

**AMENDED II AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, January 14, 2020, 1:00 P.M.**

Meeting No. 1242

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of November 12, 2019 (Meeting No. 1240).

UNFINISHED BUSINESS

2. **22801—Terrance Lewis**
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 4735 South Memorial Drive. East, Suite C (**CD 7**)

NEW APPLICATIONS

3. **22818—Eric Moritz**
Special Exception to permit a carport in the street yard and street setback with modifications to increase to permitted height of a carport and reduce the required 5-foot side yard setback for a carport in a RS-3 District (Section 90.090-C.1).
LOCATION: 2929 South Boston Court East (**CD 4**)
4. **22819—Bill Powers**
Variance to increase the allowable square footage for detached accessory buildings in the RS-2 District (Section 45.030-B). **LOCATION:** 1828 East 32nd Place South (**CD 9**)
5. **22820—1 Architecture, LLC – Nick Denison**
Special Exception to allow a High-Impact Manufacturing and Industry Use to permit a High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020). **LOCATION:** 3313 West Charles Page Boulevard South (**CD 1**)

6. **22821—Katy Anderson**

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

LOCATION: 1711 East Skelly Drive South (CD 9)

7. **22822—Joe Puckett**

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

LOCATION: 1630 West 51st Street South – **Tenant Space:** 1618 West 51st Street South (CD 2)

8. **22823—Sirgio Wells**

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

LOCATION: 6135 East 21st Street South, Suite E (CD 5)

The application was withdrawn by staff.

9. **22824—M. J. Carr Company**

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

LOCATION: 1222 South Lewis Avenue East – **Tenant Space:** 2311 East 12th Place South (CD 4)

10. **22825—Austin Hahn**

Variance to allow restaurant drive-through facilities to be located on the street facing side of the property (Section 55.100-C2); Variance to reduce the required number of stacking spaces for a restaurant drive-through (Section 55.100-A, Table 55-6). **LOCATION:** 1209 East Pine Street North (CD 1)

11. **22826—Gary Davis**

Variance of the minimum 75-foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3). **LOCATION:** 409 and 413 South Zurich Avenue East (CD 5)

12. **22827—Sisemore, Weisz & Associates – Joseph Watt**

Special Exception to permit a Campground and RV Park use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 19011 East Admiral Place North (CD 6)

13. **22828—King K Collective**

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

LOCATION: 205 East Mohawk Boulevard North – **Tenant Space:** 207 Mohawk Boulevard North (CD 1)

14. 22829—Kyle Gibson

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

LOCATION: 2821 West Charles Page Boulevard South (CD 1)

15. 22830—A-Max Sign Company

Variance to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Sections 60.020 & 60.080-B.5). **LOCATION:**

110 South Hartford Avenue East (CD 4)

The request to be continued to January 28, 2020 due to incorrect notice.

16. 22831—James Xiong

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

LOCATION: 7747 East 21st Street South – **Tenant Space:** 7727 East 21st Street South (CD 5)

17. 22832—Femmi Fasesin

Special Exception to permit a duplex in an RS-3 District (Table 5.020, Table 5-2); Variance to reduce the 25-foot street setback in an RS-3 District; Variance to reduce the required 25-foot rear setback for a Special Exception Use from an R-zoned Lot (Section 5.030, Table 5-3). **LOCATION:** 310 South Louisville Avenue East (CD 4)

18. 22833—Michael Tolman

Verification of the 300-foot spacing requirement for a bar from a public park, school or religious assembly use and 50-foot spacing requirement from an R-zoned lot (Section 40.050-A). **LOCATION:** 111 South Detroit Avenue East (CD 4)

19. 22834—Align Design Group – Kyle Gibson

Variance of the required 20-foot rear setback and the required 5-foot side setback in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 1948 East 33rd Place South (CD 9)

20. 22835—Michael Hagan

Variance of the 20-foot rear setback and 25-foot front setback in an RS-3 District (Section 5.030-A); Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); Special Exception to allow a carport in a street setback and street yard with modifications to allow the carport to exceed 20 feet in width and to exceed 8 feet in height within 10 feet of a side lot line (Section 90.090-C.1). **LOCATION:** 314 East 38th Place South (CD 9)

21. 22836—Rich Barnard

Special Exception to permit Personal Vehicle Sales in a CS District (Section 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in a CS District within 300 feet of an abutting R District (Section 15.040-A). **LOCATION:** West and North of the intersection of East 5th Place South and South Memorial Drive East **(CD 3)**

22. 22837—Pete Webb

Special Exception to allow a freestanding dynamic display sign to be located in an RS-3 District (Section 60.050 2-C); Special Exception to allow a Dynamic Display sign to be within 200 feet of another R District (Section 60.100.F). **LOCATION:** 2316 North Norwood Place East **(CD 3)**

23. 22838—Keith Dalessandro

Variance to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-2 District (Section 45.030-B); Variance to reduce the required 30-foot street setback in an RS-2 District; Special Exception to increase the allowed width of a driveway both in the right-of-way and within the street setback (Section 55.090-F). **LOCATION:** 2145 North Elwood Avenue West **(CD 1)**

24. 22839—Whistler Sign Company

Variance of the 1,200-foot spacing requirement for an Outdoor Advertising Sign with Dynamic Display from another Outdoor Advertising Sign with Dynamic Display (Section 60.100-K). **LOCATION:** 9810 East 42nd Street South **(CD 7)**

The applicant has requested a continuance to February 25, 2020.

25. 22841—Peter Grant

Variance to reduce the required 35-foot front setback in an RS-1 District (Section 5.030, Table 5-3). **LOCATION:** 6635 South Jamestown Avenue East **(CD 8)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

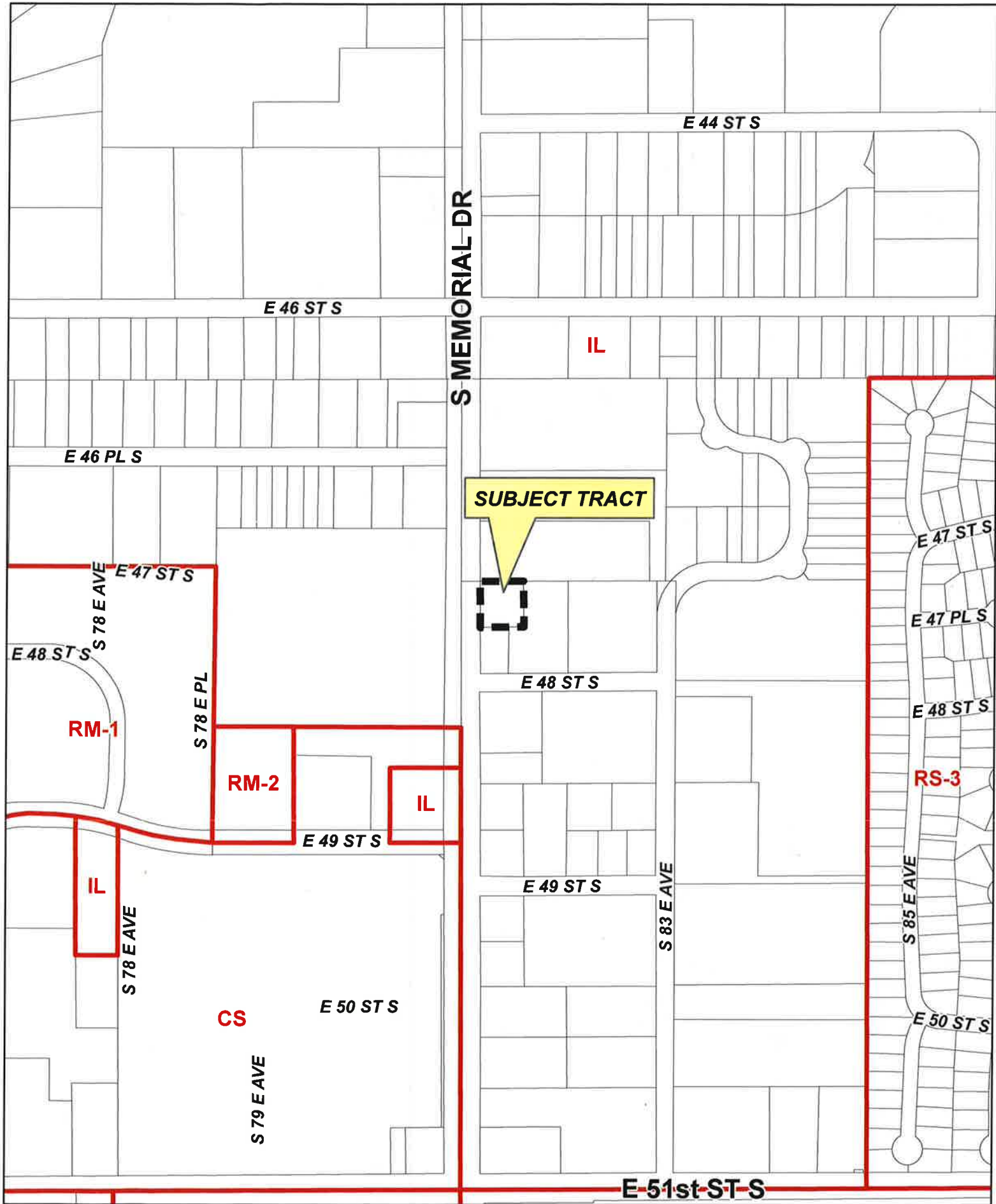
Website: tulsaplanning.org

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 at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning Office, INCOG. ALL electronic devices MUST be silenced during the Board of Adjustment meeting.

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



BOA-22801

2.1

19-13 25



BOARD OF ADJUSTMENT CASE REPORT

STR: 9325

Case Number: BOA-22801

CZM: 48

CD: 7

HEARING DATE: 01/14/2019 (Continued from 12/10/2019) 1:00 PM

APPLICANT: Terrance Lewis

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

LOCATION: 4735 S MEMORIAL DR E

ZONED: IL

PRESENT USE: Vacant

TRACT SIZE: 21601.49 SQ FT

LEGAL DESCRIPTION: N150 LT 4 BLK 2, JONES TRUCKING CTR, SECOND RESEARCH & DEVELOPMENT CTR RESUB

STAFF COMMENTS:

The applicant is requesting Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

Dispensaries who received their OMMA issued dispensary license prior to the December 1, 2018 are not subject to the 1,000 ft spacing requirement per Sec. 40.225-I.

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 provided an exhibit showing the location of their dispensary and circle drawn around their property with a 1,000-foot radius. The applicant provided the next closest dispensary as located at 4419 S. Memorial Drive, 1568 feet or 0.34 miles away.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** 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.

2.2



Facing South on Memorial



Facing North on Memorial



Subject Property

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

August 15, 2019

Terrance Lewis
PO BOX 691335
Tulsa, OK 74169

Phone: 918.951.0000

APPLICATION NO: **BLDC-039382-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **4735 S Memorial Dr**
Description: **Medical Marijuana Dispensary**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

2.5

TMAPC
APR
PROG

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-039382-2019

4735 S Memorial Dr

August 15, 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:
<http://www.tmapc.org/Documents/TulsaZoningCode.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.



OKLAHOMA MEDICAL MARIJUANA AUTHORITY

Website: OMMA.ok.gov | Email: OMMA@ok.gov

Wednesday, October 9, 2019

License #: PAAA-EYUT-ZORD

BLACK PURPLE KUSH INC.
BLACK PURPLE KUSH
4735 S MEMORIAL DR STE C
TULSA, OK, 74145

RE: Approval of Medical Marijuana Commercial License

The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL PROCESSOR LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:681. Your approved licensure start date is:

10/08/2019 and will expire one(1) year after this date, on **10/13/2020**.

It is your responsibility to submit a timely renewal application prior to this expiration date.

Your license number is: **PAAA-EYUT-ZORD**

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

- 1) changes in contact information; or
- 2) changes that may affect the licensee's qualifications for licensure.

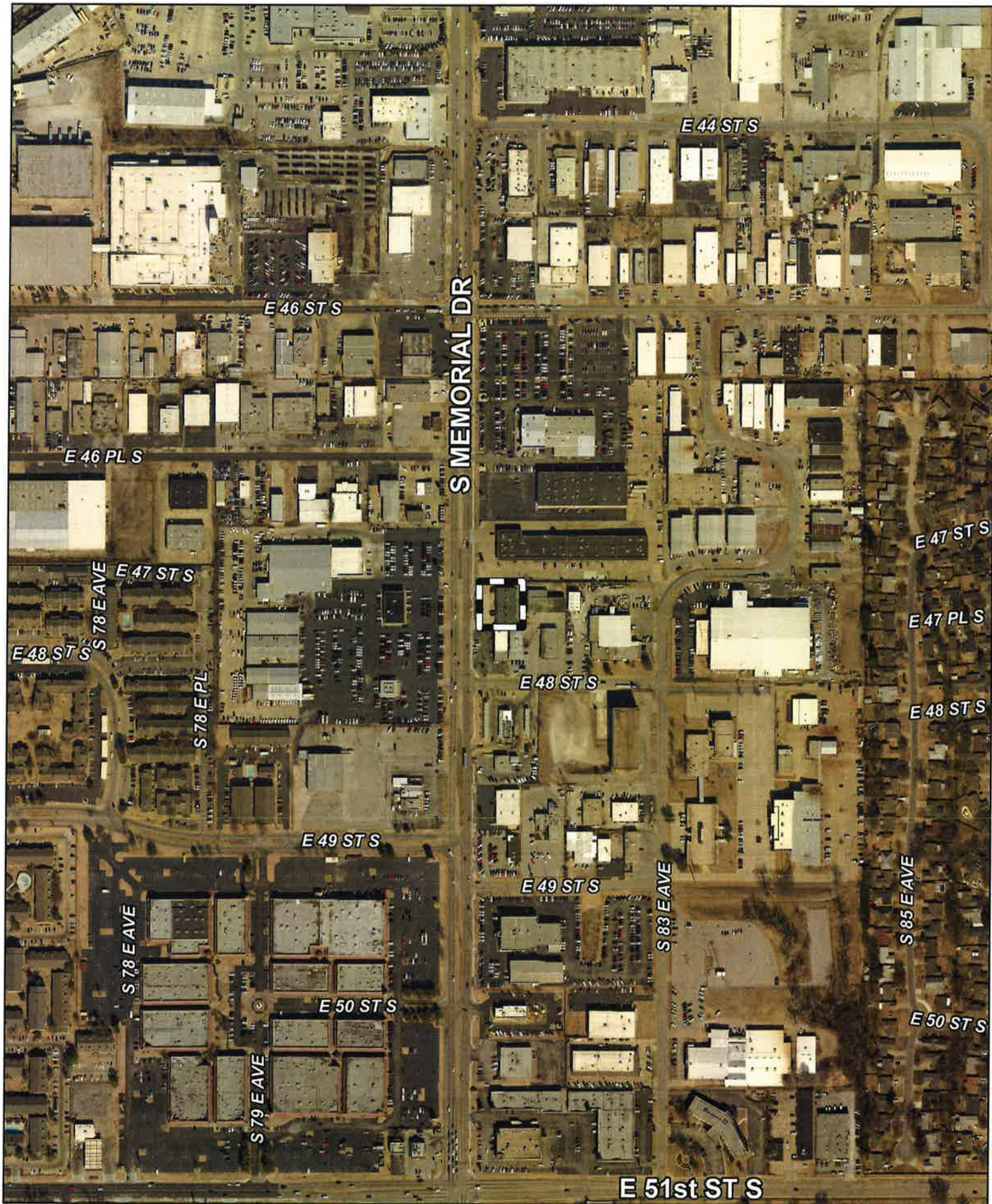
Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at OMMA.ok.gov.

Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov.

Sincerely,

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health

Attachment: License Certificate



0 Feet 200 400



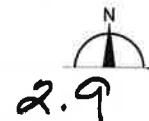
Subject Tract

BOA-22801

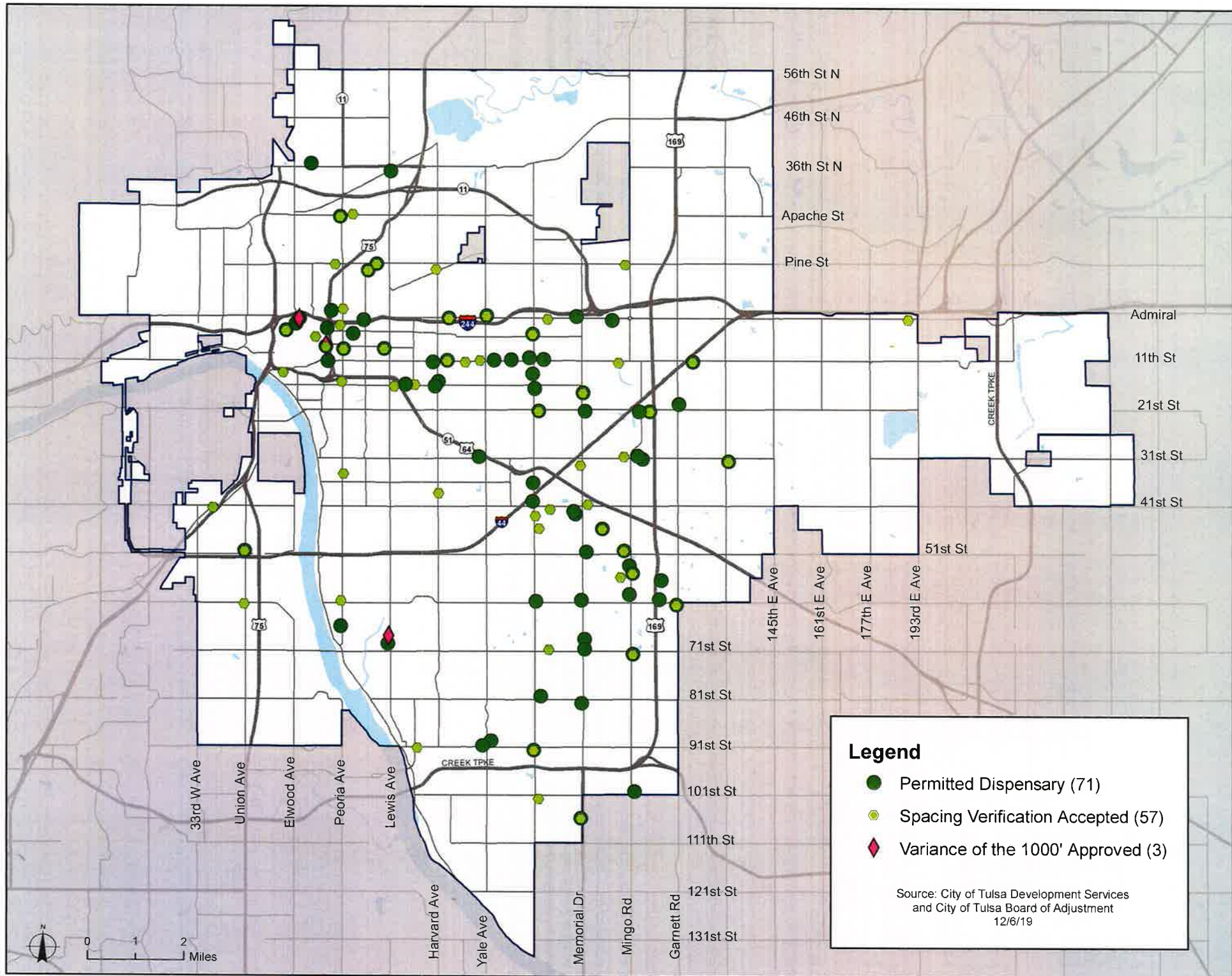
Note: Graphic overlays may not precisely align with physical features on the ground.

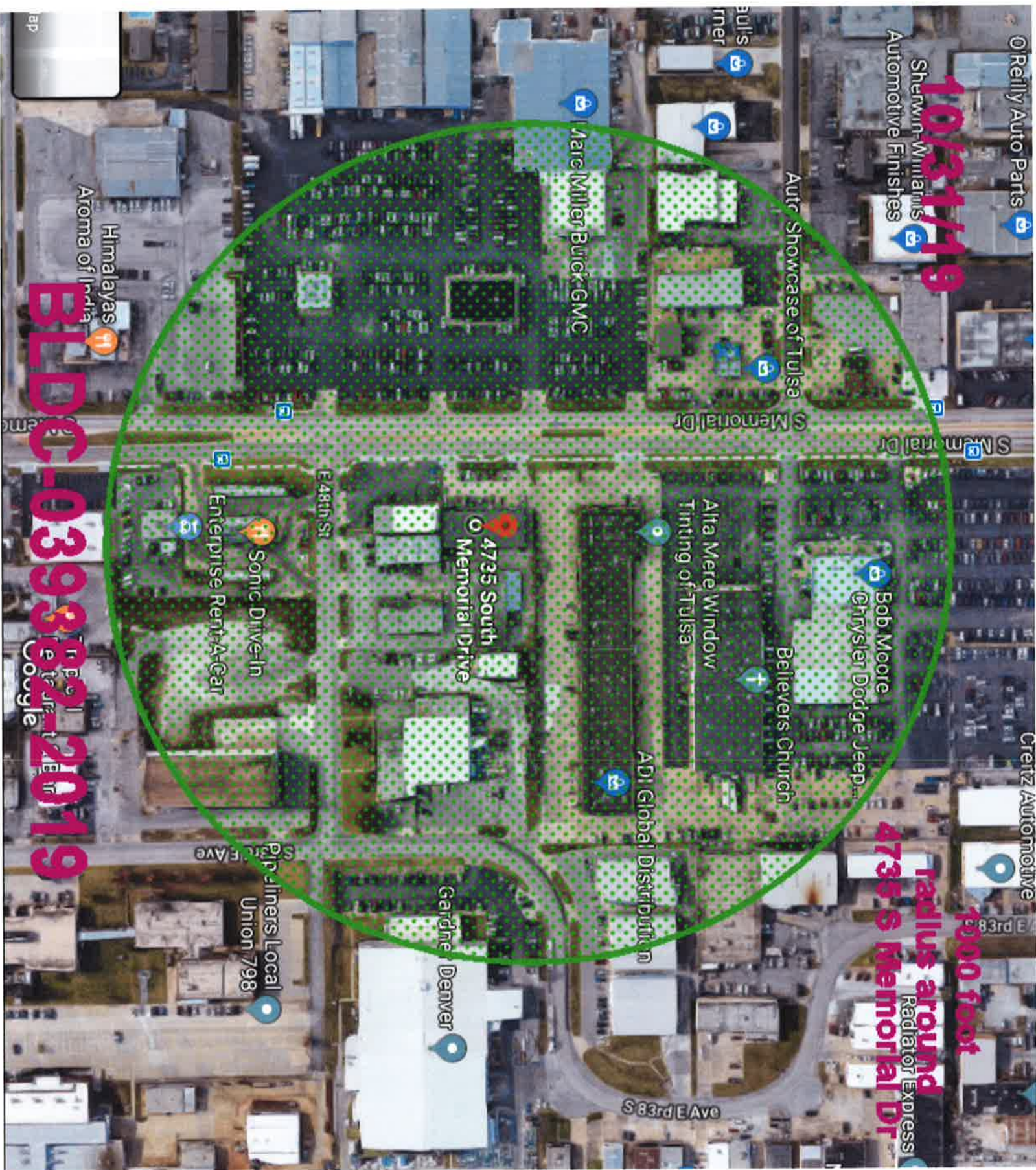
19-13 25

Aerial Photo Date: February 2018



01.2





10/31/19

radius around
4735 S Memorial Dr

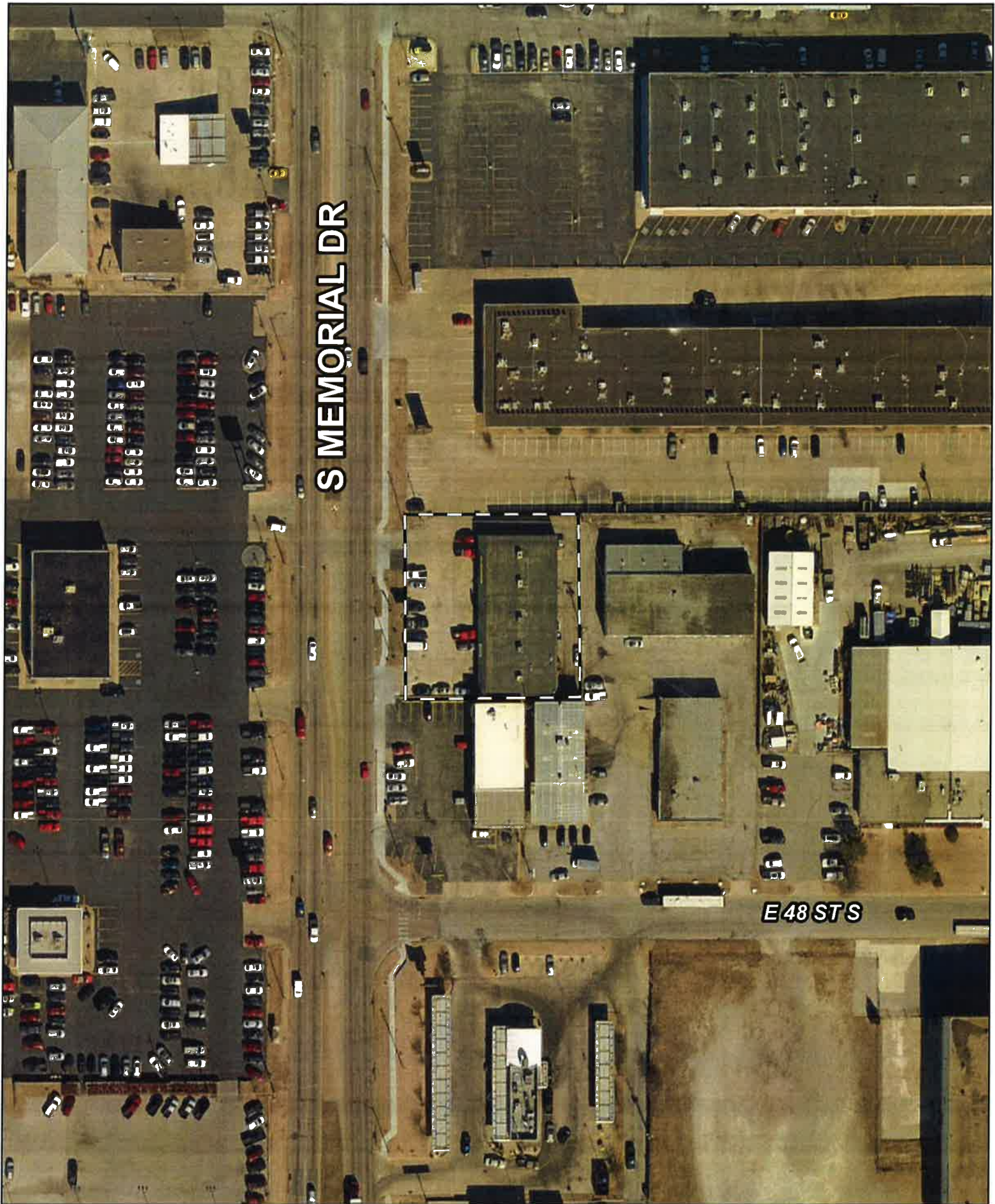
1000 feet

BLDC-039382-2019

MEMORIAL DRIVE DISPENSARY
4419 S. MEMORIAL

1568 FEET .34 miles

2.11



0 Feet 50 100



Subject Tract

BOA-22801

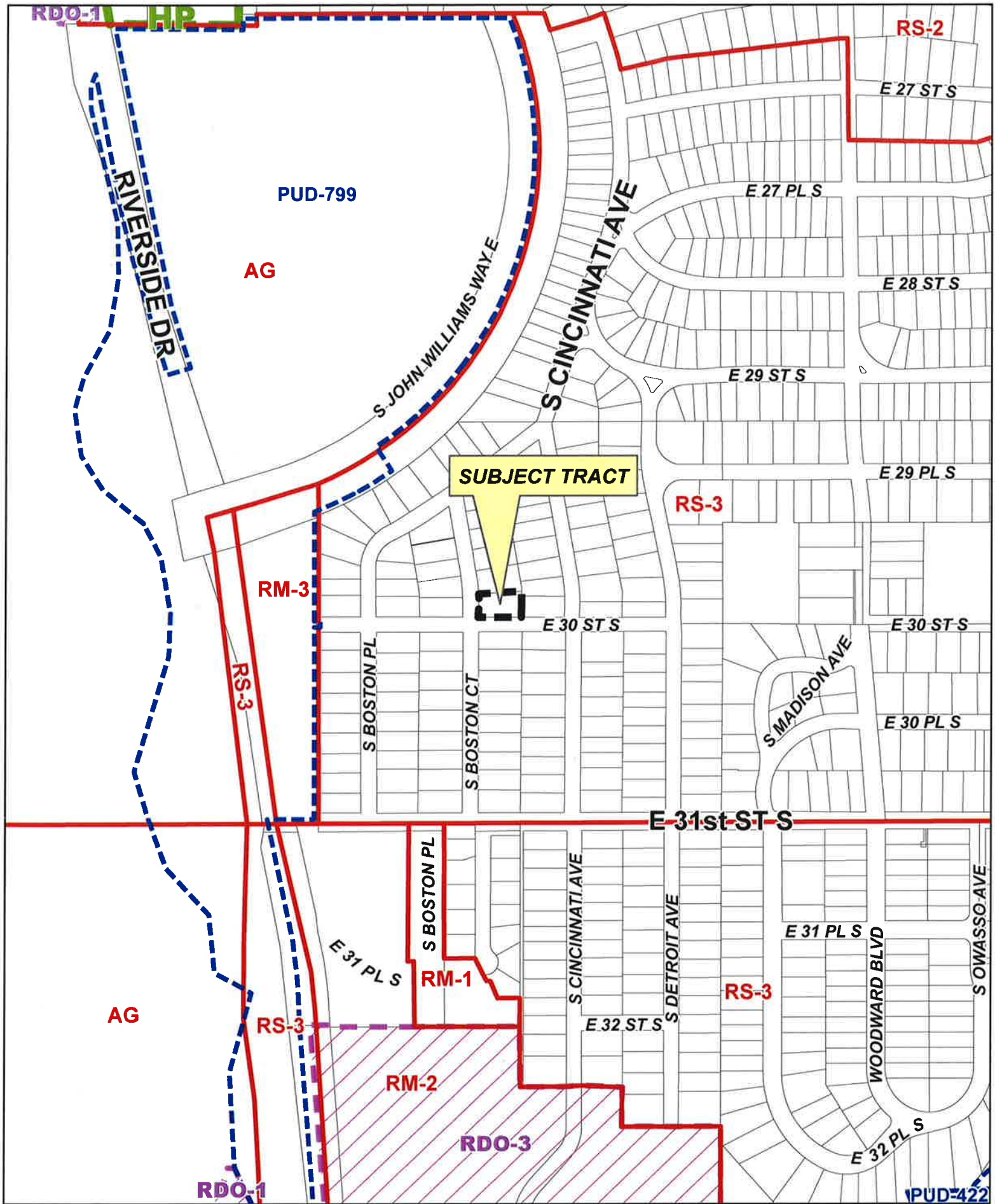
19-13 25

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

Aerial Photo Date: February 2018



2.12



BOA-22818

3.1



19-12 13



BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: **BOA-22818**

CZM: 36

CD: 4

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Eric Moritz

ACTION REQUESTED: Special Exception to permit a carport in the street yard and street setback with modifications to increase to permitted height of a carport and reduce the required 5 foot side yard setback for a carport in a RS-3 District (Sec.90.090-C.1)

LOCATION: 2929 S BOSTON CT E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 10781.14 SQ FT

LEGAL DESCRIPTION: ALL LT 11 & PT LT 12 BEG SWC LT 12 TH N 25 ELY TO EL S 31.36 TO SE COR W TO PT BEG BLK 3, TRAVIS PARK ADDN

RELEVANT PREVIOUS ACTIONS:

None in the immediate vicinity relating to carports.

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 an RS-3 tract located at the NE/c of S. Boston Court and E. 30th Street South.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to permit a carport in the street yard and street setback with modifications to increase to permitted height of a carport and reduce the required 5 foot side yard setback for a carport in a RS-3 District (Sec.90.090-C.1)

3.2

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 20.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

SAMPLE MOTION:

Move to _____ (approve/deny) a ***Special Exception*** to permit a carport in the street yard and street setback with modifications to increase to permitted height of a carport and reduce the required 5 foot side yard setback for a carport in a RS-3 District (Sec.90.090-C.1)

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

_____.

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



Facing North on Boston Ct.

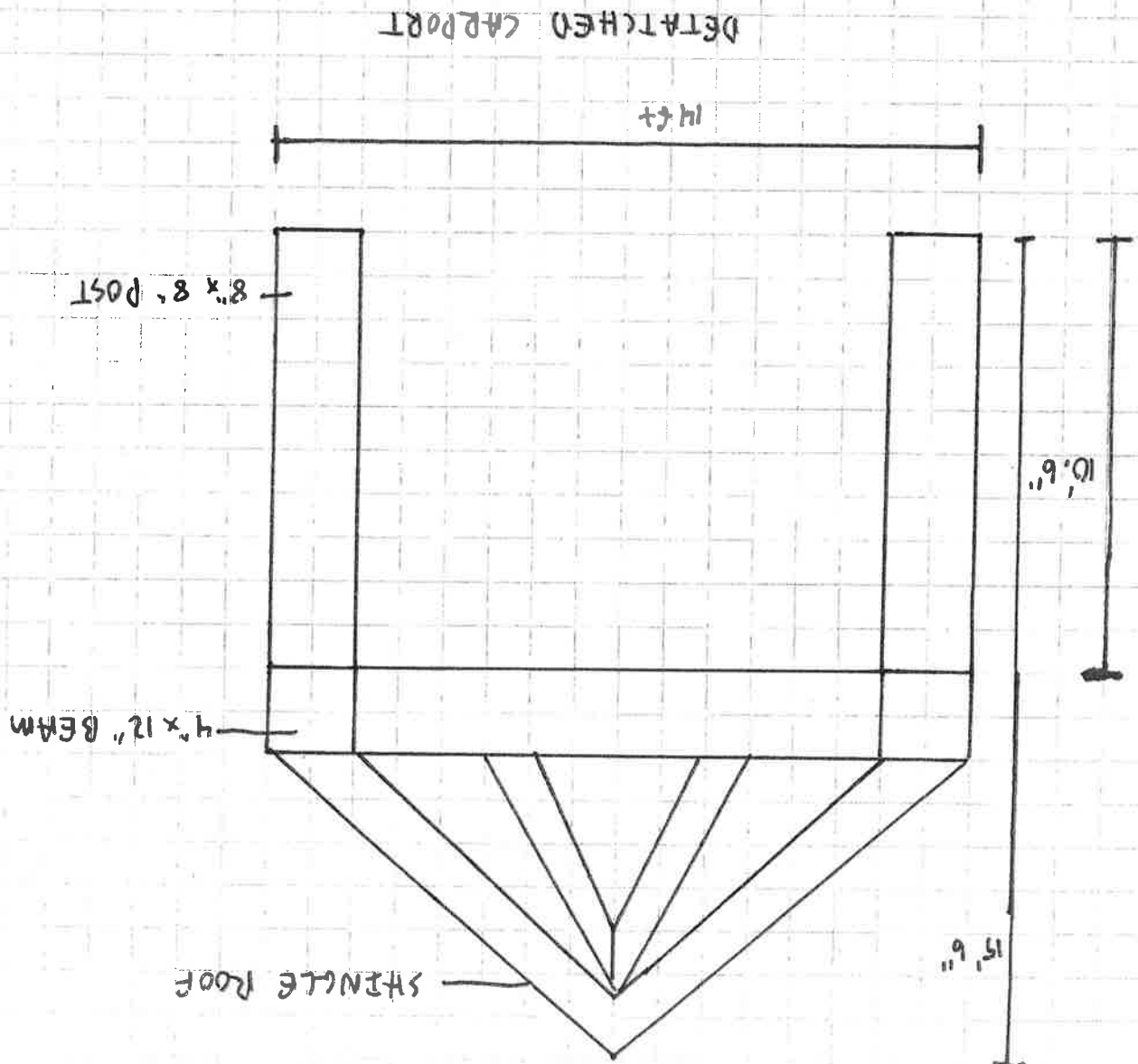


Subject property



Facing East on 30th St.

3.6



Jeff S. Taylor
Zoning Official
Plans Examiner II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Kelly Moritz
Kelly Design

9/21/2019

APPLICATION NO: BLDR-042046-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2929 S Boston Ct E

Description: Carport

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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" ☐ IS ☒ IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. **BLDR-042046-2019**

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.

Special exception approval required; see §90.090-C1.

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

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

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

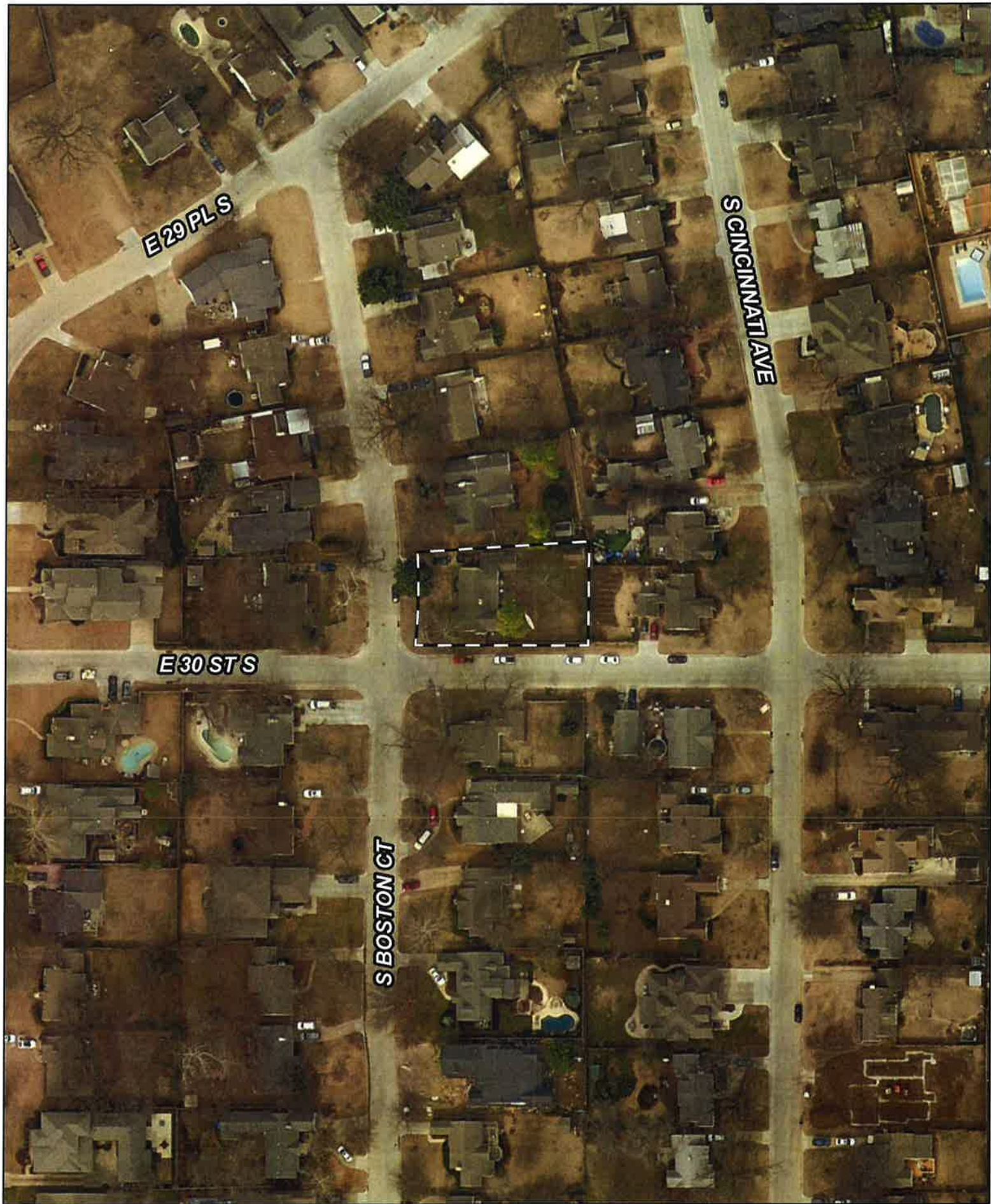
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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



E29 PLS

S CINCINNATI AVE

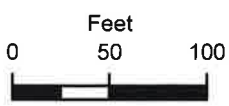
E30 STS

S BOSTON CT

BOA-22818

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

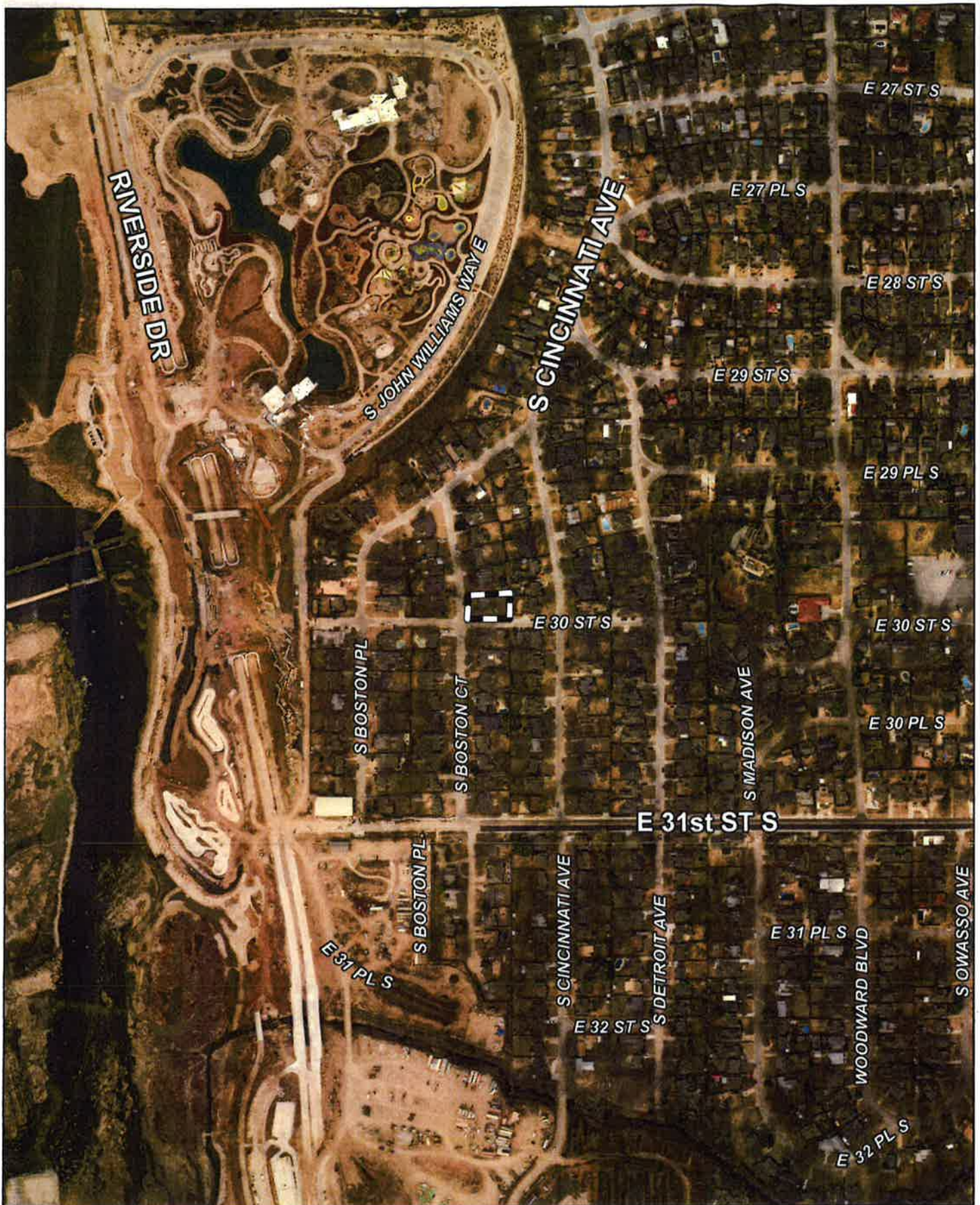
Aerial Photo Date: February 2018



 Subject Tract

19-12 13





0 Feet 200 400



Subject Tract

BOA-22818

19-12 13

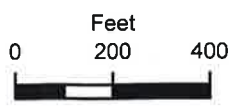
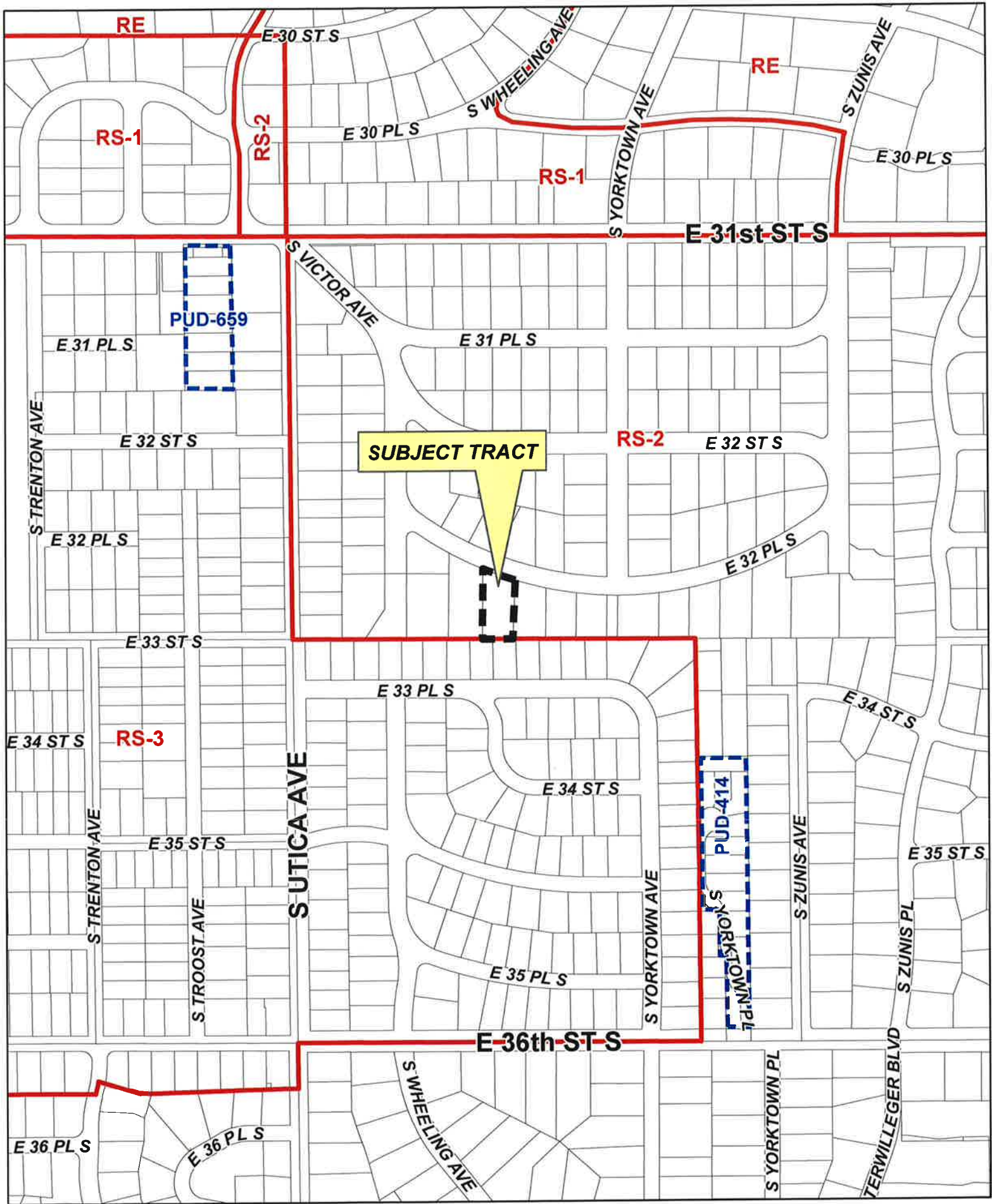
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Aerial Photo Date: February 2018

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BOA-22819

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19-13 19



BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22819**

CZM: 47

CD: 9

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Bill Powers

ACTION REQUESTED: Variance to increase the allowable square footage for detached accessory buildings in the RS-2 district. (Section 45.030-B)

LOCATION: 1828 E 32 PL S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 23322.12 SQ FT

LEGAL DESCRIPTION: LT 12 LESS PRT LT 12 BEG 7W SECR LT 12 TH NE TO NEC S TO SECR W POB BLK 8, BREN-ROSE ADDN

RELEVANT PREVIOUS ACTIONS:

BOA-16571; On 01.25.94 the Board **approved** a variance to of the maximum 750 sf for a detached accessory building. Property located 3207 South Utica 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 an RS-2 zoned property located Southeast of the intersection of E. 32nd Pl. and S. Victor Ave.

