood and not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property;

Lots 1 & 2, Block 2, Anderson Addition, 5810 South Mingo, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14106

Action Requested:
Minor Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from the centerline of South Winston Avenue from required 30′ to 47′ to permit an addition to residence, located at 1320 South Winston Avenue.

Presentation:
The applicant, Donald Stanton, 1320 South Winston, Tulsa, Oklahoma, stated that he wanted to extend the front porch to his property.

Comments and Questions:
Ms. White asked the applicant if he had a plot plan and he replied in the affirmative and presented a plat of survey to the Board (Exhibit C-1).
months during any four-year period. Mr. Alberty suggested that the case be continued to allow time for more research. The timeline submitted today is not conclusive.

Mr. Van De Wiele suggested that the applicant submit a timeline from 1970 to the present. The Board needs evidence of the use.

Ms. Stead asked Mr. Cox if he has seen the list placed before the Board. Does he maintain that the use unit was changed to the extent that the nonconforming use was discontinued? Mr. Cox responded that he did.

Ms. Stead stated that this is not a house. Mr. Cox stated that he understands that; however, the underlying zoning is RS-3. Ms. Stead stated there is no time limit. Mr. Cox answered, negatively. It is based on the change in use.

Mr. Tidwell asked for clarity on the fine. Mr. Cox responded that the property owner was issued a zoning notice on March 26, 2009, which gave the property owner ten days to appeal or a determination that the uses had changed. The information gathered by the department indicated a determination (under 1402, Section F nonconforming Use) that any change in use in a residential area requires the use to return to residential use. It was determined that the print shop was under Use Unit 15 and that the current owner is under Use Unit 11.

Mr. Henke stated that he needed the specifics stating the uses of the property.

Applicant's Rebuttal:
Mr. Nelson stated the property has always been a Use Unit 14. Use Unit 11 is general office, Use Unit 14 is retail establishments, and we sell items on E-bay.

Board Action:
On MOTION of Stead, the Board voted 3-2-0 (White, Stead, Tidwell "aye"; Henke, Van De Wiele "nay"; no "abstentions") to APPROVE upholding the Appeal of the determination of an Administrative Official that the nonconforming use of the property as an office was discontinued in 1975. This decision is based on the list of documented uses in the Polk's City of Tulsa Directory for the property address presented at today's meeting.

S.44 W.1/2 LT 11 S.44 EA. LTS 12 13 14 15 BK 3, TULSA SQUARE ADDN AMD, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 21050

Action Requested:
Variance of the 75 ft. building setback from an abutting R district (Section 903); a Variance of the 5 ft. landscape separation for a parking area from an abutting R district to the north and west (Section 1002.A.3); and a Special Exception to
modify/eliminate the screening requirement on the north and west boundary (Section 212.C). Location: SW/c of E. 58th St. and S. Mingo Rd.

Mr. Tidwell recused himself at 4:23 p.m.

**Presentation:**

James Lawrence, 7832 S. Elm, Broken Arrow, Oklahoma 74012, the applicant, proposes to build a 17,000 square foot mixed use office, warehouse and light retail use center on the property. In 2002, the City acquired property adjoining to the applicant for the widening of the Mingo Creek channel. The closest point to a residentially occupied RS-3 zone is 110 feet away. The City and the use of property to develop the floodway have left the underlying zoning as RS-3. The applicant is asking for the setback variance because it has been accomplished with the floodway. The view will not change from what it is now.

**Interested Parties:**

Tracey Mortan, 5837 S. 94th E. Place, Tulsa, Oklahoma 74145, her property backs up to this proposed project. When the City acquired the property and made just a lot, the traffic noise and litter started coming into the area. She wanted to make sure that there was not going to be any removal of trees. She said the view from her property does change.

**Comments and Questions:**

Mr. Boulden asked if the City had easements in the area. Mr. Cuthbertson clarified that City owns the property that contains Mingo Creek.

Ms. Stead asked Ms. Mortan if she back up to the creek. She responded that she does.

Ms. Mortan explained that the notice mentioned landscaping and she wanted to make sure no trees would be removed.

Mr. Boulden asked if Ms. Mortan had any problem with the elimination of the screening fence. Ms. Mortan answered that she did. At this point, she will just see a parking lot, which lessens the value of her property.

Ms. Stead asked if there would be a problem with the placement of wood fence on the west property line. Mr. Lawrence responded that the applicant works with the engineers; however, the applicant would install what is required. The Board cannot specify the material, but they can suggest that the fence be wood or masonry. Mr. Lawrence asked if the fence could be metal. Mr. Boulden stated that metal fences are generally not allowed.
Board Action:
On MOTION of Stead, the Board voted 4-0-1 (White, Henke, Stead, Tidwell, Van De Wiele "aye"; no "nays"; Tidwell "abstaining") to Approve the Variance of the 75 ft. building setback from an abutting R district (Section 903); a Variance of the 5 ft. landscape separation for a parking area from an abutting R district to the north and west (Section 1002.A.3); and a Special Exception to eliminate the north screening. As to the west boundary, the applicant shall install an 8-foot wood or masonry fence or similar material (Section 212.C). The applicant shall maintain the sidewalks along Mingo to the extent of the property boundaries. In granting the special exception, the Board found that it will be in harmony with the spirit of the code and not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variances, the Board found that by reason of extraordinary or exceptional conditions or circumstances, primarily because of the City-owned creekbed, extraordinary or exceptional conditions, which result in unnecessary hardship; these do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan and subject to the proposed conceptual plan 17.6.

PRT LT 2 BEG SECR LT 2 TH W200 N350 E200 S350 POBBLK 2, ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma.

Board Member Comments:
David White commended INCOG staff as to the quality of packets. The color photographs are great.

There being no further business, the meeting adjourned at 4:45 p.m.

Date approved: ________________

Chair
enclosure before a building permit is issued, on the following described tract:

Part of the Northwest Quarter of Section 22, Township 18 North, Range 13 East; beginning at a point 1,320' West of the Northeast corner of the Northwest Quarter of said Section; thence South 370'; thence East 156'; thence North 370'; thence West 156' to the point of beginning, less the North 50' thereof, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

**Action Requested:**

Variance - (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) - Request for a variance of the setback requirements from an R District from 75' to 61' in an IL District at 9832-C East 58th Street.

**Presentation:**

Gene Buzzard, 907 Philtower, stated that the property is located in the Southeast Industrial District on Mingo Road and 58th Street South. The area is screened and the residential area is sparse and unplatted. The variance is requested in order to provide adequate space between the buildings for trucks to park.

**Protests:** None.

**Board Action:**

On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye"; no "nays"; no "abstentions") to grant a Variance - (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from an R District from 75' to 61' in an IL District, per plot plan submitted, on the following described tract:

Lot 7, Block 18, Tulsa Southeast Industrial District Extended to the City of Tulsa, Oklahoma.

**Action Requested:**

Appeal - (Section 1650 - Appeals From the Building Inspector) - Appeal from a decision of the Building Inspector for refusing to permit the replacement of two signs in an RS-3 District; and a Variance - (Section 420.3 (d) - Accessory Uses in Residential Districts - Conditions - Under the Provisions of Section 1670 - Variances) - Request for a variance to permit the replacement of two signs in an RS-3 District on the north side of 11th Street, between Florence Avenue and Gary Avenue.

**Presentation:**

Larry Wade, Amax Sign Company, stated his Company sold the equipment to the University of Tulsa. Mr. Wade stated the old sign is presently being replaced, and the hardship is that the City of Tulsa has taken away the zoning for the sign in 1957. Mr. Wade presented plans for the new scoreboard which will be located down the hill (Exhibit "R-1"). The new scoreboard will be 19' closer to the street than the old sign.
Lot 1, Block 2, South Brookside, City of Tulsa, Tulsa County, State of Oklahoma.

******

**Case No. 18350**

**Action Requested:**

Variance of building setback from abutting residential district from west boundary (75' to 50'); from north boundary (75' to 20'). **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** – Use Unit 14 and a Special Exception to permit Use Unit 14 (retail use) in an IL District. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** – Use Unit 14, located S of SW/c E. 56th St. S & S. Mingo Road.

**Presentation:**

The applicant, Roy D. Johnsen, 201 W. 5th Street, Suite 501, submitted a site plan (Exhibit N-1) and stated that he is representing Liberty Flag Company which is presently located on South Sheridan. Their business has a retail area where you can walk in and buy a flag. 90% of their business is with schools and government offices across the country. The assembly is extremely limited. They do not make the flags, they buy the flags and the assembly may be put on the pole or place a brass ornament on it, packaged and shipped out. This property is zoned IL. Mr. Johnsen mentioned that a retail use in an IL District must be approved by a special exception. Because the property is zoned IL, the setback from adjacent residential properties is 75'. There are residential properties abutting the west boundary and on the north boundary. The planned use for the properties fronting Mingo is industrial. These lots were probably platted for residential use many years ago and there are actually a few homes along there. Mr. Johnsen stated that the depths are such that if you put the 75' setback on the rear, there will not be enough room for the two rows of parking, aisle space and landscaping that is required. They came up with a 52' setback from the west; a 20' setback from the north; 10' from the south. Mr. Johnsen stated that this is a very light use. They operate Monday through Friday with normal business hours. They have four employees and one temporary employee. Mr. Johnsen stated that this business is a mixed use retail and very light industrial. Mr. Johnsen stated that their hardship is that the property was platted years ago at those depths then changed to industrial uses.

**Comments and Questions:**

Mr. Beach pointed out that there is a requirement for a 5' strip of landscaping along the residential boundary to the north.
Interested Parties:
Shannon Marlow, stated that she is appearing on behalf of her mother, 5626 S. Mingo which is the house directly to the north of this property. Her mother has owned the residence for 26 years. Ms. Marlow stated that she would like to see a site plan so she can see how the 20’ will impact the residence. Ms. Marlow asked if there is a reason why the building couldn’t be shifted to the south 5’ to make it less of an impact on their property.

Applicant’s Rebuttal:
Mr. Johnsen stated that he has spoken with his client and they can accept a 5’ setback from the north and make it a total of 25’.

Board Action:
On MOTION of COOPER, the Board voted 4-0-1 (Cooper, Turnbo, Perkins, White "aye"; no "nays", Dunham "abstentions"; no "absent") to APPROVE Variance of building setback from abutting residential district from west boundary (75’ to 50’); from north boundary (75’ to 25’), finding that the Variances meet the requirements of Section 1607.C. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 14 and a Special Exception to permit Use Unit 14 (retail use) in an IL District, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 14, on the following described property:

Lot 4, Block 1, Andersen Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 18352

Action Requested:
Special Exception to amend a previously approved site plan to include a multi-use church facility with seating for 2,800, four unlighted sports fields, a 4,500 SF central power plant building and accessory parking and stormwater drainage facilities. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located E 96th St. S. & S. Garnett Road.

Presentation:
The applicant, Darin Akerman, Sisemore, Weisz & Associates, Inc., 1602 S. Main, Tulsa, submitted a site plan (Exhibit O-1) and stated that his firm represents Grace Fellowship Church. They would like to locate a new auditorium in the central portion of the site. In addition to that, they are looking to locate several sports fields throughout
Board Action:
On Motion of Henke, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Special Exception to permit a parking lot in an RM-2 district (Section 401), finding the parking lot 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; a Variance of the required setback for a parking lot in a RM-2 district from 55' to 30' (1302.B); and a Variance of required screening on the north and east sides around the parking lot (Section 1303.E), 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, with conditions for a tie agreement of Lots 4 and 5 to Lot 6, per plan, which addresses the drainage, on the following described property:

LT 4 BLK 10 & LT 5 BLK 10, HIGHLANDS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20137
Action Requested:
Variance of the required 75 foot setback from an R zoned district to 50 feet (Section 903), located: 5620 South Mingo Road.

Mr. Cuthbertson stated there were two letters of opposition (Exhibits F-4 and F-5).

Presentation:
Kenneth Schwab, 11006 East 51st Street, represented the property owners of Fifty Stars. He submitted a site plan, packet of exhibits, and elevations (Exhibits F-1A, F-1, and F-2). He referred to a previous hearing on the subject property, March 23, 1999, Case No. 18350, the current owner asked for the seller to seek a variance and the Board approved it. That variance expired before it was acted upon and they are back to obtain the variance once again. They do not intend to change the plan along the rear of the property to the west.

Comments and Questions:
Mr. Dunham asked if they are going to pave that area or use it for parking or storage. Mr. Schwab replied they would not. He added that it would remain a green space. The trees along the rear property line would remain in place.

Mr. Schwab continued, informing the Board that the applicant is a distributor. They have a delivery once in the morning and a shipment out once in the afternoon. He
stated that only five percent of the business is walk-in sales. They will not manufacture anything on the site.

**Interested Parties:**
Colton Miller, 5631 South 95th East Avenue, referred to his letter of opposition (Exhibit F-3). He noted that the nearby businesses are set back further. He stated the other properties were of smaller size. Once his questions were answered he was not in opposition.

**Applicant’s Rebuttal:**
Mr. Schwab pointed out that the fifty feet to the west is green space and approximately fifteen to twenty feet on the south is green space. He responded to Mr. Dunham that the hours of operation are 8:00 a.m. to 5:30 p.m., Monday through Friday.

**Comments and Questions:**
Mr. Boulden asked if they will be distributors but not a retailer. Mr. Schwab replied they are 80% distributor/wholesaler and about 5% retailer.

Mr. Dunham acknowledged a speaker. Charlotte Jones, 3877 East 72nd Street, owner of the proposed business stated they have bids from public schools all over the United States and contracts with government agencies. The manufacturers do not sell direct but through distributors. They are the appointed distributor for seven manufacturing facilities. The flags are shipped to their warehouse and they make their sales by telephone, written sales or internet. They have a few customers that come to their site on any given day.

