

**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, February 25, 2020, 1:00 P.M.**

**Meeting No. 1245**

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

**UNFINISHED BUSINESS**

1. **22851—Flavio Monteil**  
Special Exception to permit a carport in the street setback; Special Exception to reduce the required 5-foot side yard setback for a carport in a RS-3 District (Section 90.090-C.1). **LOCATION:** 2623 North Quincy Avenue East **(CD 1)**
2. **22839—Whistler Sign Company**  
Variance of the 1,200-foot spacing requirement for an outdoor advertising sign with dynamic display from another outdoor advertising sign with dynamic display (Section 60.100-K). **LOCATION:** 9810 East 42<sup>nd</sup> Street South **(CD 7)**

**The application has been withdrawn by the applicant.**

**NEW APPLICATIONS**

3. **22853—Pete Webb**  
Special Exception to permit a ground sign with dynamic display to be located within the City of Tulsa right-of-way along East 31<sup>st</sup> Street South (Section 60.020-E); Variance to permit a dynamic display sign to be located within 200 feet of an RS-3 District (Section 60.100-F). **LOCATION:** 3521, 3531, 3535 & 3547 East 31<sup>st</sup> Street South **(CD 9)**
4. **22855—John Baskin**  
Variance to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-1 District (Section 45.030-B); Variance to increase the permitted height of a detached accessory building to exceed 10 feet in height to the top of the top plate (Section 90.090); Variance of the dustless, all-weather surfacing requirement to permit a gravel driveway (Section 55.090-F). **LOCATION:** 17607 East 14<sup>th</sup> Street South **(CD 6)**

5. **22856—William Shirley**  
Special Exception to permit low-impact manufacturing and industry use in a CG District (Section 15.020, Table 15-2). **LOCATION:** 14557 East 13<sup>th</sup> Street South **(CD 1)**
6. **22857—Clare Ashby**  
Variance of the minimum 15-foot side setback in a RE District to permit a swimming pool to be located in the side yard (Sections 5.030-A & 90.090, Table 90-1). **LOCATION:** 1836 East 43<sup>rd</sup> Street South **(CD 9)**
7. **22858—The M.E.T. – Graham Brannin**  
Special Exception to permit a consumer material drop-off station with outdoor storage in a CS District (Section 15.020, Table 15-2). **LOCATION:** 2160 South Garnett Avenue East **(CD 6)**
8. **22859—Mahmood Ahktar**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 3163 West Charles Page Boulevard South **(CD 1)**
9. **22860—Brent Barnes**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 515 South Main Street **(CD 4)**
10. **22862—Whistler Sign Company**  
Verification of the spacing requirement for an outdoor advertising sign with dynamic display (Section 60.100). **LOCATION:** 9810 East 42<sup>nd</sup> Street South **(CD 7)**

**OTHER BUSINESS**  
**NEW BUSINESS**  
**BOARD MEMBER COMMENTS**  
**ADJOURNMENT**

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

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

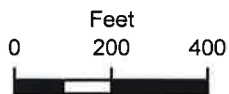
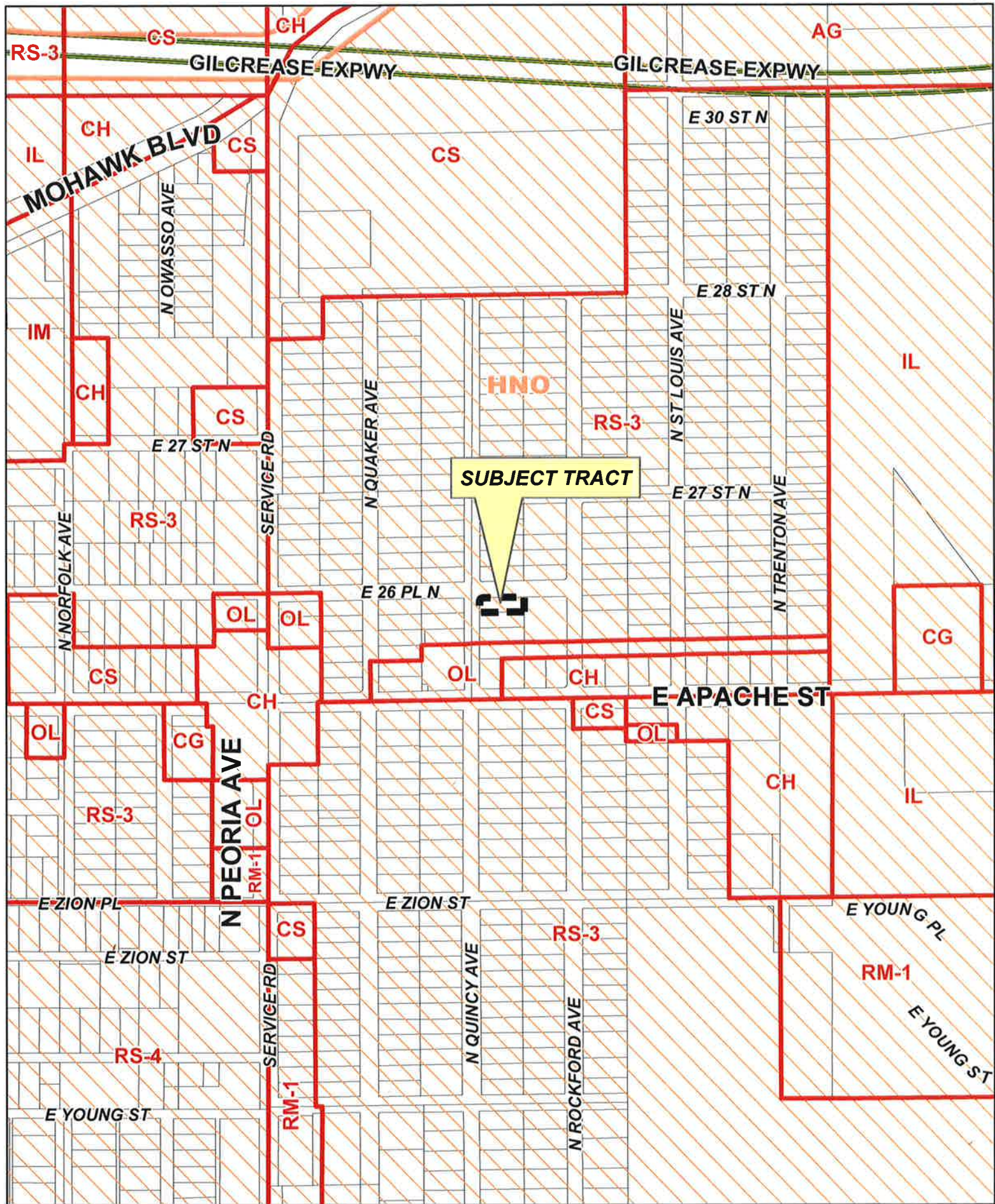
**CD = Council District**

**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.

**THIS PAGE**  
**INTENTIONALLY**  
**LEFT BLANK**





**BOA-22851**

20-13 19





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 319

**Case Number:** BOA-22851

**CZM:** 29

**CD:** 1

**HEARING DATE:** 02/25/2020 (Continued from 2/11/2020) 1:00 PM

**APPLICANT:** Flavio Monteil

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

**LOCATION:** 2623 N QUINCY AV E

**ZONED:** RS-3

**PRESENT USE:** Residential

**TRACT SIZE:** 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 1 BLK 3, MARTIN ROLL ADDN

## **RELEVANT PREVIOUS ACTIONS:**

**Subject property:**

**BOA-9291;** On 11.18.76 the Board **approved** a Variance of the Side yard setback from 5' to 3'-3" in an RS-3 Zoned District.

**Surrounding properties:** None.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located at the SE/c of E. 26 Pl. N and N. Quaker Ave.

1.2

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

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.

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a carport in the street setback and Special Exception to reduce the required 5-foot side yard setback for a carport in a RS-3 District (Sec.90.090-C.1)

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

\_\_\_\_\_.

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



***Subject Property***



***Subject Property***





***Subject property***

NEW APPLICATIONS:

9290

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate two mobile homes in an AG District located at the NE corner of 96th Street North and Lewis Avenue.

Presentation:

Glen Beck, the applicant, wants to place two trailers on his 20-acre tract of vacant land. He stated the mobile homes are not for rent; they are for his family and daughter. Mr. Beck stated there are other mobile homes in the area and one across the street. Upon questioning, Mr. Beck said the mobile homes would be located in the northwest corner of the property; beginning 200' north of 96th Street and 100' west of the east line of the property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted unanimously to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate two mobile homes in an AG District for a period of seven (7) years on the following described tract:

W/2, SW/4, SW/4, of Section 17, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

9291

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the side yard requirements from 5' to 3'-3" in an RS District located at 2623 South Quincy Avenue.

Presentation:

Archie Love, applicant, wants to finish and remodel a home for his client, Mrs. Jones. He stated the existing house extended 1'-9" into the required side yard on the property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted unanimously to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) varying the side yard requirements from 5' to 3'-3" per the Plot Plan in an RS-3 District on the following described tract:

Lot 1, Block 3, Martin Roll Addition to the City of Tulsa, Okla.

11.18.76:223(6)

1.6

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

Travis Harris

11/2/2019

**APPLICATION NO: BLDR-45160-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 2623 N Quincy Ave E**

**Description: Carport**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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-45160-2019**

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

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

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

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

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

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

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

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

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

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

1. ALL WORK SHALL CONFORM TO THE INTERNATIONAL STANDARD CODE OF REGULATIONS (ISC 2015).
2. PRIOR TO INITIATING THE GEOTECHNICAL CONTRACTOR SHALL VERIFY AND INSPECT THE SITE'S PROPOSED LOCATIONS, THESE WITHIN THE EXISTING CONDITIONS EFFECTING THE SITE'S WORK. THE GEOTECHNICAL CONTRACTOR SHALL NOT DEPEND OR ASSERT THAT THERE IS ANY MISINTERPRETATION IN REGARD TO LOCATION, EXTENT, VARIATION, OR VOLUME OF THE PROPOSED WORK UNDER THIS CONTRACT. DUE TO THE GEOTECHNICAL'S FAILURE TO INSPECT THE SITE.
3. THE GEOTECHNICAL CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND VERIFYING ALL EXISTING UNDERGROUND UTILITIES IN ALL AREAS OF THE WORK PRIOR TO COMMENCEMENT OF ANY EXCAVATION. EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE APPROXIMATE LOCATING LOCATIONS IS BEST DETERMINED FROM EXISTING SURVEY, BUT SHOULD NOT BE CONSIDERED REFERENCE. EXISTING UTILITIES.
4. FIELD VERIFY VARIOUS THE CONTRACTOR IS REQUIRED TO FIELD SURVEY THE NOTED LOCATION AND/OR DIMENSION PRIOR TO COMMENCEMENT OF PREPARATION OF SUBMITTALS AND TO INCREASE FIELD SURVEY INFORMATION TO THE COMPLETION.
5. THE ORGANIZATION OF THE DRAWINGS AND SPECIFICATIONS SHALL NOT CONTROL THE CONTRACTOR IN PERFORMING THE WORK UNDER SUBCONTRACTORS OR EMPLOYEES. THE EXTENT OF WORK IS TO BE PERFORMED BY THEM.
6. IN THE EVENT OF A CONFlict BETWEEN THE REQUIREMENTS OF THE DRAWINGS AND SPECIFICATION WITH THE DRAWINGS OR SPECIFICATION, THE REQUIREMENTS SPECIFICATION WILL REQUIRE THE GREATER EXTENT, UNDER NUMBER OF HIGHER QUALITY SHALL GOVERN. IN ADDITION, IN DESIGN LLC, MUST BE ADVISED OF ANY AND ALL DISCREPANCIES IN DRAWINGS AND SPECIFICATIONS PRIOR TO COMMENCEMENT OF THE PROJECT.
7. ALL TYPES OF MECHANICAL, ELECTRICAL, AND PLUMBING PIPES AND JOINTS WILL NOT BE NECESSARY TO APPEAR ON THE MECHANICAL DRAWINGS. THE DRAWINGS PROVIDED MUST BE REVIEWED WITH THE APPROPRIATE SUBCONTRACTOR PRIOR TO COMMENCEMENT. WHILE THE ARCHITECT OF RECORD HAS CONSULTED WITH THE APPROPRIATE LICENSED ENGINEER, IN DESIGN LLC, WILL NOT BE RESPONSIBLE FOR FIELD CHANGES DUE TO THE MENTIONED PARTS.
8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL WINDSON AND DOOR DOOR OPENINGS PRIOR TO FINAL FINISHES OF OPENINGS.
9. CHANGES TO THE CIVIL APPROPRIATE DRAWINGS AND SPECIFICATIONS SHALL BE MADE BY THE ARCHITECT OR A CHANGE ORDER, OR CHANGE ORDER MUST BE PROVIDED BY THE ARCHITECT OF RECORD AND THE CIVIL HOLDING JURISDICTION.
10. THE EXISTING GRADE IS A FIELD SURVEY OF EXISTING CONDITIONS PROVIDED BY OWNER. THE EXISTING MEASUREMENTS ARE ONLY APPROXIMATE AND NOT GUARANTEED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING EXISTING CONDITIONS AND COORDINATE ALL MEASUREMENTS TO EXISTENTS WITH OWNER.

MARTIN ROLL ADDITION -  
LOT 1 BLOCK 3  
TULSA, OKLAHOMA

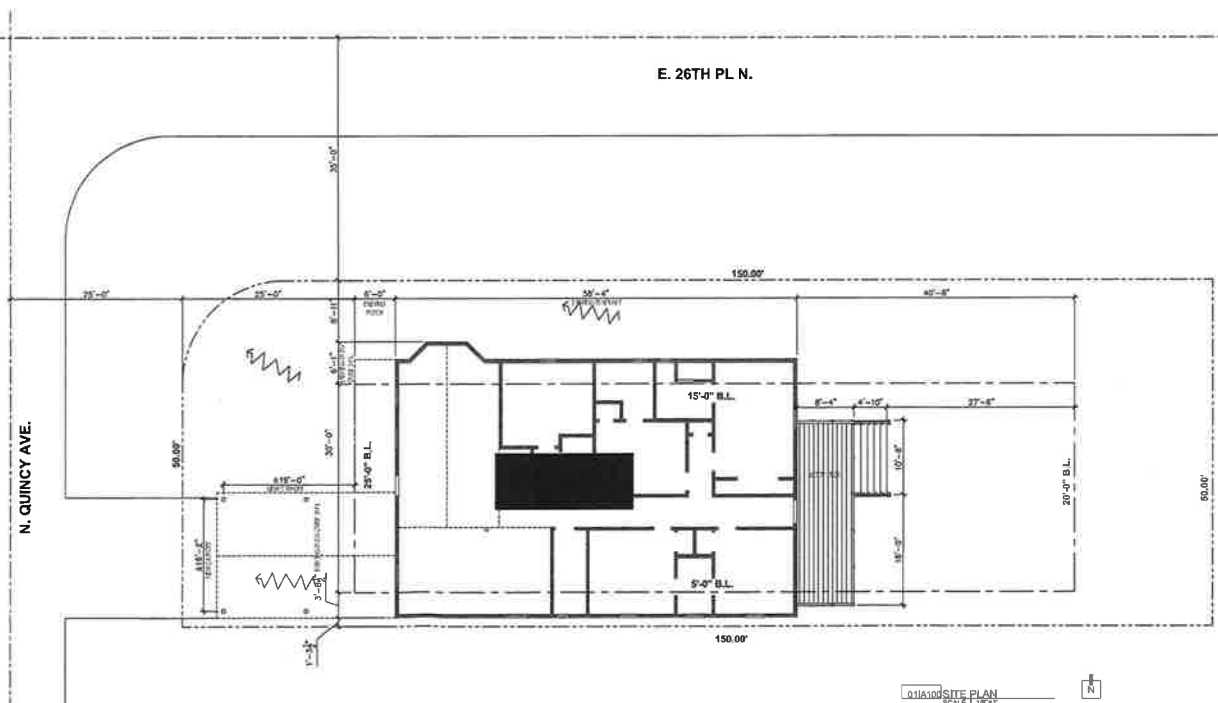
- ZONING = RS-5
- LOT SIZE = 7,000 SQ.FT.
- ~~SMALLER~~ MIN. HEIGHT = 34'-0"
- FIRST FLOOR FRAMED = 2,701 SQ.FT.
- TOTAL FRAMED = 2,817 SQ.FT.
- GARAGE = 325 SQ.FT.
- PORCH = 179 SQ.FT.
- DRIVEWAY = 450 SQ.FT.
- LIVABILITY SPACE REQUIRED = 4,000 SQ.FT.
- LIVABILITY SPACE = 4,000 SQ.FT.

Martin Roll Addition - lot 1 block 3  
2623 N. Quincy Ave. Tulsa, OK 74106

NOTE:

- NEW RESIDENCE CONSTRUCTION ON EXISTING CMU CRAWLSPACE AND FOUNDATION. FOOTPRINT AND LOCATION OF BUILDING DID NOT CHANGE.

BUILDING PERMIT # BLDR-040673-2019



011A100 SITE PLAN  
SCALE 1/8"=1'



MONTEIL RESIDENCE  
2623 N. QUINCY AVE  
TULSA, OK 74101



TRAVIS HARRIS, ALA. NCARB

A101	COVER SHEET/ SITE PLAN
A201	FIRST FLOOR PLAN / ROOF PLAN
A301	ELEVATIONS/ DETAILS



EXISTING UNDERGROUND LINES HAVE BEEN SHOWN TO THE EXTENT KNOWN AND PLANS HAVE BEEN SENT TO THE AFFECTED UTILITY OWNERS FOR VERIFICATION OF EXISTING LINES. BEFORE YOU DIG, CONTACT CITE: 1-800-522-6543.

A T & T COMPANY  
COX COMMUNICATIONS  
OKLAHOMA NATURAL GAS COMPANY  
SOUTHWESTERN BELL TELEPHONE COMPANY  
AMERICAN ELECTRIC POWER (PSD)

19002.01

10.10.2019

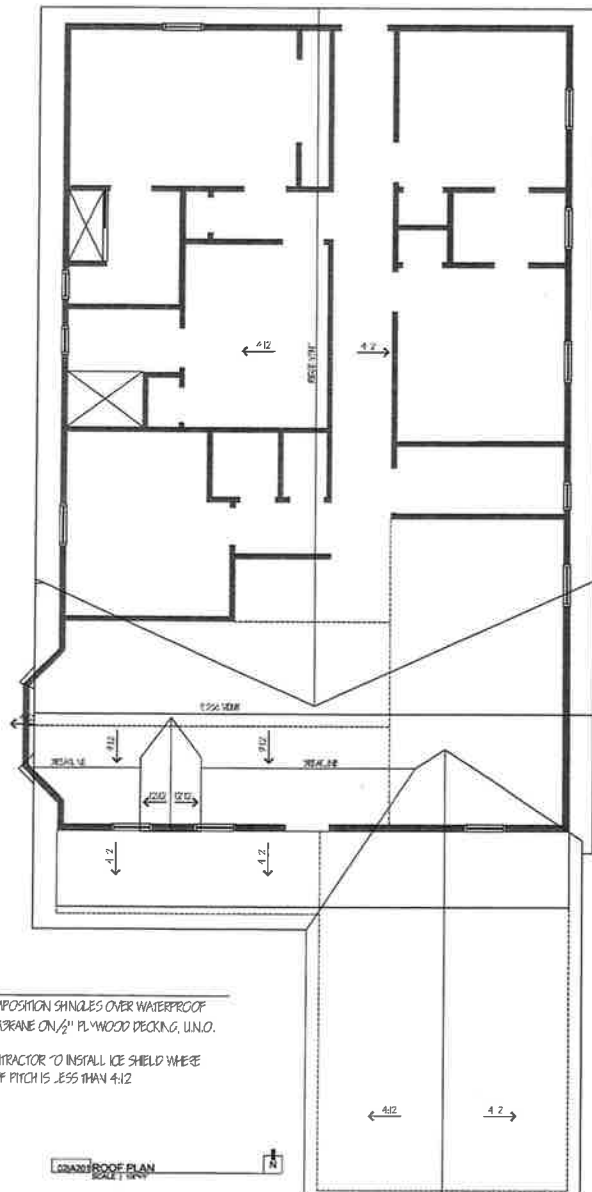
## SITE PLAN

1/8" = 1'-0"

# A100

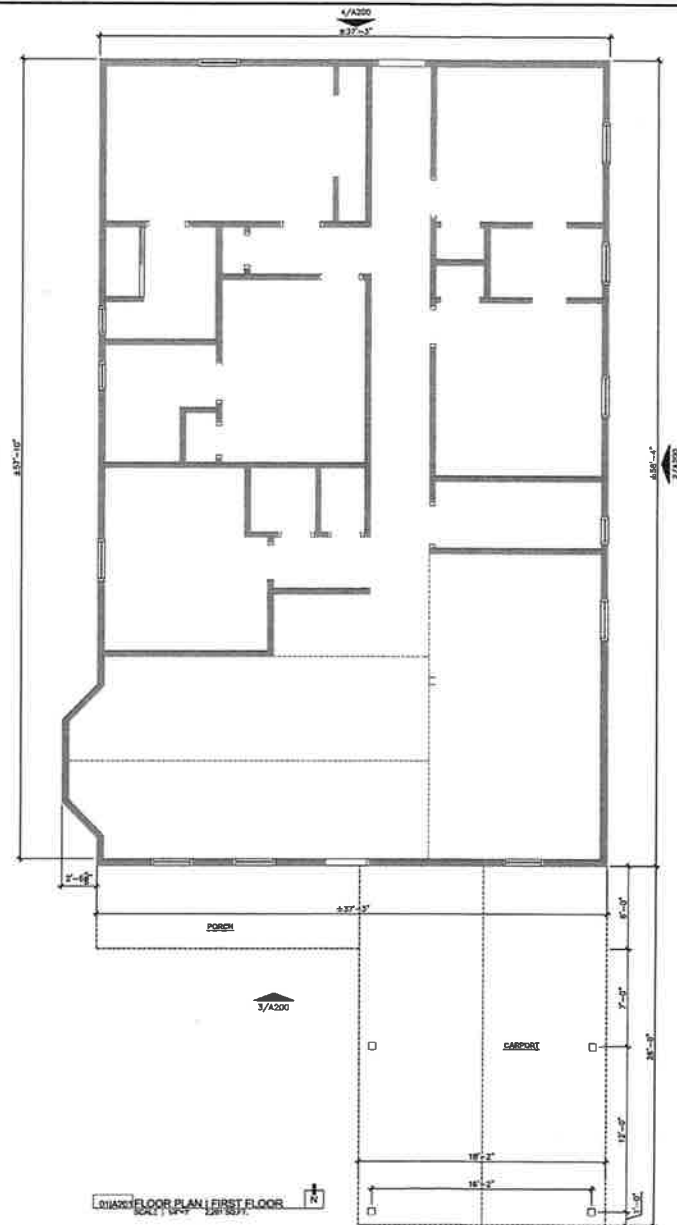
CONSTRUCTION DRAWINGS





NOTE:  
 - COMPOSITION SHINGLES OVER WATERPROOF MEMBRANE ON 1/2" PLYWOOD DECKING, U.N.O.  
 - CONTRACTOR TO INSTALL ICE SHIELD WHERE ROOF PITCH IS LESS THAN 4/12

A201 ROOF PLAN  
 SCALE: 1/4" = 1'-0"



A201 FLOOR PLAN - FIRST FLOOR  
 SCALE: 1/4" = 1'-0"

MONTELL RESIDENCE  
 2623 N. QUINCY AVE  
 TULSA, OK 74106



TRAVIS HARKER, P.E.  
 LICENSE NO. 10002.01, EXPIRATION DATE 10/10/2019

Project No.	19002.01
Date	10.10.2019
Sheet Title	FLOOR PLAN
Scale	1/4" = 1'-0"
Sheet No.	A201
Project Name	CONSTRUCTION DRAWINGS





1.13





0 Feet 200 400



Subject Tract

**BOA-22851**

20-13 19

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

Aerial Photo Date: February 2018



1.14





0 50 100  
Feet



Subject  
Tract

**BOA-22851**

20-13 19

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

Aerial Photo Date: February 2018



1.15



FROM: JOYCE BROWN/LELIA BROWN

TO: BOARD OF ADJUSTMENT, CITY OF TULSA  
CASE Number: BOA-22851  
APPLICANT: FLAVIO, MONTEIL

RE: Special exception to RS-3 District (Section 90.090-C.1)  
LOCATION-2623 N QUINCY AVE, LT 1 BLK 3, MARTIN ROLL ADDN, CITY OF TULSA, TULSA  
COUNTY, OK, ZONING R-3

---

**POSITION STATEMENT:**

1- I **OPPOSE** an exception to permit a carport in the street set back.