STAFF COMMENTS: The applicant is requesting a **Variance** to increase the allowable square footage for detached accessory buildings in the RS-2 district. (Section 45.030-B)

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see §90.090-C2.

STATEMENT OF HARDSHIP:

The owners need additional space for guests and the way the house and garage are situated there is no alternative to add on directly to the residence.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to increase the allowable square footage for detached accessory buildings in the RS-2 district. (Section 45.030-B)

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

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.”

Case No. 16569 (continued)

Mr. Jackere noted that a City Ordinance prohibits the storage of a camper in the front yard if it can be placed in the back yard. Mr. Arney stated that he was not aware of that Ordinance and that he can move the camper to the rear of the house.

In response to Mr. Doverspike, Mr. Arney stated that a 20' carport will provide adequate space for his automobiles.

After discussion, Mr. Jackere stated that there is a possibility that the 20' carport can be constructed on the Richmond Avenue frontage without Board relief. He suggested that the applicant visit with the Building Inspector to determine what relief is needed, if any.

Protestants:

Brian Giboney, 4150 East 34th Street, stated that he lives across the street from the subject property, and asked for clarification as to front yards. Mr. Bolzle advised the protestant that the applicant lives on a corner lot and has the right to elect which street frontage will be considered the front yard. Mr. Giboney stated that his main concern is the height of the carport.

Jim Walker, 4141 East 35th Street, stated that the previous carport covered the major portion of the front of the house, and was an eyesore in the neighborhood.

Matt Kohl, 3405 South Richmond, submitted letters of protest (Exhibit H-3) and stated that he is concerned with property values being maintained in the neighborhood. Mr. Kohl noted that the applicant is parking his vehicles on a gravel surface, and that the previous carport was constructed in such a manner as to be detrimental to the neighborhood.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **CONTINUE** Case No. 16569 to February 8, 1994, to allow the applicant sufficient time to research the possibility of constructing the carport on the Richmond Avenue frontage without Board of Adjustment relief.

Case No. 16571**Action Requested:**

Variance of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6, located 3207 South Utica Avenue.

Presentation:

The applicant, **Stephen Turner**, One Williams Center, submitted a plot plan (Exhibit F-1) and informed that he is the architect for the project in question. He explained that his client, **Elizabeth Brown**, is proposing to remodel and enlarge a detached accessory building, which will occasionally be used as sleeping quarters for her elderly mother when she visits the family. Photographs (Exhibit F-3) of the accessory building were submitted. Mr. Turner noted that Ms. Brown's home does not have a bedroom on the ground floor. A letter explaining the project and letters of support (Exhibit F-2) were submitted.

Case No. 16571 (continued)

Comments and Questions:

Mr. Bolzle remarked that it seems that an accessory building with a kitchen and bath could constitute a second dwelling on the lot, and Mr. Turner stated that the accessory building is actually a cabana.

There was discussion concerning the fact that cabanas are currently being constructed with kitchens, fireplaces, etc.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** a **Variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to no use of the accessory building as a second dwelling on the property; finding that cabanas are currently being constructed with kitchens, and that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

Lot 9, Block 7, Bren-Rose Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16440

Action Requested:

Site Plan Approval.

Presentation:

The applicant, **Living Waters Church**, P.O. Box 9602, was represented by **Glen Short**, 1717 West 45th Street, who informed that the previously presented site plan has been revised to comply with Code requirements. He informed that the size of the building has been reduced.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White "aye"; no "nays"; no "abstentions"; S. White, "absent") to **APPROVE** the revised site plan, as submitted.

There being no further business, the meeting was adjourned at 2:27 p.m.

Date Approved

2/8/94


Chairman

01.25.94:649(8)

4.6



Facing Northwest on E. 32nd Pl.



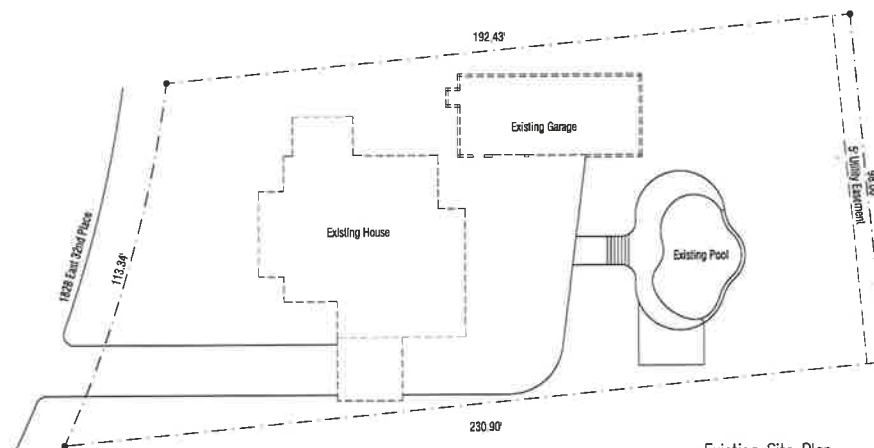
Facing Southeast on E. 32nd Pl.



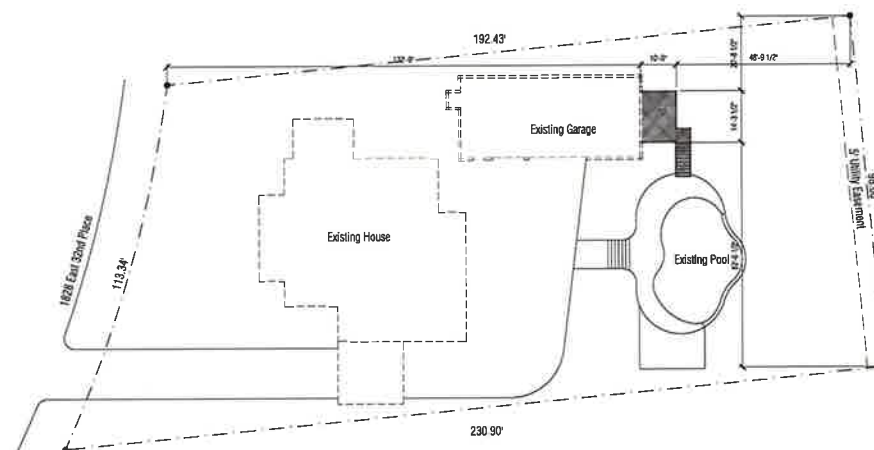
Subject Property

Layton Custom Addition

1828 east 32nd Place.,Tulsa, Oklahoma



1 Existing Site Plan
Scale: 1/16"=1'-0"



2 New Site Plan
Scale: 1/16"=1'-0"

Designed and Drawn by	Kenny W Martin
Scale	1/16"=1'-0"
Date	09-26-2019

Project For:
Layton Addition
Lot 12 Block 8 Bron-Rose Addition
1828 East 32nd Place, Tulsa Ok

Builder:
Powers Design & Build
918-645-6509

**POWERS
DESIGN
BUILD**

1100 N. 10th St.
Tulsa, Oklahoma 74103
Phone: 918-645-6509
Email: info@powersdesignbuild.com

Date: 09-26-2019
Rev:

Builder To Check:	Initial
Site Plan Accuracy	
Final Location of Lot	
Final Dimensions	
Final Map & Stamp	
Survey & Field Check	
Final Review	
Final Sign	
Final Stamp	
Final Location	

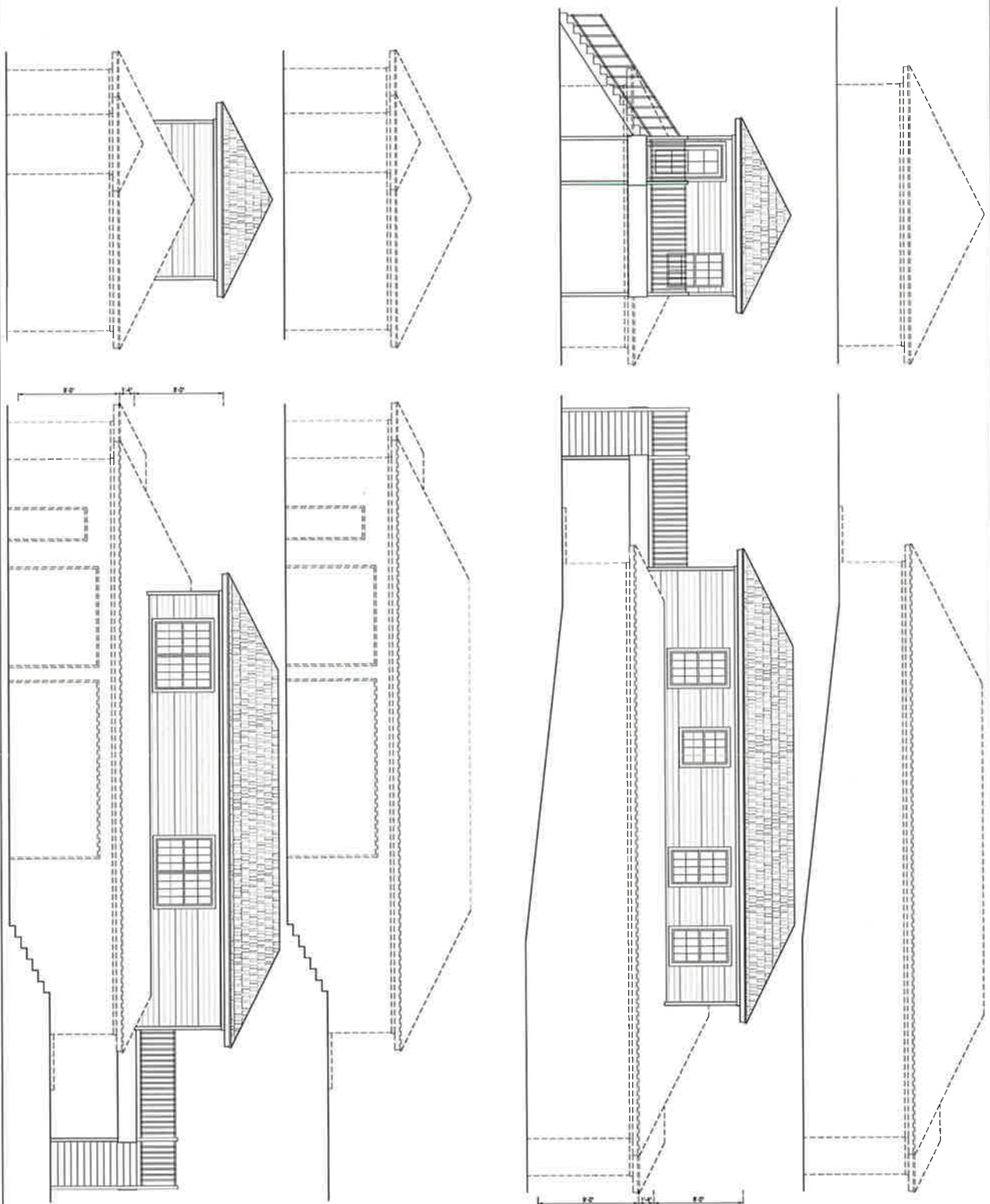
A-200

② Existing Roof Plan
Scale: 1/4"=1'-0"

③ New Roof Plan
Scale: 1/4"=1'-0"

4 New Roof Framing Plan
Scale: 1/4"=1'-0"

① New Floor Plan
Scale: 1/4"=1'-0"



A-202

Builder To Check	
Check for Accuracy	
Check for Compliance	
Check for Detail	
Check for Finish	
Check for Location	
Check for Material	
Check for Method	
Check for Order	
Check for Quantity	
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Check for Takeoff	
Check for Unit	
Check for Value	
Check for Volume	
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Check for Yield	



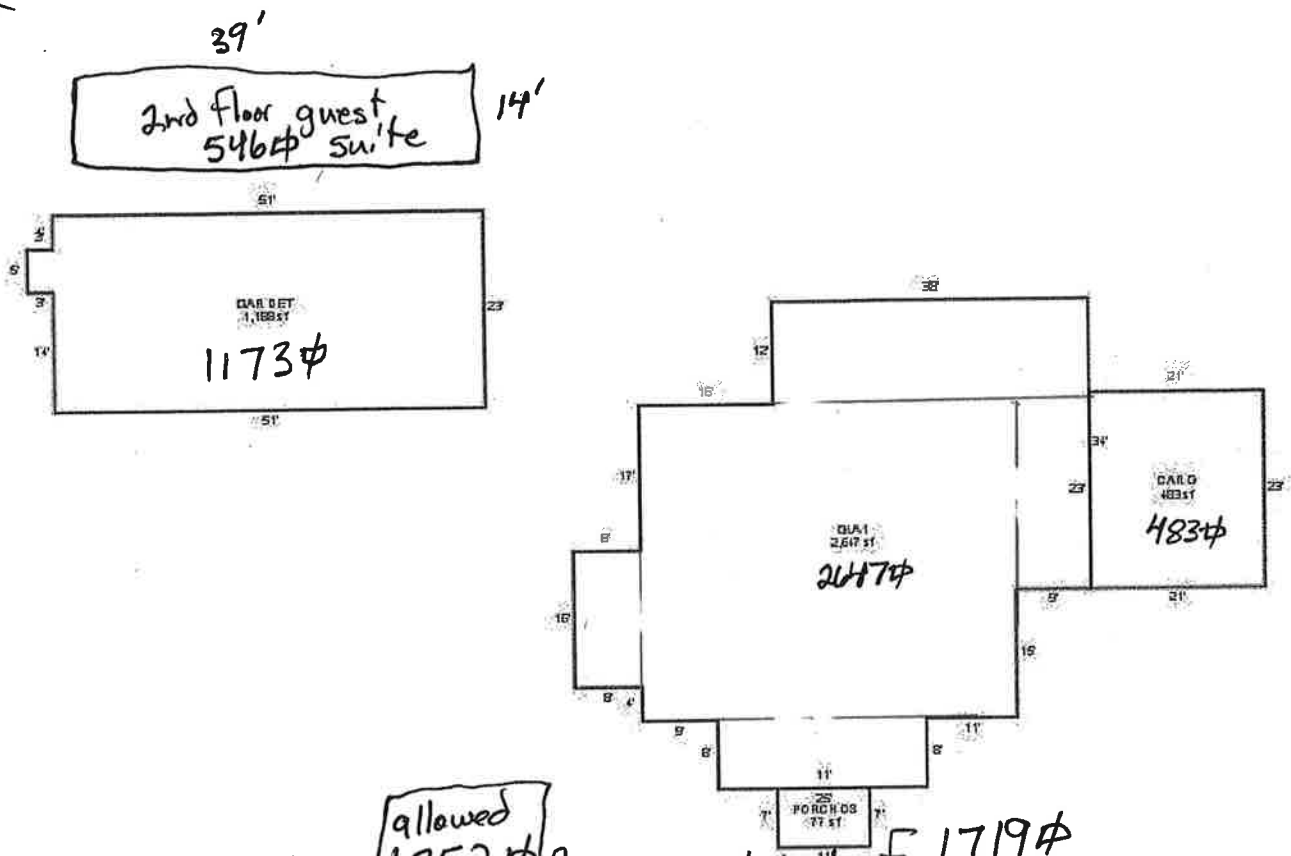
Builder:
Powers Design & Build
918-645-6509

Project For:
Layton Addition
Lot 12 Block 8 Bren-Rose Addition
1826 East 32nd Place, Tulsa Ok

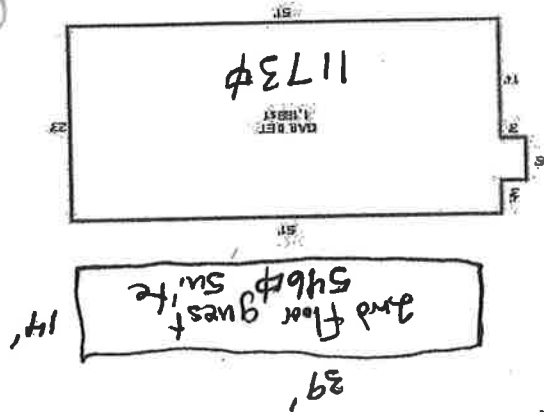
Designed and Drawn By:	
Kenny W Martin	
Scale and Plot Date:	
Printed & Packed:	
2019	
All Rights Reserved	
918.545.6332	

4.11

RS-2



House 3130 sq ft x .40 = 1252 sq ft allowed Proposing a total of 1719 sq ft
Proposing an addition of 546 sq ft to an existing 1173 sq ft Accessory Building (LOD)



Page 1 of 1

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Bill Powers
Powers Design & Build

11/6/2019

APPLICATION NO: BLDR-47252-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1828 E 32nd PI S

Description: Accessory Building Addition

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. **BLDR-47252-2019**

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.

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

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

Review comments: The existing detached accessory building is 1173 sq ft. You are proposing to add a 546 sq ft second floor area to this accessory building. The proposed addition plus the existing structure totals 1719 sq ft which exceeds 40% of the size of your house. Based on the size of your house (3130 sq ft) you are allowed 1252 sq ft of detached accessory structure floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 1252 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

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

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



Subject
Tract

BOA-22819

19-13 19

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

Aerial Photo Date: February 2018

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Subject
Tract

BOA-22819

19-13 19

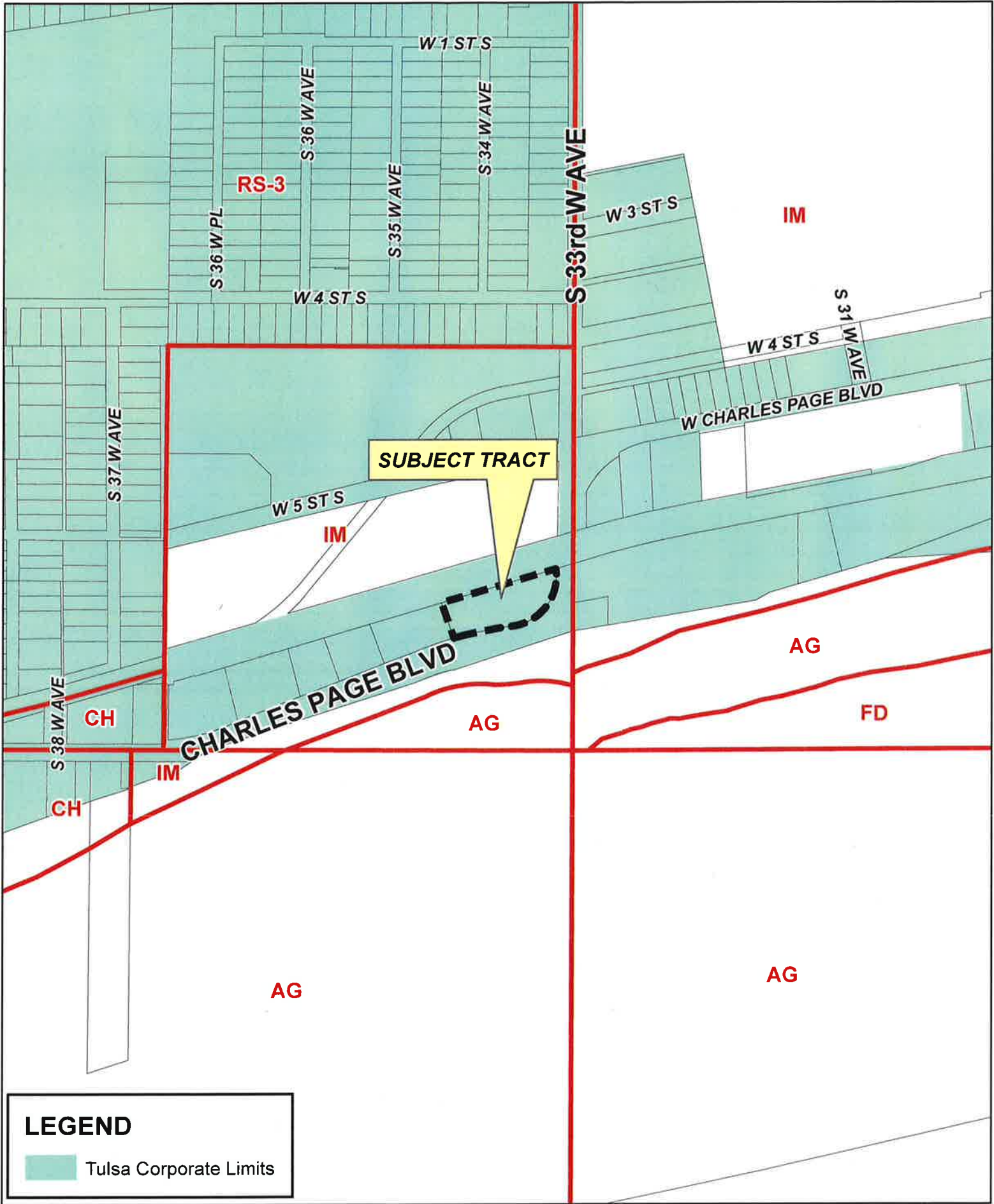
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Aerial Photo Date: February 2018

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LEGEND

Tulsa Corporate Limits



BOA-22820

19-12 04

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Subject
Tract

BOA-22820

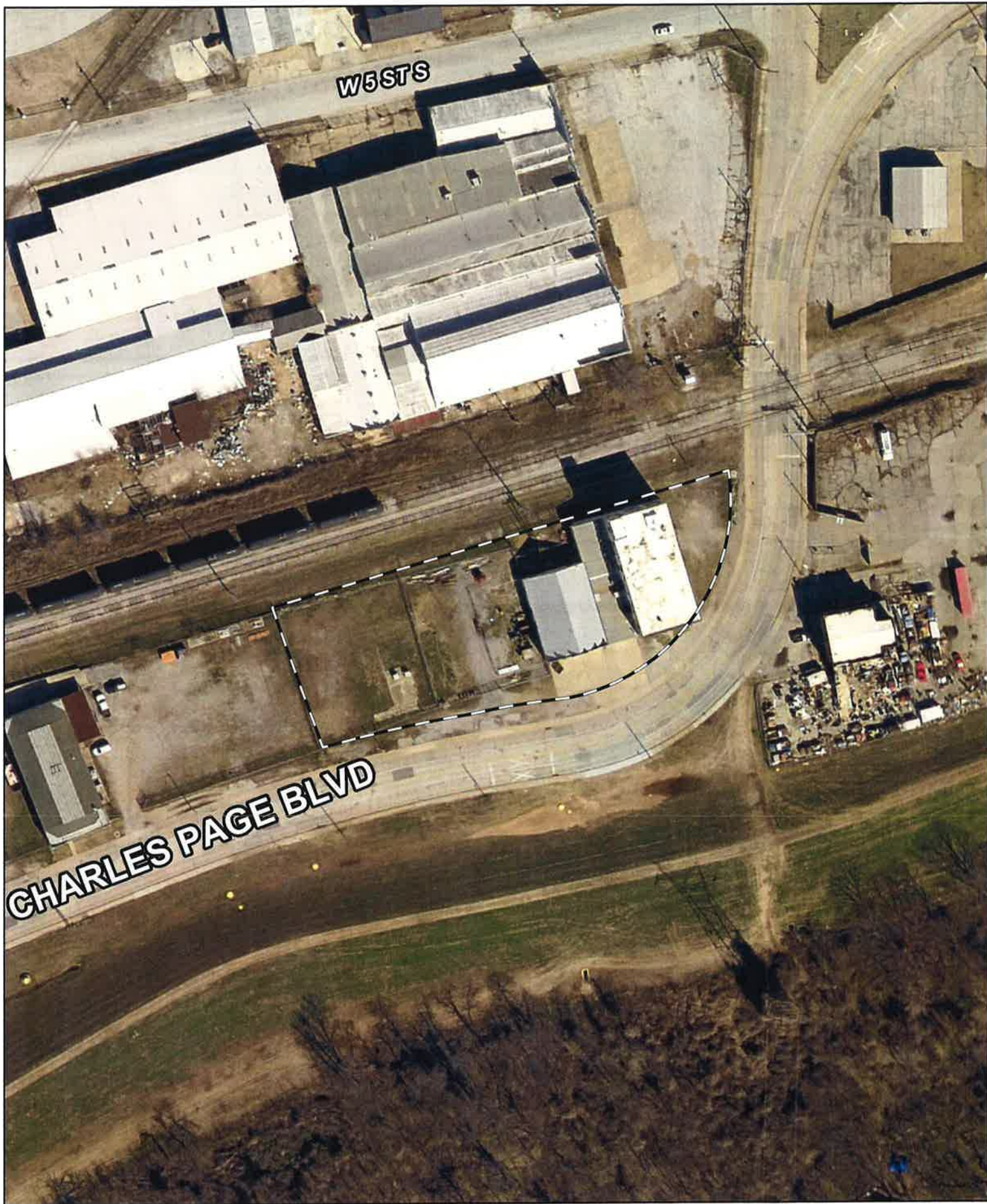
19-12 04

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

Aerial Photo Date: February 2018

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W5 STS

CHARLES PAGE BLVD

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Feet



Subject
Tract

BOA-22820

19-12 04

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

Aerial Photo Date: February 2018

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9204

Case Number: BOA-22820

CZM: 35

CD: 1

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Nick Denison

ACTION REQUESTED: Special Exception to allow an High-Impact Manufacturing and Industry Use to permit a High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020)

LOCATION: 3311 W CHARLES PAGE BV S

ZONED: IM

PRESENT USE: Horticulture Nursery

TRACT SIZE: 44866.98 SQ FT

LEGAL DESCRIPTION: COMM MEANDER COR GOV LT 5 TH N216.5 SW54 TO INTERSEC WLY R/W CHAS PAGE BLVD & S R/W SSRR & POB TH SW ALG RR R/W 387.80 SE120.90 TO N R/W CHAS PAGE BLVD TH ELY ALG R/W ON RT CRV 120.59 NE83.47 NELY CRV LT 249.99 POB SEC 4 19 12 1.03ACS,

RELEVANT PREVIOUS ACTIONS:

BOA-20764; On 09.09.08 the Board approved a **Special Exception** to allow the storage of inoperable vehicles in an IM District. Property located at 3306 West Charles Page Boulevard.

BOA-14478; On 06.25.87 the Board approved a **Special Exception** to allow for an auto salvage in an IM District. Property located on the North side of 5th street West of Charles Page Boulevard.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 IM and Located at the NW/c of W. 33rd Ave and Charles Page Boulevard.

STAFF COMMENTS: The applicant is requesting Special Exception to allow an High-Impact Manufacturing and Industry Use to permit a High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020).

High Impact Manufacturing and Industry uses include the following (Sec. 35.070-C):

35.070-C High-impact Manufacturing and Industry

Manufacturing and industrial 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.

1. High-impact Medical Marijuana Processing Facility

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.

Medical Marijuana Uses are subject to the supplemental regulations found in Sec. 40.225:

Section 40.225 Medical Marijuana Uses

The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

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:

1. A ventilation/air filtration system that prevents odor from being detectible 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 detectible outside the tenant space housing the use.

2. 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 issues 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 particular location.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow an High-Impact Manufacturing and Industry Use to permit a High-Impact Medical Marijuana Processing Facility in the IM 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.



Facing South and West on Charles Page Boulevard



Facing North on Charles Page Boulevard



Subject property



1 ARCHITECTURAL SITE PLAN



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

November 8, 2019

Phone: 918.764.9996

LOD Number: 1
Nick Denison
1319 E 6 ST
Tulsa, OK 74120

APPLICATION NO: ZCO-046208-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3313 W Charles Page Blvd
Description: High-impact Medical Marijuana Facility

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

5.10

REVIEW COMMENTS

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

ZCO-046208-2019

3313 Charles Page Blvd

November 8, 2019

Note: Please direct all questions concerning special exceptions and all questions regarding BOA application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: You are proposing an Industrial/High-impact Manufacturing & Industry/High-impact Medical Marijuana Processing Facility use. It is in an IM zoning district. This use is allowed in this zoning district by special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception, reviewed and approved per Sec.70.120, to allow an Industrial/High-impact Manufacturing & Industry/High-impact Medical Marijuana Processing Facility use in an IM zoned district.

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

Case No. 14477 (continued)

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Varlance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of East 69th Place South from 55' to 28' to allow for an addition to an existing structure; finding a hardship demonstrated by the corner lot location and the curvature of the street; on the following described property:

Lot 25, Block 3, Windsor South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14478

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1227 - Request a special exception to allow for automobile dismantling and/or salvage use in an IM zoned district, located on the north side of 5th Street, west of Charles Page Boulevard.

Comments and Questions:

After the submitting of a letter requesting continuance from Jenna Garland (Exhibit A-1), there was discussion as to whether or not the protestant has had sufficient time to secure legal representation. Ms. Garland informed that the attorney that has been retained for the case has previous commitments and is not available for this meeting. Mr. Quarles, Ms. White and Mr. Chappelle agreed that the protestants have had sufficient time to prepare, and asked to hear the case as scheduled.

Presentation:

The applicant, Richard Ryan, 314 West 32nd Place, Sand Springs, Oklahoma, submitted photographs (Exhibit A-2) and a letter (Exhibit A-4) mailed to property owners in the area. He informed that the Board suggested he make an attempt to meet with the residents of the area, and he stated that 60 or 70 letters were mailed out, notifying those that live in the neighborhood of the meeting. Mr. Ryan informed that the letter explained his intended dismantling operation and only two people attended the meeting. The applicant pointed out that the property is in very bad repair. He explained the business will operate from 9 a.m. to 6 p.m., 6 days each week, and the lot will be well kept. Mr. Ryan advised that he will install a 6' to 8' solid screening fence to separate the business from the surrounding area. He pointed out that he can operate a wrecker service on the property by right.

Additional Comments:

Ms. White remarked that she visited with a resident of the neighborhood while viewing the subject tract, and was informed by this individual that he did not receive a letter from Mr. Ryan.

In response to Mr. Chappelle's inquiry as to the amount of outside storage, Mr. Ryan replied that various automobile parts will be stored outside the building.

Mr. Quarles asked the applicant to explain the dismantling operation, and Mr. Ryan answered that the cars will be dismantled one at a time with wrenches and air ratchets. He pointed out that there will be no cutting torches used in the process, and the car bodies will be hauled off to another location after the parts have been removed.

Mr. Chappelle informed that the Board has received a letter (Exhibit A-3) from the West O'Main organization, who are opposed to the application.

Protestants:

Lee Everett, Chairman of District 10, informed that the residents of this district are opposed to the dismantling business in their neighborhood. He noted that the applicant does not live in the area, and is not concerned with its welfare. Mr. Everett suggested that Mr. Ryan locate the salvage yard in his own neighborhood. He noted that the residents are concerned that the neighborhood will be invaded by various rodents that usually accompany outside storage of old vehicles.

Ms. White asked Mr. Everett if he called a meeting with the residents of the area, and he stated that he met with approximately 10 members of his group, all of whom opposed the application.

Mr. Jackere asked Mr. Everett if he is aware of all uses that are permitted on the subject property by right, and he answered that he does not know all permitted uses.

Mr. Jackere pointed out that the fact that the applicant does not live in the area has no bearing on this case.

Ms. Bradley stated that, if she lived in the area, she would prefer to live by an industrial operation rather than a junk yard.

Mr. Everett informed that the area residents were just successful in getting one salvage yard removed, and now another is planning to move in the area.

Jenna Garland, 3618 West 4th Street, Tulsa, Oklahoma, stated that she lives approximately 75' down the street from the proposed

Case No. 14478 (continued)

salvage location. She voiced a concern that a screening fence might not be installed after the business is in operation.

Mr. Jackere informed that a fence is required by the Code, which will screen the dismantling operation from the view of the residents.

Mr. Quarles pointed out to Ms. Garland that this Board can place restrictions on the business that will protect the neighborhood.

Ms. Bradley asked Ms. Garland when she received the letter sent out by Mr. Ryan, and she replied that the letter arrived at her home on Saturday, June 20.

Mr. Jackere pointed out that a salvage yard need not be in bad repair and, if inclined to approve the application, the Board can impose specific conditions which will insure a neat operation.

Applicant's Rebuttal:

Mr. Ryan pointed out that he welcomes restrictions on the property. He stated that he is spending a great deal of money to fence the area, and does not want to run a careless operation.

Ms. White asked the applicant if he intends to use only two acres of the 7 acre tract for the dismantling process, and he answered in the affirmative. Mr. Ryan informed that he plans to lease the remaining 5 acres for car storage purposes.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227) to allow for an automobile dismantling use in an IM zoned district; subject to a solid 8' high, board on board, screening fence around the entire 7 acre tract; subject to hours of operation being 9 a.m. to 6 p.m., Monday through Saturday; and subject to stacking of parts being no higher than 6'; on the following described property:

Part of Government Lot 5, beginning 300' east of the NW/c of Government Lot 5, thence south 527.5', northeast 428.5', northeasterly 171.8', northeasterly around a curve to the right 312.8', thence northeasterly 189.41', north 96.36', west 970' to the Point of Beginning, Section 4, T-19-N, R-12-E, 7.09 acres, City of Tulsa, Tulsa County, Oklahoma.

being more particularly described as follows, to-wit: Commencing at the Northeast corner of the Southeast Quarter (SE/4) of said Section 3; Thence South 00°00'38" West along the East line of said SW/4 a distance of 1319.60 feet to the Northeast corner of Government Lot Eight (8); Thence South 89°46'35" West along the North line of said Government Lot 8 a distance of 1311.22 feet to the Northeast corner of Government Lot Seven (7); Thence South 00°01'15" East along the East line of said Government Lot 7 a distance of 221.81 feet to a point on the South Right-of-Way line of Charles Page Boulevard, said point also being the Point of Beginning; Thence continuing South 00°01'15" East along said East line a distance of 156.21 feet to a point on the North Right-of-Way line of the Sand Springs Railway, said point being northerly of and 20.00 feet perpendicularly distant to the centerline of the northernmost track of the Sand Springs Railway Company; Thence North 69°49'08" West and parallel to said track a distance of 471.59 feet to a point; Thence North 43°52'30" East a distance of 98.21 feet to a point on the said South Right-of-Way line of Charles Page Boulevard; Thence South 78°20'30" East along said Right-of-Way a distance of 382.40 feet to the Point of Beginning and containing 1.16 acres more or less.

Case No. 20764

Action Requested:

Special Exception to permit the storage of inoperable vehicles in an IM district (Section 901), located: 3306 West Charles Page Boulevard.

Presentation:

Vivian Steele, Charles Page Properties, 3306 Charles Page Boulevard, present for the hearing.

FILE COPY

Comments and Questions:

Ms. Stead asked why she did not apply for a salvage yard. Ms. Steele replied they are not operating a salvage yard. They have two or three mechanics on the property and one man that restores cars. They have four and one-half acres with several buildings, which they rent out to various businesses. She stated they occupy two buildings for their own business. They do not foresee operating a salvage yard at that location. Mr. Stephens asked if they sell car parts, to which she replied that they do not. Mr. White asked if they plan to use the entire property for the storage of inoperable vehicles. Ms. Steele replied that they do not, and she stated the various uses, manufacturing, theatrical production company, and a train club.

Ms. Stead informed Ms. Steele that a fence would be required on the west and north and everything they store vehicles and accessories on has to be asphalt or concrete. Ms. Steele replied the storage areas are all concrete (Exhibit C-1). A survey was provided (Exhibit C-2). Ms. Steele responded to Mr. White that they

had a flea market about three or four years ago for about a year. They got a permit from the City.

Interested Parties:

J.D. Smith, 116 South 43rd West Avenue, stated he is the President of the Charles Page Neighborhood Association. He stated they don't object to the use but would like them to put up a screening fence.

Richard Gardner, 5618 South Mingo, Tulsa, Oklahoma, was not opposed to the storage but he also wished for a screening fence.

Comments and Questions:

Board members discussed conditions they would include with approval. Mr. Cuthbertson informed Ms. Steele that if the approval is limited to a time period that she would have to return to the Board for approval of a new application to extend the time.

Board Action:

FILE COPY

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Special Exception to permit the storage of inoperable vehicles in an IM district (Section 901); approval of the special exception for five years from September 9, 2008; with conditions for an eight-foot, solid wood screening fence on the south side of the railroad right-of-way from the northwest property corner to a point even with the first building on this property to the east of the northwest corner and along the east side of South 33rd West Avenue from the northwest property corner south to where the property line turns east;

Ms. Steele interrupted the motion to ask if the vegetation could be applied as part of the screening. Mr. White replied that it could not, as vegetation may die.

Mr. White continued with the motion, stating the storage of vehicles be limited to that part of the property that is described behind the eight-foot screening fence so they cannot be seen from the roadway; Mr. White stopped to ask the applicant about the number of vehicles on the property.

Joe Ritchey, 5441 South Louisville, stated he is the applicant's husband. He replied that their client has the vehicles and his collection of vehicles fluctuate in the number he has on the property.

Mr. White clarified that the storage of the inoperable vehicles would be limited to that part of the described property lying west of the west end of the northerly-most building; he continued with the other conditions to maintain sidewalks and the surface area for storage of vehicles will be maintained and be asphalt or concrete; and no stacking of vehicles, finding the special exception will be in harmony with

FILE COPY

the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

BEG 114.32NE INTSEC WL SW & MEANDER COR GOV LT 5 TH ALG ML
NE479.68 NE52.80 NE106.10 TH N226.02 TO S R/W SSRR TH ALG R/W
SW361.21 SWLY CV LF 266.96 SW124.44 TO WL LT5 TH S130.72 NE114.9
S88.62 POB SEC 3 19 12 3.813ACS, , City of Tulsa, Tulsa County, State of
Oklahoma

Case No. 20765

Action Requested:

Variance of the required side yard from 10 ft. to 5 ft. (Section 403) to permit an addition to an existing dwelling in an RS-1 district, located: 2649 South Columbia Place.

Presentation:

Tom Connell, the contractor on this project, stated the hardship is the configuration of the lot in an RS-1 district (Exhibit D-1). He described it as 120 ft. in width with 106.8 ft. parallel with the street. They proposed to replace the existing detached garage and attach it to the house. He pointed out the setbacks and the lack of a better location on the lot. The house was built in the 1930's and a pool is being built in the back yard.

Interested Parties:

Carolyn Hudson, 2773 East 28th Street, Tulsa, Oklahoma, 74114, was interested in how close it would be to her home, the noise levels, and a privacy fence.

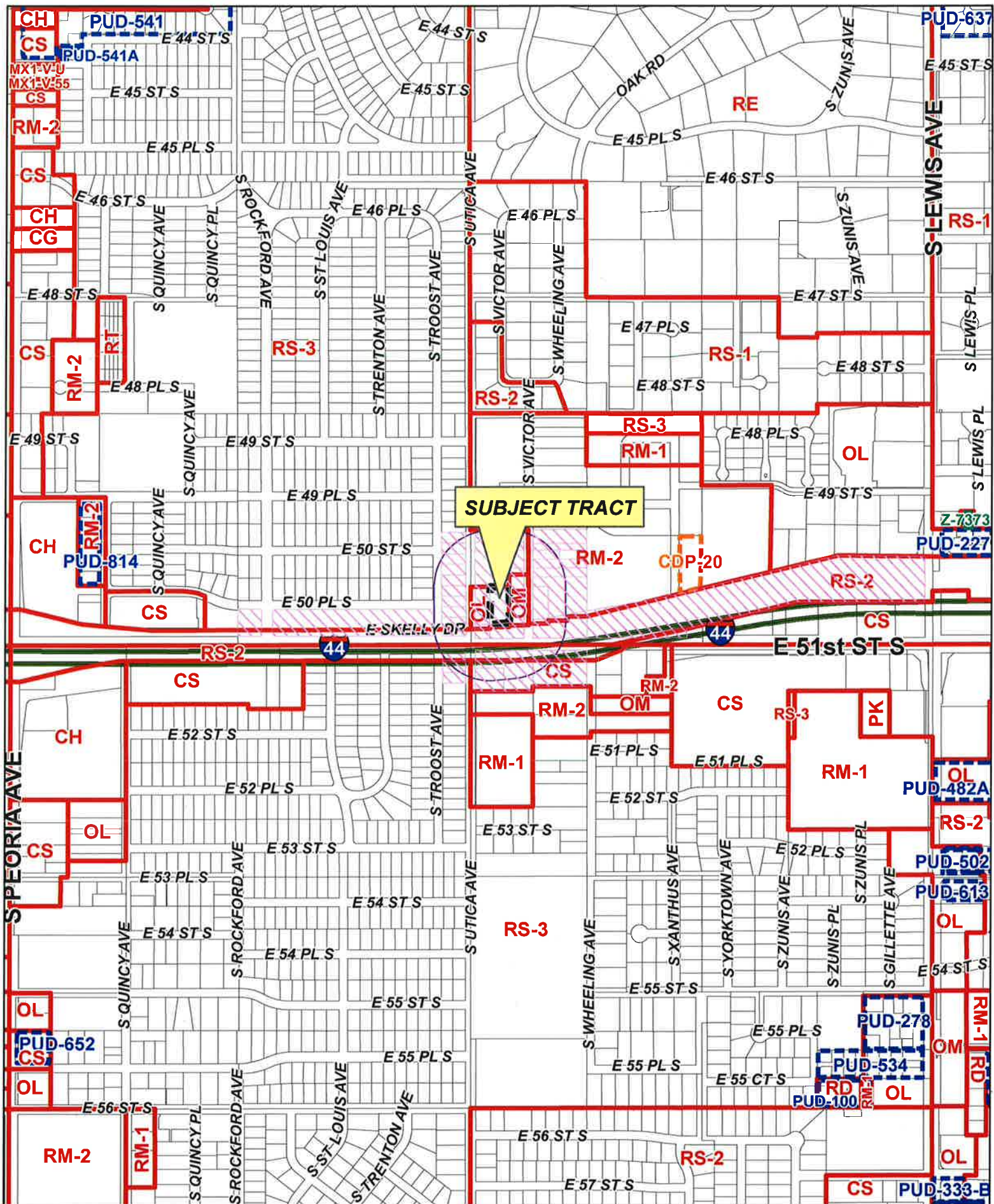
Applicant's Rebuttal:

Mr. Connell stated he received letters of support from neighbors on either side (Exhibit D-2). He contacted the people that would be impacted the most.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Stephens, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Henke "absent") to **APPROVE** a Variance of the required side yard from 10 ft. to 5 ft. (Section 403) to permit an addition to an existing dwelling in an RS-1 district, per plan as shown on page 9.6 of the agenda, finding the hardship to be the configuration of the lot being angular and not perpendicular to the rear lot line, to which the residence was built perpendicular thereto, finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the

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SUBJECT TRACT

BOA-22821

6.1



19-13 30



BOARD OF ADJUSTMENT CASE REPORT

STR: 9330

Case Number: **BOA-22821**

CZM: 47

CD: 9

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Katy Anderson

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

LOCATION: 1711 E SKELLY DR S

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 23091.25 SQ FT

LEGAL DESCRIPTION: N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46 S15 POB FOR RD, PERRY'S 27207 SUB

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CS and located at the on-Skelly Drive between S. Utica Ave. and S. Victor Ave.

STAFF COMMENTS: The applicant is requesting a **Verification** of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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 provided an exhibit showing his property and marking all the property within 1,000 feet of his building. The applicant gave the nearest dispensary as Ezy's House of Dank, 5123 S Peoria.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we (**accept/reject**) 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.

6.2

Bob Kolibas
ZONING OFFICIAL
PLANS EXAMINER
TEL 918-596-9664



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number:1
Katy Anderson
2712 Gary Drive
Tulsa OK 74114

November 8, 2019

Phone: (918)381-3923

APPLICATION NO: BLDC-46339-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1711 E. Skelly Drive

Description: Kush 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. 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" **[] IS [X] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. BLDC-46339

1711 E. Skelly Drive

November 8, 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 office's 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.)15.020 Use Regulations: Principal uses are allowed in office, commercial and industrial districts in accordance with Table 15-2.

Review Comments: It appears the zoning change Z-7495 has been proposed for final approval by the City Council on 10/23/2019. Once final approval is made the zoning change requires 30 day before it is finalized. The zoning change currently is not official and therefore it is not possible to approve the permit application until the approval cycle changing the Zoning from OL to CS is complete.

