

**AMENDED  
AGENDA  
CITY OF TULSA BOARD OF ADJUSTMENT  
Regularly Scheduled Meeting  
Tulsa City Council Chambers  
175 East 2nd Street, 2nd Level, One Technology Center  
Tuesday, March 24, 2020, 1:00 P.M.**

**Meeting No. 1247**

The City Board of Adjustment will hold this meeting by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

Board of Adjustment members and members of the public will be allowed to attend and participate in the Board of Adjustment's meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://global.gotomeeting.com/join/571980757>

Board members and members of the public can also dial in using their phone by dialing:

**United States: +1 (872) 240-3412**

Participants must then enter the following **Access Code: 571-980-757**

The following City Board of Adjustment members plan to attend remotely via GoToMeeting, provided that they may still be permitted to appear and attend at the meeting site, Tulsa City Council Chambers, at One Technology Center, 175 East Second Street, Tulsa Oklahoma: Briana Ross, Burlinda Radney and Austin Bond;

Chairman Stuart Van De Wiele will be attending and chairing this meeting in person. Jessica Shelton will also be attending this meeting in person.

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

- 1.** Approval of **Minutes** of February 11, 2020 (Meeting No. 1244).
- 2.** Approval of **Minutes** of February 25, 2020 (Meeting No. 1245).
- 3.** Approval of **Minutes** of March 10, 2020 (Meeting No. 1246).

## **UNFINISHED BUSINESS**

4. **22864—Charles Okyere**  
Special Exception to increase the maximum driveway width within the right-of-way and on the lot in an RS-2 District (Section 55.090-F.3). **LOCATION:** 2518 East 26th Street South (**CD 4**)
5. **22867—Hall Estill – Amanda Lowe**  
Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R District (Section 90.090-C.1). **LOCATION:** 2302 & 2303 South 137th East Avenue (**CD 6**)

## **NEW APPLICATIONS**

6. **22872—Amberlynn Reyes**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 317 South 49th Avenue West (**CD 1**)
7. **22874—Premium Cannabis Plug, LLC – Brandie White**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 5264 North Peoria Avenue East (**CD 1**)
8. **22878—KKT Architects**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 1430 East 71st Street South (**CD 2**)
9. **22881—Donyale Stancle**  
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6125 East 31st Street South (**CD 5**)
10. **22873—Carina Garcia**  
Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). **LOCATION:** 3811 South 27th West Avenue (**CD 2**)

**11. 22876—Blendia Clark**

Modification of a previously approved Special Exception (BOA-21850) to allow a manufactured housing unit permanently (Section 40.210-A). **LOCATION:** 408 South 39th West Avenue (**CD 1**)

**12. 22877—Stephen Pedmia**

Special Exception to allow a small (< 250-person capacity) Indoor Commercial Assembly & Entertainment use to serve or sell alcoholic beverages within 150 feet of a residential district (Section 15.020, Table 15-2 & Section 15.020-G, Table Note 2). **LOCATION:** 6622 South Lewis Avenue East (**CD 2**)

**13. 22879—J. R. Donelson**

Variance of the parking area design standards to permit an existing gravel parking lot (Section 55.090). **LOCATION:** 5866 South 107th East Avenue (**CD 7**)

**14. 22880—Eller & Detrich – Lou Reynolds**

Special Exception to allow Outdoor Equipment and Storage in a CS District (Section 15.020, Table 15-2). **LOCATION:** 9955 East 21st Street South (**CD 9**)

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

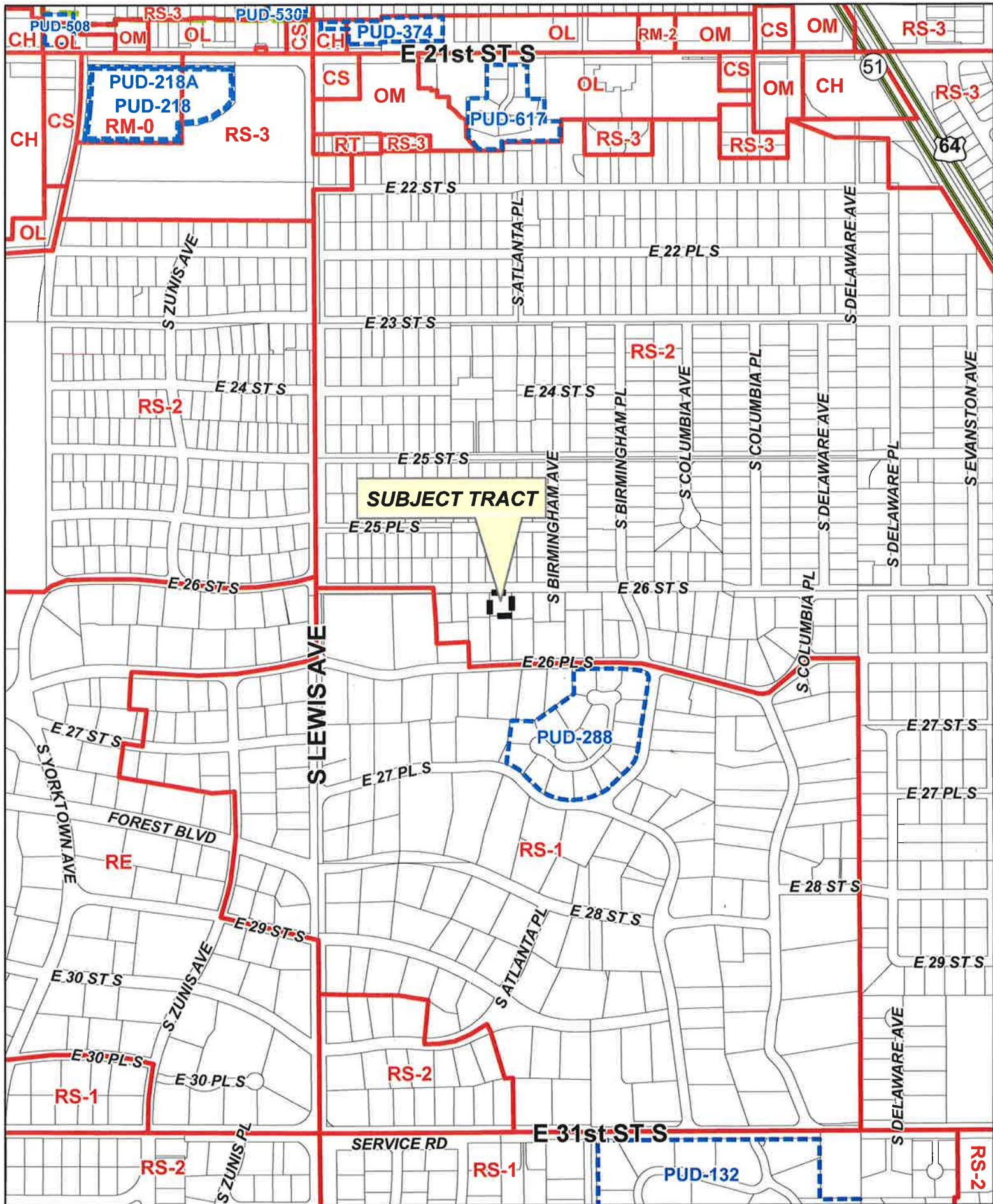
**Website:** tulsaplanning.org

**E-mail:** esubmit@incog.org

CD = Council District

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

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



BOA-22864

4.1





**BOARD OF ADJUSTMENT  
CASE REPORT**

**STR:** 9317

Case Number: **BOA-22864**

**CZM:** 37

**CD:** 4

**HEARING DATE:** 03/24/2020 (Continued from 3/10/2020) 1:00 PM

**APPLICANT:** Charles Okyere

**ACTION REQUESTED:** Special Exception to increase the maximum driveway width, within the right-of-way and on the lot. (Section 55.090-F.3)

**LOCATION:** 2518 E 26 ST S

**ZONED:** RS-2

**PRESENT USE:** Residential

**TRACT SIZE:** 12601.96 SQ FT

**LEGAL DESCRIPTION:** PRT LT 6 BEG 90.2E NWC TH SLY115.8 E105 NLY113.6 W105 POB BLK 1, WOODY-CREST SUB

**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 East of the SE/c of E. 26<sup>th</sup> Street S. and South Lewis.

**STAFF COMMENTS:** The applicant is requesting **Special Exception** to increase the maximum driveway width, within the right-of-way and on the lot. (Section 55.090-F.3)

4.2

3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010-1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

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

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

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

The driveway is limited to 27' within the right-of-way and 30' on the lot. The driveway has been installed without proper building permits or right-of-way permits.

### **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to increase the maximum driveway width, within the right-of-way and on the lot. (Section 55.090-F.3)

- 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.

## Wertin, Jani

---

**From:** Charles <cokyere23@yahoo.com>  
**Sent:** Tuesday, February 4, 2020 11:26 AM  
**To:** Wertin, Jani  
**Subject:** Fwd: driveway permit application at 2518 E. 26th St.

Sent from my iPhone

Begin forwarded message:

**From:** "Whiteman, Danny" <dwhiteman@cityoftulsa.org>  
**Date:** January 30, 2020 at 2:19:04 PM CST  
**To:** "charles@ceodezigns.com" <charles@ceodezigns.com>  
**Subject:** driveway permit application at 2518 E. 26th St.

Charles, I received the revised driveway plan but unfortunately it still doesn't work. Here are the issues:

- The city zoning code says the total widths of all driveways inside the right of way cannot be more than 27'. The right of way (ROW) is measured 25' from the center of the street. Wherever that is in the yard, between that point and the street, the width of all driveways cannot be more than 27' total. Outside of the ROW, the total of all driveways cannot be wider than 30'. If the existing driveway is 26.7' at the curb, it can only be 0.3' (3 5/8") wider. You really don't have room for any more driveway inside the ROW. The only way to have a circle drive would be to reduce the existing driveway to 13.5' wide, have the other end of the driveway 13.5' wide, so your total width in the ROW would be 27'.
- If you want driveways that are more than 27' inside the ROW or 30' outside the ROW, you have to call INCOG at 584-7526 and get on their schedule to ask for the Board of Adjustment for a special exception to have wider driveways.
- Keep in mind you will still have to get a Right of Way permit to do any construction in the ROW. That is separate from this permit. If you get this zoning clearance permit resolved, you still have to get the other ROW permit.
- For any new plans you submit, show the ROW line on the property, which is 25' in from the center of the street.