**Board Action:**
On Motion of Stead, the Board voted 4-0-0 (Dunham, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Variance of the required 75 foot setback from an R zoned district to 50 feet (Section 903), per plan submitted, subject to: a 50’ green space on the west side of the lot and extending across the entire lot, with no parking in said space; no outside storage of materials; no manufacturing on site; one-story building; days/hours of operation as stated are 8:00 a.m. to 5:30 p.m., Monday through Friday and no weekend hours, by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 4 BLK 1. ANDERSEN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**FILE 15.17**

10:25:05-921 (9)
View of subject property from Mingo sidewalk

View facing South from sidewalk
View of R zoned drainage channel
**5800 Mingo**

**OFFICE/WAREHOUSE**

PROPERTY ADDRESS: 5810 South Mingo Road

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### Survey Control Table

<table>
<thead>
<tr>
<th>Point</th>
<th>UTM X (m)</th>
<th>UTM Y (m)</th>
<th>Description</th>
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### Site Plan

- **Proposed Building**
- **Proposed Underground Equipment**
- **75 Building Setback Line**

### Legal Description

PART OF LOT 10, BLOCK 2, ANDREW ADDITION, A SUBDIVISION IN TULSA CITY, COUNTY OF TULSA, OKLAHOMA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- SOD I.150.00 FT. TO A POINT ON THE EAST TRIM LINE OF MINGO ROAD;
- THENCE EAST 60.00 FT. TO A POINT ON THE EAST TRIM LINE OF EAST 19TH ST.

### Site Summary

- **Lot Area:** 70,800.00 SF (2.44 AC)
- **Proposed Building Area:** 70,800.00 SF
- **Existing Improvements Area:** 0 SF
- **Proposed Underground Area (both phases):** 0 SF
- **Produced 2006 Improvements Area (both phases):** 0 SF
- **Proposed Site Improvements:** 0 SF

### Impervious Calculations

- **Site Area:** 70,800.00 SF
- **Existing Impervious Area:** 0 SF
- **Proposed Impervious Area:** 0 SF

### Exterior Lighting

All proposed light fixtures will be associated with this project to reduce lighting for light required associated with proposed building.

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**Disclaimer**

THE INFORMATION CONTAINED IN THIS SHEET IS FOR INTERNAL USE ONLY AND IS NOT TO BE USED FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ISSUING ENTITY.
ZONING REVIEW

July 5, 2019

APPLICATION NO: 33742-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 5810 S. Mingo Rd.
Description: New Building

<table>
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<tr>
<th>INFORMATION ABOUT SUBMITTING REVISIONS</th>
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<tr>
<td>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.</td>
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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 2ND 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.**

<table>
<thead>
<tr>
<th>IMPORTANT INFORMATION</th>
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<tbody>
<tr>
<td>1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.</td>
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</table>

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 2ND STREET, 8TH 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**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>33742-2019</th>
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<tr>
<td>Address</td>
<td>5810 S. Mingo Rd.</td>
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<tr>
<td>Date</td>
<td>July 5, 2019</td>
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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.) **Section 15.030 Lot and Building Regulations:** Table of Regulations The lot and building regulations of Table 15-3 apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this zoning code. General exceptions to lot and building regulations and rules for measuring compliance can be found in Chapter 90. Additional regulations governing accessory uses and structures can be found in Chapter 45.

**Review Comment:** The proposed building is located in an IL zoning district and requires a 75 ft. setback from the abutting Residential zoning districts per 15.030. You may pursue a variance from the BOA to permit the setback distance be reduced per the proposed plan.

2.) **Section 65.020 Applicability:** 65.020-A Landscaping and Screening 1. The landscaping and screening regulations of this chapter apply as set forth in the individual sections of this chapter. The following are expressly exempt from the landscaping regulations of this chapter:

**Review Comment:** Provide a landscaping plan and screening fence for the proposed new building in compliance with T42 chapter 65.

---

**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.
Subject Tract BOA-22709
19-13 36

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9332 Case Number: BOA-22710
CZM: 47
CD: 9

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Carly Goodnight

ACTION REQUESTED: Variance to increase the height for a freestanding sign to 50 feet tall with a 72-foot setback from the C/L of E. 51st St. (Sec. 60.080-D)

LOCATION: 5127 S LEWIS AV E ZONED: CS

PRESENT USE: Vacant TRACT SIZE: 135419.88 SQ FT

LEGAL DESCRIPTION: BEG 50E & 50S NWC NW TH E280 S478 W290 N158 E10 N320 POB SEC 32 19 13 3.11AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-6623: On 04/07/1970 the Board approved a variance of the permitted use provisions of U-3D to permit operating a family-type billiard center.

Surrounding Properties:
BOA-7179: On 10/07/1971 the Board approved a variance to allow two signs facing east and west on the face of the building containing 130 square feet per sign on a tract. Located at 2400 E. 51st St.

BOA-9528: On 05/19/1977 the Board approved a minor exception to enlarge a sign to 165 square feet in a CS District. Located at the southwest corner of 51st St. and Lewis Ave.

BOA-12403: On 01/06/1983 the Board denied a variance of the height and size requirements for a sign in a CS District. Located at 5050 S. Lewis Ave.

BOA-12087: On 07/22/1982 the Board approved a special exception of the aggregate display area for a wall sign that exceeds three square feet per foot of the building wall to which the sign will be affixed. Located at 5103 S. Lewis Ave.

BOA-15828: On 09/24/1991 the Board denied a variance of the required 50’ setback from the centerline of E 51st St S to 35’ to permit a new pole sign. Located at 5050 S. Lewis Ave.

BOA-22316: On 09/12/2017 the Board approved a variance to allow a dynamic display sign within 200 ft. of an R district (Sec.60.100-F). Located at 2432 E. 51st St. S.

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 located at the NE/c of E. 51st Street South and South Lewis Ave. It is zoned CS and is abutted on the East by CS, RM-1 and RM-2 Zoning. It is abutted by CS Zoning on the North, West and South.

STAFF COMMENTS:

The applicant is requesting a Variance to increase the height for a freestanding sign to 50 feet tall with a 72-foot setback from the Centerline of E. 51st St. (Sec. 60.080-D). Currently the applicant would be limited to a sign height of 40 ft.

60.080-D  Maximum Height of On-premise Projecting and Freestanding Signs

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

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 in excess of 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.

The variance is being requested for a QuikTrip gas station/ convenience store currently under construction. In approving or denying the variance request the Board should look to the stated purpose of the sign code found in Sec. 60.010-A:
SAMPLE MOTION:

Move to __________ (approve/deny) a Variance to increase the height for a freestanding sign to 50 feet tall with a 72-foot setback from the Centerline of E. 51st St. (Sec. 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 ____________________________.

In granting the **Variance** the Board finds that the following facts, favorable to the property owner, have been established:

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

b. **That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;**
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
On MOTION of REEDS, the Board of Adjustment (5-0) granted a variance (Section 23) modifying the lot coverage requirements of U-3D (Section 5 (m) (3)), to permit 53% coverage of the lot area, informing the applicant, however, that this approval is limited and subject to review in 3 years; on the following described tract:

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

Variance (Section 23) of the permitted use provisions of U-3D (Section 5 (k) (2)), to permit operating a family-type billiard center on a tract located at 5109 South Lewis Avenue.

William Harrington, representing G. Ellis Fike, stated that the owner had put in the center before they found out that they have to have permission from the Board.

None.

Mr. Johnsen stated that the Board has made distinctions in the past between a pool hall and a family type center.

On MOTION of JOLLY, the Board of Adjustment (5-0) granted a variance (Section 23) of the permitted use provisions of U-3D (Section 5 (k) (2)), to permit operating a family-type billiard center on the following described tract:

Part of the NW/4 of Section 32, Township 19 North, Range 13 East of the Indian Base and Meridian, according to the U. S. Survey thereof, described as follows, to-wit:

Beginning at a point 182 feet South and 200 feet East of the NW corner of said NW/4; thence South parallel to the West line of said NW/4 a distance of 32 feet; thence East parallel to the North line of said NW/4 a distance of 90 feet; thence North parallel to the West line of said NW/4 a distance of 32 feet; thence West parallel to the North line of said NW/4 a distance of 90 feet to the point of beginning, to the City of Tulsa, Oklahoma.
Action Requested: Exception (Section 310 - Principal Uses Permitted in AG Districts) to permit placing a mobile home on a 5 acre tract of land for a period of 5 years for construction protection purposes on a tract located 1/4 mile southwest of 81st Street and Sheridan Road.

Presentation: Robert H. Duenner, Jr. advised the Board that the subject tract is located in a remote area adjacent to the Holland Hall property and has been used as a dumping area for the past 10 years. He stated that the tract is 330' x 660' in size, and he proposes to install the mobile home as a residence in order to prevent the continued use of the property as a dump.

Protests: None.

Board Action: On MOTION of COHEN, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in AG Districts) to permit placing a mobile home on a 5 acre tract of land for a period of 5 years, on the following described tract:

The W/2, NW/4, NE/4, NE/4, of Section 15, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested: Exception (Section 510 - Principal Uses Permitted in Office Districts) to permit operating a heliport on top of a high-rise office building in an OM District, AND Variance (Section 520.1 (d) - Accessory Uses Permitted in Office Districts - Use Conditions - Under the Provisions of Section 1470) to allow two signs facing east and west on top of the office building containing 130 square feet per sign on a tract located at 2400 East 51st Street.

Presentation: Jim Heidler, applicant, submitted a letter from the Department of Transportation, Federal Aviation Administration (Exhibit "L-1"), which stated that the FAA did not object to the proposed heliport for Visual Flight Rules Operations only. In addition, the letter contained two specific recommendations: a) Approaches and departures in the north quadrant should not go north of Skelly Bypass service road, and b) approaches and departures to the west should not fly directly over the school located just west of the site. Mr. Heidler stated that he has met with all local and federal authorities and at this time needs the approval of this Board. In regard to the signs requested, he advised the Board that they will be located on the face of the building and will not extend above the top of the penthouse.
Protests: None.

Board Action: On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 510 - Principal Uses Permitted in Office Districts) to permit operating a heliport on top of a high-rise office building in an OM District, subject to the recommendations contained in the letter from the Federal Aviation Administration, AND Variance (Section 520.1 (d) - Accessory Uses Permitted in Office Districts - Use Conditions - Under the Provisions of Section 1470) to allow two signs facing east and west on the face of the building containing 130 square feet per sign on the following described tract:

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

Action Requested: Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the side yard requirements in an RS-3 and RD District to permit building 15' from side lot lines on corner lots on a tract located north and west of 61st Street North and Lewis Avenue.

Presentation: James Henshaw, applicant, presented a plat of the subject property to the Board (Exhibit "M-1").

Protests: None.

Board Action: On MOTION of JOLLY, the Board (5-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to waive the side yard requirements in an RS-3 and RD District to permit building 15' from side lot lines on all corner lots except Lot 1, Block 1 subject to the plat submitted, on the following described tract:

Lots 19 and 20, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lots 1, 7, 8, 15, Block 4; Lots 1, 10, 11, 21, Block 5; Lots 1, 12, 13, 14, 24, Block 6; ALL in Scottsdale Addition to the City of Tulsa, Oklahoma.
Board Action:

On MOTION of PURSER, the Board (3-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard requirements, per plot plan, from 20' to 17.17' in an RS-3 District on the following described tract:

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

Action Requested:

Minor Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1630) to enlarge a sign to 165 square feet in a CS District located at the southwest corner of 51st and Lewis.

Presentation:

Mike Moydell requested permission to enlarge the proposed sign to 165 square feet, advising that the sign is the standard wall sign for Wendy's that is attached to the structure and is located behind the building setback line.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Minor Exception (Section 1221.5 - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1630) to enlarge a wall sign to 165 square feet in a CS District on the following described tract:

The East 123' of Lot 1, Block 3, Perry's Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof, LESS a tract of land lying in the East 123.00' of Lot 1, Block 3, Perry's Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof and being more particularly described as follows to-wit: Beginning at the NE corner of said Lot 1; thence South along the East line of said Lot 1 a distance of 145.00' to a point; thence in a Northwesterly direction along a straight line a distance of 116.10' to a point 29.00' South and 4.00' West of the NE corner of said Lot 1; thence continuing in a Northwesterly direction along a curve to the left having a radius of 35.00' to a point on the North line of said Lot 1, 21.00' West of the NE corner; thence East along said North line a distance of 21.00' to the point of beginning.

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 20' in an RS-2 District located at 3266 South Florence.
Starting at the Northwest corner of Section 23, Township 20 North, Range 13 East; thence East a distance of 2,629.78 feet; thence South a distance of 2,014.85 feet to the point of beginning; thence South 52°37'34" East a distance of 20.00 feet; thence North 37°22'26" East a distance of 345.00 feet; thence South 52°37'34" East a distance of 91.33 feet; thence South 3°04'28" West a distance of 266.00 feet; thence South 31°57'26" East a distance of 201.47 feet; thence South 58°02'34" West a distance of 141.24 feet; thence South 3°04'28" West a distance of 91.14 feet; thence North 86°55'32" West a distance of 360.00 feet; thence North 3°04'28" East a distance of 273.00 feet; thence North 37°22'26" East a distance of 130.63 feet; to the point of beginning, containing 4.40 acres, more or less.

EASEMENT DESCRIPTION:

A tract or parcel of land on Tulsa International Airport, located in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Starting at the Northwest corner of Section 23, Township 20 North, Range 13 East; thence East a distance of 2,550.49 feet; thence South a distance of 2,118.66 feet to the point of beginning; thence South 3°04'28" West a distance of 194.37 feet; thence North 31°57'26" West a distance of 117.07 feet; thence North 37°22'26" East a distance of 119.25 feet; to the point of beginning, containing 0.15 acres, more or less.