2.) Section 40.225 Medical Marijuana Uses

The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.

40.225-B A medical marijuana processing facility, whether moderate-impact or high-impact, must be located inside an enclosed building.

40.225-C A medical marijuana dispensary must be located inside an enclosed building.

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:

1. 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 in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectable outside the tenant space housing the use.

2. 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 issues 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 use at the 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 particular location.

Review Comments: Provide a spacing acceptance from the City of Tulsa BOA per 40.225-D for the proposed Medical Marijuana Dispensary or a copy of the OMMA license issued prior to 12/1/2019 per 40.225-I. Please review all attached requirements for additional requirements.

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.



OKLAHOMA MEDICAL MARIJUANA AUTHORITY

Website: OMMA.ok.gov | Email:OMMA@ok.gov

Friday, August 9, 2019

License #: DAAA-41CF-9PHM

KUSH DISPENSARY, LLC
KUSH DISPENSARY, LLC
1711 E SKELLY DR
TULSA, OK, 74105

RE: Approval of Medical Marijuana Commercial License

The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL DISPENSARY LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:681. Your approved licensure start date is:

08/08/2019 and will expire one(1) year after this date, on **08/13/2020**.

It is your responsibility to submit a timely renewal application prior to this expiration date.

Your license number is: **DAAA-41CF-9PHM**

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

- 1) changes in contact information; or
- 2) changes that may affect the licensee's qualifications for licensure.

Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at OMMA.ok.gov.

Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov.

Sincerely,

Tom Bates

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health

Attachment: License Certificate

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

KUSH DISPENSARY, LLC

1711 E SKELLY DR , TULSA, OK, 74105

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

08/13/2020

LICENSE NUMBER:

DAAA-41CF-9PHM



Tom Bates

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

TRANSPORTATION LICENSE ONLY



0 350 700
Feet



Subject
Tract

BOA-22821

19-13 30

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

Aerial Photo Date: February 2018

6.8





0 50 100
Feet



Subject
Tract

BOA-22821

19-13 30

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

Aerial Photo Date: February 2018

6.9



1711 E Skelly Dr Tulsa, OK 74105

1000.1

Feet

Zoom to Address

New Circle

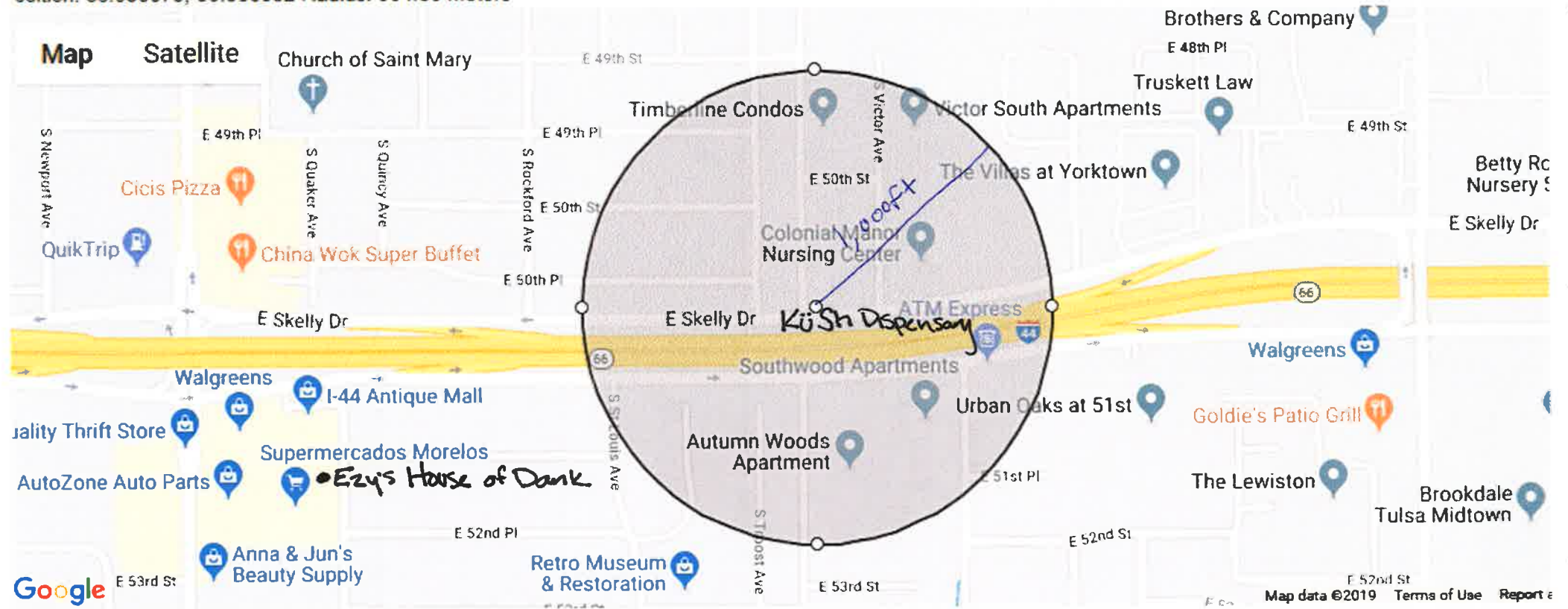
Edit Circle

Remove Circle

Enlarge Map

↑ North

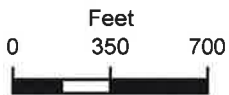
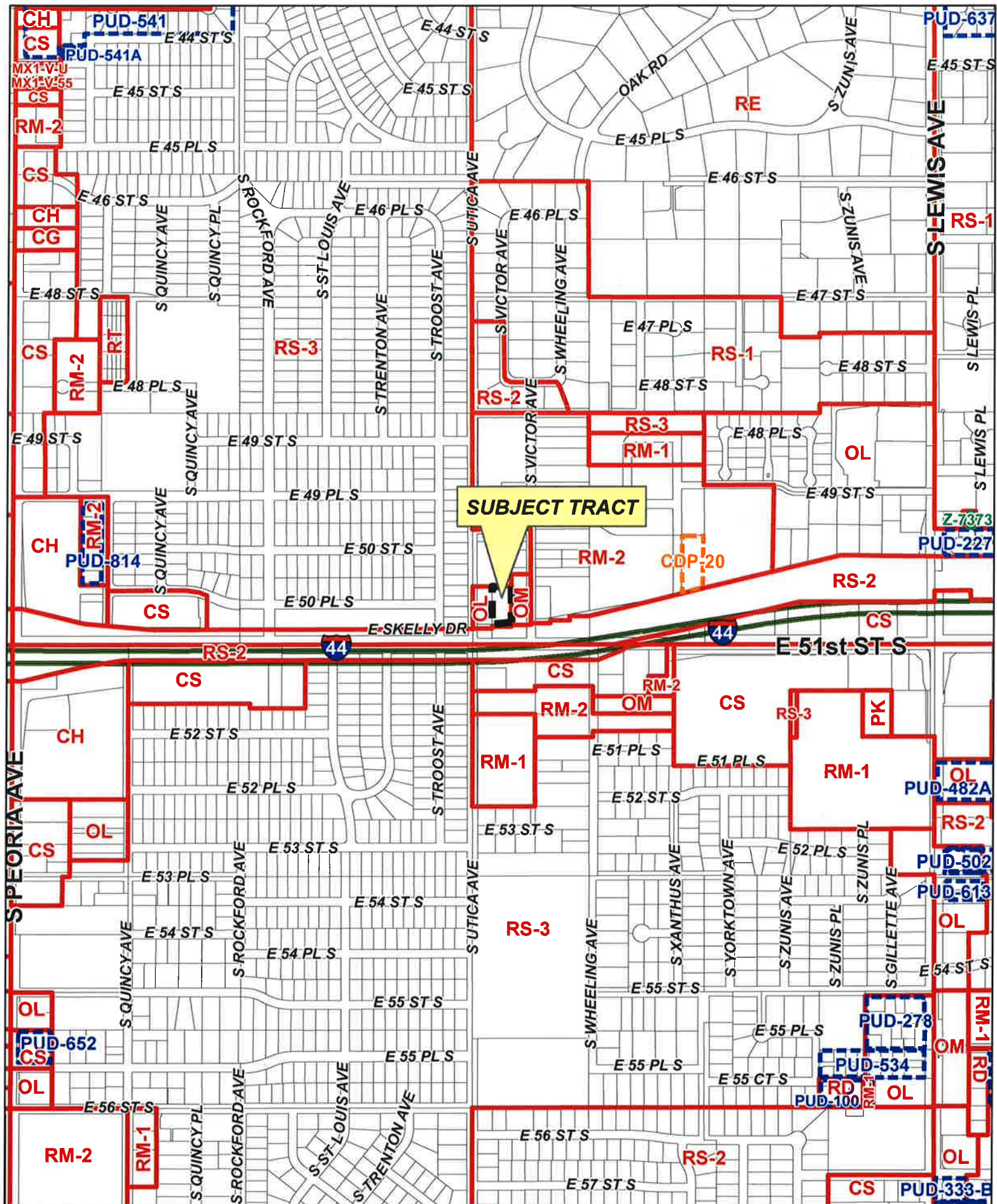
Position: 36.090078,-95.966682 Radius: 304.80 Meters



Map data ©2019 Terms of Use Report a problem

[Return to this radius map here, just save this link](#)

6.10



BOA-22821

19-13 30

6.11





Subject Property

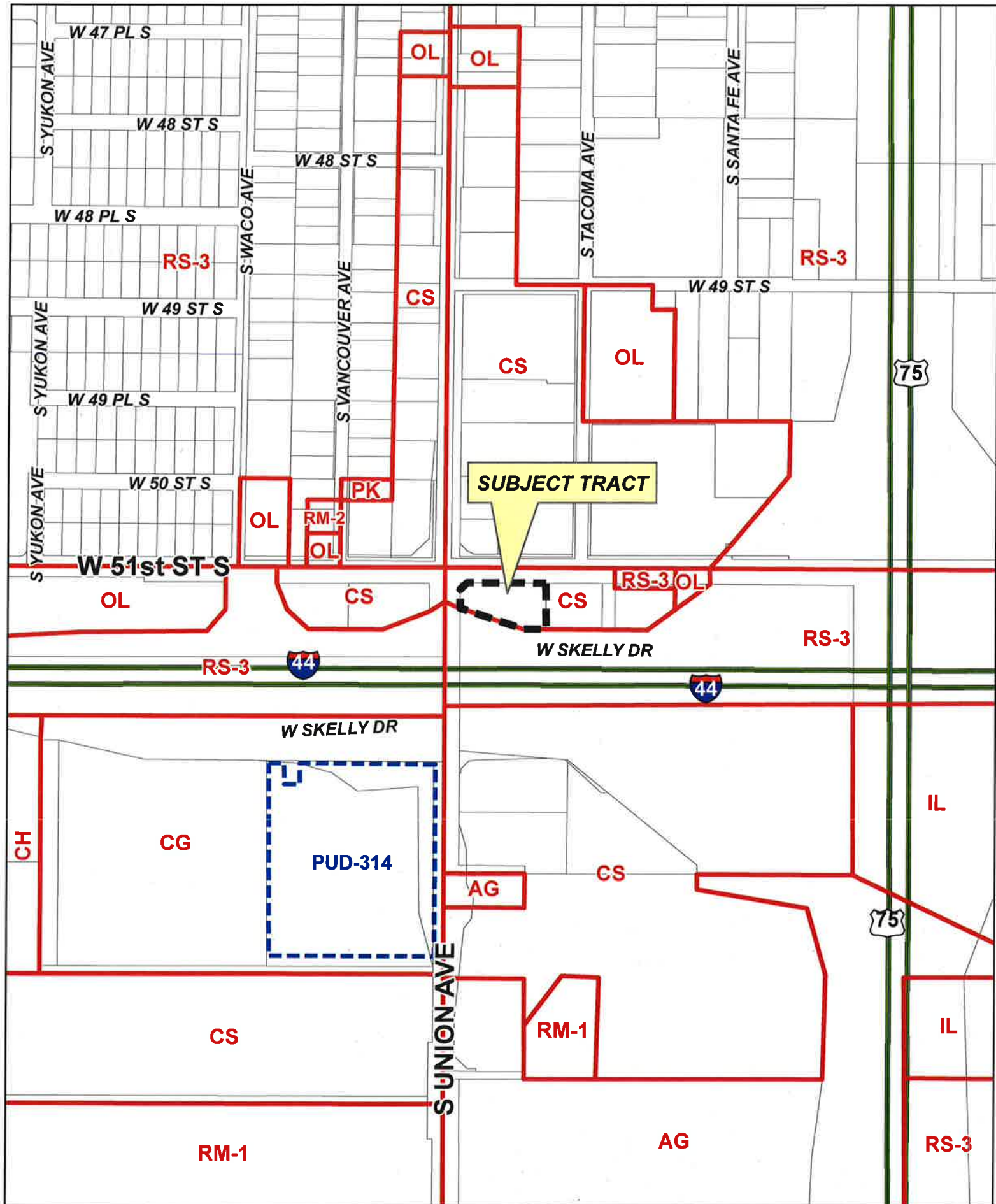


Facing East on Skelly Drive



Facing West on Skelly Drive

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BOA-22822

19-12 35

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9235

Case Number: **BOA-22822**

CZM: 46

CD: 2

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Joe Puckett

ACTION REQUESTED: Variance of the 1,000 spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

LOCATION: 1630 W 51st St Tenant Space: 1618 W 51st Street

ZONED: CS

PRESENT USE: Medical Marijuana Dispensary

TRACT SIZE: 34894.14 SQ FT

LEGAL DESCRIPTION: PRT LT 5 BEG NWC LT 5 TH S83 SE215 E74.2 N151.17 W278.48 POB LESS BEG NWC LT 5 TH E22 SW31.02 N21.93 POB, CAMERON CLINE ACRES

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding properties:

BOA-22687; On the 07/24/2019 the Board **accepted** the verification of the 1,000-foot spacing for a medical marijuana dispensary from another medical marijuana dispensary.

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".

ANALYSIS OF SURROUNDING AREA: The subject tract is zoned CS and is located in a strip center located at the SE/c of S. Union Ave and W. 51st St. S.

STAFF COMMENTS:

The applicant is requesting a Variance of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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.

7.2

The applicant is seeking permission to be located within 1,000 feet of the subject dispensary in BOA-22687. During the hearing in BOA-22687 the Board was made of aware of an existing dispensary that is the subject dispensary in BOA-22822 located at 1618 West 51st Street that was operating without a Certificate of Occupancy and did not receive a spacing verification.

STATEMENT OF HARDSHIP: Applicant has stated they would email their statement of hardship which has not been received by staff.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to permit the subject medical marijuana dispensary in BOA-22822 to be located within 1,000 ft of another medical marijuana dispensary (Sec. 40.225-D)

- Finding the hardship(s) to be _____.
- Per the Conceptual Plan(s)/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."*



Facing East on 51st Street



Subject Dispensary

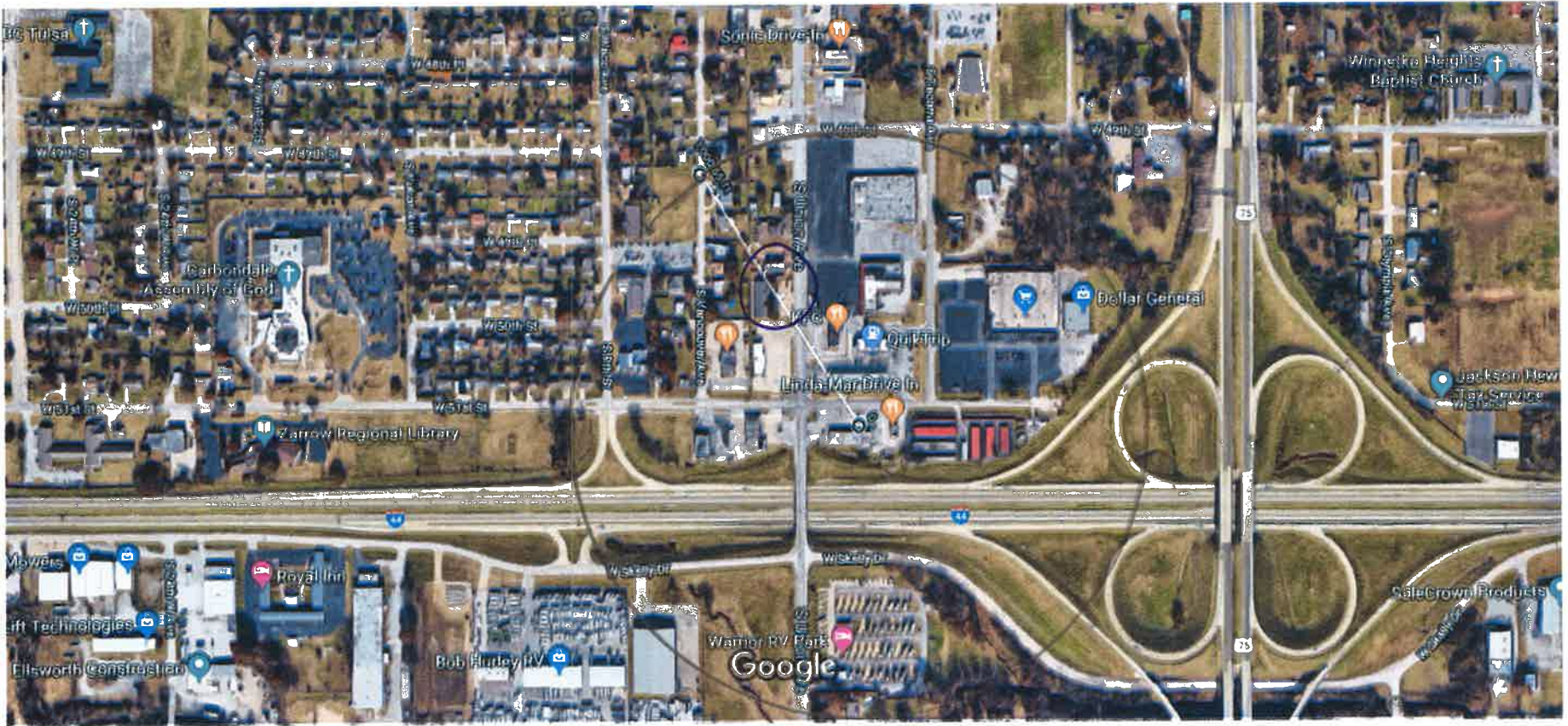


Facing West on 51st Street

Google Maps

URBAN Leaf
CANNABIS
DISPENSARY

↑
N



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, USDA Farm Service Agency, Map data ©2019 200 ft

Measure distance

Total distance: 1,000.65 ft (305.00 m)

2.0

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 2

October 16, 2019

Joe Pucket
1618 W 51 ST
Tulsa, OK 74107

Phone: 618.237.9006

APPLICATION NO: BLDC-038456-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1618 W 51 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" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

7.7

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-038456-2019

1618 W 51 ST

October 16, 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. **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 acceptance of the 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 location.

➤ **ACTION REQUIRED:** *Submit a copy of the BOA acceptance of the separation distance of 1000' from other dispensaries.*

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

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

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

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

END – ZONING CODE REVIEW

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

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

State of Oklahoma

License Certificate

NON-TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

THE GREEN ROOM AT JOE'S VAPE SHOP

1618 W 51ST ST, TULSA, OK, 74107

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

04/06/2020

LICENSE NUMBER:

DAAA-4YKY-CSSD



Tom Bates

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

DO NOT COPY

7.10





0 Feet 200 400



Subject Tract

BOA-22822

19-12 35

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

Aerial Photo Date: February 2018





S UNION AVE

W 51st ST S

W SKELLY DR

44

44

W SKELLY DR



Subject Tract

BOA-22822

19-12 35

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

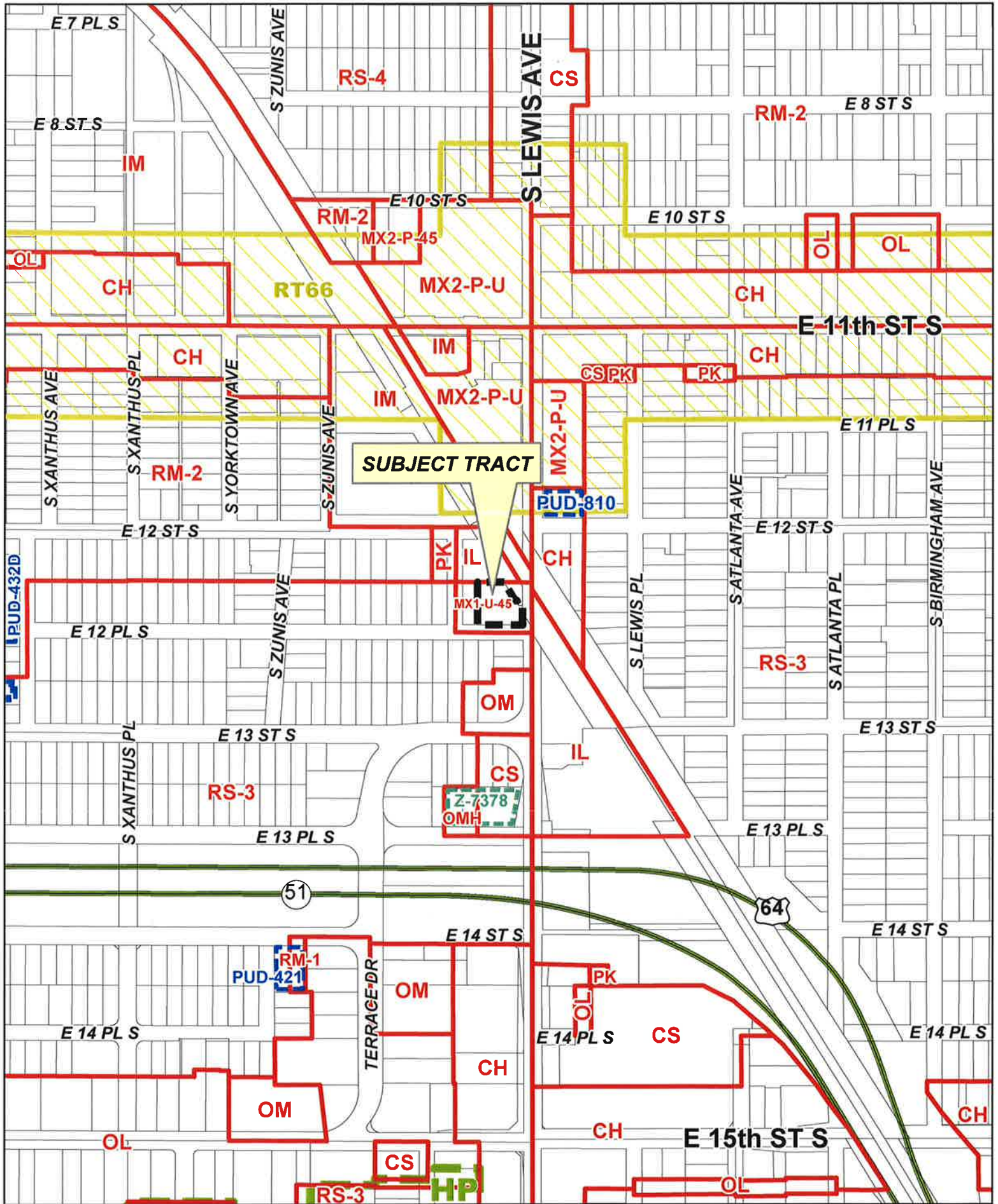
Aerial Photo Date: February 2018

7.13



BOA-22823 – SIRGIO WELLS

**THE APPLICATION WAS WITHDRAWN
BY STAFF**



SUBJECT TRACT

BOA-22824

9.1



19-13 07



BOARD OF ADJUSTMENT CASE REPORT

STR: 9307

Case Number: **BOA-22824**

CZM: 37

CD: 4

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: MJCARRCO

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

LOCATION: 1222 S Lewis Ave E Tenant Space: 2311 E 12th PI **ZONED:** MX1-U-45

PRESENT USE: Apothecary

TRACT SIZE: 17149.64 SQ FT

LEGAL DESCRIPTION: LTS 3 & 4 BLK 7 & PRT VAC RR R/W BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC,

STAFF COMMENTS: The applicant is requesting a **Verification** of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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 provided an exhibit showing his property and marking all the property within 1,000 feet of his building. The applicant gave the nearest dispensary as Botanical Remedy located at 2442 E. 15th Street.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** 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.

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



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

June 11, 2019

LOD Number: 1

Mike or Jenny Carr
2311 E. 12th Street
Tulsa OK 74104

Phone: (918)591-3990

APPLICATION NO: 30907-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 2311 E. 12th Street

Description: Medical Marijuana Retail Sales

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)

2000 W. DETROIT BA 74012 9.3

REVIEW COMMENTS

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

Application No. 30907-2019

2311 E. 12th Street

June 11, 2019

This letter of deficiencies covers zoning Review items only.

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

1. Section 15.020 Use Regulations Principal uses are allowed in office, commercial and industrial districts in accordance with Table 15-2. Prohibited Uses: Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in §35.020-E) to fall within any defined use category are also prohibited.

Review comment: The proposed medical Marijuana dispensary is not a permitted use in an OM zoning district.

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

END – ZONING CLEARANCE REVIEW

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

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

State of Oklahoma

License Certificate

NON - TRANSFERABLE

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

MJ'S APOTHECARIES LLC

2311 E 12TH PL , TULSA, OK, 74104

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 310 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

02/16/2020

LICENSE NUMBER:

DAAA-EKSC-ZICV



Tom Bates

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

DO NOT COPY



Subject Tract



MJ's Apothecary

Botanical Remedy:

9.7

Locate

Search for an address or locate on map

1222 S Lewis Ave, Tulsa, Oklaho X



Show results within 1000 Feet

0 12000

No results found

Radius is 1000ft
FROM CENTER



NEAREST DISPENSARY

* BOTANICAL REMEDY

~~2442~~ 2442 E 15th ST.

* LICENSE NAME - NATURE'S REMEDY

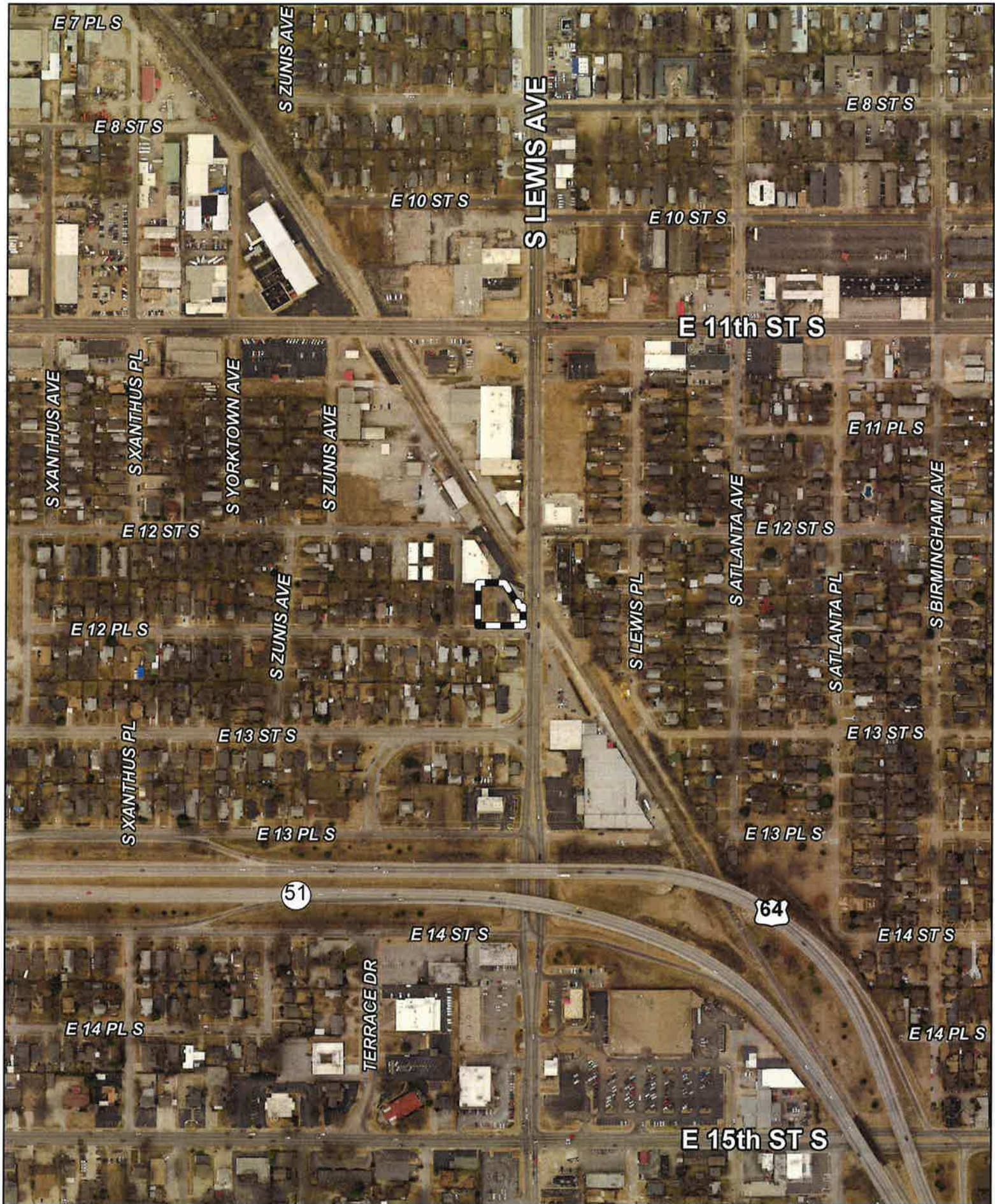
DATA - NSEB-4LKW

LEWIS

15th



Q.B



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Subject Tract

BOA-22824

19-13 07

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

Aerial Photo Date: February 2018

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Feet



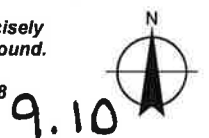
Subject
Tract

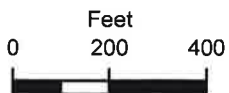
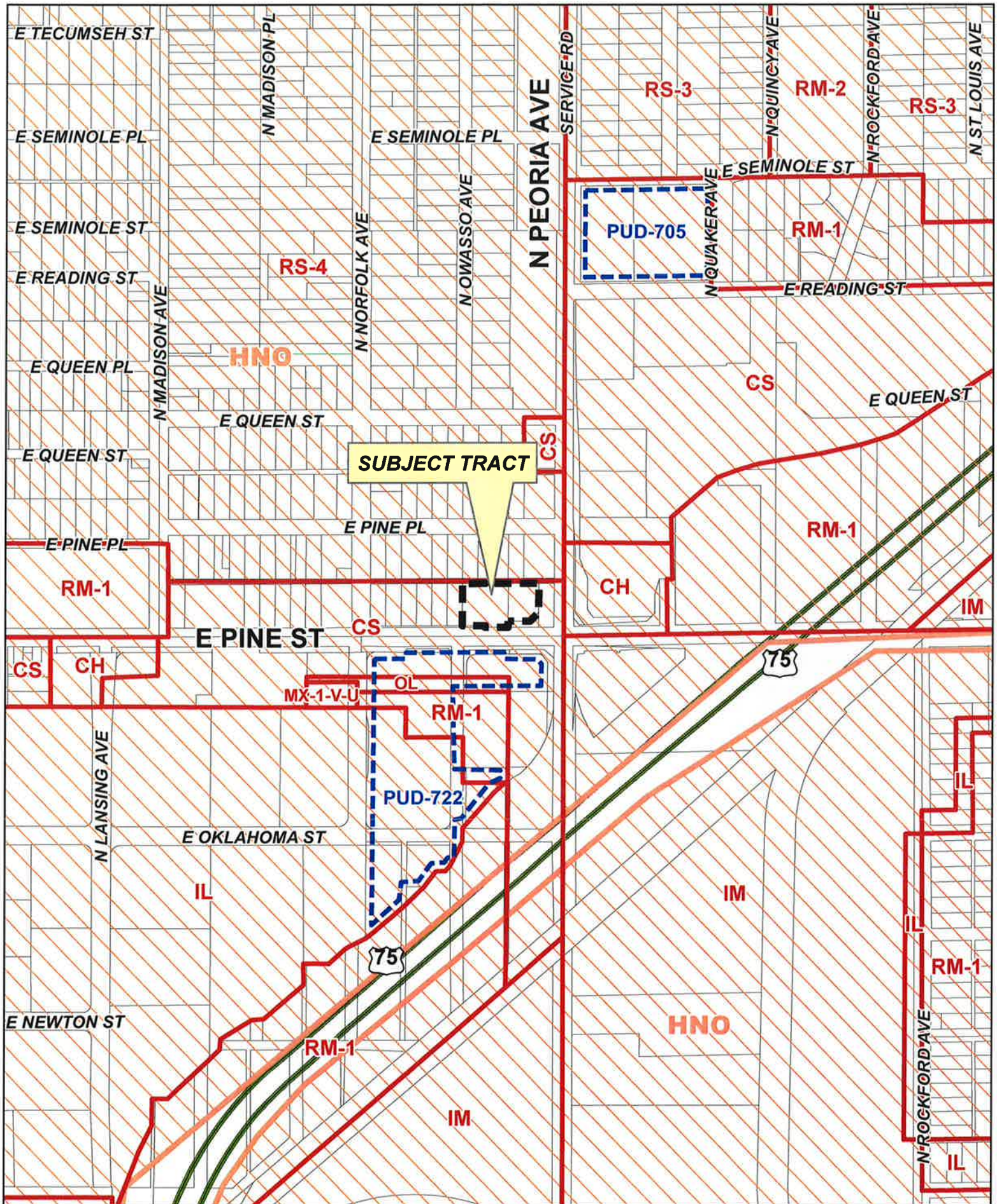
BOA-22824

19-13 07

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

Aerial Photo Date: February 2018





BOA-22825

20-12 25

10.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 149 Case Number:

BOA-22825

CZM: 28

CD: 1

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Austin Hahn

ACTION REQUESTED: Variance to allow restaurant drive-through facilities to be located on the street facing side of the property (Sec. 55.100-C2) Variance to reduce the required number of stacking spaces for a restaurant drive-through (Sec. 55.100-A, Table 55-6)

LOCATION: E PINE ST N; 1209 E PINE ST N

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 26232.98 SQ FT

LEGAL DESCRIPTION: LTS 2 & 3 LESS BEG SWC LT 3 TH N20 E72 NE39.60 S48 W100 POB BLK 1; LTS 4 THRU 6 LESS S5 W/2 LT 5 & LESS S5 LT 6 BLK 1, BOOKER WASHINGTON ADDN

RELEVANT PREVIOUS ACTIONS: None

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

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 a CS zoned property located at the NW/c of E. Pine Street and North Peoria Ave.

STAFF COMMENTS:

The applicant is requesting Variance to allow restaurant drive-through facilities to be located on the street facing side of the property (Sec. 55.100-C2) Variance to reduce the required number of stacking spaces for a restaurant drive-through (Sec. 55.100-A, Table 55-6)

10.2

Section 55.100 Stacking Spaces for Drive-through Facilities

55.100-A Spaces Required

In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in [Table 55-6](#):

Table 55-6: Drive-through Stacking Space Requirements

Use	Minimum Spaces (per lane)
Automated teller machine	2 (measured from ATM)
Bank	3 (measured from teller or service area)
Car wash, automated or customer-operated	2 (measured from vehicle entrance)
Car wash, attendant hand wash	3 (measured from vehicle entrance)
Drug store	2 (measured from pick-up window)
Restaurant drive-through	3 (measured from order board)
Kiosks	2 (measured from service window)
Other	As determined by the development administrator

55.100-B Dimensions

Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

STATEMENT OF HARDSHIP:

We previously attempted to vacate a 17.5 'City of Tulsa easement that wraps around the South and East frontages. City of Tulsa refused to release said easement. As a result, the building must be moved back away from the frontages, beyond the setbacks. As such, we are seeking relief from the requirement that the drive-up must be behind the principal structure. Enhanced landscaping will be provided to screen the drive-up service.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow restaurant drive-through facilities to be located on the street facing side of the property (Sec. 55.100-C2) **Variance** to reduce the required number of stacking spaces for a restaurant drive-through (Sec. 55.100-A, Table 55-6)

- 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:

10.3

- 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."*



Subject property

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

November 7, 2019

Phone: 312.940.4393

LOD Number: 1
Austin Hahn
1 N Lasalle ST
Chicago, ILL 60602

APPLICATION NO: **ZCO-045268-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1209 E Pine
Description: New restaurant

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

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

(continued)

10.6

REVIEW COMMENTS

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

ZCO-045268-2019

1209 E Pine

November 7, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

Review comment: The zoning site plan is required to provide the following: Submit a site plan that provides the additional information listed in *italics*

- North arrow
- Appropriate drawing scale;
- *Legal description of the lot;*
- Actual shape and dimensions of the lot;
- *Location and dimensions of all easements;*
 - *Provide documentation of the recorded instruments for vacation of the easements listed in site plan notes # 7, 8 & 10.*
- Lot lines and names of abutting streets;
- *Public rights-of-way as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:*
<https://incoq.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81af1fc2609846e587>
 - *Site plan note # 9 refers to a proposed dedicated right-of-way. Provide documentation of the recorded instrument for this right-of-way dedication.*
- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures;
- Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
- The intended use of existing and proposed buildings, structures or portion of the lot;
- *The setbacks from the proposed new buildings to the centerline of abutting Right-of-Way;*
- Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to

the parking spaces and maneuvering areas from a public or private street or other parking areas.

2. **IBC Sec.105.3.2:** To obtain a permit, the applicant shall first file an application that describes the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and locate the proposed building or work. You are proposing construction of a building across multiple lot lines.

Review comment: A lot combination is required for new buildings built across multiple lot lines. Submit a lot combination approved by the TMAPC, stamped and signed by the County Clerk, and filed at the County Courthouse.

3. **Sec.55.060-B1:** Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in *Table 55-3*. A Commercial/Restaurant Use requires 5% or 2 of the required motor vehicle parking spaces, whichever is greater.

Review comment: The proposed restaurant parking requirement is 23 spaces. The required number of bicycle parking spaces is equal to 2 spaces. Submit a site plan providing short term bicycle parking compliant with the location and design requirements listed in *Sec.55.060-D1a&b*.

4. **Sec.55.130-A,B&C:** An on-site circulation system for pedestrian and non-motorized travel is required in order to provide safe, direct and convenient pedestrian access connecting main entrance of the building, other such entrances and with available access points including parking, streets, sidewalks and transit stops. It must be designed and constructed in accordance with the following requirements:

1. Pedestrian access must consist of an accessible, easily-discernible walkway or multiuse path with a minimum width of 5 feet.
2. The pedestrian access surface located on private property must be constructed of concrete, asphalt or other fixed, firm and nonslip material, approved by the development administrator.
3. Pedestrian access routes that cross parking lots, drive aisles or other vehicular use areas must be clearly differentiated from the vehicle surface using physical separation or by durable, low-maintenance materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to define places of pedestrian movement.

Review comment: Submit a site plan providing pedestrian circulation accordance with the requirements of this section

5. **Sec.55.100-A:** In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in *Table 55-6* which requires 3 spaces as measured from the order board.

Review comment: Submit a site plan providing stacking spaces compliant with the following:

- **Sec.55.100-B:** Each lane of stacking spaces must be at least 8 feet in width and at least 18 feet in length. Stacking lanes must be delineated with pavement markings.
- **Sec.55.100-C1:** Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
- **Sec.55.100-C2.** All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R-zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.060-C2.

Review comment: Your proposed stacking lane is on the street facing side of the property. Submit a site plan that provides the drive through on a non-street facing side of

the property, is at least 10 ft from the abutting R-zoned lot to the north and a screening wall or fence along the common lot line in accordance with the F1 screening fence or wall standards of *Sec.65.060-C2*.

- **Sec.55-100-D:** The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.
6. **Sec.65.070-BC3:** This subsection establishes screening requirements for several common site features that require visual separation from streets and abutting lots. Mechanical equipment located at ground level, such as heating or cooling equipment, pumps, or generators must be screened from view of the street and any abutting R districts by walls, fences or vegetation. Screening must be at least as tall as the tallest part of the equipment required to be screened. Fences and walls provided to meet the screening standards of this section must:
- a. Be constructed with customarily used fencing materials;
 - b. Be designed and arranged to provide visual separation of uses irrespective of vegetation;
 - c. Be constructed with all braces and supports on the interior, except when both sides are of the same design and appearance;
 - d. Be erected prior to the occupancy of the building or initiation of the use required to be screened;
 - e. Be uniform in height, except for significant changes in topography;
 - f. If painted, be earth-tone in color when abutting an R district boundary; and
 - g. Not be a chain link fence that utilizes inserts of metal or other materials.
 - h. Fences and walls provided to meet the screening standards of this section must be maintained by the owner of the lot containing the use or feature re-quire to be screened from view.

Review comment: The proposed generator is visible from a street and an abutting R district. Provide screening compliant with this section.

7. **Sec.67.040-A:** Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:
1. Submit a lighting plan that complies with the fixture height lighting plan requirements of *Sec.67.040-B*; or
 2. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with *Sec.67.040-C*.

Review comment: Submit a lighting plan compliant with this section. Provide a note on your site plan if no site lighting is proposed.

8. **Sec.65.040-B:** The street tree planting requirements of this section apply to all the following, except as otherwise expressly stated:
1. Construction of any principal building or non-accessory parking;
 2. Any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 20% of the building's existing floor area; and
 3. Any increase in impervious coverage on the subject lot that exceeds 20% of the lot's existing impervious coverage.

Review comment: Submit a landscape plan providing street tree landscaping in accordance with the requirements listed in *Sec.65.040-C*. **Note:** The materials, Installation and maintenance shall be in accordance with *Sec.080* and *Sec.090*.

9. **Sec.65.050-B:** Unless otherwise expressly stated, the interior parking lot landscaping regulations of this section apply to all the following:

1. The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
2. The construction or installation of any new parking lot containing 10 or more parking spaces; and
3. The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.

Review comment: Submit a landscape plan providing interior parking lot landscaping in accordance with the requirements listed in *Sec.65.050-D*. **Note:** The materials, Installation and maintenance shall be in accordance with *Sec.080* and *Sec.090*.

10. **Sec.65.060-B:** A "vehicular use area" is an area on a lot that is not contained within a garage or similar enclosed or partially enclosed structure that is designed and intended for use by motor vehicles, including parking lots, vehicle storage and display areas, loading areas; and driveways and drive-through lanes. Unless otherwise expressly stated, the vehicular use area buffer regulations of this section apply to all the following:

1. The construction or installation of any new vehicular use area with a contiguous paved area of 3,500 square feet or more; and
2. The expansion of any existing vehicular use area that results in the addition of 3,500 square feet of paved area, in which case the vehicular use area perimeter landscaping requirements of this section apply only to the expanded area.

Review comment: Submit a landscape plan providing vehicular use area landscaping in accordance with the requirements listed in *Sec.65.060-C2*. **Note:** The materials, Installation and maintenance shall be in accordance with *Sec.080* and *Sec.090*.

11. **Sec.65.100-A Preparation of Landscape Plan**

1. Except as expressly stated in 65.100-A2, required landscape plans must be accompanied by written certification from an architect, landscape architect or engineer licensed to practice in the State of Oklahoma, that the landscape plan is in conformance with the minimum requirements of this chapter.
2. Required landscape plans for properties that (a) are subject to an approved mandatory or optional development plan or (b) have a lot area of more than 20,000 square feet and are occupied by buildings with a combined gross floor area of more than 15,000 square feet, must be sealed and signed by a landscape architect licensed to practice in the State of Oklahoma.

Review comment: Submit a landscape plan that with the appropriate written certification.

12. **Sec.65.100-B Required Information:** All building permit applications for sites requiring landscaping must include a landscape plan that complies with the landscape plan submittal requirements specified by the development administrator. Such submittal requirements must be in writing and made available to the public.

Review comment: Submit a landscape plan providing the following information:

1. The date, scale, north arrow, and name of the owner;
2. The location of property lines and dimensions of the site;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing streets and alleys, existing and proposed utility easements and over-head utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
5. Planting details and/or specifications;

6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
 7. *The proposed irrigation plan for each required landscape area, including a list of abbreviations and symbols, water main size, water meter size and location, point of connection, backflow prevention assembly size, make and model;*
 8. The schedule of installation of required trees, landscaping and appurtenances;
 9. The location of all proposed drives, alleys, parking and other site improvements;
 10. The location of all existing and proposed structures on the site;
 11. The existing topography and proposed grading;
 12. The area and dimensions of each landscape area and the total landscape area provided on the site.
13. **Sec.65.100-D1:** To accommodate creativity in landscape and screening design and to allow for flexibility in addressing site-specific development/redevelopment challenges, the land use administrator is authorized to approve alternative compliance landscape plans sealed by a landscape architect licensed to practice in the State of Oklahoma.
Review comment: You may wish to consider an alternative compliance landscape plan. Contact Jay Hoyt @ 918.584.7526 for assistance in applying for an alternative compliance landscape plan.
14. **Sidewalks:** For properties that are not subject to Sec.70.080-B2, no certificate of occupancy may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with the sidewalk regulations of Section 5-070 of the *Tulsa Metropolitan Area Subdivision and Development Regulations*.
Review comment: Please contact Nathan Foster @ 918-584-7526 for assistance *Tulsa Metropolitan Area Subdivision and Development Regulations*.

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

<http://www.tmapc.org/Documents/TulsaZoningCode.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.

