

**AMENDED AGENDA  
CITY OF TULSA BOARD OF ADJUSTMENT  
Regularly Scheduled Meeting  
Tulsa City Council Chambers  
175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center  
Tuesday, January 28, 2020, 1:00 P.M.**

**Meeting No. 1243**

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

**UNFINISHED BUSINESS**

**1. 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 51<sup>st</sup> Street South – **Tenant Space:** 1618 West 51<sup>st</sup> Street South **(CD 2)**

**2. 22830—A-Max Sign Company, Inc.**

Variance to allow two roof signs to be located on a building outside of the Downtown Entertainment District (Sections 60.020 and 60.080-B.5).  
**LOCATION:** 110 South Hartford Avenue East **(CD 4)**

**3. 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)**

**NOTE:** *The requested Special Exception was approved on January 14, 2020.*

**4. 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 38<sup>th</sup> Place South **(CD 9)**

**5. 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 East **(CD 1)**

### **NEW APPLICATIONS**

**6. 22842—Karl Yang**

Variance to reduce the required frontage requirement from 30 feet to 0 feet in a residential district (Section 5.030, Table 5-3); Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F).

**LOCATION:** 13334 East 21<sup>st</sup> Street South **(CD 6)**

**7. 22843—Jay Williams**

Variance to reduce the required frontage requirement from 30 feet to 25 feet in a residential district (Section 5.030, Table 5-3). **LOCATION:** Located West of NW/c of South Lewis Avenue East and East 48<sup>th</sup> Street South at the dead end of East 48<sup>th</sup> Street South **(CD 9)**

**8. 22844—John Wyrrick**

Special Exception to permit a fence in the street setback to exceed 4 feet in height (Section 45.080-A). **LOCATION:** 4141 South Zunis Avenue East **(CD 9)**

**9. 22846—Rene Saindon**

Variance to allow a lot to have more than one sign per street frontage in an OM District (Section 60.060-B); Special Exception to allow a sign to be located inside the City of Tulsa Right-of-Way or Planned-Right-of-Way (Section 60.020-E).

**LOCATION:** 4720 South Harvard Avenue East **(CD 9)**

### **OTHER BUSINESS**

### **NEW BUSINESS**

### **BOARD MEMBER COMMENTS**

### **ADJOURNMENT**

**Website:** [tulsaplanning.org](http://tulsaplanning.org)

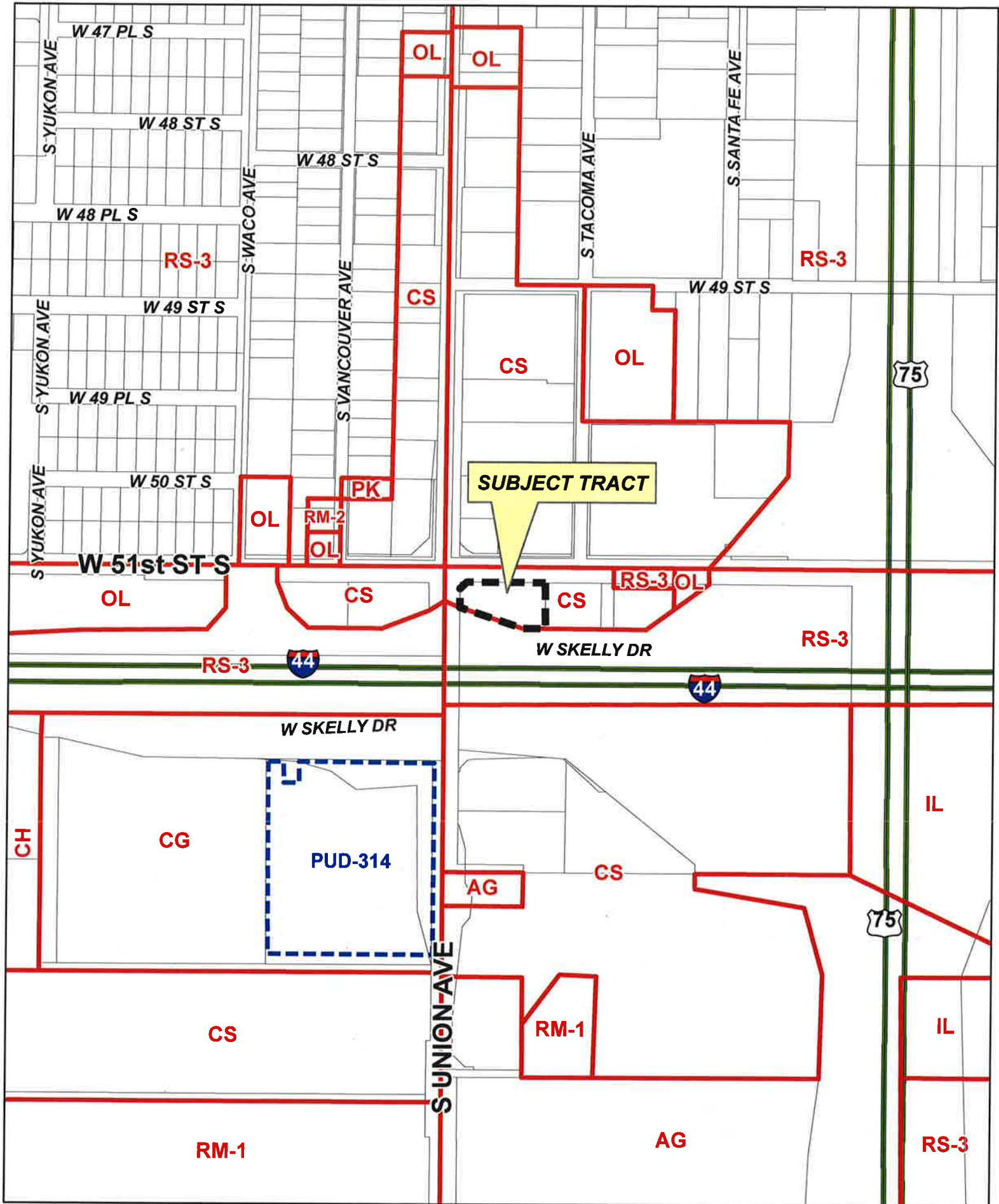
**E-mail:** [esubmit@incog.org](mailto:esubmit@incog.org)

**CD = Council District**

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

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**BOA-22822**

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# BOARD OF ADJUSTMENT CASE REPORT

STR: 9235

Case Number: **BOA-22822**

CZM: 46

CD: 2

**HEARING DATE:** 01/28/2020 (Continued from 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. 51<sup>st</sup> 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.

1.2

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 51<sup>st</sup> 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 51<sup>st</sup> Street***



***Subject Dispensary***

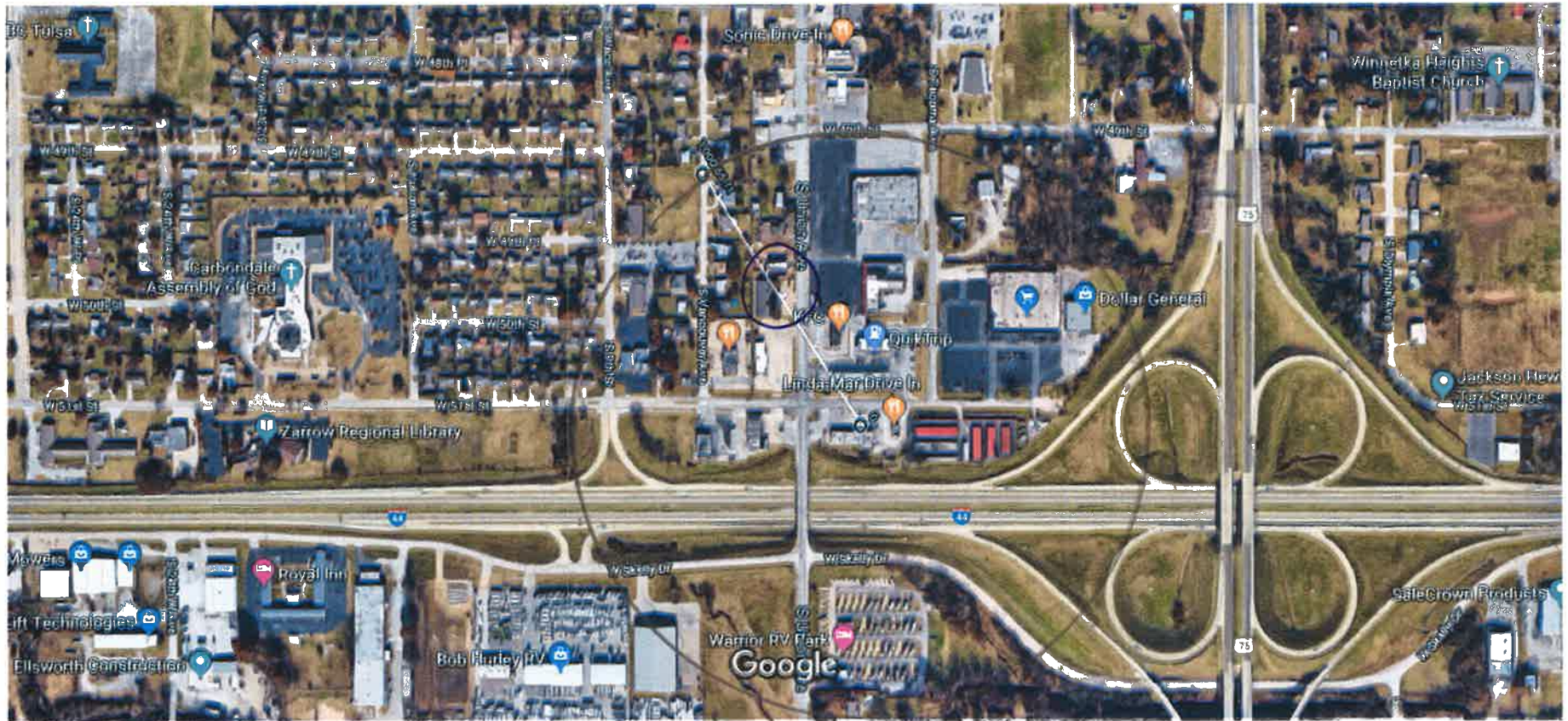


***Facing West on 51<sup>st</sup> Street***



Google Maps

URBAN LEAF  
CANNABIS  
DISPENSARY



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)

**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

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

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

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

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Subject  
Tract

**BOA-22822**

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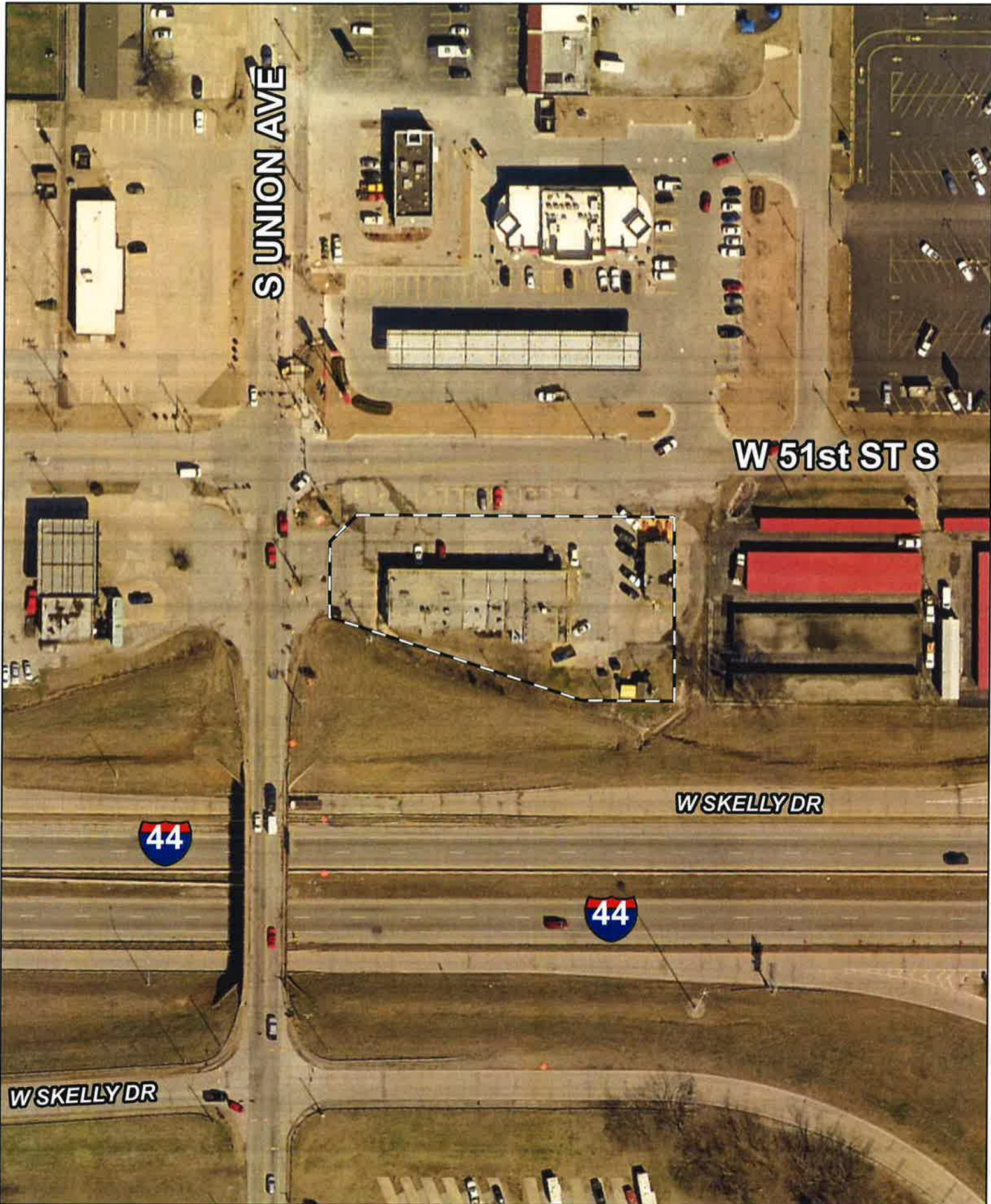
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align with physical features on the ground.

Aerial Photo Date: February 2018



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Subject  
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**BOA-22822**

19-12 35

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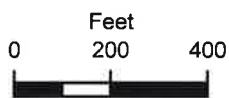
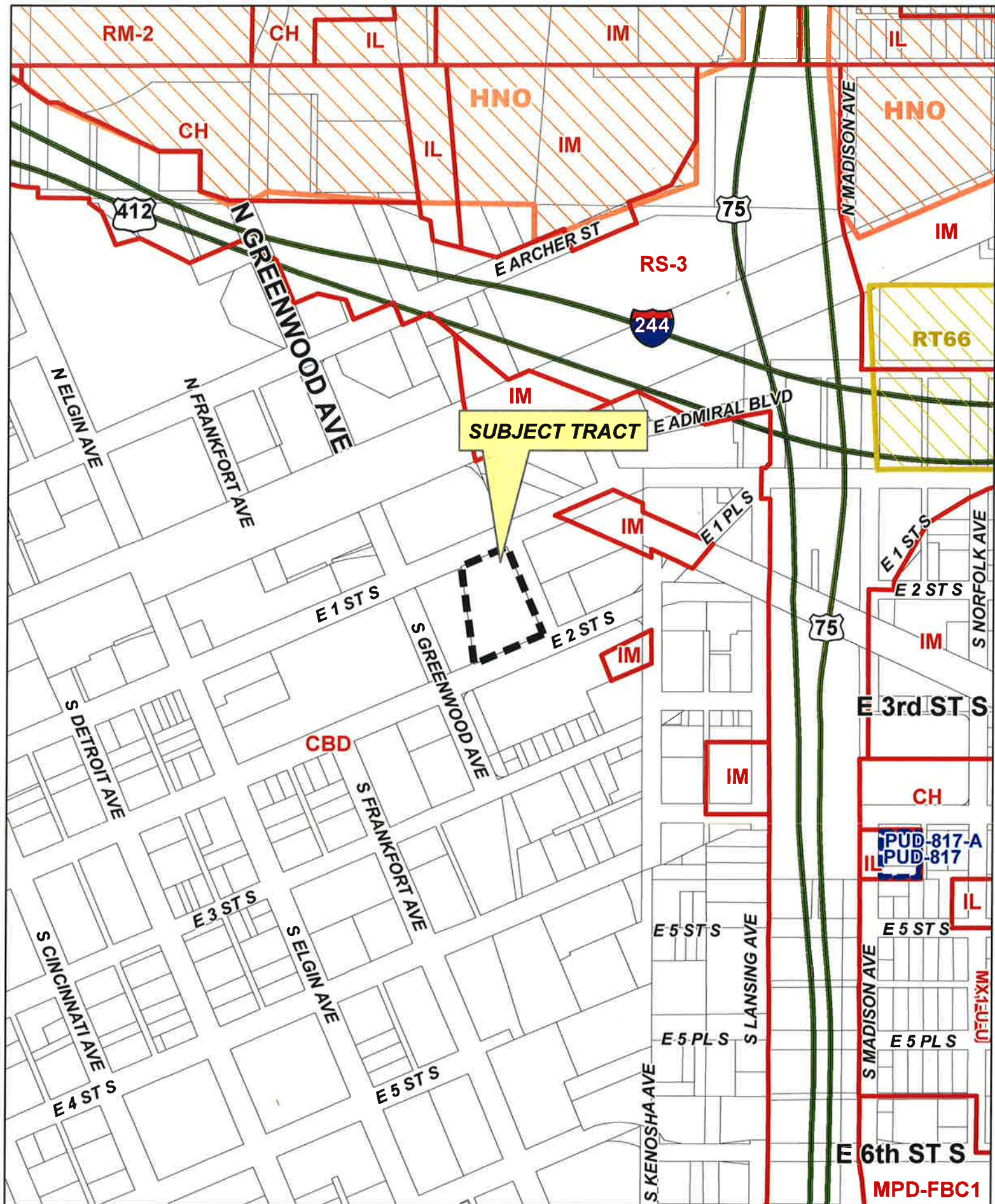
Aerial Photo Date: February 2018



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**BOA-22830**

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# 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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located East of the NE/c of S. Greenwood Ave and E. 2<sup>nd</sup> 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

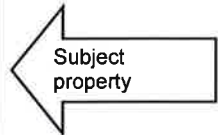
Section 60.080 | Signs in Mixed-use, Commercial and Industrial Zoning Districts

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**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.