**Danny Whiteman | Plans Examiner II**  
City of Tulsa Planning & Development Department  
175 East 2<sup>nd</sup> St, Suite 455, Tulsa, OK 74103  
T: 918-596-9664  
F: 918-699-3100  
E: [dwhiteman@cityoftulsa.org](mailto:dwhiteman@cityoftulsa.org)  
[www.cityoftulsa.org](http://www.cityoftulsa.org)



Facing West on 26<sup>th</sup> street



Facing East on 26<sup>th</sup> Street





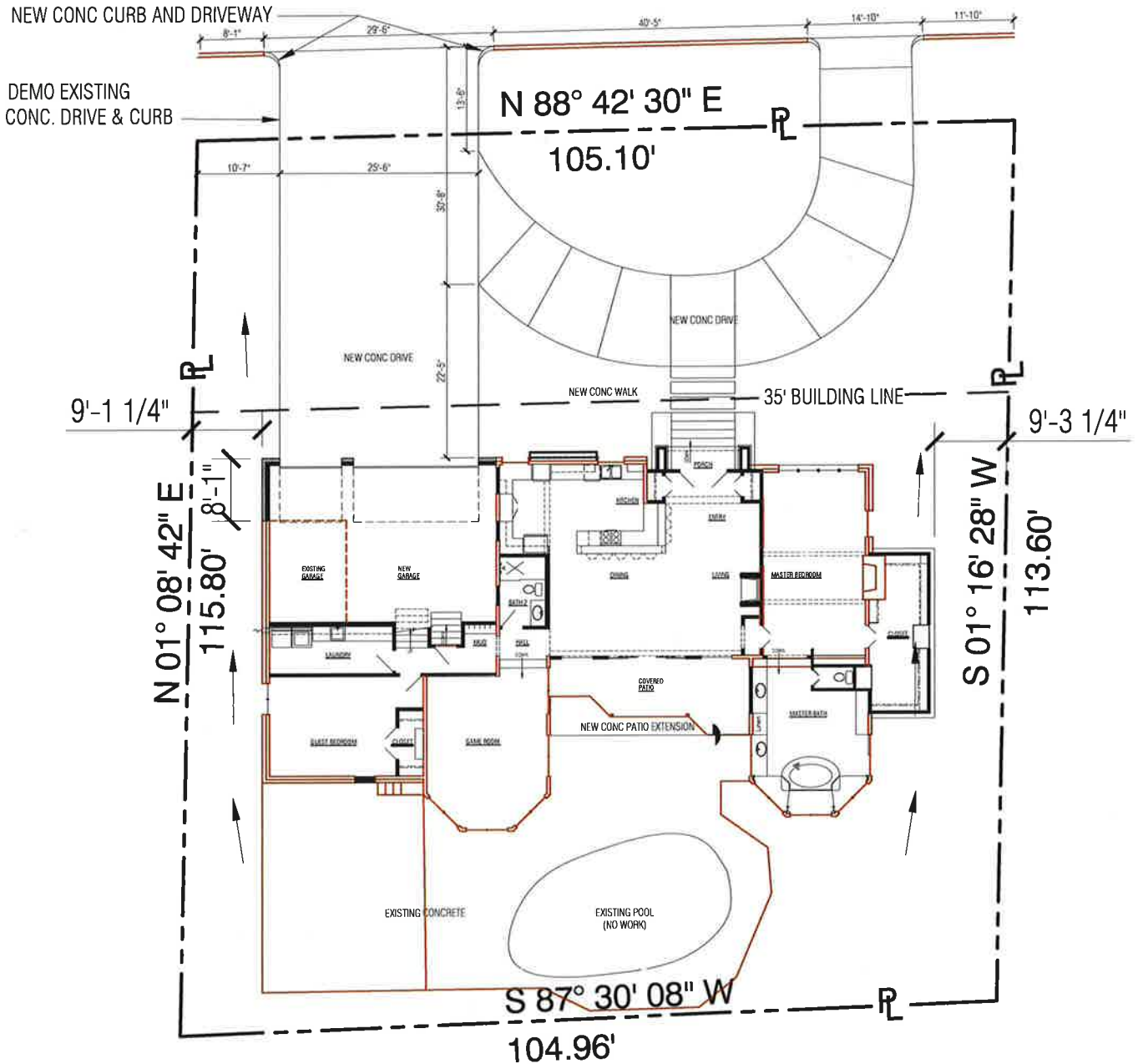
***Subject property, curb cut added without permits***



***Subject property driveway widened without permits***



☐ E 26th STREET SOUTH



1

# Site Plan

1" = 20'-0"

2518 E. 26th Street  
Part of Lot 6 Block 1

Woody -Crest Addition to:  
Tulsa, Oklahoma

## LEGEND



PROPERTY LINE



DRAINAGE ARROWS

4.7





0 Feet 300 600



Subject Tract

**BOA-22864**

19-13 17

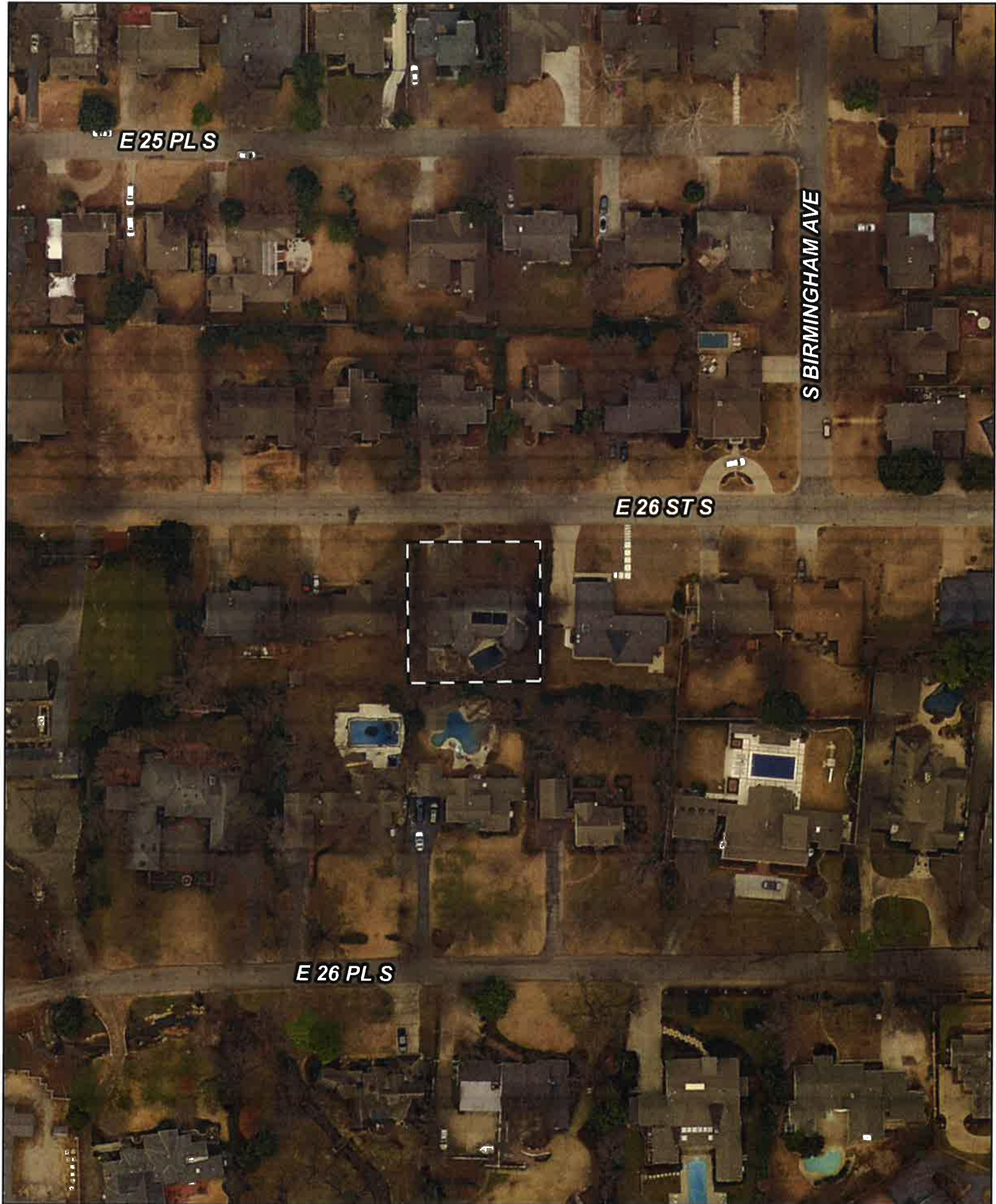
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