Case No. 12402

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to use a Use Unit 25 and 23 in a CG District. This property is located at the SW corner of I-44 and Union Avenue.

Presentation:

Chairman Smith read a letter from the applicant, Ronald Kelly, requesting that the case be continued to the January 27, 1983 meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the January 27, 1983 meeting.

Case No. 12403

Action Requested:

Variance - Section 1221.5 - (CS District) - Use Conditions - Request for a variance of the height and size of sign requirements for a sign in a CS District located at 5050 South Lewis Avenue.

Presentation:

Tom Tannehill, 1918 East 51st Street, Suite 2 W, was present representing John Bumgarner, Jr., and submitted five (5) photographs of the subject property and surrounding area (Exhibit "CC-1"), a letter from Les Goddard, 1.6.83:378(27)
Chairman and Chief Executive Officer of Western National Bank, stating that they have no objection to the location of the proposed sign (Exhibit "CC-2"), and an elevation plan (Exhibit "CC-3"). Mr. Tannehill advised that his office is located a fourth of a mile from the proposed sign location and feels that it would be an asset to the area.

The proposed sign will be used to advertise the Western National Bank facilities. In 1977 the Board granted a large sign to be located approximately 660' west of the subject tract. Mr. Tannehill advised the Board of other signs in the area and did not feel that the proposed sign would be out of character. According to the Zoning Code using the 2.5' guideline, 962.5 square feet would be permitted for the sign use on the property and the applicant is requesting 672 square feet of sign space. There is presently 128 square feet of sign space already on the property, which would make a total of 800 square feet if the proposed sign were permitted.

Protestants: None.

Board Comments:
The Board felt that the proposed sign would not be appropriate because of the size of the sign.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 1221.5 (CS District) - Use Conditions) of the height and size of sign requirements for a sign in a CS District, on the following described property:

The South 240 feet of the East 220 feet of the Southeast Quarter (SE/4) of Section 30, Township 19 North, Range 13 East, in Tulsa, Tulsa County, Oklahoma, LESS the East 40 feet and the South 35 feet thereof.

Case No. 12404

Action Requested:
Variance - Section 420.2 (d) - Accessory Use Conditions - Signs - Request for a variance of the allowed square-footage for signs in an RS-3 District from 32 square feet to 40 square feet. This property is located at 9728 East 61st Street.

Presentation:
Wallace Hough, 9147 East 40th Place, was present representing Sun-Crest Baptist Church and submitted two (2) photographs of the property where the sign has been erected (Exhibit "DD-1"). The applicant is requesting a variance to increase the square-footage from 32 square feet to 40 square feet. He stated that the sign in question has already been installed, but if the Board does not approve the variance the Church will take the sign down.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; 1.6.83:378(28)
Case No. 12081
Action Requested:
Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance of the Bulk and Area Requirements to permit a lot-split. This property is located at the 2600 Block of West 91st Street.

Presentation:
Mr. Gardner advised that the Planning Commission continued this item for one week; therefore, he suggested that the case be continued to the August 5, 1982 meeting.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the August 5, 1982 meeting.

Case No. 12083
Action Requested:
Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback requirements from 50' to 42.1' from the centerline of 21st Court in order to line up with an existing structure. This property is located at the SE corner of 21st Court and 103rd East Avenue.

Presentation:
Bruce Walthall, 2125 South 103rd East Avenue, was present requesting permission to construct a two-car garage on the subject property, which will align with the back of the existing house.

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback requirements from 50' to 42.1' from the centerline of 21st Court in order to line up with an existing structure, on the following described property:

Lot 1, Block 3, Charyl Lynn Acres, Tulsa County, Oklahoma.

Case No. 12087
Action Requested:
Variance - Section 1221.5 (d) 1 - CS District Use Conditions - Request for a variance of the aggregate display surface area for a wall sign that exceeds three square feet per foot of the building wall to which the sign will be affixed. This property is located at 5103 South Lewis Avenue.

Presentation:
Casper Jones, 1302 South Fulton Avenue, was present representing Craig Neon, Inc., and submitted six pictures of the signs in question and others in the subject area (Exhibit "C-1"). He then amended the legal description which he submitted to the Staff.

7.22.82:367(7)
A 300 square-foot sign is permitted for the subject property, but the applicant is requesting a 380 square-foot sign. Mr. Jones advised that the sign is presently in place because the sign inspector agreed to the erection of the sign, subject to the approval of this Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 1221.5 (d)5 - CS District Use Conditions) of the aggregate display area for a wall sign that exceeds three (3) square feet per foot of the building wall to which the sign will be affixed, on the following described property:

The N/2, NW/4, NW/4, of Sec. 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12088

Action Requested:

Variance - Section 1221.5 (d)1 - CS District Use Conditions - Request for a variance of the aggregate display surface area for a wall sign that exceeds the three (3) square feet per foot of the building wall to which the sign will be affixed. The property is located at 5302 South Sheridan Road.

Presentation:

Ray Toraby, 4939 East Admiral Place, was present representing Craig Neon, Inc. Mr. Toraby submitted four (4) pictures of the proposed sign and others in the area (Exhibit "D-1"), a rendering of the proposed sign (Exhibit "D-2") and a site plan (Exhibit "D-3").

Mr. Toraby advised that the subject property is a new location for Taco Bueno. The allowable sign area is 200 square feet and the proposed sign is 225 square feet, including the frame of the sign.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 1221.5 (d)5 - CS District Use Conditions) of the aggregate display surface area for a wall sign that exceeds the three (3) square feet per foot of the building wall to which the sign will be affixed, on the following described property:

Block 1, Sheridan Plaza Center Addition, to the City of Tulsa, Tulsa County, Oklahoma.
**NEW APPLICATIONS**

**Case No. 15828**

**Action Requested:**
Variances of the required 50' setback from the centerline of East 51st Street South to 35' to permit a new pole sign - Section 1221.C.6.
Use Conditions For Business Signs - Use Unit 14, located 5050 South Lewis Avenue.

**Presentation:**
The applicant, David Grooms, 901 North Mingo Road, Tulsa, Oklahoma, submitted a site plan (Exhibit G-1) and stated that the QuikTrip sign currently located on the property is not visible because of the nearby trees. He requested permission to relocate the sign on the corner of the property. Mr. Grooms stated that a removal contract can be executed that will insure removal of the sign if the intersection is improved in the future.

**Comments and Questions:**
Mr. Bolzle inquired as to the location of the existing sign, and Mr. Grooms stated that it is located on the southwest corner of the property.

In response to Mr. Fuller, the applicant informed that the new sign will be 50' from the centerline of Lewis Avenue.

Mr. Bolzle asked why the sign cannot be moved 50' to the north, and Mr. Grooms replied that the sign would then be in the driveway and would interfere with access to the gas pumps.

Mr. Doverspike inquired as to the reason the sign cannot be placed further to the west, and the applicant stated that it would be in the driveway if moved in that direction.

In response to Mr. Bolzle, the applicant stated that the distance from the top of the sign to the ground will be 18.4' and the bottom of the sign will be about 5' from the ground.

Mr. Bolzle noted that, when exiting the site and going west on 51st Street, it is very difficult for motorists to see oncoming traffic entering 51st Street from Lewis.

Mr. Jones stated that compliance with the 50' required setback would not create a visibility problem at the intersection or prohibit internal circulation on the lot.

Ms. Hubbard informed that the bottom of the proposed sign is 5' from the ground.
Case No. 15828 (continued)

Mr. Fuller asked the applicant if the 40' sign at the southwest corner of the lot will be removed, and he answered in the affirmative. He advised that the new sign was designed to meet the conditions of the proposed sign amendment.

In response to Mr. Doverspike, Mr. Gardner stated that the sign would interfere with the gas pumps if moved to the west; however, all of the area has been paved up to the east property line, a part of which could have been reserved for green space or the sign location.

Mr. Jones remarked that the hardship in this case seems to be self imposed, since there is nothing physically unique about the property that would prevent compliance with the required 50' setback from the centerline of both streets.

In response to Mr. Doverspike, Mr. Jones advised that the lower sign could create a potential sight problem for motorists in the area if moved closer to 51st Street, and should be reviewed by Traffic Engineering.

Mr. Bolzle stated that he is familiar with the intersection and feels that the approval of the variance request would create an additional traffic hazard for the overcrowded intersection.

Applicant's Rebuttal:
Mr. Grooms stated that the existing sign is useless, since it is blocked by the trees. He stated that he can raise the bottom of the sign 6' from the ground, which would permit motorists to see under the sign.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to DENY a Variance of the required 50' setback from the centerline of East 51st Street South to 35' to permit a new pole sign - Section 1221.C.6. Use Conditions For Business Signs - Use Unit 14; finding the applicant failed to present a hardship that would warrant granting the variance request; on the following described property:

The south 240' of the east 220' of the SE/4, Section 30, T-19-N, R-13-E, Tulsa County, Oklahoma, less the east 40' and south 35' thereof and being located in a CS zoned district.

Case No. 15830

Action Requested:
Special Exception to permit a retirement living complex - Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 8, located northwest corner of 21st Street and 129th East Avenue.
22315—Janet Fadler-Davie

**Action Requested:**
Special Exception to allow a Bed and Breakfast (Airbnb) in the CBD District (Section 15.020). **LOCATION:** 808 East 3rd Street South (CD 4)

**Presentation:**
The application has been withdrawn.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
No Board action required; for the following property:

PRT LT 12 BEG SWC LT 12 TH E90 N50 W15 SWLY TO PT S39 W59 SWLY TO POB BLK 12, HODGE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22316—Acura Neon Signs

**Action Requested:**
Variance to allow a dynamic display sign within 200 feet of an R District (Section 60.100-F). **LOCATION:** 2432 East 51st Street South (CD 9)

Mr. Van De Wiele stated that from a disclosure point he wanted to make a note for the record, this case relates to the new Parkhill Liquor and Wine store. He has, in the past, represented Mr. Parkhill on his prior location. Mr. Van De Wiele stated he does not represent him on this location so he does not believe that is a conflict.

Ms. Back stated that she has worked with Wallace Engineering on this particular project.

Ms. Back recused herself and left the meeting at 2:56 P.M.

**Presentation:**
Robert Getchell, 1100 OneOk Plaza, 100 West 5th Street, Tulsa, OK; stated this application is for a dynamic display sign on the north face of the subject building that is being constructed on the property. The sign is located on the farthest northwest corner
of the property and faces north away from any residential districts. Mr. Getchell does not believe the sign will have any impact on the property to the south of the liquor store because it will not be visible to the neighborhood. The lot is a long narrow lot and the liquor store is located as close to the front of the property as possible. The hardship is the fact that the sign could not be located anywhere else on the subject property and he does not believe the literal enforcement of the Code is necessary because the sign has been located on the property and facing in such way as it should not have any impact on the surrounding area. The conditions for this property is unique because it is sandwiched in between other commercial zoned properties with the residential district acting as a sliver between the office and the uses to the east and the other commercial uses to the west. The applicant did not create the hardships because the property has been zoned before the property was purchased. The sign will not alter the essential character of the neighborhood and there is no detriment to the public good.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of FLANAGAN, the Board voted 3-0-1 (Flanagan, Van De Wiele, White "aye"; no "nays"; Back "abstaining"; Bond absent) to APPROVE the request for a Variance to allow a dynamic display sign within 200 feet of an R District (Section 60.100-F), per conceptual plan 12.10 of the agenda packet noting it is of the north elevation. The Board finds the hardship to be the sign location and that location is the best possible place in relation to the structure. 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:

09/12/2017-1191 (19)
Lot 1 Block 1, SPANISH GARDENS ADDN, PARKHILL, City of Tulsa, Tulsa County, State of Oklahoma

Ms. Back re-entered the meeting at 3:06 P.M.

22317—Jeremy Grodhaus

**Action Requested:**
- Variance to reduce the front and rear building setback requirements in the RS-4 District (Section 5.030-A);
- Variance of the minimum open space per unit requirement;
- Variance of the required lot area and land area per dwelling unit to permit a lot-split (Section 5.030-A). **LOCATION:** 630 North Cheyenne West (CD 1)

**Presentation:**
Jeremy Grodhaus, 210 West Golden Street, Tulsa, OK; stated the setback requirements for the subject property were approved in 2000, in case BOA-18861, so he thinks that could be pulled from the request.

Mr. Van De Wiele asked staff about the approved setback requirements. Ms. Moye stated that in 2000 the Board previously approved the front and rear setbacks for the existing house on the lot, and that approval still stands. However, the approval for the reduction of the open space and those related to the bulk-and-area requirements related to the actual lot split expired because the lot split was never approved by TMAPC. After discussion with staff it was decided that as a part of the current request the applicant did not need the reduction of the setback because it had previously been approved by the Board.

Mr. Van De Wiele asked staff if the first Variance regarding reducing the front and rear setback the Board does not need to act on it? Ms. Moye answered affirmatively. Mr. Van De Wiele asked Ms. Moye if the Board needed to act on the open space request. Ms. Moye stated that request does need to be acted on because the previous approval has expired because the lot split was never approved.

Mr. Wilkerson asked the applicant if the lot split had never been filed. Mr. Grodhaus stated that he did not know because that was under the previous owner and was not aware of it until he filed this application.

Mr. Van De Wiele asked how the Variances would expire. Ms. Moye stated the Variances were to allow a lot split, however, the actual lot split was never approved.