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

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

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

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

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

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

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

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

**Board Action:**

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

BOA-22477

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

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

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

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

**22478—Justin Doolin**

**Action Requested:**

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

**Presentation:**

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

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

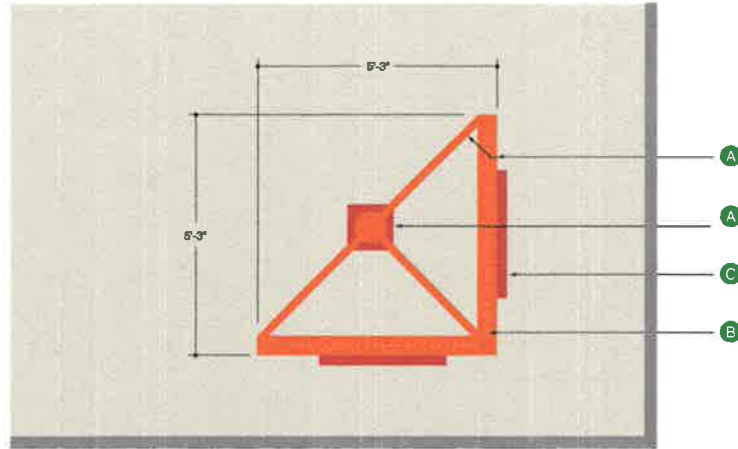






## EXPLODED VIEW





**Top View**

SCALE: 3/8"



**West Elevation View**

SCALE: 3/8"

6' X 5.25'=31.50SQFT

## 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



**South Elevation View**

SCALE: 3/8"

**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

SCALE: As Shown WHEN NOTED TO A 1/2"

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:

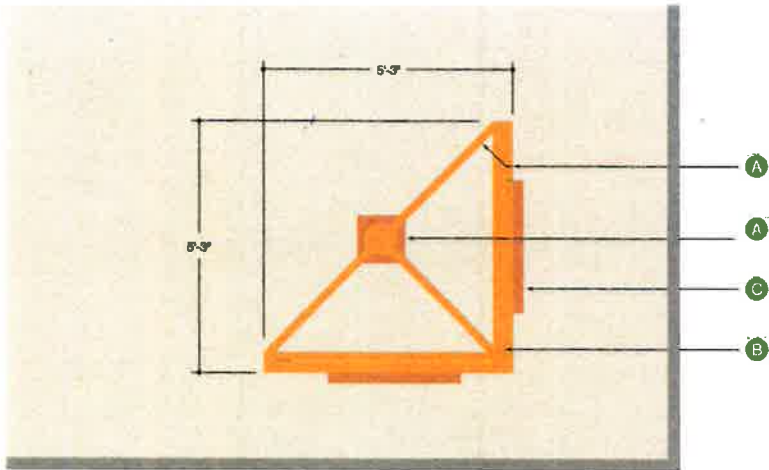
SHEET NUMBER

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Page 1 of 2

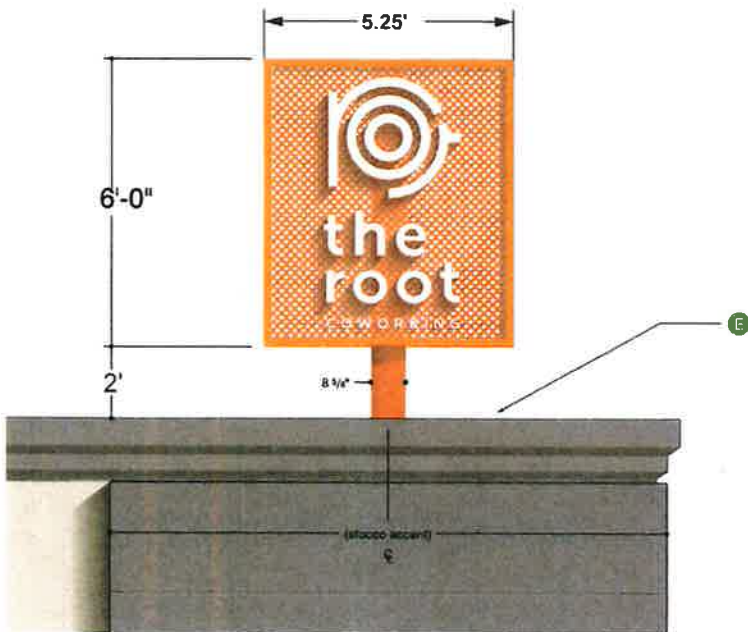
**DWG**  
**083019-03**

2.0



**Top View**

SCALE: 3/8"



**South Elevation View**

SCALE: 3/8"

*BVD*

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

**SOUTH ELEVATION TO BE NON LIGHTED AND ONLY HAVE THE UPLIGHT LIGHTING TO SIGN.**



**West Elevation View**

SCALE: 3/8"



www.amaxsign.com

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Tulsa, Oklahoma 74145  
ph (918)622-0651 fax (918)622-0659

QUALITY | VALUE | ASSURANCE

SCALE: As Shown

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

REVISIONS:

1.	1
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5.	5

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100% MATERIAL TEST PROTOCOL

Project Manager:

SHEET NUMBER

1

Page 1 of 2

**DWG**  
**083019-03**

Revised 01/14/20

2.11





REFERENCE - Scale: 1/8"

WEST ELEVATION



REFERENCE - Scale: 1/8"

SOUTH ELEVATION

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

QUALITY | VALUE | ASSURANCE

SCALE: As Shown MAIN 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
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5. 5

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Final Approval for Production

Project Manager:

SHEET NUMBER

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Page 2 of 2

DWG

083019-04

2/2



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Tulsa, Oklahoma 74145  
ph. (918)622-0651 fax (918)622-0659

QUALITY | VALUE | ASSURANCE

SCALE: As Shown NOT 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:

Signs will be built to meet UL specifications as required.

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

REVISIONS:

NO.	DESCRIPTION
1.	1
2.	2
3.	3
4.	4
5.	5

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FINAL APPROVAL FOR PRODUCTION

Project Manager:

SHEET NUMBER

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Page 1 of 2

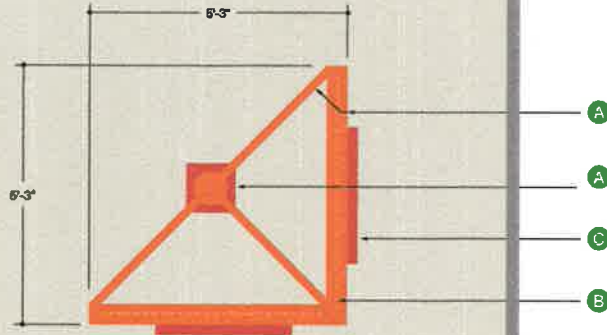
**DWG**  
**083019-03**

6' X 5.25' = 31.50 SQFT

## 1.2 Building ID

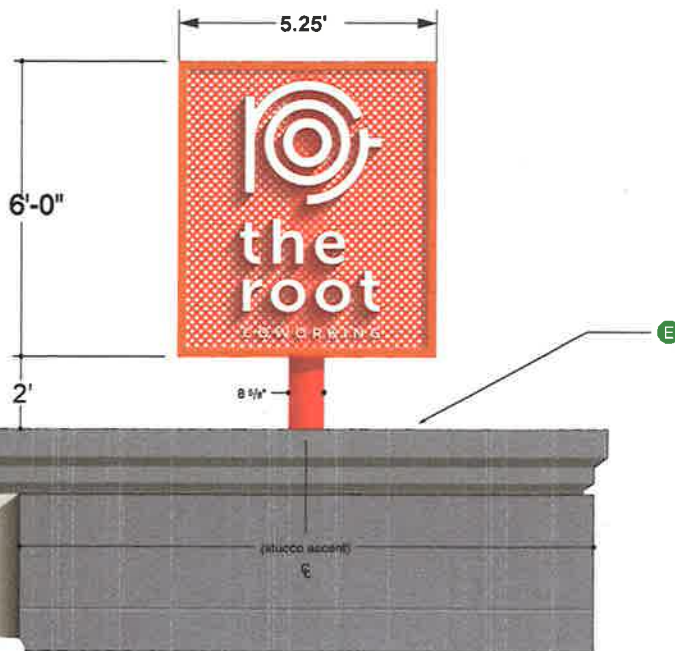
SCALE: 3/8"

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- 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"

2/13

**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.

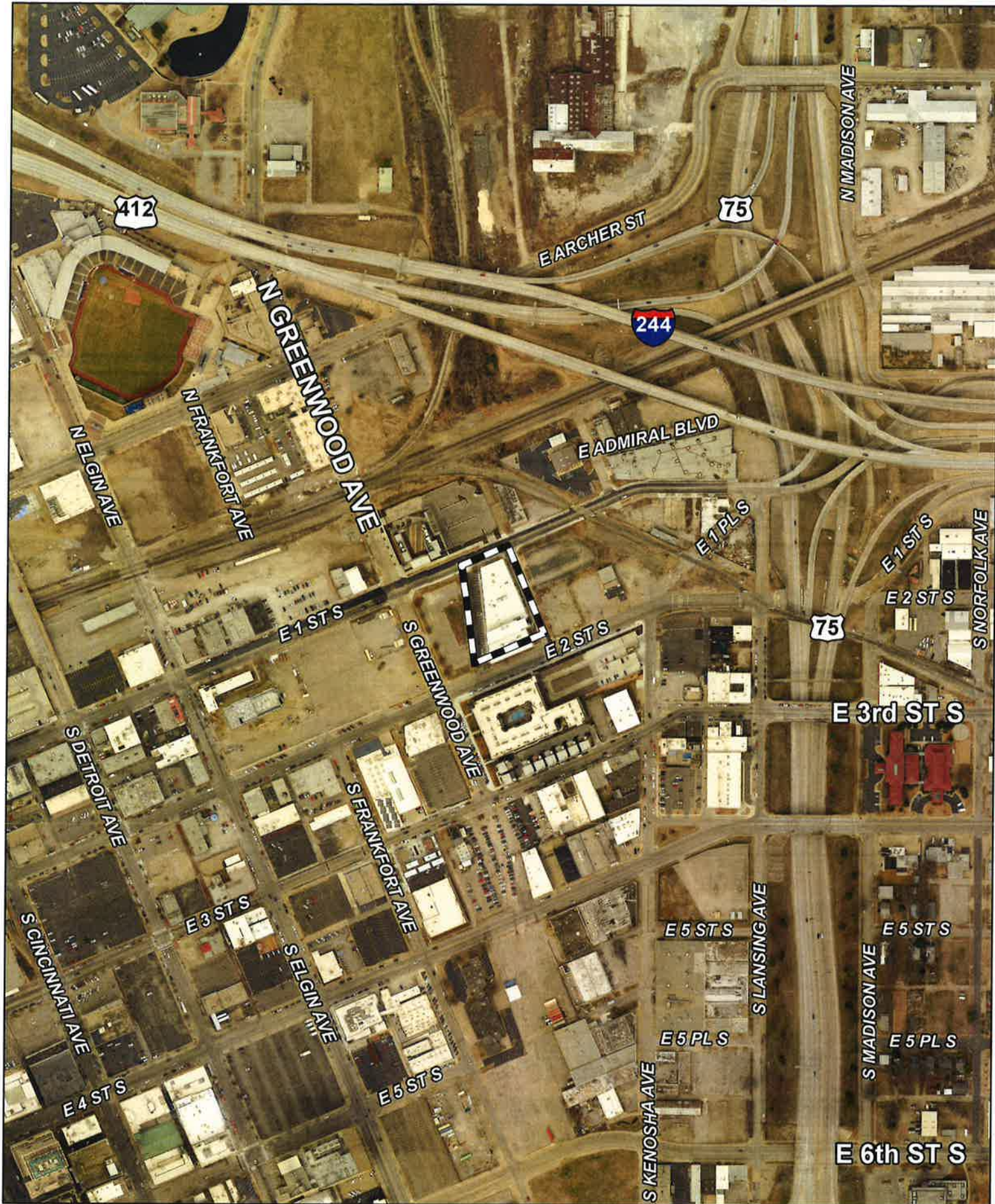
### Corrective Action

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



***Subject Building from 2<sup>nd</sup> and Greenwood***





0 Feet  
200  
400



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



2.17





Feet  
0 50 100



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

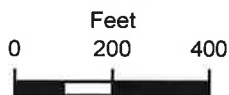
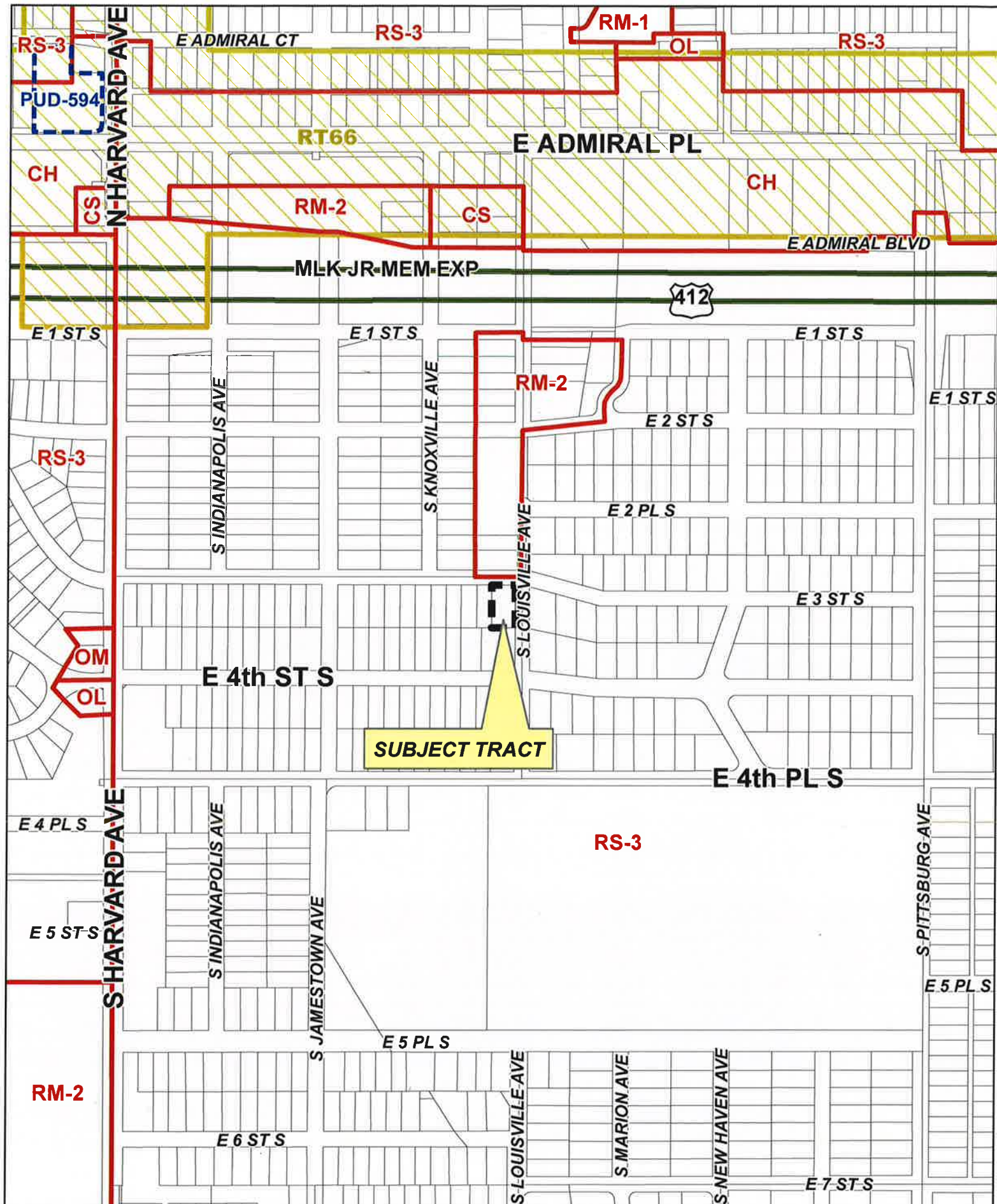


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**BOA-22832**

19-13 04

**3.1**



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9304

Case Number: **BOA-22832**

CZM: 37

CD: 4

**HEARING DATE:** 01/28/2020 (*Variance request continued from 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														
<b>RESIDENTIAL</b>														
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														
<b>RESIDENTIAL</b>														
<b>Household Living</b>														
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	S	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
<b>Min. Building Setbacks (ft.)</b>													
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;*

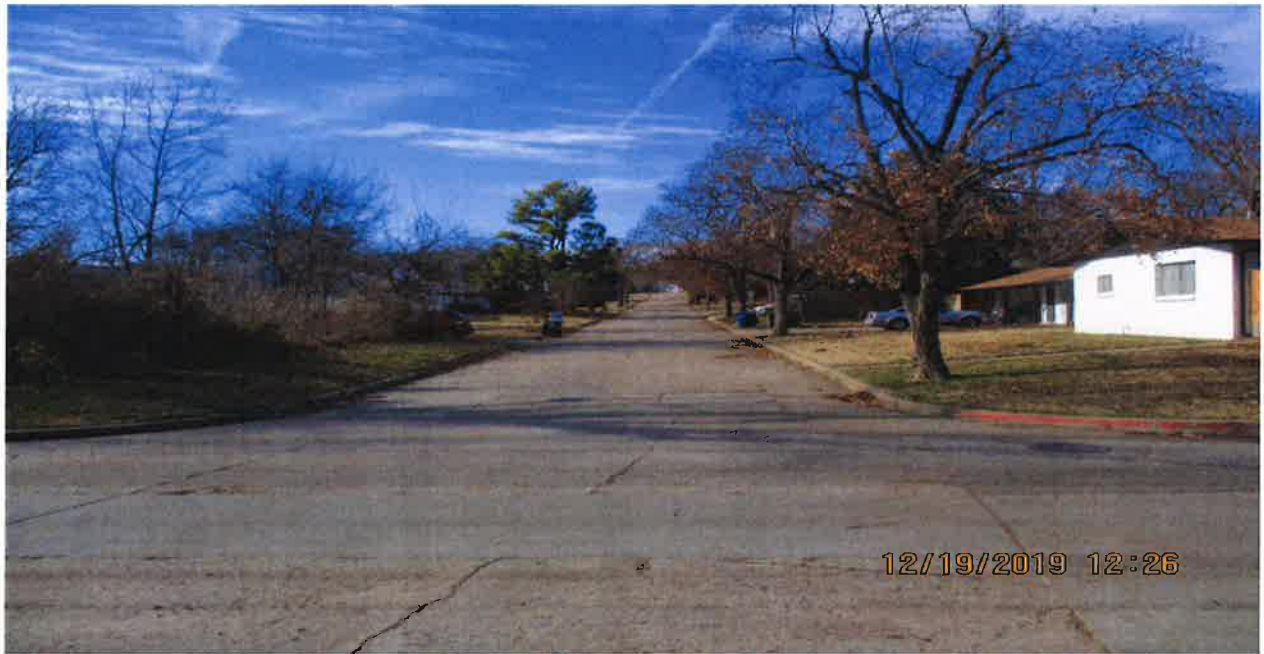
*d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

*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 3<sup>rd</sup> street*



*Subject property*



***Facing East on 3<sup>rd</sup> Street***



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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

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

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

#### IMPORTANT INFORMATION

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

(continued)

## REVIEW COMMENTS

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

Application No. **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**

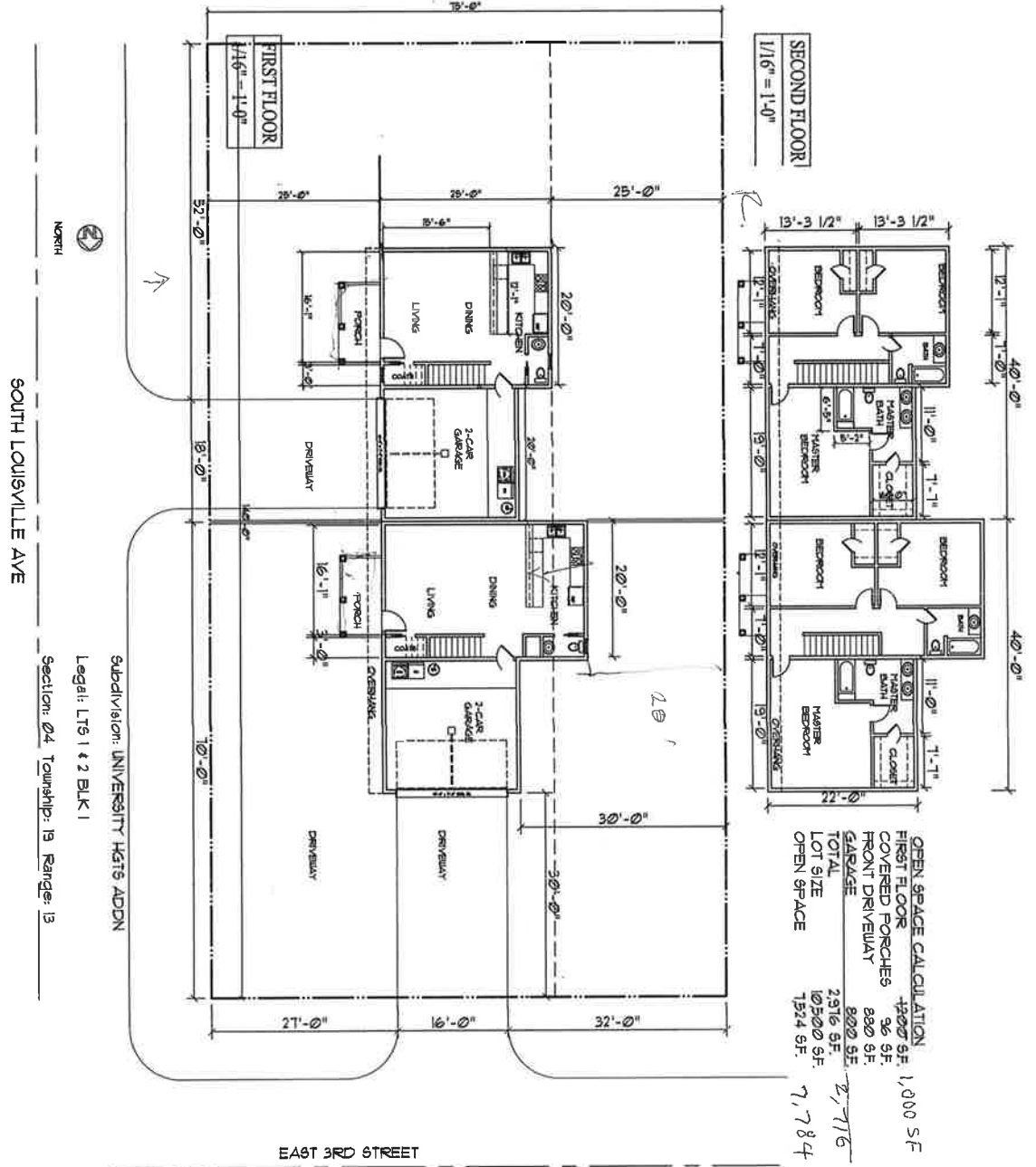
### **END -ZONING CODE REVIEW**

**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"



1

FEMI FASESIN, ARCHITECT  
ARCHITECTURE & PLANNING  
421 SOUTH OLYMPIA AVE., TULSA, OKLAHOMA 74127  
PHONE: 918-346-9700 • FAX: 918-595-3289