4.8





0 Feet 50 100



Subject Tract

**BOA-22864**

19-13 17

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

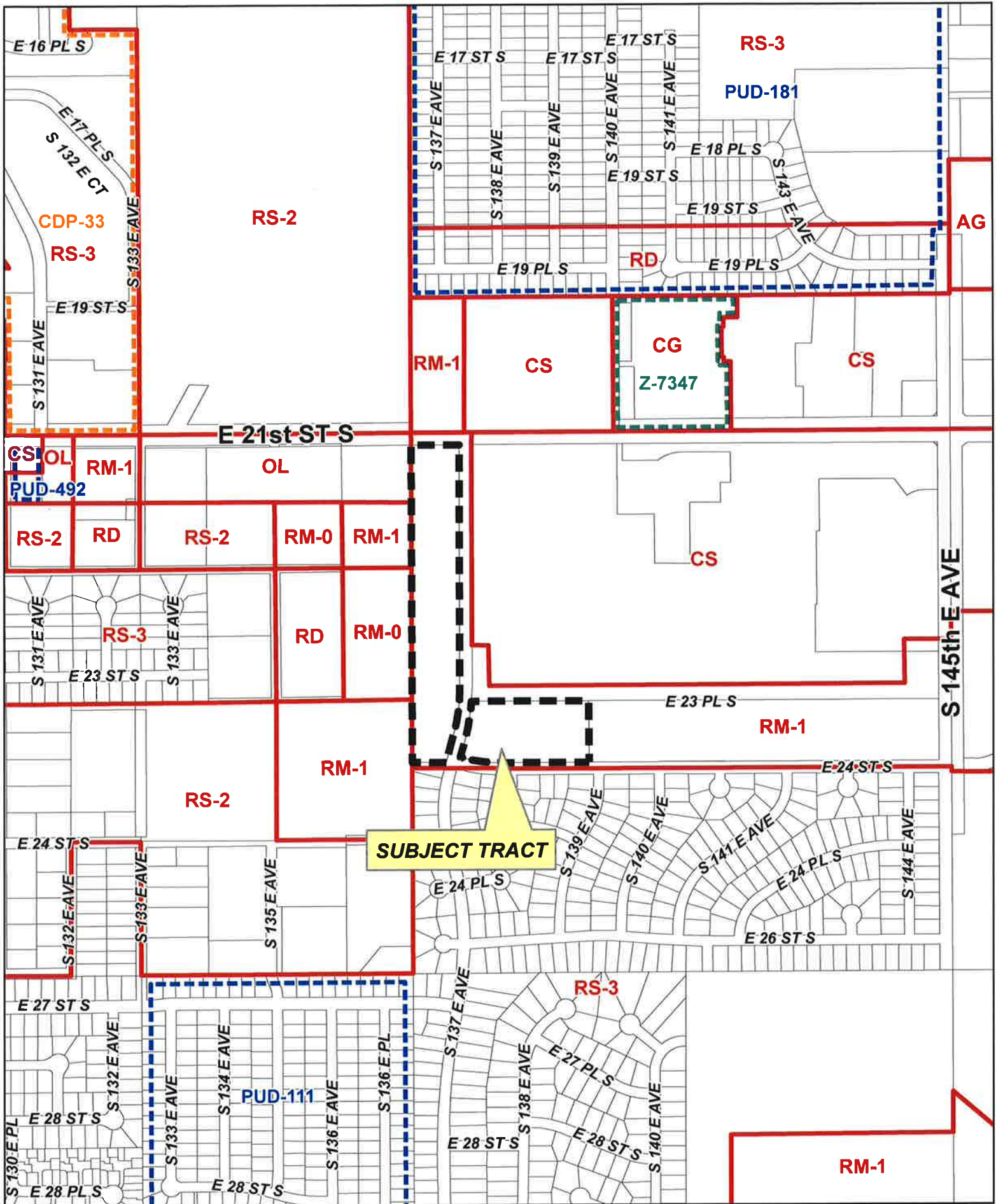
Aerial Photo Date: February 2018



4.9

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





**BOA-22867**

19-14 16

5.1





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9416

Case Number: **BOA-22867**

**CZM:** 39

**CD:** 6

**HEARING DATE:** 03/24/2020 (Continued from 3/10/2020) 1:00 PM

**APPLICANT:** Amanda Lowe

**ACTION REQUESTED:** Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R district (Section 90.090-C.1)

**LOCATION:** 2303 S 137 E AVE; 2302 S 137 E AVE

**ZONED:** RM-1

**PRESENT USE:** Apartment Complex

**TRACT SIZE:** 480900.01 SQ FT

**LEGAL DESCRIPTION:** LT 3 BLK 1; LT 1 BLK 2, EASTLAND ACRES

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is an apartment complex located at the SW/c of E. 137<sup>th</sup> E. Ave. and E. 23<sup>rd</sup> Pl. on the Southern and Western Boundary of the Eastgate Metroplex Business Center.

**STAFF COMMENTS:** The applicant is requesting a Special Exception to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R district (Section 90.090-C.1) for the existing carport within the apartment complex.

## 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.

There are multiple carports in the complex with heights of the top plate of the carport ranging from 7.3' to 9.9'.

### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit carports in the street setback and street yard with modifications to the allowable height, width and length for carports in an R district (Section 90.090-C.1)

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

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





*Photo of portion of the existing carports*



*Facing North on 137<sup>th</sup>*



*Photo of portion of the existing carports*

**Attachment 1**  
**Legal Description**

Lot One (1), Block Two (2), and Lot Three (3), Block One (1), EASTLAND ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3217.



**Attachment 2**  
**Action Requested**

The Subject Property is used as a multi-family dwelling and is zoned RM-1.

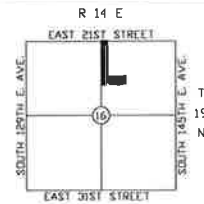
In or around 2013, carports were constructed on the Subject Property to provide covered parking for the residents of the multi-family dwelling. Following a recent survey, it was discovered that portions of particular carports were partially constructed in street setbacks. Pursuant to the Tulsa Zoning Code, carports are allowed in street setbacks in "R" Districts only if approved by special exception. *See* § 45.030-B. Other than the partial presence in street setbacks, as discussed above, the carports at issue are in compliance with the regulations enumerated in § 90.090-C1.

Accordingly, the Applicant seeks a Special Exception to allow for carports in street setbacks.

**Attachment 3**  
**Survey**

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTION 16, TOWNSHIP 19 NORTH, RANGE 14 EAST IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT ONE (1), BLOCK TWO (2), AND LOT THREE (3), BLOCK ONE (1), EASTLAND ACRES, AN ADDITION TO THE CITY OF TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 3217.



### LOCATION MAP

- |     |                          |    |                       |
|-----|--------------------------|----|-----------------------|
| SS  | SEWER MANHOLE            | PR | PRIGATION CONTROL BOX |
| SS  | SEMI-SEMI SEWER LINE     | EL | ELECTRIC SERVICE      |
| RCF | REINFORCED CONCRETE PIPE | GS | GAZ SERVICE           |
| W   | WATER METER              | TE | TELEPHONE SERVICE     |
| W   | WATER VALVE              | FI | FIRE HYDRANT          |
| Δ   | GAZ METER                | OH | OVERHEAD UTILITIES    |
| TE  | TELEPHONE PEDESTAL       | TL | TRANCE LINE           |
| P   | POWER POLE               | DH | DRAIN HOLE            |
| ☆   | LIGHT POLE               | MC | CONCRETE              |
| □   | SIGN                     | AS | ASPHALT               |
| □   | A/C                      | CL | CLEAN OUT             |
| □   | PARKING BUMPER           | SA | SATELLITE DISH        |
| □   | DOWN SPOUT               | □  | CABLE TV              |
| SS  | SINGLE CHUTE DROP INLET  |    |                       |
| DC  | DUAL CHUTE DROP INLET    |    |                       |



BASIS OF BEARING; ASSUMED NORTH  
 PROPERTY ADDRESS: 2302, 2302 AND 2363 SOUTH 137TH EAST AVENUE, TULSA, OKLAHOMA,  
 74134  
 THE PROPERTY DISCLOSED HEREIN CONTAINS 40 MARKED PARKING SPACES WITH  
 UNIMPROVED UNPAVED SPACES  
 THE DISCLOSED HEREIN CONTAINS 12.93 ACRES, MORE OR LESS  
 ABOVE GROUND FEATURES OF PUBLIC UTILITIES ARE SHOWN, BUT NOT LIMITED TO  
 WATER, SEWER, GAS, AND TELEPHONE LINES ARE LOCATED AND SHOWN ON THE  
 MAPS, MANHOLES, AND OTHER STRUCTURES ARE LOCATED AND SHOWN ON THE  
 MAPS. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES AND  
 THEREFORE ARE NOT SHOWN.

THIS PROPERTY LIES IN TOWNSHIP 36 N, RANGE 10 E, SECTION 36, T8N, R10E, S36  
 (ACRES) AND 10.40 ACRES, AS OF 10-18-2012.

FIELD WORK COMPLETED OCTOBER 23, 2018.  
 ADDRESS: 2302 SOUTH 137TH EAST AVENUE, TULSA OK 74134  
 NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING  
 ADDITION DISCLOSED AT THE TIME OF SURVEY.

NO PROPOSED STREET R/W LINES, STREET OR SIDEWALK CONSTRUCTION/REPAIRS  
 OBSERVED AT THE TIME OF SURVEY.

NO WETLANDS OR SUBJECT PROPERTY.

F = FIELD MEASURED COURSE  
 P = RECORDED PLAT COURSE  
 C = CALCULATED COURSE

INWIC NO. 19248

[illegible]

DAVID D. LACY, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR,  
DO HEREBY CERTIFY TO

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
RIALTO MORTGAGE FINANCE, LLC, A DELAWARE LIMITED  
LIABILITY COMPANY, TOGETHER WITH ITS SUCCESSORS AND/OR  
ASSIGNS AS THEIR RESPECTIVE INTEREST MAY APPEAR  
GOLD WYNN METROPLEX LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A)(B), 7(A)(B)(C), 8, 9, 10(A), 13, 14, 15, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON OCTOBER 23, 2016.