2- I **OPPOSE** an exception to reduce the required 5-foot side yard setback for a carport.

**DISCUSSION-WHY:**

1-Both the carport and house are not uniform with the neighborhood. (See aerial photo)

- The house is too big for the lot resulting in a narrow passage on the south side
- No other property has a carport
- The lots along E. 26th PL N have the parking structures/driveways positioned at the rear of the house
- The front driveways on 2600 N. Quincy are positioned to the north of each house

2-A fire hydrant is located in the front yard at the southeast corner of this property. The carport, brick columns, exception to the street set back, and especially a reduction in the required 5-foot side yard setback pose a major obstruction or impediment to (The side yard passageway from the front carport to the rear of the house is too narrow):

- The movement of emergency personnel,
- The agility to maneuver the hose attached to the fire hydrant
- Access to entrapped persons or animals
- Critical moments vital to a rescue operation.

**CONCLUSION: IT IS BEST TO RELOCATE THE CARPORT FROM THE FRONT YARD OF 2623 N. QUINCY AVE, TULSA OK 74106 TO THE BACK YARD FOR SAFETY REASONS AND UNIFORMITY OF THE COMMUNITY OR NOT HAVE A CARPORT.**

NOTE: The house seen in the submitted aerial photo dated February 2018 (See exhibit A) is not the house built by Mr. Monteil (See exhibit C ). His current address, 2413 E. Marshall St, Tulsa, OK 74110, appears to maintain uniformity with the neighborhood and he has no carport. (See exhibit B ). Mr. Monteil, a contractor, willingly and knowingly built 2623 N. Quincy, Tulsa, OK without a building permit starting May-June 2019.

Interestingly, the City of Tulsa, Permits Department approved building permits for Mr. Monteil to build the Quincy house that imposes a danger to human lives. The opportunity was missed to demolish the 1935 and erect a structure truly built according to codes and ordinances that promotes the health and safety of the community.



N



0 Feet 50 100



Subject Tract

**BOA-22851**

20-13 19

S

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

Aerial Photo Date: February 2018



1.17



EXHIBIT A-2623 N. QUINCY AVE, TULSA, OK 74106 WITH FLAT CARPORT (BUILT 1935)

EXHIBIT B-2413 E. MARSHALL, TULSA, OK 74110

EXHIBIT C-2623 N. QUINCY AVE, TULSA, OK 74106 WITH GABLE CARPORT

EXHIBIT A: 2623 N. Quincy Ave. Tulsa, OK, PHOTOS taken from Tulsa Property Search

Date prior to 2016

Photo taken 2016

Photo taken 2017



Image 3 of 4

CLOSE X



Image 2 of 4

CLOSE X

EXHIBIT B: 2413 E. Marshall, Tulsa, OK 74110

Photo taken 2016

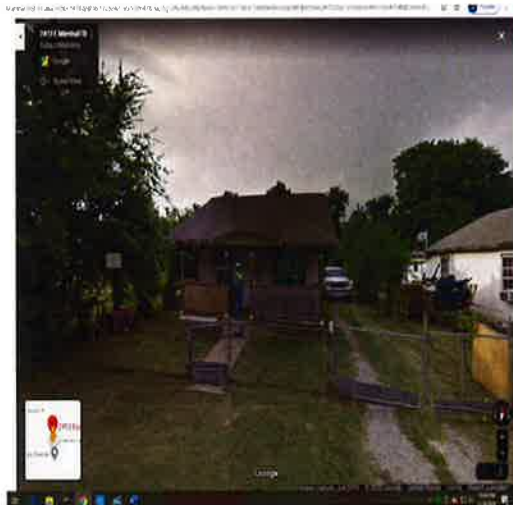


EXHIBIT C: 2623 N QUINCY AVE, TULSA, OK FLAVIO MONTEIL, CONTRACTOR, OWNER



Photo taken June 26, 2019



R25575031905540 (11/2019)

Image 1 of 4

CLOSE X

1.18

BOA-22851



EXHIBIT A-2623 N. QUINCY AVE, TULSA, OK 74106 WITH FLAT CARPORT (BUILT 1935)

EXHIBIT B-2413 E. MARSHALL, TULSA, OK 74110

EXHIBIT C-2623 N. QUINCY AVE, TULSA, OK 74106 WITH GABLE CARPORT



BOTH CARPORT AND BRICK COLUMNS POSE AN IMPEDIMENT/OBSTRUCTION TO THE INGRESS AND EGRESS OF FIRE PERSONNEL AND THE AGILITY OF ATTACHED HOSE TO THE FIRE HYDRANT REDUCING VITAL TIME FOR RESCUE RESPONSE. Photo 02/2020

BOA-22851

1.19



EXHIBIT A-2623 N. QUINCY AVE, TULSA, OK 74106 WITH FLAT CARPORT (BUILT 1935)

EXHIBIT B-2413 E. MARSHALL, TULSA, OK 74110

EXHIBIT C-2623 N. QUINCY AVE, TULSA, OK 74106 WITH GABLE CARPORT



1.20

BACK OF LOT, REAR OF HOUSE, BEST ACCOMODATES CARPORT STRUCTURE AND PREVENTS OBSTRUCTION/ IMPEDIMENT TO EMERGENCY RESPONSE AND NON UNIFORM/LACK OF CONSIST NEIGHBORHOOD. Photo taken 02/2020

BoA-22851



EXHIBIT A-2623 N. QUINCY AVE, TULSA, OK 74106 WITH FLAT CARPORT (BUILT 1935)

EXHIBIT B-2413 E. MARSHALL, TULSA, OK 74110

EXHIBIT C-2623 N. QUINCY AVE, TULSA, OK 74106 WITH GABLE CARPORT



SIDE SETBACK OF REQUIRED 5 FEET REDUCED TO ABOUT 2 FEET RESULTING IN NARROW PASSAGE ALONG SOUTH SIDE OF 2623 N. QUINCY STRUCTURE. Photo taken 02/2020

BOA-22851  
1.21

EXHIBIT A-2623 N. QUINCY AVE, TULSA, OK 74106 WITH FLAT CARPORT (BUILT 1935)

EXHIBIT B-2413 E. MARSHALL, TULSA, OK 74110

EXHIBIT C-2623 N. QUINCY AVE, TULSA, OK 74106 WITH GABLE CARPORT



2623 N. QUINCY STRUCTURE NONCONSISTENT WITH NEIGHBORHOOD. PHOTO TAKEN 02/2020

BoA-22851

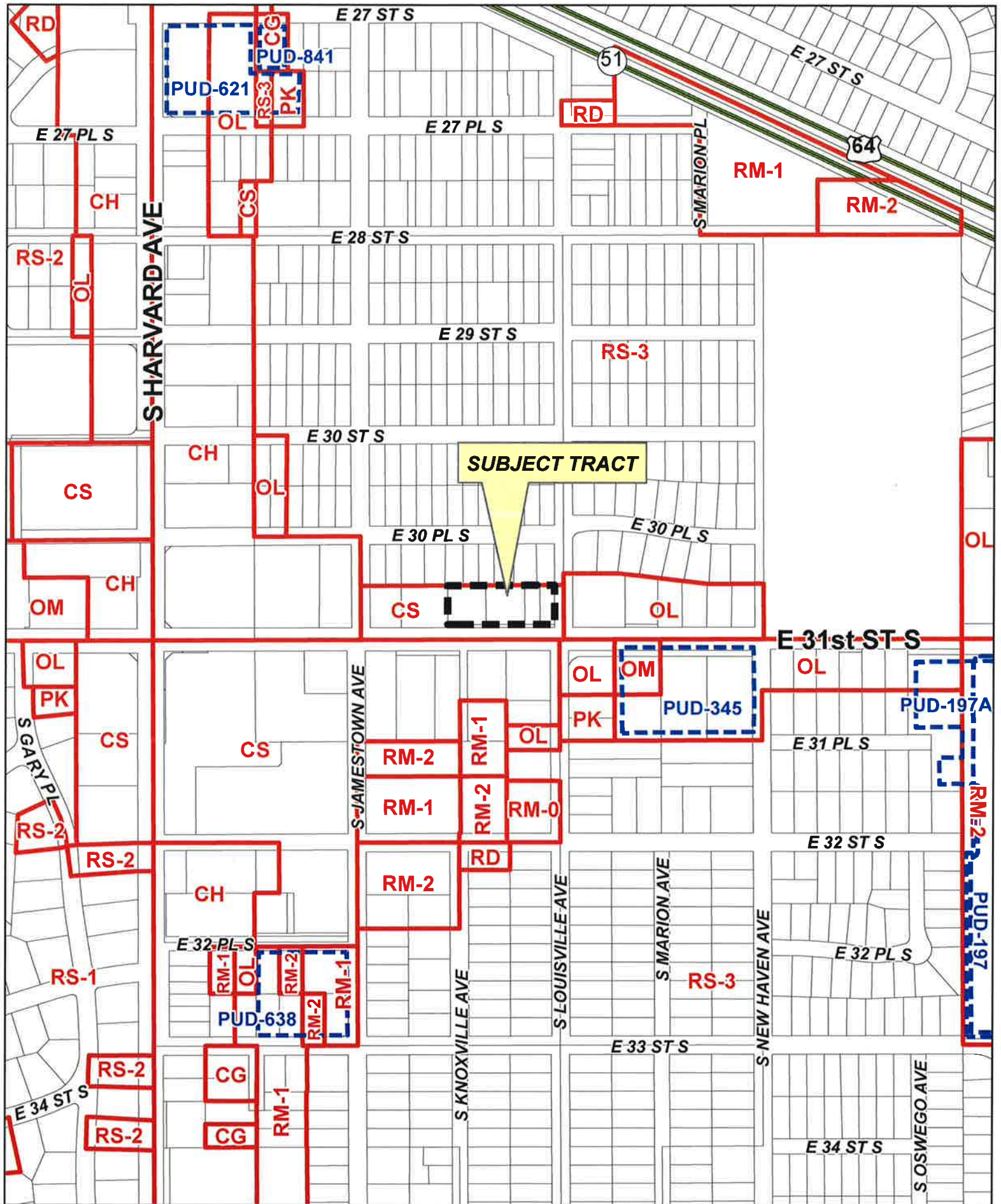
1.22



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**

**BOA-22839 – WHISTLER SIGN COMPANY**

**THE APPLICATION HAS BEEN WITHDRAWN BY  
THE APPLICANT**



BOA-22853

3.1



19-13 16



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9316

Case Number: **BOA-22853**

CZM: 37

CD: 9

HEARING DATE: 02/25/2020 1:00 PM

APPLICANT: Pete Webb

ACTION REQUESTED: Special Exception to permit a ground sign with dynamic display to be located within the City of Tulsa Right-of-Way along E. 31st Street S. (Sec. 60.020-E); Variance to permit a a dynamic display sign to be located within 200 feet of an RS-3 Zoning District (Sec. 60.100-F)

LOCATION: 3535 E 31 ST S; 3531 E 31 ST S; 3521 E 31 ST S; 3547 E 31 ST S ZONED: CS

PRESENT USE: Gas Station

TRACT SIZE: 43390.21 SQ FT

LEGAL DESCRIPTION: LT 23 LESS S10 BLK 8; E/2 LT 20 & ALL LTS 21 & 22 LESS S10 BLK 8; LTS 18 19 & W/2 LT 20 LESS S10 BLK 8; LT 24 LESS S10 BLK 8, BELLAIRE HGTS ADDN

## RELEVANT PREVIOUS ACTIONS:

**BOA-8749;** On 9.4.75 the Board approved a Minor Variance for a structure to permit a canopy to be located 42' 2" from the Centerline of East 31<sup>st</sup> Street.

**BOA-16994;** On 3.28.95 the Board approved a variance of the required 50' setback from 31<sup>st</sup> Street S to 36' to replace an Existing sign. The applicant has since refaced this sign, added electronic lettering to the sign and increased the footprint of this sign with a masonry base without permits. BOA staff is in contact with City of Tulsa Permitting about the need to retroactively pursue sign permits, BOA action and licensing agreements regarding this sign. Pictures of the refurbished sign are included in your agenda packet.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located at the NW/c of S. Louisville Ave. and E. 31<sup>st</sup> Street South.

**STAFF COMMENTS:** **Special Exception** to permit a ground sign with dynamic display to be located within the City of Tulsa Right-of-Way along E. 31st Street S. (Sec. 60.020-E); **Variance** to permit a a dynamic display sign to be located within 200 feet of an RS-3 Zoning District (Sec. 60.100-F)

**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).

3.2



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

Dynamic Display Signs are subject to the following supplemental regulations:

**Section 60.100      Dynamic Displays**

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

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



1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

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

In making their decision the Board should look to the stated purpose of the sign code Sec. 60.010-A:

## **Section 60.010      General**

### **60.010-A Purpose**

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

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

The applicant has installed the subject sign without their permits being issued. They have had their license agreement finalized with City of Tulsa Engineering, a copy of which is included in the agenda packet.

### **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a ground sign with dynamic display to be located within the City of Tulsa Right-of-Way along E. 31st Street S. (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 permit a a dynamic display sign to be located within 200 feet of an RS-3 Zoning District (Sec. 60.100-F)

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

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 Sign Facing West on 31<sup>st</sup> Street. Sign has been installed thought not turned on.***



***Subject Sign Facing East on 31<sup>st</sup> Street.***



***Sign approved in BOA-16994. Additions to sign were done without permits from the city of Tulsa.***



# FILE COPY

Case No. 16992 (continued)

**Jimmy Johnston**, 3003 Woodward Boulevard, designing architect for the project, stated that the accessory building will have a stucco finish with cedar trim to match the exterior of the existing dwelling. He informed that the accessory building will have a pitched roof and will be compatible with existing construction on the property.

In reply to Mr. Bolzle, Mr. Johnston stated that the roof of the accessory building will have a 9-12 pitch.

## Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the maximum permitted size for a detached accessory building from 750 sq ft to 2496 sq ft to accommodate a 3-car garage, workshop and storage - **SECTION 402.B.1.d. Accessory Use Conditions** - Use Unit 6; per plan submitted; subject to exterior finish of the building being similar to the existing dwelling and roof pitch being 9-12; subject to no plumbing or kitchen facilities being installed; subject to the execution of a covenant prohibiting any type of commercial activity; subject to lighting as presented; finding a hardship demonstrated by the size of the dwelling and the tract; and finding that approval of the request will not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 3, Block 8, Forest Trails Subdivision, City of Tulsa, Tulsa County, Oklahoma.

## Case No. 16994

### Action Requested:

Variance of the required 50' setback on 31st Street to 36' to replace an existing sign - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**, located 3535 East 31st Street.

### Presentation:

The applicant, **Oklahoma Neon**, 6550 East Independence, was represented by **Terry Howard**, who informed that the name of the gas station has changed and requested that the existing sign be replaced. He pointed out that the distance between the poles of the old sign is 14' and the new sign has a 6' separation; therefore the existing poles cannot be utilized for the new sign. A sign plan (Exhibit M-1) was submitted.

### Comments and Questions:

Mr. Bolzle inquired as to the height of the new sign, and Mr. Howard stated that the height is 25', which is not taller than the one in place. He added that the new sign will extend no closer to the street than the one currently on the property.



Case No. 16994 (continued)

**Protestants:**

None

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, "absent") to **APPROVE** a **Variance** of the required 50' setback on 31st Street to 36' to replace an existing sign - **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**; per plan submitted; finding that the new structure will not extend closer to the street than the existing sign; and finding that approval of the request will not cause substantial detriment to the public good, or violate the spirit and intent of the Code; on the following described property:

E/2 of Lot 20 and all of Lots 21 and 22, Block 8, Bellaire Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16995**

**Action Requested:**

Variance of an existing gravel lot which provides access to a storage building - **SECTION 1303.D. Design Standards for Off-Street Parking**, located 6944 East 11th Street.

**Presentation:**

The applicant, **Gale Plummer**, 11018 East 51st Street, submitted a plot plan (Exhibit N-1) and informed that the existing building on the property was used for tractor and large equipment storage and had a gravel lot. He explained that the current owner is proposing the construction of an additional building to be used for the storage of boats and recreational vehicles. Mr. Plummer stated that he is aware of the provision in the Code that requires a hard surface parking area; however, was told that the gravel parking could remain as it exists. He informed that it was not until the building was constructed and the final inspection was made that it was determined that the area had to be hard surface. Mr. Plummer noted that the traffic is limited on the fenced lot (12 storage stalls) and requested that the area surrounding the building be permitted to remain gravel.

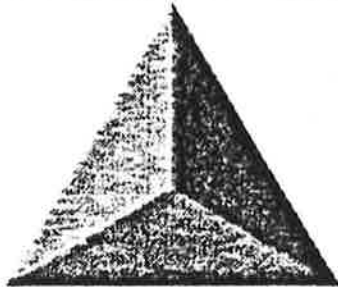
**Comments and Questions:**

Mr. Bolzle remarked that the Board has previously approved gravel on lots that are used primarily for storage, with very limited traffic.

Mr. Plummer noted that the entry into the fenced area is from the hard surface parking lot of the adjacent business.



7'x7' CITGO

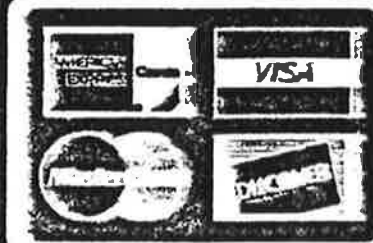


**CITGO**

6' x 6'  
3 Product  
Pricing

0.00 <sup>9</sup>/<sub>10</sub> REGULAR UNLEADED  
0.00 <sup>9</sup>/<sub>10</sub> MID GRADE UNLEADED  
0.00 <sup>9</sup>/<sub>10</sub> SUPER PREMIUM

4' x 6'  
Credit Card  
Logo or  
Custom Copy



One  
Piece  
Cabinet

PROPOSED  
NEW SIGN

109¢

7' Twin Post System

16994  
3.11



## Chapman, Austin

---

**From:** Chapman, Austin  
**Sent:** Friday, February 7, 2020 4:36 PM  
**To:** Whiteman, Danny  
**Subject:** RE: BOA-22853  
**Attachments:** 0726\_001.pdf

Also if its helpful, here is the BOA case that originally approved the sign.

---

**From:** Chapman, Austin  
**Sent:** Friday, February 7, 2020 4:19 PM  
**To:** Whiteman, Danny <dwhiteman@cityoftulsa.org>  
**Subject:** RE: BOA-22853

Would replacing this with with the new sign require a new sign permit and can you tell me if they pulled a permit I believe the parcel number is 03150-93-16-01250?





---

**From:** Whiteman, Danny <[dwhiteman@cityoftulsa.org](mailto:dwhiteman@cityoftulsa.org)>  
**Sent:** Friday, February 7, 2020 3:58 PM  
**To:** Chapman, Austin <[ACHapman@incog.org](mailto:ACHapman@incog.org)>  
**Subject:** RE: BOA-22853

Austin, we typically view that as an illuminated freestanding sign.

If it helps, this is one of our standard permit note blurbs we have used in the past for a sign like this:

"Permit is for an EZ MART w/Shell logo and price sign mounted onto an existing sign structure along S. Memorial Drive frontage only. Sign illumination shall not exceed 70 ft. candles measured at a 2 ft. distance. Contractor shall not place any sign or part of any sign structure in a manner that would interfere with, cause damage to or obstruct service to any public utility. Contractor shall call OKIE at 1-800-522-6543 prior to any excavation, to identify and locate existing utilities on the sign construction site. NO OTHER SIGNS ARE INCLUDED IN THIS PERMIT."

Danny

---

**From:** Chapman, Austin <[ACHapman@incog.org](mailto:ACHapman@incog.org)>  
**Sent:** Friday, February 7, 2020 3:39 PM  
**To:** Whiteman, Danny <[dwhiteman@cityoftulsa.org](mailto:dwhiteman@cityoftulsa.org)>  
**Cc:** Kolibas, Robert <[RKolibas@cityoftulsa.org](mailto:RKolibas@cityoftulsa.org)>  
**Subject:** BOA-22853

Danny,

Would you consider this sign a dynamic display per the zoning code?

**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. Call (918) 596-9456 for more information.



8734 (continued)

Mr. Gardner described the zoning pattern and various uses in the surrounding area, pointing out that the Staff felt the proposed use is compatible with the existing development in the area. However, he suggested the application be continued to the next meeting date in order that the applicant might provide a plot plan to show the exact location of the structure on the property and to advise the Board of the traffic circulation.

Protests: None.

Board Action: On MOTION of SMITH, the Board (4-0) continued application 8734 to September 18, 1975, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to await further information concerning development in the area, the actual layout of the proposed structure, and the location of the playground equipment on the tract.

8749

Action Requested: Minor Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630) for a variance of the setback requirements to permit a canopy 42' 2" from the centerline of 31st Street in a CS District located at 3535 East 31st Street.

Presentation: John Whitaker, representing Hudson Oil Company, submitted the plot plan (Exhibit "G-1") and requested permission to erect a free-standing canopy which will act as a roof for the gasoline pumps to be used in the service station operation. He noted that the existing building will contain the attendant's office, concessions and restrooms, noting that meeting the setback would require the removal of the existing structure. Mr. Whitaker advised he understood that a contract would be required between the applicant and the City for future removal of the canopy at the applicant's expense should the City so require its removal.

Upon questioning as to whether or not a sign would be placed on the tract, Mr. Whitaker advised that a 4' x 5' sign will be located on the property per the Code requirements.

Protests: None.

9.4.75:195(13)

8749 (continued)

**Board Action:**

On MOTION of BLESSING, the Board (4-0) approved a Minor Variance (Section 280 - Structure Set-back from Abutting Streets - Under the Provisions of Section 1630) for a variance of the setback requirements to permit a canopy 42' 2" from the centerline of 31st Street, per plot plan, and subject to the customary removal contract being entered into by the applicant, in a CS District on the following described tract:

The E/2 of Lot 20, All of Lots 21 and 22, Block 8, Bellaire Heights Addition to the City of Tulsa, Oklahoma.

8753

**Action Requested:**

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to locate a residence across lot lines in an RS-3 District located at 1722 East 32nd Street North.

**Presentation:**

Allen Pegues, Jr., representing the applicant, submitted the plot plan/floor plan (Exhibit "H-1") to the Board requesting permission for his client to locate the proposed residence, which was purchased from Model Cities, across the lot lines.

**Protests:**

None.

**Board Action:**

On MOTION of PURSER, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to locate a residence across lot lines, per plot plan, in an RS-3 District on the following described tract:

Lots 12 and 13, Block 5, Murray Addition to the City of Tulsa, Oklahoma.

8763

**Action Requested:**

Minor Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1630) for a variance of 50' required frontage on a public street to permit a lot-split (L-13549) in an IL District located at 5216 South Houston Avenue.