NEW DUPLEX AT  
319 S LOUISVILLE AVE  
Tulsa, Oklahoma  
74104

3.10





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







0 50 100  
Feet



Subject  
Tract

**BOA-22832**

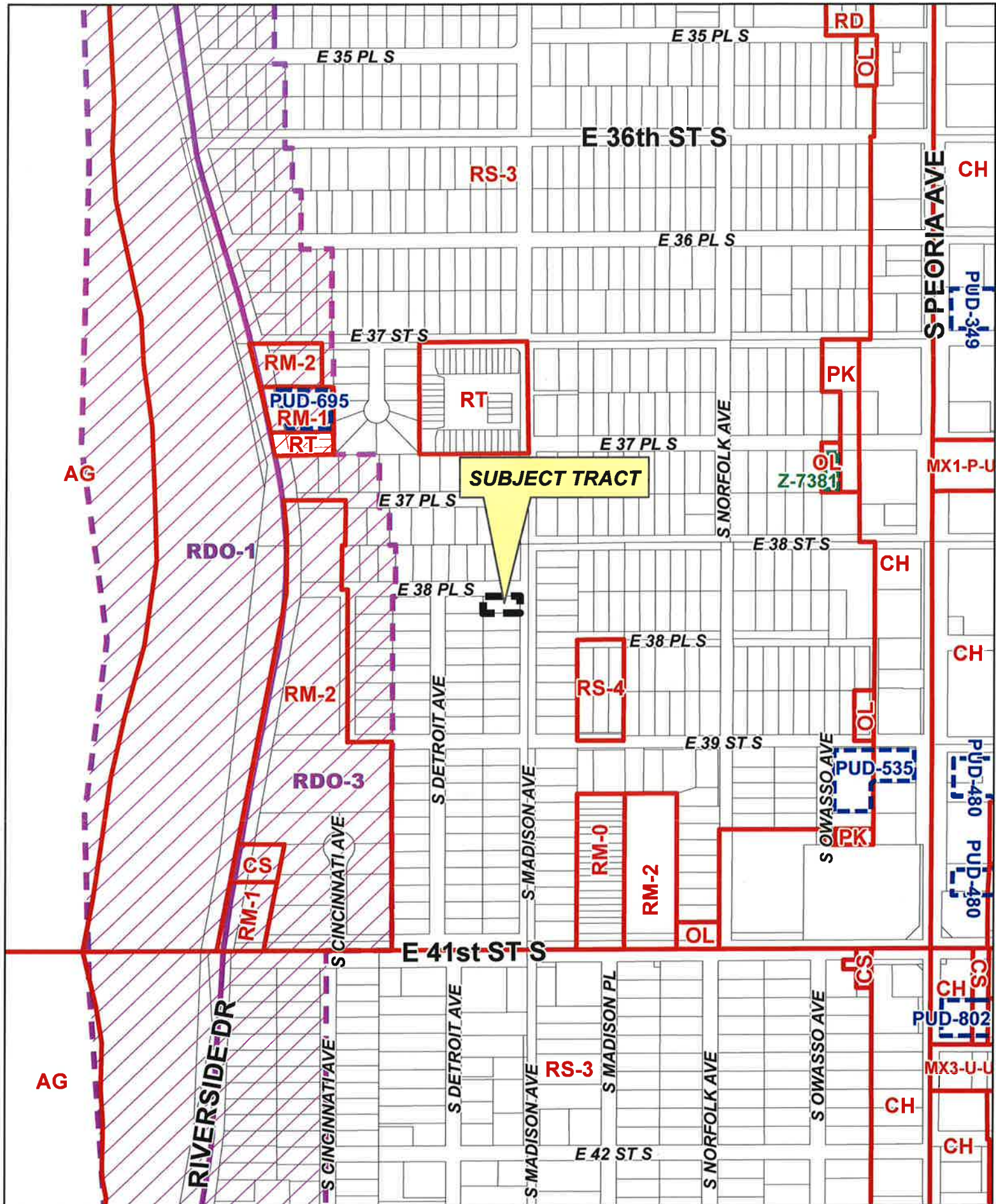
19-13 04

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

Aerial Photo Date: February 2018

N  
3.12





BOA-22835

4.1

# 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 38<sup>th</sup> 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.

4.2

**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
<b>Min. Building Setbacks (ft.)</b>													
<b>Street [3]</b>													
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:

- 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 38<sup>th</sup> Place South (**CD 9**)

**Presentation:**

**Doug Meyer**, 7528 South 82<sup>nd</sup> 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 38<sup>th</sup> Pl.*



***Subject Tract***

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

Michael Hagan

11/29/2019

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

**Project Location: 314 E 38<sup>th</sup> 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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

Application No. **BLDR-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

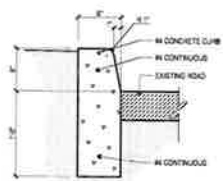
70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- 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

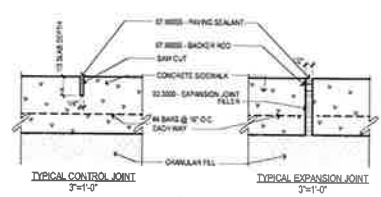
**Review comment:** The proposed carport is located in the street setback area and requires special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance. Please note: the regulations underlined above must be addressed as part of the special exception 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.

4.12

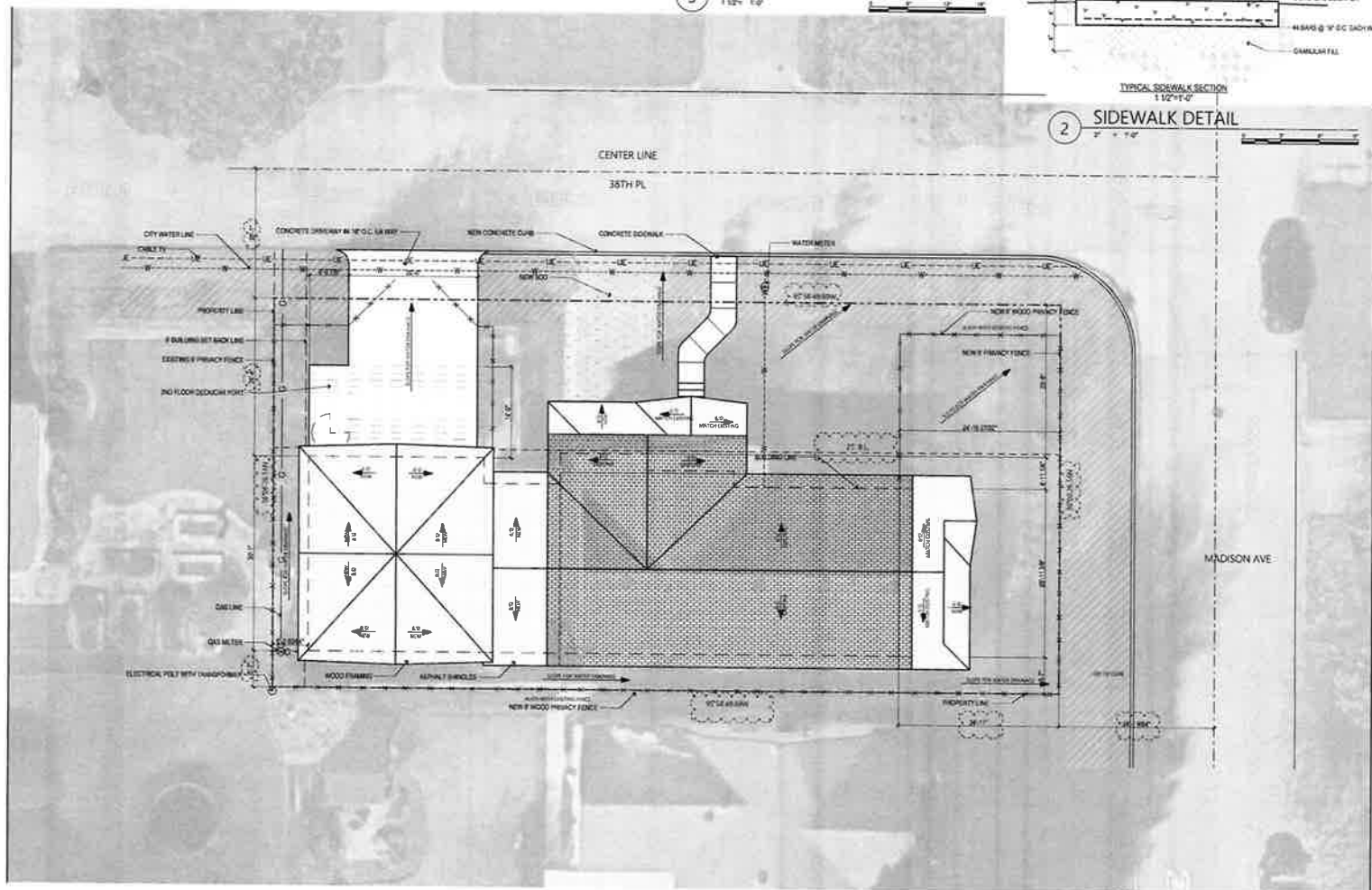
MICHAEL HAGAN  
204 E. 10TH ST. TULSA, OK 74103



3 CONCRETE CURB DETAIL  
1/2" = 1'-0"



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



**GENERAL NOTE**  
1ST FLOOR CEILINGS ARE 8'-0" HEIGHT  
SECOND FLOOR ARE VAULTED  
The Property is in the Tulsa Regulatory Floodplain with base flood elevation of 632.0 NAVD 1988  
All mechanical and electrical equipment must be at least 12" above the base flood elevation of 632.0 NAVD 1988  
The new fence will be included in a separate permit application.

**GENERAL NOTE**  
1. FINISH FLOOR HT IS ONLY  
2. TOP OF STRUCTURE 20' AFF  
UTILITY EASEMENT

**HAGAN HOUSE ADDITION**

TULSA, OKLAHOMA

EXISTING SITE PLAN

Project Number	mdh
Client	mdh
Project Name	HAGAN HOUSE ADDITION
Project Date	12/3/2019
Project Location	204 E. 10TH ST. TULSA, OK 74103
Project Status	IN PROGRESS



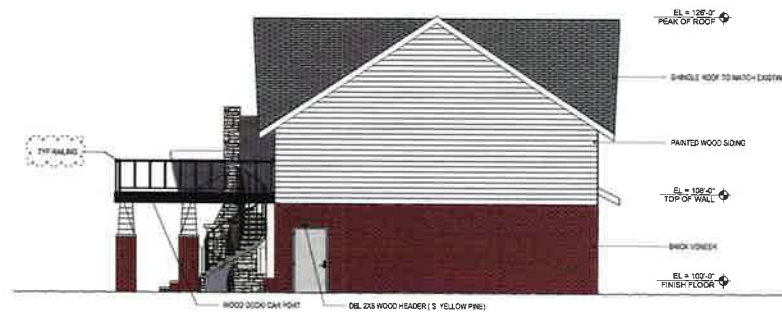
1 SITE PLAN  
1/8" = 1'-0"

A001



4.13

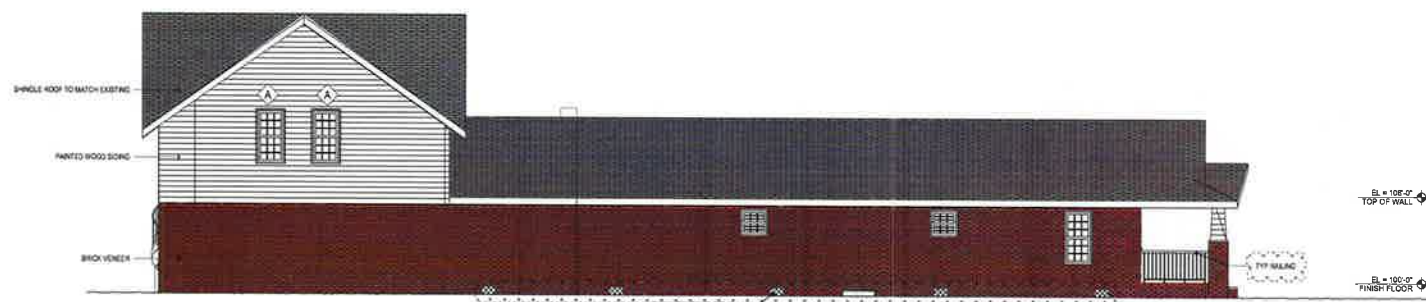
MICHAEL HA  
STATE OF OKLAHOMA ARCHITECT



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



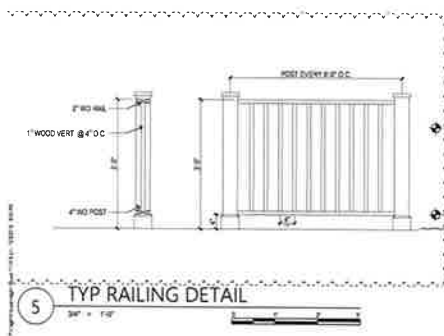
3 EAST ELEVATION  
3/16" = 1'-0"



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



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



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

Revision	Date	By	City Comments

**HAGAN HOUSE  
ADDITION**

**TULSA, OKLAHOMA**

**BUILDING ELEVATIONS**

Client	mdh	Project Number	
Designer	mdh	PRD Date	12/3/2019
CAD Operator	mdh	Jobn. Manager	12/3/2019 at 1:15 PM



**A202**



**Sparger, Janet**

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**From:** Chapman, Austin  
**Sent:** Monday, January 13, 2020 11:23 AM  
**To:** SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica Shelton  
**Cc:** Sparger, Janet; Wilkerson, Dwayne; Blank, Audrey; Swiney, Mark  
**Subject:** FW: BOA Variance Request 22835

All,

Please see the correspondence below regarding BOA-22835.

Best,

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



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

**From:** Susan Brown <sbbrown3571@gmail.com>  
**Sent:** Monday, January 13, 2020 11:20 AM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** BOA Variance Request 22835

Dear Mr. Chapman:

I own the house just about due east of the subject house/project. I also own two houses on 38th St. between Madison Ave and Norfolk. And I own the house on the south west corner of Madison Ave. and 39th, one block south in the same position on a lot the same size as the subject house. All of these homes were purchased for the lot and subsequent development of new homes. All of these lots are adequately sized for new homes with a foot print in excess of 2500 sf., including the corner lot at 39th and Madison Ave.

I take strict exception to these variance requests. No other homes in the area, old or new, have a lot fill factor approaching this request. While none of the more than 20 new homes in the area have "carports", a few of the older homes do. None of these existing carports



are as large or are as close to the street as the variance requested. None of them have roof top access from the abutting structure. None of them have a live load bearing capacity for an unidentified number of people. None of them have handrails and a circular staircase as a means of egress. None of the older or newer homes are completely surrounded by a non-conforming fence. None have a fence across the front side of the house. None have the backyard filled with a structure necessitating a variance to allow usage of side yard as a back yard. **None of them have a backyard adjacent to their neighbors front yard.**

When I spoke with you on the phone, I noted that I would not be able to attend the BOA meeting. However, I respectfully request that my objections and concerns be made known to the BOA.

Thank you, Susan Brown

**Sparger, Janet**

---

**From:** Chapman, Austin  
**Sent:** Monday, January 13, 2020 8:31 AM  
**To:** SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica Shelton  
**Cc:** Wilkerson, Dwayne; Sparger, Janet; ablank@cityoftulsa.org; Swiney, Mark  
**Subject:** FW: BOA-22835 Continuance Request

All,

Please see the email below requesting a continuance in BOA-22835.

Best,

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



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

**From:** JT.Mitchell.TUL <jt.mitchell.tul@gmail.com>  
**Sent:** Sunday, January 12, 2020 10:41 AM  
**To:** Chapman, Austin <AChapman@incog.org>  
**Subject:** BOA-22835 Continuance Request

Mr. Chapman,

I own the house immediately to the south of the subject project, two more houses within one block, and I take strict exception to the scope and magnitude of the proposed project. As you are aware the neighborhood is going thru gentrification and this project does not fall within the current 1950s norm of the neighborhood, and what the neighborhood shall be if gentrification continues. I am traveling for the next 60 days and unable to attend this meeting. Approval of this project with the requested "carport" and the requested "lot fill variance" will negatively affect the value of all 1950s era existing homes in the area, and the economic value created by builders of new homes. These teardown and rebuild homes, and therefore the desirability to undertake these projects which have provided an increase in the tax value to the County that is at least 5 times the value of the 1950s era housing that is being replaced, will be slowed or stopped according to the two builders I spoke with. Both have now started looking at projects south of 41st Street.

The proposed "carport" and its multiple variance requests is everything but a carport. It is an elevated deck / patio with access from the living area above the proposed garage. It has metal handrails. It has a circular staircase as a means of

egress. None of the few carports in the neighborhood are actually elevated party decks, none have access from the abutting structure, none have circular stair cases, and none are that large.

The proposed lot fill variance is not in keeping with renovations of the current 1950s era housing, including corner lots. My research also indicates none of the more than 25 new homes (all with selling prices of more than \$500,000 and associated tax value increases) within the area bound by 36th Street to 41st Street, Peoria to Riverside, have requested lot fill variances. The "Existing Site Plan " for the project, which is in reality a "Proposed Site Plan" shows but does not clarify that this request would allow additions onto three sides of the house. There are two new houses to the south, one lot distance away from the proposed east side addition, that conform to setback requirements. The proposed addition on the west side of the house is an extremely dense use of the lot. No other existing or newly constructed house is built to the setback lines on two sides. The lot fill density on the west side drives the addition on the east side. The east side will then become the "backyard" of the house where adjacent new homes have their front yard. The east side of the house will no longer align with the front of the many houses on Madison Ave., including the newly constructed homes.

The site plan also indicates a fence will be constructed completely around the property and the interior subdivided by another fence that appears to create a dog run. The "existing fence" does not run along the southside of the house as shown. In fact the wood fence was recently built on the south, the west, and the north side of the current backyard was non built conforming and was built without a permit. Discussions with the a plan examiner at the permitting office indicated that this recently constructed fence on the northside is taller than the 4' allowed by code for the front of a house, and was done so without a permit and without a variance request.

This home was purchased about 5 years ago as a residence for the architect that has designed and requested these variances. As a industry "professional" he knew what restrictions were placed on the lot when he bought it. If he wanted a house that large, enclosed by a fence, he should have purchased a different location that would allow a project of this magnitude without the multiple variance requests.

I therefore request that this project, the scope, the lot setback variances, and the lot fill variances be denied by the BOA, if the BOA feels that action is required at this meeting.

If that is not a possibility then I request that the BOA review and action on the proposed project be delayed for 90 days.

Sincerely,

JT Mitchell



Chapman, Austin

BOA-22836  
BOA-22835

**From:** JT.Mitchell.TUL <jt.mitchell.tul@gmail.com>  
**Sent:** Tuesday, January 21, 2020 3:10 PM  
**To:** Chapman, Austin  
**Subject:** Re: BOA-22835 Continuance Request



CARPORTS\_36\_TO\_41\_PEORIA\_TO\_RIVERSIDE\_012120\_v...