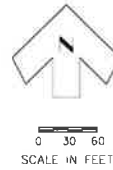
DOI: 10.1002/for

1 18 10



**D&S SURVEYING AND MAPPING**  
 PO BOX 431211, Tulsa OK 74147  
 Phone: 918.519.1873 Fax: 918.779.7059  
 Email: [info@dsurvey.com](mailto:info@dsurvey.com)  
 CA# 5678 Expiration: 8-20-20

5.9



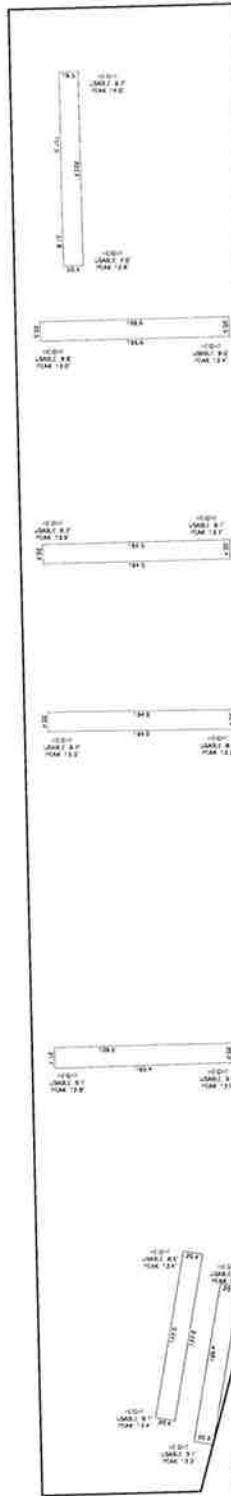
LOCATION MAP

LEGEND

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>① SEWER MANHOLE</li> <li>— SS— SANITARY SEWER LINE</li> <li>— RCP— REINFORCED CONCRETE PIPE</li> <li>⊙ WATER METER</li> <li>⊙ GAS METER</li> <li>⊙ GAS VALVE</li> <li>⊙ TELEPHONE PEDestal</li> <li>⊙ POWER POLE</li> <li>⊙ LIGHT POLE</li> <li>— S/S—</li> <li>— A/E—</li> <li>— PARKING SIGN</li> <li>— DOWN SLOPE</li> <li>— S/S— S/S— S/S— S/S—</li> <li>— S/S— S/S— S/S— S/S—</li> <li>— S/S— S/S— S/S— S/S—</li> </ul> | <ul style="list-style-type: none"> <li>⊙ INVERSION CONTROL BOX</li> <li>⊙ CLEANING IN PLACE</li> <li>⊙ GAS SERVICE</li> <li>⊙ TELEPHONE SERVICE</li> <li>⊙ FIRE HYDRANT</li> <li>⊙ OVERHEAD UTILITIES</li> <li>⊙ FENCE LINE</li> <li>⊙ GUARD RAIL</li> <li>⊙ CONCRETE</li> <li>⊙ ASPHALT</li> <li>⊙ CLEAN DIRT</li> <li>⊙ SATELLITE DISH</li> <li>⊙ CABLE TV</li> </ul> |
|---|---|



EAST 21ST STREET



LEGAL DESCRIPTION

LOT ONE (1), BLOCK TWO (2), AND LOT THREE (3), BLOCK ONE (1), EASTLAND ADRES; AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 1017.

NOTE NO. 1017

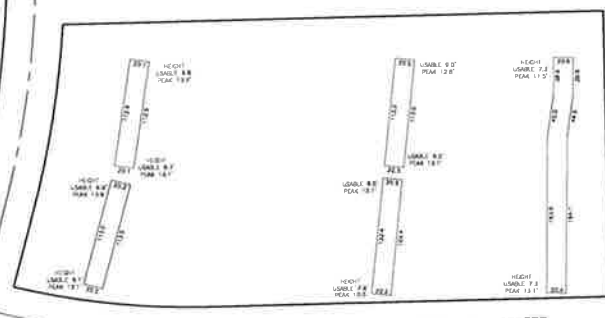


EXHIBIT  
CAR PORT



02/14/20  
SEALED DATE

**D&S SURVEYING AND MAPPING**  
P.O. BOX 472115 Tulsa, OK 74147  
Phone 918.519.1873 Fax 918.778.7059  
Email: dsd@sdsurveying.com  
CA# 6876 Expiration: 6-30-20

5.10





**S 145th E AVE**



*Subject  
Tract*

**BOA-22867**

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

**Aerial Photo Date: February 2018**

5.11



19-14 16



## Chapman, Austin

---

**From:** alowe@HallEstill.com  
**Sent:** Tuesday, March 3, 2020 8:51 AM  
**To:** Chapman, Austin  
**Cc:** MChenoweth@HallEstill.com  
**Subject:** RE: [EXTERNAL]:RE: BOA-22867 (Gold Wynn Metroplex LLC)

Hi Austin,

We've had a conflict come up and need to continue this matter from the BOA meeting on March 10, to the BOA meeting on March 24.

Please let me know if you need anything further from me to request this continuance.

Thanks,

Amanda

**From:** Chapman, Austin [mailto:ACHapman@incog.org]  
**Sent:** Monday, February 17, 2020 8:58 AM  
**To:** Amanda Lowe <alowe@HallEstill.com>  
**Subject:** [EXTERNAL]:RE: BOA-22867 (Gold Wynn Metroplex LLC)

Received, thank you.

**From:** [alowe@HallEstill.com](mailto:alowe@HallEstill.com) <[alowe@HallEstill.com](mailto:alowe@HallEstill.com)>  
**Sent:** Friday, February 14, 2020 3:10 PM  
**To:** Chapman, Austin <[ACHapman@incog.org](mailto:ACHapman@incog.org)>  
**Subject:** RE: BOA-22867 (Gold Wynn Metroplex LLC)

Austin—

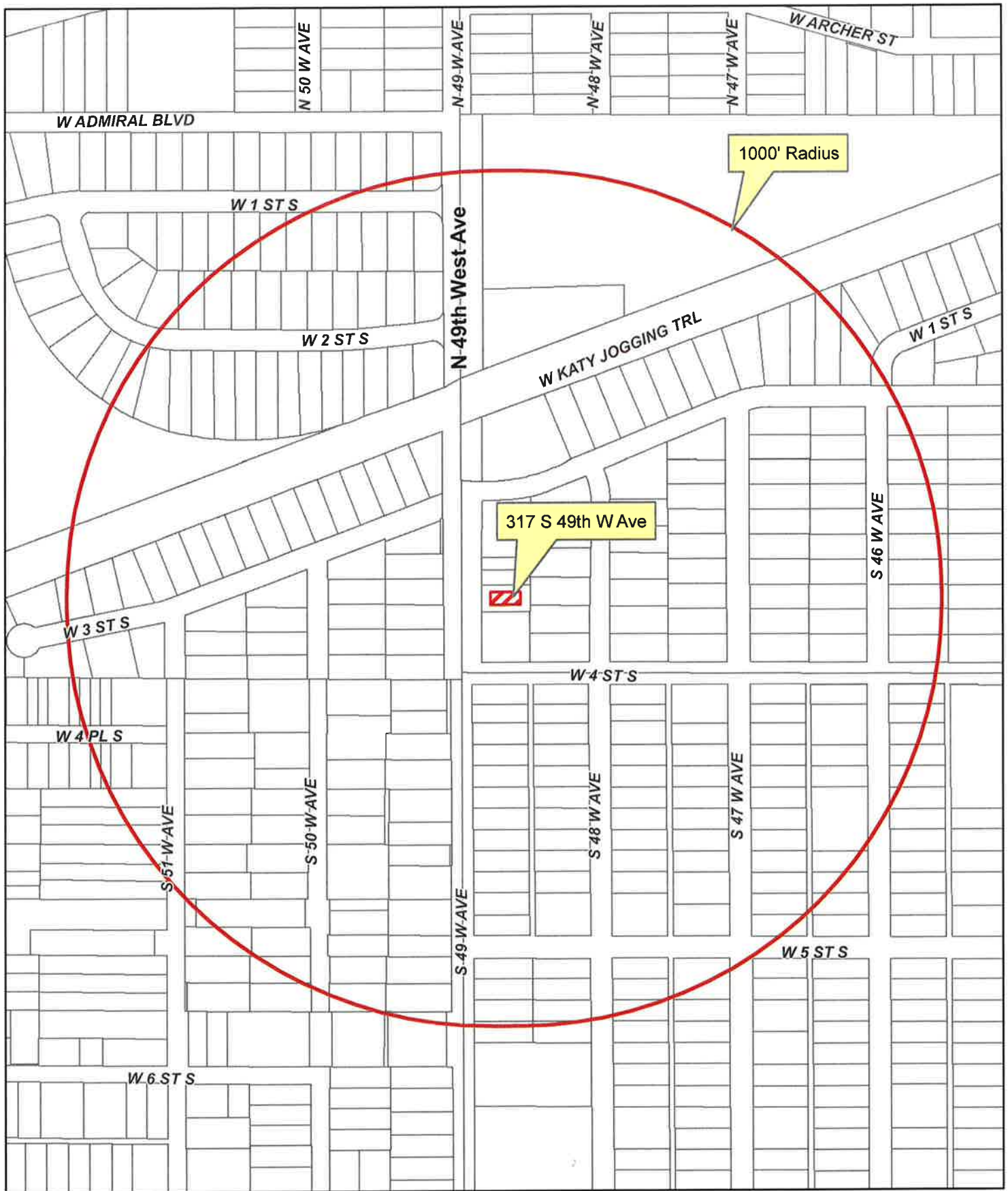
Got the dimensions exhibit. I've attached above. We will also need to request a special exception for length, width, and height as we discussed last week. I've also updated our application attachments to reflect that and attached above.

Let me know if you need anything else from me.

Thank you and have a great weekend!

Amanda

 <p><b>HALL ESTILL</b> ATTORNEYS AT LAW</p>	<p><b>AMANDA LOWE</b>   ASSOCIATE 320 S. Boston Ave.   Suite 200   Tulsa, OK 74103 Office: 918-594-0810   Bio</p>
---	---



**BOA-22872**

19-12 04

6.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9204

Case Number: BOA-22872

CZM: 35

CD: 1

HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Amberlynn Reyes

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

LOCATION: 317 S 49 AV W

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 7653.52 SQ FT

LEGAL DESCRIPTION: LT 8 BLK 8, HAYDEN-LEWIS ADDN

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.

At the writing of this staff report the applicant has not provided the location of the nearest dispensary.

## SAMPLE MOTION:

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

6.2





***Facing South on S. 49 W. Ave***



***Subject property***



*Facing North on S. 49 W. Ave.*

**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

February 10, 2020

Alan Williams  
317 S 49 WA  
Tulsa, OK 74127

Phone: 918.808.6024

APPLICATION NO: **COO-023831-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **317 S 49 WA**

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)

6.5



## REVIEW COMMENTS

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

AP Number

317 S 49 WA

February 10, 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.

**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.





0 Feet 150 300

**BOA-22872**  
19-12 05

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



6.7

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





**BOA-22874**

20-12 12

7.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 0212

Case Number: **BOA-22874**

CZM: 21

CD: 1

HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Brandie White

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

LOCATION: 5264 N PEORIA AV E

ZONED: CH

PRESENT USE: Dispensary/Convenience Store

TRACT SIZE: 23400.53 SQ FT

LEGAL DESCRIPTION: E. 130' N.180.01' RESERVE A., SHARON HGTS ADDN

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 918 Bud located 7425 N Peoria Ave, which approximately 11,163 feet away. Staff is also aware of a location that was spaced for a dispensary located 4604 N Peoria (BOA-22797) that is approximately 3,842 feet South of the subject dispensary.