Mr. Grodhaus stated the property is about 100 years old and it is a single lot with two single family residences with two unique addresses and two separate connections to
View of subject site from Lewis sidewalk

View of subject site from Skelly Drive
View of intersection of Skelly Drive and Lewis Avenue
SIGN PLAN REVIEW

May 3, 2019

Amax Sign Company
9520 E 55th Place
Tulsa OK 74145

APPLICATION NO: SIGN-029889-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 5111 S. Lewis Avenue
Description: Quick Trip Hi Rise sign/Ground Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd 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 OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH 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

<table>
<thead>
<tr>
<th>Application No.</th>
<th>SIGN-029889-2019</th>
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<tbody>
<tr>
<td>Address</td>
<td>5111 S. Lewis Avenue</td>
</tr>
<tr>
<td>Date</td>
<td>May 3, 2019</td>
</tr>
</tbody>
</table>

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 60.880-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 freestanding sign height of 50 feet above grade does not abut a freeway and exceeds the permitted 40-foot height above grade with a 72-foot setback from the center of E. 51st street. You may revise the sign height to 40 feet tall with a 72-foot setback from the C/L of E. 51st street or you may pursue a variance from the BOA to increase the height for a freestanding sign to 50 feet tall with a 72-foot setback from the C/L of E. 51st street.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

STR: 9236
CZM: 46
CD: 9

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Valveeta Ware

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: 6030 S PEORIA AV E
ZONED: CS

PRESENT USE: Vacant
TRACT SIZE: 15250.42 SQ FT

LEGAL DESCRIPTION: S45 LT 7 & ALL LT 8 & N30 LT 9 LESS E18 THEREOF BLK 8, BROADVIEW HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-4253: On 12/11/1963 the Board approved a request for a temporary permit for a period of one year to permit a sewing room for draperies in a U-1-C District.

BOA-8069: On 09/06/1973 the Board approved a minor variance for a modification of front footage requirements to permit a lot split in a CS District.

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

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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 CS zoned property located N of the NWc of S. Peoria Ave. and E. 61st Street South. The property is surrounded by CS zoning except for a small strip of RM-2 zoning on their West Side.

STAFF COMMENTS:
The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CS district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. 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 circle around their location with a 1,000 ft radius and providing the location of the nearest operating dispensary known as “Nirvana Cannabis” Located outside of their circle near the intersection of Interstate 44 and S. Peoria Ave.

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.
There appeared Mr. M. H. Woodard.

MOVED by Avery (Sublett) that the Board find that 14 parking spaces be sufficient for the nursing home. All members voting yea. Carried.

Free Will Baptist Church request for a modification of rear yard requirements in a U-2-A District to permit extension of church to the rear lot lines on Lots 4, 5, 6, 7, 8, 9, Block 42, West Tulsa Addition. No one appeared on behalf of the applicant.

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

William R. McKee request for a waiver of front yard set-back requirements in a U-1-C District on Lot 2, Block 3, Peoria Acres Addition. There appeared Mr. Lawrence Johnson, Attorney for the applicant.

Mr. Johnson stated that his client Mr. McKee had erected a greenhouse in the front yard of his property without obtaining a Building Permit. That the house was built over the building set-back because of the terrain,

MOVED by Galbreath (Avery) that the order of the Building Inspector be sustained. All members voting yea. Carried.

Ralph L. Phillips request for permission to erect an apartment building 10 feet from the front property line on Lots 7 & 8, Block 7, Clinton Heights Addition. There appeared Ralph L. Phillips.

MOVED by Sublett (Avery) that the rear yard requirements be waived to zero and the front yard set back maintained. All members voting yea. Carried.

Sam E. Hanna request for a temporary permit for a period of one year to permit a sewing room for draperies in a U-1-C District on Lot 7, Block 8, Broadview Heights Addition.

MOVED by Galbreath (Avery) that this application be approved for a period of one year from this date. All members voting yea. Carried.
Action Requested: Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1430) to erect a sign 15' over the major street setback requirements in a CH District located at 3001 East 11th Street.

Presentation: A representative for the Oklahoma Neon Company advised the Board of the proposed plans to erect a sign 40' from the centerline of the street.

Protests: None.

Board Action: On MOTION of REEDS, the Board (4-0) approved a Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1430) to erect a sign 10' over the major street setback requirements, subject to the customary removal contract, and that the sign not overhang the right-of-way in a CH District on the following described tract:

Lots 7 & 8, Block 28, College Addition to the City of Tulsa, Oklahoma.

Action Requested: Minor Variance (Section 630 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1430) for a modification of front footage requirements to permit a lot-split in a CS District located on the west side of Peoria between 60th and 61st Streets.

Presentation: Applicant was not present. Mr. Jones advised the Board that the lot-split has been approved by the Planning Commission subject to the Board's approval.

Protests: None.

Board Action: On MOTION of REEDS, the Board (4-0) approved a Minor Variance (Section 630 - Bulk and Area Requirements in the Commercial District - Under the Provisions of Section 1430) for a modification of front footage requirements to permit a lot-split (L-13138) in a CS District on the following described tract:

South 45 feet of Lot 7, All of Lot 8, and the North 30 feet of Lot 9, Block 8, Broadview Heights Addition to the City of Tulsa, Okla.
View of Subject property from Peoria sidewalk

View facing North from sidewalk
View facing South from Sidewalk
ZONING CLEARANCE PLAN REVIEW

June 24, 2019

Jennifer Fralick
713 Field Crossing
Aubrey, TX 76227

APPLICATION NO: COO-033419-2019

Location: 6030 S Peoria Ave
Description: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN “SUPPORTING DOCUMENTS”, IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8TH FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

4. A COPY OF A “RECORD SEARCH” IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

Sections referenced below are from the City of Tulsa Zoning Code Title 42 and can be viewed at www.cityoftulsa-boa.org

COO-033419-2019

June 24, 2019

6030 S Peoria Ave

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-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. 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.

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.
There is no OMMA license within 3/4 of a mile

5318 S. Peoria
Earthly Mist
5934 S. Peoria Ave. - Nirvana Cannabis

17.12
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Eufloria gypsy LLC

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: 303 N MARTIN LUTHER KING JR BV
ZONED: CBD

PRESENT USE: vacant
TRACT SIZE: 10498 SQ FT

LEGAL DESCRIPTION: ALL LT 4 S OF RY BLK 21, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties: BOA-22613: On 04/09/2019 the Board approved a special exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District. Located at 15 E Matthew Brady St. N.

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 zoned CBD and is surrounded by CBD zoning.
The applicant is proposing the use of an existing building as a medical marijuana dispensary. To obtain permits for the dispensary the applicant is before the Board requesting verification of the required spacing for a medical marijuana dispensary in a CBD district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CBD district as long as it meets the spacing requirement of 1,000 ft. from 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 circle around their location with a 1,000 ft radius and providing the location of the nearest OMMA dispensary license holder at 15 E. Matthew Brady. This property is within 1,000 ft of the subject property. As of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. There is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.

**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.
Permit Number: COO-026015-2019

Type:
Certificate of Occupancy - Certificate of Occupancy (Commercial)

IVR Number:
126168

Applied Date:
03/07/2019

Status:
Issued

Project Name:

Issue Date:
03/07/2019

District:
Council District 4

Assigned To:

Expire Date:

Finalized Date:

Description:
MJ- STAND ALONE COO Black Rain Processing, LLC DBA Glazed
Application Detail

Record Retention #
5

Food or Food Related
☐

Low Point Beer
☐

Retail Beer
☐

Retail Wine
☐

Grease Interceptor/Oil Separator
☐

Liquor License
☐

Retail Spirits - Liquor Store
☐

Describe Proposed Use in Detail
Medical Marijuana Processing Facility using MMJ components processed elsewhere

Existing Use
industrial kitchen for chocolate production/sales

Describe Special Zoning Action

18.5

https://tulsaoct.tylertech.com/EnerGov4934/SubService#/permit/dafe0d93-a5b7-4886-940f-f24097a8efbd
Required Info - Existing Bldg. (Customer Declared)

Floor area height (ft, in)
14 ft 4 in

Total Height of Building
42

Total Number of Stories
3

Total Number of Basement Levels
0

Floor area to be occupied (sf)
1831

Building Area (sf)
12900

Floor area width (ft, in)
22 ft 4 in

Floor area length (ft, in)
90 ft 7 in

Shell Build-Out?
No

Is existing building sprinklered?
Not Sprinklered

Are you changing use of the building or land?
Yes

Exterior Wall Finish
Brick/Stone Veneer

Exterior Wall Structure
Other (Describe in Existing Const. Materials)

Interior Walls
Gyp/Metal Studs
Ceiling Type
Acoustical Tile
Roof Covering
Bur Membrane
Roof Decking
Wood

Existing Construction Materials Comments
Ext Wall Structure- Brick

Framing System
Wood
Bearing Walls
Brick
Roof Framing
Wood Joist
Floor Framing
Wood Joist
Floor Decking
Wood Deck
Existing Structural System Comments

Commercial Building/Fire Review Details

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<th>A-2 Assembly, nightclubs</th>
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https://tulsaok.tyler.com/EnerGov4934(SelfService)
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Atrium(s)

☐
Mezzanine(s)
☐

Unlimited Area Building
☐

Windowless Story
☐

Total # of Stories
3

# of Residential Units

Total # of Basements

Number of Posted Occupant Load Signs Required

Building Area
12749.6

Building Height
42

Fire Retardant Treated Wood

Permit Area
1831

Overall Length
90.58333

Overall Width
22.33333

Building
- IBC 2015
- IEBC 2015

Electrical
NEC 2014
Energy
IECC 2006

Fire
IFC 2015

Fuel Gas
IFGC 2015

Mechanical
IMC 2015

Plumbing
IPC 2015

Zoning
TZC

Other Codes

Separated Mixed Use

Fire Wall

Fire Barrier

Fire Partition

Floor/Ceiling

Roof/Ceiling

Stairs

Smoke Barrier

Elevator

Fire Alarm

Alarm Required

Fully Sprinklered
No

Sprinklered Required

Partially Sprinklered

Sprinklers Required In

- Attic
- Canopy
- Mechanical
- Storage
- Other

Other

Sprinkler Standard

- NFPA11-2010 Low-Exp. Foam
- NFPA12-2011 CO2
- NFPA12A-2009 Halon
- NFPA13-2013
- NFPA13D-2013 1 & 2 Family
- NFPA13R-2013 Residential
- NFPA14-2013 Standpipes
- NFPA16-2015 Foam Water
- NFPA17-2013 Dry Chem.
- NFPA17A-2013 Wet Chem.
- NFPA2001-2015 Clean Agent

Building Permit Notes

Zoning Review Details

18.12

https://tulsaok.tyler-tech.com/EnerGov4934/SelfService#/permit/dafe0d93-a5b7-4886-940f-f24097a8efbd
No Zoning Compliance Review

Use by Right

Variance

Administrative Adjustment

Plat Waiver

Special Exception

District Court

Sexually Oriented Business

Plat #
510

BOA #

Lot Split #

Lot Combination #

PUD #

MPD #

Zoning Use
Industrial/Low-Impact Manufacturing & Industry

Front
Rear

Right

Left

Required

Actual

Lot Frontage (ft)

Screening Fence Required
No

Average Depth in Feet

Landscape Required?
No

Floor Area (sq. ft.)
1831

Allowable Building Height (ft.)

Open Space (sq. ft./D.U.)

Floor Area Ratio

Use Conditions

Zoning Permit Notes
COO only approved per BOA-22613:4/09/2019 Special Exception to allow an Industrial/Low-Impact Manufacturing & Industry for medical marijuana processing in the CBD district. Conditions: Conceptual Plan 7.11 & 7.13. No approval is granted for any construction or use violating any provision of Title 42. No other structures are included in this permit.
Certificate of Occupancy Review Details

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Need Help? Email (mailto: cotdevsvcs@cityoftulsa.org?subject=CSS%20Help) or call us at (918) 596-9456

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Interests Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 4-0-0 (Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; Back absent) I move that based upon the facts in this matter as they presently exist, we ACCEPT the applicant's verification of spacing to permit the liquor store subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store; for the following property:

LT 13 & 14 BLK 10, EAST LAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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

Mr. Van De Wiele recused and asked Mr. Bond to chair this matter, and he left the meeting at 3:24 P.M.

Presentation:
Amanda Lowe, 320 South Boston Avenue, Suite 200, Tulsa, OK; stated the request is for the production of medical marijuana edibles at an existing currently closed commercial kitchen. The production would be in the back portion of the building. Currently the commercial kitchen produces regular candies and chocolates. Ms. Lowe stated that her client would also be producing candies and chocolates but with the added ingredient of cannabis oil. The cannabis oil would be processed at an offsite location, brought to the kitchen, and the liquid cannabis oil formed, mixed and baked into the chocolates, and the end product edibles would then be sold to dispensaries around the Tulsa area. Ms. Lowe stated that her client's use would be in line with the current and continued use of the property, and there would be no noticeable or observable changes to the neighborhood or in the perception of the general public.

Interested Parties:
There were no interested parties present.
Comments and Questions:
None.

Board Action:
On MOTION of RADNEY, the Board voted 3-0-1 (Bond, Radney, Ross, "aye"; no "nays"; Van De Wiele "abstaining"; Back absent) to APPROVE the request for a Special Exception to allow an Industrial/Low-Impact Manufacturing and Industry for medical marijuana processing in the CBD District (Section 15.020), subject to conceptual plans 7.11 and 7.13 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 3 BLK 28 & E10 VAC ALLEY ADJ ON WL, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:27 P.M.

22615—Bradley Anderson

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

Presentation:
Bradley Anderson, 1563 North Frankfort Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Van De Wiele stated that the Board has the applicant's spacing verification exhibits on pages 8.11, 8.12, 8.13 and 8.14.

Mr. Anderson stated that he has spoke with the people in the strip mall and they seem to be happy, and people have been stopping by as he is setting up the shop.