**Presentation:**

Neither the applicant nor his attorney were present. The Staff advised that the Board, in February, 1974, had approved an addition to the construction of the building on the property subject to a perpetual easement since the property was landlocked. The applicant, Claude Dyer, is now requesting that the subject property be split from the overall seven acre  
9.4.75:195(14)

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



## DEVELOPMENT SERVICES

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

### SIGN PLAN REVIEW

January 10, 2019

LOD Number: 1

Claude Neon Sign Company  
1225 N. Lansing Avenue  
Tulsa OK 74106

Phone: (918)622-0651

**APPLICATION NO:** **SIGN-021206-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** **3535 E. 31<sup>st</sup> Street**  
**Description:** **Fiesta Mart dynamic display 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)

3.17



## 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-021206-2019

3535 E. 31<sup>st</sup> Street

January 10, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

1.) **60.020-E** 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 Fiesta Mart dynamic display ground sign appears to be located in the City of Tulsa ROW/Planned ROW. The ROW/Planned ROW width along E. 31<sup>st</sup> Street is 100 feet total. The minimum setback for the proposed ground sign is 50 feet from the C/L of E. 31<sup>st</sup> Street. This sign projects into the Right-of-Way (R-O-W) of this street and therefore requires a City of Tulsa R-O-W license and 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 R-O-W license and removal agreement and for INCOG @ 918-584-7526 to apply for a special exception to permit a dynamic display freestanding sign to be located in the ROW/Planned ROW with a 41-foot setback from the center of E. 31<sup>st</sup> street.

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

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

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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



Tulsa County Clerk - Michael Willis

Doc # 2019064189 Page(s): 7

07/22/2019 02:16:06 PM

Receipt # 19-39368

Fee: \$ 25.00

7

## AGREEMENT FOR CONSTRUCTION IN A UTILITY EASEMENT

This agreement, made and entered into by and between the **CITY OF TULSA, OKLAHOMA**, a municipal corporation, (City), and **ARKANSAS VALLEY PETROLEUM, L.L.C.**, an Oklahoma limited liability company, owner of the subject real property, (Owner),

WITNESSETH:

WHEREAS, City owns and controls an easement in, under, over, upon and through the real property which is the subject matter hereof described as:

All of Lots Eighteen (18) thru Twenty-Four (24), Block Eight (8), BELLAIRE HEIGHTS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described in Exhibit "A"; (hereafter, "the subject property"); and

WHEREAS, the Owner has acknowledged construction and maintenance of a **Monument Sign**, (hereinafter referred to as "Improvements") in, upon and through that portion of City's easement as described and as shown on the Exhibit, marked Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, the Owner desires to obtain a Sign Permit for the Improvement; and

WHEREAS, City and Owner agree to the issuance of the Sign Permit subject to the conditions and covenants set forth hereafter.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES, AS FOLLOWS:

1. The Owner and its successors in title, shall bear all maintenance, and related costs associated with the subject Improvements on that part of the easement, described as:

See Exhibit "A"

through the entirety of that portion affected by the Improvements as detailed in the attached Exhibit "A". The City shall bear no costs associated with said Improvements now or in the future. Nothing shall be permitted to threaten the safety and continued integrity of all utilities, public and/or private, and/or their accessories located in said easement.

CITY OF TULSA  
OFFICE OF CITY CLERK  
175 E. 2<sup>ND</sup> ST. - STE 260  
TULSA, OKLAHOMA 74103

5-6-19-21

1 of 4

Easement NO. 24420

3.19

2. In the event the Owner or its successors in title fail to otherwise properly maintain the Improvements, in the easement area, the City or its designated contractor or private utility company as appropriate, may enter the area as required and perform maintenance on the Improvements necessary to the achievement of the intended functions and may remove any obstruction or correct any alteration of grade or contour, and all costs borne by the City and/or its agents shall be paid by the owner or its successors in title. In the event the Owner or its successors in title fail to pay the costs of the subject work after receipt of a statement of such costs, the City may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against the subject property. A lien established as provided herein may be foreclosed by the City.

3. No liability for property damage or personal injury arising out of the maintenance of the Improvements shall attach to the City.

4. The City, by granting the subject Sign Permit, does not waive any privilege or right applicable to the subject easement. Nor are such privileges and/or rights waived which belong to others, including, but not limited to utility companies.

5. It is expressly understood that the Owner shall maintain the Improvements at its own expense and at its own risk. In the event it becomes necessary for any public purpose, including but not limited to construction, installation, maintenance, repair or discontinuance of utilities, public and/or private, over, upon, or in the utility easement occupied or affected by the Improvements, to remove, alter or impact the Improvements, for the reason that they interfere with the privileges or rights of the City, its agents, servants and employees and others, including, but not limited to utility companies, the Improvements, or any portion of them, shall be timely removed by the Owner or its successors in title, at the exclusive expense of the Owner or its successors. In the event the removal of the Improvements is not accomplished in timely fashion as herein provided, the Improvements may be immediately removed by the City, its agents, servants or employees including, but not limited to, utility companies or independent contractors, at the exclusive expense of the Owner or its successor in title. In the event the Owner or its successors in title fail to pay the costs of the subject work after receipt of a statement of such costs, the City may file of record a copy of the statement of costs, and thereafter the costs shall be a lien against the subject property. A lien established as provided herein may be foreclosed by the City.

6. The Owner and its successors, shall defend any and all claims, liabilities, suits at law or equity brought against the City resulting from the operation, construction, installation, or maintenance of the Improvements and shall indemnify the City for any costs and/or damages suffered as a result thereof.

7. THIS AGREEMENT SHALL "RUN WITH THE LAND" and shall be binding on the Owner, its grantees, assigns, successors and heirs.



Dated this 24 day of May, 2019.

**ARKANSAS VALLEY PETROLEUM, L.L.C.,  
an Oklahoma limited liability company**

By: [Signature]  
Name: Duff Thompson  
Title: Manager

STATE OF OKLAHOMA                    )  
  ) ss:  
COUNTY OF TULSA                    )

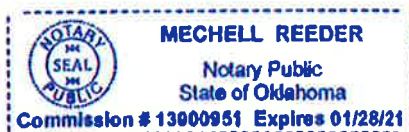
Before me, the undersigned, a Notary Public, in and for said County and State on this 24 day of May, 2019, personally appeared Duff Thompson, to me known to be the identical person who subscribed the name of ARKANSAS VALLEY PETROLEUM, L.L.C., an Oklahoma limited liability company, to the foregoing as its Manager, and acknowledged to me that he/~~she~~ executed the same as his/~~her~~ free and voluntary act and deed and as the free and voluntary act and deed of ARKANSAS VALLEY PETROLEUM, L.L.C., an Oklahoma limited liability company, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

[Signature]  
Notary Public

My Commission Expires:

Jan 28, 2021



(The remainder of this page is intentionally left blank)

APPROVED AS TO FORM:

Audrey D Blank  
Senior Assistant City Attorney

APPROVED AS TO SUBSTANCE:

[Signature]  
City Engineer

APPROVED BY MAYOR:

CITY OF TULSA, OKLAHOMA,  
a municipal corporation

Date: JUL 15 2019

BY: [Signature]

Name: G.T. Bynum  
Title: Mayor

ATTEST:

[Signature]  
City Clerk



STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF TULSA     )

Before me, a Notary Public in and for said County and State, on the 15<sup>th</sup> day of July, 2019, personally appeared G. T. Bynum, to me known to be the identical person who approved the within and foregoing instrument as Mayor of the City of Tulsa, Oklahoma, and acknowledged to me that he approved the within and foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the City of Tulsa, Oklahoma, for the uses and purposes therein set forth.

My commission expires:

2/15/21



[Signature]  
Notary Public

**APPLICATION FOR LICENSE AGREEMENT TO CONSTRUCT AND MAINTAIN  
PRIVATE IMPROVEMENTS UPON PUBLIC WAY**

<b>APPLICANT NAME AND ADDRESS</b> (THIS PERSON WILL RECEIVE A COPY OF THE FILED AGREEMENT.)	<b>DATE OF APPLICATION</b>
Duff Thompson 8336 E 73rd St. Ste 100 Tulsa, OK 74133	2/4/2019
<b>ADDRESS OF THE PUBLIC WAY</b>	<b>TELEPHONE NUMBER</b>
To be determined	918-252-0508
<b>NAME OF CONTACT PERSON (IF OTHER THAN PROPERTY OWNER)</b>	<b>TELEPHONE NUMBER</b>
	918-277-5719
	<b>EMAIL</b>
Pete Webb	pete@cnfsigns.com

**ADDRESS AND LEGAL DESCRIPTION OF THE PUBLIC WAY TO BE OCCUPIED.**

Subdivision: Bellaire Hgts Addition

Legal: Lots 18-24 Block 8

Section: 16 Township: 19 Range:13

**Explanation of purpose or need to occupy Public Way (relate to Criteria for Consideration).**

Existing sign structure to be upgraded to a dynamic display. Footing and poles are existing

**Type of improvement requested for License Agreement**

Sign structure updated to digital/dynamic display

Plat of Survey or representative sketch or drawing has been attached delineating the described request showing all data pertinent to the property e.g. distance bearings and encroachments.

Submitted by: OWNER SIGNATURE

PERSON SUBMITTING ON BEHALF OF OWNER BY (SIGNATURE)



Revised 11/13

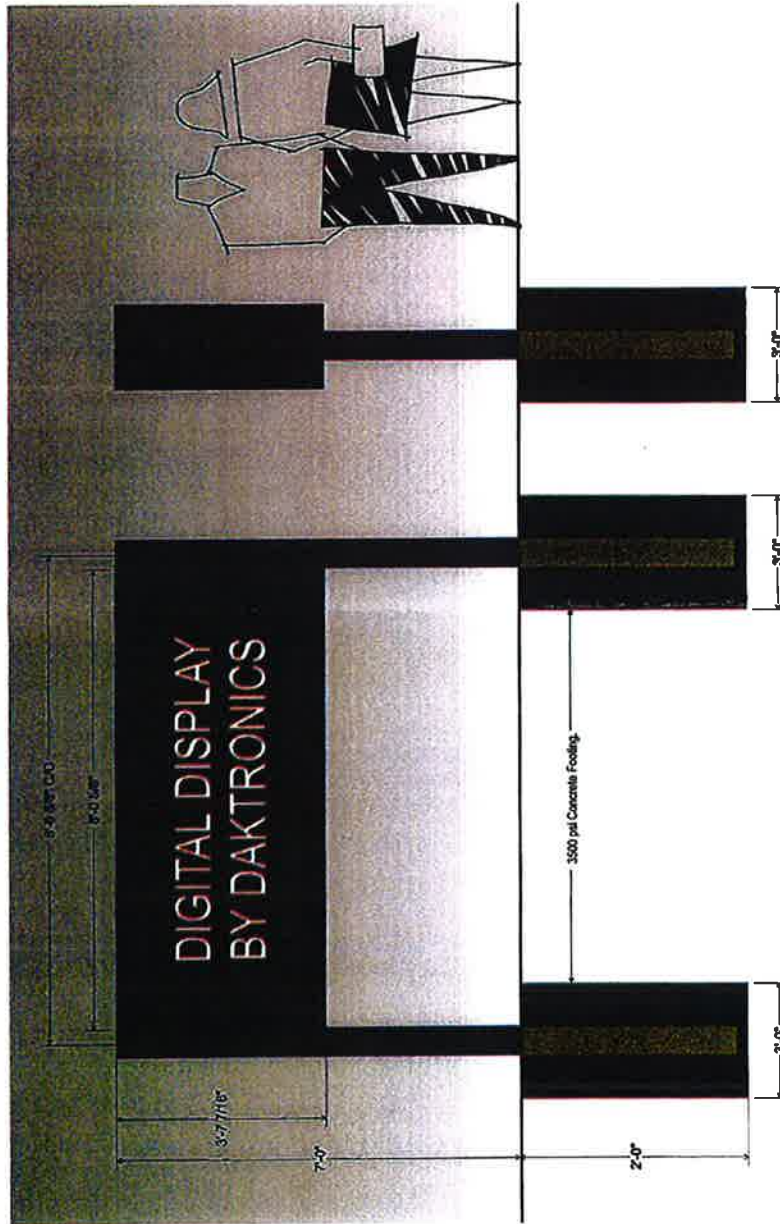
**EXHIBIT "A"**

Page 1 of 3

3.23







LED Video Board by Daktronics.  
CNF to add new poles.

Scale: 1/2"=1'

Digital display provided by customer. CNF to install poles, paint poles, install digital display. CNF to permit.

## EXHIBIT "A"

Page 3 of 3

	THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF DAKTRONICS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DAKTRONICS, INC.	PROJECT / CLIENT NAME: Fiesta Mart	LOCATION: 3555 E 31st ST Tulsa OK	ACCOUNT EXEC: Peter Webb	DUESMAN: P.N.	DATE OF ORIGINAL ORDER	REVISIONS: ST-4.0	SUB INFORMATION: ST-4.0	DATE: 11/11/11	ST-1.0
	APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/>	DATE: 11/11/11	SIGNATURE:	SIGNATURE:	SIGNATURE:	SIGNATURE:	SIGNATURE:	SIGNATURE:	SIGNATURE:	SIGNATURE:

BOA-22853

Hardship Letter

Board Members,

Fiesta Mart acquired a lot with an existing building and sign structure from a previous Braum's. Fiesta Mart reconfigured the building plans which were approved by the City of Tulsa. Fiesta Mart applied for construction permits based on usage of existing sign poles and foundation. Upon applying for sign permits, we received an LOD based on the new Right-of-Way setbacks for COT Utility and being within 200ft of residential.

The City of Tulsa use of Right-of-Way has been resolved by way of a licensing agreement doc #2019064189 dated: 7/22/19.

Fiesta Mart store branding includes use of a digital display for marketing. The closest residential area identified is at 123' from the north side of the sign. The digital display's visibility from the residential is blocked by the building, a gas canopy, a car wash, and an 8ft block wall erected by Fiesta Mart for shielding purposes between their property and the residential area.

Fiesta Mart used an existing sign structure, and moving the location of the sign would hinder the flow of traffic in the parking lot. Fiesta Mart took steps to eliminate issues and minimize the impact of using this sign on their property.

Thank you,

Pete Webb

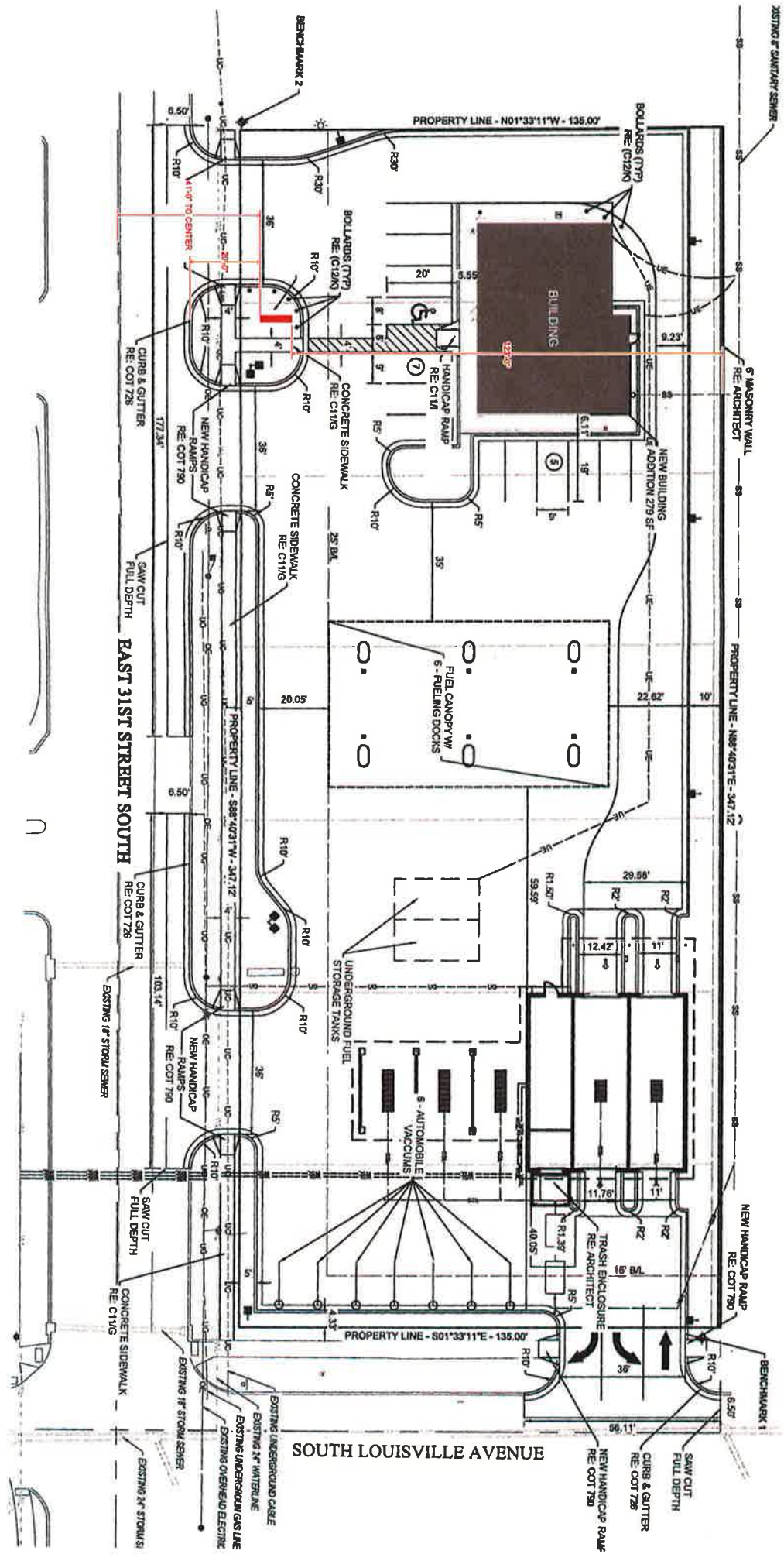
Claude Neon Federal Signs

1225 N Lansing Ave.

Tulsa OK, 74106

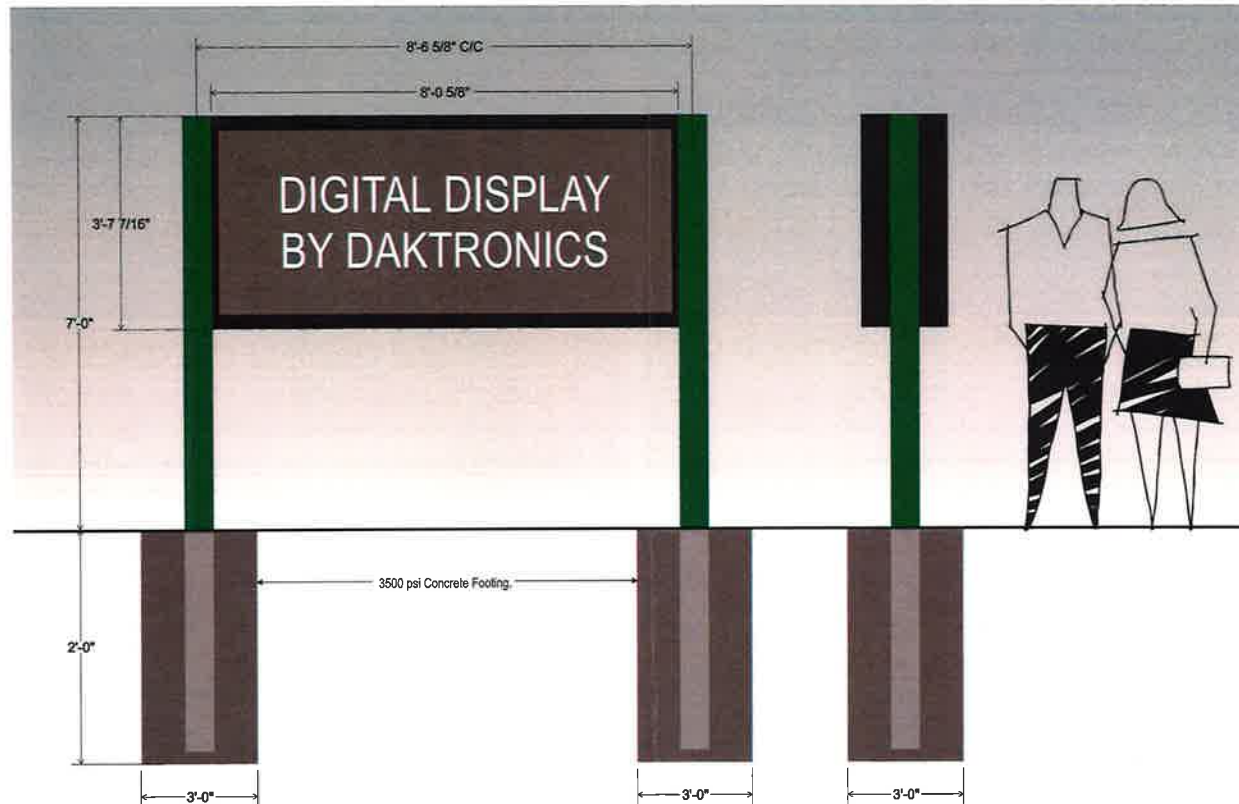


3.27



SOUTH LOUISVILLE AVENUE





LED Video Board by Daktronics.  
CNF to set new poles.