## 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.

7.2



***Facing North on Peoria***



***Facing South on Peoria***





*Subject Dispensary*

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

February 5, 2020

BRANDIE WHITE  
PREMIUM CANNABIS PLUG LLC  
5264 N PEORIA AV E  
TULSA, OK 74126

Phone: (918) 764-8332

APPLICATION NO: **COO-051439-2020** (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)  
Location: **5264 N PEORIA AV E**  
Description: **CERTIFICATE OF OCCUPANCY - 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)

7.5

## REVIEW COMMENTS

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

Application No. COO-051439-2020

5264 N PEORIA AV E

February 5, 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-D.** A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
2. **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.
3. **Section 70.080-C.** Applications must be accompanied by a legal description of the lot and a site plan, drawn to scale, that provides zoning data for the Zoning Review portion of the Certificate of Occupancy application. You have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review. Revise and resubmit your site plan providing the location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas. Please refer to Section 55.090 for the design dimensions for the parking area.

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

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

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building 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.



### HOW TRANSFERABLE

## WILEY-BLANKETTING CO.

5254 N PEORIA AVE TULSA OK 74126

YOUNG, MARGARET B.

DIAKHOV-PKZO



Taken Bath

FORM 2477-12

Department of Psychology  
University of Illinois at Chicago

TRANSPORTATION LICENSE ONLY

## Notes

#### HOW WE GRANT IT TO

5264 N PEORIA AVE., TULSA, OK. 74126

**LICENSE NUMBER**

DAAA-N1QU-PXZO



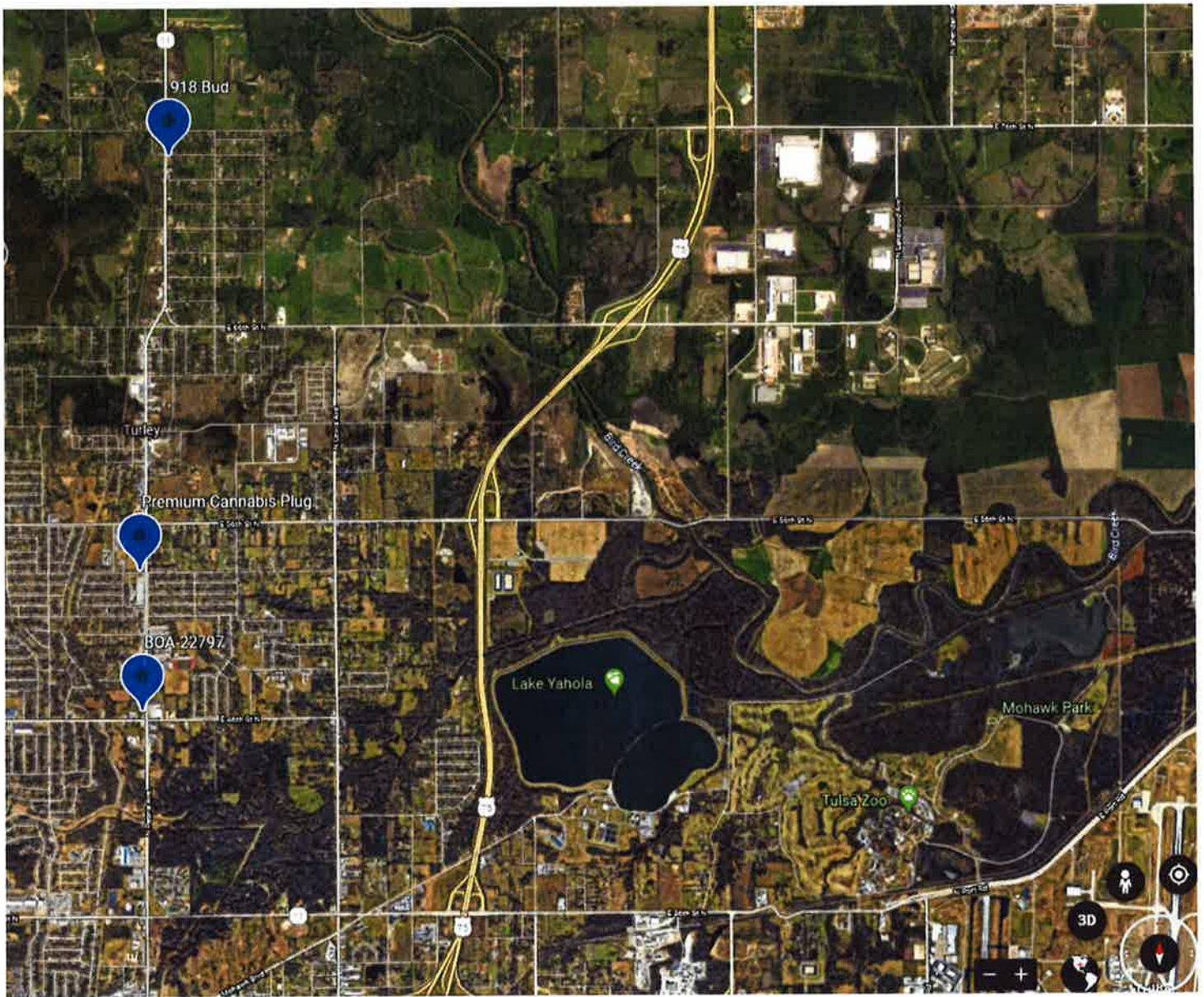
Tommy Batty

TOMMY HAYES, LTD.