Interested Parties:
Shellie Clark, 8126 East 16th Street, Tulsa, OK; stated she is the manager of the apartment complex behind the strip mall. The apartment complex parking lot is right behind the subject building to the east. A bar went into the shopping center and there have been shootings there, and she has had to install a gate to keep people from parking in the apartment's parking lot. The club does not close until 4:00 A.M. and she has heard that the dispensary is not going to close until 2:00 A.M.
Subject Property: Gypsy Coffee House

Eastern portion of subject property
View facing West from sidewalk at the NE/c of MLK and Cameron

View facing East from sidewalk
OMMA License ID #: DAAA-4KFV-ESVR

BLACK RAIN LLC

15 EAST MATTHEW BRADY ST

View from Reconciliation Way, as of the writing of this report no permits have been applied for at this location for a Medical Marijuana Dispensary. Though there is a Certificate of Occupancy application (COO-026015-2019) for a Low Impact Medical Marijuana Processing Facility, that permit is attached.
ZONING CLEARANCE PLAN REVIEW

July 9, 2019

Phone: 918.504.6439

BLDC-034730-2019

(location and description)

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC., SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT www.inco.org OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.

4. A COPY OF A "RECORD SEARCH" IS 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

BLDC-034730-2019  303 N Martin Luther King DR  July 9, 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.

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.
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:

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.
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

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

EUFLORIA GYPSY LLC

303 N MARTIN LUTHER KING JR BLVD B , TULSA, OK, 74103

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULLY FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. 4-204 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAP 2. 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.

07/10/2020

LICENSE NUMBER:
DAAA-4A22-ZRDX

DO NOT COPY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC 303 N Martin Luther King Jr Blvd
License ID #: DAAA-4J22-ZRDX EUFLORIA GYPSY LLC  303 N Martin Luther King Jr Blvd

License ID #: DAAA-VKKE-OMZF
MINDFULL MEDICAL, LLC
202 S LANSING AVE
### Licenses

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Please use a supported browser for best performance. Please click here for a list of supported browsers.

DISMISS
Dear Eric,

Your Oklahoma Medical Marijuana Authority (OMMA) New Business License application has been approved.

You will receive an approval letter with your license in the mail. Your application reference number is 162245.

If you have any questions, please feel free to contact the OMMA at (405) 522-6662 or via email:

- Grower Inquiries: OMMAGrower@ok.gov
- Processor Inquiries: OMMAProcessor@ok.gov
- Dispensary Inquiries: OMMADispensary@ok.gov

Click here to log in.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9306
CZM: 37
CD: 4

Case Number: BOA-22705

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Parking variance from Table 55-1 of the Tulsa Zoning Code to permit ten existing, nonconforming parking spaces within the CS District; and a Variance from Section 55.090-B requiring parking areas to allow vehicles to enter and exit a street in a forward motion

LOCATION: 553 S ZUNIS AV E
ZONED: CS

PRESENT USE: Commercial
TRACT SIZE: 15402.88 SQ FT

LEGAL DESCRIPTION: LTS 15 & 16 LESS BEG SWC LT 15 TH N43 SE TO SECR LT 15 W66 POB BLK 4, HILLCREST ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-580: On 01/08/1929 the Board approved a change in zoning classification to U-3 with a dedication of a triangle corner off lot 15.

BOA-13309: On 09/20/1984 the Board approved a special exception to allow a warehouse to store business records in a CS zoned district.

BOA-17788: On 09/09/1997 the Board denied a variance of the required parking spaces for an existing bar which had been given 2 years to come into compliance or move.

Surrounding Properties:

BOA-18005: On 04/14/1998 Board approved with conditions a variance to allow required parking on a lot other than the lot containing the principal use (Grace Lutheran Church). Located at 2331 E. 5th Pl.

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

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path.
across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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 zoned Cs and is surrounded by CS zoning on the South, East and West and is bounded by RS-4 zoning to the North. It is located at the NE/c of E. 6th Street and Zunis Ave. This intersection is unique in that 6th street is off set from itself between Zunis Ave. creating an abnormally large intersection.

**STAFF COMMENTS:** The applicant is requesting a parking variance from Table 55-1 of the Tulsa Zoning Code to permit ten existing, nonconforming parking spaces within the CS District; and a Variance from Section 55.090-B requiring parking areas to allow vehicles to enter and exit a street in a forward motion.

**Table 55-1** of the City of Tulsa Zoning Code shows the minimum parking ratios which is broken down by use and zoning district. The Board may request more information from the applicant on what the proposed use of the property will be. According to the applicant the most recent use of the property was as an Art Gallery.

The applicant is also requesting a variance from 55.090- B to allow vehicles to enter and exit a street in a non-forward motion. Both Zunis and 6th Street are classified as residential collectors along the frontage of this lot, 6th Street becomes an Commercial Collector West of Zunis.

**SAMPLE MOTION:**

**Variance Request**

Move to ________ (approve/deny) a Parking **Variance** from Table 55-1 of the Tulsa Zoning Code to permit ten existing, nonconforming parking spaces within the CS District; and a Variance from Section 55.090-B requiring parking areas to allow vehicles to enter and exit a street in a forward motion
- Finding the hardship(s) to be ___________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions _______________________.

In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
and an 80% affirmative petition be presented to
the Board for further action. Roll call, all
yes, carried.

Makes a request to the Board to designate the pro-
per set back line for apartment building, located
on Lots 35-36, Block 9, Forest Park Addition.
Moved by Grimeshaw, seconded by Taylor, that a ten
foot set back line for this apartment be adhered to.
Roll call, all yes, carried.

Applicant desires the rezoning of Lots 15-16,
Block 4, Hillcrest Addition being for U-3 clas-
sification, with the dedication of a triangle corner
off Lot 15, providing this property is reclassified.
Moved by Grimeshaw, seconded by Cochran, that a pub-
lic hearing be called for. Roll call, all yes, car-
ried.

Desires a permit for a two-family dwelling on Lot 4
Block 10, Terrace Drive Addition. Refused by the
Building Inspector on grounds of insufficient area.
It was moved by Mahler, seconded by Cochran, that
the permit be granted providing the building on the
rear of the lot is used as a garage or servants quar-
ters and not as rental property. Roll call, all yes,
carried.

This being the date continued for a public hear-
ing on this case, and there appearing to be the
following protesters to this rezoning: Mr. W. A.
Strip of Lot 7. All lots in Block 1, Sunset Park
Addition. Mr. W. M. Doss, Lot 9, Block 5. Mr.
Miller, Lot 1, Block 5, Sunset Park Addition, and
others. Motion was made by Mahler, seconded by
Taylor, that the applicant be allowed the extension of
use of the Easterly 50' of the Westernly 100' of
this lot for apartment purposes, and that the cor-
ner be rounded off in conformity to the City Engi-
neer's requirements by deed to the City. Roll
call, all yes, carried.

Desires a permit for a one-family dwelling on
Lot 14, Block 3, Investors Addition. Refused by
the Building Inspector on grounds of insufficient
area. Mr. J. H. Osborn, owner of Lots 15-16, Blo-
ck 3, Investors Addition, appears and protests
against same. Moved by Grimeshaw, seconded by Tay-
lor, that the permit be granted. Roll call, all
yes, carried.

Applicant applies for a rezoning of Lots 3-4,
Block 2, Florence Park Addition from a U-2 to a
U-3 classification. Moved by Cochran, seconded
by Grimeshaw, that the affected area as created is
as follows: Lots 1-2-3-4, Block 2, Florence Park
Addition. Lots 6-7-8, Block 1 Exposition Heights
Minutes of a regular meeting of the Board of Adjustment, held on Tuesday, January 15, 1929 at 3:00 o'clock P. M.

Mahler  Chairman
Grimshaw  Present
Cochrane  Present
Taylor  Present

Minutes of the previous meeting were read and approved.

Mr. K. R. Teis, the newly appointed City Engineer has been appointed a regular member of this Board by the wishes of the Mayor.

This being the date calling for a public hearing on this case and there appeared several protesters to the proposed rezoning: Mr. C. A. Borders, 439 South College. Mr. James A. Leach, 324 South College. Mr. C. W. Dent, North 1/2 of Lots 29-30, Block 1. C. S. Wilson, Lot 1, Block 5. W. S. Craig, Lot 3, Block 10. James Oiler, Lot 12, Block 4. F. P. Scott, Lot 9, Block 4. J. V. Stoops, Lot 9, Block 5. Mr. Tingley, Lots 4-5, Block 8 All of College Addition. The following send in written protests, saying that at the time they signed Mr. Brewer's petition they did not realize the true situation existing in this case and that they now wish to withdraw their names from the original petition. Mr. O. L. Bentley, 328 South College. Katie Calahan, 435 South College, and S. C. Johnston, 410 South College. Moved by Taylor, seconded by Grimshaw, that since the petition now shows less than 80% affirmative, that the rezoning be denied. Roll call, all yes, carried.

This being the date calling for a public hearing on this case, and there appearing two protesters to the proposed rezoning, it was moved by Mahler, seconded by Taylor, that this case be referred to the City Planning Commission with recommendation that they look into the matter of rezoning 6th Street from the alley between Xanthus and Yorktown Avenues, East to the business classification on Lewis Avenue for a rezoning of business classification. Roll call, all yes, carried.

Applicant applies for a rezoning of Lots 9-10-11-12, Block 1, Hopping Heights Addition from a U-2 to a U-3 classification. Moved by Mahler, seconded by Grimshaw that the affected area as created is as follows: South 100' of Lot 13, Block 1. Lots 4-5-6-7, Block 2, Hopping Heights Addition. Lot 1, Block 1. Lots 1-2, Block 2, McIlvory Addition, and an 80% affirmative petition be presented to the Board for further action. Roll call, all yes, carried.

Applicant having applied for a rezoning of Lots 1-2-3, Block 1, Kendall View Addition, from a U-1 to a U-3 classification and now presents an 87.5% affirmative petition duly acknowledged, it was moved by Grimshaw,
Case No. 13308

Action Requested:
Special Exception--Section 420--Accessory Uses Permitted In Residential Districts--Use Unit 1205--Request an exception to permit a home occupation (distributor of health care appliances, and arts and crafts, except ceramics) in an RS-3 zoned district under the provisions of Section 1680, located at 1272 South Memorial.

Presentation:
The applicant, Sara Moore, 1272 South Memorial, wishes to work by appointment only from her home. She wants to sell health appliances on a catalog showroom basis. The appliances will be ordered and shipped from the factory to the consumer. There will be no outside storage or sales. Since she makes crafts she wants permission to sell them also.

Protestants: None

Comments:
There was discussion about the location of the subject property. Mr. Gardner informed that it is a planned commercial area and her use is consistent with the area. Moore owns several acres of land.

Board Action:
On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 420-Accessory Uses Permitted In Residential Districts--Under the Provisions of Use Unit 1206) to permit a home occupation (distributor of health care appliances, and arts and crafts, except ceramics) in an RS-3 zoned district under the provisions of Section 1680, subject to the rules and regulations of Home Occupation, on the following described property:

S/2, N/2, NE/4, SE/4, NE/4, and N/2, S/2, NE/4, SE/4, NE/4, less 30' on east and west side, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, OK.

Case No. 13309

Action Requested:
Special Exception--Section 710--Principal Uses Permitted In the Commercial Districts--Use Unit 1223--Request an exception to allow a warehouse in a CS zoned district under the provisions of Section 1680, located on the NE/c of 6th Street and Zunis.

Presentation:
Kenneth Teague, 7167 South 75th East Avenue, stated that he wants to use the existing structure for dead storage of Government records. He informed that there will be no consistent traffic of heavy trucks, but that occasionally an 18-wheel will deliver materials to be stored. There is an overhead door on 6th Street.
Case No. 13309 (continued)

Protestants: None

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1223) to allow a warehouse to store business records (files) in a CS zoned district under the provisions of Section 1680, on the following described property:

Lots 15 and 16, Block 4, Hillcrest Addition to the City of Tulsa, Tulsa County, OK.

Case No. 13310

Action Requested:
Variances--Section 430--Bulk and Area Requirements In the RS, RD and RM districts--Use Unit 1206--Request a variance of the rear yard setback from 20' to 13' to permit an addition to an existing dwelling in an RS-3 zoned district under the provisions of Section 1670, located W. of NW/c of 35th Street & 116th East Avenue.

Presentation:
The applicant, Herbert Graybill, 11313 East 35th Street, submitted a floor plan (Exhibit J-1); a plat of survey (Exhibit J-2); and a plot plan (Exhibit J-3) and described his intent to add a family room to the back of his existing dwelling. There are no protesters among the adjacent property owners. It is a single-story structure with a chain-link fence around the yard.

Protestants: None

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 430--Bulk and Area Requirements In the RS, RD and RM Districts--Under the Provisions of Use Unit 1206) of the rear yard setback from 20' to 13' to permit an addition to an existing dwelling in an RS-3 zoned district under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 28, Block 9, Briarglen Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13311

Action Requested:
Variances--Section 240.2--Permitted Yard Obstructions--Use Unit 1206--Request a variance of the 750 sq. ft. maximum floor area for an accessory building to 2,550 sq. ft. (existing 750 sq. ft., 1 new 1800 sq. ft.)
MEMBERS PRESENT
Bolzle
Dunham
Turnbo
White, Chair

MEMBERS ABSENT
Cooper

STAFF PRESENT
Beach
Huntsinger
Matthews
Stump

OTHERS PRESENT
Ballentine, Code Enforcement
Parnell, Code Enforcement
Romig, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, September 5, 1997, at 12:44 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:
On MOTION of DUNHAM, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to APPROVE the minutes of August 12, 1997, (No. 732).

UNFINISHED BUSINESS

Case No. 17788

Action Requested:
Variance of the required parking spaces. SECTION 1204.C.3.g.(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, located NE/c South Zunis and East 6th Street.