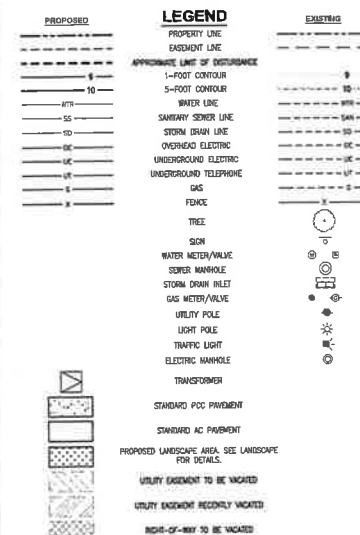
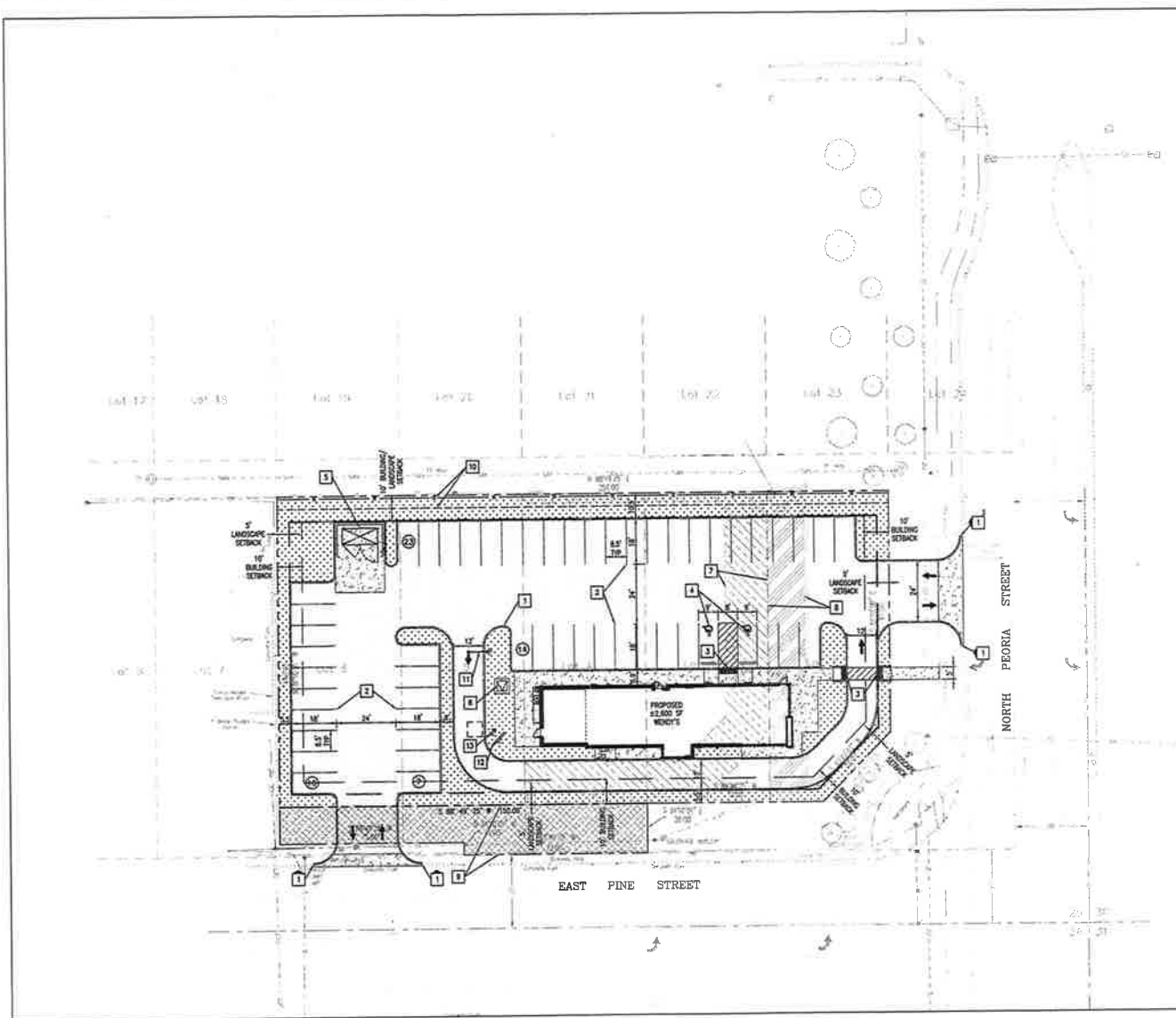
A hard copy of this letter is available upon request by the applicant.

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.

10.12



SITE PLAN KEY NOTES

1. PROPOSED 6" TALL PCC BARRIER CURB
2. PROPOSED PAVEMENT STRIPING, TRAFFIC WHITE PAINT, MINIMUM TWO COATS, DIMENSIONS PER MUTCD STANDARDS (TYP.)
3. PROPOSED ADA RAMP
4. PROPOSED ADA FREQUENT PARKING, WHEEL STOP, AND SIGNAGE
5. PROPOSED TRUCK ENCLOSURE
6. PROPOSED ELECTRICAL TRANSFORMER ON CONCRETE PAD
7. EXISTING UTILITY EASEMENT CURRENTLY CONSIDERED FOR VACATION
8. PREVIOUS UTILITY EASEMENT RECENTLY VACATED (2019)
9. EXISTING PROPERTY TO BE DEDICATED AS RIGHT-OF-WAY
10. 1' EASEMENT DESIGNATED TO PUBLIC SERVICE COMPANY OF OKLAHOMA (2019)
11. PROPOSED CLEARANCE BAR
12. PROPOSED MENU BOARD
13. PROPOSED SPOONER PEDESTAL

PARKING SUMMARY (LOD):

STANDARD (25 VEH)	PROPOSED	REQUIRED
ADA ACCESSIBLE (5 VEH)	2 (1 VEH)	2
TOTAL	2	2

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST CITY OF TULSA, OKLA. AND STATE OF OKLAHOMA ENGINEERING AND SURVEYING CODES, AND THE AMERICAN WITH DISABILITIES ACT (ADA), LATEST EDITION.
2. ANY EXISTING INFRASTRUCTURE OR SITE CONDITIONS (POLES OR BELOW GRADE, REARLY VISIBLE OR NOT) ON PROPERTY SHOWN AS A RESULT OF CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE APPROPRIATE AGENCY.
3. ALL SIGNAGE AND PAINT MARKINGS SHALL COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND COLOR STANDARDS, OR AS OTHERWISE SPECIFIED. INSTALLATION OF SIGNS SHALL BE GOVERNED BY LOCAL CODES.
4. THE CONTRACTOR IS RESPONSIBLE TO LOCATE AND PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER AT LEAST THREE DAYS PRIOR TO ANY SITE WORK FOR PROPER IDENTIFICATION OF EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL EXISTING SIGNS AND DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

ACCESSIBILITY NOTES:

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH THE LATEST OKLAHOMA ACCESSIBILITY CODE, AND WITH THE AMERICAN WITH DISABILITIES ACT (ADA), LATEST EDITION.
2. RAMP SHALL NOT EXCEED A RUNNING SLOPE OF 1:12 (8.33%).
3. RAMP SHALL BE DEFINED AS ANY WALKWAY BETWEEN SLOPES 1:20 (5%) AND 1:12 (8.33%) AND SHALL HAVE A MINIMUM WIDTH OF 4 FEET AND A MAXIMUM CROSS-SLOPE OF 2%. RAMP CROSS-SLOPE SHALL BE 2% MAXIMUM. RAMP SHALL HAVE INTERMEDIATE (2% MAX SLOPE) LANDINGS HAVING A MINIMUM LENGTH IN THE DIRECTION OF TRAVEL OF 30 INCHES. BOTTOM LANDINGS AT CHANGES IN RAMP DIRECTION SHALL HAVE A MINIMUM LENGTH OF 72 INCHES. MAXIMUM CROSS-SLOPE ON ANY RAMP OR RAMP SHALL BE 2%. ALL ACCESSIBLE PARKING SPACES AND LOADING ZONES SHALL HAVE A MINIMUM SLOPE OF 2% IN ANY DIRECTION.
4. ALL WALKS SHALL HAVE A MINIMUM 4 FOOT CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.



PREPARED BY:
CALICHI DESIGN GROUP
 1 N. LASALLE SUITE 3850
 CHICAGO, IL 60602

NO.	DATE	REVISION
01	09.30.19	CITY OF TULSA SUBMITTAL

WENDY'S
 GROUND UP QUICK SERVICE RESTAURANT (QSR)
 1209 E. PINE STREET, TULSA, OKLAHOMA 74106

PROJECT:	2019-248-001
DRAWN BY:	AJM/MJS
CHECKED BY:	AJM
DATE:	09.30.2019
SHEET TITLE:	CONCEPT PLAN 2
SHEET NO.:	CP-2





0 Feet 200 400



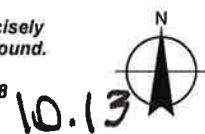
Subject Tract

BOA-22825

20-12 25

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

Aerial Photo Date: February 2018





EPINEPL

N PEORIA AVE

E PINE ST

0 50 100
Feet



Subject
Tract

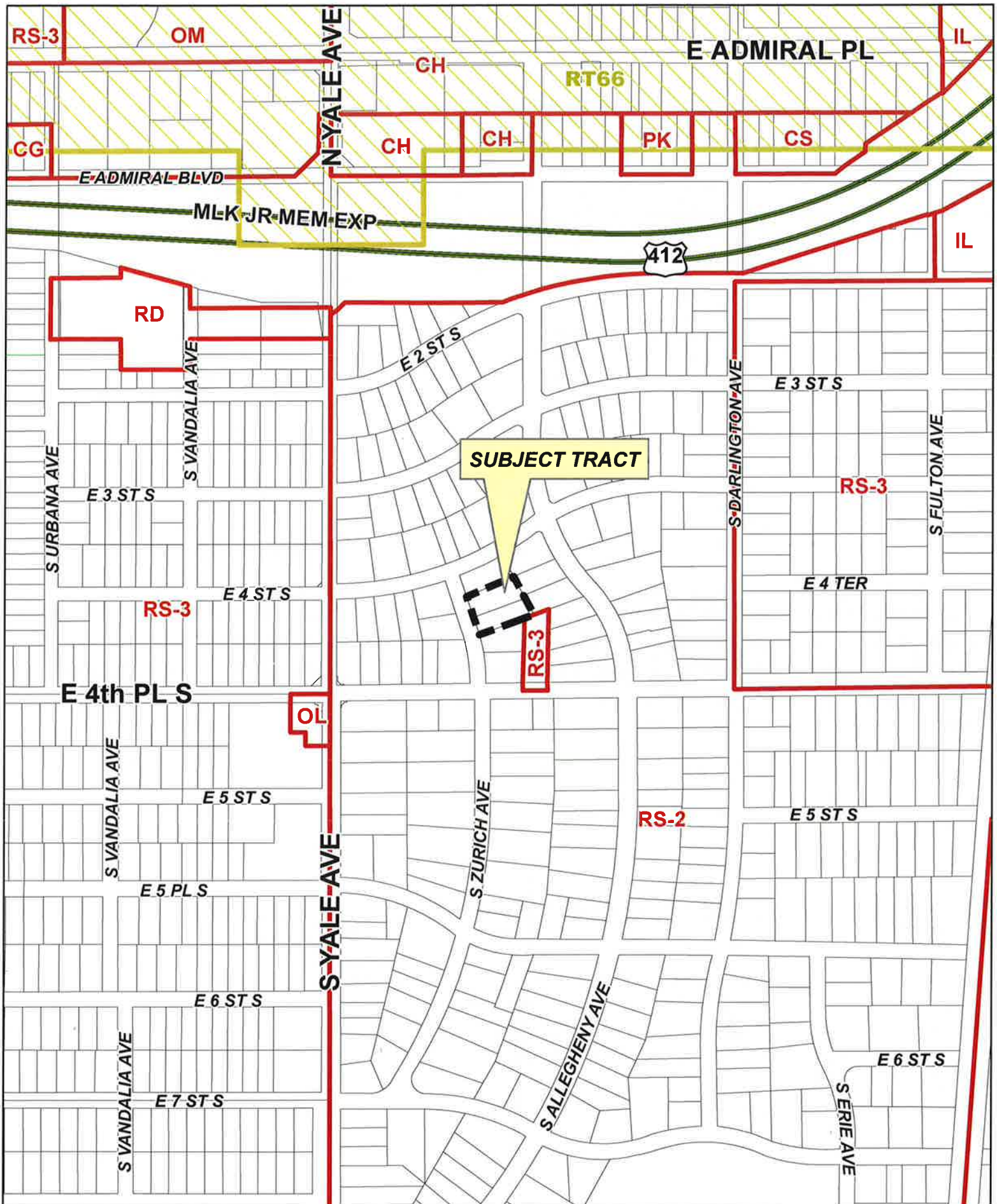
BOA-22825

20-12 25

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

Aerial Photo Date: February 2018

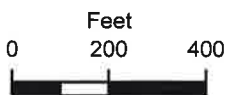




BOA-22826

19-13 03

11.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: **BOA-22826**

CZM: 38

CD: 5

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Gary Davis

ACTION REQUESTED: Variance of the minimum 75 foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3).

LOCATION: 413 S ZURICH AV E; 409 S ZURICH AV E **ZONED:** RS-2

PRESENT USE: Residential

TRACT SIZE: 23182.73 SQ FT

LEGAL DESCRIPTION: S61 W/2 LT 2 & S61 LT 3 BLK 10; N73 S134 W/2 LT 2 & N73 S134 LT 3 BLK 10, WHITE CITY ADDN

RELEVANT PREVIOUS ACTIONS: None

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 South of the SE/c of E. 4th Street and S. Zurich Ave and is zoned RS-2.

STAFF COMMENTS: The applicant is requesting a Variance of the minimum 75 foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, Table 5-3).

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-



STATEMENT OF HARDSHIP: The current property line is too close to the house making ingress and egress to rear yard impractical and unsafe.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the minimum 75 foot lot width in an RS-2 District to permit a lot line adjustment (Section 5.030, 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 _____.

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."*



Subject Properties

Proposed Lot Line Adjustment

OF A PART OF LOTS 2 & 3, BLOCK 10

White City Addition

TULSA COUNTY, OKLAHOMA

Legal Description

PROVIDED ON SHEET 2.

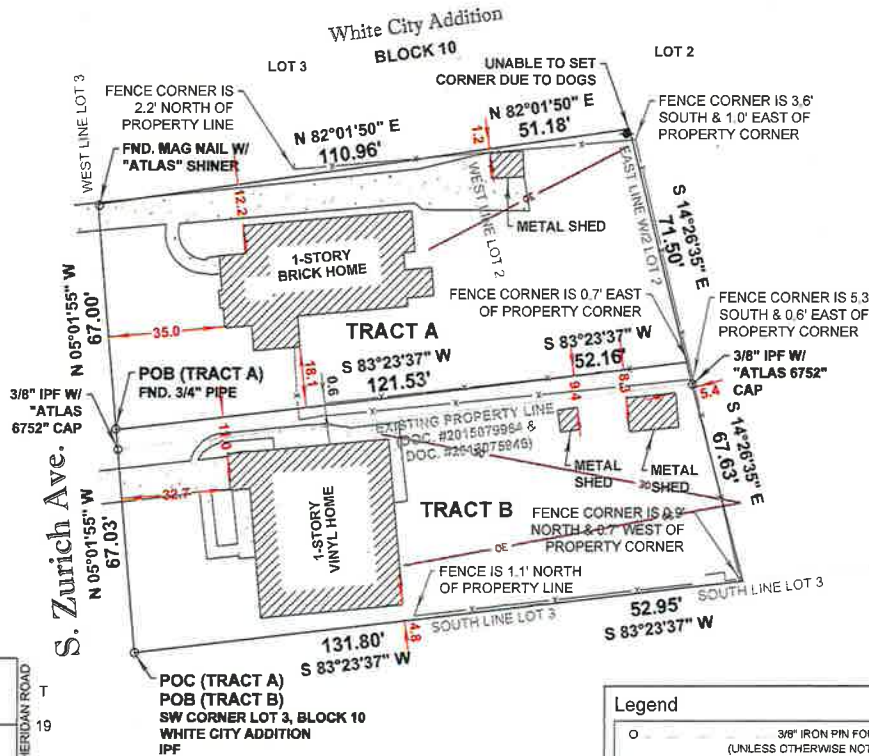
Notes

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM. THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
3. THE BASIS OF BEARING IS BASED ON THE NON-ASTRONOMICAL GRID BEARINGS OF THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD83 - ZONE NORTH 3501.

Surveyor's Statement

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

ALBERT JONES III
AJ@ATLASLANDOFFICE.COM
PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1580



Legend

- 3/8" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
- 3/8" IPS W/ PINK "ATLAS 8060" CAP (UNLESS OTHERWISE NOTED)
- POWER POLE
- IRON PIN FOUND
- IRON PIN SET
- OVERHEAD ELECTRIC



Location Map
SCALE: 1"=4000'



BEFORE YOU DIG
CONTACT OKLAHOMA ONE-CALL
1-800-522-6543
EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN



0 15 30 60
SCALE: 1"=30'

PREPARED FOR: GARY DAVIS II

CHECKED BY:	ARJ	SCALE:	1"=30'
SURVEY BY:	BOC	DRAFTED BY:	JMH
SURVEY DATE:	10/17/2019	JOB NUMBER:	11597
BOOK / PAGE:	DIGITAL	FILE NUMBER:	1913.0300



Legal Description
(Parent Tract of Tract A – Doc. #2015079964)

THOSE PARTS OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST LINE OF LOT 3 AND 67 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 3; THENCE IN AN EASTERLY DIRECTION A DISTANCE OF 173.74 FEET IN A STRAIGHT LINE TO A POINT, THE NORTHEAST ANGLE OF SAID LINE AND THEN WEST LINE OF LOT 3 BEING 89°32'; THENCE TO THE LEFT AT AN ANGLE OF 97°59' A DISTANCE OF 71.5 FEET; THENCE TO THE LEFT AT AN ANGLE OF 83°29' A DISTANCE OF 162.01 FEET TO A POINT WHICH IS ON THE WEST LINE OF LOT 3; THENCE TO THE LEFT AT AN ANGLE OF 87°4' ALONG THE WEST LINE OF LOT 3 A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING.

AND THE NORTHERLY SIX (6) FEET OF THE FOLLOWING DESCRIBED PIECE, PARCEL OR TRACT OF LAND DESCRIBED AS FOLLOWS, TO-WIT: THE SOUTHERLY SIXTY-SEVEN (67) FEET OF LOT THREE (3) AND A PART OF LOT TWO (2), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT KNOWN AS THE SOUTHWEST CORNER OF LOT 3, BLOCK 10 AND THENCE EASTERLY DIRECTION ALONG THE SOUTH LINE OF LOT 3 AND PART OF LOT 2, BLOCK 10, A DISTANCE OF 184.75 FEET TO A POINT; THENCE TO THE LEFT AT AN ANGLE OF 97°47' IN A NORTHERLY DIRECTION A DISTANCE OF 67 FEET TO A POINT; THENCE TO THE LEFT AT AN ANGLE OF 82°01' IN A WESTERLY DIRECTION A DISTANCE OF 173.74 FEET TO A POINT, BEING ON THE WEST LINE OF LOT 3; THENCE TO THE LEFT AT AN ANGLE OF 88°32' IN A SOUTHERLY DIRECTION A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING.

Legal Description
(Parent Tract of Tract B – Doc. #2013075946)

THE SOUTHERLY 61 FEET OF THE PART OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT KNOWN AS THE SOUTHWEST CORNER OF LOT THREE (3); THENCE EASTERLY ALONG THE SOUTH LINE OF LOT THREE (3) AND PART OF LOT TWO (2), A DISTANCE OF 184.75 FEET TO A POINT; THENCE LEFT AT AN ANGLE OF 97°47' IN A NORTHERLY DIRECTION, A DISTANCE OF 67 FEET TO POINT; THENCE LEFT AT AN ANGLE OF 82°01' IN A WESTERLY DIRECTION, A DISTANCE OF 173.73 FEET TO A POINT BEING ON THE WEST LINE OF LOT THREE (3); THENCE TO THE LEFT AT AN ANGLE OF 88°32' IN A SOUTHERLY DIRECTION, A DISTANCE OF 67 FEET TO THE POINT OF BEGINNING.

Legal Description (Tract A)

A PART OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, AND BEING A PART OF THE NORTHWEST QUARTER (NW¼) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770; THENCE N 05° 01' 55" W, ALONG THE WEST LINE OF SAID LOT THREE (3), A DISTANCE OF 67.03 FEET, TO A POINT THAT IS 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3) AS MEASURED PERPENDICULARLY, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING N 05° 01' 55" W, CONTINUING ALONG THE WEST LINE OF SAID LOT THREE (3), A DISTANCE OF 67.00 FEET; THENCE N 82° 01' 50" E A DISTANCE OF 110.96 FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2) OF SAID BLOCK TEN (10); THENCE CONTINUING N 82° 01' 50" E A DISTANCE OF 51.18 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (W/2) OF SAID LOT TWO (2); THENCE S 14° 26' 35" E, ALONG THE EAST LINE OF SAID WEST HALF (W/2), A DISTANCE OF 71.50 FEET, TO A POINT THAT IS 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT TWO (2) AS MEASURED PERPENDICULARLY; THENCE S 83° 23' 37" W, PARALLEL WITH AND 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 52.16 FEET, TO A POINT ON THE WEST LINE OF SAID LOT TWO (2); THENCE CONTINUING S 83° 23' 37" W, PARALLEL WITH AND 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3), A DISTANCE OF 121.53 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.27 ACRES / 11,575.96 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON NOVEMBER 12, 2019 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 05° 01' 55" W, ALONG THE WEST LINE OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770.

Legal Description (Tract B)

A PART OF LOTS TWO (2) AND THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770, AND BEING A PART OF THE NORTHWEST QUARTER (NW¼) OF SECTION THREE (3), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

DESCRIBED AS FOLLOWS:

THE SOUTHERLY SIXTY-SEVEN (67) FEET OF LOT THREE (3) AND THE SOUTHERLY SIXTY-SEVEN (67) FEET OF THE WEST HALF OF LOT TWO (2), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770; THENCE N 05° 01' 55" W, ALONG THE WEST LINE OF SAID LOT THREE (3), A DISTANCE OF 67.03 FEET, TO A POINT THAT IS 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3) AS MEASURED PERPENDICULARLY; THENCE N 83° 23' 37" E, PARALLEL WITH AND 67.00 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 121.53 FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2) OF SAID BLOCK TEN (10); THENCE CONTINUING N 83° 23' 37" E, PARALLEL WITH AND 67.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 52.16 FEET, TO THE NORTHEAST CORNER OF THE SOUTH SIXTY-SEVEN (67) FEET OF THE WEST HALF OF SAID LOT TWO (2); THENCE S 14° 26' 35" E, ALONG THE EAST LINE OF THE WEST HALF (W/2) OF SAID LOT TWO (2), A DISTANCE OF 67.63 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT TWO (2); THENCE S 83° 23' 37" W, ALONG THE SOUTH LINE OF SAID LOT TWO (2), A DISTANCE OF 52.95 FEET, TO THE SOUTHWEST CORNER OF SAID LOT TWO (2); THENCE CONTINUING S 83° 23' 37" W, ALONG THE SOUTH LINE OF SAID LOT THREE (3), A DISTANCE OF 131.80 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.28 ACRES / 12,007.63 SQUARE FEET.

THIS LEGAL DESCRIPTION WAS CREATED ON NOVEMBER 12, 2019 BY ALBERT R. JONES, III, OK PLS #1580, WITH THE BASIS OF BEARING BEING N 05° 01' 55" W, ALONG THE WEST LINE OF LOT THREE (3), BLOCK TEN (10), WHITE CITY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 770.



BEFORE YOU DIG
CONTACT OKLAHOMA
ONE-CALL
1-800-522-8543
EXISTING UNDERGROUND
LINES HAVE BEEN SHOWN
TO THE EXTENT KNOWN



0 15 30 60

SCALE: 1"=30'

PREPARED FOR: GARY DAVIS II

CHECKED BY:	ARJ	SCALE:	1"=30'
SURVEY BY:	BOC	DRAFTED BY:	JMH
SURVEY DATE:	10/17/2019	JOB NUMBER:	11597
BOOK / PAGE:	DIGITAL	FILE NUMBER:	1913.0300



ATLAS LAND OFFICE
202 SOUTH MAIN - WAGONER, OK 74467
918.485.9987 C.A.#8060 EXP: 6-30-2020



0 Feet 200 400



Subject Tract

BOA-22826

19-13 03

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

Aerial Photo Date: February 2018

11.8





0 50 100
Feet



Subject
Tract

BOA-22826

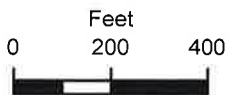
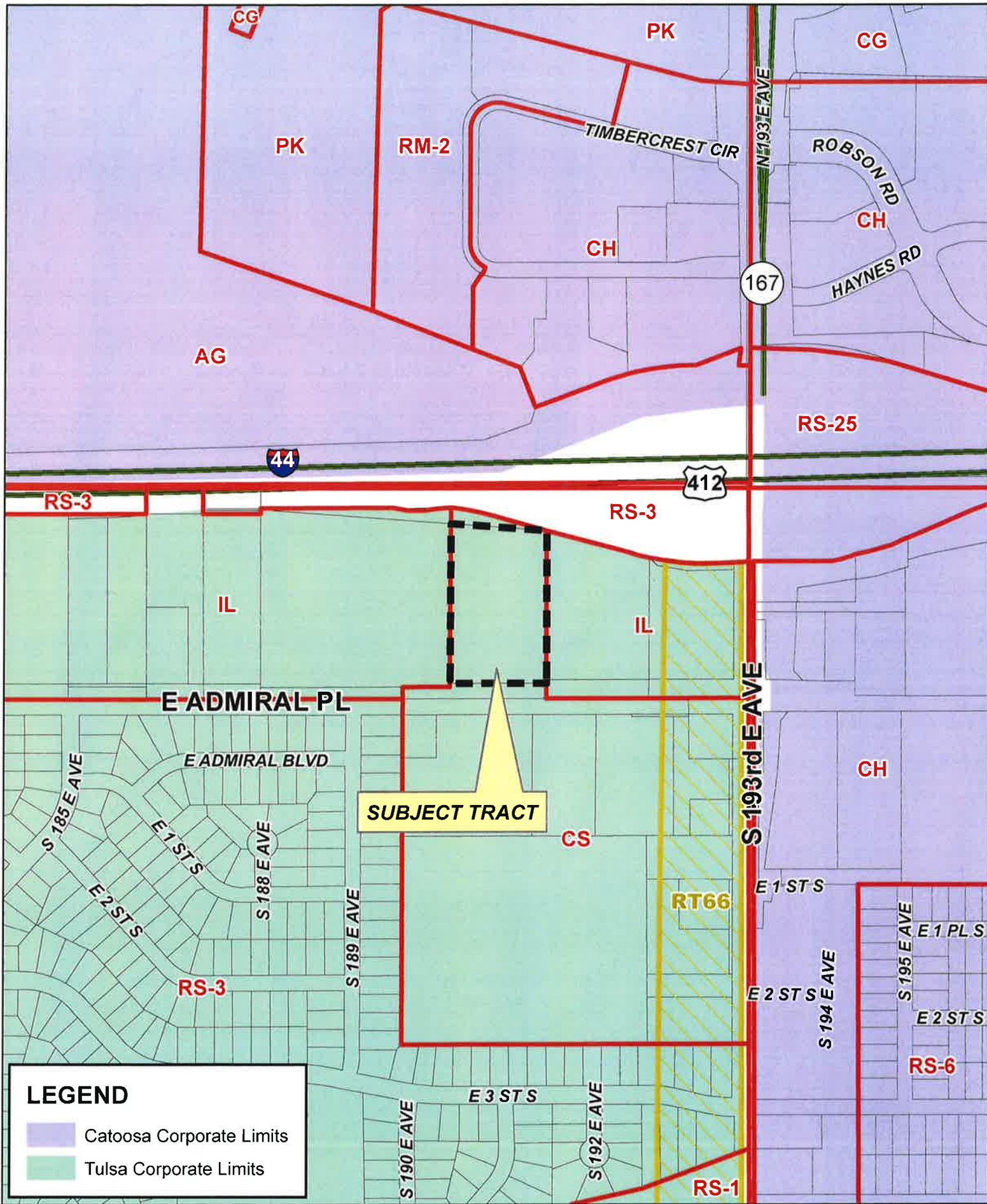
19-13 03

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

Aerial Photo Date: February 2018 11.9



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BOA-22827

19-14 01

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9401

Case Number: **BOA-22827**

CZM: 40

CD: 6

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Joseph Watt

ACTION REQUESTED: Special Exception to permit a Campground and RV Park use in a CS District (Section 15.020, Table 15-2)

LOCATION: 19011 E ADMIRAL PL N

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 158951.09 SQ FT

LEGAL DESCRIPTION: E 5ACS W10.66ACS GOV LOT 1 LESS BEG 350.70E NWC LOT 1 TH S127.31 E307.81 N152 W309.80 POB AND LESS S50 FOR RD SEC 1 19 14 3.649ACS


RELEVANT PREVIOUS ACTIONS: None.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located West of the NW/c of N. 193rd E. Ave. and E. Admiral Pl.

STAFF COMMENTS:

The applicant is requesting **Special Exception** to permit a Campground and RV Park use in a CS District (Section 15.020, Table 15-2)

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Building service	-	-	-	-	S	P	P	P	P	P	P	
Business support service	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Consumer maintenance/repair service	-	-	-	-	P	P	P	P	P	P	P	
Personal improvement service	S	S	S	S	P	P	P	P	P	P	P	
Research service	-	-	-	-	-	S	P	P	P	P	P	Section 40.225
Financial Services (except as below)	P	P	P	P	P	P	P	P	P	P	P	
Personal credit establishment	-	-	-	-	P	P	P	P	P	P	P	Section 40.300
Funeral or Mortuary Service	P	P	P	P	P	P	P	P	P	P	P	
Lodging												
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	Section 40.060
Campgrounds and RV parks	-	-	-	-		P	P	P	P	P	P	
Hotel/motel	-	-	S	S	P	P	P	P	S	S	S	Section 40.170

12.2

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Campground and RV Park use in a CS District (Section 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.



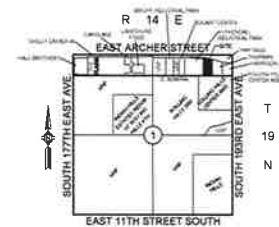
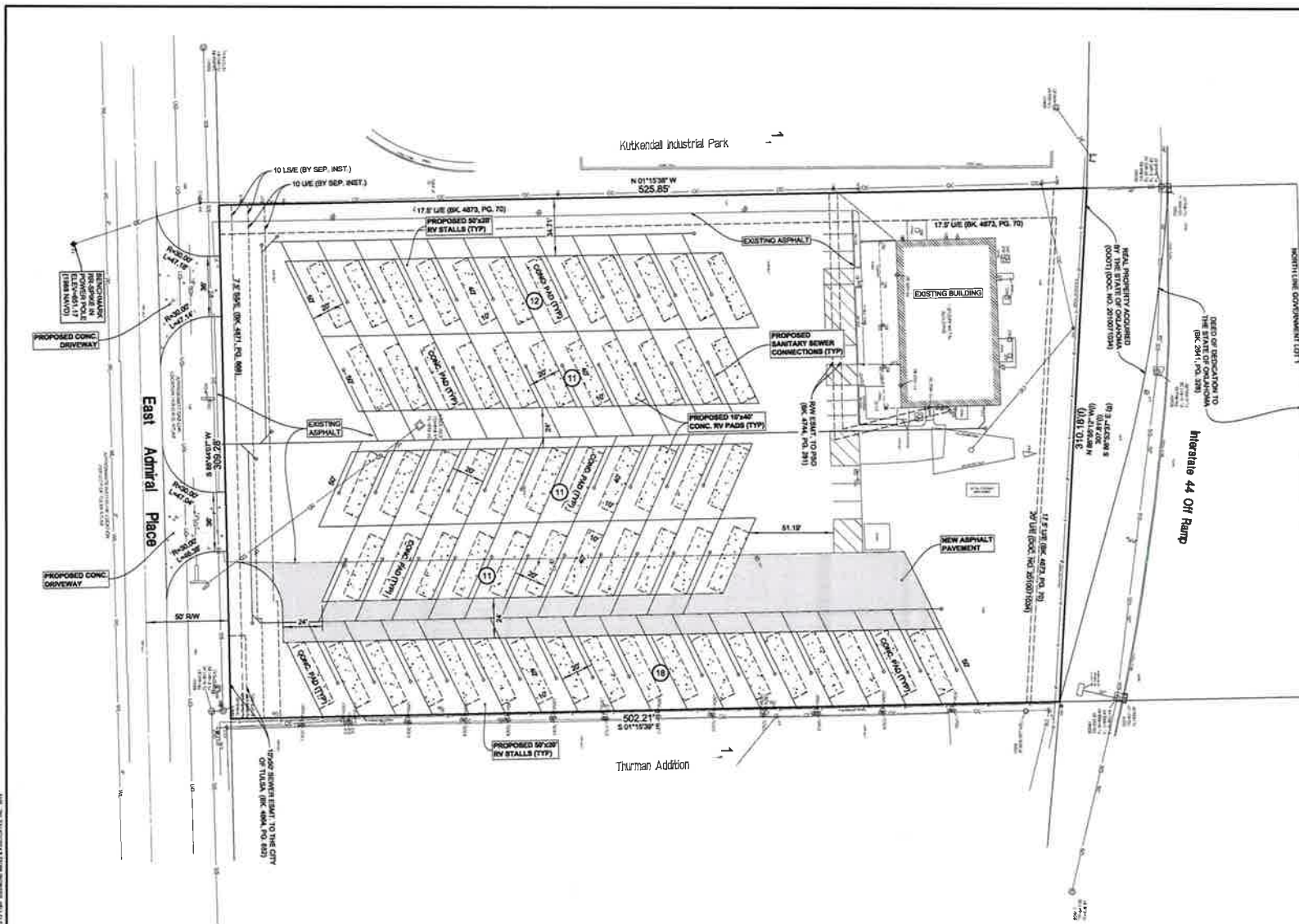
Facing East on Admiral



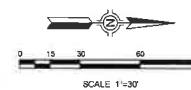
Facing West on Admiral



Subject Property



Location Map
SCALE 1"=200'



- Legend
- ASPHALT PAVEMENT
 - CONCRETE PAVEMENT
 - RV STALL COUNT

Owner/Developer:
Jim Kuykendall
18811 E. Admiral Pl. N
Tulsa, OK 74015
Property Address:
19011 E. Admiral Pl. N
Tulsa, OK 74015

Engineer/Surveyor:
Sisemore Weisz & Associates, Inc.
Certificate of Authorization No. 2421 Exp. June 30, 2021
6111 E. 32nd Place
Tulsa, Oklahoma 74135
Phone: (918) 665-3600
E-mail: jwatt@sw-assoc.com

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.

ALL CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH CURRENT CITY OF TULSA ENGINEERING SERVICES DEPARTMENT SPECIFICATIONS INCLUDING ODOT 2009 EDITION SPECIFICATIONS.

CALL OKIE!

EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN AND PLANS HAVE BEEN SENT TO THE EFFECTED UTILITY OWNERS FOR VERIFICATION OF EXISTING LINES. BEFORE YOU DIG, CONTACT OKLAHOMA ONE-CALL: 1-800-522-6543. SOUTHWESTERN BELL TELEPHONE COMPANY, COX COMMUNICATIONS, OKLAHOMA NATURAL GAS COMPANY, AMERICAN ELECTRIC POWER COMPANY.



DATE	REVISIONS



Sisemore Weisz & Associates, Inc.

181 EAST 30th PLACE
TULSA, OKLAHOMA 74106
CA. TEL: 2421

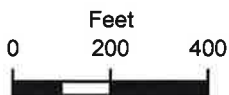
PHONE: (918) 665-3600
FAX: (918) 665-3608
EXP. DATE: 6/30/21

PLAN SCALE 1"=30'	WORK ORDER NO. 14392
PROFILE SCALE HORIZ. 1"=40' VERT. 1"=4'	FILE 1914.01
ATLAS PAGE NO. 540	

TYPE OF WORK N/A	DATE 11/25/18
PHASE N/A	DRAFTED BY LAO
SHEET OF 1	

East Admiral RV Park Site Plan

12.6



Subject
Tract

BOA-22827

19-14 01

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

Aerial Photo Date: February 2018

12.7



44

412

E ADMIRAL PL

0 Feet 50 100



Subject Tract

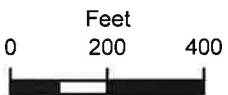
BOA-22827

19-14 01

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

Aerial Photo Date: February 2018





20-12 24

BOARD OF ADJUSTMENT CASE REPORT

STR: 148
CZM: 28
CD: 1

Case Number: **BOA-22828**

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: King K Collective

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

LOCATION: 205 E Mohawk Boulevard; Tenant Space: 207 Mohawk Boulevard

ZONED: CS

PRESENT USE: Retail.

TRACT SIZE: 20055.11 SQ FT

LEGAL DESCRIPTION: BEG SWC LT 20 BLK 3 DEVONSHIRE PL 4TH TH E150 S133.7 W150 N133.7 TO BEG SEC 24 20 12, DEVONSHIRE PLACE FOURTH RESUB BOULEVARD ACRES

STAFF COMMENTS: The applicant is requesting a **Verification** of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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 provided an exhibit showing his property and marking all the property within 1,000 feet of his building. The applicant provided Greenwood Wellness as the nearest dispensary, located at 1216 East Apache, approximately 4,876 feet away.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** 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.



Facing East on Mohawk Boulevard



Existing Dispensary



Facing West on Mohawk Boulevard

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



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

ZONING REVIEW

September 25, 2019

LOD Number: 2

King K Collective
207 E Mohawk Blvd
Tulsa OK 74106

Phone: (424)653-7153

APPLICATION NO: 39833-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 207 E. Mohawk Blvd.

Description: Medical Marijuana Retail Sales

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

Application No. 39833-2019

207 E Mohawk Blvd

September 25, 2019

This letter of deficiencies covers zoning Review items only.

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

1. 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 detectible 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 detectible 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) is required under **Sec.40.225-D** however 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 (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.

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.

Kolibas, Robert

From: Kolibas, Robert
Sent: Monday, September 23, 2019 4:16 PM
To: Gnyan62 Nyan
Subject: RE:

Hello,
You need to apply for a spacing verification with the Tulsa planning office at 918-584-7526.

Regards,
Bob

From: Gnyan62 Nyan <gnyan62@gmail.com>
Sent: Monday, September 23, 2019 1:22 PM
To: Kolibas, Robert <RKolibas@cityoftulsa.org>
Subject:



Done

12 of 13

06/11/2020

LICENSE NUMBER:

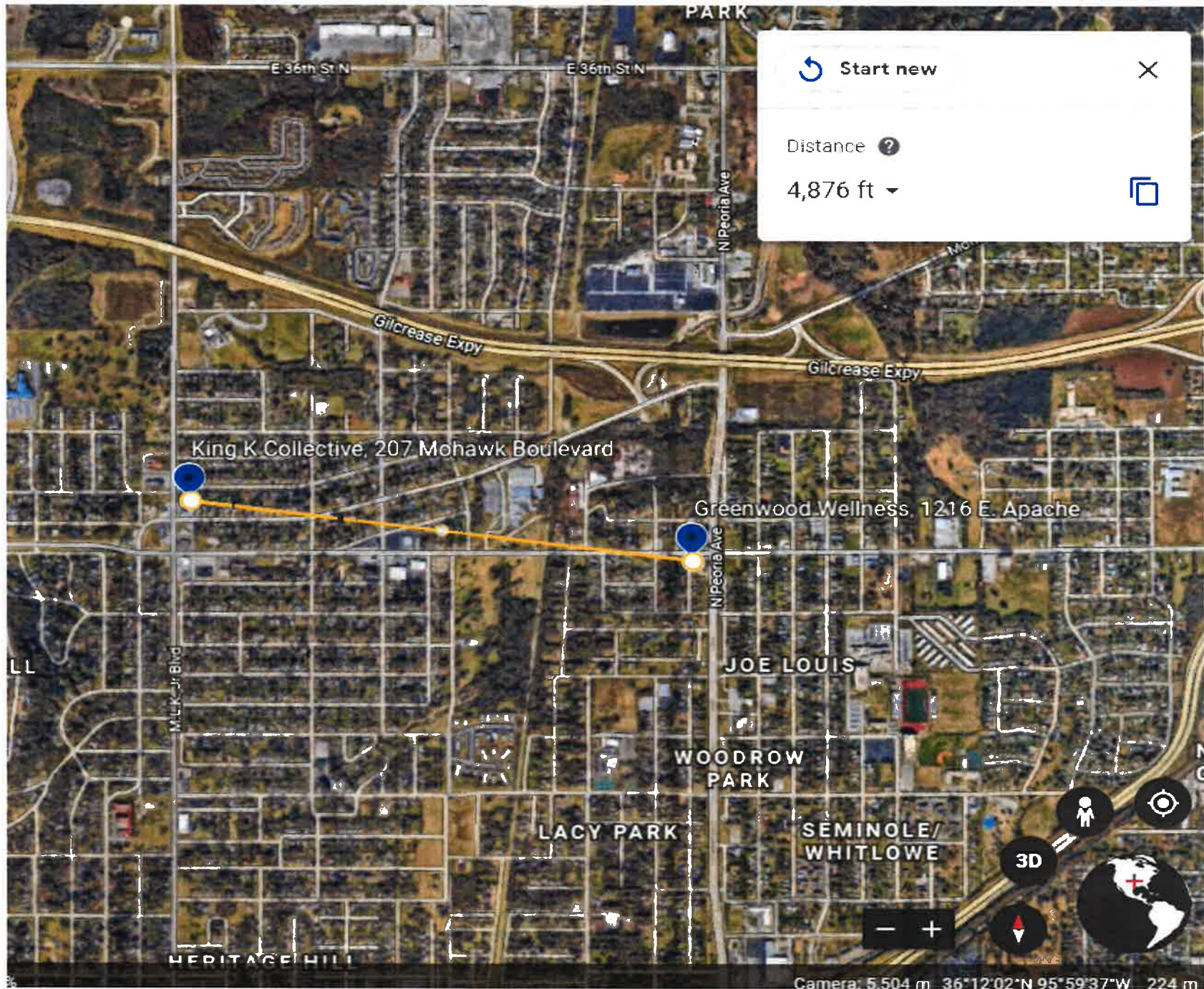
DAAA-4YVI-QMCU



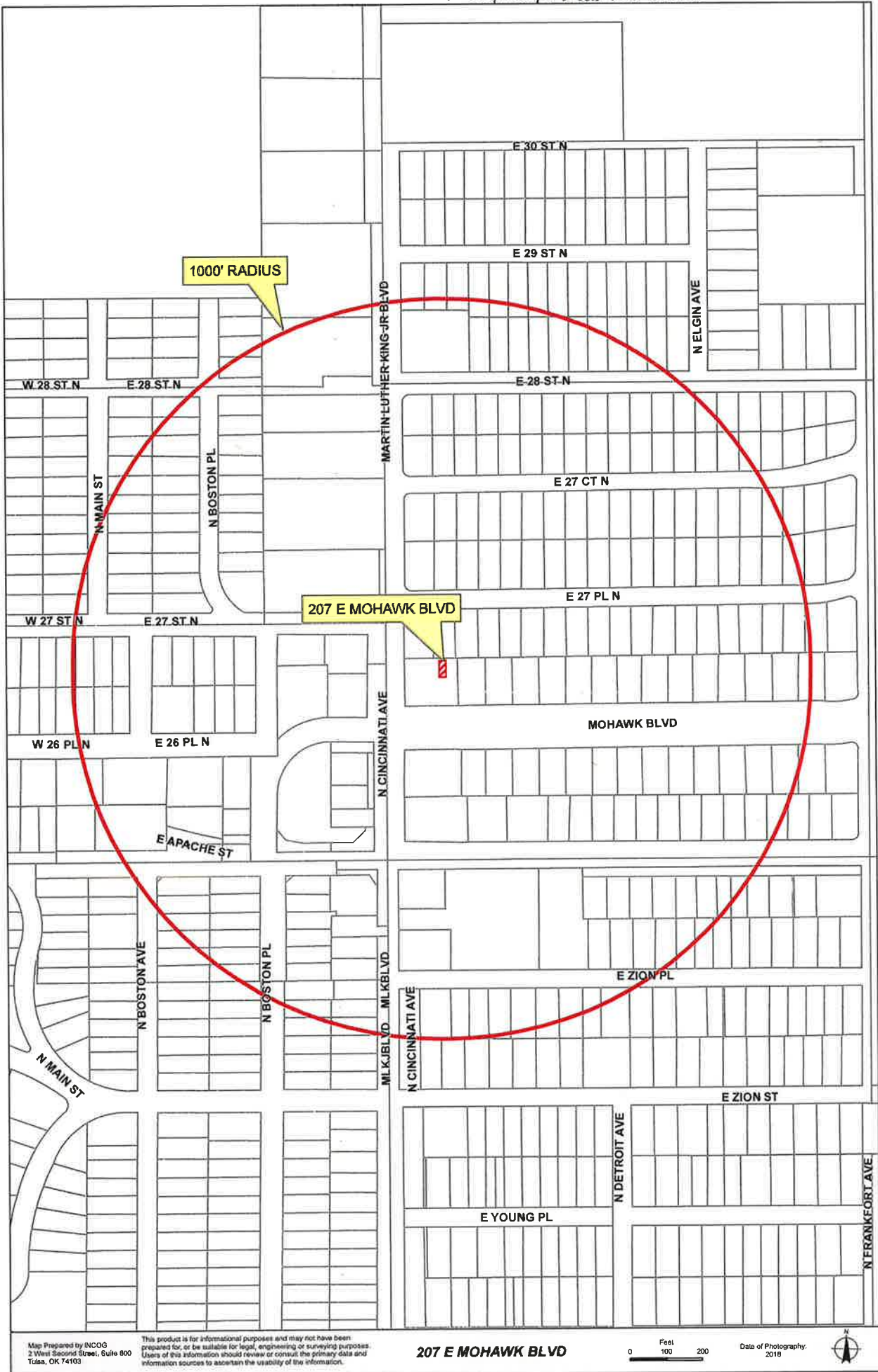
Sent from my iPhone



13.11



Nearest Dispensary: Green Wood Wellness Clinic





0 Feet 200 400



Subject
Tract

BOA-22828

20-12 24

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

Aerial Photo Date: February 2018

13.13





0 50 100
Feet



Subject
Tract

BOA-22828

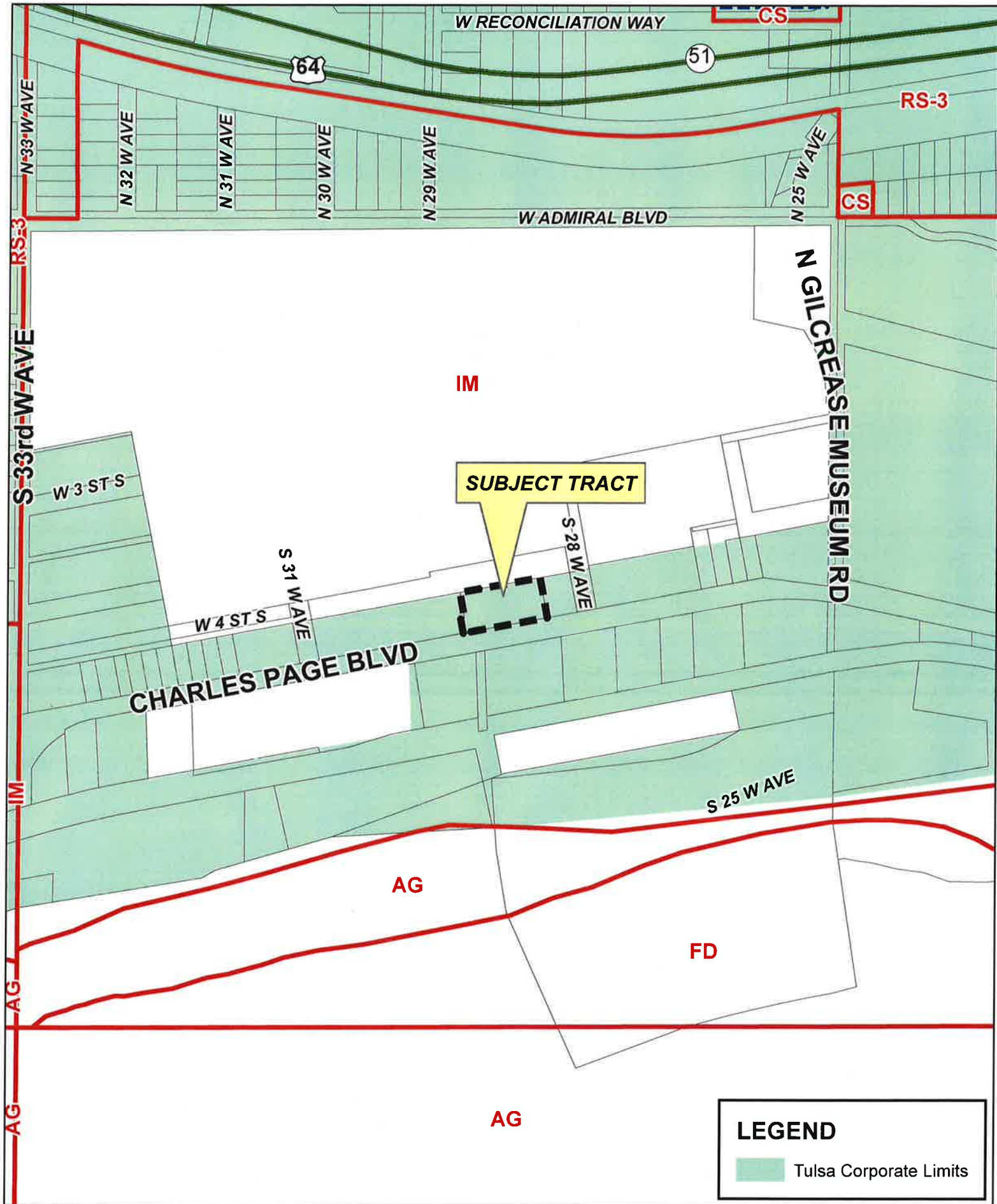
20-12 24

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

Aerial Photo Date: February 2018



13.14



BOA-22829

19-12 03

14.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

Case Number: BOA-22829

CZM: 36

CD: 1

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Kyle Gibson

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

LOCATION: 2821 W CHARLES PAGE BV S

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE: 36525.21 SQ FT

LEGAL DESCRIPTION: LT 27 LESS N85 W35 & LESS S50 W20 & LTS 28 THRU 32 BLK 12, HALE SUB

RELEVANT PREVIOUS ACTIONS: None

STAFF COMMENTS: The applicant is requesting a **Verification** of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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 provided an exhibit showing his property and marking all the property within 1,000 feet of his building. The applicant gave the nearest dispensary as Uptown Wellness, located at 1215 S. Houston.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** 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.