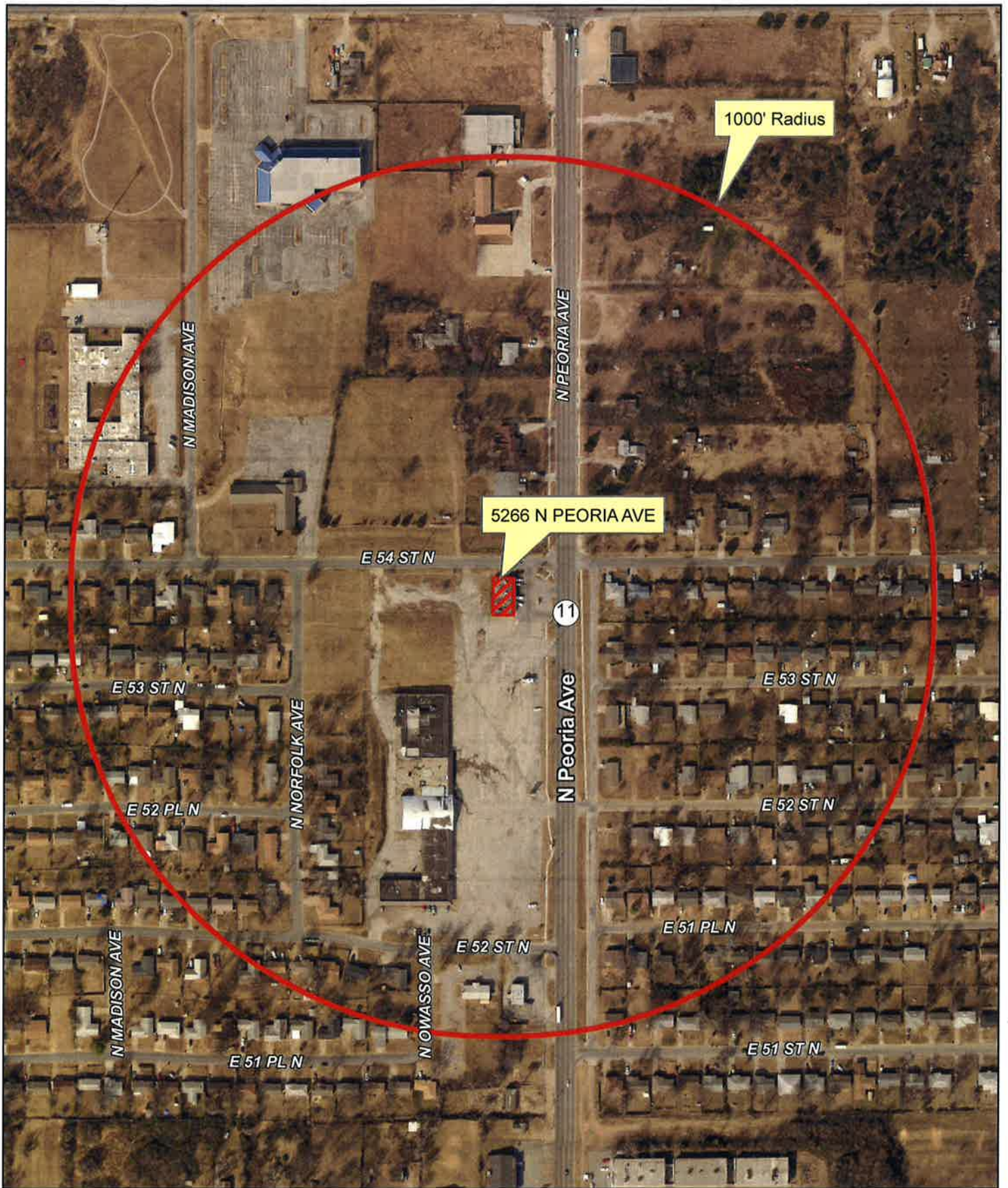
Olderpersons State Department of Health

DO NOT COPY









0 150 300  
Feet

**BOA-22874**

20-12 12

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

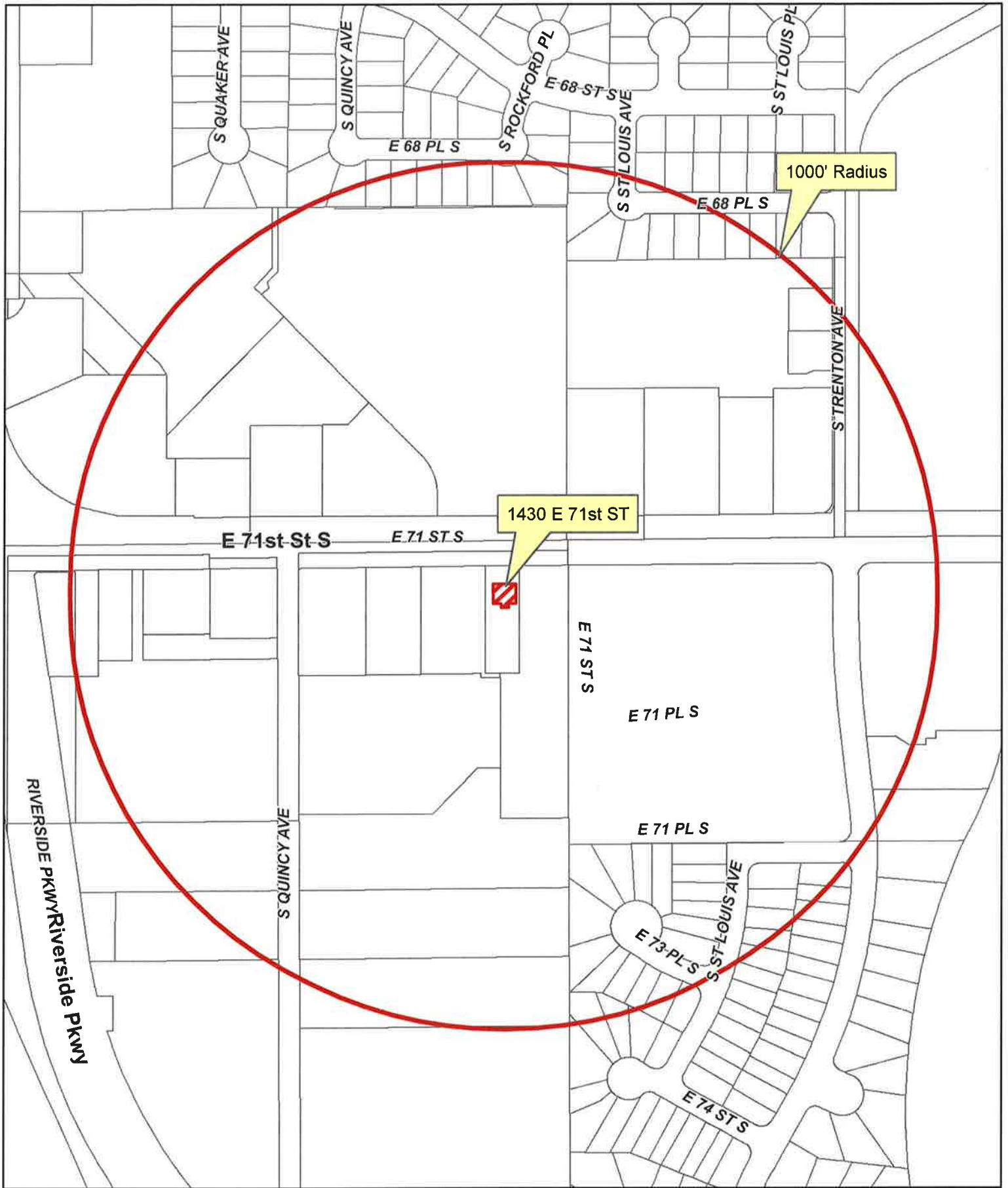
*Aerial Photo Date: February 2018*



7.9



**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



0 Feet 150 300

BOA-22878

18-13 07

8.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 8307

Case Number: BOA-22878

CZM: 52

CD: 2

HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Nicole Watts

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

LOCATION: 1430 E 71 ST S

ZONED: CS

PRESENT USE: Vacant Car Wash

TRACT SIZE: 20399.23 SQ FT

LEGAL DESCRIPTION: PRT LTS 1 & 2 N290 W44.3 LT 1 & N290 E35.7 LT 2 LESS N35 THEREOF, VALLEY BEND SUB

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 location of the nearest known dispensary is House of Fire located 6829 S Peoria, Suite B, which approximately 1,199 ft 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.

8.2





*Subject property*



*Facing West on 71<sup>st</sup> Street S*



***Facing East on 71<sup>st</sup>***

DANA L. BOX  
ZONING OFFICIAL  
PLANS EXAMINER II

TEL (918)596-9661  
danabox@cityoftulsa.org



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

February 11, 2020

Nicole Watts  
2200 S. Utica Pl., Suite 200  
Tulsa, OK 74114

Phone: 918-744-4270

APPLICATION NO: **ZCO-051681-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1430 E. 71<sup>st</sup> St.**

Description: **Medical Marijuana Dispensary**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

175 EAST 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)

ZCO-051681-2020

1430 E. 71<sup>st</sup> St.

February 11, 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.

**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

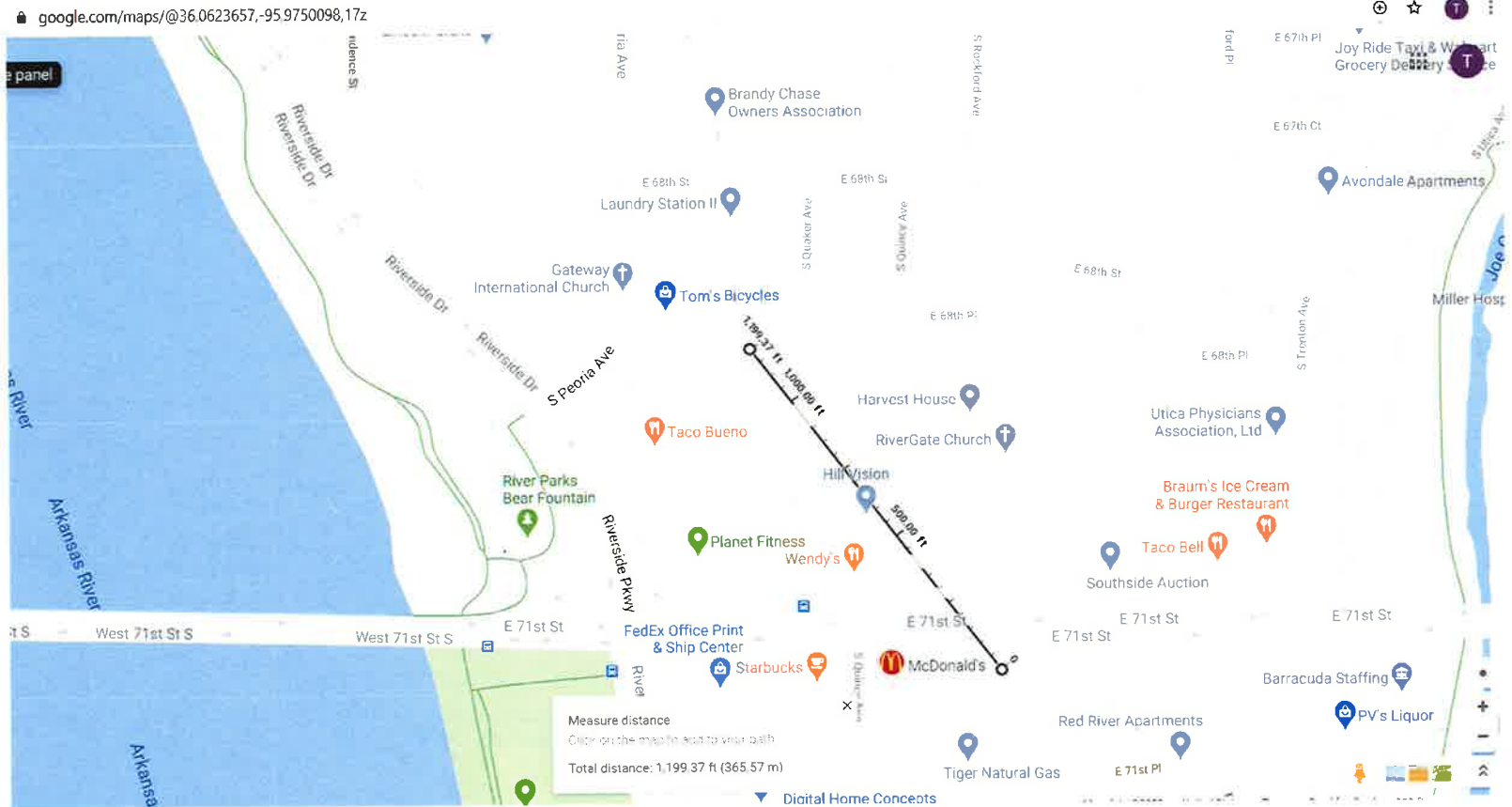
**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

Seed III Address: 1430 E 71<sup>st</sup>, Tulsa, OK 74136

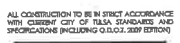
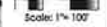
Nearest Dispensary: House of Fire, 6829 S Peoria, Tulsa, OK 74136