NEW\_HOMES\_36\_TO\_41\_PEORIA\_TO\_RIVERSIDE\_012120\_...



Attached are PowerPoint presentations that include all carports that I could find, and most new homes I could find between 36th and 41st, Peoria to Riverside.

These pics clearly show what a carport is in this neighborhood, and none resemble the proposed carport even remotely.

And the next file shows most of the new homes I could find. None were out of alignment with the other existing or new houses in the neighborhood. And as best I know from discussions with neighbors, and my personal experience having two new homes directly south of my home, none have requested lot fill variances or were built in the setback areas. Unfortunately I did not get pics of those two.

Thank you for your help.

JTM

On Tue, Jan 21, 2020 at 12:20 PM Chapman, Austin <[ACHapman@incog.org](mailto:ACHapman@incog.org)> wrote:

I believe the board wanted more detail on the site plan to understand exactly what relief they would be granting.

**From:** JT.Mitchell.TUL <[jt.mitchell.tul@gmail.com](mailto:jt.mitchell.tul@gmail.com)>  
**Sent:** Tuesday, January 21, 2020 11:15 AM  
**To:** Chapman, Austin <[ACHapman@incog.org](mailto:ACHapman@incog.org)>  
**Subject:** Re: BOA-22835 Continuance Request

Thank you. I tried to find meeting minutes or the cctv recording but could not. Could you provide links if you have them please.

I understand the BOA was frustrated in the discussions with him and their deliberations, and continued it for that reason. Could you tell me what the issues were please. Thanks. JTM

On Tuesday, January 21, 2020, Chapman, Austin <[ACHapman@incog.org](mailto:ACHapman@incog.org)> wrote:

> Good Morning,

>

>

>

> I wanted to make sure you were aware this case was continued until the 1/28/2019 BOA Hearing. It will be a 1:00 pm



4.20





4.21



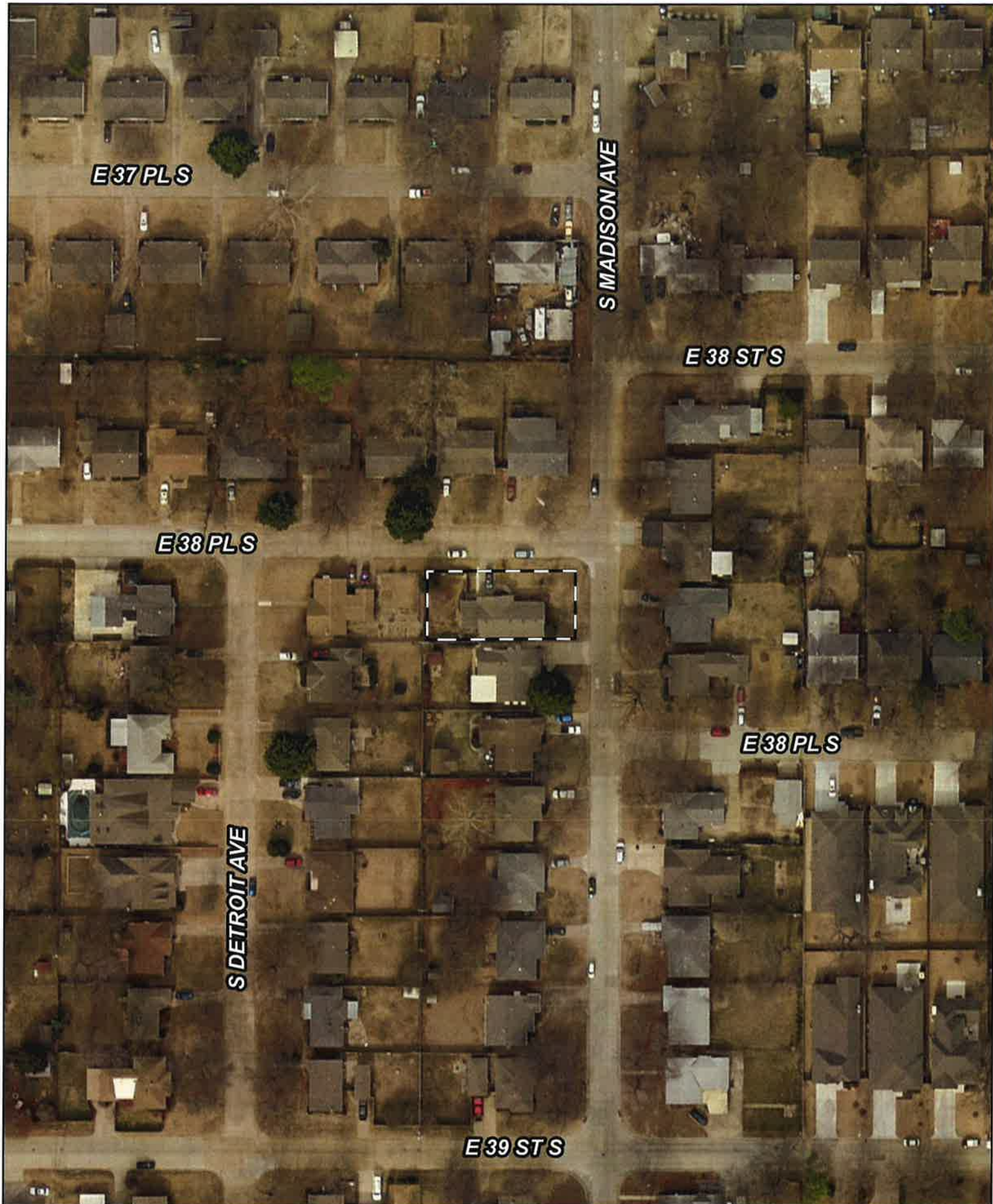












0 50 100  
Feet



Subject  
Tract

**BOA-22835**

19-12 24

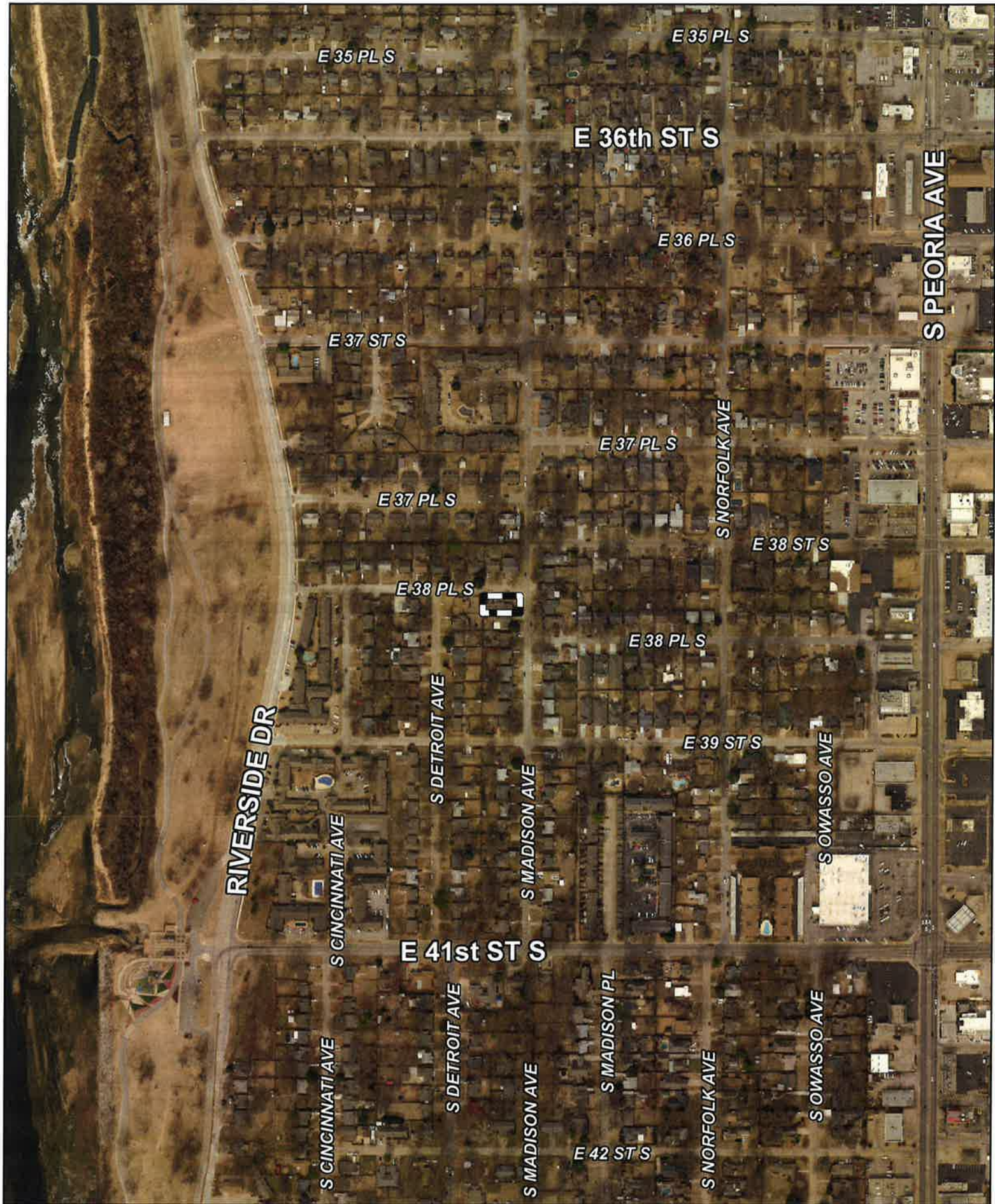
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2011



4.25





0 Feet 200 400



Subject Tract

**BOA-22835**

19-12 24

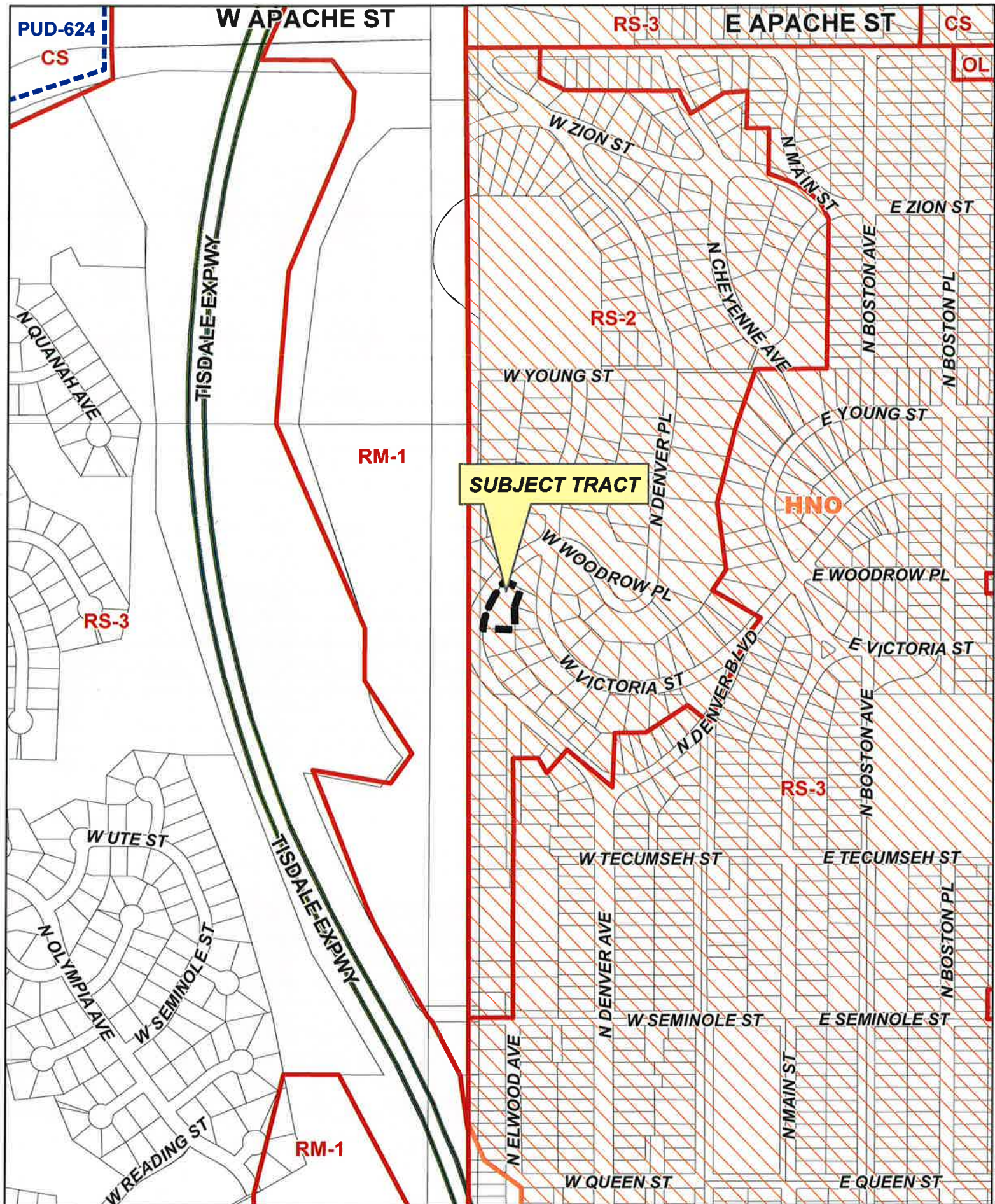
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 20:

4.26







PUD-624

CS

W APACHE ST

RS-3

E APACHE ST

CS

OL

W ZION ST

N MAIN ST

E ZION ST

N BOSTON AVE

N BOSTON PL

RS-2

W YOUNG ST

N DENVER PL

E YOUNG ST

RM-1

SUBJECT TRACT

HNO

W WOODROW PL

E WOODROW PL

W VICTORIA ST

E VICTORIA ST

N DENVER BLVD

N BOSTON AVE

RS-3

RS-3

W UTE ST

TISDALE-EXPWY

W TECUMSEH ST

E TECUMSEH ST

N DENVER AVE

W SEMINOLE ST

E SEMINOLE ST

N BOSTON PL

N MAIN ST

W QUEEN ST

E QUEEN ST

RM-1

N ELWOOD AVE

Feet

0 250 500

BOA-22838

5.1

20-12 26





# 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)

5.2

## 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 §90.090-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]	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

### 55.090-F Surfacing

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

2. 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.

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, 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'
Driveway Within Right-of Way (feet) [1]	27'	26'	22'	20'
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 2<sup>nd</sup> 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 2<sup>nd</sup> STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601. THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

Application No. **BLDR-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.





**Keith Dalessandro**  
**1112 S Kalanchoe Ave.**  
**Broken Arrow, OK 74012**  
**Ph. 918.691.3967**

**BOA-22838**

Dear Board of Adjustment,

Thank you for taking the time to hear our case today. My client Shane McElravy is interested in building a living quarter for his Mother In-Law. He owns two lots in the Reservoir Hill subdivision. We have two hardships to claim. Before getting to the hardships I would like to bring attention to the design of the proposed residence. I have designed the in-law quarters to match style and shape of the original home with the intention of keeping the integrity of the main residence. Doing so the proposed structure will match and look like it was originally built in 1935.

The first hardship is the allowed size of sq. ft. for an accessory building determined in the zoning code 45.030-B RS-2, RS-3, RS-4, RS-5 or RM Districts. The proposed structure is 1,708 sq. ft. including the garage, patio and living quarters. The living sq. ft. is 1,021, a modest one-bedroom apartment with the amenities required for a Mother to live comfortably. We are asking the board to grant an exception on this issue.

The second hardship is the front 30' setback 5.030-A. Our placement of the quarters on the lot was derived due to a few reasons. First, we want to preserve as many trees as possible. Through this preservation of trees, we will be able to maintain the look of the lot and neighborhood. Where the proposed quarters is placed, 2 trees would be impacted. Second, we want to preserve the terrain of the lot. This portion of town has rolling hills. Due to the slope of this lot, placing the proposed structure forward closer to the anterior preserves the terrain. Third, aesthetically we feel the proposed placement will look natural and original. We are also asking the board to grant an exception on this issue.

Thank you for your consideration,

Keith Dalessandro

January 8, 2020

5.10



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.**

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

**LOT 13**

**LOT 14**

**LOT 13**

**LOT 12**

**LOT 15**

$R=292.62'$   
 $L=130.03'$   
 $CL=128.96'$   
 $CB=N 16^{\circ}53'11" E$

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

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

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

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

EXIST CONC. DRIVE

EXIST GRAVEL DRIVE

NEW CONC DRIVE

NEW CONC DRIVE

PROPOSED GARAGE

PROPOSED STUCCO RESIDENCE

COV. PATIO

SSCO(3)

PP(2)

GUY(2)

OBL - PLAT

OBL - PLAT

5' ESMT - PLAT

35'

40'

42'-6"

43'-8"

44'-8"

45'-8"

46'-8"

47'-8"

48'-8"

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283'-8"

284'-8"

285'-8"

286'-8"

287'-8"

288'-8"

289'-8"

NOTES:

This design plan (Plan) has been prepared by Pinnacle Design (Pinnacle) which is a registered professional architectural firm. Pinnacle Design is not responsible for any errors or omissions in this plan or for any consequences arising from the use of this plan by the customer and/or any third party. Pinnacle Design is not responsible for any errors or omissions in this plan or for any consequences arising from the use of this plan by the customer and/or any third party. Pinnacle Design is not responsible for any errors or omissions in this plan or for any consequences arising from the use of this plan by the customer and/or any third party.

**PINNACLE**  
DESIGN

SETH DALESSANDRO  
112 S. Kalamazoo Ave  
Dexter, MI 48130  
734-241-1347  
www.pinnacle-design.com

MODEL #  
**McELRAY RES.**

SQUARE FOOTAGE:	
1st FLOOR	1,021
2nd FLOOR	1,021
TOTAL	2,042
Garage	571
Deck	0
Yard	0
Living	0
TOTAL	0

REVISIONS:	
DATE:	06/05/14
BY:	06/05/14
CHKD BY:	06/05/14

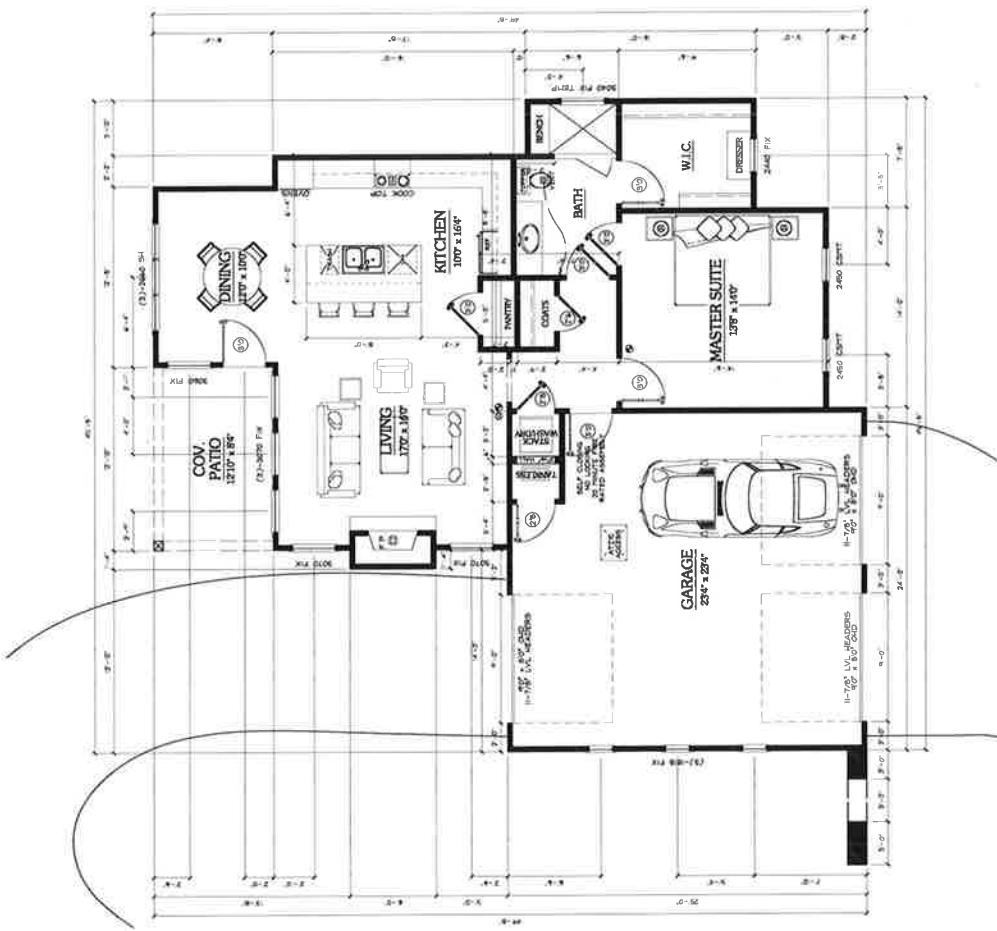
PDC PROJECT NUMBER  
**19-034**

ADDRESS:

FLOOR PLAN

SCALE: 1/4"=1'-0"

Sheet  
**A-1**







5.14

NOTES:

This design (Plan) has been prepared by Pinnacle Design (Private) Limited. The use of this Plan by the customer and any contractor working from the customer and Pinnacle Design (Private) Limited representation or warranty of any kind made by Pinnacle Design (Private) Limited is hereby disclaimed. Pinnacle Design (Private) Limited is not responsible for any errors or omissions in this Plan. The customer is advised to verify all measurements, dimensions, and levels with the relevant authorities before commencing any work. Pinnacle Design (Private) Limited is not responsible for any errors or omissions in this Plan. The customer is advised to verify all measurements, dimensions, and levels with the relevant authorities before commencing any work.