Presentation:
The applicant, Joseph A. McCormick, 601 Park Tower, 5314 South Yale, submitted a site plan (Exhibit A-1) and stated he has not provided the Board everything that they will need to make a decision today. He requested a continuance to allow for additional information to be submitted and a chance to meet with the protesters.
Comments and Questions:
Mr. White asked the staff if this is a continued case? Mr. Beach stated that the same application was filed June 30, 1997, and there have been several communications with the applicant regarding deficiencies on of the site plan. Mr. Beach concluded that a complete site plan has not been submitted to the Board at this time.

Ms. Tumbo asked the staff if this is the second time that the protesters have been in attendance? Mr. Beach answered affirmatively.

After discussion, the Board determined that the case should be heard today.

Presentation: (continued)
Mr. McCormick stated that the application involves a bar that has been requested to close by the City of Tulsa. He explained that under the new ordinances the bar does not have the required parking spaces. He stated that the bar has been in operation for over 25 years without parking spaces. Mr. McCormick indicated that the patrons of the bar live within the neighborhood and walk to the bar. He commented that the bar never needed parking spaces in the past and it does not need required parking now. He explained that he has been attempting to find additional parking spaces by creating an inside parking lot in an adjoining warehouse building. Mr. McCormick concluded that he knows that the parking spaces created in the warehouse building will not be used because his patrons do not drive to the bar. The required parking poses a hardship for the subject bar because it can not efficiently be used for any other purpose. He commented that the subject property is peculiar because it has operated in the present location for 25 years with no evidence of adverse affects. The variance, if granted, would not impair the purposes or intent of the ordinance. Mr. McCormick stated that substantial justice would be done if the variance is granted.

Comments and Questions:
Mr. Dunham asked if the bar has been at the present location for 25 years, what has changed to caused the bar to come before the Board? Mr. Ballentine stated that in 1993, parking regulations for this type of facility were adopted and the bar was given two (2) years to come into compliance or move. Mr. Ballentine submitted photographs (Exhibit A-2) and a zoning violation letter (Exhibit A-3).

Mr. Stump stated that working with the neighborhoods, it was found that certain types of uses such as this, when in close proximity to residential areas and having insufficient parking, had caused significant problems with parking in the neighborhood, late night people going to their cars and slamming doors, etc.
Protestants: the following protestants voiced the same concerns:
Patricia Brashier, 548 South Zunis, submitted photographs (Exhibit A-4) and a copy of a petition submitted April 22 (Exhibit A-6); Margaret Sunberg, 2304 East 5th Place; Maria Barnes, 2252 East 7th Street, representing her neighborhood and Mark Oliver (Oliver, Whisenhunt Funeral Homes) submitted a letter of protest (Exhibit A-5); Chris Smith, 543 South Yorktown; Darryl McGee, 552 South Zunis; Paul Sunberg, 2304 East 5th Place, representing Grace Lutheran Church; Allen Stewart, 2244 East 7th Street.

The following concerns were expressed by the protestants:
Drug dealing; urinating outside; fights on the sidewalks and in the street; vehicles parked in the neighborhood; patrons stripping outside; trash in the neighborhood yards; vandalism; public sex acts; patrons blocking neighborhood driveways; patrons double parking; drunk driving; patrons passing out in the church yard and neighborhood yards; security concerns for children of the neighborhood; police being called frequently for fights; bar and patrons are affecting local businesses and churches; local businesses parking lots are being used by patrons of the bar; Patrons of bar standing in the street; broken glass; bar cannot meet the required parking; the bar does not have curb cuts nor access for parking shown; patrons do drive to the bar; proposed parking is a tight squeeze for sober drivers and drivers inebriated will not be able to make it into the proposed parking; Kendall/Whittier Neighborhood is on the rebound and the bar no longer fits into the neighborhood; new elementary school being built, which will bring new families into the neighborhood; Grace Lutheran Church is expanding; face of the neighborhood is changing.

Applicant's Rebuttal:
Mr. McCormick stated he cannot speak to specific incidences mentioned by the protestants because he did not see the acts. The neighbors do not want a bar in the neighborhood and the ordinances do allow a bar if there is parking available. He reiterated that it is unnecessary to meet the required parking because the patrons walk to the bar. Mr. McCormick asked the Board if it is appropriate to take away the owner’s right to do business, when he has been doing business at the subject location for 25 years?

Board Action:
On MOTION of TURNBO, the Board voted 4-0-0 (Bolzle, Dunham, Tumbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to DENY a Variance of the required parking spaces. SECTION 1204.C.3.g.(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES, finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request; on the following described property:
Case No. 17788 (continued)

Lots 15 & 16, Block 4, Hillcrest Addition and that part of vacated Zunis Avenue, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17790

**Action Requested:** Special Exception to permit a 100' tower for a wireless communications antenna to replace a previously approved 40' tower in an RS-2 zoned district. **SECTION 401.**

**PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 4 and a Special Exception to reduce the required 110% setback from abutting residential properties. **SECTION 1204.C.3.g.(1) USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES,** located 3701 East 71st Street.

**Comments and Questions:**
Mr. Beach informed the Board that he has received a letter from the applicant stating that a 70' tower is all that is needed.

**Presentation:**
The applicant, **Land Acquisitions, Inc., Denny Redmon,** represented by **Kevin Coutant,** 320 South Boston, submitted a site plan, maps & photographs (Exhibit B-3). Mr. Coutant stated he is representing United States Cellular Telephone Company. He explained that the subject site has been before the Board previously for a 40' height telecommunications tower, which was approved by the Board. He stated the facility has been built and is currently operating, however, the Engineers have determined that the 40' tower is inadequate for a quality signal for the customers. The Engineers propose that a 70' tower will be more efficient and provides for the opportunity to co-locate another antenna at 50'. He reminded the Board that the tower is made of wood and blends in with the subject location. He described the subject site as being in a residentially zoned area. There is a house on the subject site, which is 70' west of the tower. The next nearest residential home in the area is 200' from the tower. The distance from the tower to the north is approximately 280', to the east 550' and to the south there is a creek that runs under with a drainage way that is approximately 200' from the tower. The tower will have slim line antennas with a private fence around the base of the tower. He concluded that the need for the 70' high tower is for a better quality of service in the area. The tower is in the bottom of a hole and a 40' high tower is not efficient. He reiterated that the proposed 70' tower will be made of the same materials as the 40' tower that is currently on the subject site.
Comments and Questions:
Mr. White asked the applicant when the carport was built. The applicant replied that it was built in July of 1997.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE Variance of the required setback from centerline of Lawton Ave. from 50' to 31.2" and a Variance of the required side yard setback from 5' to 3" for construction of a carport. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS per plan submitted finding the hardship to be the existing conditions of the neighborhood on the following described property:

Lot 10, Block 5, Winnetka heights Addition

Case No. 18005

Action Requested:
Variance to allow required parking on a lot other than the lot containing the principal use. SECTION 1301.D. GENERAL REQUIREMENTS - Use Unit 5 located 2331 E. 5th Pl.

Presentation:
The applicant, John Ford, represented by Raymond Call of Urban Design Group, 9 East 4th St. Ste. 500, Tulsa, submitted a site plan (Exhibit N-1). Mr. Call is representing John Ford and Grace Lutheran Church. They are asking for a variance to allow them to use the new lot that they built south of the existing church facility to meet the parking requirements for the new addition of a social hall and expanded education facilities to the west of the existing church. With the new lot they can provide 97 parking spaces, under the Zoning Code they are required to provide 90.

Comments and Questions:
Mr. Bolzle and Mr. Dunham made mention to the fact that they approved this last time. Mr. Ford replied that last time they asked for a change in use to be allowed to build the expansion on the existing lot, but they did not actually tie the parking across the street to the facility itself and they were informed by the building department that they needed Board approval.

Mr. Beach stated that on 4-22-97, they were before the Board and the Board approved a Special Exception to permit church use on the south property.
Case No. 18005 (continued)

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE Variance to allow required parking on a lot other than the lot containing the principal use. SECTION 1301.D. GENERAL REQUIREMENTS – Use Unit 5 subject to the execution of a tie contract on the following described property:

Hillcrest Addition, Block 3, Lots 1-6, and E 20' Lot 7 (Hillcrest Addition, Block 4, Lots 1-3 and E 25' Lot 4)

Case No. 18006

Action Requested:
Special Exception to permit church and accessory church uses in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5 located at 1714 W. 40th St. S.

Presentation:
The applicant, Trinity Baptist Church, represented by Mark Benton, 5740 S. 31st W. Ave., submitted a site plan (Exhibit O-1) and stated that the property is a house that the church has owned for approximately nine years. When the church originally bought the house it was used for housing for missionaries, a few years ago it began being used for Sunday school classes. Mr. Benton stated that when they started a renovation project on the house they learned it was not properly zoned.

Comments and Questions:
Mr. Bolzle asked if the Board granted this would it be per plan? Mr. Bolzle stated that he was confused about the parking lot designation south of the two houses. Is the parking lot on both of the lots south of the house or just the easternmost lot. Mr. Benton replied that the church bought that area about 12 years ago and tore down the houses and used it for parking. In 1990, the church bought two more houses. Mr. Bolzle asked if there was screening. Mr. Benton answered yes.

Board Action:
On MOTION of TURNBO, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE Special Exception to permit church and accessory church uses in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5 per plan submitted on the following described property:

Lots 7 & 8, Block 6, Clinton Homesites and Lots 1-6, 25-26, Block 6, Clinton Homesites.
View facing North from the intersection 6th and Zunis

Subject Property Parking lot
Subject property
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BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22713

STR: 0335
CZM: 30
CD: 3

HEARING DATE: 08/13/2019 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit Commercial Vehicle Sales & Rentals and Commercial Vehicle Repair/Maintenance in a CS District pursuant to Table 15-2 of the Tulsa Zoning Code

LOCATION: 550 N MEMORIAL DR E; 556 N MEMORIAL DR E; 560 N MEMORIAL DR E; 550 N MEMORIAL DR E

ZONED: CS, OL

PRESENT USE: Commercial/Vacant

TRACT SIZE: 687092.12 SQ FT

LEGAL DESCRIPTION: RESERVE A; S217.48 LT 2 BLK 1; LT 2 LESS S217.48 BLK 1; LT 1 BLK 1, HILTON ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property:
BOA-6438: On 09/23/1969 the Board denied an appeal from a decision of the Building Inspector for refusing to permit the extension of a nonconforming use (house moving business) by erecting an office building in a U-1C district.

BOA-10130: On 09/07/1978 the Board approved an exception for permission to use the property for church use and related activities.

BOA-10480: On 06/10/1979 the Board approved a variance to permit an office building and a sales and storage building in an OL and CS District and an exception for modification of the screening wall or fence requirements.

BOA-13611: On 06/13/1985 the Board approved a special exception to allow an automobile dealership and accessory uses in OL and CS zoned districts.

BOA-17060: On 06/13/1995 the Board approved with conditions a special exception to permit automobile sales and accessory uses in a CS zoned district.

BOA-18128: On 08/11/1998 the Board denied a variance to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis, and a variance of the definition of Promotional Business Sign.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Town Center" and an "Area of Growth."
The purpose of *Areas of Growth* is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of E. Easton Street and N. Memorial Drive. It is zoned primarily CS with approximately the North and West 80 ft of the property zoned OL. The land immediately North, West and South are zoned RS-3. The property East of the subject property is zoned IL and RS-2.

**STAFF COMMENTS:**

The applicant is requesting a Special Exception to permit Commercial Vehicle Sales & Rentals and Commercial Vehicle Repair/Maintenance on the CS portion of the lot pursuant to Table 15-2 of the Tulsa Zoning Code.

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Vehicle Sale sand Service use are subject to the following supplemental regulations:

**Section 40.400**

40.400-A Whenever a vehicle sales and service use is located on a lot abutting an R-zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of Section 565.060.C2.

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.
SAMPLE MOTION:
Move to _______ (approve/deny) a **Special Exception** to permit Commercial Vehicle Sales & Rentals and Commercial Vehicle Repair/Maintenance in a CS District pursuant to Table 15-2 of the Tulsa Zoning Code

- 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.
Action Requested: Appeal under Section 23 from a decision of the Building Inspector for refusing to permit the extension of a nonconforming use (house moving business), by erecting an office building in a U-1C district on a tract located at 7949 East Easton.

Presentation: Mr. Dick Hancock, representing Mr. Stamper, stated that when the Crosstown Expressway came through it took about 1 acre of Mr. Stamper’s land upon which his storage building was located. Now they wish to build a 60’ x 100’ concrete building to store the equipment on the subject tract, and access would be off Easton.

A protest petition with 14 signatures was presented (Exhibit "D-1").

Protests: Mr. Donahue stated that he had lived in the neighborhood for fourteen years and that they have moved larger trucks in at different times. Easton Street is a service road and leads to the Admiral Twin Drive-in, and four accidents have occurred on this street recently. He further stated that the applicant has one building which is setting on cement blocks and could topple at any time and result in possible injury to children in the area. He stated that they have just recently filled a pond which had been a hazard to the children for some time. Several of the protesters stated that they had lived in the area for fourteen or fifteen years, and that although Mr. Stamper had lived on the subject tract, he has just recently begun moving in his heavy equipment, etc.

Remarks: In reply to the protesters' comments, Mr. Hancock stated that Mr. Stamper had lived on the tract for years and that they want to build this building in order to store the equipment and eliminate the eyesore it creates.

Mr. Cohen stated that the burden of proof was upon Mr. Stamper to prove that he had been in this location before the protesters moved into the area. He suggested a continuance in order to determine if the use was established before the residents moved in, and before the area was incorporated into the City of Tulsa.
6438 (continued)

Board Action: On MOTION of JOLLY, the Board of Adjustment (4-0) continued application no. 6438 to the September 23, 1969 meeting, 1:30 p.m., 2nd Floor, City Hall, Tulsa Civic Center.