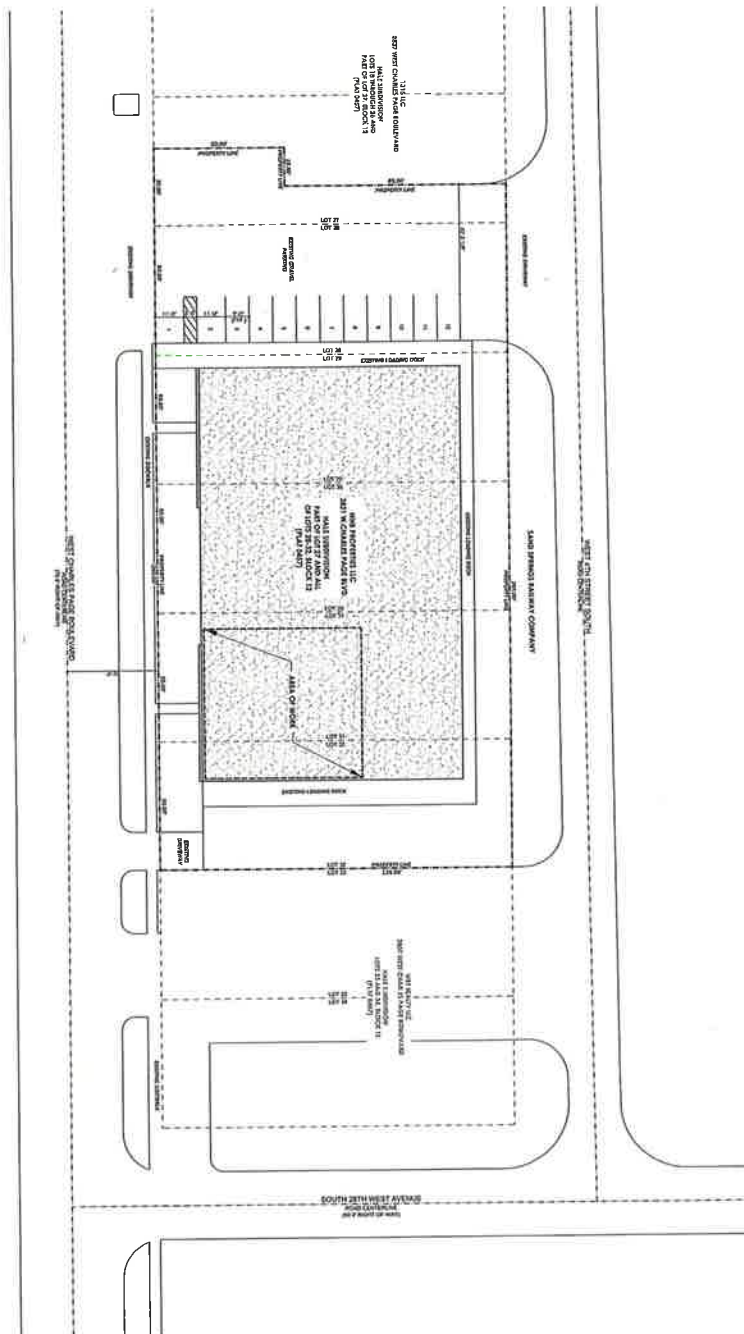
Subject Property



Facing East on Charles Page Boulevard



Facing West on Charles Page Boulevard



1 SITE PLAN



14.5

Subject Dispensary



1 SITE PLAN

Uptown
Wellness
Dispensary
1215 S. Houston

TULSA TEAM GLOBAL
2815 Charles Page Boulevard
Tulsa, OK 74127

DRAWING:
SITE PLAN

PERMIT SET

DATE:
11/25/2019

SCALE:
1" = 500'

SHEET:

A101

ALIGN
DESIGN GROUP
918.499.0454
JASON GIBSON RA NCARB

14.6

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

November 19, 2019

Jason Gibson
551 S Quaker Ave
Tulsa, OK 74120

Phone: 918.499.0454

APPLICATION NO: **BLDC-046387-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **2821 W Charles Page Blvd**

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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

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

IMPORTANT INFORMATION

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

(continued)

14.7

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-046387-2019

2821 W Charles Page Blvd.

November 19, 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:

<http://www.tmapc.org/Documents/TulsaZoningCode.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.



W RECONCILIATION WAY

64

51

N 33rd W AVE

N 32 W AVE

N 31 W AVE

N 30 W AVE

N 29 W AVE

W ADMIRAL BLVD

N 25 W AVE

N GILCREASE MUSEUM RD

S 33rd W AVE

W 3 ST S

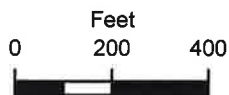
S 31 W AVE

S 28 W AVE

W 4 ST S

CHARLES PAGE BLVD

S 25 W AVE



Subject Tract

BOA-22829

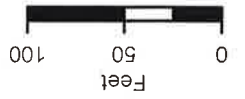
19-12 03

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

Aerial Photo Date: February 2018

14.9





Subject
Tract

BOA-22829

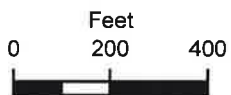
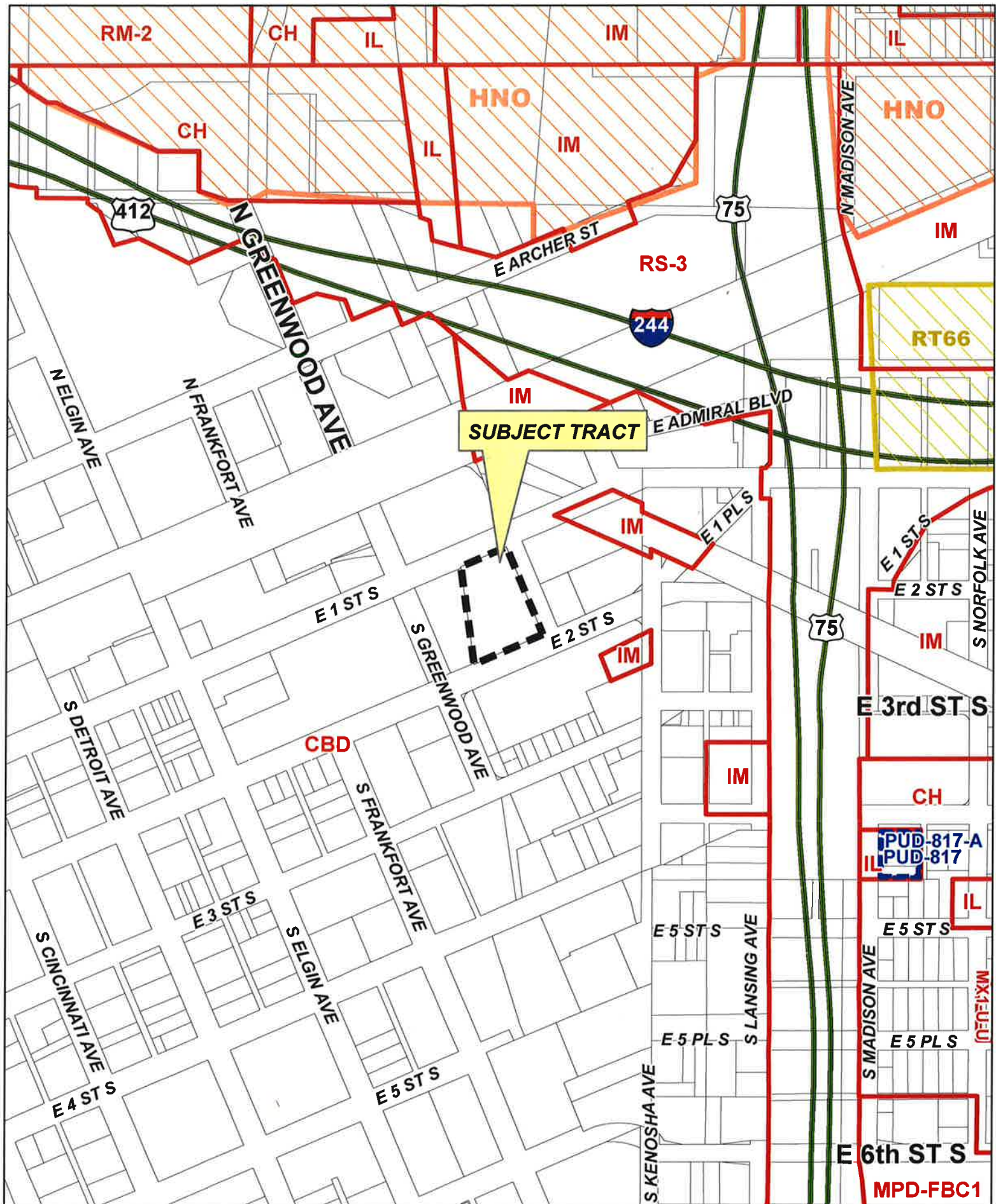
19-12 03

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



14.10





BOA-22830

19-12 01

15.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22830**

CZM: 36

CD: 4

HEARING DATE: 01/28/2020 1:00 PM

APPLICANT: Lori Worthington

ACTION REQUESTED: Variance to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Section 60.020, 60.080-B.5)

LOCATION: 110 S HARTFORD AV E

ZONED: CBD

PRESENT USE: Commercial/ Office

TRACT SIZE: 60361.34 SQ FT

LEGAL DESCRIPTION: PRT BLK 83 & PRT VAC ST & ALLEY BEG 22NE NEC LT 1 TH SE301.20 SW242.81 NW313.68 NE157.31 SE.60 POB BLK 83, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding properties:

BOA-22477; On 07.10.2018 the Board **approved** a Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50 ft setback from S. Elgin Ave. Property located 121 South Elgin Ave.

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

Downtown Core is Tulsa's most intense regional center of commerce, housing, culture, and entertainment. It is an urban environment of primarily high-density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism, and educational institutions. Downtown Core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown's lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.

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

15.2

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c of S. Greenwood Ave and E. 2nd Street. The property is zoned CBD and is located immediately East of the Downtown Entertainment District.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Section 60.020, 60.080-B.5)

The two signs being requested will be adjoined at a 90° angle with one sign facing the South Elevation and the other facing the West Elevation.

Chapter 60 | Signs

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

5. Roof Signs

- a. Roof signs are prohibited in all mixed-use, commercial and industrial zoning districts, except that one roof sign is allowed per business address within the Downtown Entertainment District and the Route 66 Overlay, provided that:
 - (1) The sign does not include any dynamic display; and
 - (2) They do not extend more than 25 feet above the point where the sign is attached to the roof, measured in a vertical line from the horizontal plane of the lowest point where the sign is attached to the roof to the horizontal plane of the highest location on the sign's structure.
- b. Roof signs are counted against a lot's allowed sign budget, pursuant to §60.080-C, and no individual roof sign may exceed 500 square feet in area.
- c. Only major street frontage along that portion of the subject lot that is occupied by the business displaying the sign may be counted in determining the maximum sign area of a roof sign allowed under this section.

Downtown Entertainment District



Subject
property

STATEMENT OF HARDSHIP:

There is a new building being built in the parking lot area of this building which will hinder any wall sign advertising as well as a tree on the Southeast Corner of the lot that is covering a section of the wall.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Section 60.020, 60.080-B.5)

- 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."*

Action Requested:

Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50-foot setback from South Elgin Avenue East (Section 60.080-D). **LOCATION:** 121 South Elgin Avenue East (CD 4)

Presentation:

Lori Worthington, A-MAX Sign Company, 9520 East 55th Place, Tulsa, OK; stated the request is to allow a projecting sign for Hotel Indigo. There has been a four-story building erected next to the subject property making it basically no longer visible from the downtown district. Also, there are railroad tracks and the position of the streets allows for very little visibility for the hotel.

Ms. Miller asked if this was the Santa Fe lot, and Ms. Worthington answered affirmatively.

Mr. Van De Wiele asked if this was part of the Santa Fe Development? Ms. Worthington answered affirmatively. Mr. Van De Wiele recused at this point.

Ms. Back disclosed that her former employer worked on this project and it was not one of her main projects. Ms. Back stated that she can be unbiased. Ms. Blank stated that it is sufficient to disclose.

Mr. Van De Wiele recused and left the meeting at 3:38 P.M.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Ross stated that she does not have a problem with this request. This is a hotel in an area where it is very populated with residences and businesses.

Ms. Back stated that also Albert G's has a very unique sign in the area and they received quite a bit of relief for their sign in the same area.

Board Action:

On **MOTION** of **ROSS**, the Board voted 3-0-1 (Back, Bond, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to **APPROVE** the request for a Variance to permit a projecting sign to exceed the maximum permitted height of 35 feet to be installed 79.16 feet above grade with a 50-foot setback from South Elgin Avenue East (Section 60.080-D), subject to conceptual plans 16.13, 16.14 and 16.15. The Board finds the hardship to be the four-story building placed across the street prohibiting visibility in the

BOA-22477

downtown district and also the railroad nearby prohibits visibility from downtown. The Board finds that the following facts, favorable to the property owner, have been established:

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

PRT BLK 85 BEG 44.50SWC BLK 85 TH NE195.50 SE95 SW240 NW69 NE44.50 NW26 POB BLK 85, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 3:42 P.M.

22478—Justin Doolin

Action Requested:

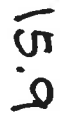
Special Exception to allow the driveway width to exceed 30 feet on the lot and 20 feet in the right-of-way in an RS-1 District (Section 55.090-F.3). **LOCATION:** 10212 South Oswego East (CD 8)

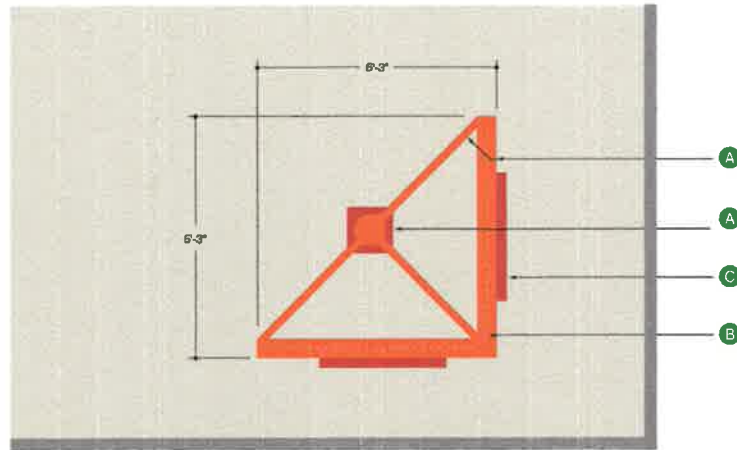
Presentation:

Justin Doolin, 10212 South Oswego Place, Tulsa, OK; stated he would like to increase the driveway for personal usage and parking. His family plays basketball in the street and there is a slope, so the balls roll down to 103rd. He thinks with the increase he would not need to park in the cul-de-sac any longer. Several driveways in the neighborhood have multiple entrances and are quite wide.

Mr. Bond left the meeting at 3:48 P.M.

EXPLODED VIEW





Top View

SCALE: 3/8"



West Elevation View

SCALE: 3/8"

1.2 Building ID

SCALE: 3/8"

6' X 5.25'=31.50SQFT

- A** 2" x 5" rec. tube frame, 2" square tube back frame, 8" round pole, and 12" square mounting plate. All components mentioned above to be welded together as one solid unit. Paint to match SW 6884 Obstinate Orange, satin finish.
- B** 1/8" thick perforated metal sign faces to fit inside center of rec. tube frame. Paint to match, satin finish.
- C** 4" deep channel logo and letters, painted trimcap, returns and backs to match SW 6881 Cayenne, satin finish. 3/16" White, non-glare, acrylic faces. Internal White LEDs for face illumination. Mount flush to perforated sign face.
- D** 1/2" thick acrylic tagline letters, painted returns and backs to match SW 6884 Obstinate Orange, satin finish. White painted faces, satin finish. Mount flush to sign face.
- E** Suggest adding roof mounted flood lights to uplight sign structure at night



South Elevation View

SCALE: 3/8"



www.amaxsign.com

9520 E. 55th Place
Tulsa, Oklahoma 74145
ph. (918)622-0651 fax. (918)622-0659

QUALITY | VALUE | ASSURANCE

SCALE: As Shown WHEN PRINTED 11 x 17

DATE: 08-30-19

FILE: Building ID

SALES REP: Chris Krohn

DRAWN BY: Jonathan Buck

PROJECT: The Root

LOCATION: Tulsa, OK

ADDRESS: 111 S Greenwood Ave

CLIENT APPROVAL SIGNATURE & DATE:

UL LISTED Signs will be built to meet UL specifications as required.

NEC All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1.	
2.	
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FINAL APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER

1

Page 1 of 2

DWG

083019-03

15.10



REFERENCE - Scale: 1/8"

WEST ELEVATION



REFERENCE - Scale: 1/8"

SOUTH ELEVATION

a
a·max
SIGN COMPANY, INC.
www.amaxsign.com

9520 E. 55th Place
Tulsa, Oklahoma 74145
ph. (918)622-0651 ... fax. (918)622-0659

QUALITY | VALUE | ASSURANCE

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LISTED
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REVISIONS:

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FINAL APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER

1

Page 2 of 2

DWG
083019-04

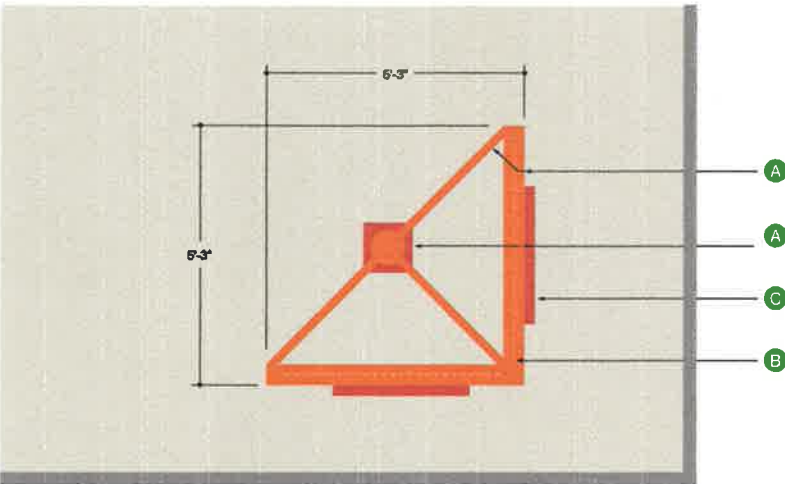
11.51

6' X 5.25' = 31.50 SQFT

1.2 Building ID

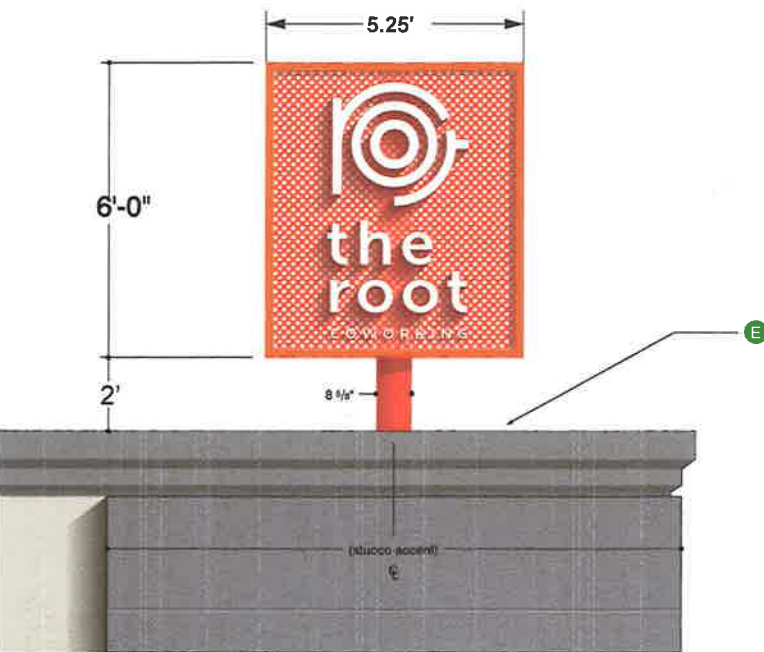
SCALE: 3/8"

- A** 2" x 5" rec. tube frame, 2" square tube back frame, 8" round pole, and 12" square mounting plate. All components mentioned above to be welded together as one solid unit. Paint to match SW 6884 Obstinate Orange, satin finish.
- B** 1/8" thick perforated metal sign faces to fit inside center of rec. tube frame. Paint to match, satin finish.
- C** 4" deep channel logo and letters, painted trimcap, returns and backs to match SW 6881 Cayenne, satin finish. 3/16" White, non-glare, acrylic faces. Internal White LEDs for face illumination. Mount flush to perforated sign face.
- D** 1/2" thick acrylic tagline letters, painted returns and backs to match SW 6884 Obstinate Orange, satin finish. White painted faces, satin finish. Mount flush to sign face.
- E** Suggest adding roof mounted flood lights to uplight sign structure at night



Top View

SCALE: 3/8"



West Elevation View

SCALE: 3/8"



South Elevation View

SCALE: 3/8"



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9520 E. 55th Place
Tulsa, Oklahoma 74145
ph. (918)622-0651 fax. (918)622-0659

QUALITY | VALUE | ASSURANCE

SCALE: As Shown WHEN PRINTED 11" x 17"

DATE: 08-30-19

FILE: Building ID

SALES REP: Chris Krohn

DRAWN BY: Jonathan Buck

PROJECT: The Root

LOCATION: Tulsa, OK

ADDRESS: 111 S Greenwood Ave

CLIENT APPROVAL SIGNATURE & DATE:

UL LISTED Signs will be built to meet UL specifications as required.

nec All signs and outline lighting must comply with Article 600 of the N.E.C. standards, including proper grounding and bonding.

REVISIONS:

1.	1
2.	2
3.	3
4.	4
5.	5

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FINAL APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER

1

Page 1 of 2

DWG
083019-03

15.12

Permit Number: SIGN-042468-2019

[Review Detail](#) [Review Items](#) [Main Menu](#)

Review Type:

Sign Review

THE ROOT

Status:

Requires Re-submit

Comments

Section 60.020 Prohibited Signs and Sign Characteristics The following signs and sign characteristics are prohibited except as otherwise expressly stated: 60.020-L Roof signs, except as expressly allowed by §60.080-B5.

Corrective Action

Review Comments: Roof signs are prohibited in the City of Tulsa except in the Downtown Entertainment District.

SIGN-042465-2019

[Review Detail](#) [Review Items](#) [Main Menu](#)

Review Type:

Sign Review

THE ROOT

Status:

Requires Re-submit

Comments

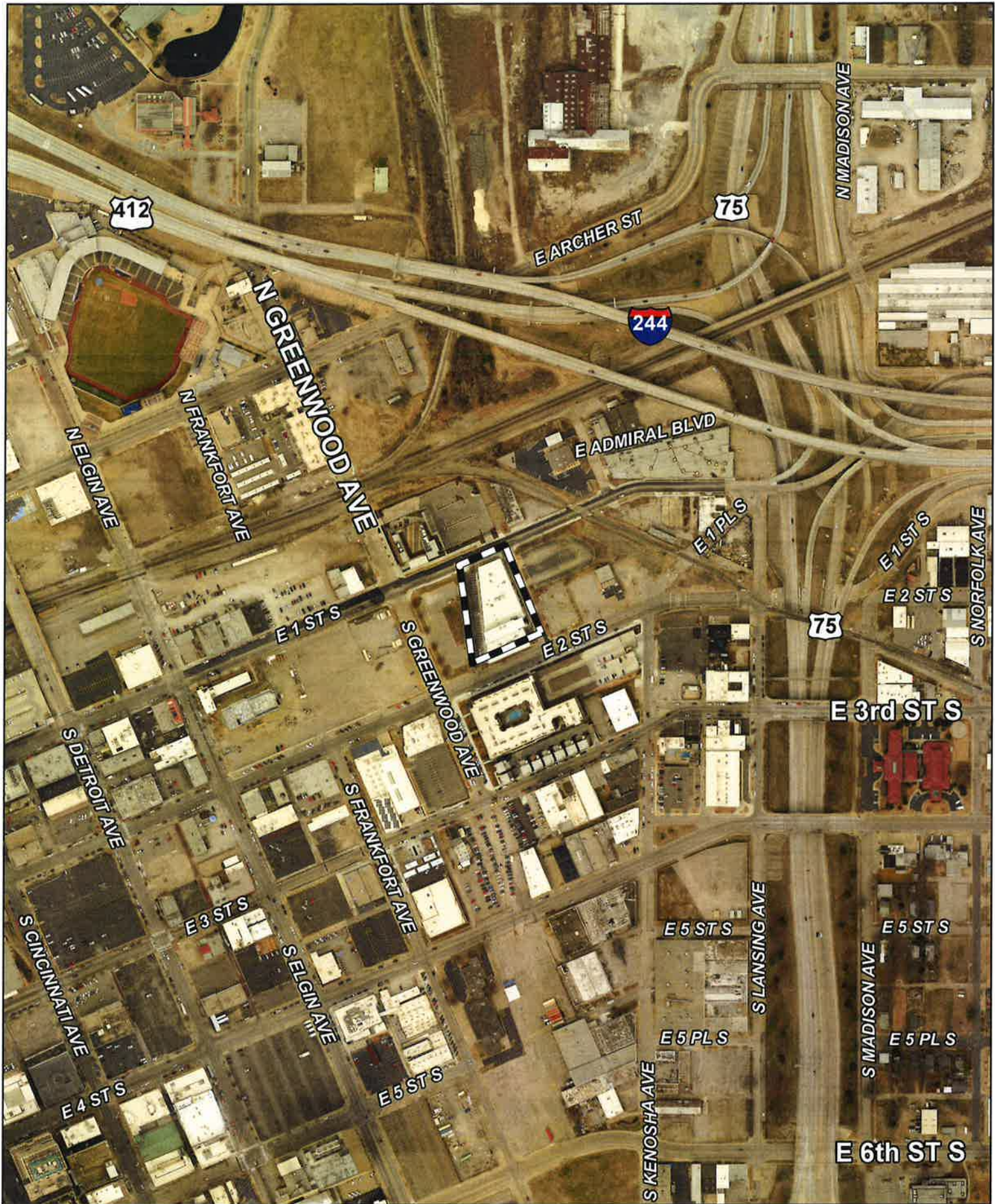
Section 60.020 Prohibited Signs and Sign Characteristics The following signs and sign characteristics are prohibited except as otherwise expressly stated: 60.020-L Roof signs, except as expressly allowed by §60.080-B5.

Corrective Action

Review Comments: Roof signs are prohibited in the City of Tulsa except in the Downtown Entertainment District.



Subject Building from 2nd and Greenwood



0 200 400
Feet

 Subject Tract

BOA-22830

19-12 01

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

Aerial Photo Date: February 2018

15.16 



0 50 100
Feet



Subject
Tract

BOA-22830

19-12 01

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

Aerial Photo Date: February 2018



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16.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9311

Case Number: BOA-22831

CZM: 38

CD: 5

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: James Xiong

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

LOCATION: 7747 E. 21st St.; Tenant Space: 7727 E. 21st Street

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 42000.72 SQ FT

LEGAL DESCRIPTION: S/2 SE SW SE SE & S25 W300 N/2 SE SW SE SE LESS E30 S165 & S50 W300 FOR STS SEC 11 19 13 .964AC,

STAFF COMMENTS:

The applicant is requesting a **Verification** of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

40.225-1 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 provided an exhibit showing his property and marking all the property within 1,000 feet of his building. The applicant gave the nearest dispensary as Aromatics RX, located 8112 E. 21st Street.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we **(accept/reject)** 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.

16.2



Facing West on 21st Street



Subject Tenant Space



Facing East on 21st Street

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

November 16, 2019

James Xiong
7727 E 21 ST
Tulsa, OK 74129

Phone: 918.803.3266

APPLICATION NO: **BLDC-047453-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **7727 E 21 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
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

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

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

IMPORTANT INFORMATION

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

(continued)

16.5

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-047453-2019

7727 E 21 ST

November 16, 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:

<http://www.tmapc.org/Documents/TulsaZoningCode.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.

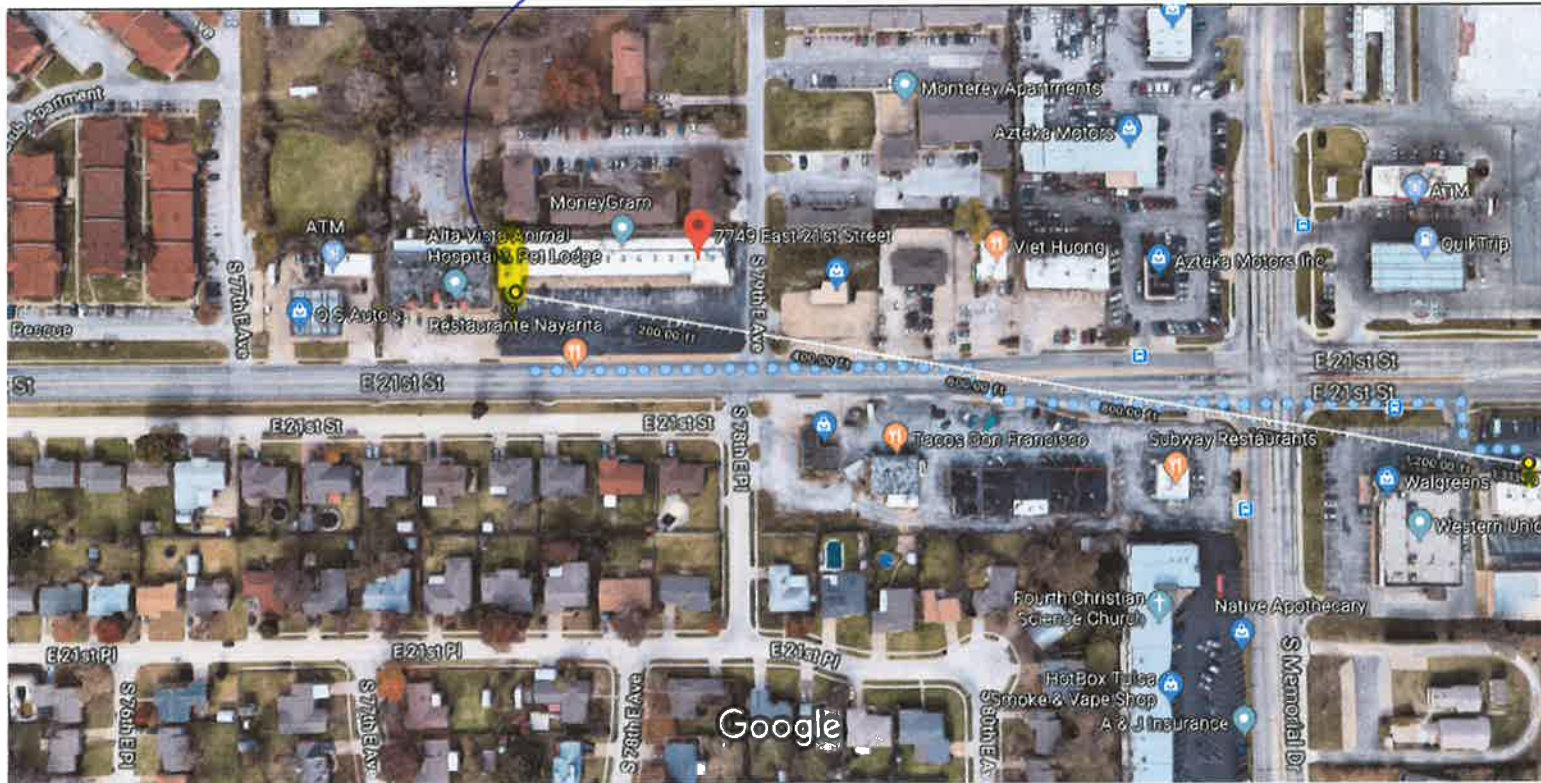
END – ZONING CODE REVIEW

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.

Smokey Birds use to be here after Birds

↑ N



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, USDA Farm Service Agency, Map data ©2019 100 ft



7749 E 21st St

Tulsa, OK 74129



Add stop



Save



Nearby



Send to your phone



Share

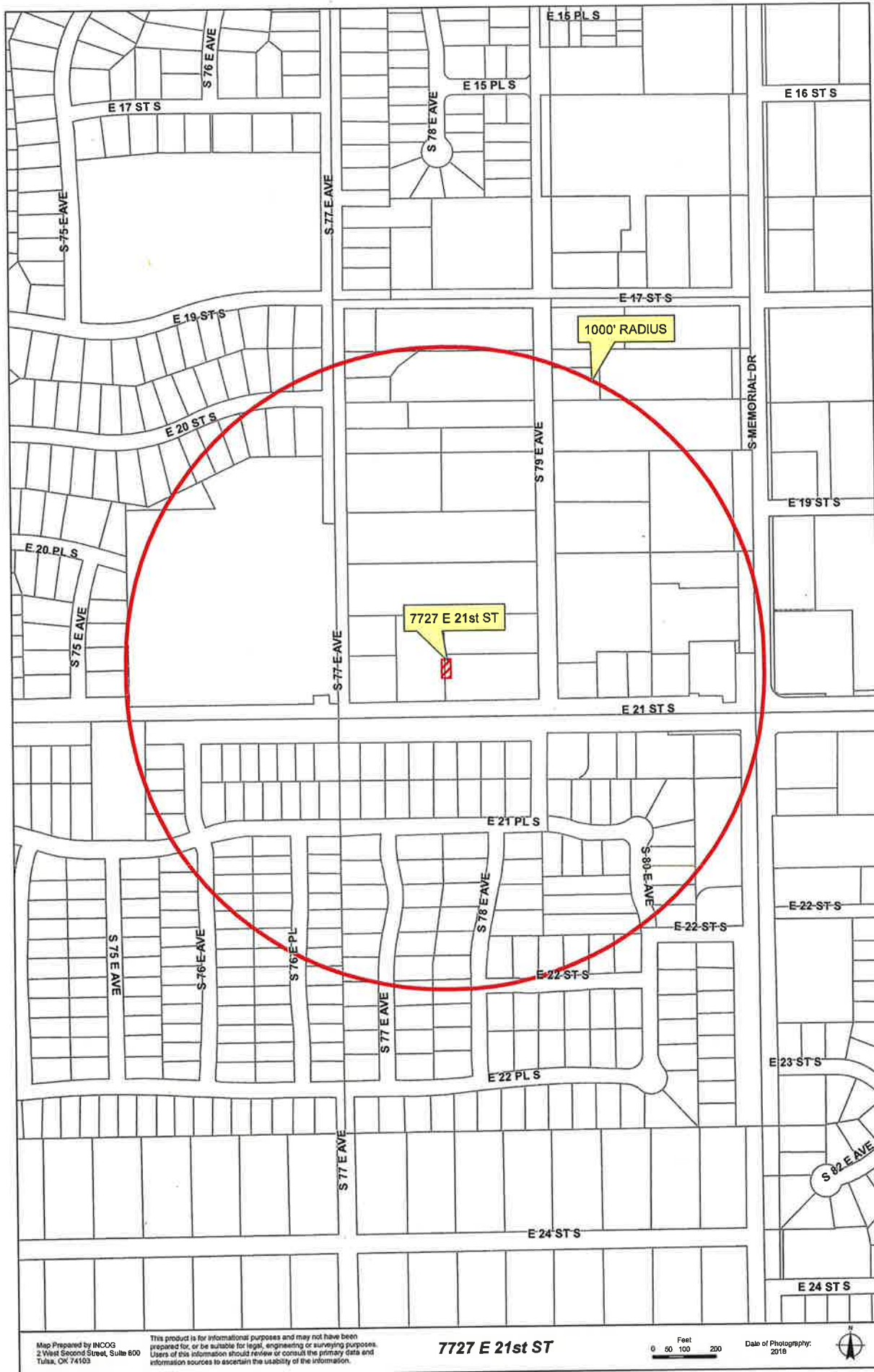
Photos

7727 E 21st St.

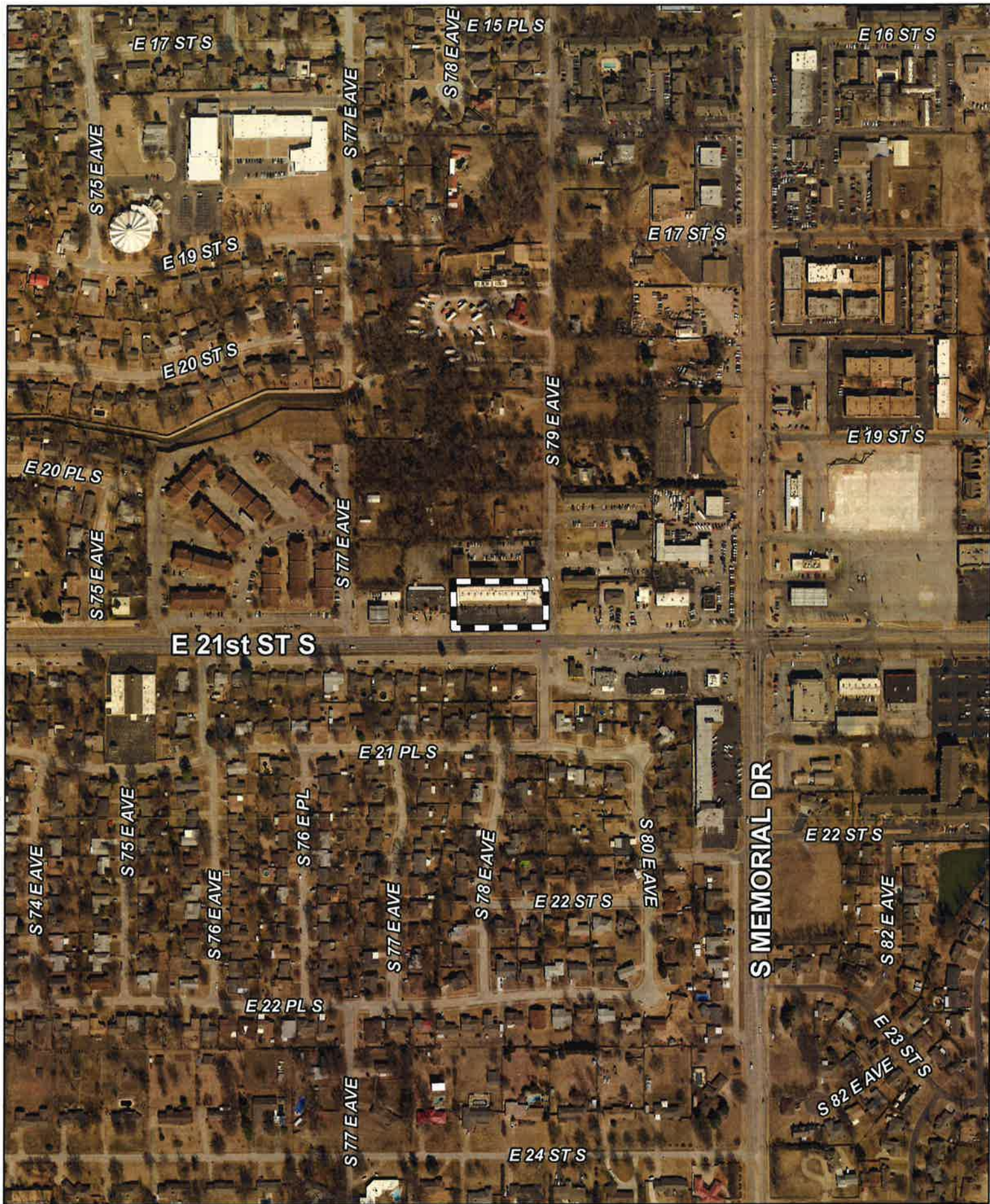
16.7



Rx Remedies d'Angery



16.9



0 200 400
Feet



Subject
Tract

BOA-22831

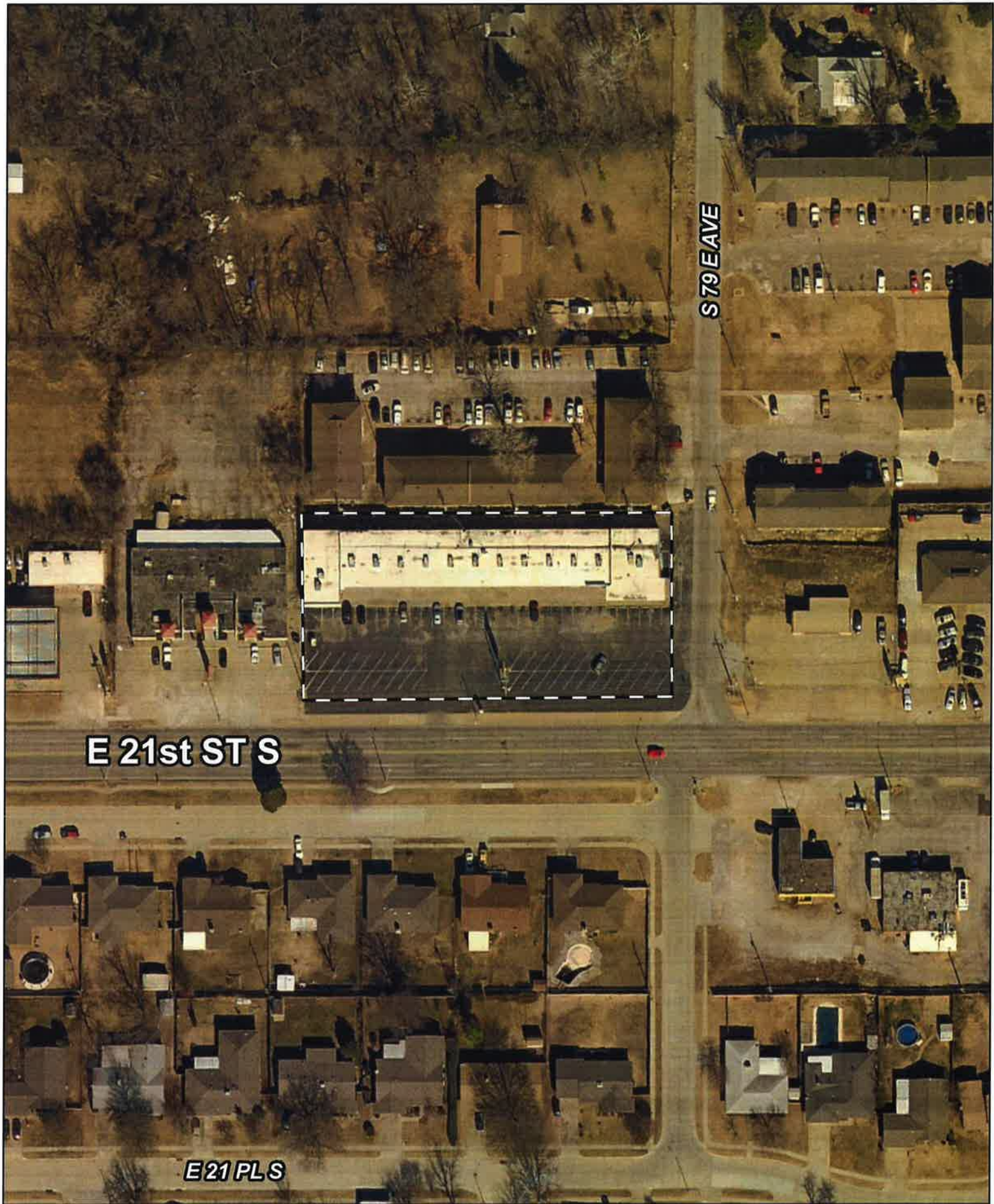
19-13 11

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

Aerial Photo Date: February 2018

16.10





E 21st ST S

S 79th AVE

E 21st PLS



**Subject
Tract**

BOA-22831

19-13 11

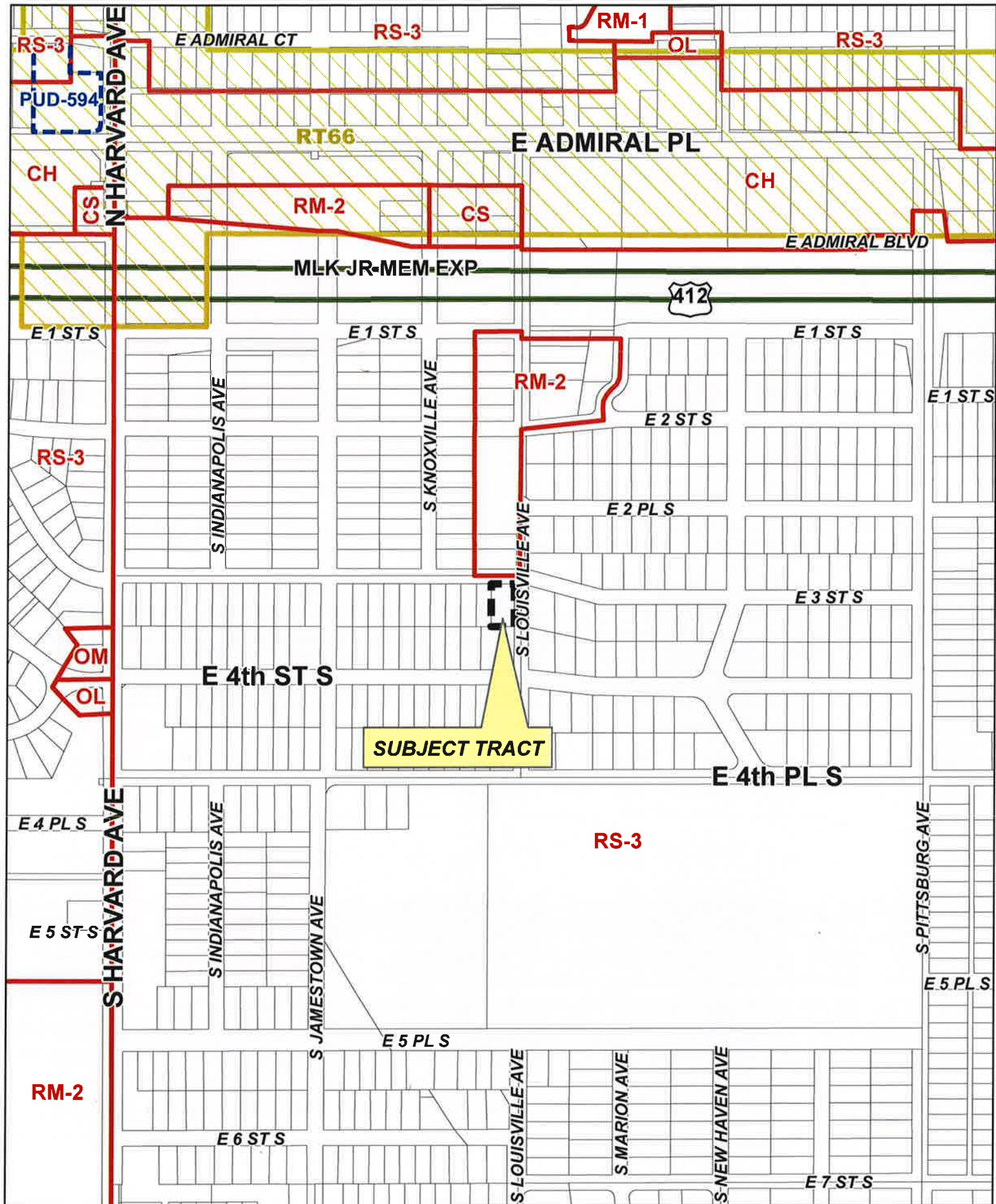
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

16.11



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BOA-22832

19-13 04

17.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9304

Case Number: **BOA-22832**

CZM: 37

CD: 4

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Femi Fasesin

ACTION REQUESTED: **Special Exception** to permit a duplex/ two households on a single lot in an RS-3 District (Table 5.020, Table 5-2 and Table 5-2.5) **Variance** to reduce the 25 foot street setback in an RS-3 District and a **Variance** to reduce the required 25 foot setback for a Special Exception Use from an R-zoned Lot (Sec. 5.030, Table 5-3)

LOCATION: 310 S LOUISVILLE AV E

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 10498 SQ FT

LEGAL DESCRIPTION: LTS 1 & 2 BLK 1, UNIVERSITY HGTS ADDN

RELEVANT PREVIOUS ACTIONS: None

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 SW/c of E 3 St S and S Louisville Ave.