# PINNACLE

112 S. Kilmarnock Ave.  
Brentwood, TN 37027  
Tel: 615-371-1111  
www.pinnacle-design.com

MODEL #1

MCELRAVY RES.

SQUARE FOOTAGE	
1st FLOOR	1,100
2nd FLOOR	1,100
TOTAL	2,200
GARAGE	1,100
PATIO	1,100
SCREENED	1,100
LIVING	1,100
TOTAL	2,200

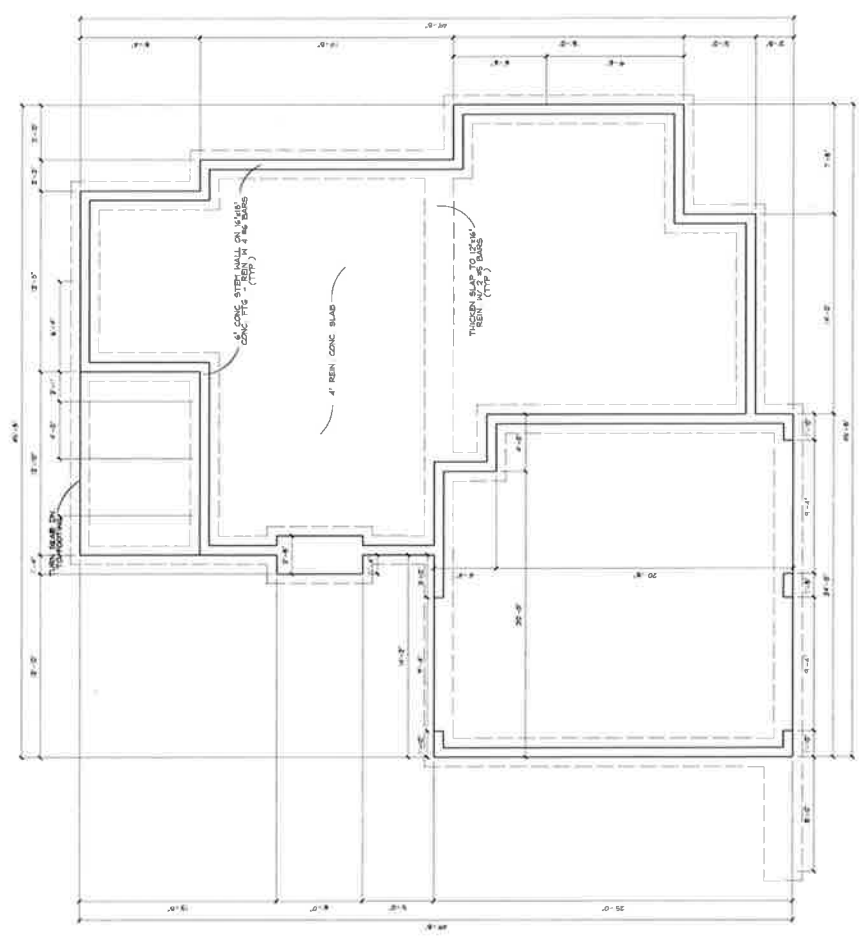
REVISIONS	
DATE	DESCRIPTION
01-30-2019	19-054

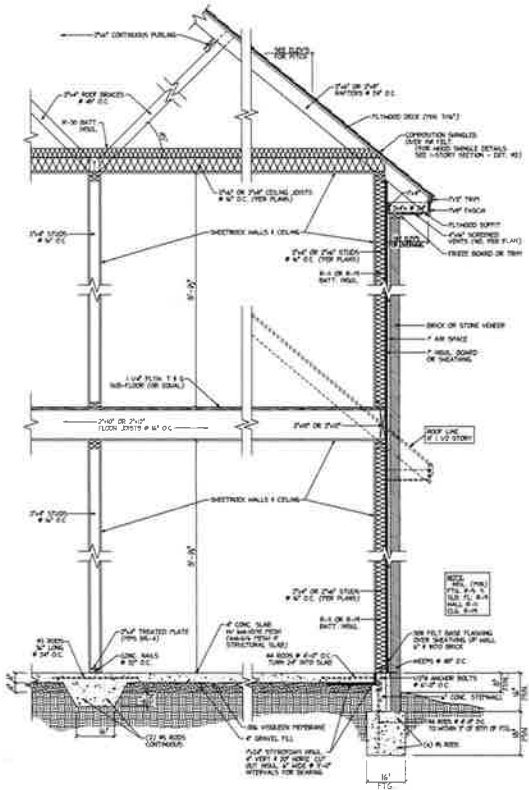
PROJECT NUMBER: 19-054

ADDRESS:

FOUNDATION  
SCALE: 1/4"=1'-0"

SHEET  
5-1

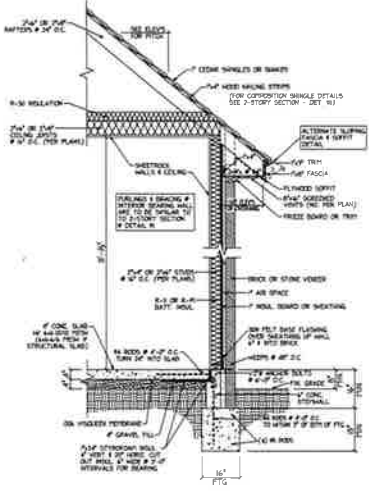




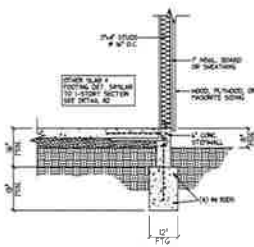
INTERIOR BEARING WALL  
W/ THICKENED SLAB FOOTING

EXTERIOR VENEERED WALL

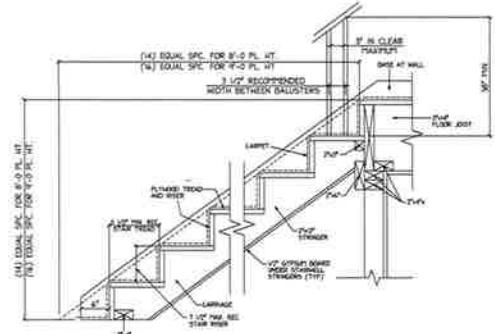
#1 TWO STORY WALL SECTIONS  
SCALE: 1/2" = 1'-0"



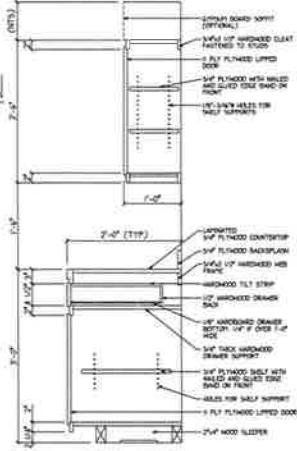
#2 ONE STORY WALL SECTION  
W/ VENEERED WALL  
SCALE: 1/2" = 1'-0"



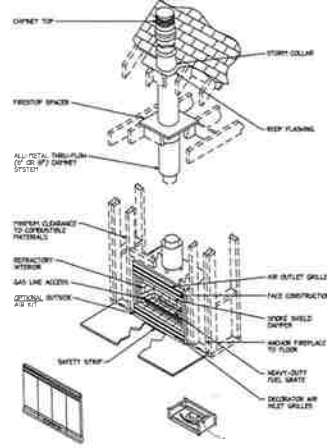
#3 FRAME WALL SECTION  
SCALE: 1/2" = 1'-0"



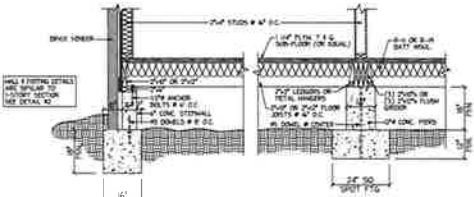
#5 TYPICAL STAIRWAY DETAIL  
SCALE: 1" = 1'-0"



#6 TYPICAL CABINET DETAIL



#7 TYPICAL FIREPLACE DETAIL  
(FACTORY BUILT)



EXTERIOR VENEERED WALL

INTERIOR BEARING WALL

#4 WOOD FLOOR WALL SECTIONS  
W/ CRAWL SPACE  
SCALE: 1/2" = 1'-0"

NOTES:

1. All dimensions are in feet and inches. Round off to nearest 1/8".  
2. All materials shall be of the highest quality and shall conform to the specifications of the American Institute of Steel Construction, Inc. (AISC) and the American Wood Council (AWC).  
3. All fasteners shall be of the highest quality and shall conform to the specifications of the American Institute of Steel Construction, Inc. (AISC) and the American Wood Council (AWC).  
4. All connections shall be made in accordance with the specifications of the American Institute of Steel Construction, Inc. (AISC) and the American Wood Council (AWC).  
5. All details shall be made in accordance with the specifications of the American Institute of Steel Construction, Inc. (AISC) and the American Wood Council (AWC).

PINNACLE  
HOME DESIGN

KEITH DALESSANDRO  
12 S. Kalamazoo Ave.  
Bremen, AR, OK 74003  
405-341-3443  
www.pinnaclehomes.com

MODEL #  
McELAVY RES.

SQUARE FOOTAGE:  
1st FLOOR  
2nd FLOOR  
TOTAL  
GARAGE  
PORCH  
PATIO  
Vacant  
LIVING  
TOTAL

DRAWING  
DATE: 08-05-08  
08-30-2008

PROJECT NUMBER  
19-034

ADDRESS:

DETAILS

SCALE: 1/2" = 1'-0"

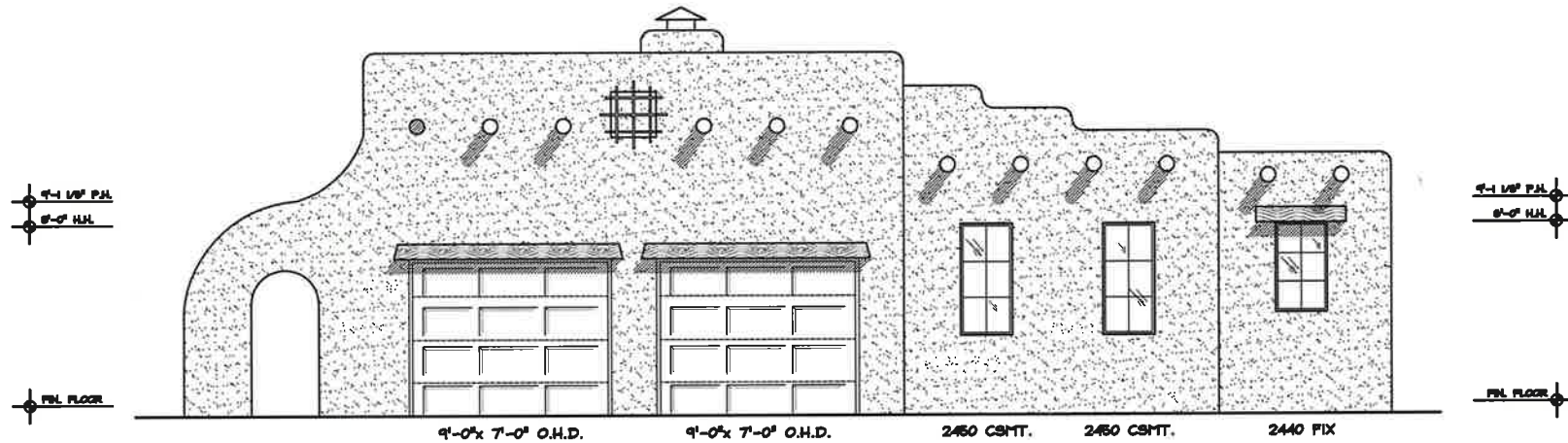
SHEET  
D-1



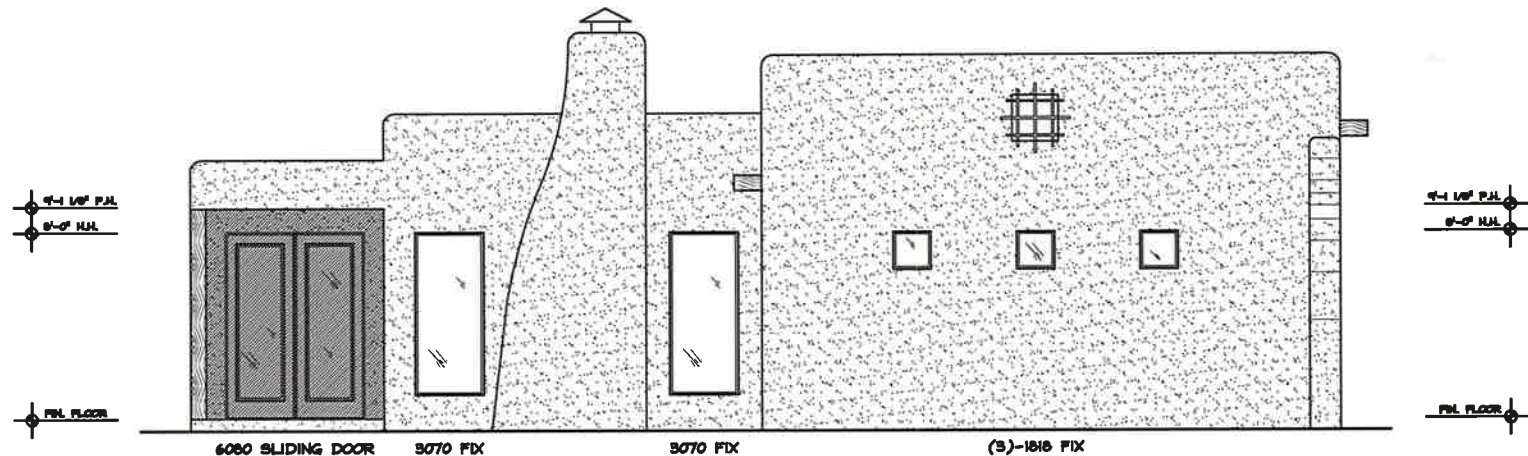
# "McELRAVY RES."

Approximately  
1,021 SQ. FT.

5.16



FRONT ELEVATION



LEFT ELEVATION

**PINNACLE**  
HOME DESIGN

**KEITH DALESSANDRO**

1112 S Kalanchoe Ave.  
Broken Arrow, OK 74012  
918.691.3967

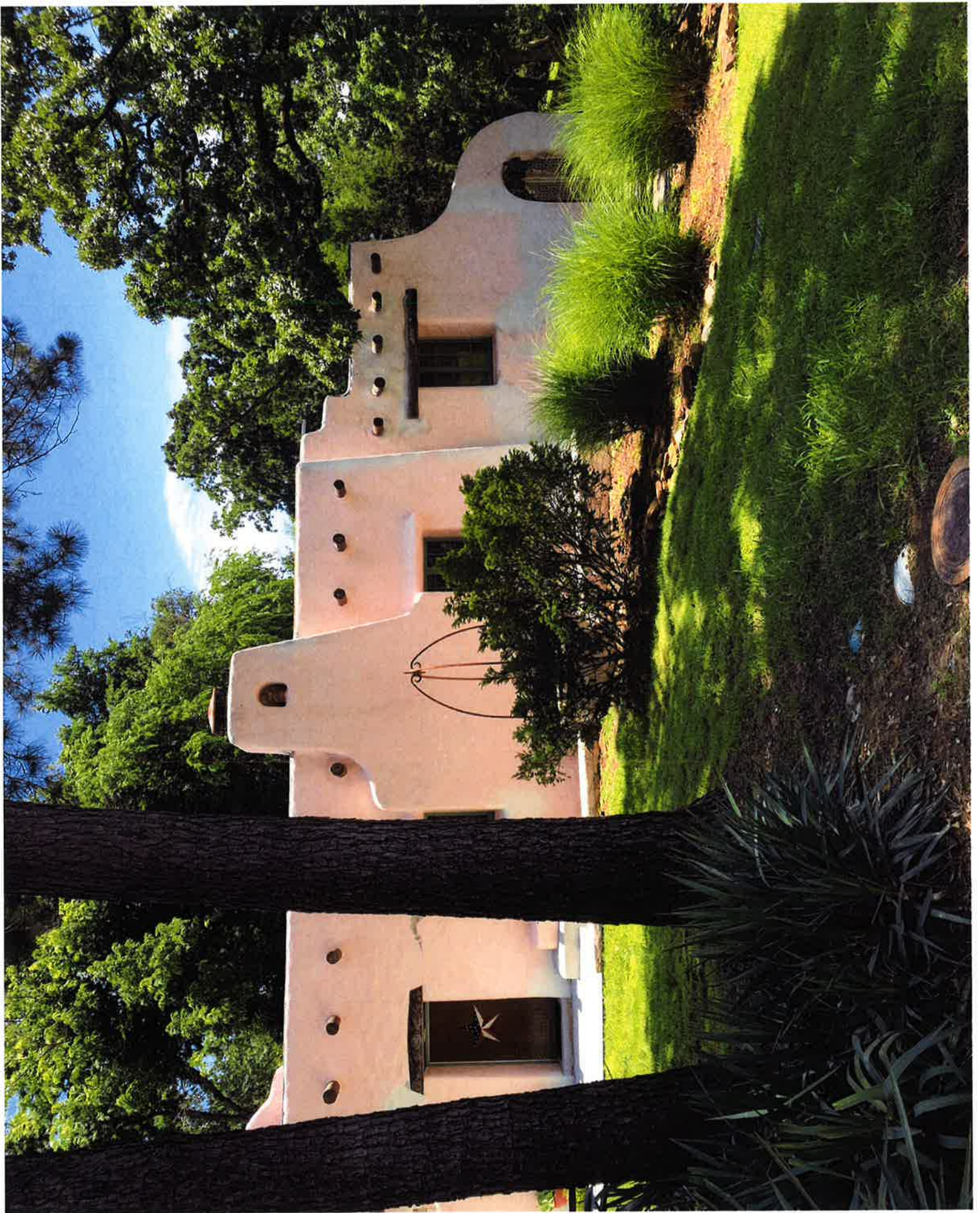
keith@pinnacle-designco.com  
www.pinnacle-designco.com