Scale: 1/2"=1'

Digital display provided by customer. CNF to install poles, paint poles, install digital display. CNF to permit

 <p>1070 NORTH LAUREL AVENUE TULSA, OKLAHOMA 74103 PH: 918.347.7171 FAX: 918.347.7178 WWW.CNFENGINEERING.COM</p>	<p>I HEREBY GIVE MY APPROVAL TO PROCEED WITH CONSTRUCTION OF THE WORK SHOWN IN THESE DRAWINGS IN ACCORDANCE WITH THE PROJECT DESIGN AND UNDERSTANDING THAT ANY CHANGES AND/OR OMISSIONS OF MODIFICATIONS TO THE FUNDAMENTAL STRUCTURE, UNDERLYING DESIGN OR THE SPECIFIC FEATURES OF THIS SCOPE, MAY RESULT IN A LOSS OF THE COMPLETION DATE, ADDITIONAL PERSONNEL REQUIREMENTS OR ADDITIONAL COST.</p>	<p><input type="checkbox"/> APPROVED AS SHOWN <input type="checkbox"/> APPROVED AS NOTED</p> <p>DATE: _____</p>	<p>PROJECT/CLIENT NAME: Fiesta Mart</p>	<p>LOCATION: 3535 E 31st ST Tulsa OK</p>	<p>ACCOUNT EXEC: Pete Webb</p>	<p>DESIGNER: P.W.</p>	<p>DATE OF ORIGINAL DWS:</p>	<p>REVISION HISTORY:</p>	<p>SIGN TYPE/DESCRIPTION: ST-4.0</p>	<p>SHEET NAME <b>ST-1.0</b></p>
--	---	---	---	--	------------------------------------	---------------------------	------------------------------	--------------------------	--	-------------------------------------

3.29





0 Feet 200 400



Subject  
Tract

**BOA-22853**

19-13 16

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

Aerial Photo Date: February 2018







0 50 100  
Feet



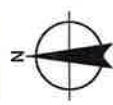
Subject  
Tract

**BOA-22853**

19-13 16

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

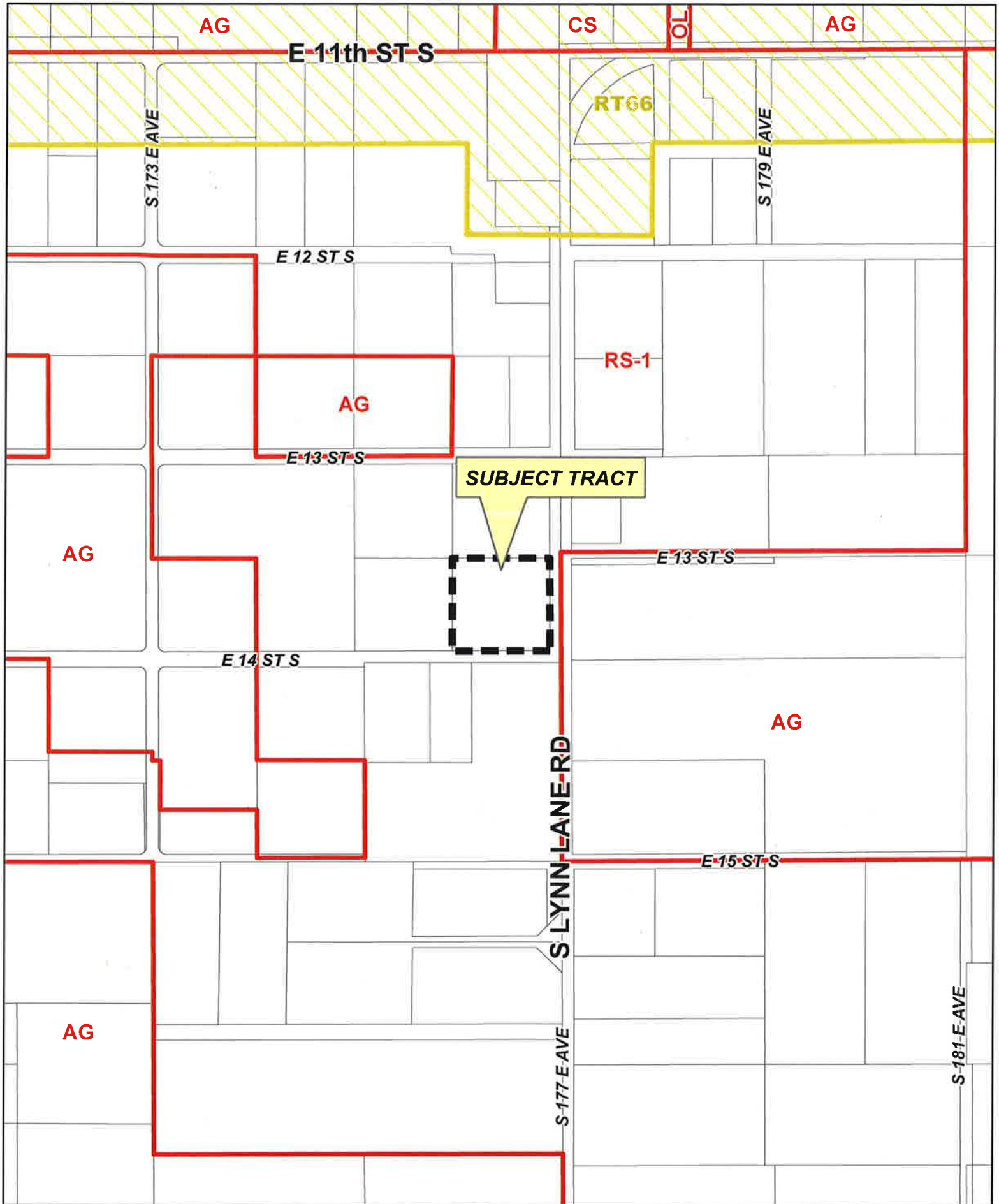
Aerial Photo Date: February 2018



3.31

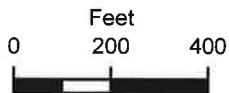
**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





**BOA-22855**

4.1



19-14 11



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9411

Case Number: BOA-22855

CZM: 40

CD: 6

HEARING DATE: 02/25/2020 1:00 PM

APPLICANT: John Baskin

ACTION REQUESTED: **Variance** to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-1 district (Sec. 45.030-B); Variance to increase the permitted height of a detached accessory building to exceed 10 feet in height to the top of the top plate (Sec. 90.090) **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway(Section 55.090-F)

LOCATION: 17607 E 14 ST S

ZONED: RS-1

PRESENT USE: Residential

TRACT SIZE: 96991.09 SQ FT

LEGAL DESCRIPTION: LT 5 BLK 7, LYNN LANE ESTATES

## RELEVANT PREVIOUS ACTIONS:

**Subject property:** None

## **Surrounding Properties:**

**BOA-18120;** On 08.11.98 the Board **approved** variance to allow an accessory building with a total of 2,100 sf on the property and **denied** a variance to allow the accessory building to be located in the front setback. Property Located 17507 E. 14<sup>th</sup> Street.

**BOA-16345;** On 05.25.93 the Board **approved** a variance to permit a variance to increase the size of an accessory building to 4,000 sf. Property located 1384 East 13<sup>th</sup> Street.

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

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

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. 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 NW/c of E. 14<sup>th</sup> St S. and S 177<sup>th</sup> E Ave.

**STAFF COMMENTS:** The applicant is requesting a **Variance** to allow a detached accessory building to exceed 40% of the size of the principal residential structure in an RS-1 district (Sec. 45.030-B); Variance to increase the permitted height of a detached accessory building to exceed 10 feet in height to the top of the top plate (Sec. 90.090) **Variance** of the dustless, all-weather surfacing requirement to permit a gravel driveway(Section 55.090-F)

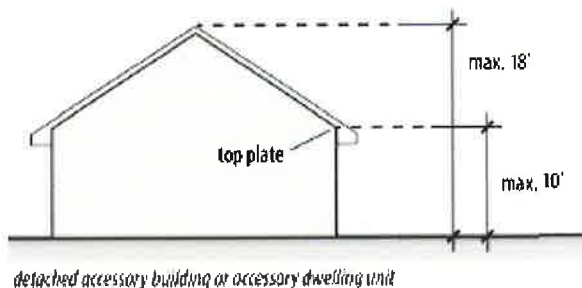
**2. RS-2, RS-3, RS-4, RS-5 and RM Districts**

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 590.090-C2.

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

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



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

**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.



## STATEMENT OF HARDSHIP:

We request relief for the size of our planed shop (40'x60' (2400 sqft) building with 12' high walls). The building will be used to store vehicles on a lift, which requires a 12' wall height. It will also house a wood working area, maintenance area, gardening area and storage for gardening/mowing/vehicle equipment. The shop is to be used for personal hobbies and storage of personal property. There are currently 4 other properties in the immediate area that have building structures that are the same size or larger than our proposed building.

We are also requesting relief for the all weather surface driveway. The current driveway is a 3 inch crusher run (dustless gravel) based driveway with 1-1/2 crusher run driveway topper. The driveway is connected to 14<sup>th</sup> Street with a concrete drive entering the property. There a several homes in the immediate area that have the same type of driveway.

I have attached satellite photos that will depict similar buildings and driveways in the area.

Thank you for your time and consideration,  
David Baskin



## SAMPLE MOTION:

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-1 district (Sec. 45.030-B); **Variance** to increase the permitted height of a detached accessory building to exceed 10 feet in height to the top of the top plate (Sec. 90.090) **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."*

## UNFINISHED BUSINESS

### **Case No. 18120**

#### Action Requested:

Variance to allow an accessory building (1,500 SF) in an RS-1 zoned district and a Variance to allow an accessory building in the front yard (60' from centerline of street).

**SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 17507 East 14<sup>th</sup> Street.

#### Presentation:

**Linda Curtis**, Rt. 3, Box 1238 in Bristow, presented the Board with a letter from Mr. and Mrs. Clint Watts, previous owners of the property, and Mr. and Mrs. Delbert Klass stating their support for the accessory building, recorded as Exhibit A-2. Spunky Creek watershed runs through their property and that a lot of water runs across their property. She noted that there are only two high areas on the property. In order to place the accessory building at the rear of the house, large trees would have to be cut down, 5' of fill would have to be hauled in, and they were concerned that it would cause water to back up into the neighboring properties. Ms. Curtis explained the purpose of the larger sized building was because her husband has a number of antique cars and the current garage is not large enough to house their super cab truck.

#### Comments and Questions:

In response to the Board's questions, Ms. Curtis stated that the shed is in the back corner and they had not yet decided if it would be maintained or torn down. Mr. Beach interjected that this case was continued from the previous meeting to advertise additional relief, and noted that the barn was included in the total square footage of accessory building. The 30' X 50' building is in addition to the square footage of the barn.

Mr. White pointed out that there was a new addition to the dwelling. Ms. Curtis explained that that was a carport to cover their patio.

#### Interested Parties:

**Don Gibson**, 17520 E. 14<sup>th</sup> St., representing the homeowners that signed the petition, Exhibit A-3, stated that they object to the front yard provision. He understood that Ms. Curtis had lived on the adjoining property for several years and was aware of the drainage problems before they purchased the property. They are not opposed to the square footage, but against the structure being placed in the front yard.

Mr. White asked if he had seen the applicant's site plan, Exhibit A-1, especially in reference to where they plan to plant pine trees. He responded negatively, and Mr. White asked Ms. Curtis to show the site plan to him.



Mr. Gibson expressed the concern of the neighborhood is that the garage is being constructed as a pole barn and it is located so close to the street.

**Applicant's Rebuttal:**

Ms. Curtis stated that it had been 25 years since she lived in the neighborhood and they were unaware of the Zoning Code requirements when planning to build a garage. Wrought iron will replace the existing fence, and they plan to plant trees in an attempt to hide the building. In response to Mr. Dunham's question, Ms. Curtis stated that they had planned for the building to be of metal, with brick or rock on it to match the house as close as possible.

Responding to the Board's question, Ms. Curtis stated that she had called the City and was informed that the garage needed to be a minimum of 45' from the centerline of the street. They asked the contractor about obtaining a building permit, but he indicated that one was not needed because they lived on five acres. When the frame was erected, they were notified to stop building, and they took the frame down.

Ms. Parnell asked what they intended to use the garage for. Ms. Curtis responded that they have a super cab truck that they would like to park in the garage, as well as some antique trucks that her husband is restoring, storing of lawn equipment, etc. Ms. Parnell clarified that vehicles would not be restored in the garage to be sold, and Ms. Curtis responded that that was correct.

**Comments and Questions:**

The Board all agreed that they did not have a problem with the size of the building, but Mr. Dunham stated that he had mixed feelings on the location. On the one hand he agreed with the neighbors, but he would hate to have the garage create drainage problems because it was built behind the house, and it could not be built there if it is located within a floodplain. Mr. Beach interjected that the City would review the effect of its drainage when they apply for a building permit.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, White, "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a Variance to allow an accessory building with a total of 2,100 SF on the property in an RS-1 zoned district and **DENY** a Variance to allow an accessory building in the front yard (60' from centerline of street). **SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** on the following described property:

Lot 6, Block 7, Lynn Lane Estates, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

FILE COPY

Case No. 16344 (continued)

**Protestants:**

None.

**Board Action:**

On MOTION of CHAPPELLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a Variance of the maximum height for a fence in a required front yard from 4' to 6' - **Section 210.B. Permitted Obstructions in Required Yards** - Use Unit 6; per plan submitted; finding that there are similar fences in the immediate neighborhood; and finding that the granting of the variance will not cause substantial detriment to the area, or violate the spirit, purposes and intent of the Code; on the following described property:

Lots 1 and 2, Block 15, Forest Hills Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 16345**

**Action Requested:**

Variance of the maximum 750 sq ft for a detached accessory building to 4000 sq ft, and a variance to amend a previously approved plot plan - **Section 402.b.1.D Accessory Use Conditions** - Use Unit 6, located 17384 East 13th Street.

**Presentation:**

The applicant, Larry Covert, 18008 East Brady Street, Catoosa, Oklahoma, submitted a plot plan (Exhibit E-1) and stated that he is representing the owner of the property in question. He informed that he is proposing to build an addition to an existing 2000 sq ft accessory building.

**Comments and Questions:**

Ms. White inquired as to the use of the 4000 sq ft accessory building, and the applicant stated that he needs the additional storage space for his antique cars.

Mr. Bolzle asked if the cars are sold on the property, and the applicant replied that the cars are not for sale.

Mr. Gardner asked if the owner lives on the property, and Mr. Covert answered in the affirmative.

**Protestants:**

None.

Case No. 16345 (continued)

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the maximum 750 sq ft for a detached accessory building to 4000 sq ft, and a variance to amend a previously approved plot plan - Section 402.b.1.D Accessory Use Conditions - Use Unit 6; per plan submitted; subject to a covenant being filed of record prohibiting nonresidential use of the structure; finding that the lot is large enough (2 acres plus) to support the proposed building; on the following described property:

Lot 4, Block 7, Lynn Lane Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16346

Action Requested:

Special Exception to permit a home occupation beauty shop - Section 402.B.6. Home Occupations - Use Unit 6, located 3252 South Joplin.

Presentation:

The applicant, Kerry Kellehan, 3252 South Joplin, requested permission to operate a beauty shop in her home. A plat of survey (Exhibit F-1) was submitted.

Comments and Questions:

Mr. Doverspike inquired as to the number of cars that can park in the driveway, and Ms. Kellehan replied that the driveway will accommodate nine vehicles.

Ms. White asked Ms. Kellehan if she can comply with the Home Occupation Guidelines, and she answered in the affirmative.

In response to Mr. Bolzle, the applicant replied that the shop will have only one chair.

Mr. Doverspike inquired as to the days and hours of operation, and the applicant stated that the shop will be open Tuesday through Saturday. She added that sometimes on Tuesday and Thursday nights the shop will be open until 8 p.m.

In reply to Mr. Doverspike, Ms. Kellehan stated that the shop is located on the west side of the residence.





***Subject property from Corner of 14<sup>th</sup> Street and 177<sup>th</sup> E. Ave***



***Subject Property from 14<sup>th</sup> Street including existing gravel drive***



*Western side and rear yard of Subject property from 14<sup>th</sup> Street*

**Danny Whiteman**  
Zoning Official  
Plans Examiner II

TEL (918) 596-9664  
dwhiteman@cityoftulsa.org



## DEVELOPMENT SERVICES

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

## ZONING CLEARANCE PLAN REVIEW

**LOD Number 2**

**1/16/2020**

**John Baskin**  
**17607 E 14<sup>th</sup> Street**  
**Tulsa OK 74108**

**APPLICATION NO: BLDR-037724-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 17607 E. 14<sup>th</sup> St.**

**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  
<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Application No. **BLDR-037724-2019**

17607 E. 14<sup>th</sup> Street

January 16, 2020

### 1.) 45.030-A RE, RS-1 and RM Districts

In RE, RS-1 and RM districts, the total aggregate floor area of all detached accessory buildings and accessory buildings not erected as an integral part of the principal residential building may not exceed 750 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

**Review comments:** You are proposing a 2400 sq. ft (40x60) detached accessory structure. The proposed detached structure exceeds 1189.6 sq. ft. or 40% of the size of your house. Based on the size of your house (2974 sq. ft) you are allowed 1189.6 sq. ft of detached accessory structures floor area on the lot. Reduce the size of the proposed detached accessory structure to be less than 1189.6 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 from 1189.6 sq. ft. to 2400 sq. ft.

**2.) 90.090 Detached Accessory Buildings:** In RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes; Detached accessory buildings may be located in rear setbacks provided that: (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

**Review comments:** The proposed detached accessory building wall height may not exceed 10 feet in height in the rear setback. You may reduce the wall height to be 10 feet or you may pursue a variance from the BOA to permit the wall height to be increased from 10 feet to 12 feet in the rear setback.

**3.) 55.050-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.

**Review comments:** The proposed detached accessory building requires an all-weather surface driveway. Revise the plan with an all-weather surface driveway.

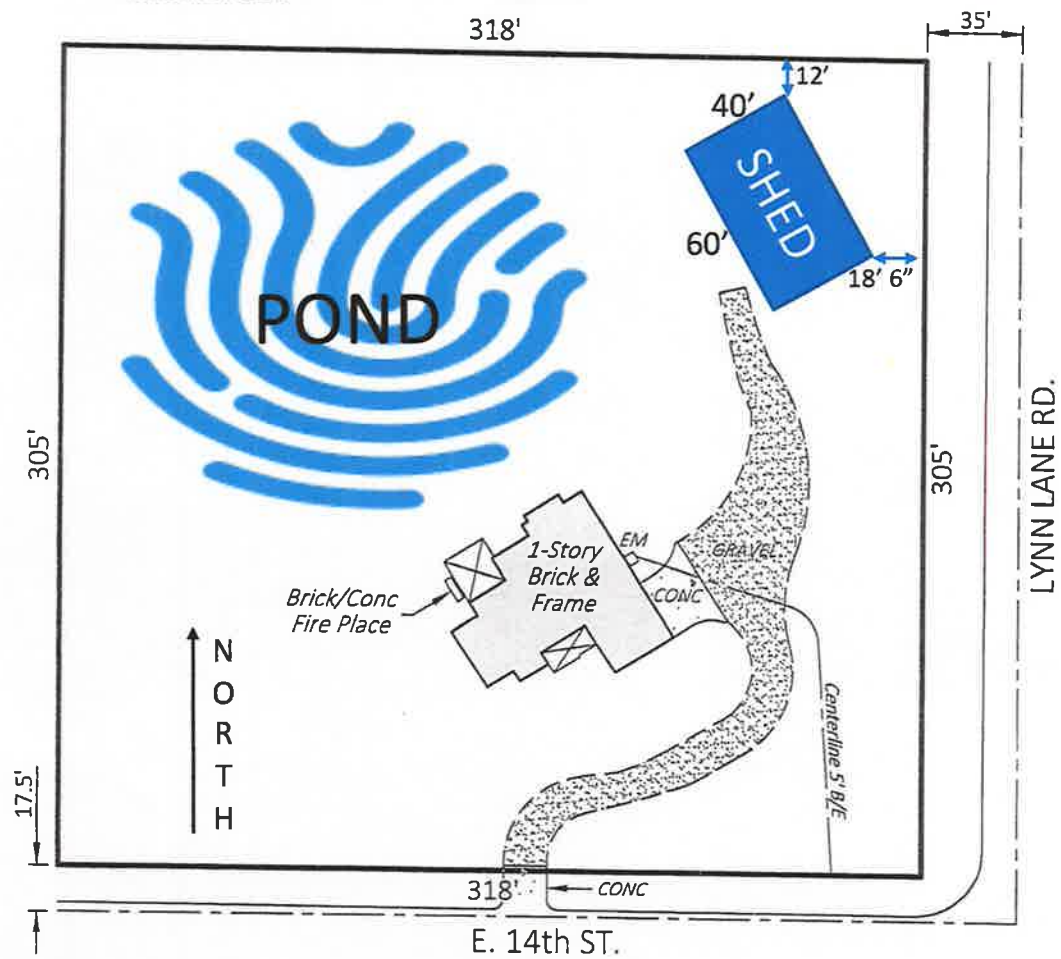
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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.



Property included within the lands described in Right of Way Agreement, Book 905, Page 502; However, the street







0 Feet 200 400



Subject Tract

**BOA-22855**

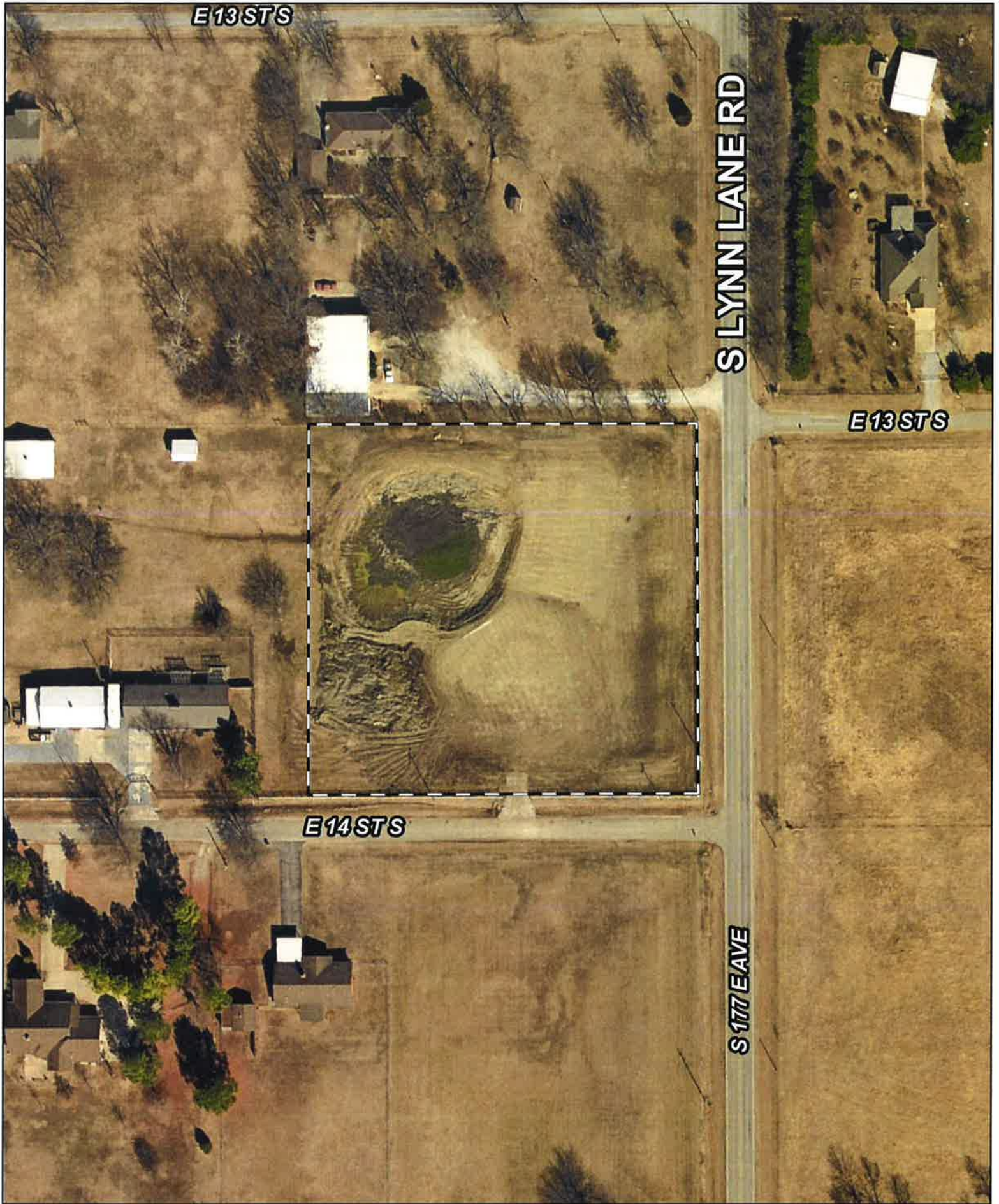
19-14 11

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

Aerial Photo Date: February 2018 4.16







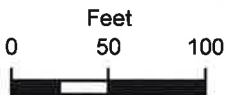
E13 STS

S LYNN LANE RD

E13 STS

E14 STS

S 177 E AVE



Subject  
Tract

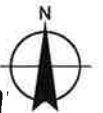
**BOA-22855**

19-14 11

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

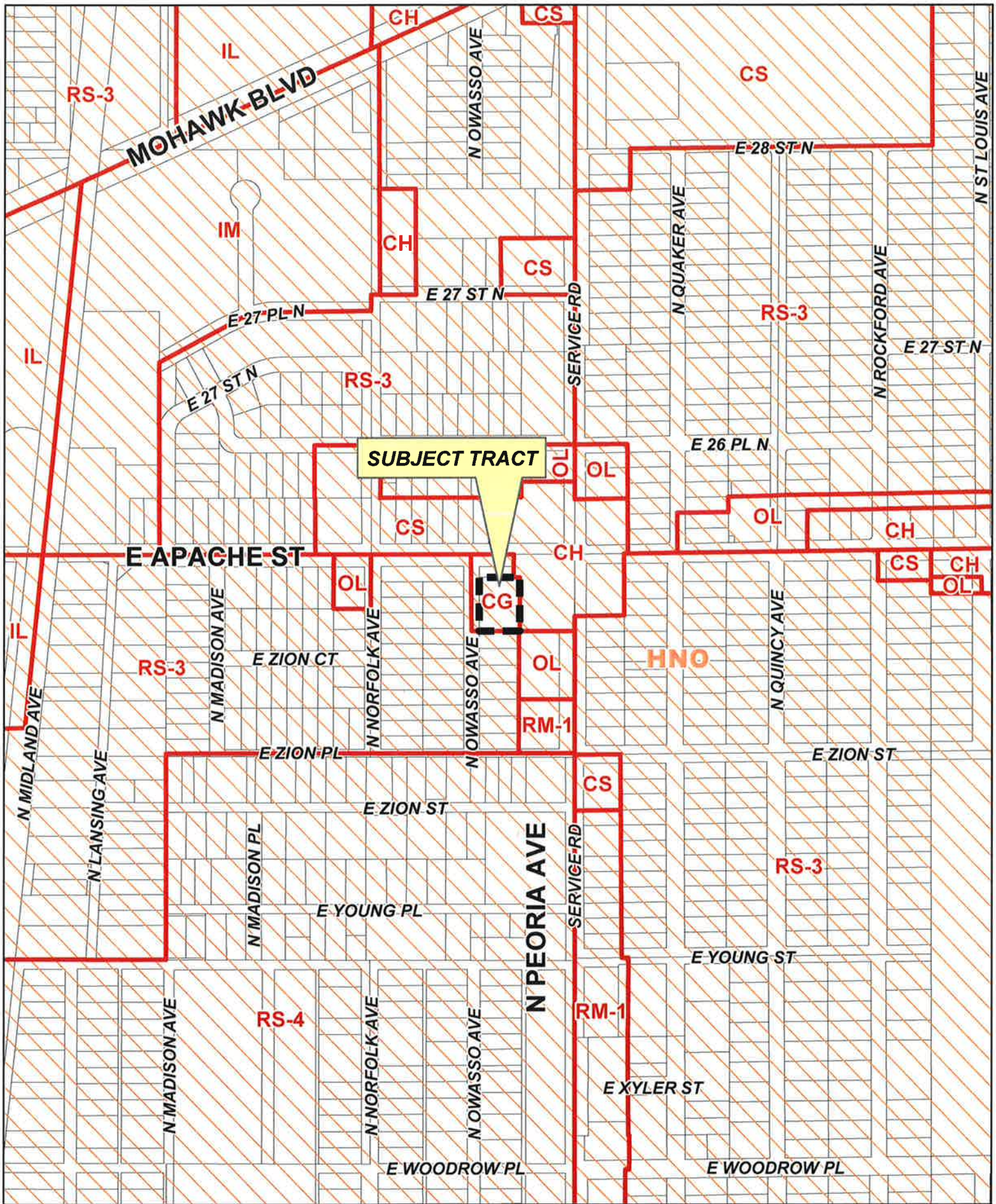
Aerial Photo Date: February 2018

4.17



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**

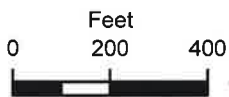




**SUBJECT TRACT**

**BOA-22856**

**5.1**



20-12 25





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 149 Case Number: **BOA-22856**