STAFF COMMENTS: The applicant **Special Exception** to permit a duplex/ two households on a single lot in an RS-3 District (Table 5.020, Table 5-2 and Table 5-2.5)) **Variance** to reduce the 25 foot street setback in an RS-3 District and a **Variance** to reduce the required 25 foot setback for a Special Exception Use from an R-zoned Lot (Sec. 5.030, Table 5-3)

Table 5-2: R District Use Regulations

USE CATEGORY	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory		1	2	3	4	5			0	1	2	3		
Specific use														
RESIDENTIAL														
Household Living (if in allowed building type identified in Table 5-2.5)														
Single household	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [2]	P [2]	P [2]	P [2]	P [2]	P [2]	P [2]	
Two households on single lot	-	-	-	S	S	S	P	P	P	P	P	P	P	

Table 5-2.5: R District Building Type Regulations for Household Living

USE CATEGORY	RE	RS-					RD	RT	RM-				RMH	Supplemental Regulations
Subcategory		1	2	3	4	5			0	1	2	3		
Specific Uses														
Building Type														
RESIDENTIAL														
Household Living														
Single household														
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S	
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	Section 40.290
Townhouse														
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	Section 40.390
3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	Section 40.390
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	Section 40.210
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.220
Mobile home	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240
Mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-	
Two households on single lot														
Duplex	-	-	-	S	S	P	P	P	P	P	P	P	-	

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

[4] Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.

STATEMENT OF HARDSHIP: As of the writing of this report the applicant has not provided a statement of hardship.

SAMPLE MOTION:

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to permit a duplex/ two households on a single lot in an RS-3 District (Table 5.020, Table 5-2 and Table 5-2.5)

- 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.

Variance:

Move to _____ (approve/deny) a **Variance** to reduce the 25 foot street setback in an RS-3 District and a **Variance** to reduce the required 25 foot setback for a Special Exception Use from an R-zoned Lot (Sec. 5.030, 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 _____.

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."*



Facing West on 3rd street



Subject property



Facing East on 3rd Street

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Femi Fasesin

11/21/2019

APPLICATION NO: ZCO-47719-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 310 S Louisville Ave E

Description: Duplex

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

(continued)

REVIEW COMMENTS

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

Application No. **ZCO-47719-2019**

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

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

1. **5.020 Use Regulations** - Principal uses allowed in R districts in accordance with Table 5-2.

Review Comments: Duplexes are only allowed on an RS-3 zoned lot by special exception. Apply to BOA for a special exception to allow a duplex in a RS-3 zoned lot.

2. **35.010-E Duplex.** A duplex is a principal residential building occupied by 2 dwelling units, both of which are located on a single lot that is not occupied by other principal residential buildings. The 2 dwelling units are attached and may be located on separate floors or side-by-side.

Review Comments: You are proposing a duplex on more than one lot.

1. Please apply for a lot combination at INCOG located at Two West Second Street, Suite 800. Please direct all questions concerning lot combinations and all questions regarding TMAPC application forms and fees to an INCOG representative at 584-7526.
2. After you receive a copy of the lot combination agreement from INCOG you will need to go to the Tulsa county clerk's office at 500 s. Denver and have the lot combination agreement recorded.
3. Submit a copy of the lot combination agreement with the Tulsa county clerks recording sticker on it to this office as a revision.

3. **Table 5-3 Minimum Rear Setback**

Footnote [4] Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.

Review Comments: Minimum required rear setback for this lot is 25'. If you cannot comply with this requirement apply to BOA for a variance of the rear setback requirements.

4. **5.030-A :Setback(s) (Residential):** In the RS-3 zoned district the minimum Front setback shall be 25' from the front property line.

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

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

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

END –ZONING CODE REVIEW

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

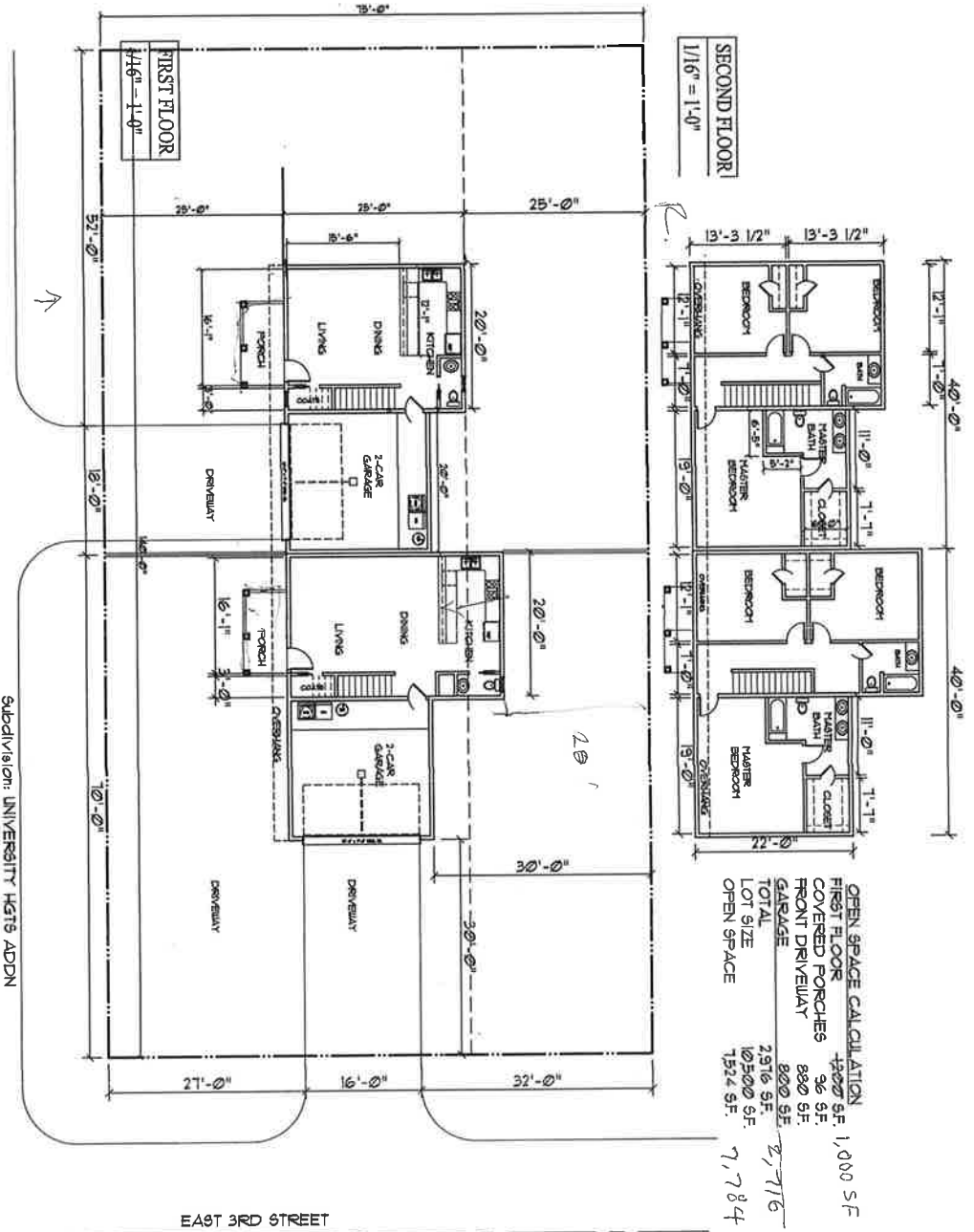
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.

SITE PLAN
1/16" = 1'-0"

SOUTH LOUISVILLE AVE



Subdivision: UNIVERSITY HTS ADDN
Legal: L191 & 2 BLK 1
Section: 04 Township: 19 Range: 13



EAST 3RD STREET



SHEET NAME
1

Site Plan

DATE: 8 NOV 2019
SCALE: 3/32" = 1'-0"

FEMI FASESIN, ARCHITECT
ARCHITECTURE & PLANNING

421 SOUTH OLYMPIA AVE., TULSA, OKLAHOMA 74127
PHONE: 918-346-9700 • FAX: 918-595-2289

NEW DUPLEX AT
319 S LOUISVILLE AVE
Tulsa, Oklahoma
74104

17.10



0 200 400
Feet



Subject
Tract

BOA-22832

19-13 04

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

Aerial Photo Date: February 2018

17.11





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Feet



Subject
Tract

BOA-22832

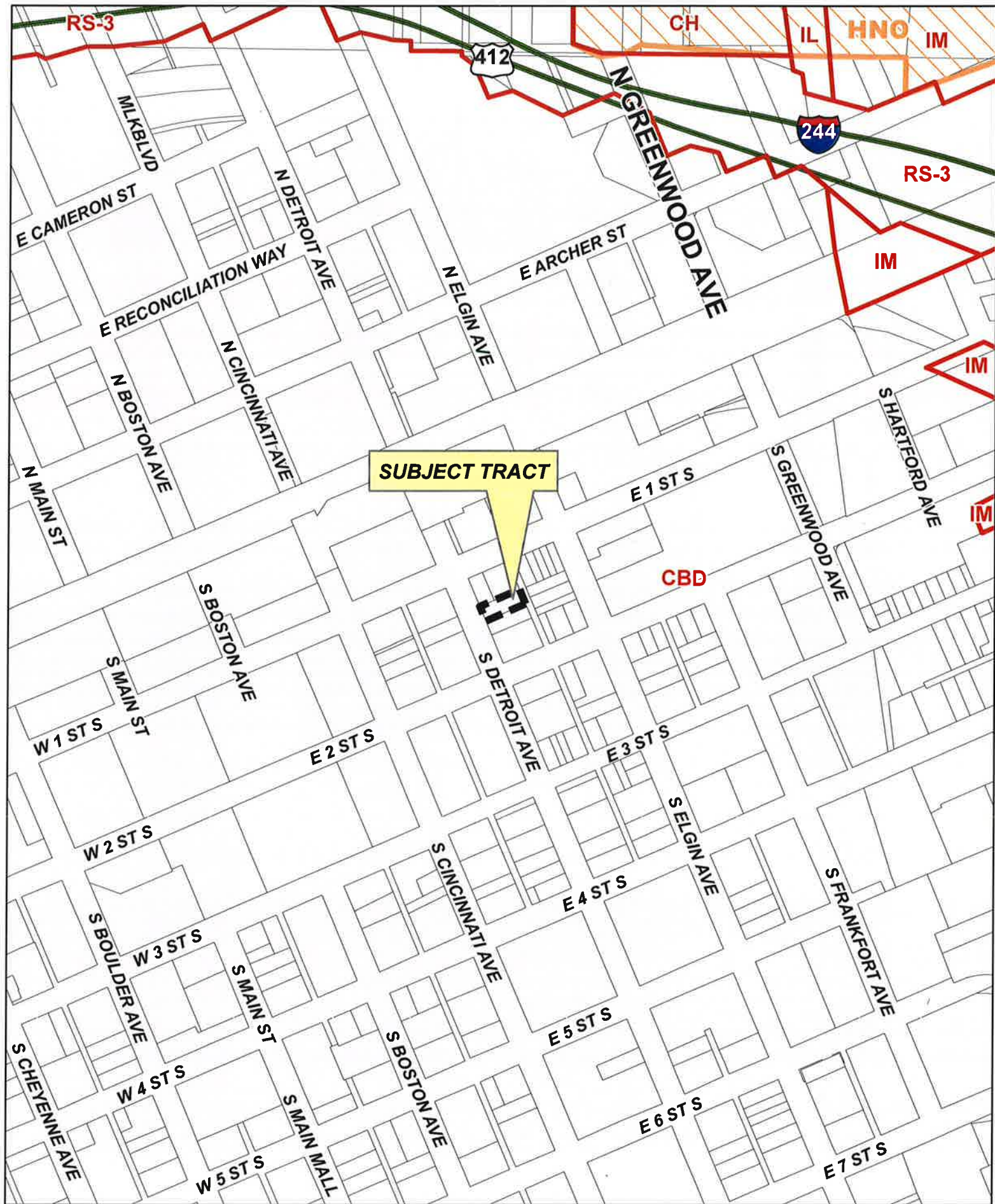
19-13 04

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

Aerial Photo Date: February 2018

17.12





SUBJECT TRACT

BOA-22833

18.1

19-12 01

BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: **BOA-22833**

CZM: 36

CD: 4

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Michael Tolman

ACTION REQUESTED: Verification of the 300 foot spacing requirement for a bar from a public park, school or religious assembly use and 50 ft. spacing requirement from an R-zoned lot (Sec.40.050-A)

LOCATION: 111 S DETROIT AV E

ZONED: CBD

PRESENT USE: vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: N1/2 LT 5 BLK 86, TULSA-ORIGINAL TOWN

STAFF COMMENTS: The applicant is requesting Verification of the 300-foot spacing requirement for a bar from a public park, school or religious assembly use and 50 ft. spacing requirement from an R-zoned lot (Sec.40.050-A)

Section 40.050 Bars

The supplemental use regulations of this section apply to all bars, except accessory use bars.

40.050-A Bars are subject to all of the following separation distance requirements:

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

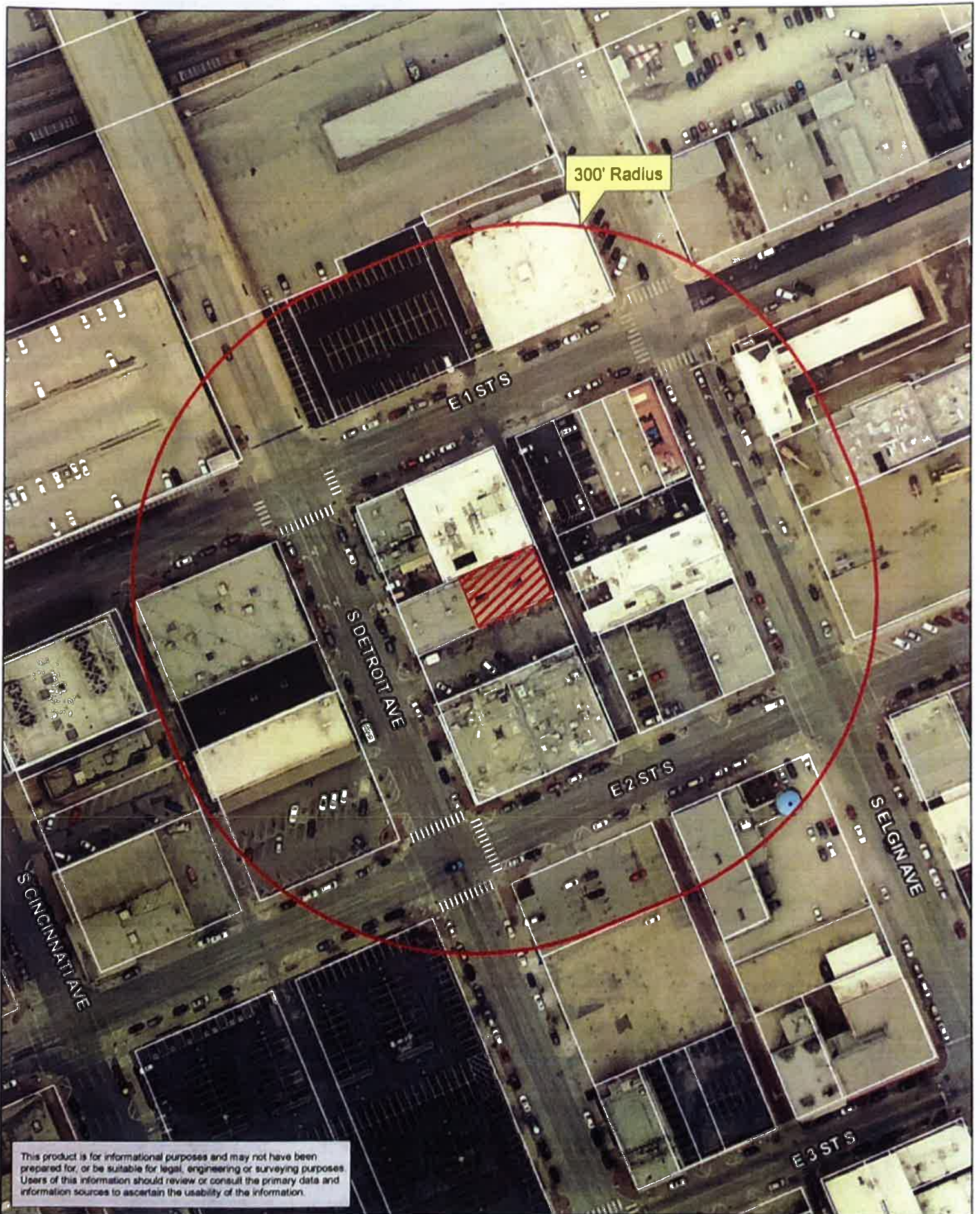
The applicant provided and exhibit identifying all the uses within 300 ft of the subject property, none of the uses identified would prohibit the bar from opening.

SAMPLE MOTION:

I move that based upon the facts in this matter as they presently exist, we (**accept/reject**) the applicant's verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar.



Subject Property



300' Radius

E1 STS

S DETROIT AVE

E2 STS

SELGIN AVE

E3 STS

S CINCINNATI AVE

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Map Prepared by INCOG
2 West Second Street, Suite 600
Tulsa, OK 74103

Date of Photography:
February 2018

111 S DETROIT AVE SUITE X8

0 25 50 100
Foot



CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Michael Tolman
1516 W Nyssa Ave
Broken Arrow, OK 74012

November 1, 2019

Phone: 918.894.0114

APPLICATION NO: **ZCO-044890-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 111 S Detroit Ave
Description: Bar

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

ZCO-044890-2019

111 S Detroit Ave

November 1, 2019

Note: Please direct all questions concerning spacing verifications and all questions regarding BOA application forms and fees to an INCOG representative at 918-584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

1. Bars may not be located within 300 feet of a public park, school or religious assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.
2. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
3. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.

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

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

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

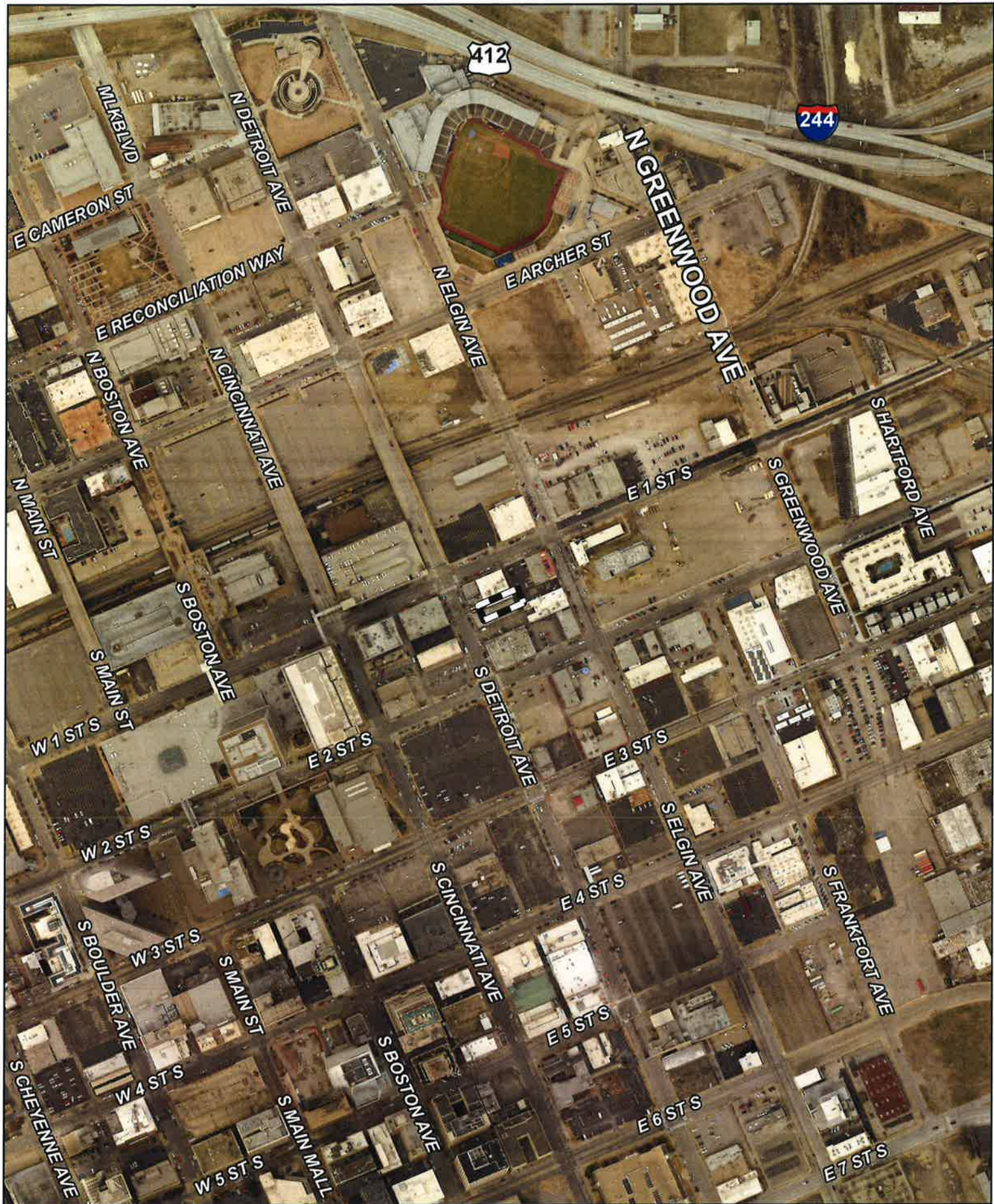
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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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.



412

244

N DETROIT AVE
E CAMERON ST
N BOSTON AVE
N MAIN ST

E RECONCILIATION WAY

N CINCINNATI AVE

N ELGIN AVE

E ARCHER ST

N GREENWOOD AVE

S FRANKFORT AVE

S GREENWOOD AVE

E 1 STS

S DETROIT AVE

E 2 STS

E 3 STS

S CINCINNATI AVE

E 4 STS

S ELGIN AVE

S FRANKFORT AVE

E 7 STS

E 6 STS

E 5 STS

S BOSTON AVE

S MAIN ST

W 3 STS

W 4 STS

W 5 STS



Subject
Tract

BOA-22833

19-12 01

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

Aerial Photo Date: February 2018

18.8





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Feet



Subject
Tract

BOA-22833

19-12 01

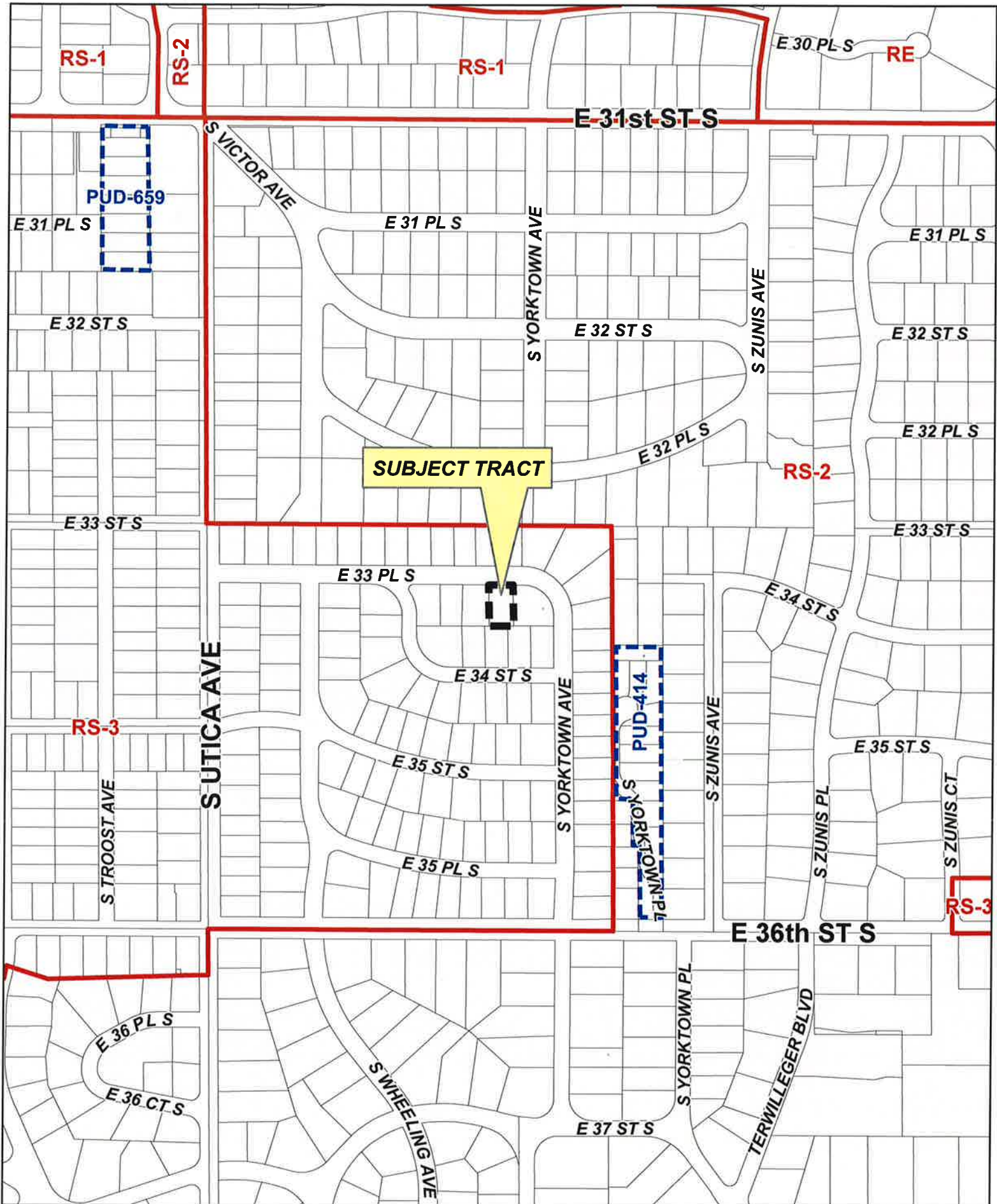
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align with physical features on the ground.

Aerial Photo Date: February 2018

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BOA-22834

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22834**

CZM: 47

CD: 9

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Kyle Gibson

ACTION REQUESTED: Variance of the required 20 foot rear setback and the required 5 foot side setback in an RS-3 district (Section 5.030, Table 5-3)

LOCATION: 1948 E 33 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 10798.57 SQ FT

LEGAL DESCRIPTION: LT 2 BLK 4, ADAMS ESTATES

RELEVANT PREVIOUS ACTIONS: None.

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 West of the SW/c of E. 33rd Pl. S. and S. Yorktown Ave and is zoned RS-3.

STAFF COMMENTS: The applicant is requesting **Variance** of the required 20-foot rear setback and the required 5-foot side setback in an RS-3 district (Section 5.030, Table 5-3) for an existing structure.

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

STATEMENT OF HARDSHIP:

Following coordinates given by the county assessor and verified by a surveyor, we arrived at a conclusion that, due to recent information, we are encroaching on the side and rear yard setback. Field inspector raised concerns during an inspection, the house was adjusted, and we passed inspection. We have continued to pass all inspections throughout the process, but recent information has us needing to apply for a variance in order to continue on a straight path to completion.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the required 20-foot rear setback and the required 5-foot side setback in an RS-3 district (Section 5.030, Table 5-3) for an existing structure

- 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.”



Eastern side property line



Western side property line



Subject House



View of Eastern Side of House

LEGAL DESCRIPTION

LOT 2, BLOCK 4, ADAMS ESTATES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

PLAT OF SURVEY

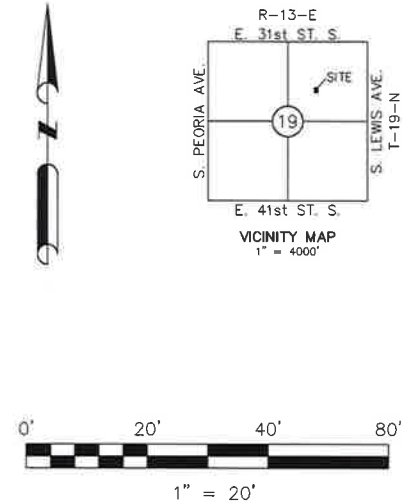
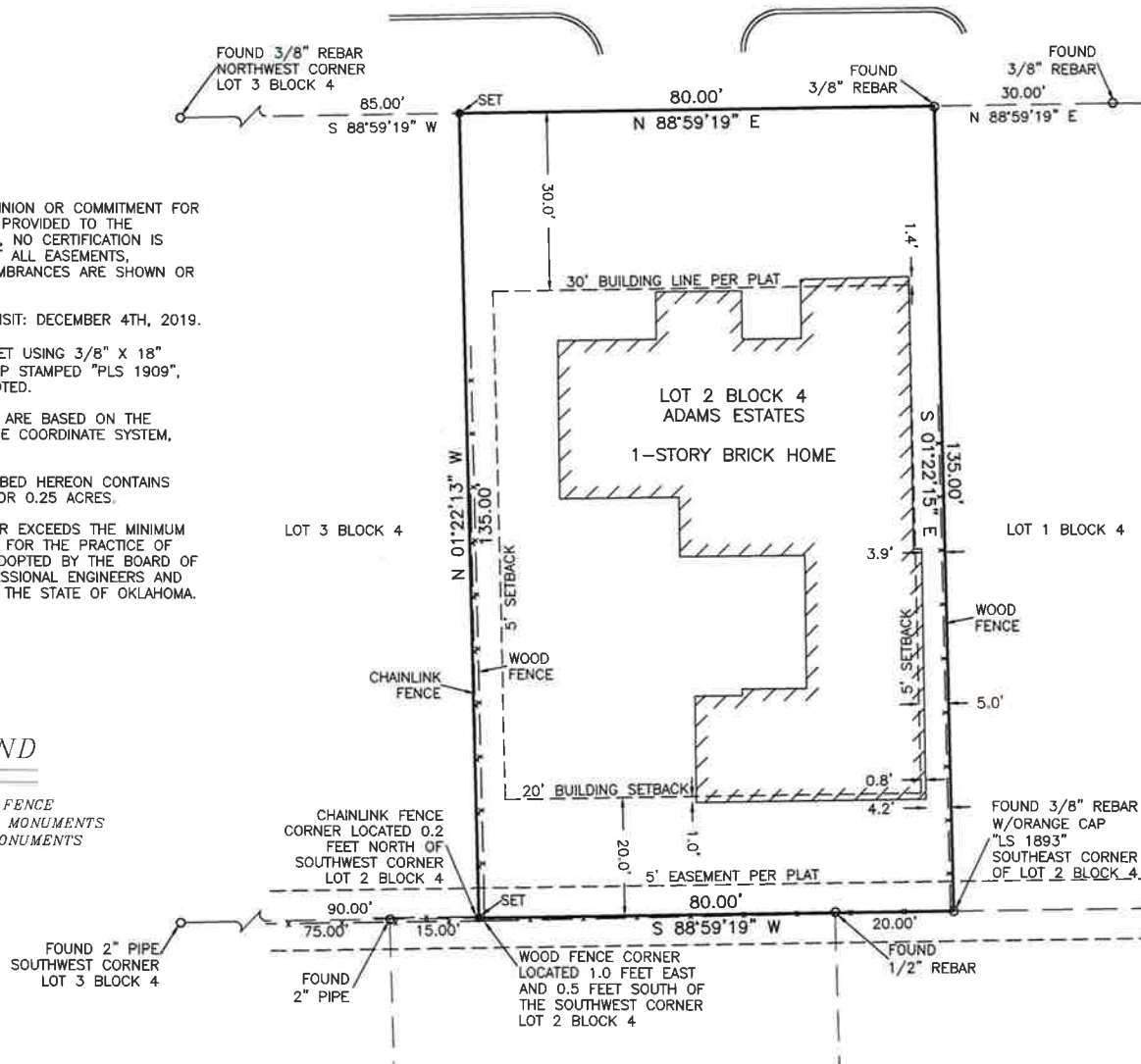
E. 33RD PL. S.

GENERAL NOTES

1. NO CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE WAS PROVIDED TO THE SURVEYOR, THEREFORE, NO CERTIFICATION IS MADE OR IMPLIED THAT ALL EASEMENTS, DEDICATIONS OF ENCUMBRANCES ARE SHOWN OR NOTED HEREON.
2. DATE OF LAST FIELD VISIT: DECEMBER 4TH, 2019.
3. ALL CORNERS WERE SET USING 3/8" X 18" REBAR WITH A RED CAP STAMPED "PLS 1909", UNLESS OTHERWISE NOTED.
4. BASIS SHOWN HEREON ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83.
5. THE PROPERTY DESCRIBED HEREON CONTAINS 10,800 SQUARE FEET OR 0.25 ACRES.
6. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

LEGEND

- X— FENCE
- FOUND MONUMENTS
- SET MONUMENTS



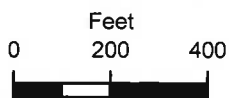
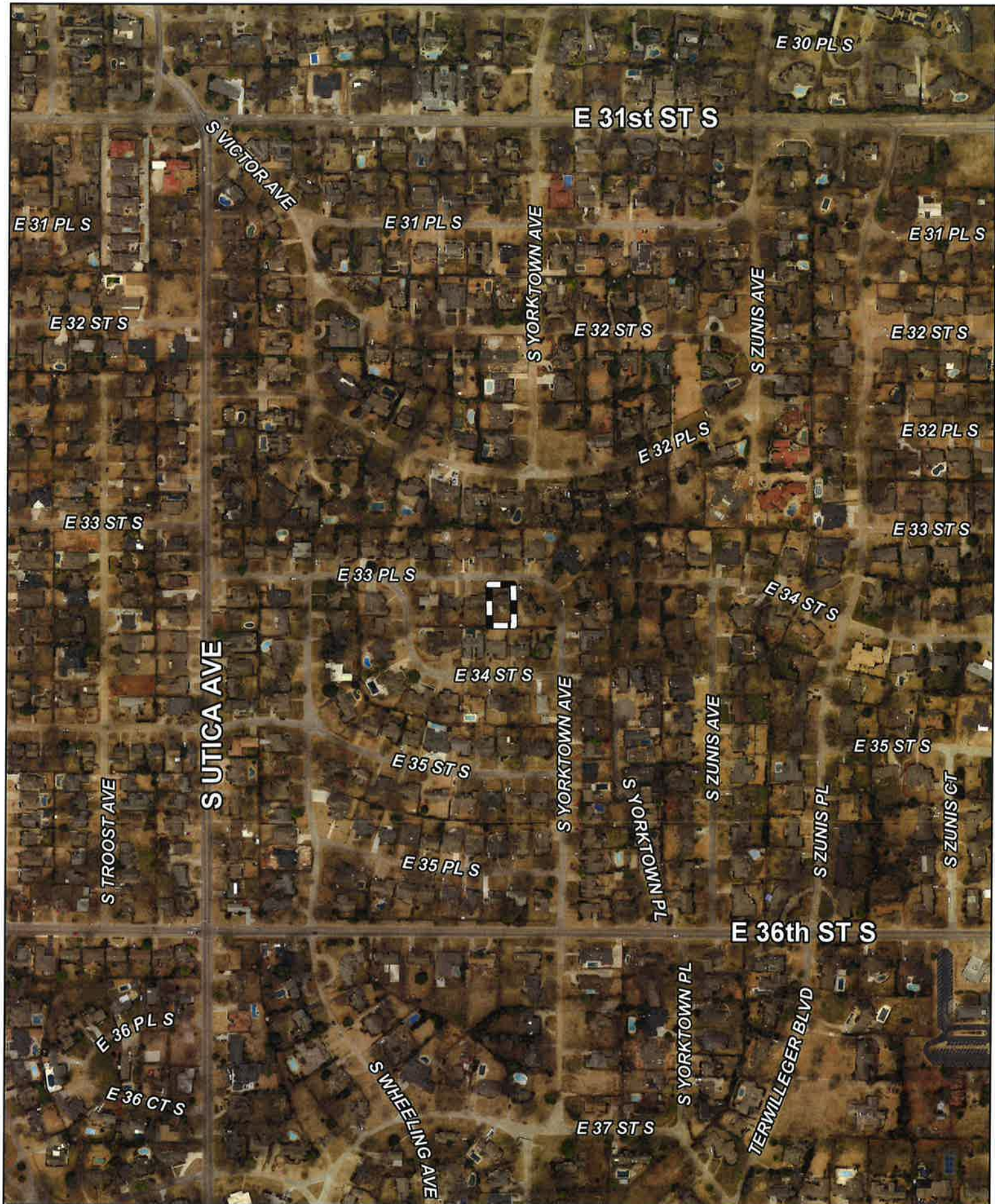
I, SEAN T. CEASE, HEREBY STATE THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sean T. Cease
SEAN T. CEASE
OKLAHOMA PLS NO. 1909