Total Distance between buildings: 1,199 ft from building to building



००

© 2005 The Authors  
Journal compilation © 2005 Blackwell Publishing Ltd



1430 E 71st Street  
Tulsa, Oklahoma



BOARD OF ADJUSTMENT  
SPACING EXHIBIT

100/100





0 150 300  
Feet

**BOA-22878**

18-13 07

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

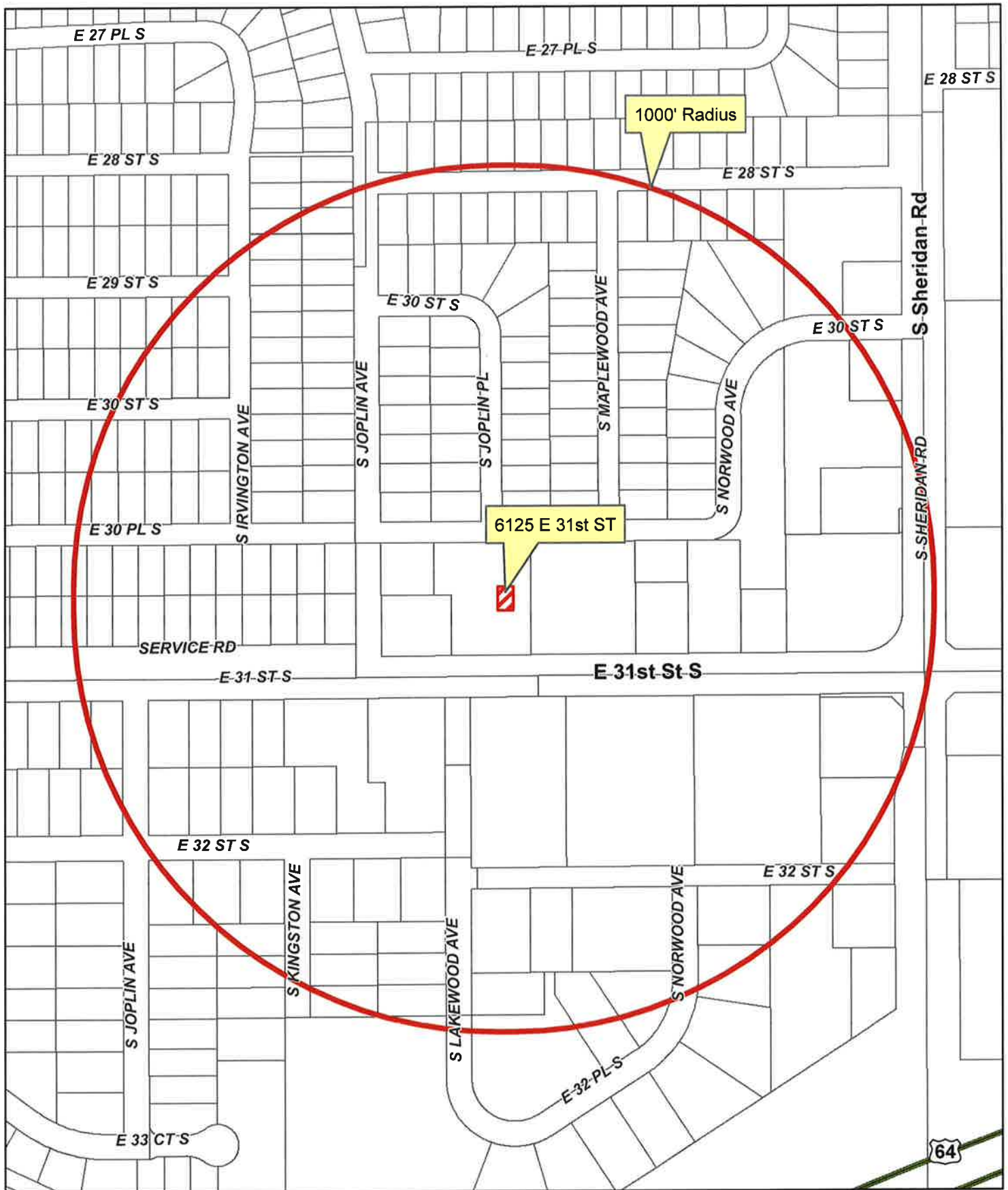
Aerial Photo Date: February 2018



8.9

**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





**BOA-22881**

19-13 15

9.1





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9315

Case Number: BOA-22881

CZM: 38

CD: 5

HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Donyale Stancle

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

LOCATION: 6125 E 31 ST S

ZONED: CS

PRESENT USE: Vacant.

TRACT SIZE: 54554.77 SQ FT

LEGAL DESCRIPTION: BEG 50N & 1164.5W SECR SE TH N265 E227 S265 W227 POB LESS W40 S140 THEREOF SEC 15 19 13 1.252ACS

## 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 location of the nearest known dispensary is APCO Medical Dispensary located 2606 S. Sheridan, which approximately 2,533.80 ft away. Staff is aware that there appears to be a school, Augustine Christian Academy at 6310 E 30<sup>th</sup> St., located within 1,000' of the proposed dispensary. The applicant was made aware of this fact and advised to contact the Oklahoma Medical Marijuana Authority to inquire about their ability to get a state license approved for this location.



**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 from parking Lot*



*Subject Tenant Space*





*Facing East from parking Lot*

**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

February 20, 2020

**LOD Number: 1**  
**Donyale Stancle**  
**6125 E 31<sup>st</sup> ST**  
**Tulsa, OK 74135**

**Phone: 918.442.855**

**APPLICATION NO: COO-054008-2020**

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

**Location:**

**6125 E 31<sup>st</sup> ST**

**Description:**

**Medical Marijuana Dispensary**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

175 EAST 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)

9.6

## REVIEW COMMENTS

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

COO-054008-2020

6125 E 31<sup>st</sup> ST

February 20, 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.

**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.



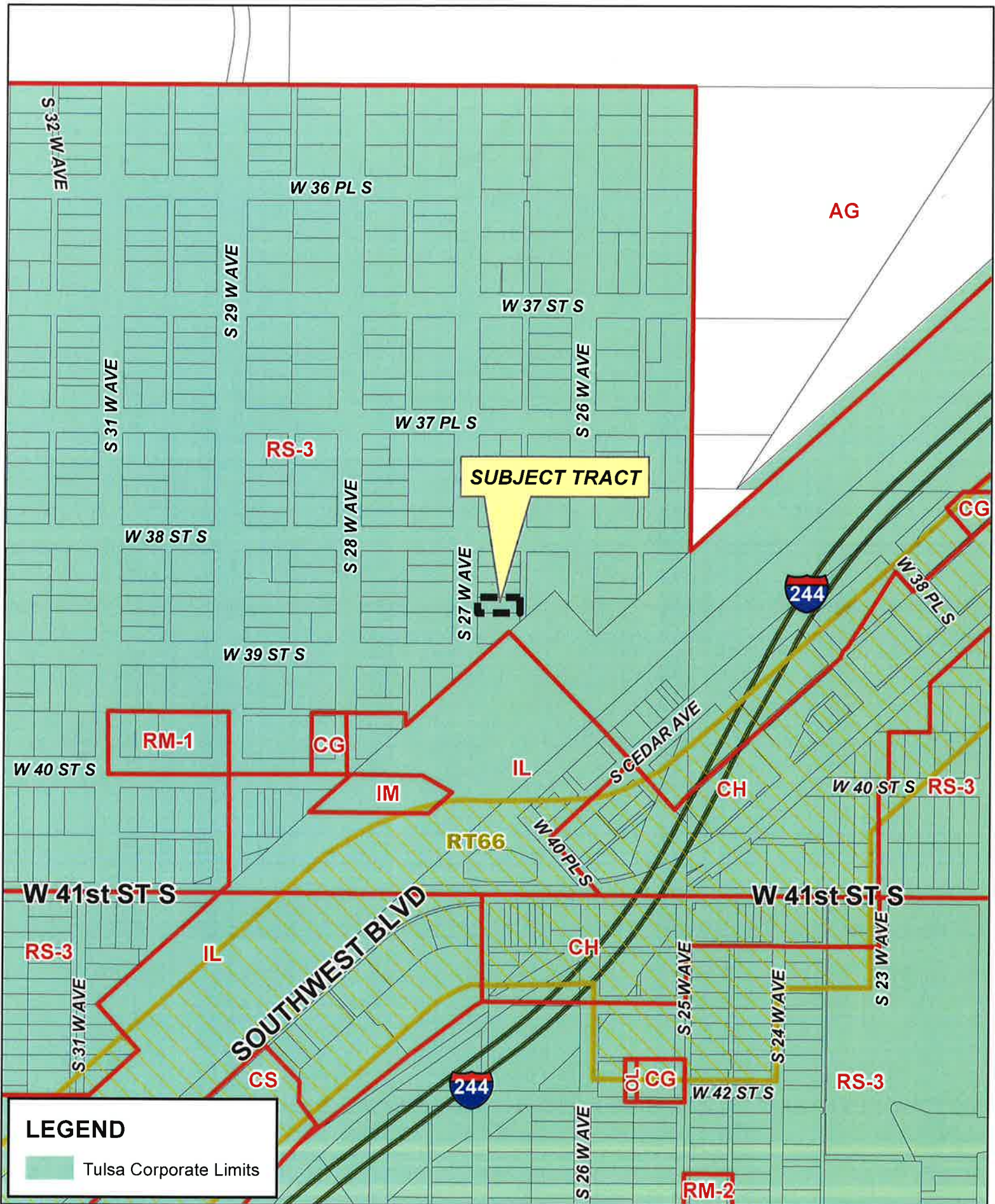






**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**





## LEGEND

Tulsa Corporate Limits

BOA-22873

19-12 22

10.1



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9222

Case Number: **BOA-22873**

CZM: 46

CD: 2

HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Carina Garcia

ACTION REQUESTED: Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit permanently (Sec.40.210).

LOCATION: 3811 S 27 AV W

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 7000.12 SQ FT

LEGAL DESCRIPTION: S 1/2 LT 4 BLK 30, RED FORK

## RELEVANT PREVIOUS ACTIONS:

**Subject Property:** None

## **Surrounding Properties:**

**BOA-13728;** On 09.12.85 the Board approved a Special Exception to permit a mobile home in an RS-3 District and variance of the 1-year time limit for a mobile home. Property located immediately South of the subject property.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located South of the SE/c of W. 38<sup>th</sup> St. S. and S. 27 W. Ave.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); Special Exception to extend the time limit permanently (Sec.40.210)

10.2



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

USE CATEGORY	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations
Subcategory														
Specific Uses														
Building Type														
<b>RESIDENTIAL</b>														
<b>Household Living</b>														
Single household														
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S	
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	Section 40.290
Townhouse														
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	Section 40.390
3+ unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	Section 40.390
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	Section 40.210
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.220
Mobile home	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240
Mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	S	S	S	-	
Two households on single lot														
Duplex	-	-	-	S	S	S	P	P	P	P	P	P	-	
Mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-	
Three or more households on single lot														
Cottage house development	-	-	-	-	-	P	S	S	P	P	P	P	-	Section 40.110
Multi-unit house	-	-	-	-	-	S	S	P	P	P	P	P	-	Section 40.250
Apartment/condo	-	-	-	-	-	-	-	-	P	P	P	P	-	Section 40.030
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240
Mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	-	P	P	P	-	

P= Permitted; S=Special Exception Approval Required; - = Prohibited

### Section 40.210 Manufactured Housing Units

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

**40.210-A** The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

**40.210-B** No more than one manufactured housing unit may be located on a lot.

**40.210-C** Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a manufactured housing unit in an RS-3 district (Sec.5.020 Table 5-2.5); **Special Exception** to extend the time limit permanently (Sec.40.210)

- 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.