**CZM:** 28

**CD:** 1

**HEARING DATE:** 02/25/2020 1:00 PM

**APPLICANT:** William Shirley

**ACTION REQUESTED:** Special Exception to permit a Low-impact Manufacturing and Industry Use in a CG district (Sec. 15.020, Table 15-2)

**LOCATION:** 1216 E APACHE ST N

**ZONED:** CG

**PRESENT USE:** Dispensary

**TRACT SIZE:** 22751.48 SQ FT

**LEGAL DESCRIPTION:** S175 LTS 15 & 16 BLK 2 & S175 W20 E200 N250 NE SEC 25 20 12 .08AC, EMERSON ADDN

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject property:**

**BOA-22692;** On 07.23.2019 the Board **accepted** a verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

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

**Neighborhood Centers** are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of N. Peoria Ave. and E. Apache Street.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to permit a Low-impact Manufacturing and Industry Use in a CG district (Sec. 15.020, Table 15-2)

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory Specific use												
<b>INDUSTRIAL</b>												Section 40.180
<b>Low-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	S	S	S	P	P	P	
<b>Moderate-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	-	-	-	S	P	P	Section 40.225
<b>High-impact Manufacturing &amp; Industry</b>	-	-	-	-	-	-	-	-	-	S	P	

The property is currently used as a Medical Marijuana Dispensary and are looking to add Low-impact Medical marijuana manufacturing to the existing use. Extraction would not be allowed as a part of this application.

#### 35.070-A Low-impact Manufacturing and Industry

Manufacturing and industrial uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration. Typical examples of low-impact manufacturing and industrial uses include: commercial laundries and linen supply services, apparel manufacturing, bakery products manufacturing, production of medical marijuana edibles using medical marijuana components processed elsewhere, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, coffee roasting with a maximum roasting capacity of 45 kilograms per batch, musical instrument and parts manufacturing, newspaper printing and binderies.



## Medical Marijuana Uses are subject to the Following supplemental regulations:

### Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

**40.225-F** Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

1. A ventilation/air filtration system that prevents odor from being detectible at the boundaries of the lot within which the building housing the medical marijuana grower operation, processing facility or dispensary is located, except that if such use is located in multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectible outside the tenant space housing the use.

2. An electronic security system and surveillance camera.

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

**40.225-H** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.

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

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a Low-impact Manufacturing and Industry Use in a CG district (Sec. 15.020, Table 15-2)

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

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

**Presentation:**

**Zach Downing**, 2220 East 6<sup>th</sup> Street, Tulsa, OK; stated he owns the building that he would like to have a dispensary. Mr. Downing stated that he is not aware of any other dispensaries operating legally or illegally within the 1,000-foot radius.

Mr. Van De Wiele asked Mr. Downing if he knew where the nearest licensed holder and dispensary is located. Mr. Downing stated the nearest operating dispensary is located at 11<sup>th</sup> and Harvard, and the next nearest dispensary is located at 6<sup>th</sup> and Peoria.

Ms. Radney stated that she has personal knowledge of a business that is acting and looking like a dispensary located at 12<sup>th</sup> Place and Lewis Avenue, but it does not impact the applicant.

Mr. Van De Wiele asked Mr. Downing if he searched the OMMA list. Mr. Downing answered affirmatively. Mr. Downing stated there is one license outside of the 1,000-foot radius and the building is vacant.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**LOT 11 BLK 5, HILLCREST ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22692—Greenwood Wellness – Marvin Jones**

**FILE COPY**

**Action Requested:**

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

**LOCATION:** 1216 East Apache Street North (CD 1)

**Presentation:**

**Marvin Jones**, 8616 East 98<sup>th</sup> Street, Tulsa, OK; stated this location is at Peoria and Apache, and there are no dispensaries within the 1,000-foot radius that he is aware of.



BOA-22692

FILE COPY

Mr. Van De Wiele asked Mr. Jones where the closest operating dispensary or the closest licensed holder. Mr. Jones stated that the closest one he is aware of is 5,280 feet away and it is the Greenwood Cure at 1046 East Pine Street.

Ms. Radney asked Mr. Jones if that was just a licensee at 1046 East Pine Street. Mr. Jones stated that is his understanding.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **ROSS**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they exist presently, we **ACCEPT** the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

**S175 LTS 15 & 16 BLK 2 & S175 W20 E200 N250 NE SEC 25 20 12 .08AC, EMERSON ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22693—KKT Architects – Nicole Watts**

**Action Requested:**

Modification of a site plan previously approved in BOA-20556 to permit the addition of classrooms at Redeemer Covenant Church (Table 25-1). **LOCATION:** 5415 East 101<sup>st</sup> Street South (CD 8)

**Presentation:**

**Nicole Watts**, KKT Architects, 2200 South Utica Place, Tulsa, OK; stated this is an amendment to a previously approved site plan for a small building addition on the east side of the existing facility.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-1 (Bond, Radney, Ross, Shelton "aye"; no "nays"; Van De Wiele "abstaining"; absent) to **APPROVE** the request for a Modification



***Subject property, location is currently Greenwood Wellness Medical Marijuana Dispensary***



***Intersection of Apache and Peoria from subject property***



*Facing South on Peoria from subject property*









0 200 400  
Feet



Subject  
Tract

**BOA-22856**

20-12 25

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

Aerial Photo Date: February 2018

5.11







0 50 100  
Feet



Subject  
Tract

**BOA-22856**

20-12 25

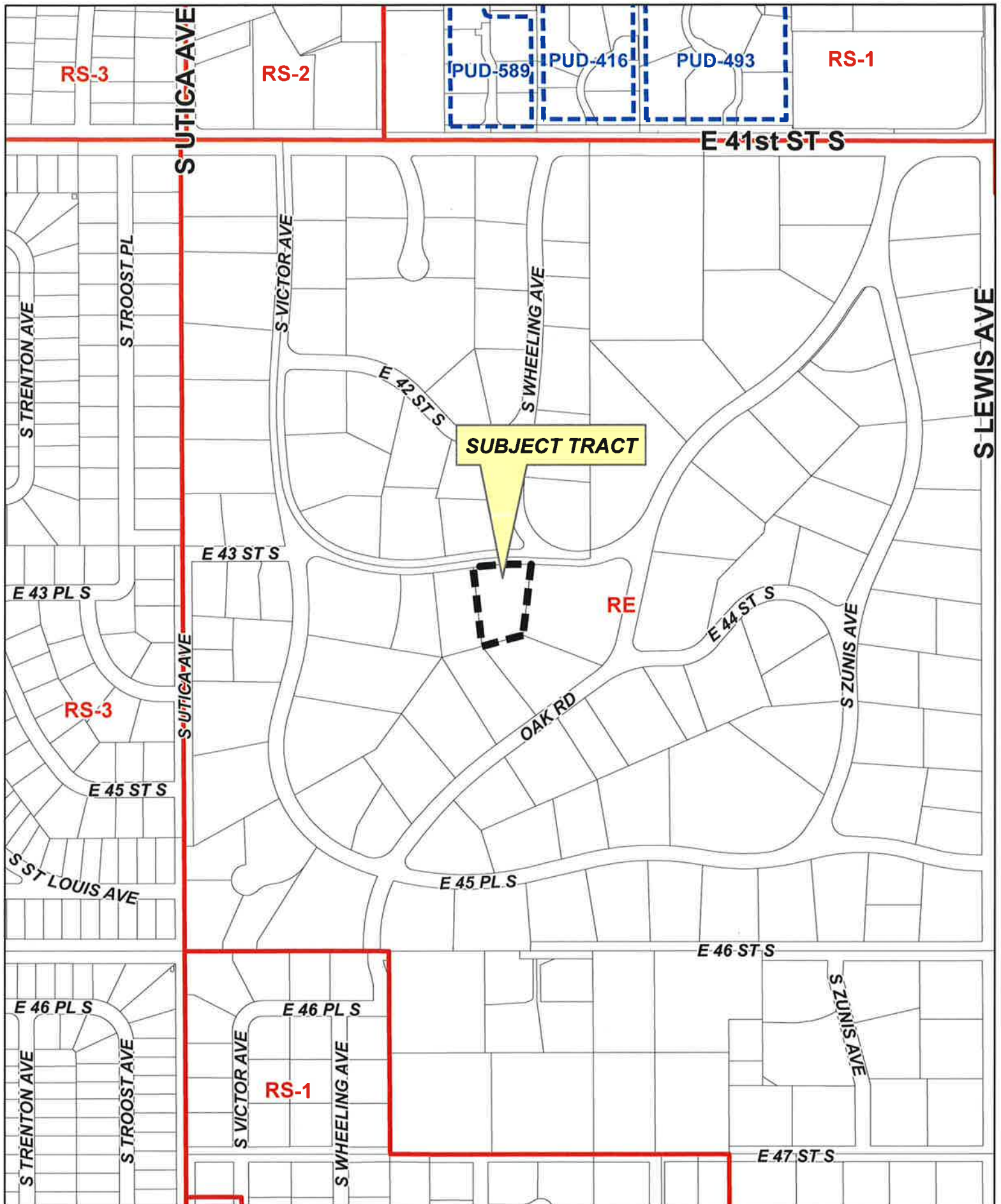
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018

5.12







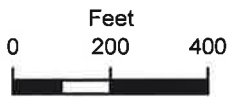
SUBJECT TRACT

RE

RS-1

BOA-22857

6.1



19-13 30



# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9330

Case Number: **BOA-22857**

**CZM:** 47

**CD:** 9

**HEARING DATE:** 02/25/2020 1:00 PM

**APPLICANT:** Clare Ashby

**ACTION REQUESTED:** Variance of the minimum 15 foot side setback in an RE zoned district to permit a swimming pool to be located in the side yard (Section 5.030-A, Sec. 90.090: Table 90-1).

**LOCATION:** 1836 E 43 ST S

**ZONED:** RE

**PRESENT USE:** Residential

**TRACT SIZE:** 39025.56 SQ FT

**LEGAL DESCRIPTION:** TR 2 BEG NEC LT 8 TH SLY 233.8 WLY 136.71 N 260.73 ELY 172.01 TO POB BLK 6, BOLEWOOD ACRES

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located West of the SW/c of E 43<sup>rd</sup> Street South and Oak Road

**STAFF COMMENTS:** The applicant is requesting **Variance** of the minimum 15-foot side setback in a RE zoned district to permit a swimming pool to be located in the side yard (Section 5.030-A, Sec. 90.090: Table 90-1). Swimming pool would be located 12' from the Western property line.

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
<b>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

Table 90-1: Permitted Setback Obstructions in R Zoning Districts

Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also <a href="#">§90.090-C2</a> )	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes
Bay windows projecting no more than 2 feet into the setback	Yes	Yes	Yes
Carports	Yes [1]	Yes [2]	Yes [2]
Chimneys and flues projecting no more than 2 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 30 inches in height above grade	Yes	Yes	Yes
Eaves and gutters projecting no more than 2 feet into the setback	Yes	Yes	Yes
Fences and walls (see also <a href="#">Section 45.080</a> )	Yes	Yes	Yes
Fire escapes projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and geothermal heat exchange system equipment up to 4 feet in height above grade	No	No	Yes
Green houses and hoop houses	No	No	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Rainwater harvesting equipment projecting no more than 4.5 feet into the setback	Yes	Yes	Yes
Recreational equipment (e.g., swing sets, playground equipment, tree houses, etc.)	No	No	Yes
Satellite dish antennas	See <a href="#">Section 45.180</a>		
Signs (see also <a href="#">Chapter 60</a> )	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features projecting no more than 2 feet into the setback	Yes	Yes	Yes
Solar energy systems, building-mounted	No	Yes	Yes
Solar energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts	No [3]	No	Yes
Vehicle parking/storage, inoperable (see also <a href="#">Section 45.140</a> )	No	No	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes



## **STATEMENT OF HARDSHIP:**

RE: Evans Residence – Board of Adjustments – Hardship Memo

**GRADING COMPLICATIONS:** The rear yard is approximately 6'-0" below the residence floor level; and it continues to slope away from the house. If the pool were relocated here, retaining walls and major grading would be required in order to avoid the newly created storm sewer easement. (See item #2)

**STORM SEWER EASEMENT:** Prior to construction, the Owners learned of an existing storm drain that had to be relocated. Mr. Evans states that this drain was not shown on the survey or City Maps. At the City of Tulsa's request, drain improvements were implemented on their side of the street as well as the north side. According to Mr. Evans, these improvements helped the Bolewood neighborhood and were done at his expense. The planning was prepared by Jerry Ledford and TEP and the implementation with Kyle at Tulsa Civil Contractors. A 20'-0" wide easement now runs through the middle of the Evans backyard.

**SAFETY:** This house was designed with a courtyard located on the south side of the residence. The line of sight from the inside provides the Owners with a clear view of the pool area. Moving the pool to the rear yard reduces parental oversight of this area.

## **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the minimum 15-foot side setback in a RE zoned district to permit a swimming pool to be located in the side yard (Section 5.030-A, Sec. 90.090: Table 90-1)

- 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.”*

**Danny Whiteman**  
Zoning Official  
Plans Examiner II

TEL (918) 596-9664  
dwhiteman@cityoftulsa.org



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

1/6/2020

**Brittany VanCleave**  
J. P. Construction, Inc.  
4235 S. 76<sup>th</sup> E. Ave.  
Tulsa, OK 74145

**APPLICATION NO: POOLR-051014-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 1836 E. 43<sup>rd</sup> St.**

**Description: Pool**

#### 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  
<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Application No. **POOLR-051014-2019**

**5.030-A:** In an R-E zoned district the minimum side yard setback shall be 15 feet from the side property line.

**Review Comments:** The proposed pool location shows a side setback of only 12'. Revise your plans to indicate a 15' side setback from the pool to the property line; or apply to INCOG for a variance to allow less than a 15' side setback.

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

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

## END -ZONING CODE REVIEW

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

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



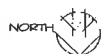
SITE PLAN

HEATH & MICHELLE EVANS

1836 EAST 43RD STREET

TULSA, OKLAHOMA

NOT TO SCALE



date: 1-21-20

5550 south levitt avenue  
suite 103  
tulsa oklahoma 74105

clare ashby  
architects

t: 918.747.2826  
c: clare.ashby@clareashby.com

6.8



*Subject Property, residence currently under construction*



*Side yard of Subject Property*





0 200 400  
Feet



Subject  
Tract

**BOA-22857**

19-13 30

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

Aerial Photo Date: February 2018







0      Feet  
50      100



Subject  
Tract

**BOA-22857**

19-13 30

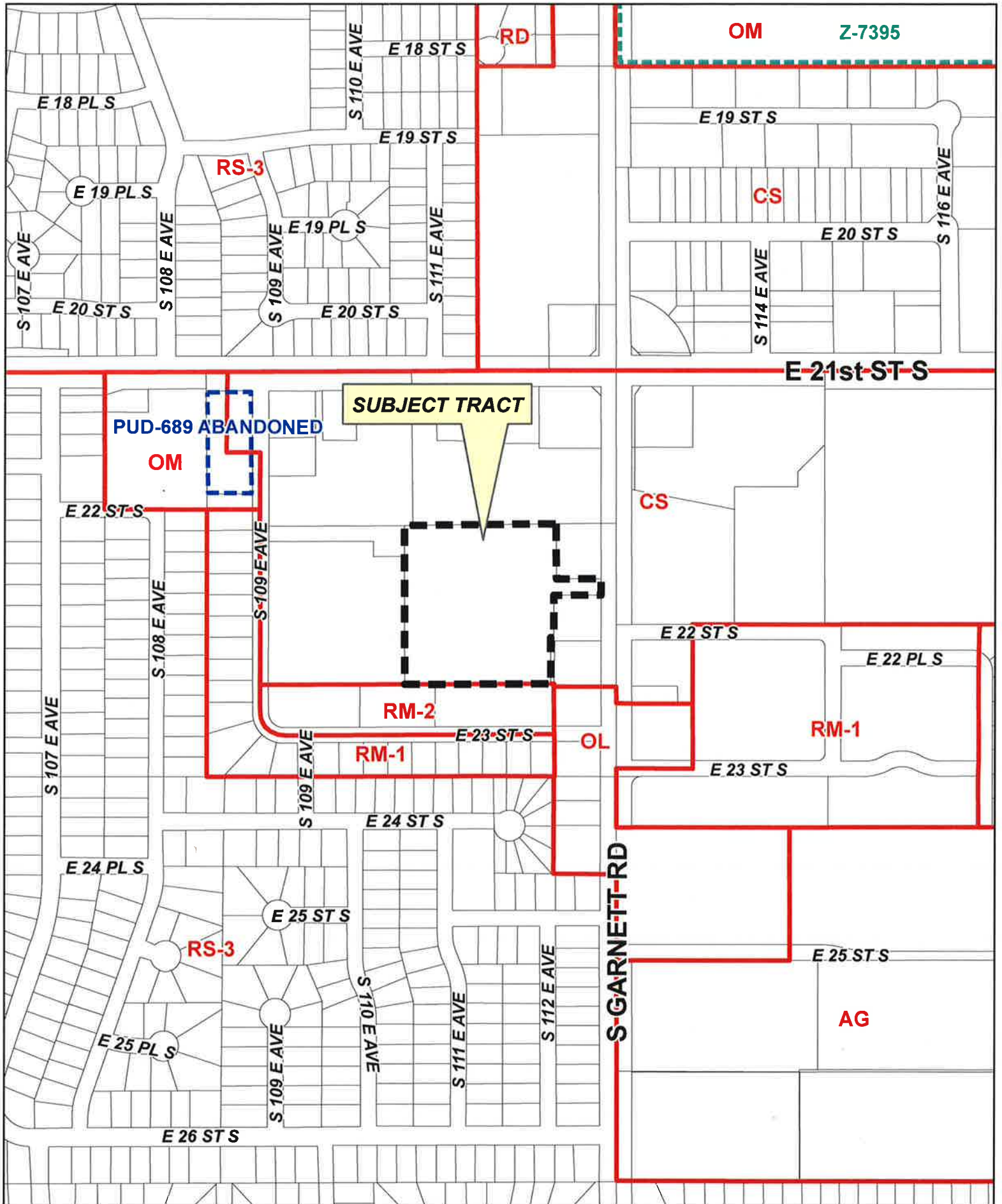
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





PUD-689 ABANDONED

SUBJECT TRACT

BOA-22858

19-14 18

7.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9418

Case Number: **BOA-22858**

CZM: 39

CD: 6

HEARING DATE: 02/25/2020 1:00 PM

APPLICANT: Graham Brannin

ACTION REQUESTED: Special Exception to permit a Consumer Material Drop-off Station with outdoor storage in a CS district (Section 15.020, Table 15-2).

LOCATION: 2160 S GARNETT RD E

ZONED: CS

PRESENT USE: Commercial Retail

TRACT SIZE: 261243.46 SQ FT

LEGAL DESCRIPTION: PRT LTS 1 & 2 & 4 BEG NEC LT 2 TH W150 S140 W10 S150 W APR 479.11 N APR 520.24 E APR 489.11 S APR 175 E APR 150 S55.24 POB BLK 1, TIFFANY PARK ADDN

## RELEVANT PREVIOUS ACTIONS:

### Subject property:

**BOA-22165;** on 12.13.16, the Board **approved** Special Exception to permit a vehicle body and paint finishing shop in the CS District.

**BOA-21496;** on 11.27.12, the Board **approved** a Special Exception to allow a Paint and Body Shop (Use Unit 17) in a CS District.

**BOA-20747;** on 08.12.08, the Board **approved** a variance of the minimum frontage required in the CS district from 150 ft. to 55 ft. to permit a lot split for an existing commercial shopping center.

**Surrounding Properties:** None.

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

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

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

7.2

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 contains the Plaza Santa Cecilia Market located South of the SW/c of E. 21<sup>st</sup> Street S. and S. Garnett Rd.

**STAFF COMMENTS:** The applicant is requesting Special Exception to permit a Consumer Material Drop-off Station with outdoor storage in a CS district (Section 15.020, Table 15-2) to permit a recycling drop-off center:

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	S	S	Section 40.230
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	S	P	Section 40.190
RECYCLING												Section 40.310
Construction or Demolition Debris	-	-	-	-	-	-	-	-	S	S	P	
Consumer Material Drop-off Station	-	-	-	-	P/S[5]	P	P	P	P	P	P	
Consumer Material Processing	-	-	-	-	-	-	-	-	P	P	P	

[5] Use permitted as of right only if there is no outdoor storage and gross floor does not exceed 5,000 square feet. Otherwise, special exception approval is required.

Recycling uses are subject to the supplemental regulations of Sec. 40.310:

#### Section 40.310

#### Recycling Uses

40.310-A Whenever any recycling use is located on a lot abutting an R- or AG-R- zoned lot, a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of §65.070-C.

40.310-B Recycling uses located within 300 feet of an abutting R- or AG-R- zoned lot must be conducted within a completely enclosed building, except for storage, loading and off-loading areas.

The applicant is requesting this location as a new drop off center for the Metropolitan Environmental Trust which operates recycling drop off locations for household consumer materials throughout the Tulsa Metropolitan Area.

#### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a Consumer Material Drop-off Station with outdoor storage in a CS district (Section 15.020, Table 15-2)

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

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





***Site of Proposed Drop-off center***



***Existing Shopping center on subject lot***



*Facing East towards Garnett Road*

LT 12 and 13, BLK 2, ESTATES OF RIVER OAKS AMD, THE RSB ESTATES OF RIVER OAKS, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**NEW APPLICATIONS**

**22164—Zachary Karo**

**Action Requested:**

Special Exception to permit a fence height greater than 4 feet in the required street setback (front yard of the lot) (Section 45.080-A). **LOCATION:** 4925 East 105<sup>th</sup> Street South **(CD 8)**

**Presentation:**

**Zachary Karo**, 4925 East 105<sup>th</sup> Street, Tulsa, OK; stated he would like to have a fence greater than four feet tall because the street he resides on is an artery that feeds several neighborhoods. The fence would be wrought iron gate with brick pillars and it would be security for his children. The proposed fence will be similar to the fence across the street.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a fence height greater than 4 feet in the required street setback (front yard of the lot) (Section 45.080-A), subject to conceptual plan 6.13 and the construction as shown on 6.14. 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:

**PRT LT 3 BEG SWC TH N189.53 E122.56 S189.17 W122.56 POB BLK 2, COUNTRY GENTLEMEN ESTATES, City of Tulsa, Tulsa County, State of Oklahoma**

**22165—Wilber Miranda**

**FILE COPY**

**Action Requested:**

Special Exception to permit a vehicle body and paint finishing shop in the CS District (Section 15.020). **LOCATION:** 2160 South Garnett Road East **(CD 6)**



BDA-22165

FILE COPY

**Presentation:**

**Wilber Miranda**, 2160 South Garnett Road, Tulsa, OK; stated this project has been ongoing for several years because he had left the state and when he returned he discovered that the person that had taken over the business for him had done nothing. Upon his return he was visited by the Fire Marshal and he thought his previously approved Special Exception was still in force. The business is still in the same place and still the same type of operation as before.

Mr. White stated that when the Board approved this previously there were issues with inoperable vehicles being stored outside, and there was an accumulation of materials and car parts in the parking lot. Have these things been cleaned up or will there still be a problem? Mr. Miranda stated the body parts are gone and the cars that are parked outside are brought inside at the end of the day. Mr. White asked Mr. Miranda if there were any inoperable vehicles parked outside. Mr. Miranda stated that currently there are two which are long projects because they are being restored. Mr. White asked if those vehicles were brought inside the building at night. Mr. Miranda stated that they can be brought inside.

Mr. Van De Wiele asked Mr. Miranda if the vehicles shown in the photo on 7.11 were behind the building. Mr. Miranda stated they are in front but he can bring the vehicles inside.

Ms. Back asked Mr. Miranda if the auto repair shop was still next door to him. Mr. Miranda stated that just recently the mechanic has moved out leaving a lot of cars on the lot, but he is in the process of moving them.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BACK**, the Board voted 5-0-0 (Back, Bond, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a vehicle body and paint finishing shop in the CS District (Section 15.020), subject to conceptual plans 7.12 and 7.13. The approval is subject to the following conditions: there are to be no vehicles or parts are to be stored outside during non-working hours. The hours of operation will be 7:00 A.M. to 7:00 P.M., Monday through Saturday. The Board finds that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**PRT LTS 1 & 2 & 4 BEG NEC LT 2 TH W150 S140 W10 S150 W APR 479.11 N APR 520.24 E APR 489.11 S APR 175 E APR 150 S55.24 POB BLK 1, TIFFANY PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

LTS 7 THRU 12 BLK 2, MAYO ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

\*\*\*\*\*

**NEW BUSINESS**

FILE COPY

**21496—Wilber Miranda**

**Action Requested:**

Special Exception to allow a Paint and Body Shop (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 2160 South Garnett Road East, Suite C (CD 6)

**Presentation:**

**Wilber Miranda**, 2160 South Garnett Road, Tulsa, OK; stated he obtained the paint and body shop in March 2012. The existing business has been in operation for approximately nine years. He has purchased a paint booth and the Fire Marshall suggested that it not be installed or utilized until he came before the Board of Adjustment.

Mr. Henke asked Mr. Miranda about the display of merchandise and automobiles outside the building. Mr. Miranda stated that he is only painting for customers and does not intend to sell any vehicles. The vehicles parked outside the building are customer cars in need of a paint job.

Mr. Henke asked to Mr. Miranda about the trash that is shown outside in the building. Mr. Miranda stated the trash is a product of years of neglect from the previous owner. The previous owner collected parts for use in auto body repairs. He does not want to work that way and intends to remove the trash. Mr. Miranda stated that he has already hauled away two trailers full of plastic and metal.

Mr. White asked Mr. Miranda where he intends to park a customer's vehicle. Mr. Miranda stated that he will park them inside the building overnight.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the request for a **Special**

BOA-21496

FILE COPY

Exception to allow a Paint and Body Shop (Use Unit 17) in a CS District (Section 701, Table 1) with the conditions that no vehicles or parts are to be stored outside during non-working hours. The working hours will be 7:00 A.M. to 7:00 P.M., Monday through Saturday. 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:

PRT LTS 1 & 2 & 4 BEG NEC LT 2 TH W150 S140 W10 S150 W APR 479.11 N APR 520.24 E APR 489.11 S APR 175 E APR 150 S55.24 POB BLK 1, FIRST CITY BANK ADDN RESUB PRT L1 B1 TIFFANY PARK ADD, GARNETT ACRES ADDN AMD, TIFFANY PARK ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21448-A—Sisemore, Weisz & Associates, Inc.**

**Action Requested:**

Modification of previously approved site plan to show building and parking moved 80 feet to the west; Reconsideration of the Variance of the screening requirement (BOA-21448) along westerly boundary of site (Section 1303.E). **LOCATION:** 2020 West 51<sup>st</sup> Street South (CD 2)

**Presentation:**

**Darin Ackerman**, Sisemore, Weisz & Associates, Inc., 6111 East 32<sup>nd</sup> Place, Tulsa, OK; stated this request is for a modification of site plan that was approved July 24<sup>th</sup> by the Board of Adjustment. Since that time there has been a requirement for onsite detention on the property. The detention will be due east of the church worship youth center. With the detention pond requirement the building and the parking lot area has been shifted on the property approximately 80 feet to the west. The building remains the same and the parking stall count remains the same. The use to the west of the subject property is a branch library of the Tulsa Public Library system.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-0-0 (Henke, Tidwell, White "aye"; no "nays"; no "abstentions"; Snyder, Van De Wiele absent) to **APPROVE** the request for a Modification of previously approved site plan to show building and parking moved 80 feet to the west; and **CONFIRM** Reconsideration of the Variance of the screening requirement (BOA-21448) along westerly boundary of site (Section 1303.E). Find that the movement of the building to the west was due to the drainage easement, and that variance of the screen requirement originally granted will still stand. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be



**Presentation:**

**Deborah Thomas**, 6621 East 19<sup>th</sup> Street, Cedar Lane Apartments, proposed to install 100 carports over existing parking lots (Exhibits E-1 and E-2). This is to give increased value and provide incentives for prospective residents. This would also offer some protection for the residents' vehicles.

**Interested Parties:**

**Roy W. Rogers**, 6714 East 17<sup>th</sup> Street, stated he lives in a home just north of the apartments. He was opposed to restricting access for utilities along the property line.

**Comments and Questions:**

Mr. Cuthbertson interjected that if there is a utility easement along this property line the carports would not be permitted.

**Applicant's Rebuttal:**

Ms. Thomas was not aware they could not build a structure over an easement.

**Board Action:**

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the required rear yards from 20 ft. to 6 in.; and a Variance of the required side yards from 10 ft. to 6 in. to permit carports over existing parking areas in the RM-1 district (Section 403), finding this will provide protection for persons parking on this lot; finding these are extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, per plan as shown on page 8.6 of the agenda packet; noting that the carport structures not have a total height of more than seven feet at the point nearest the abutting residential property lines, on the following described property:

LT 1 BLK 2, LT 2 BLK 1, TWENTY-FIRST AND SHERIDAN CENTER 3RD  
ADDN RESUB PRT L1, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

**Case No. 20747**

**Action Requested:**

Variance of the minimum frontage required in the CS district from 150 ft. to 55 ft. to permit a lot split for an existing commercial shopping center (Section 703), located: 2160 South Garnett Road East.

**FILE COPY**

**Presentation:**

Roy Johnsen, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma, 74103, summarized Mr. Norman's narrative of the request for this plan (Exhibit F-1 and F-2). He stated this property with the panhandle was approved and platted in 1968. There were no frontage requirements for this property in a commercial district at that time. The panhandle would have been in compliance, but under the current code it would be required to have 150 ft. of frontage on an arterial street. He pointed out the strip shopping center has access to 21<sup>st</sup> Street and Garnett. At one time both these tracts had one common owner. A lot-split was approved around 2007. They did not have anything in common except ownership. A tie agreement was required. This application is to correct the error, as one parcel was sold with an oversight of the tie agreement. He provided an alternative that would not require the tie agreement.

**Interested Parties:**

There were no Interested parties who wished to speak.

**Board Action:**

**FILE COPY**

On Motion of Stead, the Board voted 4-0-0 (White, Henke, Stead, Stephens "aye"; no "nays"; no "abstentions"; Tidwell "absent") to **APPROVE** a Variance of the minimum frontage required in the CS district from 150 ft. to 55 ft. to permit a lot split for an existing commercial shopping center (Section 703), finding the hardship was created by the plat in 1968, which provided for a panhandle access from an arterial street, such panhandle would not be allowed under the current zoning code, approval subject to approval by TMAPC for a lot-split, which has been filed, per plan, subject to exhibit A, pages 9.5, 9.6, 9.7 and exhibit C, page 9.8 in the agenda packet, noting further an access agreement across the 55 ft. tract of land was approved November 14, 2007, finding in granting the variance these are extraordinary or exceptional conditions and circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

PRT LTS 1 & 2 & 4 BEG NEC LT 2 TH W150 S140 W10 S150 W APR 479.11 N  
APR 520.24 E APR 489.11 S APR 175 E APR 150 S55.24 POB BLK 1  
TIFFANY PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

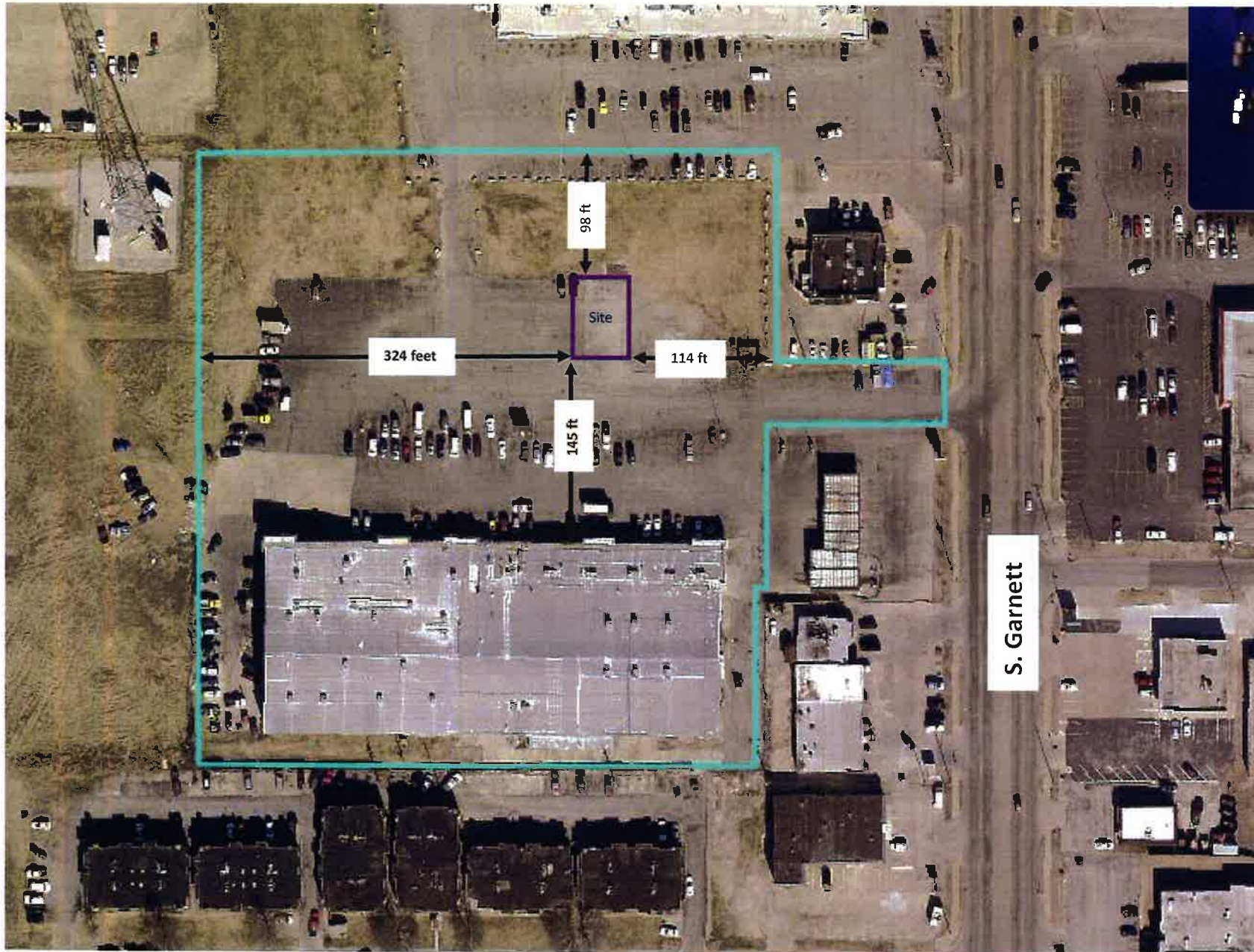
**Case No. 20748**

**Action Requested:**

Special Exception to permit Use Unit 15 (other trades and services) in a CS district (Section 701), located: 2930 West Skelly Drive.



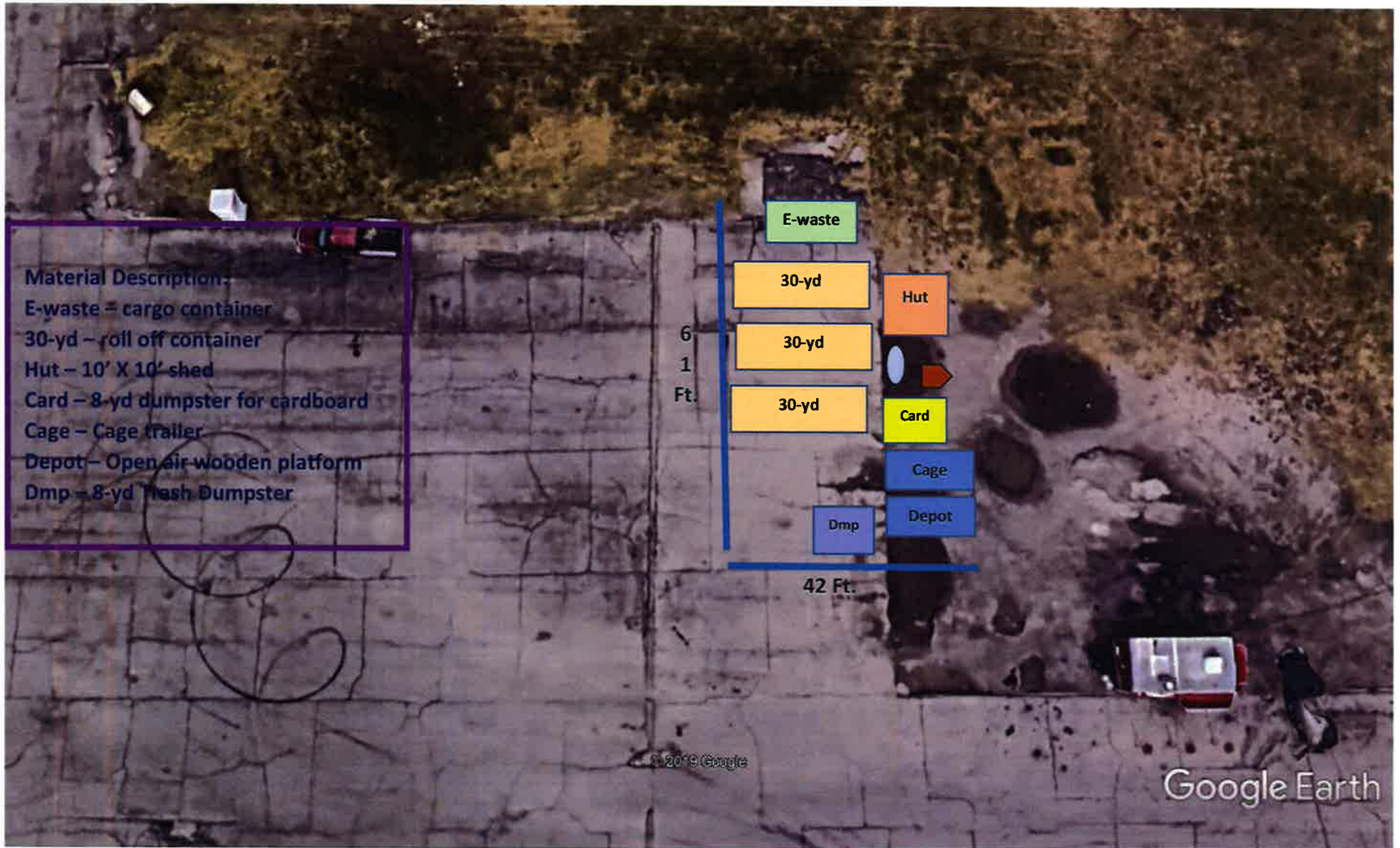
Plaza Santa Cecilia – 2160 S. Garnett – Recycling Drop-off Center (outlined in purple, on asphalt)



7.12



## Recycling Depot – Recycle Center Layout – 2160 S. Garnett



1. **Shape & Dimensions:** Rectangular, 61 feet X 42 feet (unused portion of parking lot for 2160 S. Garnett, Plaza Santa Cecilia)
2. **Location & Dimensions of all Easements:**
3. **Loc'n, size, height:** Only Premade shed (100ft<sup>2</sup>) and open air depot platform (100ft<sup>2</sup>) – no construction or permanent structure
4. **Use:** Consumer Material Drop-off Station (collection of recyclable materials w/daily staff time, 4 hours/day)
5. **# of Buildings & Dwellings:** 0
6. **Owner:** PSC Property Group, LLC – 13337 South Street #551, Cerritos, CA 90703 (Property Manager – Adwon Properties)