SEAN T. CEASE
34737 W. 61ST ST. S.
MANNFORD, OK 74044
(918) 933-8406
OK LS#1909
SCEASE923@GMAIL.COM
JOB# 19-034

19.7



Subject
Tract

BOA-22834

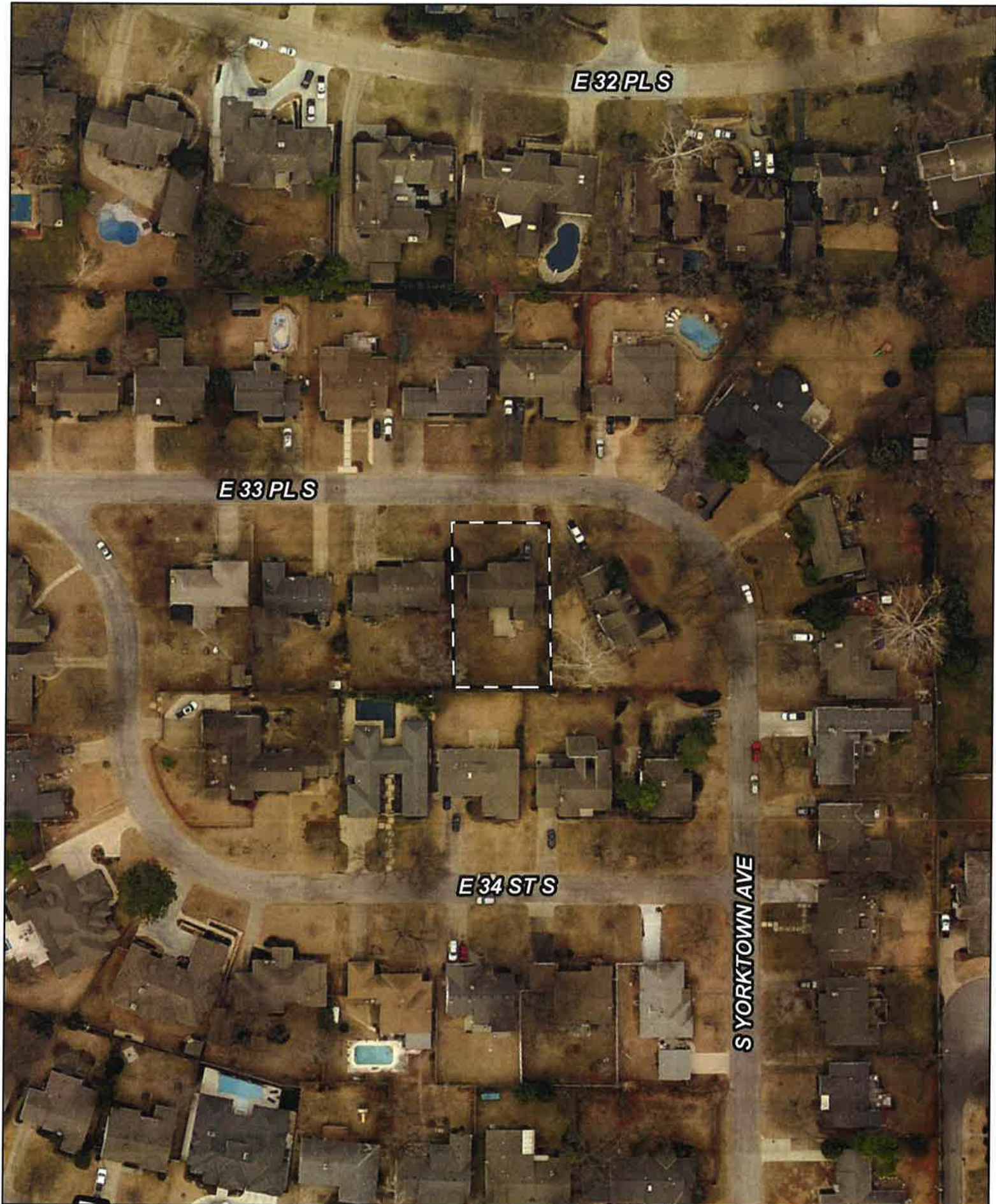
19-13 19

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

Aerial Photo Date: February 2018

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E 32 PLS

E 33 PLS

E 34 STS

SYORKTOWN AVE

0 50 100
Feet



Subject
Tract

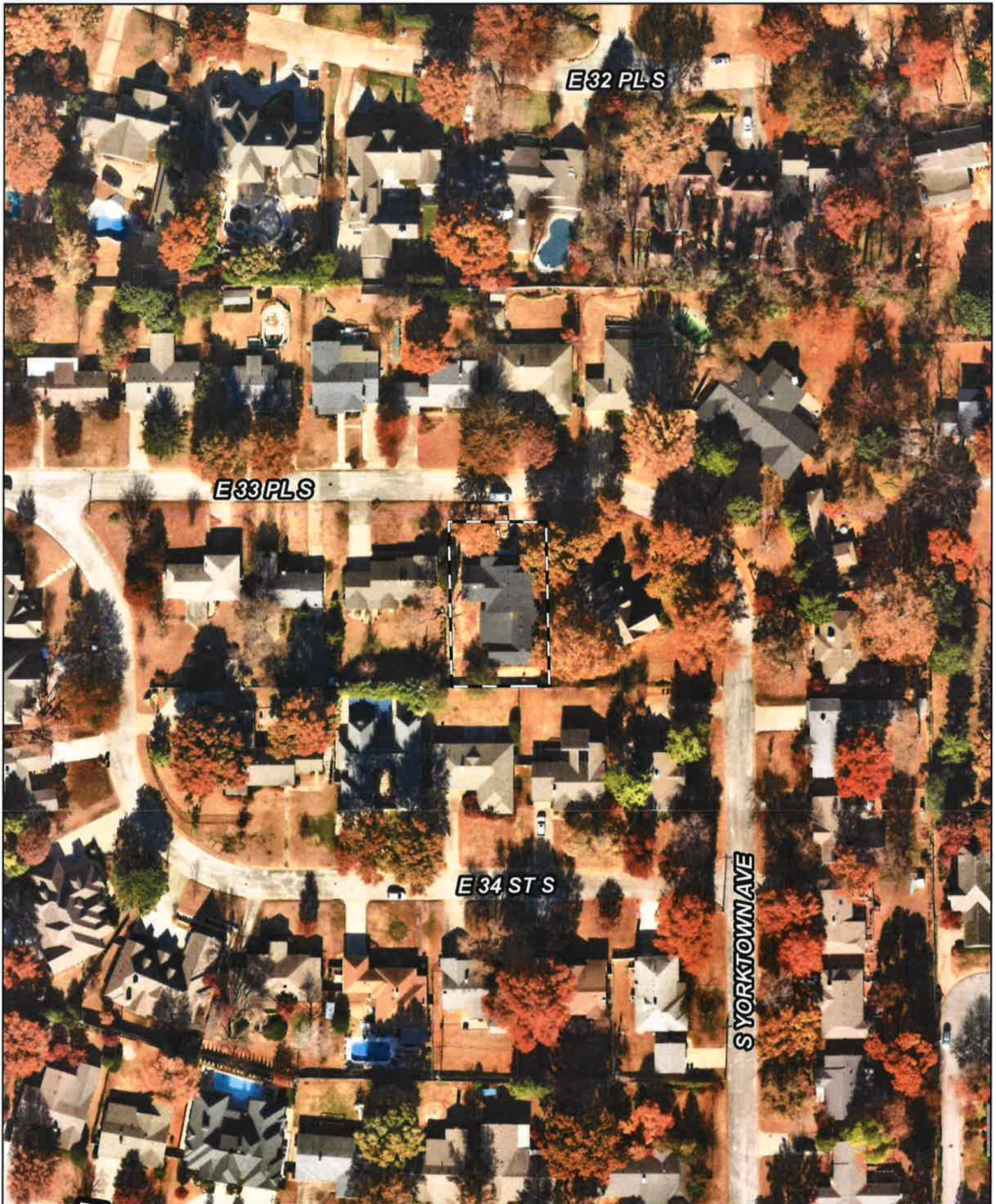
BOA-22834

19-13 19

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

Aerial Photo Date: February 2018





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Feet



Subject
Tract

BOA-22834

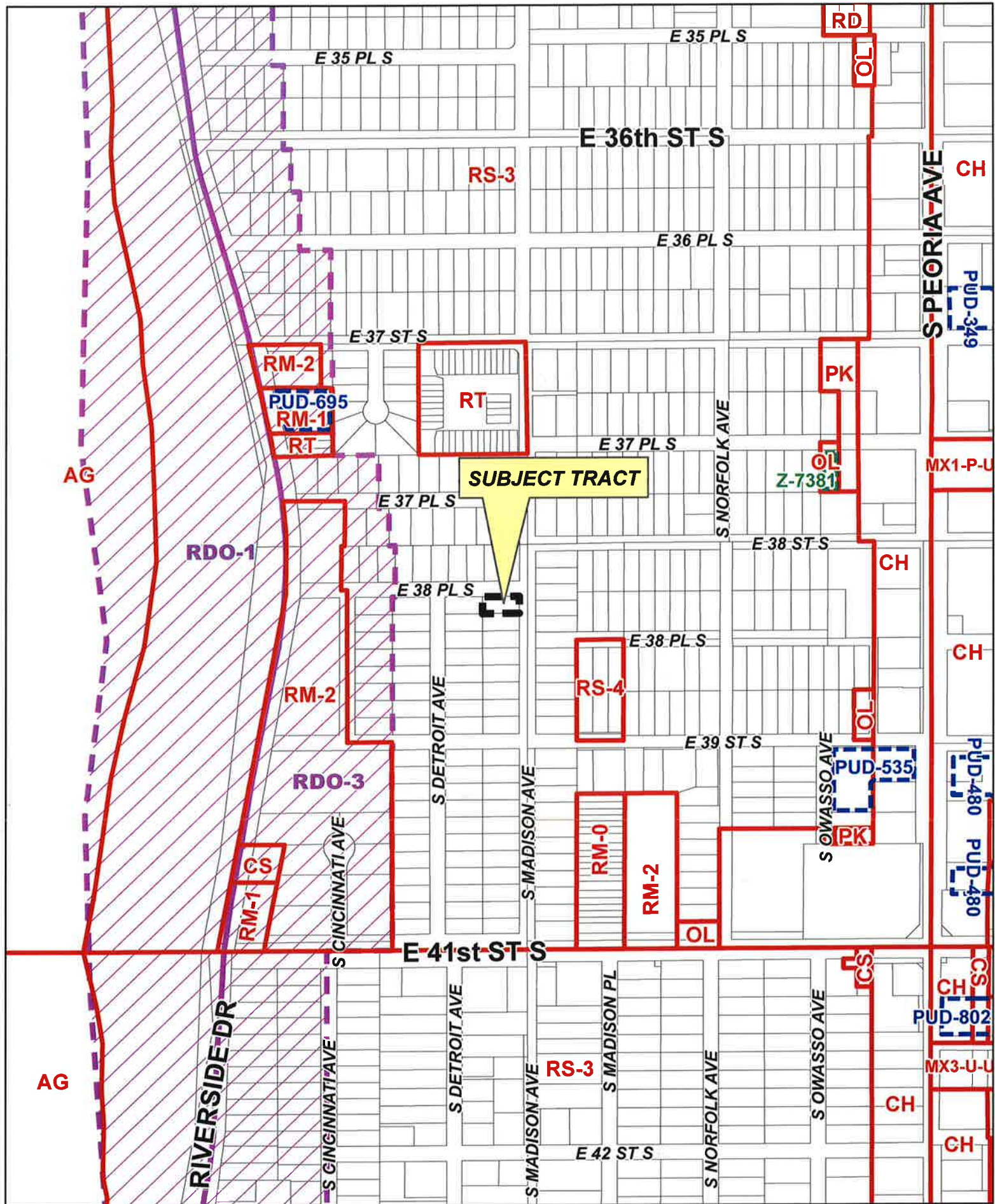
19-13 19

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

Aerial Photo Date: November 2019

19.10





BOA-22835

20.1

19-12 24

BOARD OF ADJUSTMENT CASE REPORT

STR: 9224

Case Number: **BOA-22835**

CZM: 46

CD: 9

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Michael Hagan

ACTION REQUESTED: Variance of the 20 foot rear setback and 25 foot front setback in an RS-3 district (Section 5.030-A); Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); Special Exception to allow a carport in a street setback and streetyard with modifications to allow the carport to exceed 20 feet in width and to exceed 8 feet in height within 10 feet of a side lot line (Section 90.090-C.1)

LOCATION: 314 E 38 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6886.86 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 2, MICHAEL JANE ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding properties:

BOA-21515; On 01.08.2013 the Board **approved** a Special Exception to permit a carport. Property located 1030 East 38th Pl. S.

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

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of E. 38 Pl. S. and S. Madison Ave.

20.2

STAFF COMMENTS: The applicant is requesting a **Variance** of the 20 foot rear setback and 25 foot front setback in an RS-3 district (Section 5.030-A); **Variance** to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); **Special Exception** to allow a carport in a street setback and street yard with modifications to allow the carport to exceed 20 feet in width and to exceed 8 feet in height within 10 feet of a side lot line (Section 90.090-C.1)

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

80.020-B Nonconforming Lots in Residential Zoning Districts

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 20.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

STATEMENT OF HARDSHIP:

On a non-conforming lot and because of the orientation of the lot the 25' building setback takes up more than 1/3 of the lot and makes building difficult and difficult to meet the requirements.

SAMPLE MOTION:

Variance:

Move to _____ (approve/deny) a **Variance** of the 20 foot rear setback and 25 foot front setback in an RS-3 district (Section 5.030-A); and a **Variance** to allow a nonconforming lot to have less than 50% open space (Section 80.020-B);

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

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

20.4

- 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."*

Special Exception:

Move to _____ (approve/deny) a **Special Exception** to allow a carport in a street setback and street yard with modifications to allow the carport to exceed 20 feet in width and to exceed 8 feet in height within 10 feet of a side lot line (Section 90.090-C.1)

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

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

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **CONTINUE** the request for a **Variance** of the requirement that no merchandise may be displayed outside within 300 feet of an R district (Section 1217.C.2) to the Board of Adjustment meeting on February 12, 2013; for the following property:

E195 TR 31, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

FILE COPY

21515—Douglas E. Meyer

Action Requested:

Special Exception to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g). **LOCATION:** 1030 East 38th Place South (**CD 9**)

Presentation:

Doug Meyer, 7528 South 82nd East Avenue, Tulsa, OK; stated there are existing carports in the neighborhood that appear to be made from aluminum. The structure he is proposing will be a wooden structure and will complement the house.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to **APPROVE** the request for a **Special Exception** to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g), subject to conceptual plans on pages 12.8, 12.9, 12.10 and 12.11. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 5, NILES RESUB E/2 L7 BROCKMAN'S ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA



Facing South on Madison



Facing West on 38th Pl.



Subject Tract

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL(918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Michael Hagan

11/29/2019

APPLICATION NO: BLDR-31625-2019 .(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 314 E 38th PI S

Description: Additions

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

(continued)

REVIEW COMMENTS

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

Application No. **BLDR-31625-2019**

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.

Review comments based on Madison Avenue as front yard.

1. **5.030-A: Setback(s) (Residential):** In the RS-3 zoned district the minimum front setback shall be 25' from the front property line.

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

2. **5.030-A:** In the RS-3 zoned district the minimum rear yard setback shall be 20 feet from the rear property line.

Review Comments: Revise your plans to indicate a 20' rear setback to the property line, or apply to INCOG for a variance to allow less than a 20' rear setback.

3. **80.020-B Nonconforming Lots in Residential Zoning Districts**

In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Review Comments: The proposed lot is considered an existing nonconforming lot. You are allowed to use 50% of the lot size as open space. You are proposing less than 50% of the lot size to be open space. Revise plans to indicate compliance, or apply to INCOG for a variance to allow this lot to have less than 50% of the lot to be open space.

4. **Special exception approval required; see §90.090-C1.**

Sec.90.090-C.1 Carports: Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section

70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

a. A carport may be a detached accessory building or an integral part of the principal building.

b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.

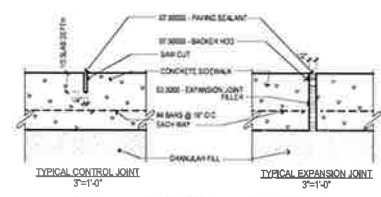
d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.

e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.

f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.

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

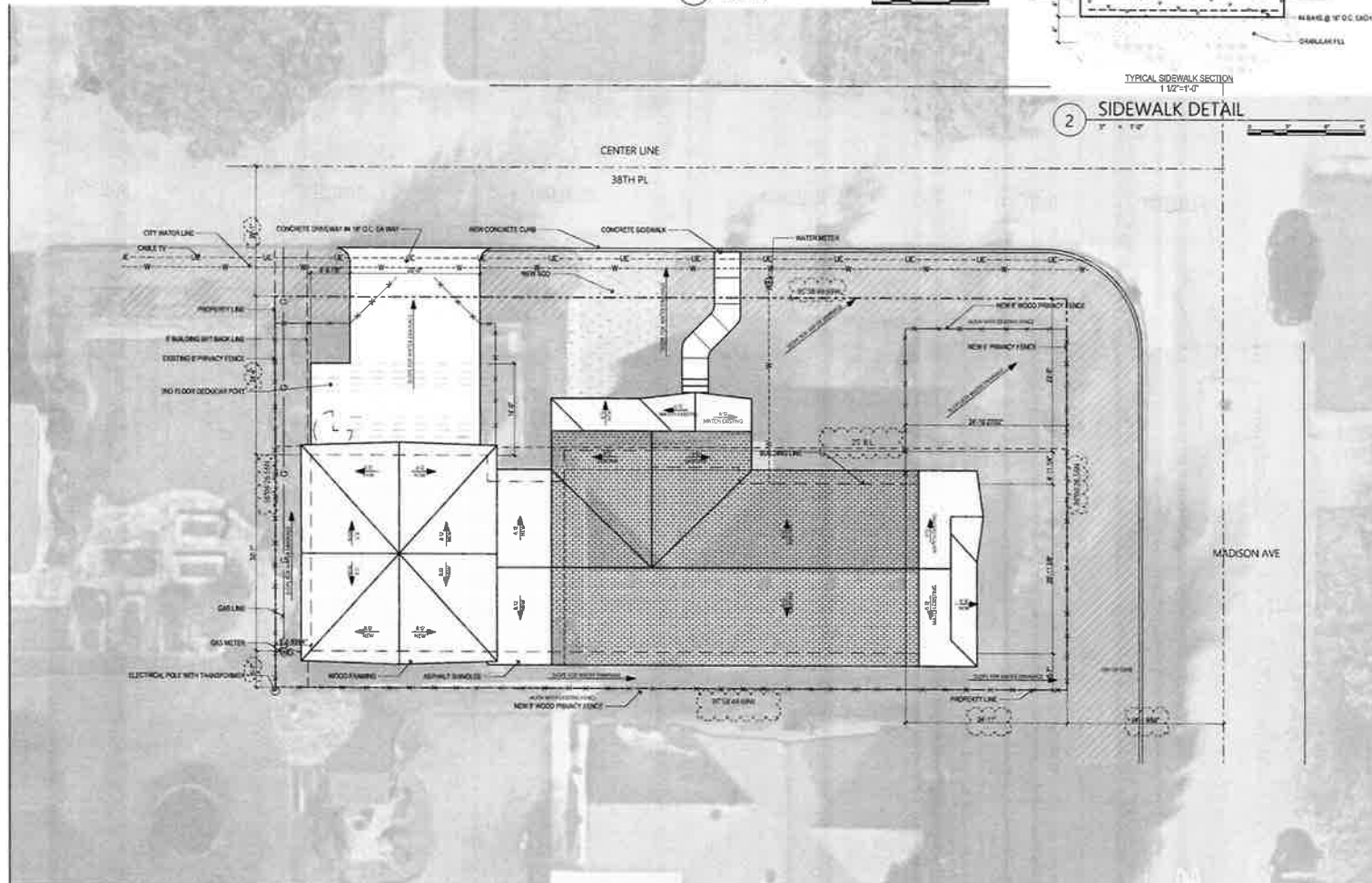
Review comment: The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception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



3 CONCRETE CURB DETAIL



2 TYPICAL SIDEWALK SECTION
1 1/2" = 1'-0"
SIDEWALK DETAIL

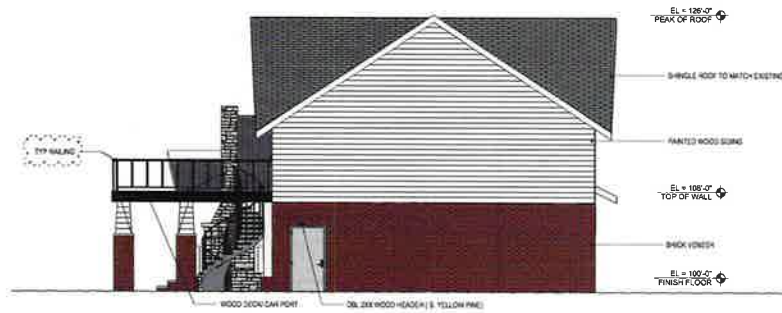


STATE OF OKLAHOMA
MICHAEL D. HAGAN
JULY 26, 2018
A001

A001

20.13

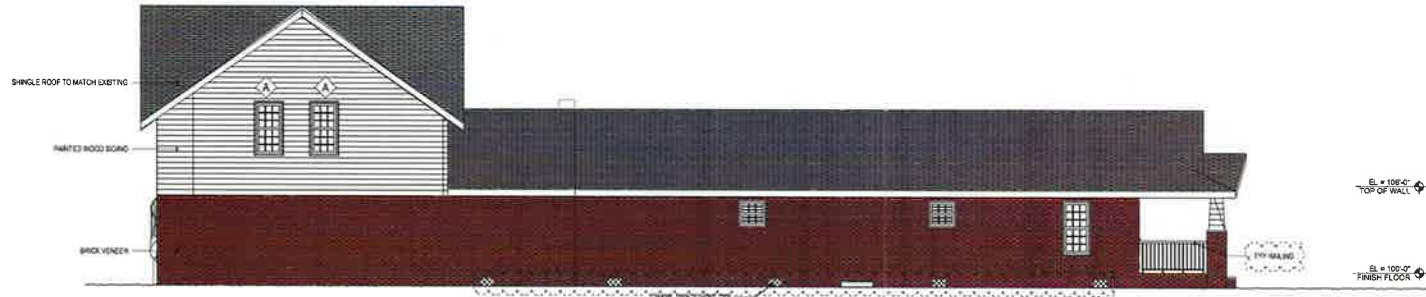
MICHAEL HAGAN DESIGN
334 E. 18TH ST. TULSA, OK 74105



4 WEST ELEVATION
3/16" = 1'-0"



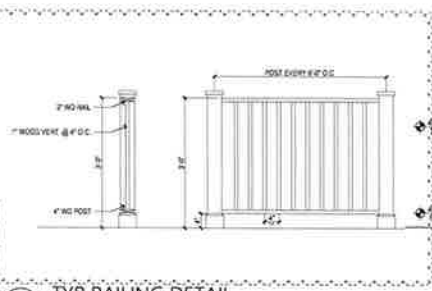
3 EAST ELEVATION
3/16" = 1'-0"



2 SOUTH ELEVATION
3/16" = 1'-0"



1 NORTH ELEVATION
3/16" = 1'-0"



5 TYP RAILING DETAIL
3/16" = 1'-0"

Revision	Date	Description
01/19	01/19	CITY COMMENTS

**HAGAN HOUSE
ADDITION**

TULSA, OKLAHOMA

BUILDING ELEVATIONS

12/3/2019

12/3/2019

12/3/2019

12/3/2019

12/3/2019

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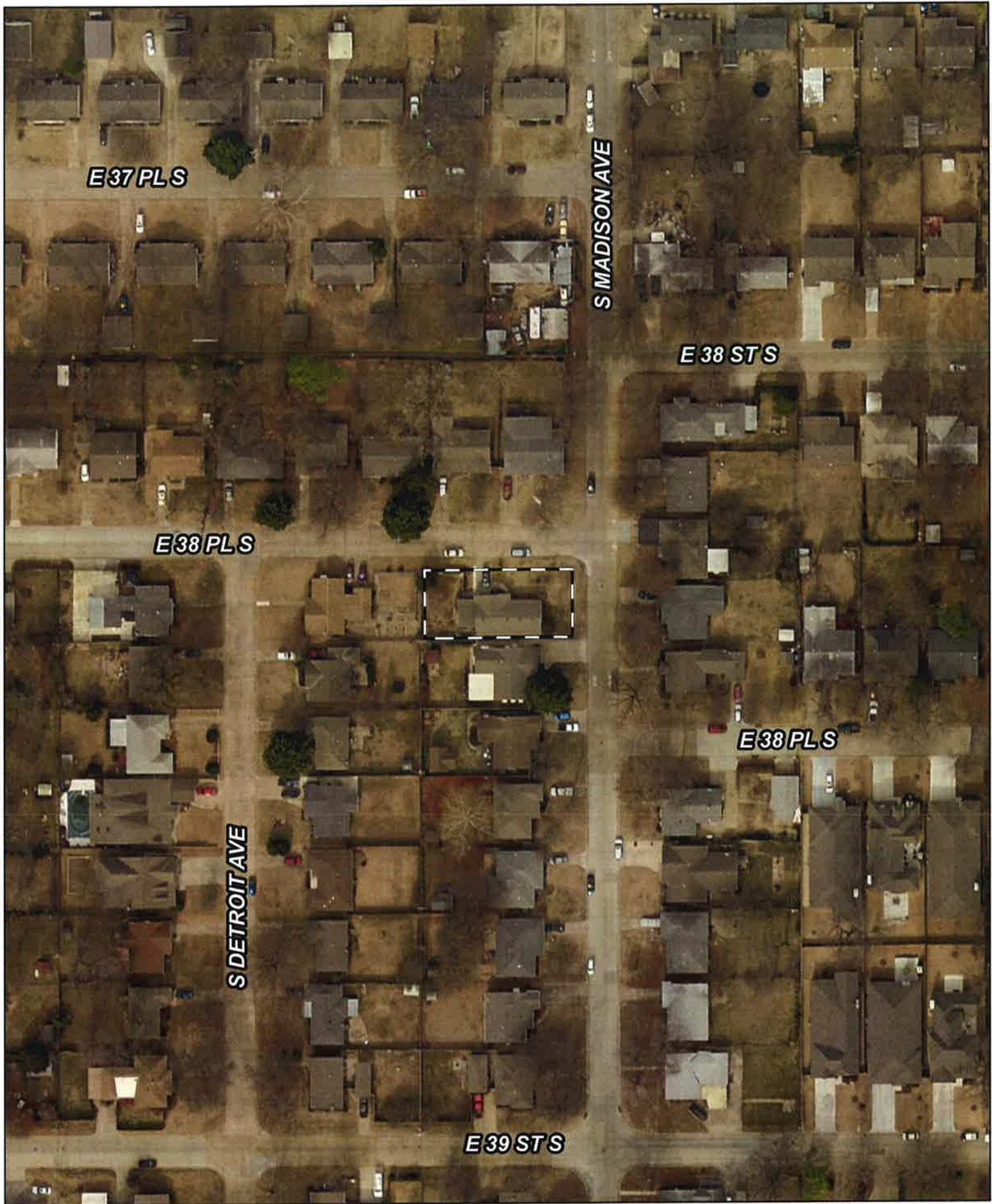
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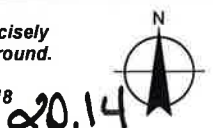
Subject
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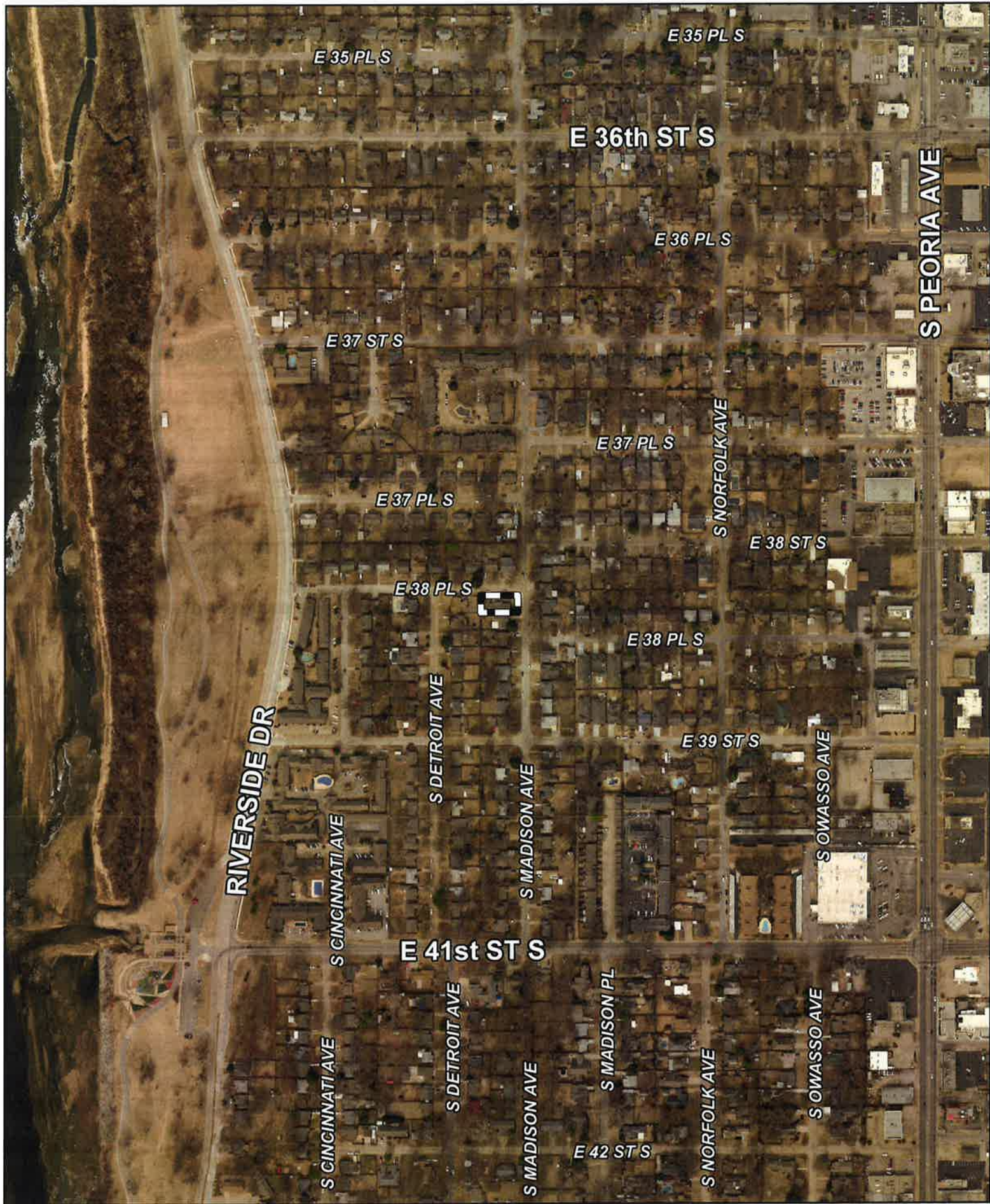
BOA-22835

19-12 24

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

Aerial Photo Date: February 2018





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Subject Tract

BOA-22835

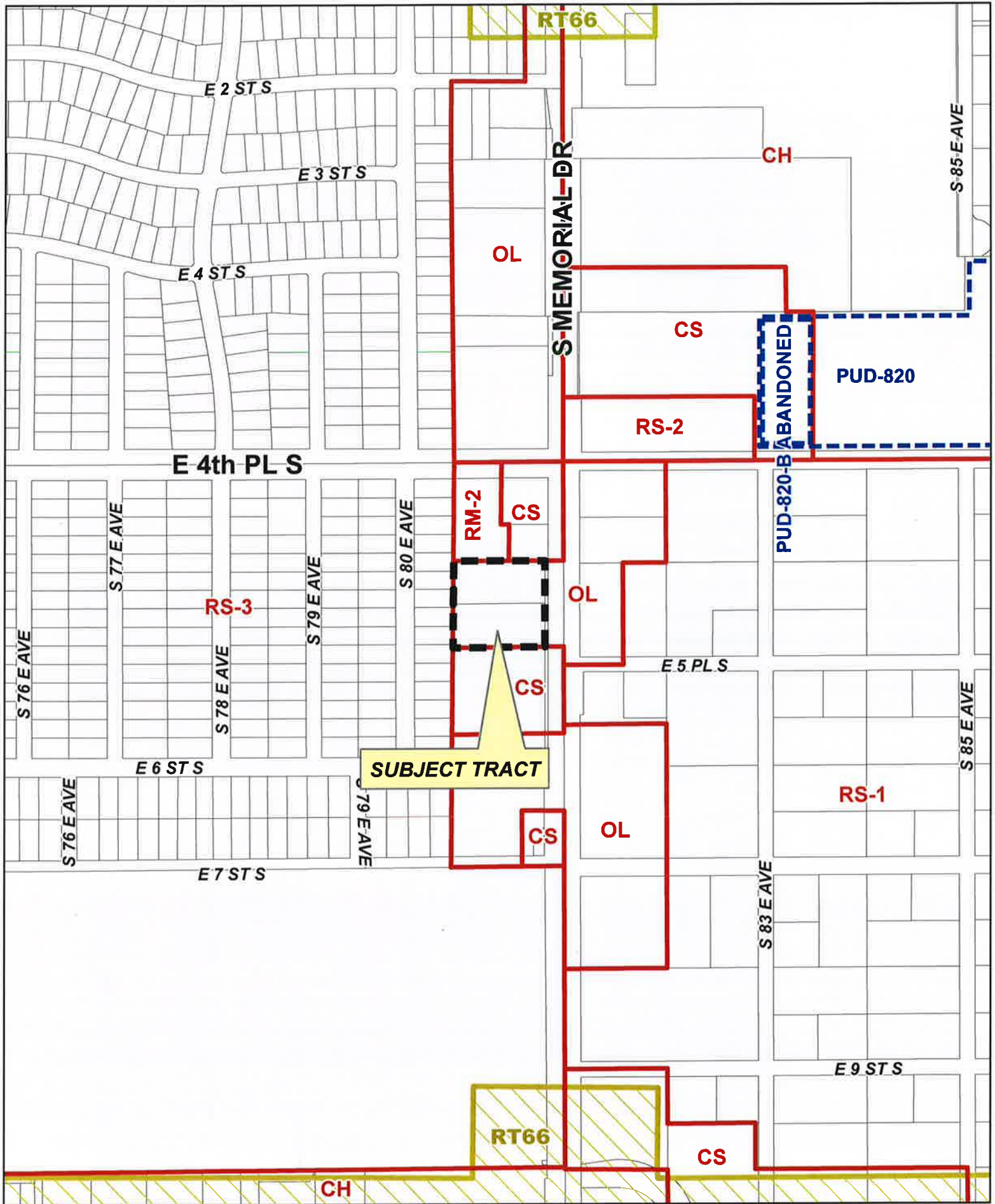
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22836

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19-13 02



BOARD OF ADJUSTMENT CASE REPORT

STR: 9302

Case Number: BOA-22836

CZM: 38

CD: 3

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Richard Barnard

ACTION REQUESTED: Special Exception to permit Personal Vehicle Sales in a CS District (Sec. 15.020, Table 15-2); Variance to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

LOCATION: West and North of the intersection of East 5th Place and South Memorial Drive

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 84284.59 SQ FT

LEGAL DESCRIPTION: BEG 717.89N & 50W SECR NE SE TH W10 N141.89 W297 N141.90 E307 S283.79 LESS E10 THEREOF FOR ST SEC 2 19 13 .968AC; BEG 859.78N SECR NE SE TH W357 S141.89 E357 N141.89 POB LESS E60 THEREOF SEC 2 19 13 .967ACS, VANCE RESUB L8 B1 & ALL B12 PAMELA ACRES, PAMELA ACRES

RELEVANT PREVIOUS ACTIONS: None.

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.

21.2

ANALYSIS OF SURROUNDING AREA: The subject tract is a vacant piece of property located West and North of the intersection of E. 5th Pl. S. and S. Memorial Drive

STAFF COMMENTS:

The applicant is requesting **Special Exception** to permit Personal Vehicle Sales in a CS District (Sec. 15.020, Table 15-2); **Variance** to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

Chapter 15 | Office, Commercial and Industrial Districts
Section 15.020 | Use Regulations

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Vehicle Sales and Service												Section 40.400
Commercial vehicle repair/maintenance	-	-	-	-	S	P	P	P	P	P	P	
Truck stop	-	-	-	-	-	S	S	-	P	P	P	
Commercial vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Fueling station	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle repair and maintenance	-	-	-	-	P	P	P	P	P	P	P	
Personal vehicle sales and rentals	-	-	-	-	S	P	P	P	P	P	P	
Vehicle part and supply sales	-	-	-	-	P	P	P	P	P	P	P	
Vehicle body and paint finishing shop	-	-	-	-	S	P	P	P	P	P	P	

15.040-A Outdoor Storage and Display

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

STATEMENT OF HARDSHIP:

The applicant will be presentign a hardship at the hearing.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** permit Personal Vehicle Sales in a CS District (Sec. 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.

Move to _____ (approve/deny) a **Variance** to permit the outdoor storage and display of merchandise in a CS district within 300 ft of an abutting R District (Sec. 15.040-A)

- Finding the hardship(s) to be _____.

- 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."*



Subject Property



Facing South on Memorial

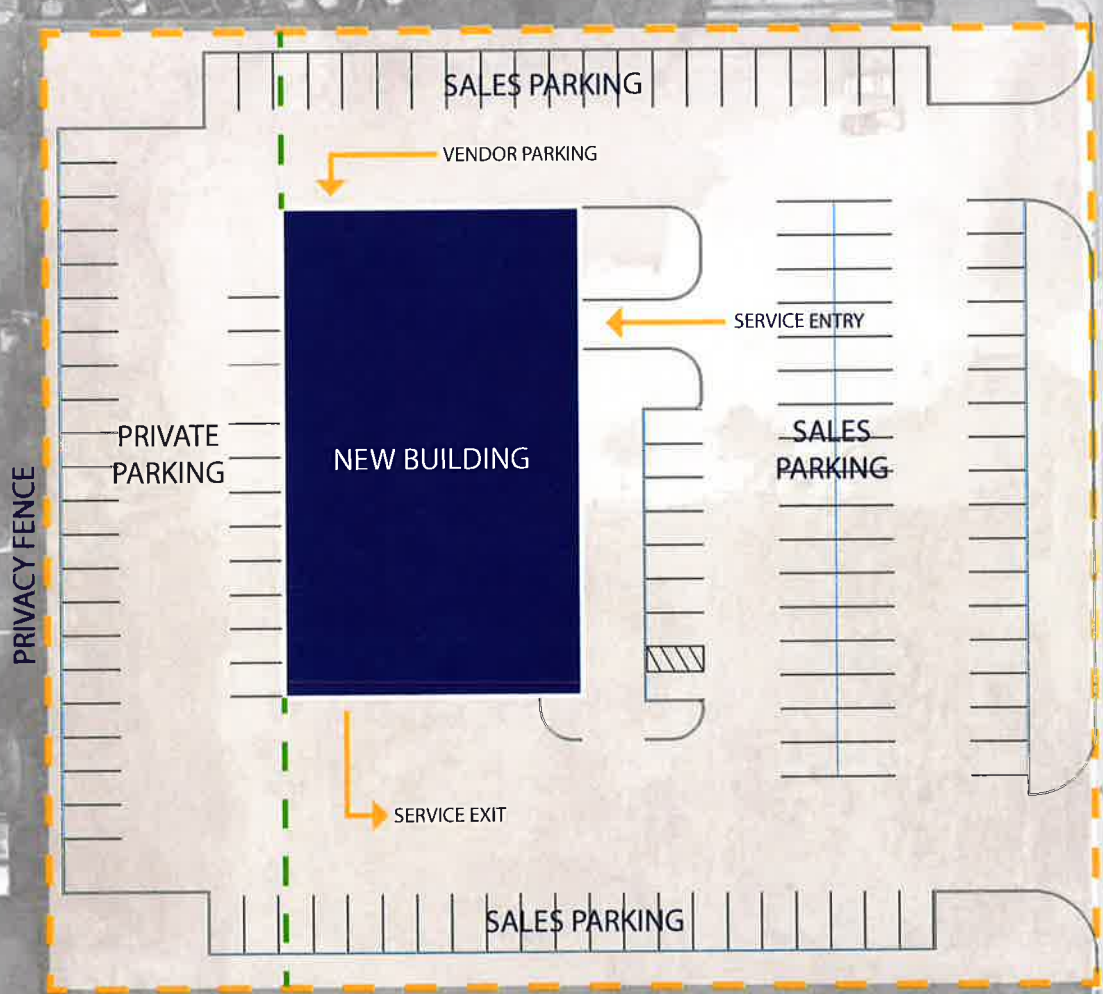


Facing North on Memorial

LEGEND

— SITE PERIMETER

— PRIVACY GATE



SITE PLAN

1" = 60' - 0"





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Subject
Tract

BOA-22836

19-13 02

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

Aerial Photo Date: February 2011

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S MEMORIAL DR

S 80 E AVE

E 5th PL S



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Subject
Tract

BOA-22836

19-13 02

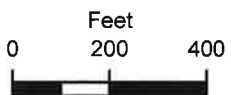
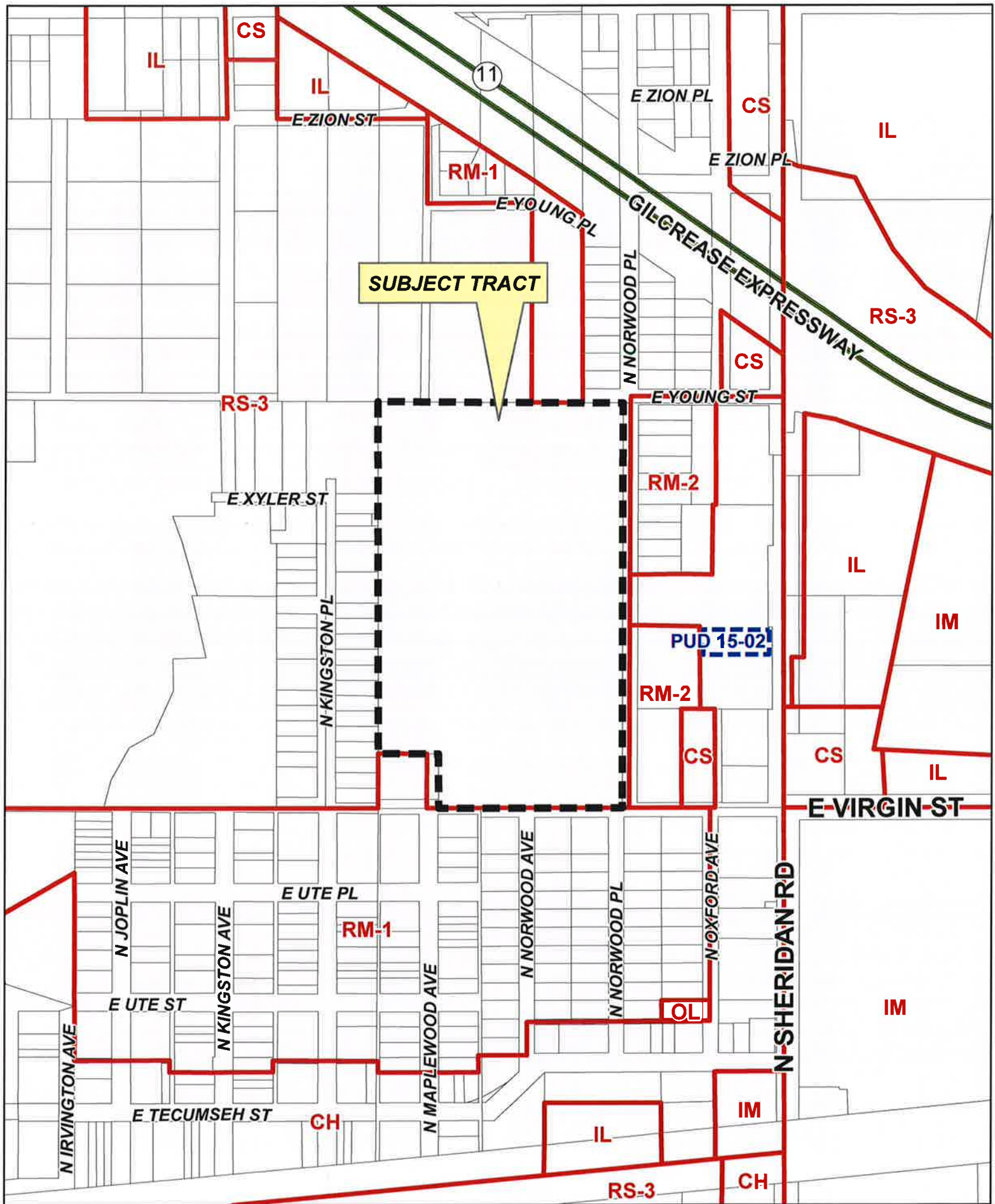
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align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22837

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20-13 27



BOARD OF ADJUSTMENT CASE REPORT

STR: 0327

Case Number: **BOA-22837**

CZM: 30

CD: 3

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Pete Webb

ACTION REQUESTED: Special Exception to allow a freestanding dynamic display sign to be located in an RS-3 district (Sec. 60.050 2-C); and a Special Exception to allow a Dynamic Display sign to be within 200 feet of another R district (Sec. 60.100 F).

LOCATION: 2316 N NORWOOD AV E

ZONED: RS-3

PRESENT USE: School

TRACT SIZE: 1017217.29 SQ FT

LEGAL DESCRIPTION: W825 SE NE LESS W195 S180 SE NE & LESS E25 THEREOF FOR RD SEC 27 20 13 23.436ACS

RELEVANT PREVIOUS ACTIONS: None.

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 along N. Norwood Pl. between East Virgin Street and E. Young Street

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a freestanding dynamic display sign to be located in an RS-3 district (Sec. 60.050 2-C); and a **Special Exception** to allow a Dynamic Display sign to be within 200 feet of another R district (Sec. 60.100 F)

22.2

c. **Dynamic Displays**

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

- (1) The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- (2) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- (3) Dynamic displays in R, AG, and AG-R districts may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the special exception process.
- (4) Dynamic displays are subject to the dynamic display regulations of Section 60.100.

Section 60.100 Dynamic Displays

The supplemental regulations of this section apply to all signs with dynamic displays. Except as otherwise expressly stated, these regulations apply whether incorporated into off-premise outdoor advertising signs or on-premise signs that are allowed to include a dynamic display.

- 60.100-A The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.
- 60.100-B The transition or change from one message to another must occur in one second or less and involve no animation or special effects.
- 60.100-C The images and messages displayed must be complete in and of themselves within the required dwell time.
- 60.100-D Dynamic displays may not be located within 50 feet of the driving surface of a signalized intersection, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the intersection.
- 60.100-E Dynamic displays may not be located within or within 20 feet of the driving surface of a street, measured horizontally in a straight line from the nearest point of the sign structure to the nearest point of the street curb or edge of the traveled roadway marked or understood as such.
- 60.100-F Dynamic displays may not be located within 200 feet of any of the following: (1) an R or AG-R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R, AG, and AG-R districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R or AG-R district or residential development area boundary.
- 60.100-G Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.
- 60.100-H Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- 60.100-I The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.
- 60.100-J Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.
- 60.100-K Except as provided in ~~60.100-I~~, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

The Board may look to the stated purpose of the sign code when making their determination:

Section 60.010 General

60.010-A Purpose

The sign regulations of this section are intended to balance the following differing, and at times, competing goals:

1. To support the desired character of the city, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding for visitors and residents;
5. To provide for reasonable business identification, advertising and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
8. To minimize the possible adverse effects of signs on nearby public and private property; and
9. To provide broadly for the expression of individual opinions through the use of signs on private property.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a freestanding dynamic display sign to be located in an RS-3 district (Sec. 60.050 2-C); and a **Special Exception** to allow a Dynamic Display sign to be within 200 feet of another R district (Sec. 60.100 F)

- 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.



Residences Across Norwood



Existing Sign

DANNY WHITEMAN
SIGN PLANS EXAMINER
TEL (918)596-9664
EMAIL dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

November 19, 2019

LOD Number: 1

Pete Webb
1225 N. Lansing Ave.
Tulsa OK 74106

APPLICATION NO: **SIGN-048026-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: **2316 N. Norwood Place**
Description: **Freestanding digital display 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)

22.7

REVIEW COMMENTS

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

Application No. SIGN-048026-2019

2316 N. Norwood Place

November 19, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

Section 60.050 2-C Signs in R and AG Zoning Districts, Dynamic Displays

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

Section 60.100 F Dynamic Displays

Dynamic displays may not be located within 200 feet of any of the following: (1) an R district (other than street, highway or freeway right-of-way); (2) a residential development area. This separation distance does not apply if the dynamic display is not visible from the referenced district, area or lot, and the requirements may be modified in R and AG districts if approved through the special exception process. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary.