6442

Action Requested: Exception (Section 16) to modify the setback requirements in a U-1C district to permit the erection of a carport beyond the established setback line on a tract located at the SW corner of 32nd Street and Lakewood Avenue.

Presentation: Mr. Donald Walker, applicant, was not present.

Protests: A neighbor was present in protest. He stated that Mr. Walker has a section of the carport up, but that the Building Inspector had told him to stop building. He added that there is not an extension like the one he is building all along 32nd Street, and that Mr. Walker had already built his home six to eight feet beyond his own building line.

Board Action: On MOTION of REEDS, the Board of Adjustment (4-0) denied application no. 6442 on the following described tract:

Lot 1, Block 6, Lorraine Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

6443

Action Requested: Variance (Section 5 (h) (1)), Section 23, to permit the erection of a sign 40 feet high and 50 feet from the centerline of Harvard in a U-3A district, on a tract located at 5130 South Harvard.

Presentation: Mr. Jasper Howard, representing the applicant, stated that they wished to erect a 40' high sign, which is the standard height for all the signs erected for their stores. It has become a part of the store's image and they feel it is particularly necessary in this location. He submitted a sketch of the sign (Exhibit "E-1"). He added that a car wash was being built in front of the sign's proposed location.
BOARD OF ADJUSTMENT
Minutes (No. 41)
Tuesday, September 23, 1969, 1:30 p.m.
City Hall, Civic Center

MEMBERS PRESENT
Cohen, Chairman
Disler
Jolly
Langan

MEMBERS ABSENT
Reeds

OTHERS PRESENT
Johnsen (in 1:50)
Irwin

STAFF PRESENT
Edwards
Jones
Martin

Chairman Cohen called the meeting to order at 1:45 p.m., and declared a quorum present.

Minutes:

Board Action:
On MOTION of JOLLY, the Board of Adjustment (4-0) approved the Minutes of September 2, 1969 (No. 39) with the change to Case No. 6441 in the Board Action to read "...to be turned off no later than 11:00 p.m., ...".

PUBLIC HEARINGS ON C.D.P's.:

6394

Action Requested: Request for approval of CDP No. 67, under the provisions of Section 18, on a tract located West of 33rd West Avenue and North of 38th Street.

Remarks: Mr. Edwards advised that this CDP was a proposed public housing project and the Tulsa Housing Authority would be conducting their hearing on the proposal October 8, 1969.

Board Action: On MOTION of JOLLY, the Board of Adjustment (5-0) postponed consideration of Case No. 6394 (CDP No. 67) to the November 4, 1969 meeting, 1:30 p.m., 2nd Floor, City Hall, Tulsa Civic Center.

UNFINISHED BUSINESS:

6438

Action Requested: Appeal (Section 23) from a decision of the Building Inspector for refusing to permit the extension of a nonconforming use (house moving business) by erecting an office building in a U-1C district, on a tract located at 7949 East Easton.

(Johnsen in 1:50 p.m.)
Dick Hancock, attorney for R. R. Stamper, stated that this application was an appeal for permission to construct a building to store house moving equipment; and that the application had been continued to allow the applicant to establish the legality of a nonconforming use on this location. He presented exhibits from Floyd Watts and Junior Wallis, an employee for Mr. Stamper in 1954. He presented a 1955 Criss-Cross Directory showing the business location at 7949 East Archer, and stated that a portion of the same acreage was taken by the Crosstown Expressway and the address was changed to 7949 East Easton. He stated that the Stamper's have been in continuous operation; however, the nature of the business is that sometime they will be away from this location for a few months with their equipment and he advised that there was a time that they did not have access to the property, but emphasized that they have been in continuous operation. He stated that in 1964 they were denied access to the property, however, an old barn on the property had been used, at that time, to store house moving equipment.

The protesters stated that the operation is an eyesore, and a telephone directory was used to show the operation at a different location. He stated that they are using the property for a dump. He advised that they have lived in this area for 12-14 years and there has not been any equipment on this location until the last few months. One protestant stated that when she moved into this area three years ago, there was just an old barn and a horse on this acreage.

On MOTION of LANGAN, the Board of Adjustment (4-0) upheld the Building Inspector and denied the appeal, because the Board felt that a continuous operation at the following location had not been demonstrated:

SE/4, SE/4, Section 35, T-20-N, R-13-E, Beginning at a point 245.145 feet West and 30 feet North of the SE corner of Section 35; thence West 345.71 feet; thence North 630 feet; thence East 345.71 feet; thence South 630 feet to the point of beginning, LESS that portion taken by Crosstown Expressway, more particularly described as:
Beginning at a point 245.15 feet West of the East line and 30 feet North of the South line of said SE/4, SE/4, SE/4; thence West on a line parallel to and 30 feet North of said South line a distance of 345.71 feet; thence North a distance of 171.74 feet; thence North 70°-34'-54" East a distance of 246.03 feet; thence North 78°-11'-23" East a distance of 114.16 feet; thence South a distance of 270.19 feet to a point of beginning.

Action Requested: Variance (Section 23) of the permitted use provisions of U-3A (Section 5 (h) (1)), to permit erecting a sign 40' high and 50' from the centerline of Harvard, on a tract located at 5130 South Harvard.

Presentation: Montie Koone, representing Craig Neon, Inc., stated that 35' would be acceptable and he added that Gulf's sign was placed further out than this one and would not be hidden by their sign.

Protests: None.

Board Action: On MOTION of JOLLY, the Board of Adjustment (4-0) granted a Variance (Section 23) of the permitted use provisions of U-3A (Section 5 (h) (1)), to permit erecting a sign 33' in height not including the tip of the arrow, 50' from the centerline of Harvard, on the following described tract:

Lot 2, Block 1, Southeast Center Addition to the City of Tulsa, Oklahoma.

OTHER PUBLIC HEARINGS:

Action Requested: Appeal (Section 23) from a decision of the Building Inspector for refusing to permit the maintenance of a temporary type building for storage of materials in a U-1A district, on a tract located at 8700 Block East 17th Street.

Presentation: J. E. Ferguson stated that the building is an all-metal corrugated building and he is using the building for storage of antiques. He stated that they had planned on constructing a residence on the tract originally but sewers are not available at this time and they do not have any definite plans for constructing a residence at this time.
Action Requested:
Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split at 14326 West 17th Street.

Presentation:
Mr. Jones advised the Planning Commission (TMAPC) had approved the lot-split September 6, 1978, subject to the approval of the Board of Adjustment.

Board Action:
On MOTION of SMITH, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split (L-14446) on the following described tract:

Beginning at a point 1,126.51' North and 618.83' East of the SW corner of Section 9, Township 19 North, Range 11 East; thence North 154.5'; East 707.67'; South 154.5' and West 707.67' to the point of beginning; less the North 25' for road right-of-way.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1270 - Duplex Dwelling) for permission to maintain a duplex in an RS-3 District at 2416 East Newton Street.

Presentation:
Eula Harrel, 3314 South Memorial, an agent for Good Neighbor Real Estate Company, stated she represented both the seller and the buyer. The duplex in question has been in existence since approximately 1940; it was discovered in a recent sale, that it was not approved for duplex.

Board Action:
On MOTION of JOLLY, the Board voted 3-0 (with Jolly, Purser, and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1270 - Duplex Dwelling) for permission to maintain a duplex in an RS-3 District on the following described tract:

Lot 15, Block 2, Sequoyah Place Addition to the City of Tulsa, Oklahoma.

Action Requested:
Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities at 254 North Memorial Drive.

9.7.78:268(19)
Presentation:
Pastor Billy Ely, P. O. Box 161, stated the New Day Tabernacle had purchased this property, by contract, dependent upon the decision by the Board of Adjustment. Pastor Ely presented a plot plan (Exhibit "N-1") and advised there were originally two houses on the property which have been moved off. The plan was a rough sketch and there would be final plans to present at a later time.

Board Action:
On MOTION of JOLLY, the Board voted 3-0 (with Jolly, Purser and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve an Exception (Section 610 – Principal Uses Permitted in the Office Districts – Section 1205 – Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities on the following described tract, as presented:

The North 132' of the NE/4, SE/4, SE/4, of Section 35, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:
Variance (Section 280 – Structure Setback From Abutting Streets – Under the Provisions of Section 1630 – Minor Variances) of the setback requirements from 50' to 44' from the center-line of 31st Street to permit a pole sign at 6135 East 31st Street.

Presentation:
Jenks Adair, 1783 South Canton, representing Butler & Associates Realtors, presented sketches (Exhibit "O-1") of the proposed sign. He stated they were asking for the setback because there were two signs that are of the same setback that is requested. The sign would set within the parking lot, approximately 4' behind the curb line and is well within the parking lot.

Board Action:
On MOTION of JOLLY, the Board voted 3-0 (with Jolly, Purser, and Smith voting "aye"; no "nays"; no "abstentions"; Lewis "absent") to approve a Variance (Section 280 – Structure Setback From Abutting Streets – Under the Provisions of Section 1630 – Minor Variances) of the setback requirements from 50' to 44' from the center-line of 31st Street to permit a pole sign, per plan submitted, removal contract required, on the following described tract:

Part of the SE/4, SE/4 of Section 15, Township 19 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at a point 688.5' West and 50' North of the SE corner of the SE/4 of Section 15; thence North 265'; thence West 245'; thence South 265'; thence due East 245' to the point of beginning.
Action Requested:

Variance (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) and an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to erect an office building and a sales and storage building in an OL and CS District; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening on the north and west where the alternative screening will provide visual separation of uses at 254 North Memorial Road.

Presentation:

Mark Gibson, 5551 South Lewis Avenue, presented a plot plan (Exhibit "R-1") and advised there were two types of zoning on the property, OL and CS, and proposed to move the building as much as possible onto the CS zoning and leave the OL for parking. There will be corporate offices on the east of the lot with a walkway in between the offices and the sales and storage. The exterior of the building will be beige, spray finish stucco, with some rock and a small amount of rough cedar trim. Organic chemical construction material will be stored in the building. The only traffic to the site will be people who work in the building. The Company owns two pickup trucks which will operate from the storage area. The hours of operation will be 7:00 a.m. to 5:00 p.m., 5 or 5½ days each week, a 6' fence will be erected on the north, west and south sides of the lot.

Interested Parties:

Roger Steed, 7878 East Independence, advised there is a welded wire fence, 15 years old on the north side of the subject property. Mr. Steed stated the subject property is level ground, but on his side the ground drops off approximately 2' and he was concerned about the type of screening to be used. The existing fence would not afford the type of privacy that is needed.

T. L. Markham, 722 North Memorial Road, questioned if the lot had been sold and what type of business would be located on the property. He expressed concern about property values in the area.

Board Action:

On MOTION of LEWIS, the Board voted 4-0-1 (Lewis, Purser, Smith, Thompson "aye"; no "nays"; Wait "abstaining") to approve a Variance (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances); and a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling) to permit an office building and a sales and storage building in an OL and CS District; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for modification of the screening on the north and west where an alternative screening will provide visual separation of uses, provided a 6' privacy screening fence is erected on the north side to extend 50' to the west of the westernmost building and waive the screening on the west property line, the balance of the north screening will not be required until such time as the rest of the property is developed to the west; the exterior of the one building to be of stucco and rock in a beige or earth-tone colors, per plot plan submitted, with the hours of operation to be 7:00 a.m. to 5:00 p.m., 5 or 5½ days per week, on the following described property:

6.10.79:286(21)
10480 (continued)

The North 132' of the NE/4, SE/4, SE/4 of Section 35, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

10484

Action Requested:

Variance (Section 620.2 (d) (1) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the 32 sq. ft. sign requirements in an OL District at 4900 South Lewis Ave.

Presentation:

James Adair, 533 South Rockford, advised that in approximately two years, when the new building is constructed, Western Bank will vacate the present building; there will be no sign or wooden structure on the property. At the time the building was erected there were only one or two tenants; however, now there are numerous tenants and they are wanting more signs. Lewis Properties would prefer erecting a small low-profile free-standing marquee, to be built with the same material as the building.

Mr. Adair presented a sign rendering (Exhibit "P-1") and stated the proposed site would be parallel to Lewis, in front of the building. When Western Bank moves to their new building, this sign will remain for the other tenants in this building.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve a Variance (Section 620.2 (d) (1) - Accessory Uses Permitted in Office Districts - Under the Provisions of Section 1670 - Variances) of the 32 sq. ft. sign requirements in an OL District, with the stipulation that the applicant return to the Board showing the exact placement of the sign, the sign to be built out of brick to match the existing building, per drawing presented, on the following described property:

Lot 4, Block 1, Lewis Square Addition to the City of Tulsa, Okla.

OTHER BUSINESS:

Case No. 7486

Dorthea Miller, Building Inspector's Office, explained that on June 1, 1972, the Board approved an Exception to permit erecting a church on the subject property. The church has since presented plans for a gymnasium which the Building Inspector questions would be permitted under the church use classification.

Bob Ashworth, Ashworth Construction Company, presented a plot plan (Exhibit "S-1") and advised that a drive-through canopy would be installed which will tie the new fellowship building with the sanctuary. The harvest gold metal building is scheduled for delivery the end of the month. The congregation plans to rock the building as soon as funds are available. The doors and windows are bronze and bronze glass.

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Thompson, Wait "aye") to approve the substitute plot plan and find the new structure to be a fellowship building.

6.10.79:286(22)
Case No. 13610

Action Requested:
Variance - Section 420.2 - Accessory Use Conditions - Use Unit 205
Request a variance of the height limit from 15' to 26' and of the
32 sq. ft. surface area to 80 sq. ft. to allow a sign for an
existing church in an RS-3 zoned district, located at 2121 North
Harvard.

Presentation:
The applicant, Lowell Burch, 2121 North Harvard, Tulsa, Oklahoma,
submitted photographs (Exhibit L-1) and pointed out to the Board
that the sign company made application for the sign and that there
are mistakes in the measurements. Mr. Burch asked that the size of
the sign be 18' 7" instead of 26' and 62 square feet instead of 80
square feet.