0 200 400  
Feet



Subject  
Tract

**BOA-22858**

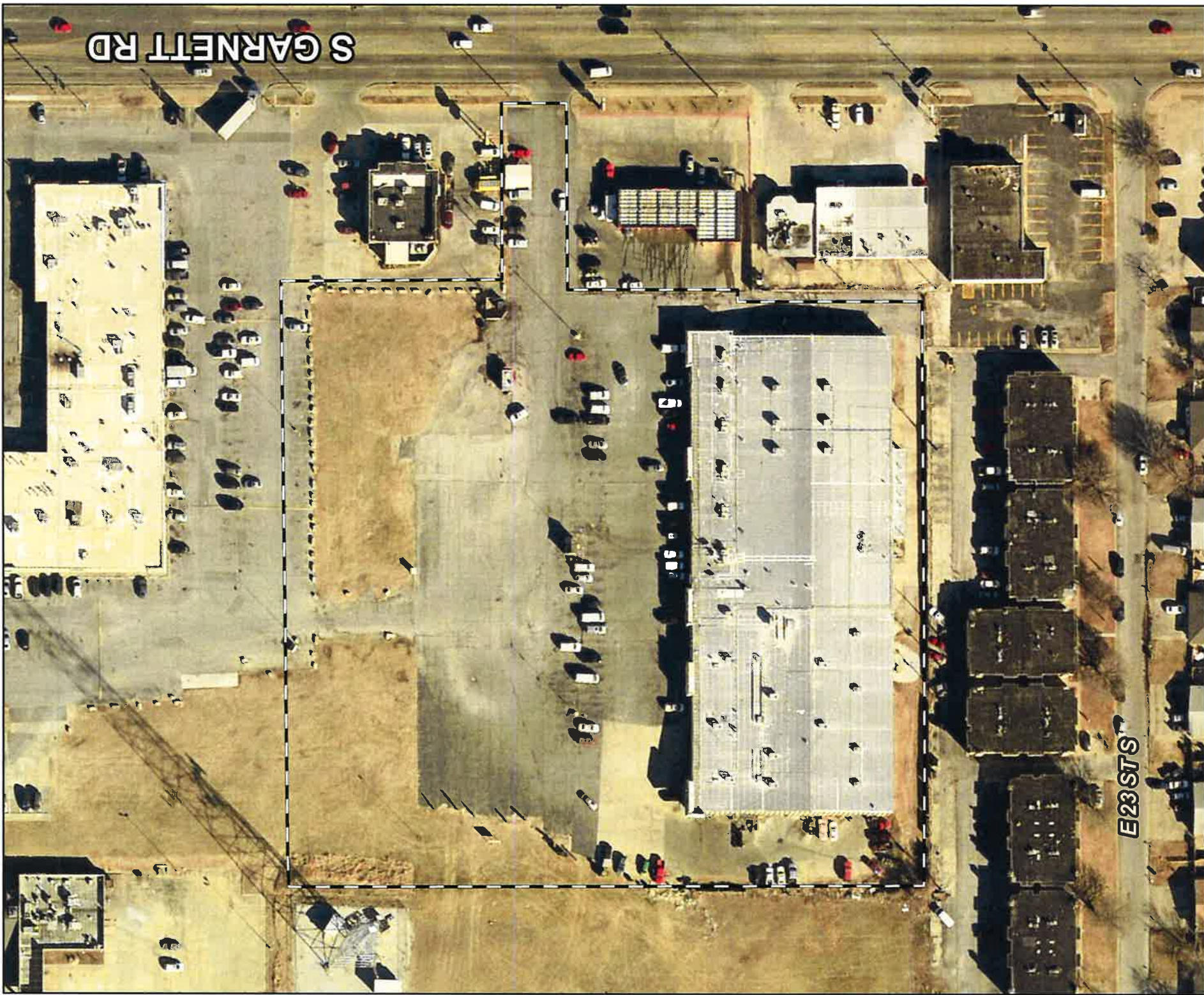
19-14 18

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

Aerial Photo Date: February 18







S GARNETT RD

E 23 STS

0 50 100  
Feet



Subject  
Tract

**BOA-22858**

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

19-14 18

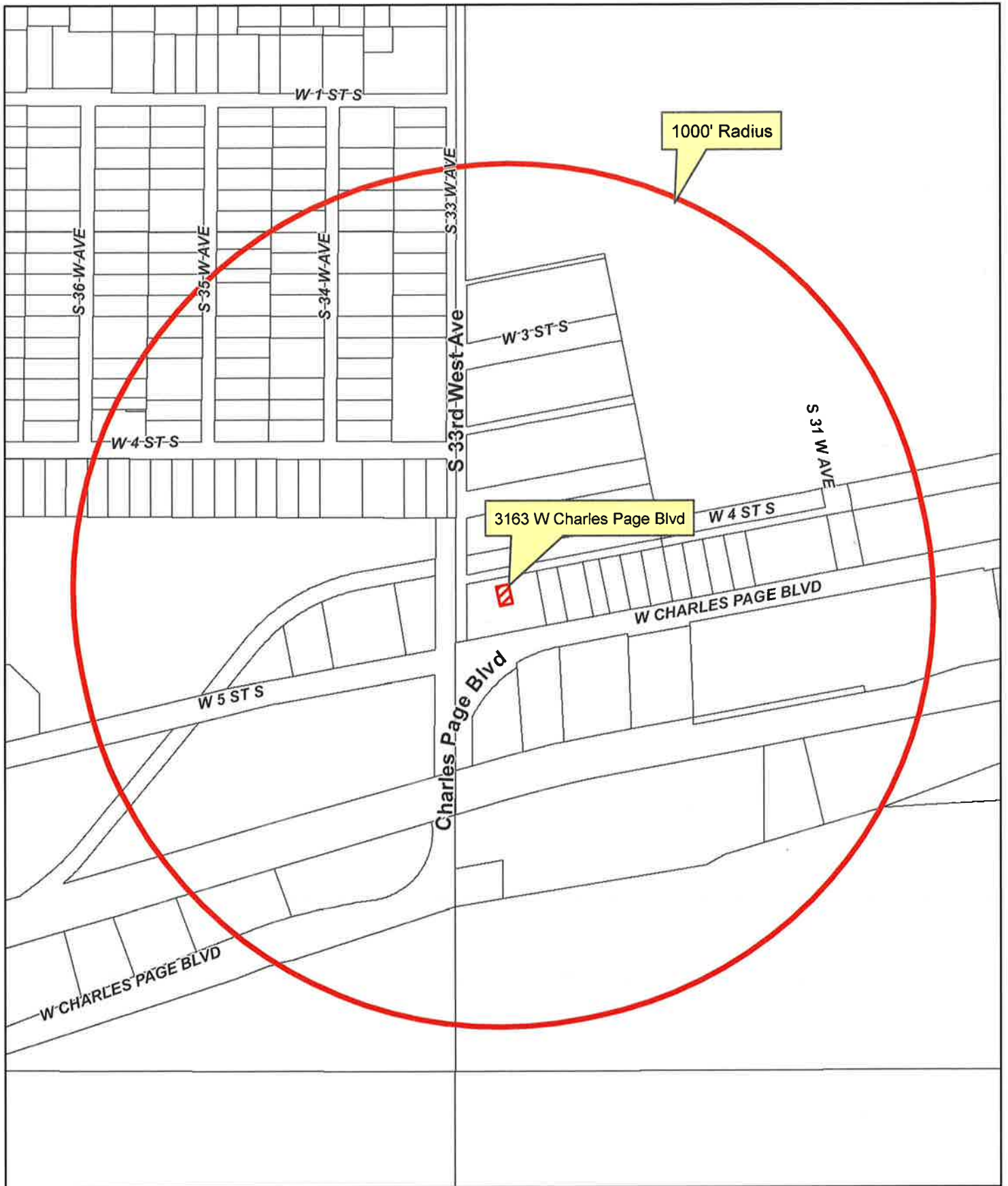
Aerial Photo Date: February 2018



7.15



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



**BOA-22859**

8.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9203

CZM: 36

CD: 1

Case Number: **BOA-22859**

**HEARING DATE:** 02/25/2020 1:00 PM

**APPLICANT:** Mahmood Akhtar

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

**LOCATION:** 3163 W CHARLES PAGE BV S

**ZONED:** IM

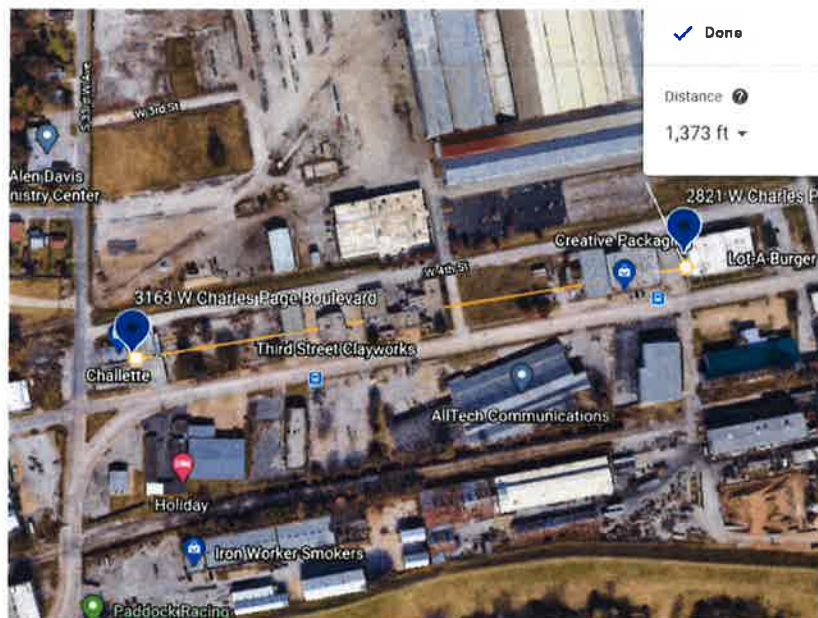
**PRESENT USE:** Office/Vacant

**TRACT SIZE:** 24389.34 SQ FT

**LEGAL DESCRIPTION:** LTS 18 THRU 20 BLK 11, HALE SUB

## **RELEVANT PREVIOUS CASES:**

**BOA-22829;** On 01.14.20 the Board **accepted** the Verification of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary. Property located 2821 W. Charles Page Boulevard. The applicant in BOA-22859 did not note this proposed dispensary but at 1,373' away should not prevent the Board from accepting their spacing.





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

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

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

The applicant provided the location of their dispensary and identified the location of the nearest dispensary as Uptown Wellness located 1215 S Houston, approximately 9,474 feet away.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we (**accept/reject**) the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



***Facing West at subject property***



***Facing East at subject property***



***Subject property***





1000' Radius

3163 W Charles Page Blvd

0 150 300  
Feet

**BOA-22859**

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

Aerial Photo Date: February 2018



8.6





**CHUCK LANGE**  
ZONING OFFICIAL  
PLANS EXAMINER

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

January 7, 2020

**Mahmood Akhtar**  
912 Kalanehoe  
Broken Arrow, OK 74012

Phone: 918.640.6452

**APPLICATION NO: COO-051176-2019**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Location:** 3163 Charles Page Blvd  
**Description:** Medical Marijuana Dispensary

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)



## REVIEW COMMENTS

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

COO-051176-2019

3163 Charles Page Blvd

January 7, 2020

**Note:** As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

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

2. **Sec.40.225-H:** The separation distance required under *Sec.40.225-D* must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

**Review comment:** Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under *Sec.40.225-D* shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

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

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

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

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

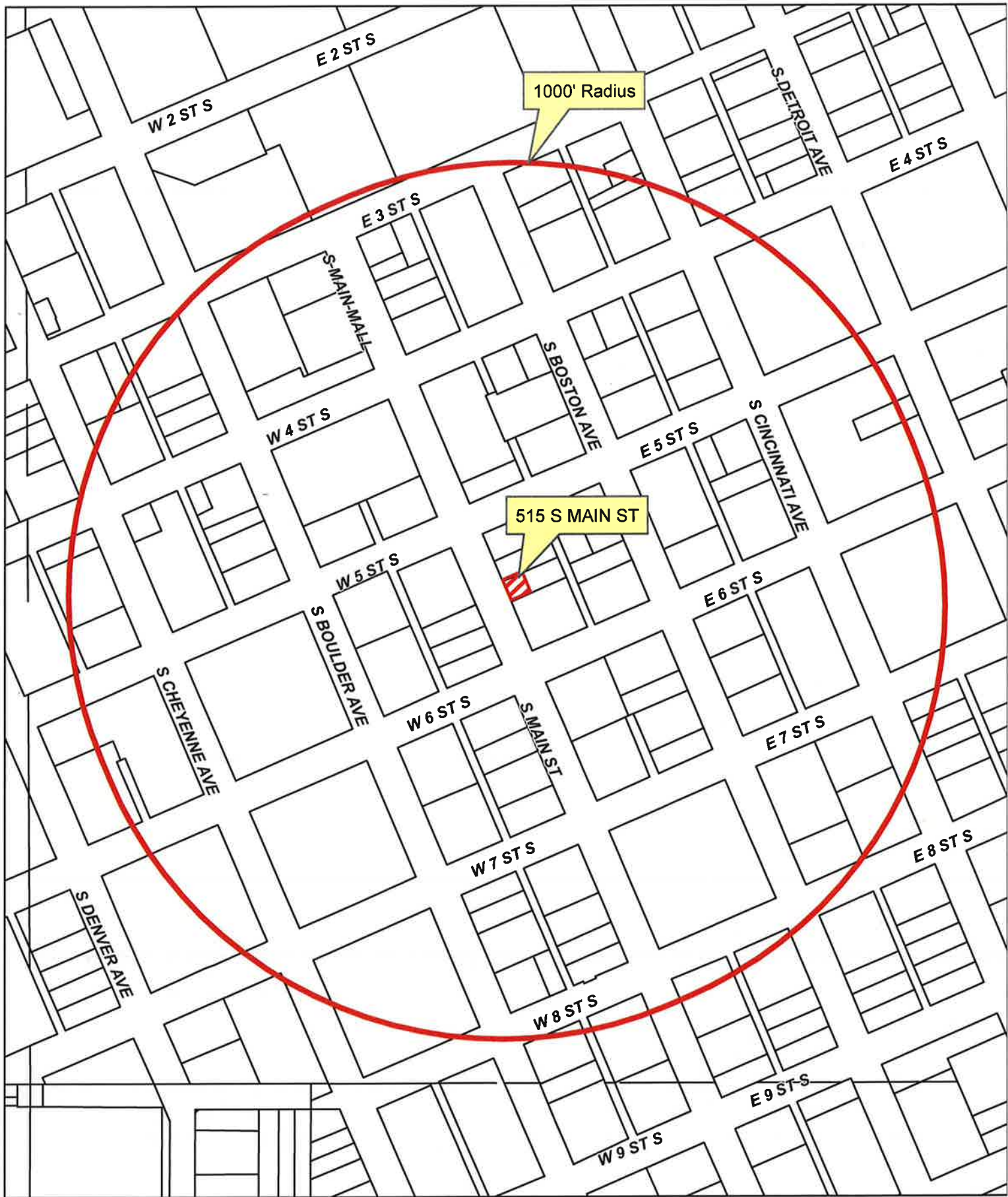
**A hard copy of this letter is available upon request by the applicant.**

## END – ZONING CODE REVIEW

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

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

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



**BOA-22860**

19-12 01

9.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9201

Case Number: BOA-22860

CZM: 36

CD: 4

HEARING DATE: 02/25/2020 1:00 PM

APPLICANT: Endo Inc.

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

LOCATION: 515 S MAIN ST E

ZONED: CBD

PRESENT USE: Office

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: N25 LT 6 S25 LT 7 BLK 148, TULSA-ORIGINAL TOWN

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

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

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

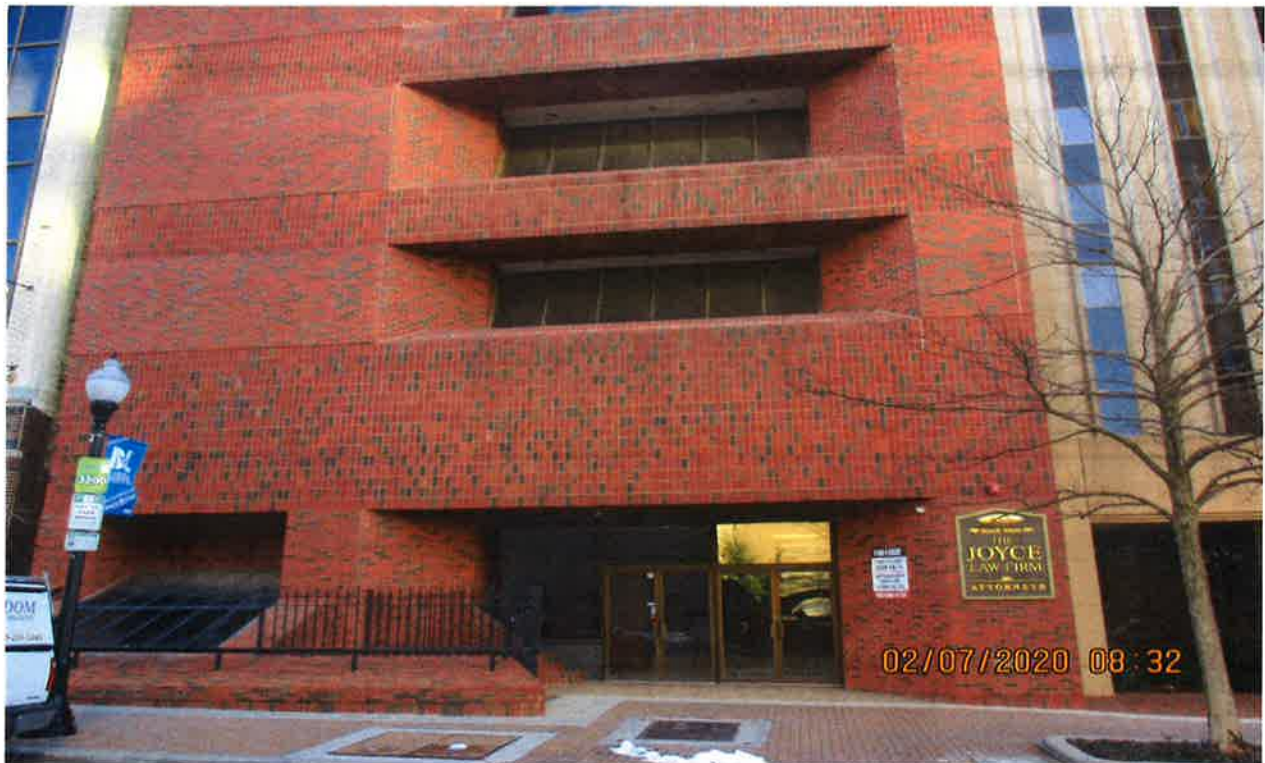
The applicant provided the location of their dispensary and identified the location of the nearest dispensary as Kind Love Dispensary located 302 S. Frankfort Suite A, which is 1,794.87 feet away.

## SAMPLE MOTION:

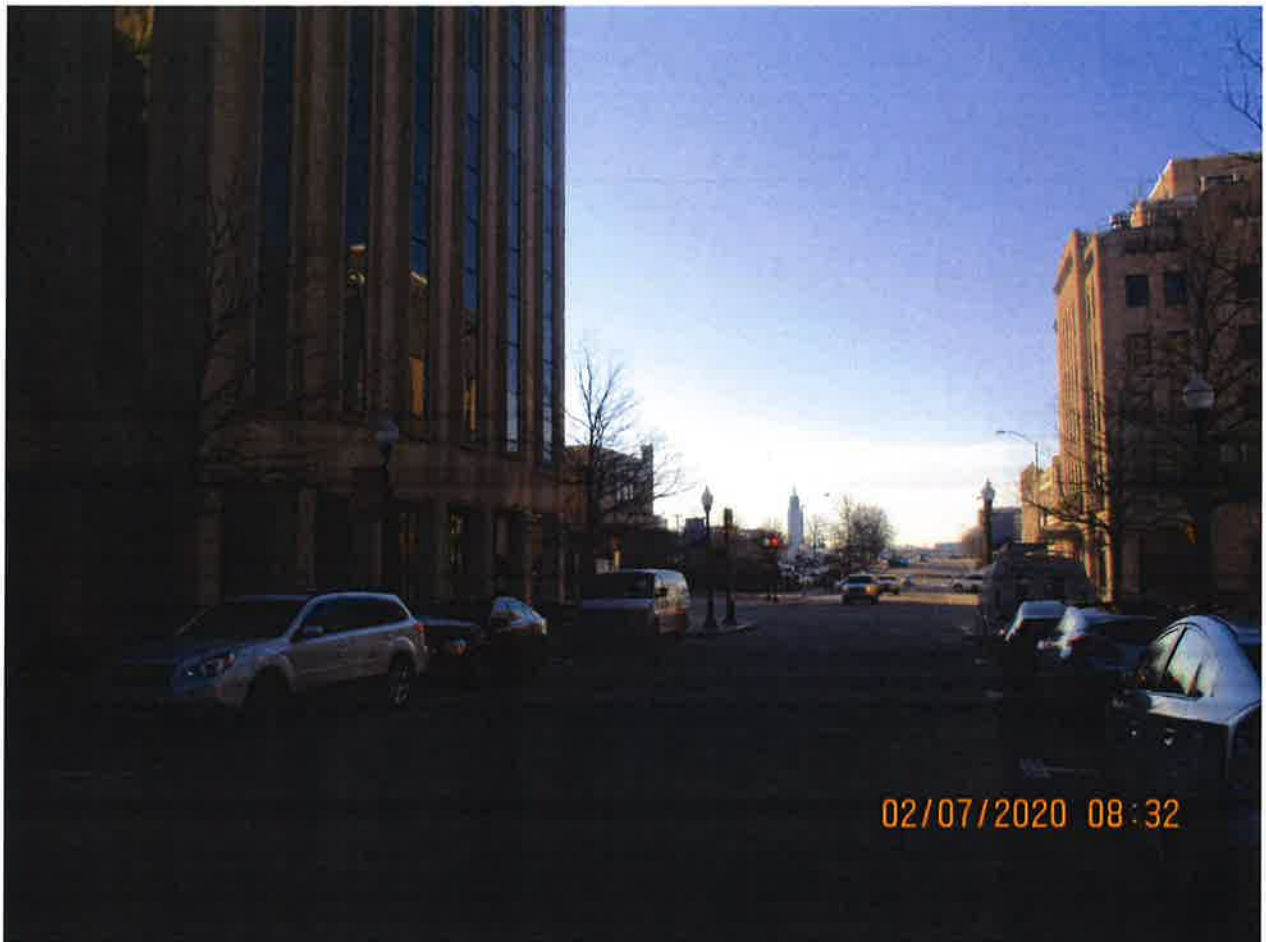
I move that based upon the facts in this matter as they presently exist, we (**accept/reject**) the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.



***Facing North on Main***



***Subject Property***



*Facing South on Main*





0 Feet 150 300

**BOA-22860**

19-12 01

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

Aerial Photo Date: February 2018

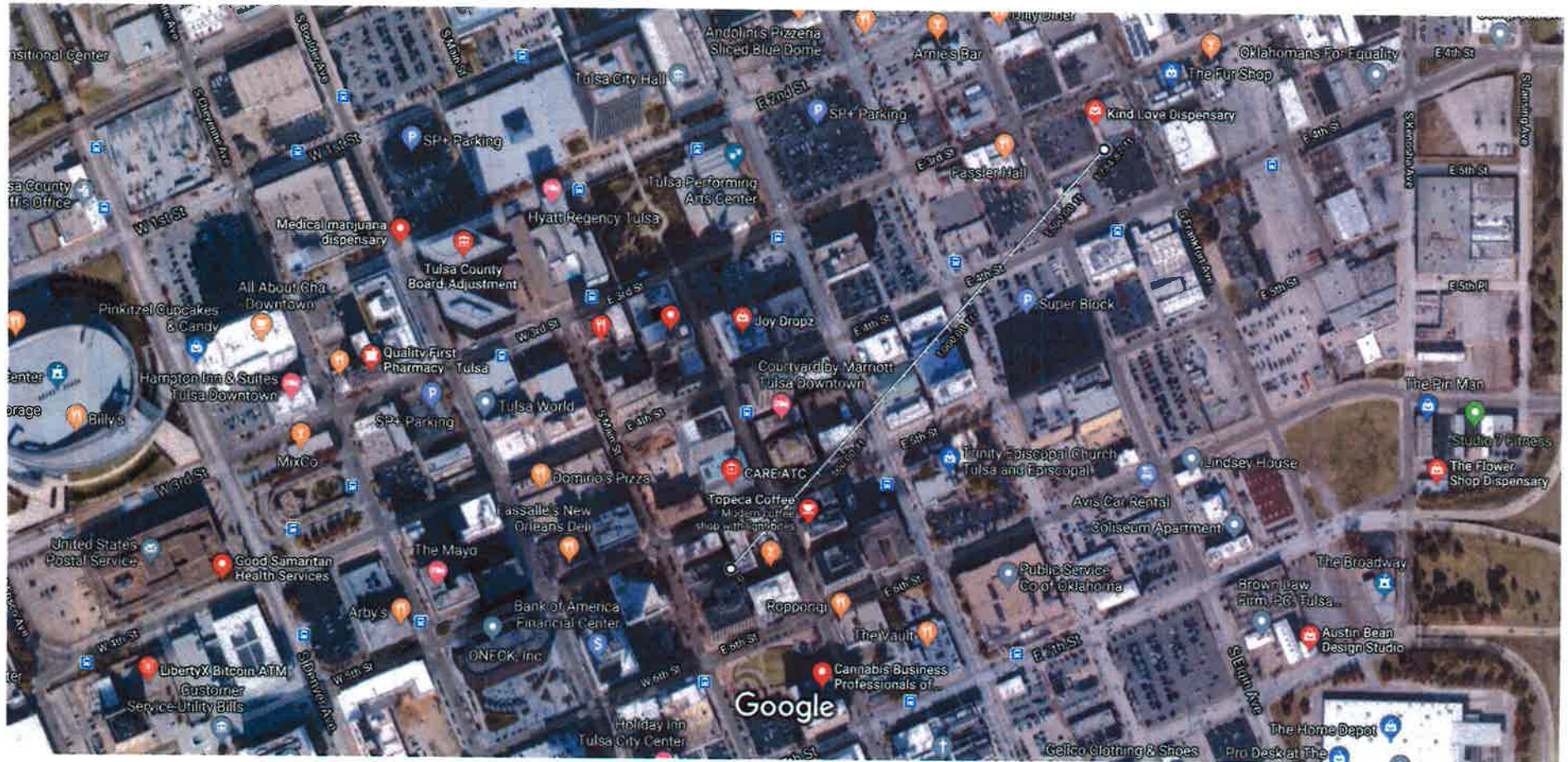


9.5



Google Maps

dispensary



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 Google 200 ft

200 ft

Rating

 More filters

9.

**ADAM MURRAY**  
ZONING OFFICIAL  
PLANS EXAMINER

TEL (918) 596-7639  
amurray@cityoftulsa.org



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

January 22, 2020

**BRENT BARNES**  
**ENDO, INC**  
7030 S YALE AV E SUITE 104  
TULSA, OK 74136

Phone: (918) 492-2993  
Fax: (918) 493-6373  
Mobile: (918) 361-0065

**APPLICATION NO:** **ZCO-050672-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** **515 S MAIN ST E SUITE 101**  
**Description:** **ZONING - COMMERCIAL**

#### 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 MUST 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 TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

#### IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCS" IF ORIGINALLY SUBMITTED ONLINE FOR 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" **[X] IS [ ] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above).

(continued)

9.7



## 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-050672-2019

515 S MAIN ST E SUITE 101

January 22, 2020

**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 an INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any appeal 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. **Section 40.225-H.** No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location. Submit evidence you have been granted a state license and the date it was approved.
2. **Section 40.225-D.** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
3. **Section 40.225-I.** The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. Submit a copy of the BOA accepted separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to an INCOG BOA Planner at 918-584-7526. 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.

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

<http://tulsaplanning.org/wp-content/uploads/TulsaZoningCode.pdf>

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

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

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

## END – ZONING CODE REVIEW

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

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



State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**ENDO, INC.**

515 S MAIN ST, TULSA, OK, 74103

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 810 CHAPTER 601. 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.

06/25/2020

LICENSE NUMBER:

DAAA-EYYH-IVKV



*Tom Bates*

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

DO NOT COPY

State of Oklahoma

# License Certificate

NON - TRANSFERABLE

## COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

**ENDO, INC.**

515 S MAIN ST, TULSA, OK, 74103

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 420A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 810 CHAPTER 601. 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.