Review Comments: The proposed freestanding dynamic display sign is located in an RS-3 zoning district and requires a special exception from the Board of Adjustment (BOA) to be located in an RS-3 zoning district. The proposed sign also appears to be within 200 feet of another R district and requires a special exception from the BOA to be located within 200 feet of an R district.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

22.8



4' x 8' D/F Logo Cabinet with
Internal LED Illumination

3'2" x 7'10" D/F Optec LED
Message Center





PO Box 1602 — Owasso, OK 74055
918-371-0887 — imagebuildersok@gmail.com

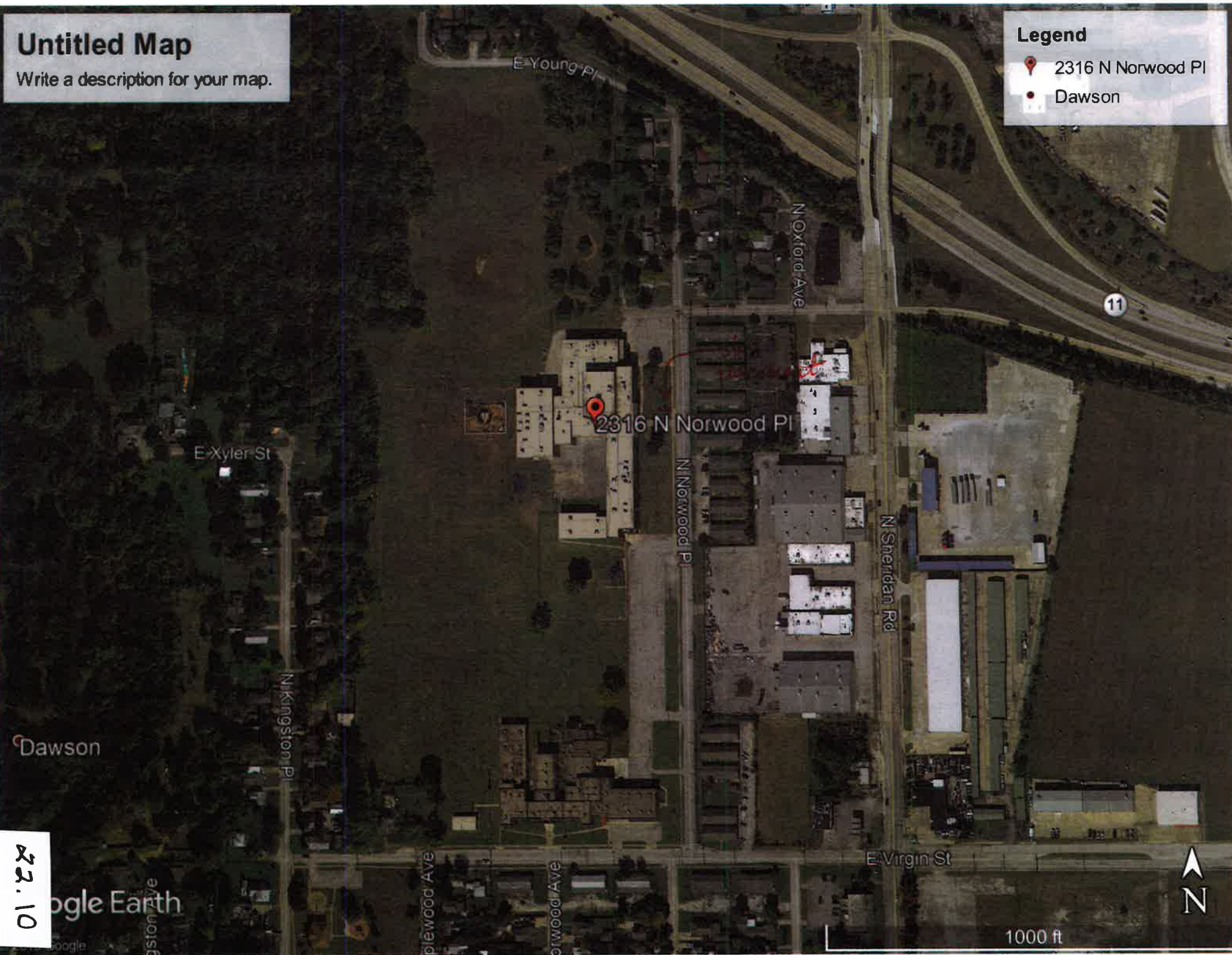
22.9

Untitled Map

Write a description for your map.

Legend

-  2316 N Norwood Pl
-  Dawson



22.10

Untitled Map

Write a description for your map.

Legend



22.11

Google Earth

Google

N

80 ft



0 200 400
Feet



Subject
Tract

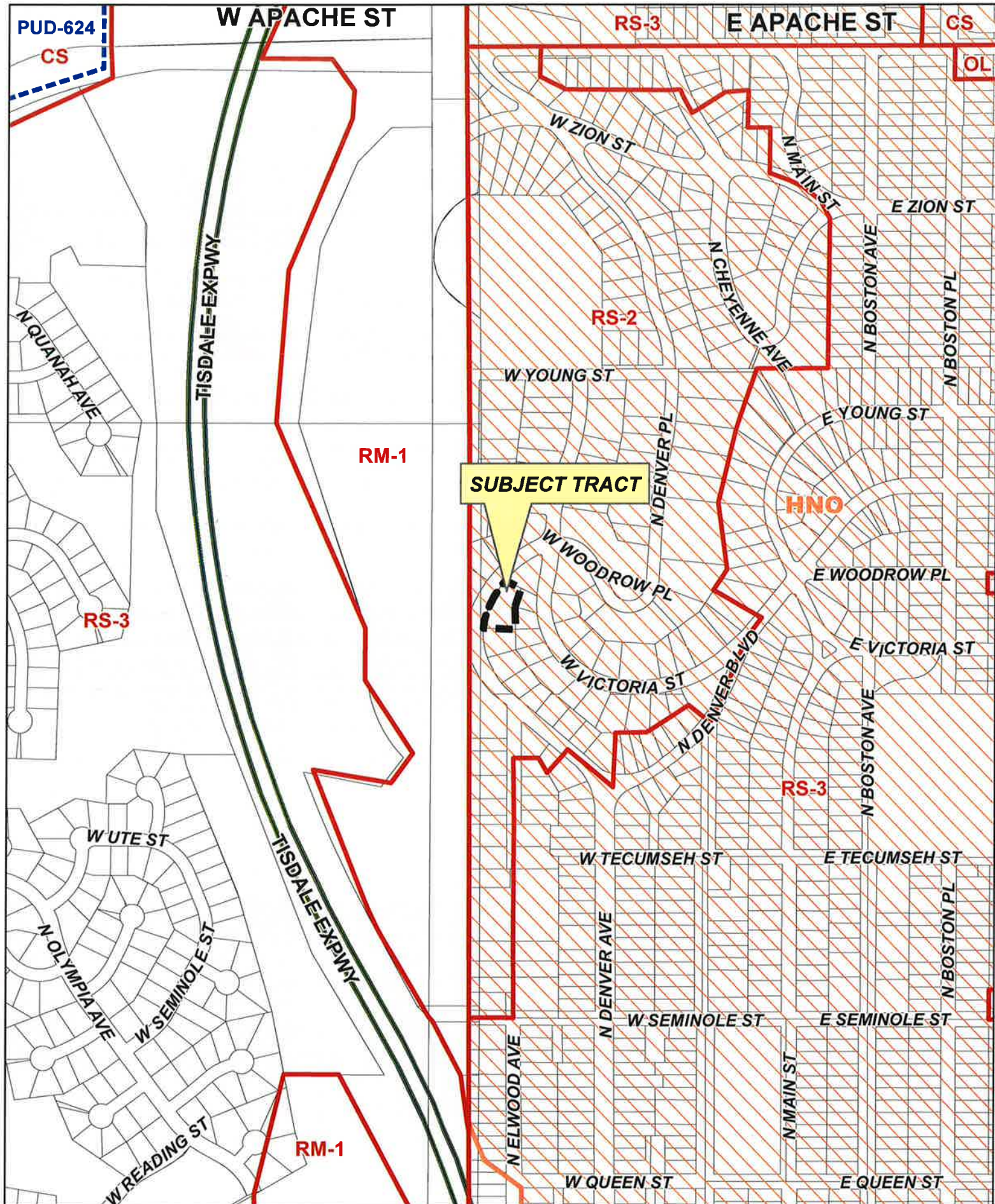
BOA-22837

20-13 27

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

Aerial Photo Date: February 2018





BOA-22838

23.1

BOARD OF ADJUSTMENT CASE REPORT

STR: 0226

Case Number: BOA-22838

CZM: 28

CD: 1

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Keith Dalessandro

ACTION REQUESTED: **Variance** to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-2 district (Sec. 45.030-B); **Variance** to reduce the required 30 foot street setback in an RS-2 District (Sec. 5.030, Table 5-3); **Special Exception** to increase the allowed width of a driveway both in the right-of-way and within the street setback (Sec. 55.090-F)

LOCATION: 2145 N ELWOOD AV W

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 18613.26 SQ FT

LEGAL DESCRIPTION: W.1/2 LT 13 BLK 18 OAK CLIFF ALL LT 15 BLK 18, OAK CLIFF ADDN

RELEVANT PREVIOUS ACTIONS: None

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 on the East side of N Elwood Ave North of North Denver Ave.

STAFF COMMENTS: The applicant is requesting **Variance** to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-2 district (Sec. 45.030-B); **Variance** to reduce the required 30 foot street setback in an RS-2 District; **Special Exception** to increase the allowed width of a driveway both in the right-of-way and within the street setback (Sec. 55.090-F)

23.2

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, including accessory dwelling units, 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]

2. RS-2, RS-3, RS-4, RS-5 and RM Districts

In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

[1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see 55.090-C2.

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]													
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

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 [Section 55.090-F.4](#). Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
- All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
- In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of [Section 70.120](#), or, if in a PUD, in accordance with the amendment procedures of [Section 30.010-1.2](#). (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width

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

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

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

SAMPLE MOTION:

Move to _____ (approve/deny) a ***Special Exception*** to increase the allowed width of a driveway both in the right-of-way and within the street setback (Sec. 55.090-F)

- 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.

STATEMENT OF HARDSHIP: Applicant said he would email at a later date, as of the writing of this report non has been received.

VARIANCE:

Move to _____ (approve/deny) a ***Variance*** to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-2 district (Sec. 45.030-B); ***Variance*** to reduce the required 30 foot street setback in an RS-2 District (Sec. 5.030, 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 _____.

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."



Facing North on Elwood. Structure on the right of photo is the existing structure on the subject property.



Facing South on Elwood



Subject Tract

Jeff S. Taylor
Zoning Official
Plans Examiner III
TEL (918) 596-7637
jstaylor@cityoftulsa.org



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Shane McElravy

11/11/2019

APPLICATION NO: BLDR-44110-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2145 N Elwood Ave W

Description: Detached Accessory Building

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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" ☐ **IS** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. **BLDR-44110-2019**

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.

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

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

Review comments: You are proposing 1708 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (3079) you are allowed 1231 sq ft of detached accessory structure floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 1231 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

5.030-A: Setback(s) (Residential): In the RS-2 zoned district the minimum front setback shall be 30' from the front property line.

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

55.090-F Surfacing. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-I.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

Maximum Driveway Width

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

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

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

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.



2145 N. ELWOOD Ave.
W. 1/2 LOT 13 - BLK 18
ALL LOT 15 - BLK 18
OAK CLIFF ADDN.
43 ACRE - 18,612 SQ. FT.
SCALE: 1/8"=1'

N. ELWOOD AVE.

SSMH
TD-765.08

$\Delta=10^{\circ}46'13"$
 $R=452.00'$
 $L=84.97'$

LOT 13

15' DRIVEWAY ESMT
BK. 5439, PG. 1200
 $S 61^{\circ}46'48" E 68.13'$
EXIST CONG. DRIVE

LOT 14

LOT 13

LOT 12

LOT 15

$R=292.62'$
 $L=130.03'$
 $CL=128.98'$
 $CB=N 16^{\circ}53'11" E$

EXIST GRAVEL DRIVE

NEW CONG. DRIVE

PROPOSED GARAGE

NEW CONG. DRIVE

PROPOSED STUCCO RESIDENCE

COV. PATIO

SSCO(3)

GUY(2)

PP(2)

$S 02^{\circ}10'23" E 99.01'$

$N 84^{\circ}10'14" W 128.14'$

30' BL - PLAT

EXISTING HOUSE ENVELOPE

OBL - PLAT

5' ESMT - PLAT

$S 15^{\circ}52'31" W 78.21'$

40'

35'

42'-16.4'

21'-23.4'

4'

35' BL - PLAT

OBL - PLAT

45'

STABILIZED CONSTRUCTION ENTRANCE TO BE EXISTING GRAVEL DRIVE

SILT FENCE

NOTES:

This site plan (SSP) was prepared by Keith Dalessandro, P.E., a Professional Engineer in the State of Georgia, for the purpose of showing the proposed construction and the existing conditions. The site plan is to be used for the construction of the proposed project. The site plan is to be used for the construction of the proposed project. The site plan is to be used for the construction of the proposed project.

PINNACLE
ENGINEERS

KEITH DALESSANDRO
1112 S. Kalamazoo Ave.
Bremen, GA 30156
404.441.3857
keith@pinnacleeng.com
www.pinnacleeng.com

MODEL #:
McELRAVY RES.

SQUARE FOOTAGE:
Proposed:
1st FLOOR
2nd FLOOR
TOTAL
GARAGE
Proposed
RATIO
Verbal
LIVING
TOTAL

DRAWING
DATE:
11-07-2019

REVISIONS:
06/05/19
08/20/19
11/07/19

PDG PROJECT NUMBER:
19-034

ADDRESS:

SITE PLAN

SCALE: 1"=10'

SHEET
C-1

23.10

NOTES



PINNACLE
HOME DESIGN

MODEL 9:
McELRAVY RES.

1000

SQUARE FOOTAGE:
 Frame _____
 1st LIVING _____
 2nd LIVING _____
 TOTAL _____
 GARAGE _____
 PORCH _____
 PATIO _____
 Veranda _____
 LIVING _____
 TOTAL _____

DRAWING DATE 04-30-2014	REVISIONS 04/01/14
-------------------------------	-----------------------

POG PROJECT NUMBER
19-034

ADDRESS:

ELEVATIONS

SCALE: 1/4" = 1'0"

QUEST
A-2



0 250 500
Feet



Subject
Tract

BOA-22838

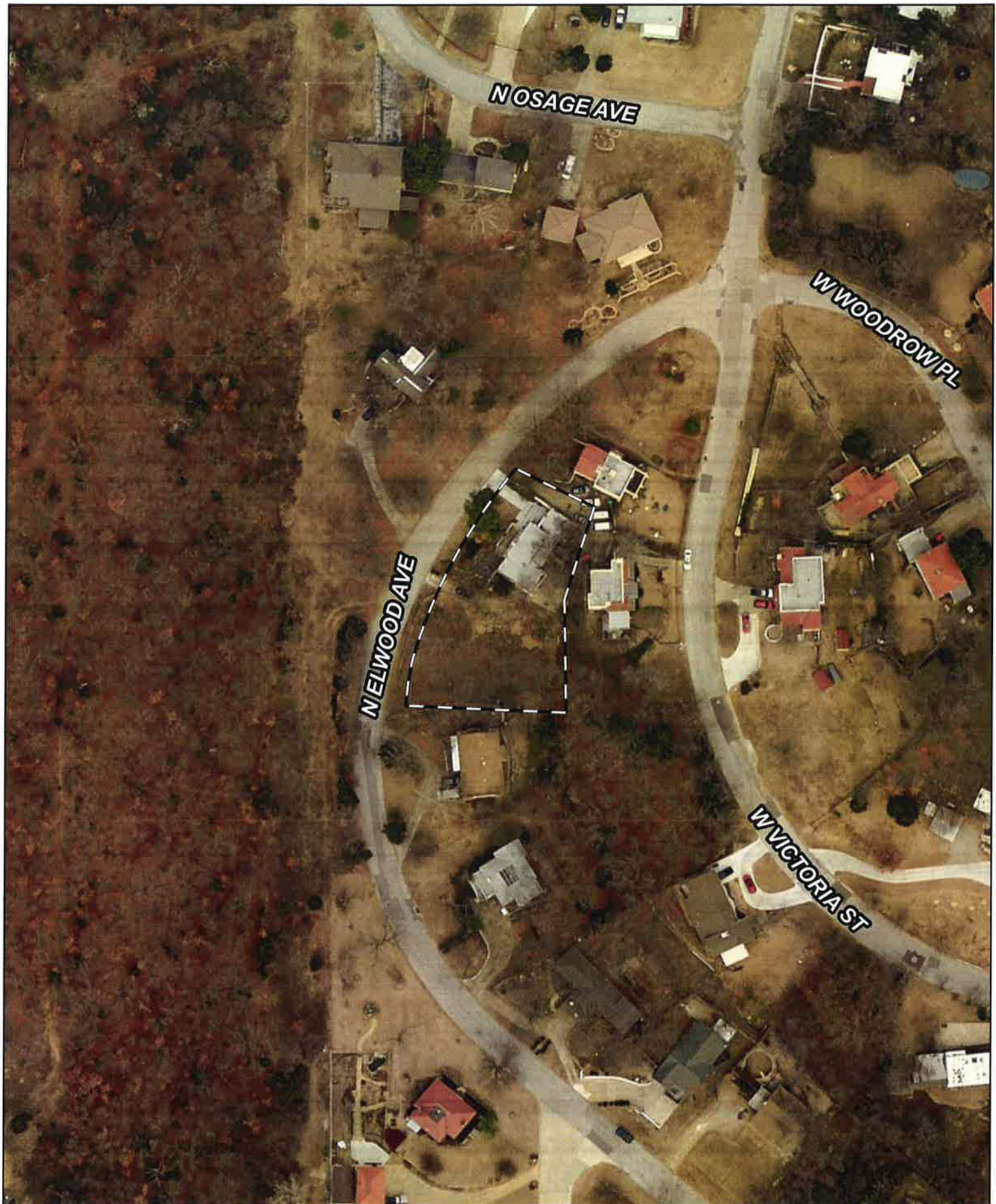
20-12 26

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

Aerial Photo Date: February 2018

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Subject
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BOA-22838

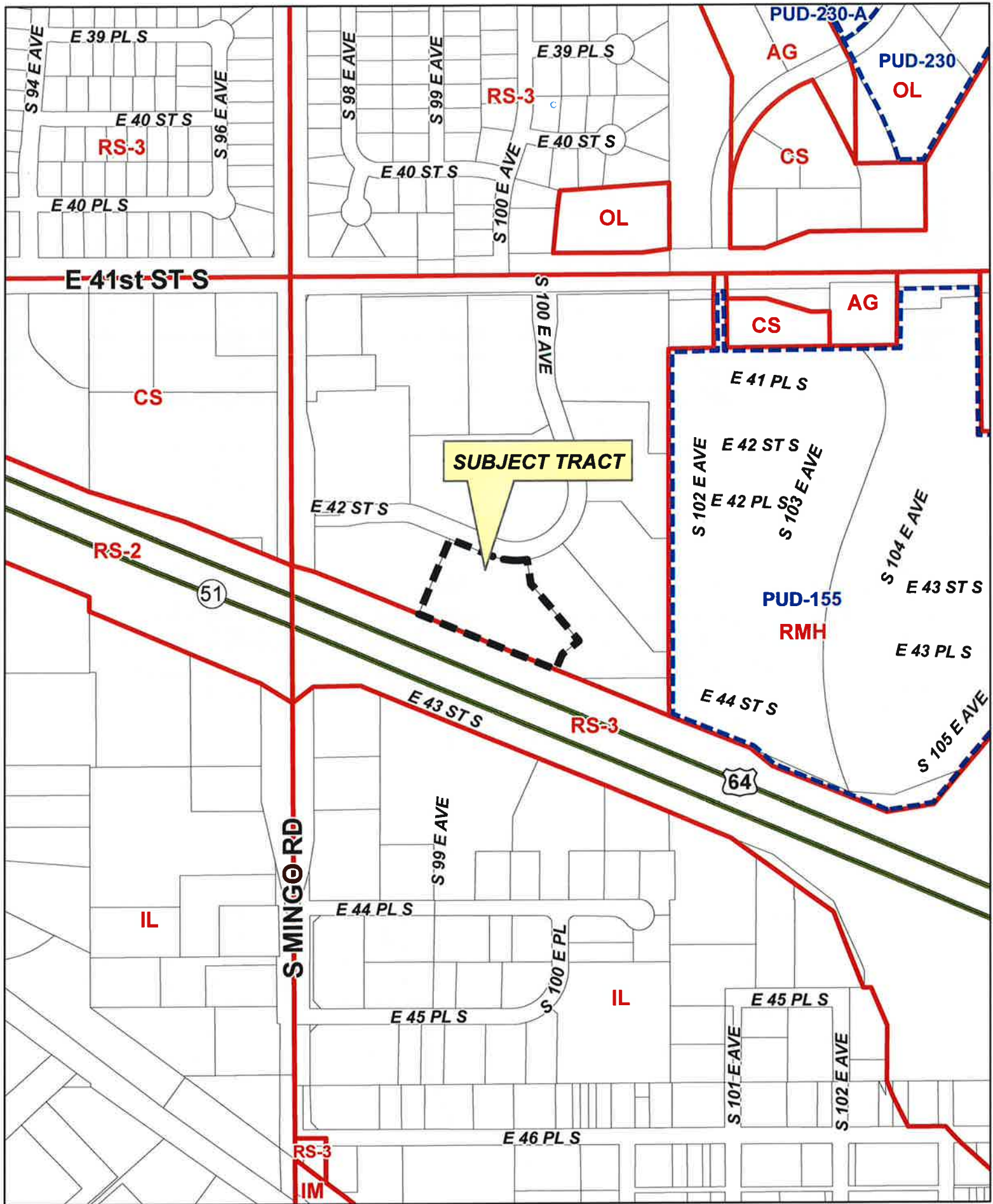
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018

23.16





BOA-22839

19-14 30

24.1



Chapman, Austin

From: Elaine Allred <elaine@whistlerworks.com>
Sent: Thursday, December 26, 2019 4:50 PM
To: Chapman, Austin
Cc: Wilkerson, Dwayne
Subject: BOA-22839

Austin:

The case # referenced above is on the agenda for the BOA meeting on 1/14/20 at 1:00 pm. We are requesting to be held over until the meeting scheduled for 2/25/20.

Please let me know what you need from us in order to grant this extension.

Thank you,

Elaine Allred

--

Elaine Allred

Whistler Billboards

direct 918-392-5208

elaine@whistlerworks.com



BOARD OF ADJUSTMENT CASE REPORT

STR: 9430

Case Number: **BOA-22839**

CZM: 49

CD: 7

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Whistler Sign Company

ACTION REQUESTED: Variance of the 1,200 foot spacing requirement for an Outdoor Advertising Sign with Dynamic Display from another Outdoor Advertising Sign with Dynamic Display (Sec. 60.100-K)

LOCATION: 9810 E 42 ST S

ZONED: CS

PRESENT USE: Office Park

TRACT SIZE: 115539.02 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG NWC LT 1 TH SE138.46 TH ON CRV LF 124.94 SELY83.05 SE244.93 SWLY67.98 SW57 NW485 NE265 POB BLK 2, KOGER EXECUTIVE CENTER RESUB PRT FORTY FIRST & MINGO CTR

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-20851; On 02.10.2009 the Board **accepted** a verification of spacing between tow outdoor advertising signs with dynamic display on the subject property.

BOA-5589; On 10.3.1967 the Board **approved** a temporary variance to permit a sign (9' x 28' and approximately 16' high) for a period of time on the subject property.

Surrounding property:

BOA-22413: On 04.24.2018 the Board **accepted** a verification of spacing between tow outdoor advertising signs with dynamic display. Property located at 10029 East 29th Pl. 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.

24.3

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 SE/c of S Mingo Rd and E 42 St S.

STAFF COMMENTS: The applicant is requesting Variance of the 1,200 foot spacing requirement for an Outdoor Advertising Sign with Dynamic Display from another Outdoor Advertising Sign with Dynamic Display (Sec. 60.100-K)

60.100-K Except as provided in 60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground

STATEMENT OF HARDSHIP: Applicant stated they will present hardship at meeting.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 25 ft. rear setback in an RS-1/RS-2 District (Sec. 5.030, 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 _____.

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;

24.4

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.”

Remarks: Mr. Jones stated that the walls for the extension were in place.

Protests: None.

Board Action: On MOTION of SUBLETT, the Board of Adjustment (4-0) set the application (no. 5586) for public hearing to its November, 1967 meeting.

5589

Action Requested: Variance (Section 23) of the permitted use provisions of U-1C (Section 5 (d)) for permission to continue maintaining a sign (sign is 9' x 28' and approximately 16' high) on a tract 750' East of 97th East Avenue on the north side of Broken Arrow Expressway.

Presentation: A representative of Western Outdoor Advertising Company was present.

Remarks: Mr. Edwards stated that there was an incomplete legal description.

Protests: None.

Board Action: On MOTION of SUBLETT, the Board of Adjustment (4-0) granted a temporary variance of Section 5 (d), under Section 23 to permit a sign (sign 9' x 28' and approximately 16' high) for a period of two years, in a U-1C district at 750' East of 97th East Avenue on the north side of Broken Arrow Expressway, Tulsa County, Oklahoma.

5593

Action Requested: Variance (Section 23) of the permitted use provisions of U-1C (Section 5 (d) (1)) to waive the rear yard requirements to permit building 22 feet from the rear lot line (Ordinance requires 25 feet.), at 7061 East 52nd Place.

Presentation: The applicant stated that the back of the residence will be occupied separately by a mother-in-law.

Remarks: Mr. Blair stated that it should be specified that only one kitchen would be permitted in order that the structure maintain its status as a single-family dwelling.

Protests: None.

FILE COPY

Case No. 20851

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, located: 9810 East 42nd Street.

Presentation:

Mike Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma, 74119. Mr. Joyce stated the spacing certificate dated November 5, 2008, shows that the nearest sign board is 1,531 ft. in one direction and 3,653 ft. in another direction thus satisfying the spacing requirement.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **ACCEPT** applicant's verification of spacing between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign per the surveyor's certificate on page 4.6, on the following described property:

PRT LT 1 BEG NWC LT 1 TH SE138.46 TH ON CRV LF 124.94 SELY83.05 SE244.93 SWLY67.98 SW57 NW485 NE265POB BLK 2, KOGER EXECUTIVE CENTER RESUB PRT FORTY FIRST & MINGO CTR, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20852

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, located: 11320 East Skelly Drive.

Presentation:

Mike Joyce, 1717 South Boulder, Suite 200, Tulsa, Oklahoma, 74119. Mr. Joyce noted the spacing certificate dated December 17, 2008, reflects that the proposed sign location is 5,420 ft. from the nearest existing board in one direction and 1,679 ft. in the opposite direction.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **ACCEPT** the applicant's

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a **Special Exception** to permit a religious assembly in the RS-3 District (Section 5.020); **Variance** of the required 25-foot setback from an adjacent R District for Special Exception uses (Section 5.030) to the May 8, 2018 Board of Adjustment meeting; for the following property:

LT 23 BLK 5; LT 24 BLK 5; LT 22 BLK 5, EAST HIGHLAND ADDN RES B1, 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. Any motion 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. If an applicant 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

FILE COPY

22413—Eller & Detrich – Andrew Shank

Action Requested:

Verification of the spacing requirement for a digital display outdoor advertising sign (Section 60.100-K). **LOCATION:** 10029 East 45th Place South (CD 7)

Presentation:

Nathalie Cornett, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; stated she represents the applicant Lamar. This case was continued from March 27th hearing because there was an encroachment agreement with the City was being processed which delayed the removal of the two signs that were on the original exhibit. Those signs have now been removed and per the new exhibit there are no more signs on the same side of the freeway.

Interested Parties:

There were no interested parties present.

BOA-22413

FILE COPY

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between digital outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign and subject to the revised site plan submitted and dated April 23, 2018 on page 2.6; for the following property:

PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33ACRES, IDEAL BRICK INDUSTRIAL TRACTS, City of Tulsa, Tulsa County, State of Oklahoma

22408—Carlos Velasco

Action Requested:

Special Exception to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A). **LOCATION:** 1507 North Main Street East (CD 1)

Presentation:

Carlos Velasco, 1577 North Main Street, Tulsa, OK; stated the request is to allow a six-foot fence. The front fence is 5'-10" made of wrought iron with brick pillars. The six-foot privacy wooden fence is on the Pine Street side of the house, and it will help keep the traffic noise away from the house.

Mr. Van De Wiele asked Mr. Velasco if the fence shown on page 6.6 is "as constructed". Mr. Velasco answered affirmatively. Mr. Van De Wiele asked Mr. Velasco when the fence was built. Mr. Velasco stated that the fence was built about eight months ago.

Interested Parties:

B. J. Beverly, P. O. Box 481035, Tulsa, OK; stated she is the President of the neighborhood association. She spoke with Mr. Velasco yesterday evening and she thinks he has done well with the house. Ms. Beverly thinks Mr. Velasco can be beneficial to the neighborhood. Ms. Beverly stated that Mr. Velasco knew what type of neighborhood he was moving into and he told her that he wanted the fence to keep his dog in the yard and to cut the noise down for his mother because she has trouble sleeping. Ms. Beverly stated there is not a lot of noise on Pine Street because most of



Subject sign to be converted to Dynamic Display. Arrow is pointing to existing Dynamic Display from which the applicant is seeking a variance.

DANNY WHITEMAN
SIGN PLANS EXAMINER
TEL (918)596-9664
EMAIL dwhiteman@cityoftulsa.org



DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

October 25, 2019

LOD Number: 1

Shawn Whistler
6304 E. 102nd St.
Tulsa OK 74137

Phone: (918) 864-7446

APPLICATION NO: **SIGN-045820-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 9810 E. 42nd St.
Description: Dynamic Display 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)

24.11

REVIEW COMMENTS

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

Application No. SIGN-045820-2019

9810 E. 42nd St.

October 25, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

- 1.) **60.080-F-11** The conversion of an off-premise outdoor advertising sign into an off-premise outdoor advertising sign with a dynamic display requires a permit as if it were an entirely new sign.
- 2.) **60.100-K** Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground

Review Comments: An application for an outdoor advertising sign with a dynamic display requires a spacing verification from the City of Tulsa Board of Adjustment (BOA). The proposed digital display outdoor advertising sign appears to be closer than 1,200 feet to two different existing outdoor advertising signs with dynamic displays facing the same traveled way. As an option, you may pursue a variance from the BOA to allow an outdoor advertising sign with a dynamic display to be closer than the 1,200 feet spacing requirement.

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

END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

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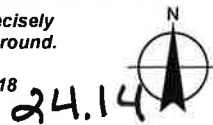
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Tract*

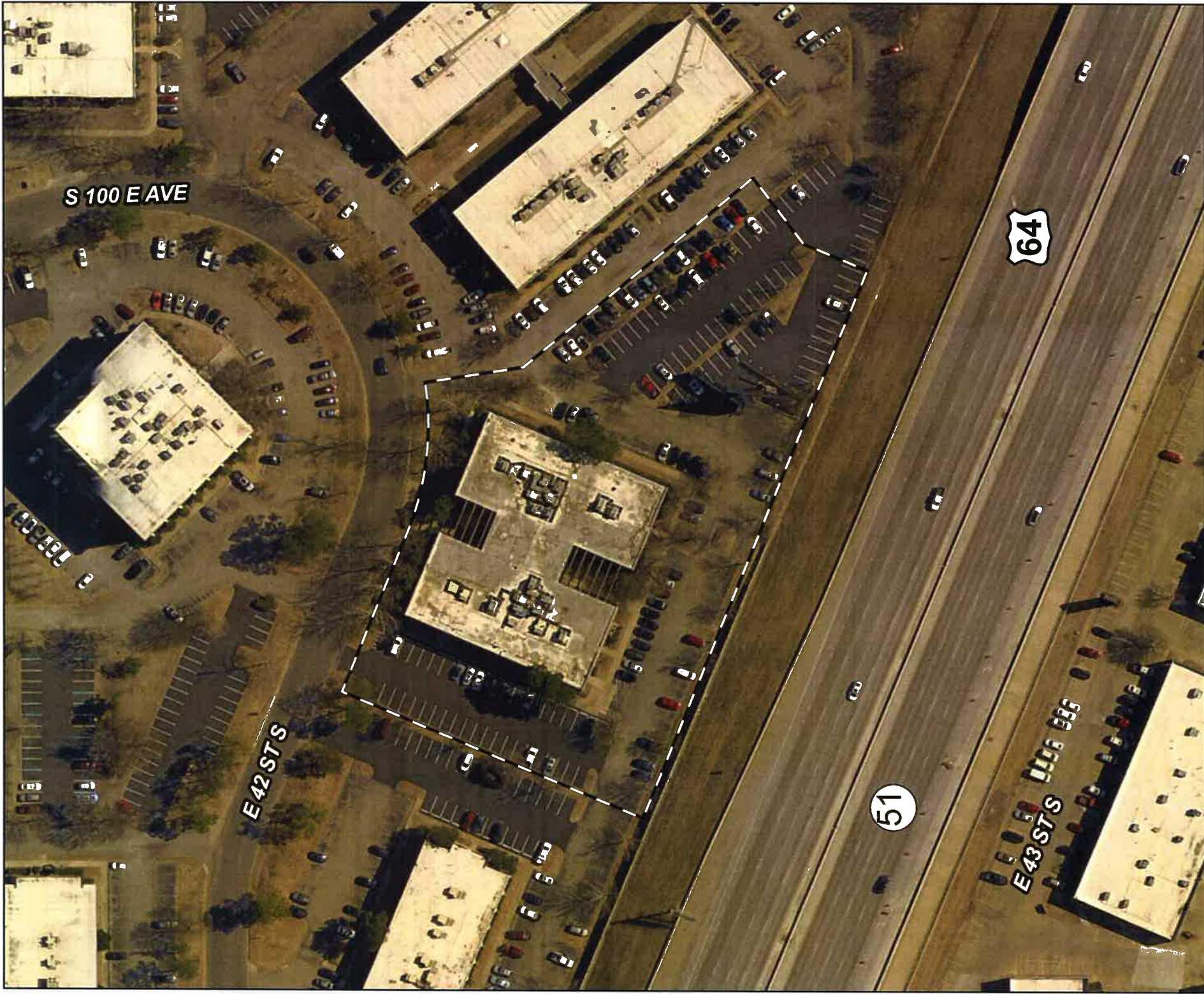
BOA-22839

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

Aerial Photo Date: February 2018

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S 100 E AVE

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E 43 STS



Subject
Tract

BOA-22839

19-14 30

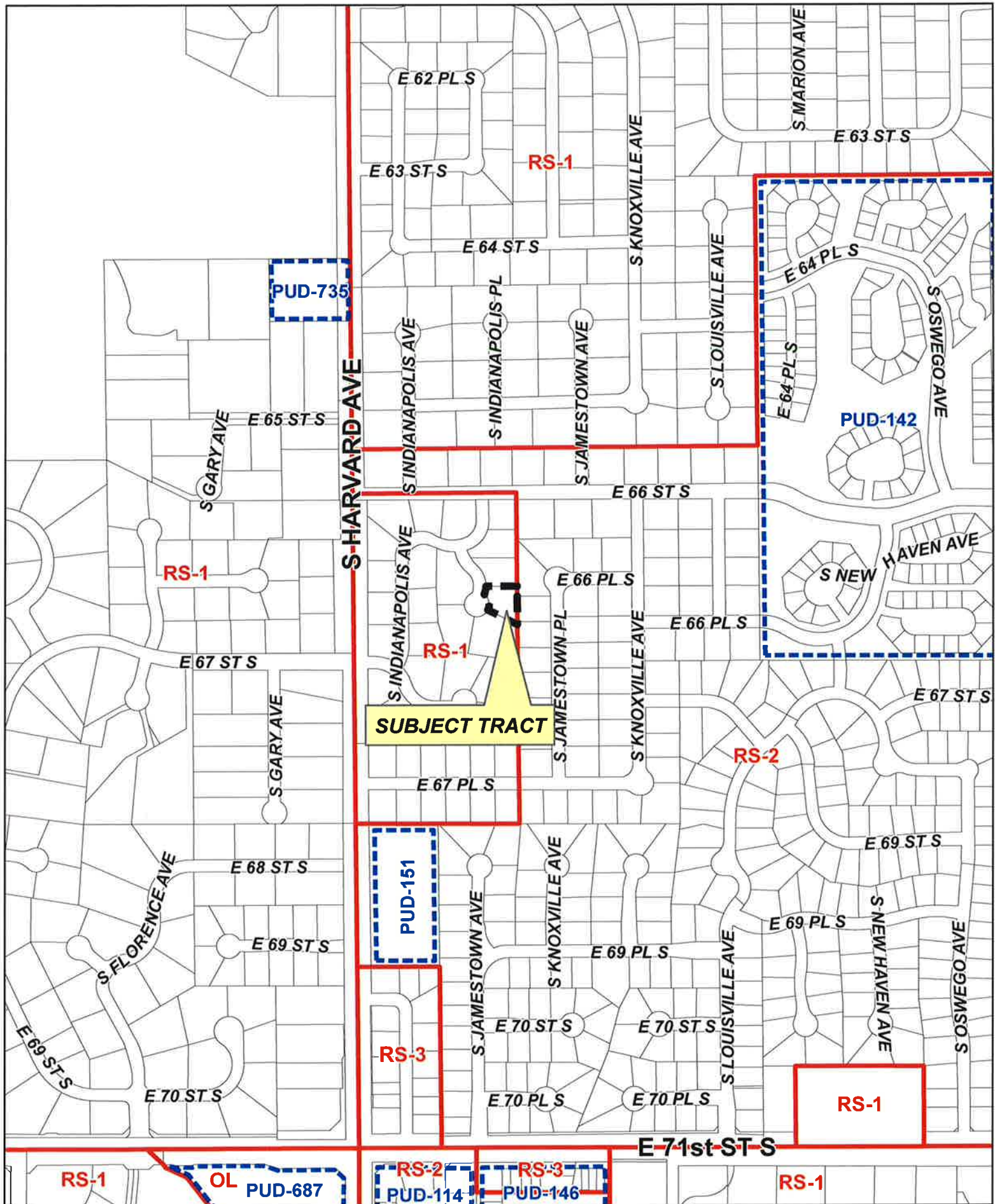


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Aerial Photo Date: February 2018

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BOA-22841

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BOARD OF ADJUSTMENT CASE REPORT

STR: 8304

Case Number: **BOA-22841**

CZM: 52

CD: 8

HEARING DATE: 01/14/2020 1:00 PM

APPLICANT: Peter Grant

ACTION REQUESTED: Variance to reduce the required 35 foot front setback in an RS-1 District (Section 5.030, Table 5-3)

LOCATION: 6635 S JAMESTOWN AV E

ZONED: RS-1

PRESENT USE: Single Family

TRACT SIZE: 16200.03 SQ FT

LEGAL DESCRIPTION: LT 4 BLK 1, CEDAR CREEK

RELEVANT PREVIOUS ACTIONS: None.

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 South of the SE/c of E. 66th Pl. and S. Jamestown Ave.

STAFF COMMENTS: The applicant is requesting **Variance** to reduce the required 35 foot front setback in an RS-1 District (Section 5.030, Table 5-3)

Chapter 5 | Residential Districts
Section 5.030 | Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
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25.2

Min. Building Setbacks (ft.)												
Street [3]	35	35	35	35	35	35	35	35	35	35	35	35
Arterial or fwy service rd.	35	35	30	25	20	25	10	25	25	10	25	25
Other streets	35	35	30	25	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5	5	5	5	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	20	15

STATEMENT OF HARDSHIP: The lot has an unusual configuration.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** to reduce the required 35 foot front setback in an RS-1 District (Section 5.030, 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 _____.

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."



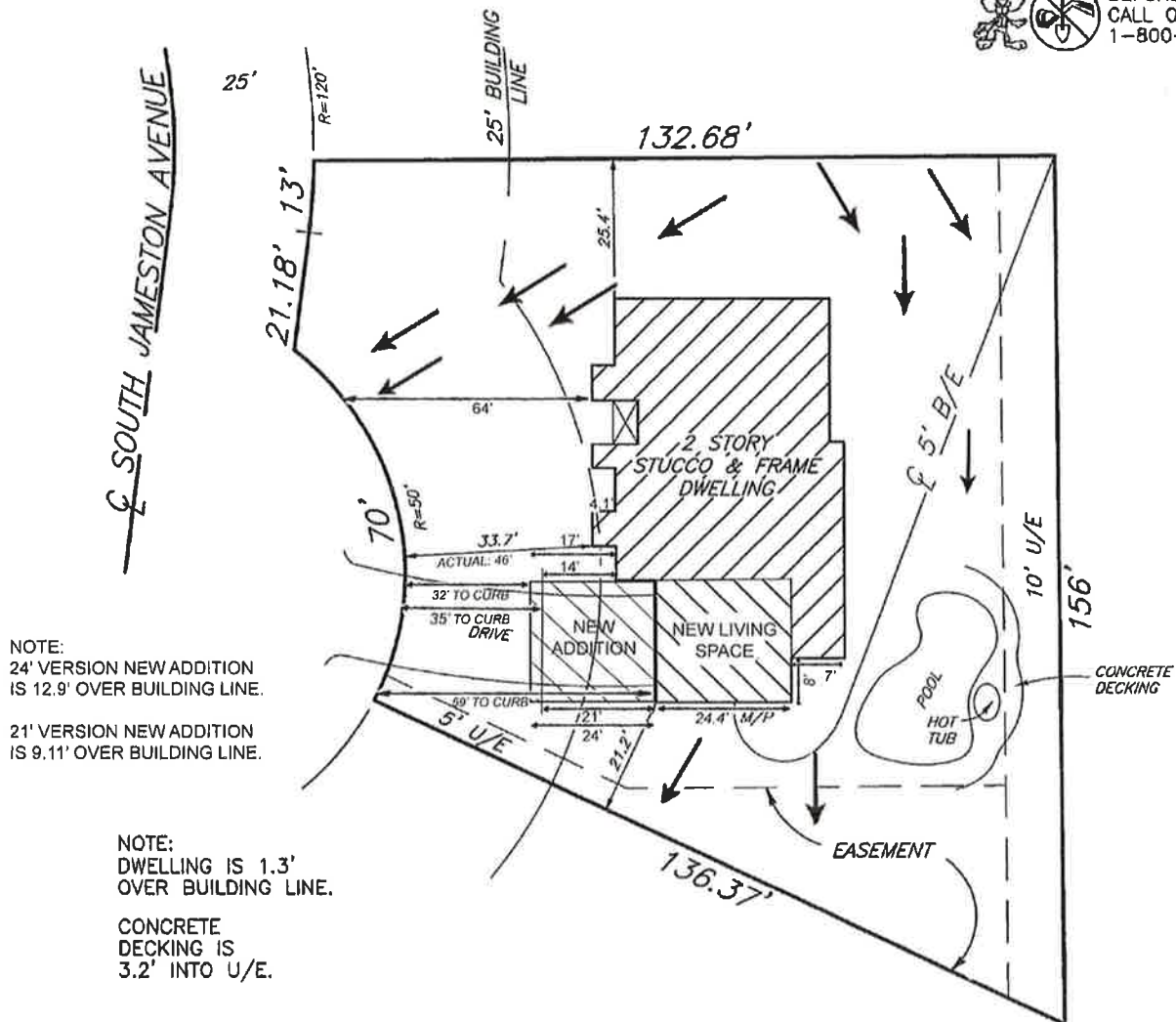
SITE PLAN

LEGEND

- X— FENCE
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- M/P METERING POINT
- B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
- B.L. BUILDING LINE
- O.B.L. OUTBUILDING LINE



BEFORE YOU DIG,
CALL OKIE
1-800-522-6543



LEGAL DESCRIPTION AS PROVIDED:

LOT FOUR (4), BLOCK ONE (1), CEDAR CREEK, AN ADDITION TO THE CITY OF TULSA,
TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF,
AND KNOWN AS 6635 SOUTH JAMESTOWN AVENUE.

WALLACE
ADDITION



12/04/2019

25.4



Adjacent Property to the North



View of Cul-de-sac. Subject property to the left of photo.



Subject property



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Feet



Subject
Tract

BOA-22841

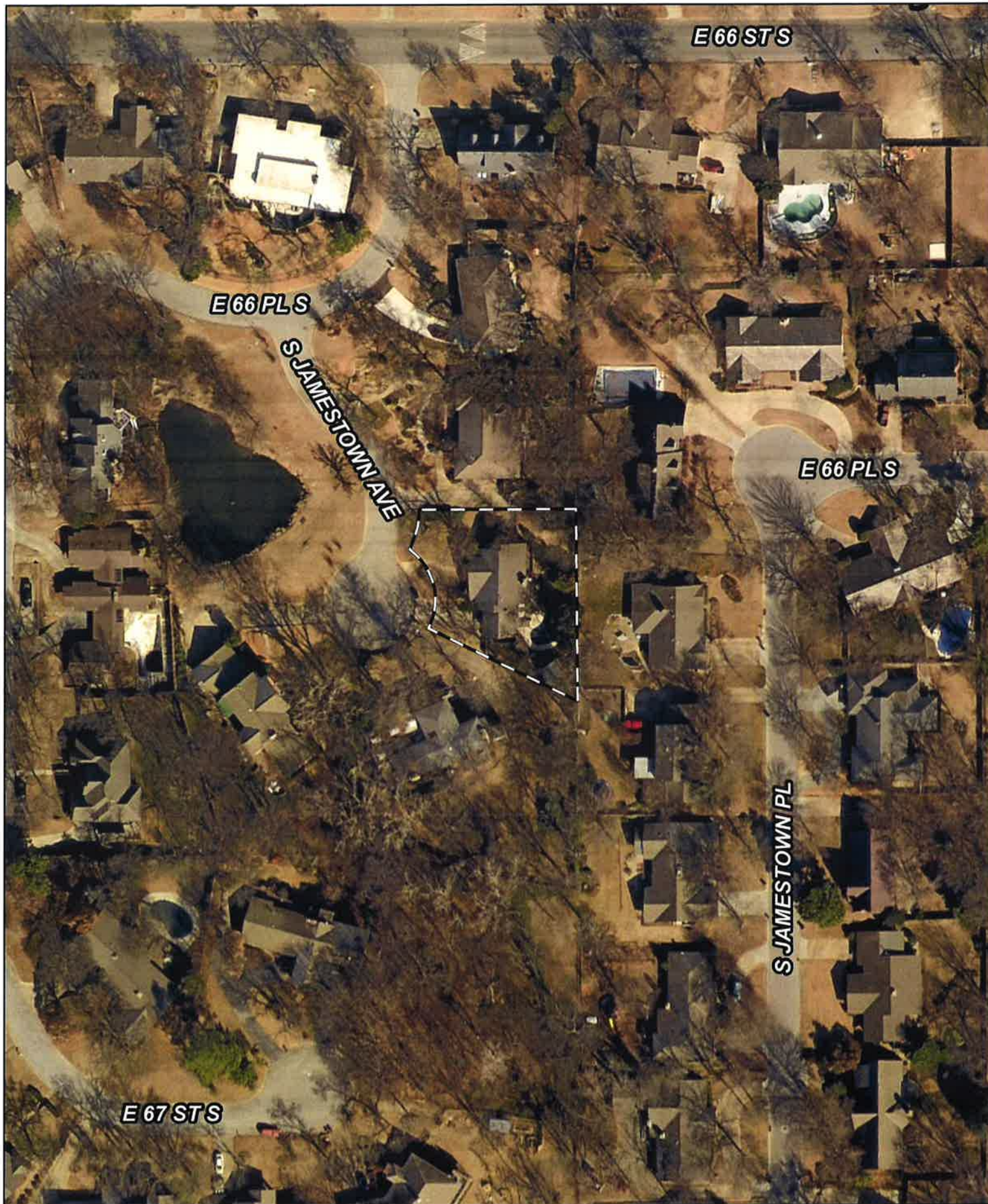
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

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Feet



Subject
Tract

BOA-22841

18-13 04

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

Aerial Photo Date: February 2018

25.8