Comments and Questions:
Mr. Gardner informed that the amended request is within the Ad Hoc
Committee's proposed zoning code amendments as relates to this type
of sign.

Board Action:
On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0
(Bradley, Chappelle, Purser, White, "aye"; no "nays"; no
"abstentions"; Clugston, "absent") to APPROVE a Variance (Section
420.2 - Accessory Use Conditions - Use Unit 1205) to amend the
height limit from 15' to 18' 7" (instead of 26') and the 32 sq. ft
surface area to 62 sq. ft. (instead of 80 sq. ft.) to allow a sign
for an existing church in an RS-3 zoned district; finding that the
amended sign size meets the proposed standards of the Code; on the
following described property:

East 508' of the west 558' of S/2, S/2, SW/4, NW/4, Section 28,
S-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13611

Action Requested:
Special Exception- Section 710 - Principal Uses Permitted in the
Commercial Districts - Use Unit 1217 - Request an exception to allow
an automobile dealership and accessory uses in an OL and CS zoned
districts, located at the NW/c of I-244 and Memorial.

Presentation:
The applicant, Don Thornton Ford, was represented by Henry Daubert,
Engineer, who submitted a site plan (Exhibit M-1) for an automobile
agency. He stated that the agency would be located on approximately
10 acres at the NW corner of I-244 and Memorial. Mr. Daubert
pointed out that the property to the West is zoned residential and
the business would be accessible from both Memorial and Easton.

Comments and Questions:
Mr. Gardner informed that the application is characteristic of mixed

6.13.85:441(13)
Case No. 13611 (continued)

...commercial and industrial uses and that the Board should consider whether the business is appropriate for the area. He noted that the lot in question is large and across Memorial from an industrial district. All of the homes to the west are on large lots and back to the subject tract.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to allow an automobile dealership and accessory uses in an OL and CS zoned district; on the following described property:

All that part of the E/2 SE/4 SE/4 of Section 35, Township 20 N, Range 13 E. of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof; more particularly described as follows, to-wit:

Beginning at a point in the east boundary of said E/2, SE/4, SE/4, 346.36 feet from the southeast corner thereof; thence S. 78°11'23" W. along the north right-of-way line of East Easton Street a distance of 363.74 feet; thence S. 70°34'54" W. along the right-of-way line a distance of 317.53 feet to a point in the west boundary of said E/2, SE/4, SE/4; thence N. 1°03'26.5" W. along the west boundary of said E/2, SE/4; SE/4, a distance of 733.71 feet to a point 408.93 feet from the northwest corner thereof; thence N. 88°55'48" E. parallel to the north boundary of said E/2, SE/4, SE/4, a distance of 175.00 feet; thence N. 1°03'26.5" W. parallel to the west boundary of said E/2, SE/4, SE/4, a distance of 477.00 feet; thence E. 88°55'48" E. parallel to the north boundary of said E/2, SE/4, SE/4, a distance of 116.45 feet; thence N. 88°55'48" E. parallel to the northeast corner thereof; thence S. 0°59'27" E. along the east boundary of said E/2, SE/4, SE/4, a distance of 682.42 feet to the point of beginning, containing 477,015 square feet or 10.95075 acres, more of less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13612

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in the Office Districts - Request a use variance to permit Use Unit 25, light manufacturing in an OL zoned district.

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request an exception to permit Use Unit 25, light manufacturing in a CH zoned district.

Variance - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request a variance to waive the screening requirements, located west of SW/c of 11th Street and 79th East Avenue.
Case No. 17059 (continued)
the pool facilities are existing and the use has proved to be compatible with the neighborhood; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

Lots 16, 17 and 18, Block 9, Park Plaza VI, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17060**

**Action Requested:**
Special Exception to permit automobile sales and accessory uses in a CS zoned district (expansion of existing business)- SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17, located northwest corner North Memorial Drive and East Easton Street.

**Presentation:**
The applicant, Don Thornton, 550 North Memorial Drive, was represented by Thomas Marsh, 1302 Bank IV Center, who advised that his client is proposing to expand (Exhibit F-1) his business to include the subject property. He informed that the car agency is proposing to extend the used car operation to the north, but has no plans to construct additional buildings on the lot.

**Comments and Questions:**
In reply to Mr. Doverspike, Mr. Marsh advised that the property in question is currently vacant. He informed that there is a greenbelt to the west of his client's property.

Mr. Gardner noted that the storage of automobiles is not permitted on the OL zoned portion of the property, and the Board does not have the authority to grant this commercial use in the OL District.

Mr. Linker agreed with Mr. Gardner's statement that the use would not be permitted in the OL zoned portion of the tract.

Don Thornton, 6004 East 104th Street, informed that he is proposing to purchase the subject property in order to display approximately 26 automobiles. He stated that the rear portion of the tract will be used for employee parking.

In reply to Mr. Doverspike, Mr. Gardner informed that the OL strip is approximately 75’ wide and was placed at this location as a buffer between the CS Commercial District and the RS-3 Residential District.
Case No. 17060 (continued)

Protestants:
Peggy Sterm, Beggs, Oklahoma, stated that she is representing her mother, who lives in the abutting residential neighborhood. She submitted a petition of protest (Exhibit F-2) and stated that the extension of the car sales lot would invade the privacy of the residents living nearby and would have a negative impact on their property values. She noted that the paging system, traffic and lighting would be detrimental to the neighborhood.

Applicant's Rebuttal:
Mr. Marsh noted that this is not a quiet area because of the nearby expressway and the low flying aircraft. He stated that the dealership closes at 7 p.m. during the winter months and at 9 p.m. in the summer. Mr. Marsh stated that his client would install a screening fence between the use and the residential area and all lighting would be directed away from the residences. He informed that the property would be used exclusively for parking automobiles.

Mr. Gardner reiterated that parking, storage or display of automobiles is not permitted in the OL zoned portion of the tract.

Mary Thetford, 42 East Woodward Boulevard, informed that this is the least objectionable commercial use of the tract. She noted that this would be a quiet use of the property.

Mr. Doverspike advised that the Board does not have the authority to grant the proposed use in the OL portion of the property.

Mr. Marsh requested that the use be permitted in the CS portion of the tract.

Comments and Questions:
In reply to Mr. Bolzle, Mr. Beach stated that it is the opinion of Staff that 75' is an inadequate buffer between the CS and OL zoned property if a screening fence is not installed.

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit automobile sales and accessory uses in a CS zoned district (expansion of existing business): SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 17; subject to a screening fence being erected between the CS and OL Districts; subject to all lighting being directed down and away from the residential area; and subject to volume of loud speakers on the lot not to exceed the level currently being used; finding the use to be appropriate for the CS zoned district; on the following described property:
Lot 2, Block 1, Hilton Addition, City of Tulsa, Tulsa County, Oklahoma.
Case No. 18127 (continued)

Railroad a distance of 471.39'; thence N 00°02'53" W along the E line of the W 756.31' of the NW/4 NW/4 of Section 25; for 627.05' to the point of beginning. TRACT C part of the NW/4 of the NW/4 of Section 25, T-19-N, R-13-E of the IBM, Tulsa County, Oklahoma, lying N of the M.K.&T. Railroad right-of-way and more particularly described as follows: Beginning 756.31' E and 50' S of the NW/c of the NW/4; thence E 10'; thence S 630.21' to a point on the N right-of-way line of the M.K.&T. Railroad; thence NW along the right-of-way line to a point 756.31' E of the W line of the NW/4; thence N 00°02'53" W 627.05' to the point of beginning.

Case Nos. 18125, 18126, 18128, 18129, 18130

Action Requested:
Variances to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis. SECTION 1221.C.8. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs and a Variance of the definition of Promotional Business Sign. SECTION 1800. DEFINITIONS, at five various locations within the City of Tulsa.

Comments and Questions:
Mr. White asked if there were any known hardships on the remaining five applications. The applicant responded that there were none.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turmo "absent") to DENY Variance to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis. SECTION 1221.C.8. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs and DENY a Variance of the definition of Promotional Business Sign. SECTION 1800. DEFINITIONS on Case Nos. 18125, 18126, 18128, 18129, and 18130, on the following described properties:

(18125) Lot 1, Block 1, Regency Square;
(18126) Lot 1, Block 1, 9700 Memorial;
(18128) Lot 1, Block 1, Hilton Addition;
(18129) 458.32' of Lot 1, all of Lot 2, Block 2, Royal Manor South; and
(18130) A tract of land that is all that part of the SE/4 of the NE/4 of Section 22, T-19-N, R-13-E of the IBM, County of Tulsa, State of Oklahoma, that lies S of the SEly right-of-way line of the Broken Arrow Exp. and that lies N of the NEly right-of-way line of the M.K.&T. Railway and that lies W of the Wly right-of-way line of S. Sheridan Rd., being more particularly described as follows, to-wit:

08:11:98:755(10)
Case No. 18127 (continued)

Starting at a point that is the SE/c of the NE/4 of said Section 22; thence due N along the Ely line of said Section 22 for 222.15'; thence due W perpendicular to the Ely line of said Section 22 for 50.00' to the point of beginning of said tract of land, said point being at the intersection of the Wly right-of-way line of S. Sheridan Rd., and the NEly right-of-way line of the M.K.&T. Railroad; thence N 47°24'20" W for 0.00' to a point of curve; thence NWly along said NEly right-of-way line on a curve to the left having a central angle of 17°22'47" and a radius of 3869.72' for 1173.82' to a point on the SEly right-of-way line of the Broken Arrow Exp.; thence N 73°52'12" E along said SEly right-of-way line for 984.25' to a point on the Wly right-of-way line of S. Sheridan Rd.; thence due S along Wly right-of-way line for 662.75'; thence S 11°18'36" E along Wly right-of-way line for 127.47'; thence due S along said Wly right-of-way line for 137.95' to the point of beginning.

**********

Case No. 18133

**Action Requested:**
Special Exception to permit Use Unit 23 and Use Unit 25 within a CG District.

**SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS,**
located Northwest corner East Admiral Place & Mingo Valley Expressway.

**Presentation:**
Roy Johnsen, 201 W. 5th St., stated that the Crosstown Shopping Center has recently been rezoned from CS to CG district in an effort to develop the property as a business park. Previously the 197,000 SF building contained a Wal-Mart and other retail users, but there is one tenant at the present time. The owners believe that this location is ideal for an office warehouse development. He pointed out that in 1996 the Board approved a special exception for the property just west of the subject tract for Use Unit 25, Light Manufacturing and Industry, in a CG district. The building and parking lot will be renovated and they believe the final result will be an upgrade from the present condition. Regarding staff's concern about the development standards, Mr. Johnsen presented a copy of proposed 'Development Standards', Exhibit I-2, which has been reviewed by staff. The site plan was recorded as Exhibit I-1.

**Comments and Questions:**
In response to Mr. Dunham's question, Mr. Johnsen stated that the CG zoning has been approved by the City Council and the Ordinance has been adopted.

Mr. Stump stated that staff is in agreement with the conditions.

**Interested Parties:**
None.

08:11:98:755(11)
View facing South from Memorial Drive

View of Southern portion of subject property (former Ford Glass Plant)
View of Western Portion of Subject Property (former Ford Glass Plant)

View facing North from Memorial Drive
From: Baugher, Mayo <MayoBaugher@tulsacouncil.org>
Sent: Tuesday, August 6, 2019 11:24 AM
To: Wilkerson, Dwayne <DWilkerson@incog.org>; Miller, Susan <SMiller@incog.org>
Cc: (DIST3) Patrick, Crista <dist3@tulsacouncil.org>
Subject: FW: 550 N Memorial BOA 22713

Just wanted to be sure you were in receipt of this e-mail

Mayo Baugher | Council Aide III
Tulsa City Council
175 E. 2nd St, 4th Floor
Tulsa, OK 74103
918-596-1961
E: mayobaugher@tulsacouncil.org
www.tulsacouncil.org
Via/Like/Follow/Watch:

From: David Schuttler <stomdriven1@gmail.com>
Sent: Monday, August 5, 2019 7:27 PM
To: (DIST3) Patrick, Crista <dist3@tulsacouncil.org>
Subject: 550 N Memorial BOA 22713

As a working homeowner I will not be able to attend the BOA meeting to voice my opinion on this special exception next Tuesday.
I would like to say and I hope we can have your support in opposing this.
As it sounds it could be something like a Penske or Ryder and we do not need the sounds , smells and traffic from diesel trucks.
Memorial has a hill that can be dangerous for northbound traffic turning west into the neighborhood with a tractor trailer coming over the hill on them.
Easton in front of the Admiral Twin cannot handle large truck traffic with it's lack of shoulders and width.
There are homes next to this property on 2 sides.
This will degrade this neighborhood beyond recovery with a commercial vehicle business there.

Thank you for your time,
David Schuttler
NOTICE
OF PUBLIC HEARING
FOR PROPOSED SPECIAL EXCEPTION
CASE NUMBER: BOA-22713
PROPERTY IS ZONED: CS, OL
ACTION REQUESTED: Special Exception to permit Commercial Vehicle Sales & Rentals and Commercial Vehicle Repair/Maintenance in a CS District pursuant to Table 15-2 of the Tulsa Zoning Code.
LOCATION: 550 N MEMORIAL DR E; 556 N MEMORIAL DR E; 560 N MEMORIAL DR E
PUBLIC HEARING
City Council Chambers in City Hall
at One Technology Center
2nd level, 175 East 2nd Street
Tulsa, OK
ON: Tuesday, 08/13/2019 1:00 PM
CITY OF TULSA BOARD OF ADJUSTMENT
Call 918-584-7526 or visit: www.cityoftulsa-boa.org