5.17









5.19









0 250 500  
Feet



Subject  
Tract

**BOA-22838**

20-12 26

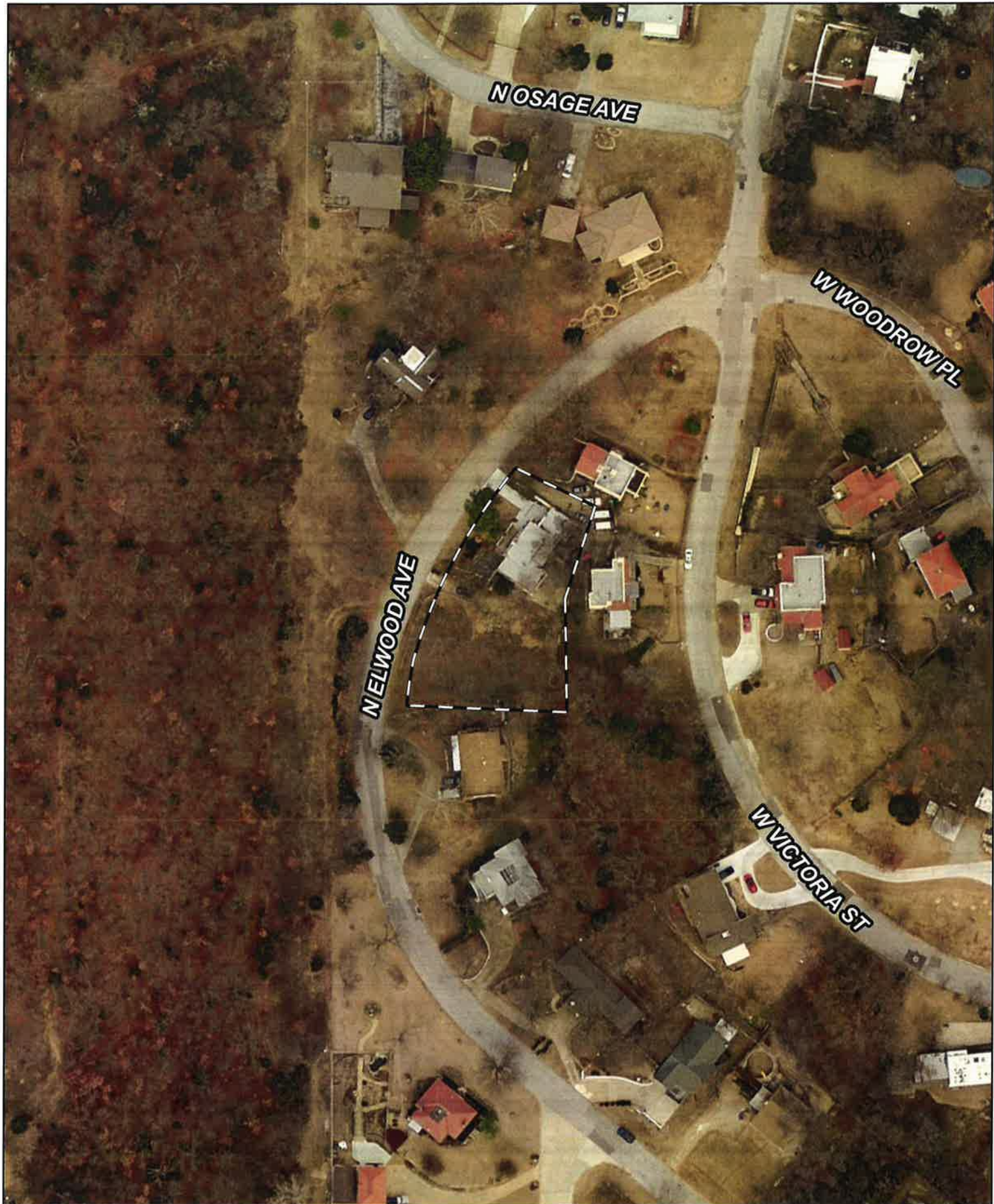
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018



5.21





0 50 100  
Feet



Subject  
Tract

**BOA-22838**

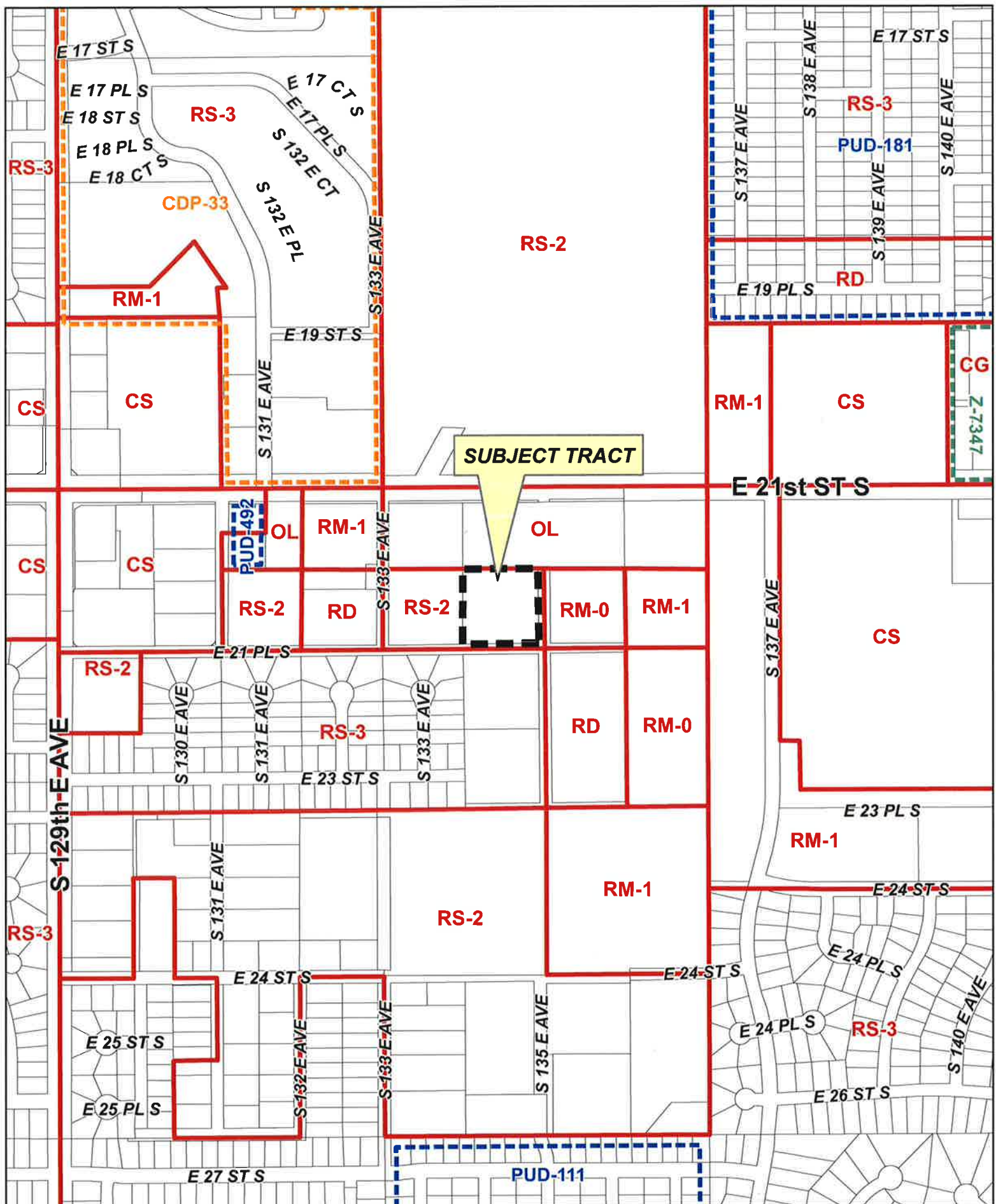
20-12 26

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

Aerial Photo Date: February 2011

N  
5.22





**BOA-22842**

6.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9416

Case Number: **BOA-22842**

CZM: 39

CD: 6

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

**APPLICANT:** Karl Yang

**ACTION REQUESTED:** Variance to reduce the required frontage requirement from 30 feet to 0 feet in a Residential District (Sec. 5.030, Table 5-3) Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F)

**LOCATION:** 13334 E 21<sup>st</sup> St S

**ZONED:** RS-2

**PRESENT USE:** Vacant

**TRACT SIZE:** 93061.97 SQ FT

**LEGAL DESCRIPTION:** BEG 635.746S & 1649.425E NWC TH N305.257 E304.89 S305.233 W304.885 POB SEC 16 19 14

**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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an RS-2 zoned tract located at the NW/c of E. 21<sup>st</sup> PL. S. and S. 135<sup>th</sup> E. Ave. The intersection only consists of dedicated right-of-way and at the current time no road has been built.

6.2

REVISED 1/21/2020



## **STAFF COMMENTS:**

The applicant is requesting Variance to reduce the required frontage requirement from 30 feet to 0 feet in a Residential District (Sec. 5.030, Table 5-3) Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F)

*Table 5-3: R District Lot and Building Regulations*

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Street Frontage													
Residential bdgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30

### **55.090-F Surfacing**

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

## **STATEMENT OF HARDSHIP:**

There will be an access easement going through other property owned by the Hmong Alliance Church to the North. The Gravel Driveway variance is due to the extra long Driveway.

## **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required frontage requirement from 30 feet to 0 feet in a Residential District (Sec. 5.030, Table 5-3) **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F)

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

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."*





***Existing gravel driveway leading from Hmong Alliance Church Property to the subject property.***



***Facing East on 21<sup>st</sup> Street from Hmong Alliance Church property***



***View of Subject Property from Hmong Alliance Church property***



**Jeff S. Taylor**  
Zoning Official  
Plans Examiner II

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

Karl Yang

6/14/2019

**APPLICATION NO: BLDR-00000-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 13334 E 21 street S**

**Description: New House**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

## REVIEW COMMENTS

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

Application No. **BLDR-00000-2019**

**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. **55.080-A General** - Except as otherwise expressly stated in this chapter, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

**Review Comments:** You are proposing a driveway on a separate lot. Provide an access easement agreement to allow driveway access across a separate lot. Access easement agreement must have the county recording sticker/stamp on the document.

2. **5.030-A Table of Regulations**

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

**Review Comments:** Residential lots must have a minimum street frontage of 30'. Apply to BOA for a variance to allow a lot to have less than a 30' street frontage.

3. **55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

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

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

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



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

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

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



*Tulsa Hmong Alliance church*

*13350 East 21<sup>st</sup> Street Tulsa, OK 74134 (918) 549 - 1730*

*LIVING THE CALL TOGETHER MATTHEW 28:18 - 20*

October 21, 2015

To: Karl X. Yang

Thank you for submitting the requested documents for the roadway access to your property. The BOE has taken your proposal to the floor during the Church's Annual meeting. After a few debates and phone calls, the majority of Tulsa Hmong Alliance Church's members and the Board of Elders have agreed to approve a mutual access or easement constructed to your property. The easement is to be 40 feet wide and stretch from 21<sup>st</sup> Street to your property. You may begin construction as soon as time permits.

God Bless and have a nice day.

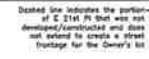
Sincerely,

Kao Yang

THAC Secretary



**E 21 st ST**



Revision	
No.	Date
Sheet 21	
<b>G1</b>	
1 of 1	





0 250 500  
Feet



Subject  
Tract

**BOA-22842**

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

Aerial Photo Date: February 2018

19-14 16







E 21st ST S

S 133 E AVE



Feet  
0 50 100



Subject  
Tract

**BOA-22842**

19-14 16

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

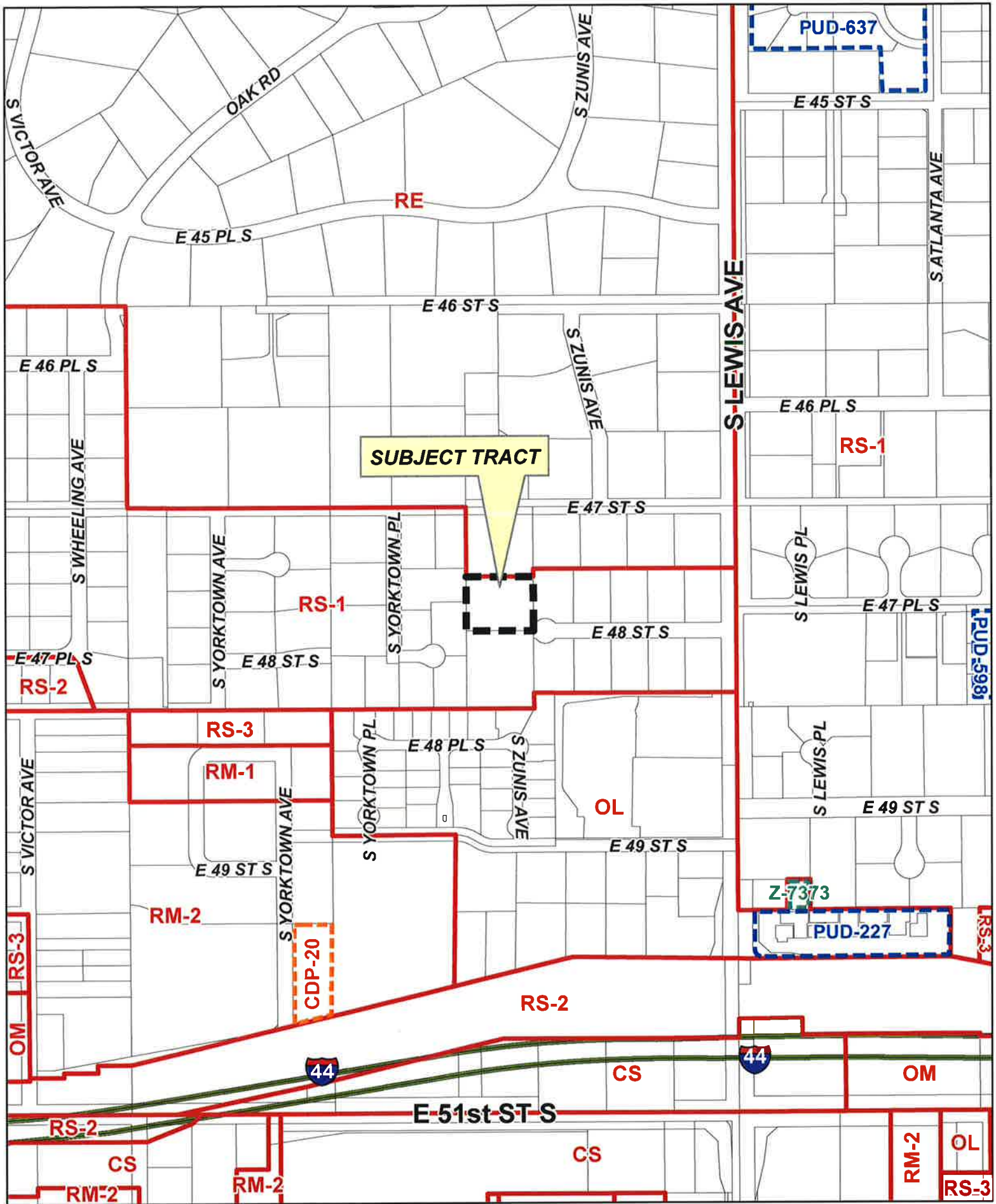
Aerial Photo Date: February 2018

6.13



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**BOA-22843**

7.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9330

Case Number: **BOA-22843**

**CZM:** 47

**CD:** 9

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

**APPLICANT:** Jay Williams

**ACTION REQUESTED:** Variance to reduce the required frontage requirement from 30 feet to 25 feet in a Residential District (Sec. 5.030, Table 5-3)

**LOCATION:** Located West of NW/c of S. Lewis Ave and E. 48 Street S. at the Dead End of E. 48th Street S.

**ZONED:** RS-1

**PRESENT USE:** Vacant

**TRACT SIZE:** 44662.25 SQ FT

**LEGAL DESCRIPTION:** N 203 OF S 456.82 OF E 3.33 AC. OF SW NE SE SEC 30-19-13

**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 West of NW/c of S. Lewis Ave and E. 48 Street S. at the Dead End of E. 48th Street S.

## **STAFF COMMENTS:**

The applicant is requesting a **Variance** to reduce the required frontage requirement from 30 feet to 25 feet in a Residential District (Sec. 5.030, Table 5-3)

7.2



Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30

**STATEMENT OF HARDSHIP:** The City of Tulsa abandoned plans to extend 48<sup>th</sup> St, across Southern property line, which reduced street frontage on the lot to 25 feet.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** to reduce the required frontage requirement from 30 feet to 0 feet in a Residential 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."*



**Existing access to Subject Tract**

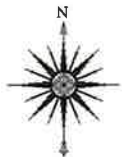
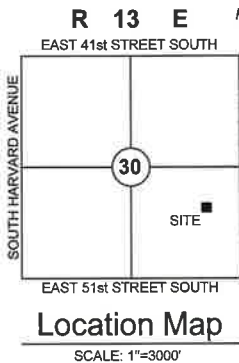


**Subject Tract**

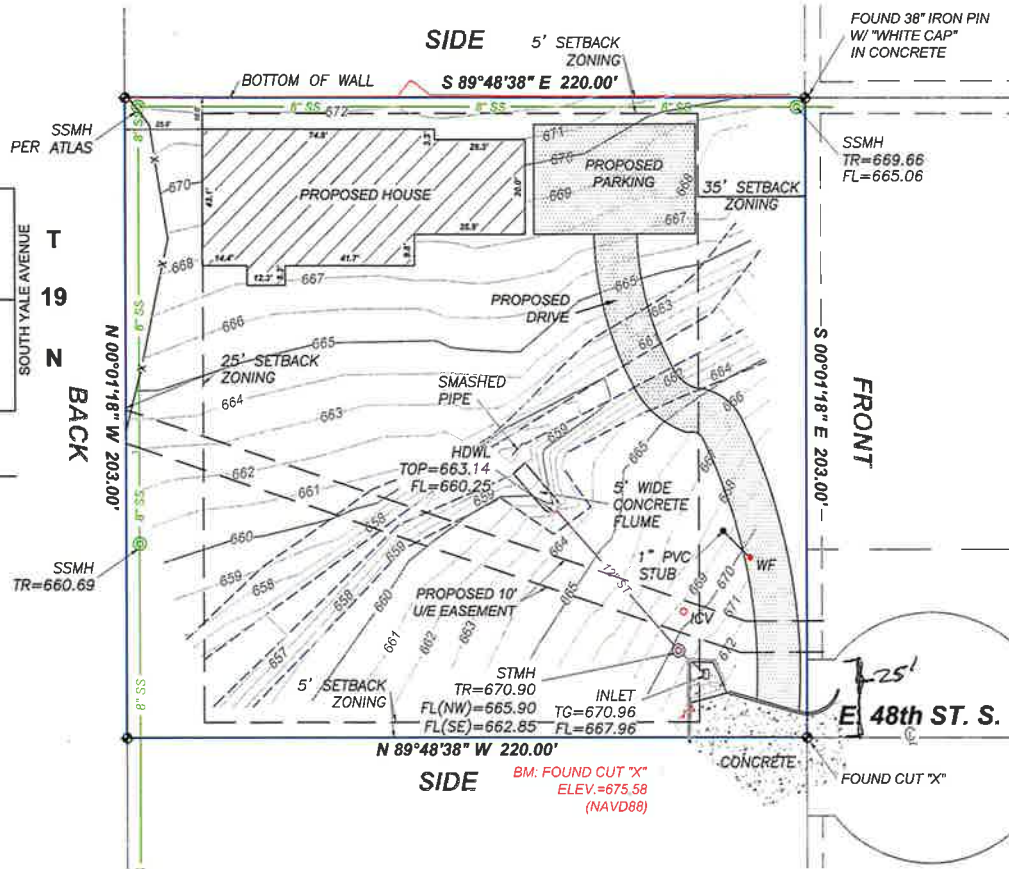
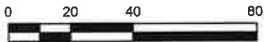




***Facing East on E. 48<sup>th</sup> Street South***



SCALE: 1" = 40'



#### LEGEND

BW = BOTTOM OF WALL  
FL = FLOWLINE  
HDWL = HEADWALL  
ICV = IRRIGATION CONTROL VALVE  
PVC = POLYVINYL CHLORIDE PIPE  
SSMH = SANITARY SEWER MANHOLE  
STMH = STORM SEWER MANHOLE  
TG = TOP OF GRATE  
TR = TOP OF RIM  
U/E = UNDERGROUND ELECTRIC  
WF = WATER FAUCET

#### LINETYPE

—ST— = STORM SEWER  
—SS— = SANITARY SEWER  
—X— = FENCELINE  
--- = TOP/TOE OF SLOPE

#### LEGAL DESCRIPTION - AS PROVIDED GWD DOC. #2019063030

THE NORTH TWO HUNDRED THREE (203) FEET OF THE SOUTH FOUR HUNDRED FIFTY-SIX AND EIGHTY-TWO HUNDREDTHS (456.82) FEET TO THE EAST THREE AND ONE-THIRDS (3 1/3) ACRES OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (SW4NE4 SE4) OF SECTION THIRTY (30), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

#### SURVEYOR'S NOTES

PREPARED FOR: JAY WILLIAMS

PHYSICAL ADDRESS: TBD - VACANT LAND, TULSA COUNTY, OK

TOPOGRAPHIC INFORMATION SHOWN HEREON IS RELATIVE TO NAVD 1988 PER AN ON-SITE NGS OPUS SOLUTION REPORT, SITE BENCHMARK AS SHOWN HEREON.