06/25/2020

LICENSE NUMBER:

DAAA-EYYH-IVKV



*Tom Bates*

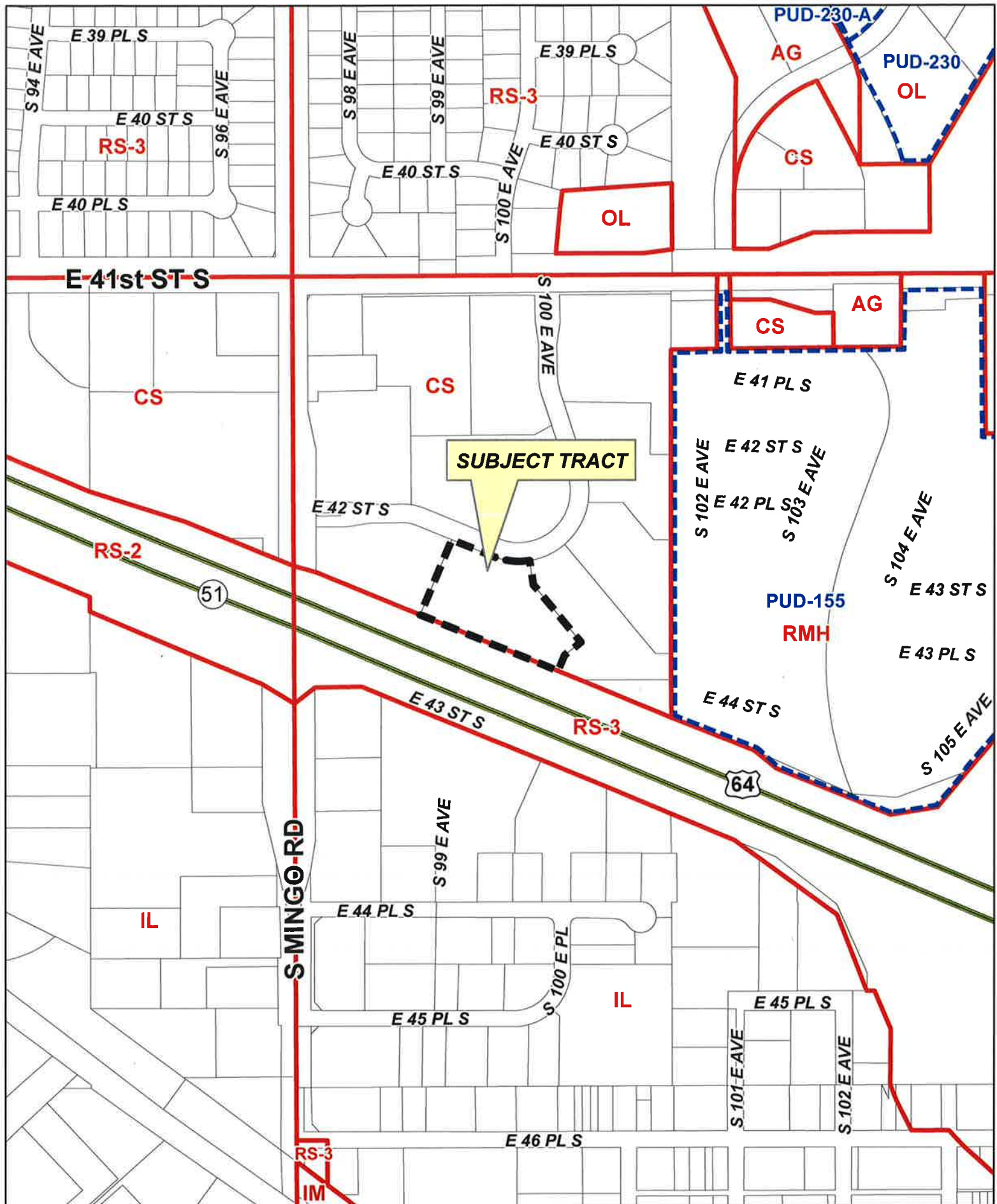
TOM BATES, J.D.  
Interim Commissioner  
Oklahoma State Department of Health

TRANSPORTATION LICENSE ONLY

9.9

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





**BOA-22862**

10.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9430

Case Number: **BOA-22862**

CZM: 49

CD: 7

**HEARING DATE:** 02/25/2020 1:00 PM

**APPLICANT:** Elaine Allred

**ACTION REQUESTED:** Verification of the spacing requirement for an outdoor advertising sign with Dynamic Display ( Sec. 60.100)

**LOCATION:** 9810 E 42 ST S

**ZONED:** CS

**PRESENT USE:** Office Park with Outdoor Advertising Sign. **TRACT SIZE:** 115539.02 SQ FT

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

## **RELEVANT PREVIOUS ACTIONS:**

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

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

## **Surrounding property:**

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

**STAFF COMMENTS:** The applicant is requesting a **Verification** of the spacing requirement for an outdoor advertising sign with Dynamic Display ( Sec. 60.100)

**60.100-J** Any outdoor advertising sign that includes a dynamic display that was lawfully established before January 1, 2010, must be separated by a minimum distance of

1,200 feet from any other outdoor advertising sign that includes a dynamic display. This spacing limitation does not apply between signs separated by a freeway. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground.

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

The applicant presented a survey showing there are no off premise outdoor advertising signs facing the same direction as the proposed sign, the East face of which will be the only portion of the sign converted to dynamic display.

**SAMPLE MOTION:**

I move that based upon the facts in this matter as they presently exist, we approve the applicant's verification of spacing between dynamic display (digital) outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign:

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





***Subject sign to be converted to Dynamic Display on the Eastern Face.***

**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

October 25, 2019

LOD Number: 1

**Shawn Whistler**  
6304 E. 102<sup>nd</sup> St.  
Tulsa OK 74137

Phone: (918) 864-7446

**APPLICATION NO:** **SIGN-045820-2019** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
**Location:** 9810 E. 42<sup>nd</sup> St.  
**Description:** Dynamic Display Sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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-045820-2019

9810 E. 42<sup>nd</sup> St.

October 25, 2019

This letter of deficiencies covers Sign Plan Review items only.

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

- 1.) **60.080-F-11** The conversion of an off-premise outdoor advertising sign into an off-premise outdoor advertising sign with a dynamic display requires a permit as if it were an entirely new sign.
- 2.) **60.100-K** Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-foot distance must be measured in a straight line from the center of the subject sign structures, as located on the ground

**Review Comments:** An application for an outdoor advertising sign with a dynamic display requires a spacing verification from the City of Tulsa Board of Adjustment (BOA). The proposed digital display outdoor advertising sign appears to be closer than 1,200 feet to two different existing outdoor advertising signs with dynamic displays facing the same traveled way. As an option, you may pursue a variance from the BOA to allow an outdoor advertising sign with a dynamic display to be closer than the 1,200 feet spacing requirement.

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

## END – ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

10.6



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

Protests: None.

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

5589

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

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

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

Protests: None.

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

5593

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

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

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

Protests: None.

10.3.67(12)

10.7

FILE COPY

**Case No. 20851**

**Action Requested:**

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

**Presentation:**

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

**Interested Parties:**

There were no interested parties who wished to speak.

**Board Action:**

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

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

\*\*\*\*\*

**Case No. 20852**

**Action Requested:**

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

**Presentation:**

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

**Interested Parties:**

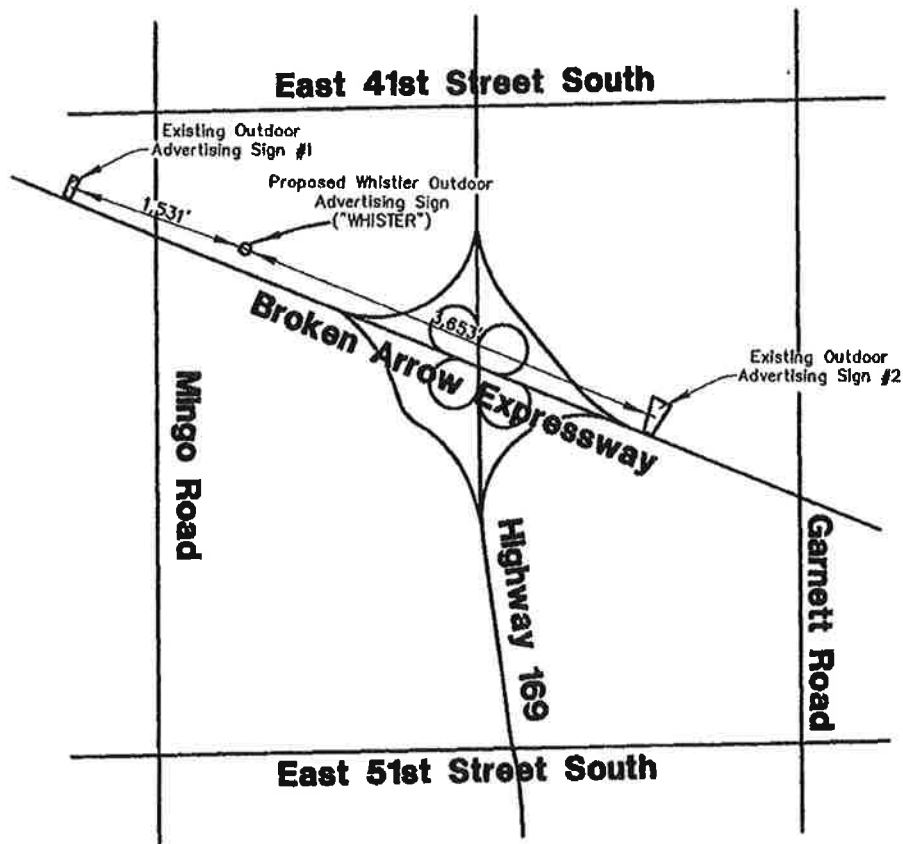
There were no interested parties who wished to speak.

**Board Action:**

On **Motion of White**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **ACCEPT** the applicant's



NOT TO SCALE



### Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE EXISTING OUTDOOR ADVERTISING SIGN #1 LOCATION MEASURES 1,531 FEET FROM THE CENTER OF SAID SIGN #1 TO THE TO THE CENTER OF THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN ("WHISTLER") LOCATION. AND FURTHER, 3,653 FEET FROM THE CENTER OF THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN ("WHISTLER") LOCATION TO THE CENTER OF THE OUTDOOR ADVERTISING SIGN #2 LOCATION.

WITNESS MY HAND AND SEAL THIS 5TH DAY OF NOVEMBER, 2008.



SISEMORE WEISZ & ASSOCIATES, INC.

BY:

DEAN ROBINSON  
REGISTERED PROFESSIONAL LAND SURVEYOR  
OKLAHOMA NO. 1146



Sisemore Weisz & Associates, Inc.

6111 EAST 32nd PLACE  
TULSA, OKLAHOMA 74135  
C.A. NO. 2421

PHONE: (918) 665-3600  
FAX: (918) 665-8668  
EXP. DATE 6/30/09

ORDER: 16082  
DATE: 11/17/08  
FILE: 1914.3000



**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) to **CONTINUE** the request for a **Special Exception** to permit a religious assembly in the RS-3 District (Section 5.020); **Variance** of the required 25-foot setback from an adjacent R District for Special Exception uses (Section 5.030) to the May 8, 2018 Board of Adjustment meeting; for the following property:

**LT 23 BLK 5; LT 24 BLK 5; LT 22 BLK 5, EAST HIGHLAND ADDN RES B1, City of Tulsa, Tulsa County, State of Oklahoma**

\*\*\*\*\*

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

\*\*\*\*\*

**UNFINISHED BUSINESS**

**FILE COPY**

**22413—Eller & Detrich – Andrew Shank**

**Action Requested:**

**Verification** of the spacing requirement for a digital display outdoor advertising sign (Section 60.100-K). **LOCATION:** 10029 East 45<sup>th</sup> Place South (CD 7)

**Presentation:**

**Nathalie Cornett**, Eller & Detrich, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated she represents the applicant Lamar. This case was continued from March 27<sup>th</sup> hearing because there was an encroachment agreement with the City was being processed which delayed the removal of the two signs that were on the original exhibit. Those signs have now been removed and per the new exhibit there are no more signs on the same side of the freeway.

**Interested Parties:**

There were no interested parties present.

BOA-22413

FILE COPY

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; Ross absent) I move that based upon the facts in this matter as they presently exist, we **ACCEPT** the applicant's verification of spacing between digital outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign or conflicting use be constructed prior to this sign and subject to the revised site plan submitted and dated April 23, 2018 on page 2.6; for the following property:

**PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14 .33ACRES, IDEAL BRICK INDUSTRIAL TRACTS, City of Tulsa, Tulsa County, State of Oklahoma**

**22408—Carlos Velasco**

**Action Requested:**

**Special Exception** to allow a fence to exceed 4 feet in height in the front street setback (Section 45.080-A). **LOCATION:** 1507 North Main Street East (CD 1)

**Presentation:**

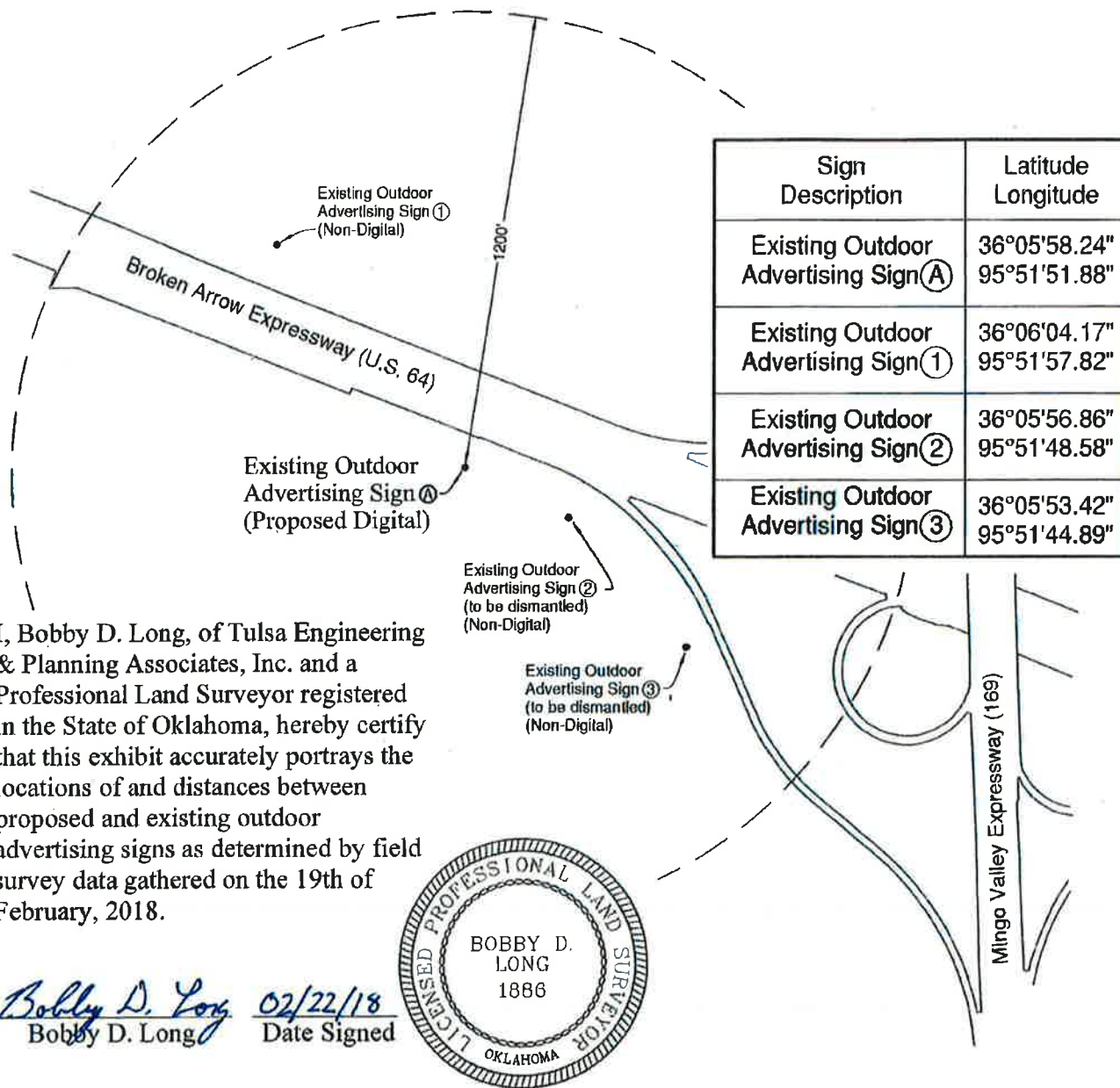
**Carlos Velasco**, 1577 North Main Street, Tulsa, OK; stated the request is to allow a six-foot fence. The front fence is 5'-10" made of wrought iron with brick pillars. The six-foot privacy wooden fence is on the Pine Street side of the house, and it will help keep the traffic noise away from the house.

Mr. Van De Wiele asked Mr. Velasco if the fence shown on page 6.6 is "as constructed". Mr. Velasco answered affirmatively. Mr. Van De Wiele asked Mr. Velasco when the fence was built. Mr. Velasco stated that the fence was built about eight months ago.

**Interested Parties:**

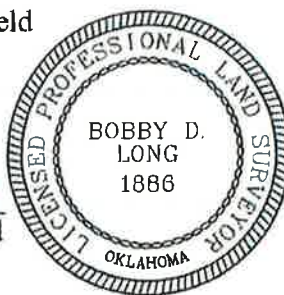
**B. J. Beverly**, P. O. Box 481035, Tulsa, OK; stated she is the President of the neighborhood association. She spoke with Mr. Velasco yesterday evening and she thinks he has done well with the house. Ms. Beverly thinks Mr. Velasco can be beneficial to the neighborhood. Ms. Beverly stated that Mr. Velasco knew what type of neighborhood he was moving into and he told her that he wanted the fence to keep his dog in the yard and to cut the noise down for his mother because she has trouble sleeping. Ms. Beverly stated there is not a lot of noise on Pine Street because most of

BOA - 22413



I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that this exhibit accurately portrays the locations of and distances between proposed and existing outdoor advertising signs as determined by field survey data gathered on the 19th of February, 2018.

Bobby D. Long 02/22/18  
Bobby D. Long Date Signed



## BOARD OF ADJUSTMENT OUTDOOR ADVERTISING SPACING EXHIBIT



Tulsa Engineering & Planning Associates, Inc.  
9820 East 41st Street, South Tulsa, Oklahoma 74146  
Phone: 918-252-9621 Fax: 918-250-4566



Job No: 18-014  
Scale: 1" = 400'  
Date: 02/21/2018

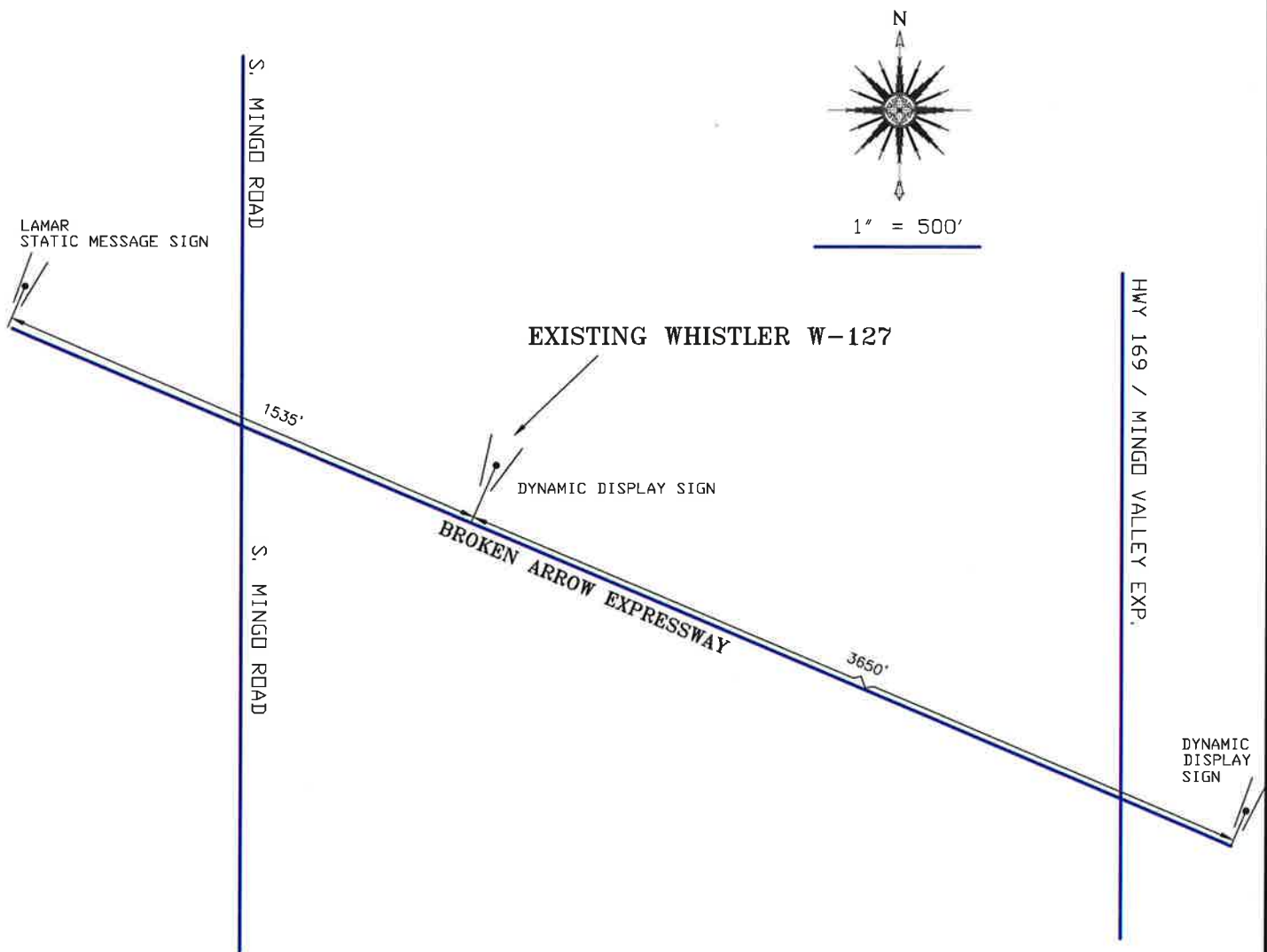
Certificate of Authorization No. 531 Renewal Date June 30, 2019



# OUTDOOR ADVERTISING SPACING REVIEW CERTIFICATION

PROPERTY ADDRESS: 9810 E. 42ND STREET, TULSA, OK

EXISTING SIGN DESIGNATION: WHISTLER W-127



## SURVEYOR'S STATEMENT

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF THE CONDITIONS THAT EXISTED ON FEBRUARY 06, 2020; THAT THE DISTANCES AND OTHER SPACING INFORMATION SHOWN OR NOTED HEREON ARE BASED ON FIELD MEASUREMENTS AND FIELD OBSERVATIONS. THE EXISTING DYNAMIC DISPLAY SIGN IS MORE THAN 1200' FROM ANY OTHER OUTDOOR ADVERTISING SIGNS ON THE SAME SIDE OF THE HIGHWAY, AS MEASURED IN A STRAIGHT LINE FROM THE CENTER OF THE RESPECTIVE SIGN STRUCTURES, AS LOCATED ON THE GROUND. THE NEAREST SIGN TO THE WEST ON THE SAME SIDE OF THE HIGHWAY LIES 1535' AWAY. THE NEAREST SIGN TO THE EAST ON THE SAME SIDE OF THE HIGHWAY LIES 3650' AWAY.

PREPARED BY:

**FRITZ LAND SURVEYING, LLC**

2017 W. 91st STREET

TULSA, OK 74132

PH: 918.231.0575

FRITZLANDSURVEYING@GMAIL.COM

FLS# 17310 WHISTLER W-127

WITNESS MY HAND AND SEAL

THIS 6th DAY OF FEBRUARY, 2020.

ANDY FRITZ, PLS  
OK LIC. 1694



10.13





0 Feet  
200  
400



Subject  
Tract

**BOA-22862**

19-14 30

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

Aerial Photo Date: February 2018







0 Feet 50 100



Subject  
Tract

**BOA-22862**

19-14 30

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

Aerial Photo Date: February 2018



10.15