REFER TO CURRENT ZONING FOR NEW CONSTRUCTION GUIDELINES.

SUBJECT PROPERTY IS ZONED RS1 WITH 35' FRONT SETBACK, 5' SIDE SETBACKS AND A 25' REAR SETBACK PER CITY OF TULSA ZONING CODE.

STABILIZED GRAVEL CONSTRUCTION ENTRANCE, INLET SEDIMENT TRAPS AND SILT FENCING TO BE INSTALLED PER CITY OF TULSA STANDARD 126.

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

GROSS LAND AREA: 44,660.30 SQ. FEET OR 1.03 ACRES

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, TULSA COUNTY, OKLAHOMA AND INCORPORATED AREAS, COMMUNITY PANEL NO. 40143C0352M - MAY 2, 2019, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). SUBJECT PROPERTY IS NOT AFFECTED BY THE CITY OF TULSA REGULATORY FLOODPLAIN.

LAST SITE VISIT: OCTOBER 7, 2019.

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

PRIOR BOUNDARY SURVEY INFORMATION WAS PROVIDED TO THIS SURVEYOR - SURVEY BY SACK & ASSOCIATES DATED JULY 2019. BASIS FOR BEARINGS ARE PER THAT SURVEY AS SHOWN HEREON.

#### CERTIFICATE OF SURVEY

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 9th DAY OF DECEMBER, 2019.

ANDY FRITZ, PLS  
OK LIC. 1694  
CA #5848



## SITE PLAN

PART OF THE SW/4 NE/4 SE/4, SEC30, T19N, R13E  
TULSA COUNTY, OKLAHOMA

SURVEY: MJL	DATE: 10.07.19	PREPARED BY: FRITZ LAND SURVEYING, LLC
DRAFT: RLL	DATE: 12.09.19	2019 W. 91ST STREET, TULSA, OK 74132
APPROVED: PLS	DATE: 12.09.19	PH: 918.231.0575
REV:	PROJECT NO.: 19309	FRITZLANDSURVEYING@GMAIL.COM
		C.A. # 5848 EXPIRES: 6-30-2020

BoA-22843

7.6



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



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

## ZONING CLEARANCE PLAN REVIEW

Jay Williams  
ACT Residential LLC

12/21/2019

**APPLICATION NO: ZCO-49863-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 2215 E 48<sup>th</sup> St S**

**Description: Detached House**

### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

### IMPORTANT INFORMATION

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

(continued)

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

Application No. **ZCO-49863-2019**

**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.

### 5.030-A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 90. Regulations governing accessory uses and structures can be found in Chapter 45.

**Review Comments:** Residential lots must have a minimum street frontage of 30'. Apply to BOA for a variance to allow a lot to have less than a 30' street frontage.

**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.**

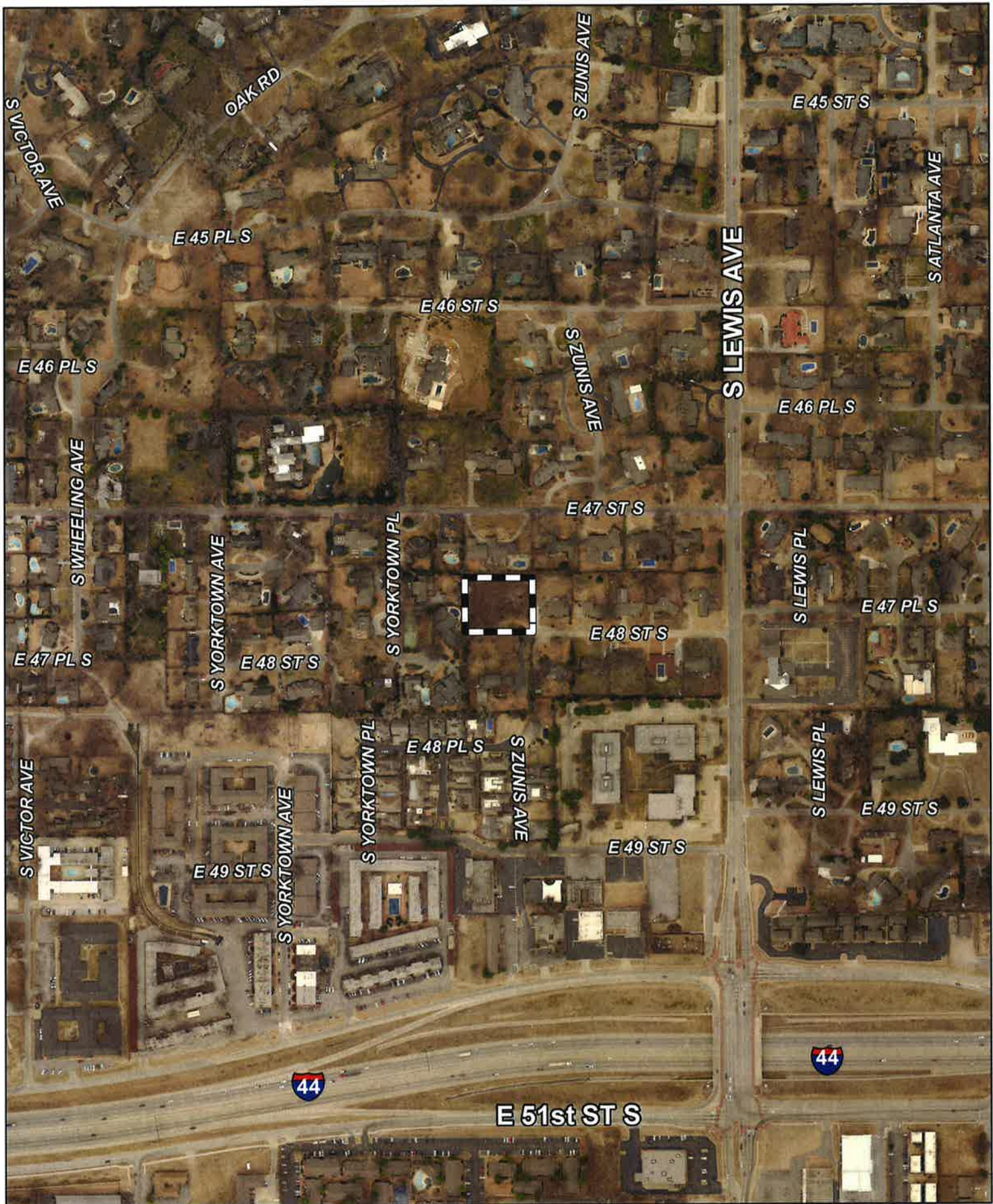
**Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online**

## 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.





0 200 400  
Feet



Subject  
Tract

**BOA-22843**

19-13 30

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

Aerial Photo Date: February 2018

7.9







S YORKTOWN PL

E 47 ST S

E 48 ST S

E 48 ST S

E 48 PL S

0 50 100  
Feet



Subject  
Tract

**BOA-22843**

19-13 30

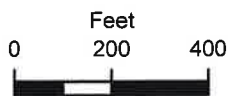
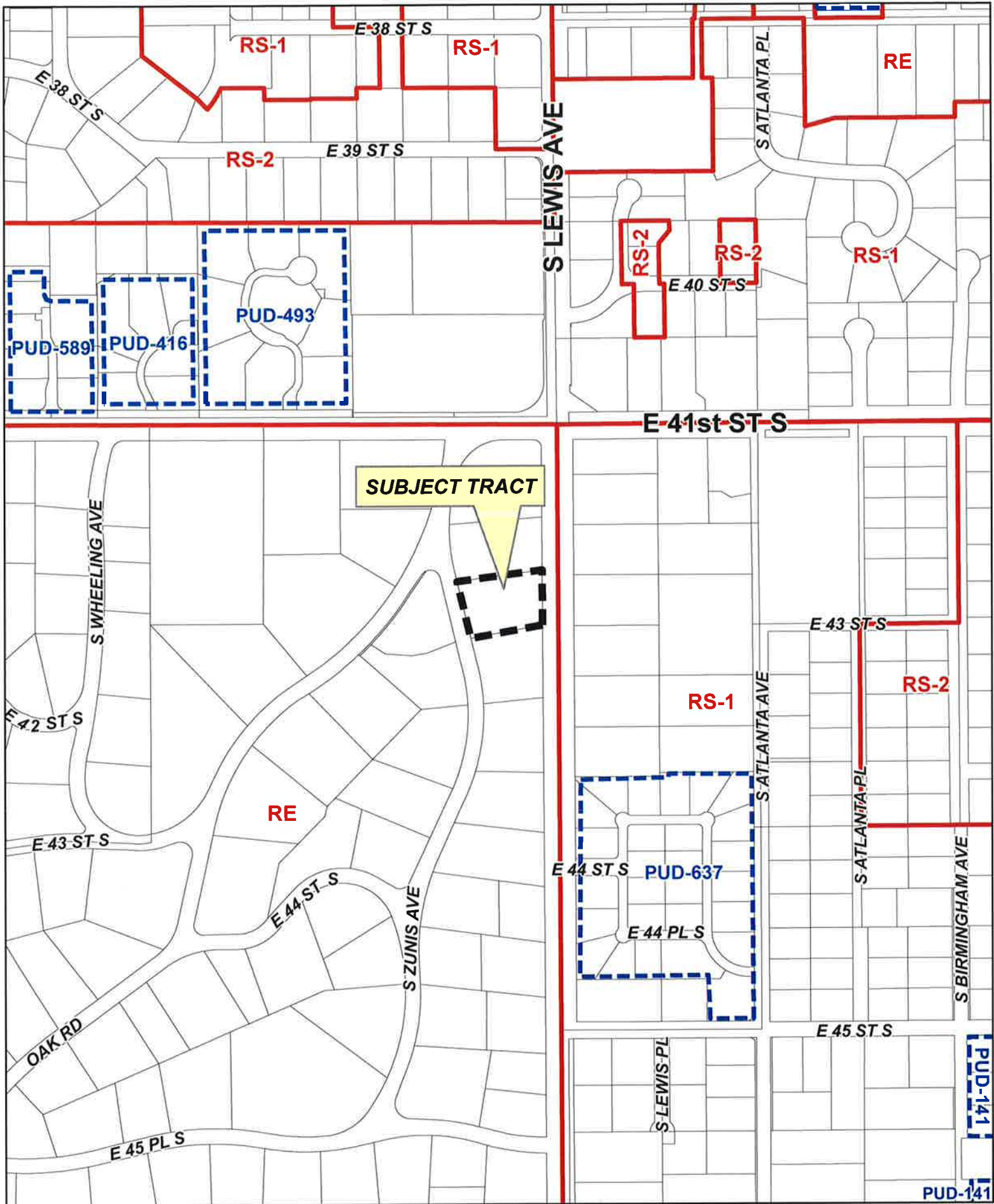
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018

7.10







**BOA-22844**

19-13 30

8.1



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9330

Case Number: **BOA-22844**

**CZM:** 47

**CD:** 9

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

**APPLICANT:** John Wyrick

**ACTION REQUESTED:** Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

**LOCATION:** 4141 S ZUNIS AV E

**ZONED:** RE

**PRESENT USE:** Residential

**TRACT SIZE:** 47615.63 SQ FT

**LEGAL DESCRIPTION:** LT 3 BLK 1, BOLEWOOD ACRES

**RELEVANT PREVIOUS ACTIONS:** None.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Tulsa Comprehensive Plan identifies the subject property as part of a "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 S. Zunis Ave and East 41<sup>st</sup> Street S.

**STAFF COMMENTS:** The applicant is requesting Special Exception to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)



## Section 45.080

## Fences and Walls

45.080-A Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 20.120.

### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a fence in the street setback to exceed 4 ft in height (Sec. 45.080-A)

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

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.



*Subject Tract, fence has already been installed*



*Facing South on Zunis*





***Subject Tract***





0 200 400  
Feet



Subject  
Tract

**BOA-22844**

19-13 30

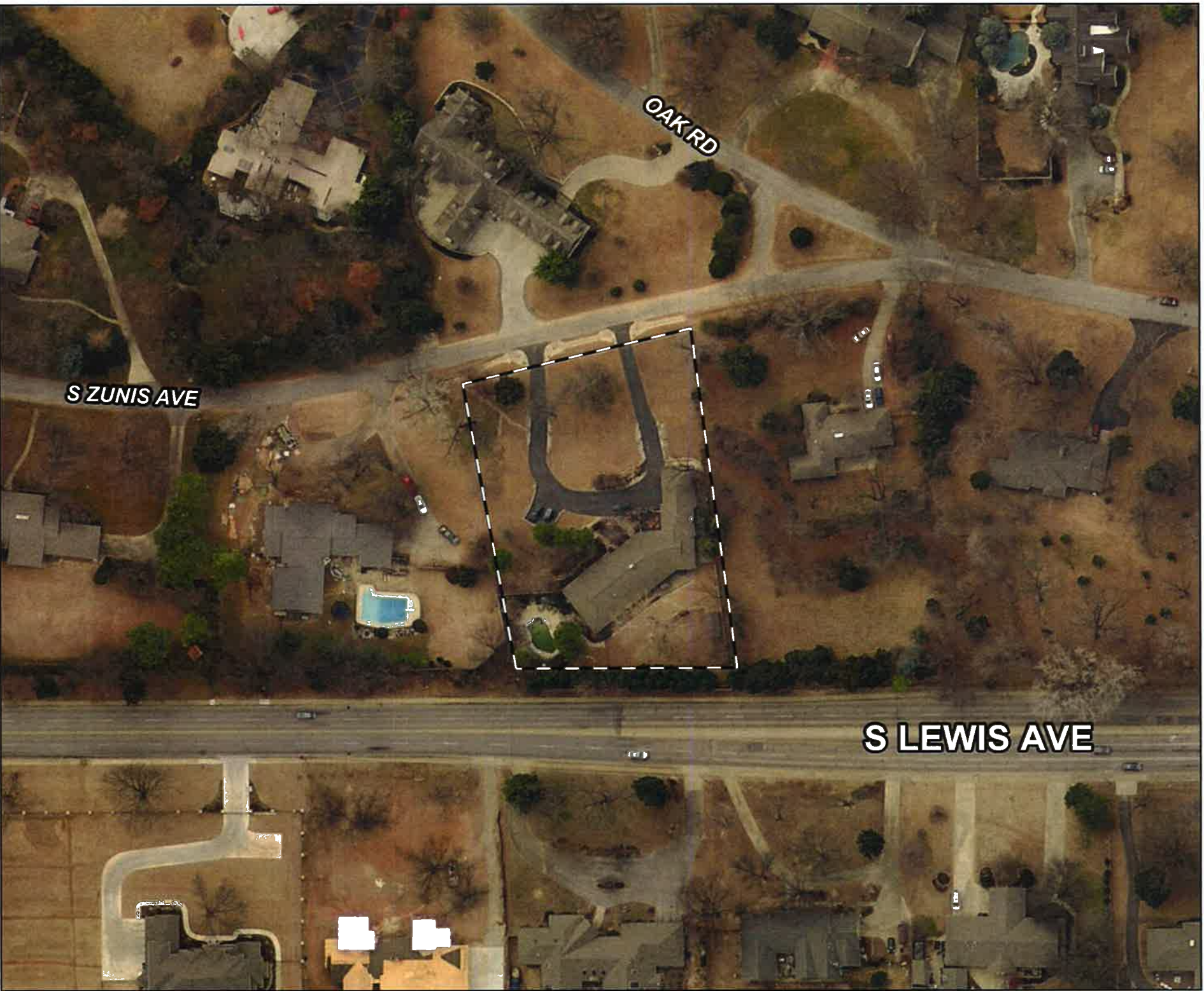
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018

8.6





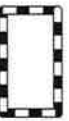


OAK RD

S ZUNIS AVE

S LEWIS AVE

0  
50  
100  
Feet



Subject  
Tract

**BOA-22844**

19-13 30

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

Aerial Photo Date: February 2018

**8.7**





WIS Ave

S Lewis Ave

S Lewis Ave

S Lewis Ave

4141 So. Zuni Ave., Tulsa, OK 74105  
Lot (3) Block (1) Bolewood Acres





Tulsa County Board of Adjustment  
2 West 2nd St.  
Tulsa, Ok.

Ref: 4141 S. Zonis ave., Tulsa, Ok.  
Lot(3) Block (1) Bolewood Acres

Re: Fence Violation Appeal / *Request for Special Exception*

Type of Fence: 8' Ornamental Iron with gates (auto openers)  
The fence is totally see thru

Setback from road: 40' from the edge of asphalt ( no curb and gutter)

Other properties in Bolewood Acres with Fences that are in violation of Estate Zoning violations with regard to fences:

4222 S. Victor ave. - Fence is solid, 5' tall, is only 26' to 27' back from the edge of the street

4111 S. Wheeling ave. - Fence is 6' tall, solid, 10' back from the edge of the street

2120 E. 46th st. - Masonry wall is 6' to 8' tall, 15 to 20' from the edge of the street

1810 and 1833 E. 43rd - Gates and fences outside setback limits, taller than 4'

\* None of these properties applied for or received special exemptions or variances from The Tulsa County Board of Adjustment or INCOG

\*\* Bolewood Acres and the RE Zoning extends (in part) into the south side of E. 46th st to 41st. and from Lewis ave. to just west of Victor Ave.

Request: Special Exception due to the following

- the fence is for security purposes due to the health condition of one of the property owners. This fence will allow his dogs to be in the front yard as needed for security
- the fence does not obstruct the view of the house unlike some of the others in violation
- the fence is ornamental in nature and sets well back from the road and is in keeping with the original building guidelines set forth by the property owner/developer.
- The fence is 40' back from the road and Estate Zoning has a 35' set back
- For all practical purposes, the HOA is non-existent and inactive
- The owners visited with their neighbors to their south and they approved of the fence

## Chapman, Austin

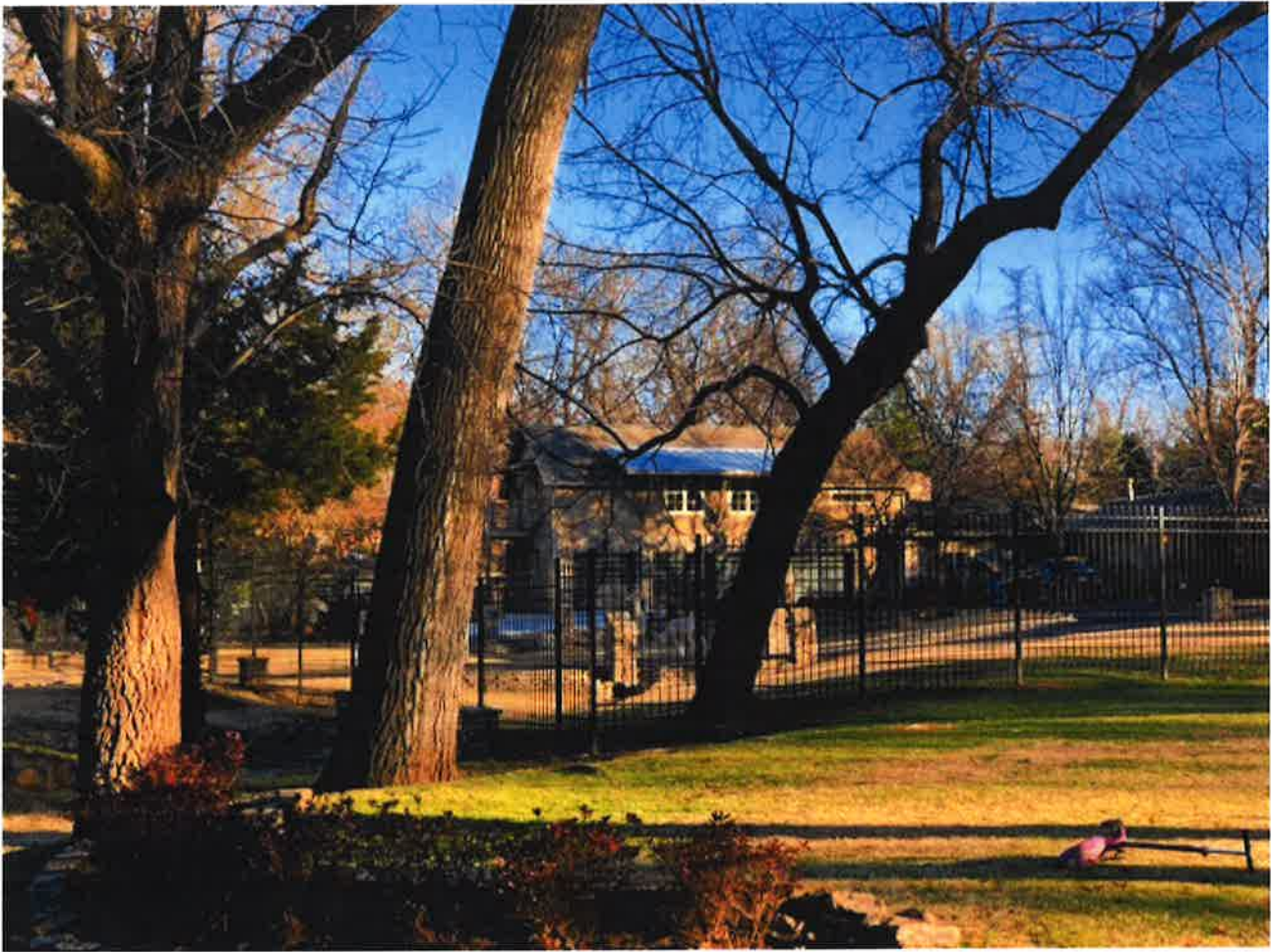
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**From:** John Wyrick <jwyrick@sbcglobal.net>  
**Sent:** Monday, December 30, 2019 9:39 AM  
**To:** Chapman, Austin  
**Cc:** John Wyrick  
**Subject:** BOA-22844

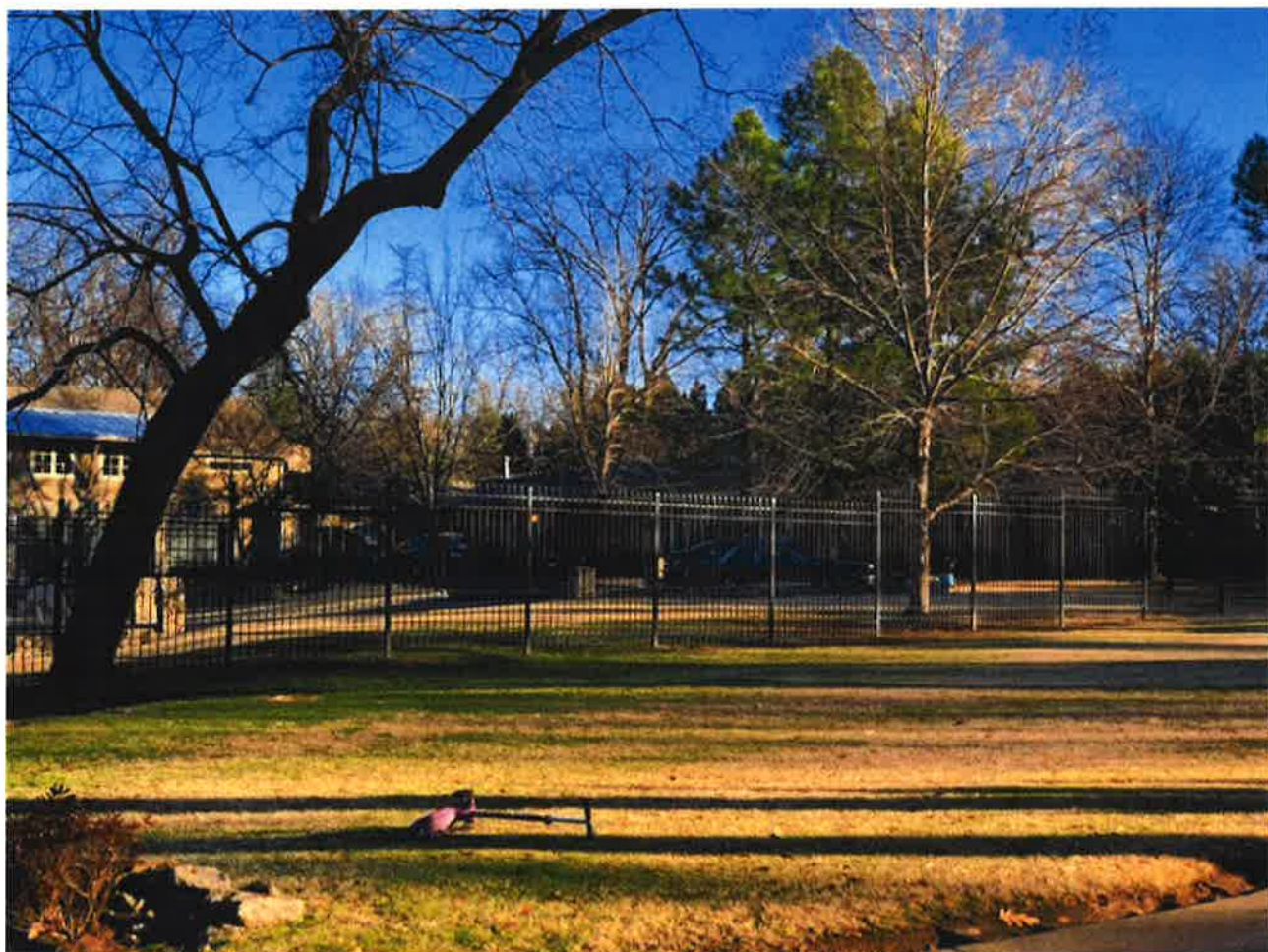






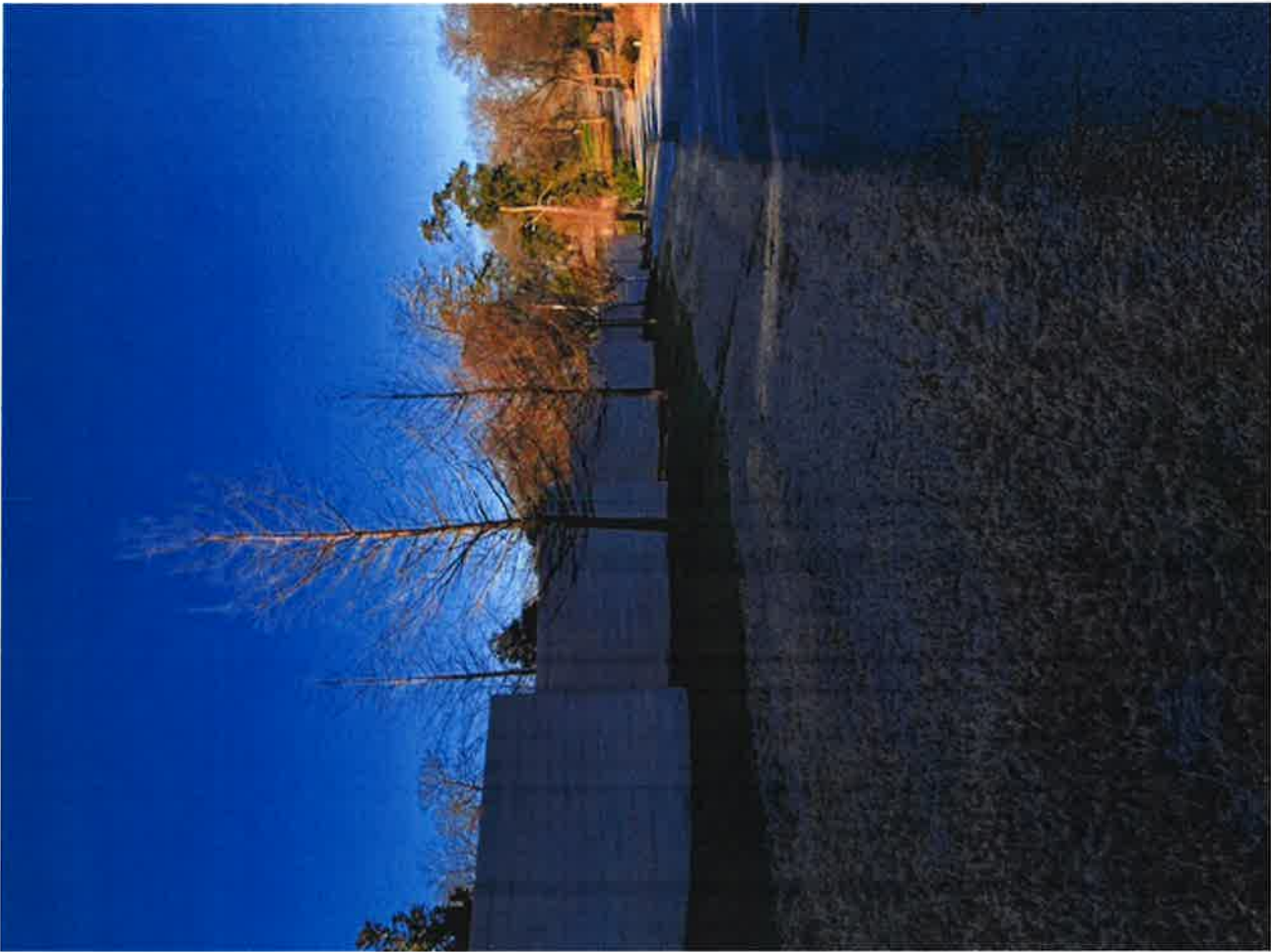












Mr. Chapman

Kendall said I could email photos regarding this case to you. The first 4 are of the subject property. The fifth one is of 4222 S. Victor Ave. The 6th one is of 2120 E. 46th st. Both of these are in Bolewood and both are much closer to the road, both are solid, and both are taller than 4' in height. Thank you for your time and if you have any questions please don't hesitate to call.

Sincerely

John Wyrick  
Applicant  
Sent from my iPhone

**Sparger, Janet**

---

**From:** robob344@aol.com  
**Sent:** Sunday, January 19, 2020 2:56 PM  
**To:** esubmit  
**Subject:** case number: BOA-22844

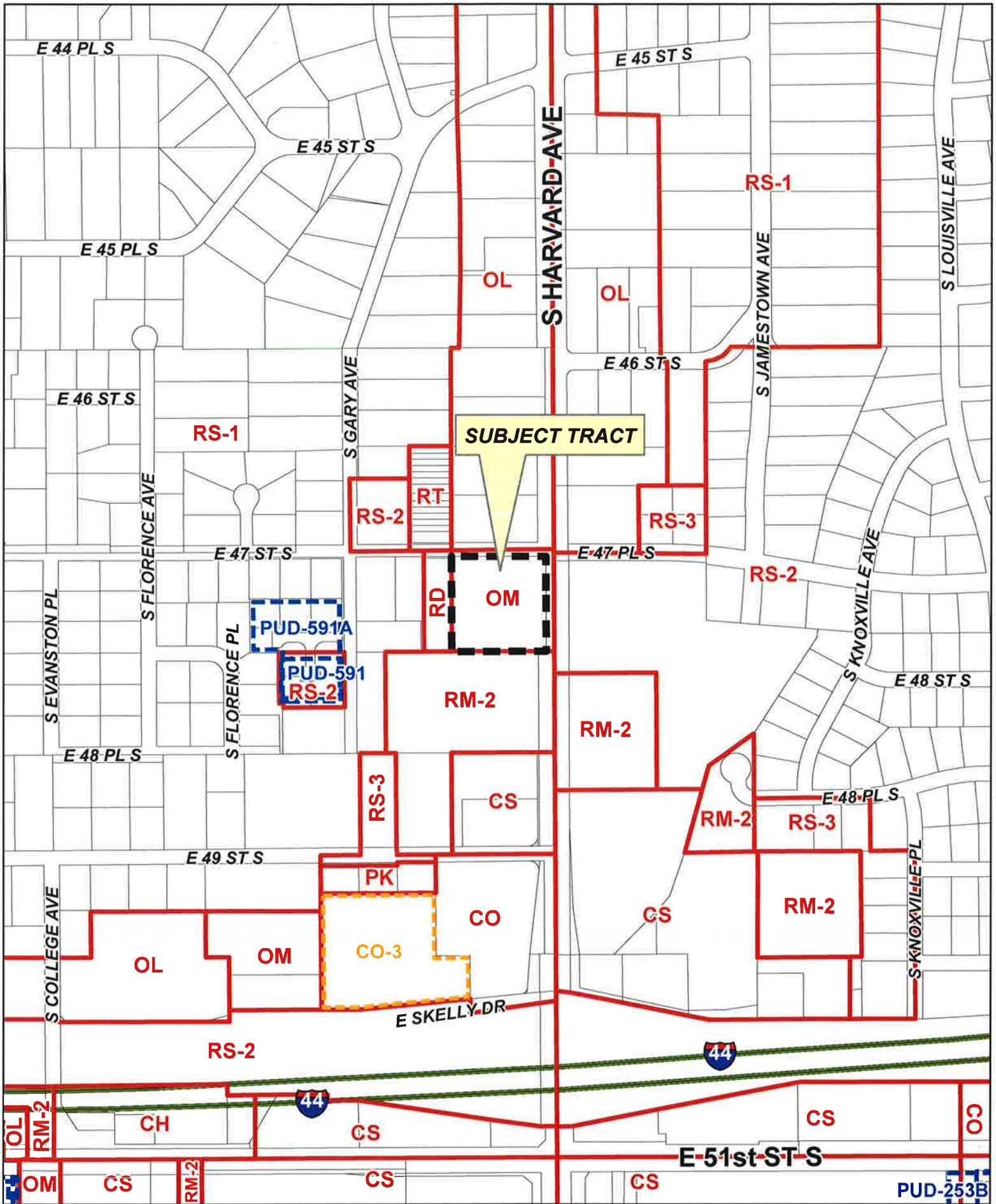
Tulsa Board of Adjustment,

Nowhere in our neighborhood is there a fenced in front yard (especially six or seven feet).

I thought there were rules and regulations (codes) that prohibited such an eyesore. What's next portable storage buildings? We have to follow the rules; why doesn't Mr. Wyrrick?

Robert Moore, Bolewood Resident for 33 years





BOA-22846

9.1

# BOARD OF ADJUSTMENT CASE REPORT

STR: 9329

Case Number: BOA-22846

CZM: 47

CD: 9

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

**APPLICANT:** Rene Saindon

**ACTION REQUESTED:** Variance to allow a lot to have more than one sign per street frontage in an OM District (Sec. 60.060-B) Special Exception to allow a sign to be located inside the City of Tulsa Right-of-Way or Planned-Right-of-Way (Sec. 60.020-E)

**LOCATION:** 4720 S HARVARD AV E

**ZONED:** OM

**PRESENT USE:** Medical Office

**TRACT SIZE:** 95327.09 SQ FT

**LEGAL DESCRIPTION:** E/2 LT 9, CLAYPOOL, CLAYPOOL 2ND ADDN RESUB PRT B9 CLAYPOOL ADDN

**RELEVANT PREVIOUS ACTIONS:** None in the immediate vicinity. It should be noted there have been several requests to increase signage further North along Harvard.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located at the SW/c of S. Harvard Ave. and E. 47<sup>th</sup> Pl.



**STAFF COMMENTS:** The applicant requesting Variance to allow a lot to have more than one sign per street frontage in an OM District (Sec. 60.060-B) Special Exception to allow a sign to be located inside the City of Tulsa Right-of-Way or Planned-Right-of-Way (Sec. 60.020-E)

**60.060-B Signs Allowed**

1. In addition to any sign exceptions allowed pursuant to Section 60.030, and any development identification sign allowed pursuant to Section 60.060-B2, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on-premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

60.020-E Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120 and a license has been granted by the city in the case of the right-of-way or a removal agreement has been entered into in the case of the planned right-of-way. (Title 11 § 1400 and following of the Tulsa Revised Ordinances grants a license for certain signs located in the "Central Business District" as therein defined).

**STATEMENT OF HARDSHIP:**

The sign in question has been in this location for some time without issue. We are not requesting additional signage, we only want to remove the cabinet that is currently there and put a new cabinet on the pole structure to clean it up. This sign is in the parking lot of the property. The sign on the front of the building only identifies the property. The monument sign identifies the purpose of the building and what medical offices are located there. The monument sign is necessary for those that are seeking treatment for medical issues to be able to find where they need to go. Moving it to 47<sup>th</sup> Street would take away its visibility and make it harder for those needing medical treatment to find the location they need to be in. The type of medical care received at this location includes hospice as well as primary care services and it is vital that those seeking help can find the necessary information provided by the sign easily. Again the sign has been there for some time with no issues. I see no reason why it shouldn't be grandfathered in.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a sign to be located inside the City of Tulsa Right-of-Way or Planned-Right-of-Way (Sec. 60.020-E)

- 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 allow a lot to have more than one sign per street frontage in an OM District (Sec. 60.060-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."*





***Subject Tract and existing sign***



***Facing South on Harvard***



***Subject Property and Building Face***



# Sign Recommendation

E01

## Existing

Sign Type: Post and Panel  
 Quantity: 1  
 Location: Public Facing  
 Illumination: None  
 Approx. Size:  
 H: 7'-10"  
 W: 8'-4"  
 OAH: 15'-6"  
 HOG:  
 Comment:



Context



Detail Side A



Render Side A

Action: Replace

## Recommended

Sign Type: Monument  
 Sign Code: ASC-MON-100-BW  
 Quantity: 1  
 Attachment: Base/Plinth  
 Illumination: Internal  
 Approx. Size:  
 H: 13'-11"  
 W: 7'-4 1/2"  
 OAH: 15'-0"  
 Comment:



Recommended - Side A



Recommended - Side B

BoA-22846

9.7

## Sign Recommendation

E-02

### Existing

Sign Type: Pan  
Quantity: 1  
Location: Main Entrance  
Illumination: None  
Approx. Size:  
H: 2'-8"  
W: 14'-8"  
OAH:  
HOG: 10'-5"  
Comment:



Context



Detail Side A



Render

Action: Replace

### Recommended

Sign Type: Plate Letters  
Sign Code: ASC-PL-H-STJ-C-12  
Quantity: 1  
Attachment: Fasteners Bish  
Illumination: None  
Approx. Size:  
H: 2'-2 5/16"  
W: 15'-5"  
OAH:  
Comment:



Recommended - Side A

Technical Survey: Required  
Code Compliant: Yes



BOA-22846

8.6



## Exterior Site Map



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



## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

November 8, 2019

LOD Number: 1

Phone: 316-267-8914

Lareina Saindon  
1329 S. Handley St.  
Wichita KS 67213

APPLICATION NO: **SIGN-047416-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: 4720 S. Harvard Ave.

Description: Ground Sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(Continued)



## REVIEW COMMENTS

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

Application No. SIGN-047416-2019

4720 S. Harvard Ave.

November 8, 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.

### 60.060-B Signs Allowed

In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on-premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

### 60.020-E Prohibited Signs

Signs located in or that project into the right-of-way or planned right-of-way of a public street, unless a license has been granted by the city and a special exception has been approved by the board of adjustment in accordance with the procedures of Section 70.120.

#### Review comments:

The proposed ground sign on the Harvard Avenue frontage exceeds the maximum of one on-premise sign per street frontage in an OM zoning district. You may relocate the sign to the E. 47th Street frontage or pursue a variance from the Board Of Adjustment to permit two signs in an OL district to be oriented toward the Harvard Avenue frontage.

#### Review Comments:

The proposed ground sign appears to be located in the City of Tulsa right of way (ROW). The planned ROW width along S. Harvard Avenue is 100 feet total. The minimum setback for the proposed ground sign is 50 feet from the C/L of S. Harvard Avenue. This sign projects into the ROW of this street and therefore requires a City of Tulsa ROW removal agreement and a Special Exception from the COT Board of Adjustment (BOA). You may relocate the sign to comply with the minimum setback requirements or contact Chris Kovac @ 918-596-9649 for information on acquiring a ROW removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a freestanding sign to be located in the ROW with a 43 foot setback from the center of S. Harvard Avenue.

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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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





0 Feet 200 400



Subject  
Tract

**BOA-22846**

19-13 29

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

Aerial Photo Date: February 2018

9.12







0 50 100  
Feet



Subject  
Tract

**BOA-22846**

19-13 29

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

Aerial Photo Date: February 2018

9.13