***Manufactured home on lot immediately South of Subject Tract***



***Facing South on 27<sup>th</sup> W Ave***





*Facing North on 27<sup>th</sup> W Ave.*



*Subject Property*

Case No. 13727 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by WISLON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 13727 until September 26, 1985 to allow the applicant to review the uses allowed on the property.

Case No. 13728

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts - Requirements - Use Unit 1209 - Request a variance of the one year time limitation for a mobile home to permanently in an RS-3 zoned district under the provisions of Section 1670, located on the NE/c of West 39th Street and South 27th West Avenue.

Presentation:

The applicant, William Wright, 147 South 34th West Avenue, Tulsa, Oklahoma, asked the Board to allow him to park a mobile home on his property. The applicant said that he purchased the lot approximately 3 years ago and had previously been before the Board to get permission to put the mobile on the lot. Mr. Wright stated that he was required to demolish the old house which was located on the tract and then return with a request for permanent location of the mobile home. He noted that he is now asking for that permanent installment. Mr. Wright said that he intends to brick the outside of the trailer and improve the property.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked Mr. Wright if the mobile home is skirted. Mr. Wright stated that he has the skirting, but has not installed it until final inspections of the water lines are made.

Ms. Wilson asked the applicant if he is living in the mobile home at this time. Mr. Wright stated that he will not move in until he has a permit to leave the mobile on the lot permanently.

Ms. Bradley asked the applicant to address the hardship in this case. Mr. Wright stated that he is upgrading the property and has approval from all of his neighbors.

Mr. Jackere pointed out that the railroad is behind the property and there are numerous types of zoning in the area.

9.12.85:447(9)



Case No. 13728 (continued)

Mr. Wright informed that he may use the mobile for rental property after the installation is complete.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680; and to APPROVE a Variance (Section 440.6 - Special Exception Uses in Residential Districts - Requirements - Use Unit 1209) of the one year time limitation for a mobile home to permanently in an RS-3 zoned district under the provisions of Section 1670; subject to skirting being installed; finding a hardship demonstrated by multiple zoning in the area; finding that the mobile home would not be detrimental to the neighborhood and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 5, Block 30, Original Townsite of Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13729

Action Requested:

Variance - Section 240.2(e) Permitted Yard Obstructions. Use Unit 1209 - Request a variance to permit 2 detached accessory buildings to total 960 sq. ft. and to locate one building in the side yard in an RS-3 zoned district.

Variance - Section 420.2(a) Accessory Use Conditions - Request a variance of the 3' setback from interior lines to 1', located at 3636 South Olympia.

Presentation:

The applicant, Donald Brannum, 3636 South Olympia, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) for a proposed 20' by 36' garage.

Comments and Questions:

Ms. Bradley asked Mr. Brannum to explain the use of the new garage. He explained that it would be used for normal purposes.

Mr. Chappelle asked the applicant if he plans to conduct a business in the garage and he answered that he did not know.

Ms. White inquired if a business is being operated on the subject property at this time. The applicant replied that he is doing some upholstery work in a small existing building.

9.12.85:447(10)

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

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



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

**Carina Garcia**

**9/23/2019**

**APPLICATION NO: ZCO-042088-2019** (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

**Project Location: 3811 S 27<sup>th</sup> W Ave**

**Description: Manufactured Housing Unit**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

## REVIEW COMMENTS

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

Application No. **ZCO-042088-2019**

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

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

1. **Sec.5.020 Table 5-2:** The submitted application indicates construction of a "Manufactured Housing Unit" per documents submitted to our office. The proposed Manufactured Housing Unit is located in an RS-3 Zoning District.

**Review Comments:** Manufactured Housing Units are allowed in this zoning district by special exception. Apply for a Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office. \*Apply for a Building permit to place a manufactured Housing Unit on this lot.\*

### 2. **Section 40.210 Manufactured Housing Units**

The application for a special exception must be accompanied by a written signed agreement by the applicant and the property owner to remove the manufactured housing unit within one year of the date of special exception approval.

**40.210-A** The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

**Review Comments:** Provide a written signed agreement to the BOA that the manufactured house will be removed within one year or seek a special exception from the BOA to extend the subsequent one year time limit.

3. **Site plan:** Your application did not include a complete site plan. The zoning clearance review for your permit application will resume after a complete site plan is submitted. Please note that additional deficiencies may be found and will need to be resolved prior to approval of your application. The site plan must show:

- Legal description of the property;



- Boundaries and dimensions of property and names of bordering streets. All property lines must be shown;
- Location, dimensions and identification of existing and proposed buildings, structures and driveway.
- Distances from all property lines to the proposed building or structures, and the distance from the proposed work to the centerline of the street;
- Identify any easements and public rights of way;
- Include all architectural projections; i.e. stairs, porches, balconies, fireplaces, etc.;
- Location of all utility service lines and meters;
- North arrow.

**Revise and resubmit your site plan containing the information listed above and resubmit the changes as a revision.**

**Below is a link to our “Residential Construction Permit Procedures” booklet. In the booklet you will find information concerning the required drawings needed for applying for a permit.**

[http://www.cityoftulsa.org/media/1259/res\\_09102014.pdf](http://www.cityoftulsa.org/media/1259/res_09102014.pdf)

- 4. 55.090-F Surfacing.** All off-street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of §55.090-F4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.

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

**5. 55.090-A Applicability**

The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

**Review Comments:** You are proposing a parking space that does not meet the minimum parking size requirements. Provide 2 parking space. Each parking space must be 8.5 feet by 18 feet on this lot or apply to BOA for a variance to allow less than the required parking space size.

**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.**

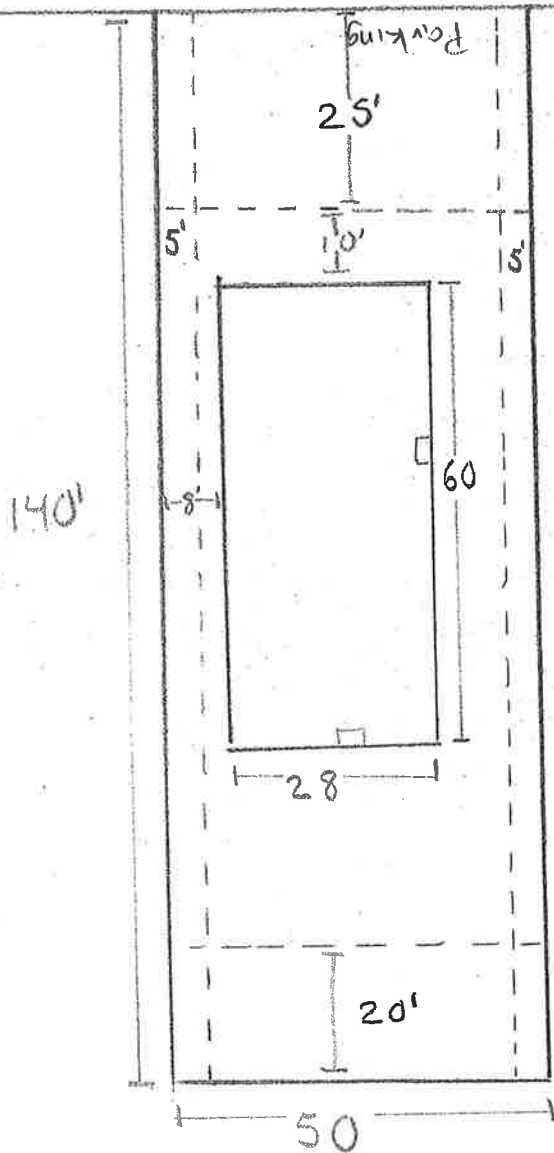
**Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online**

## 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.

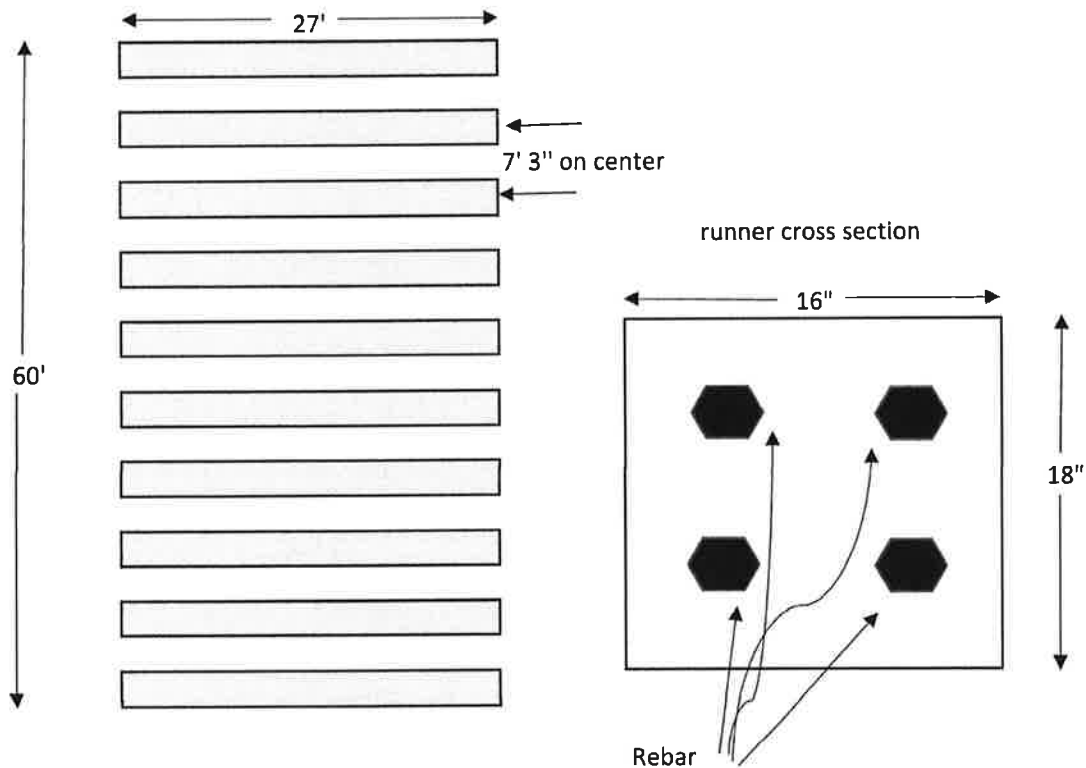
S 27th West ave



# Foundation Sketch

Site:

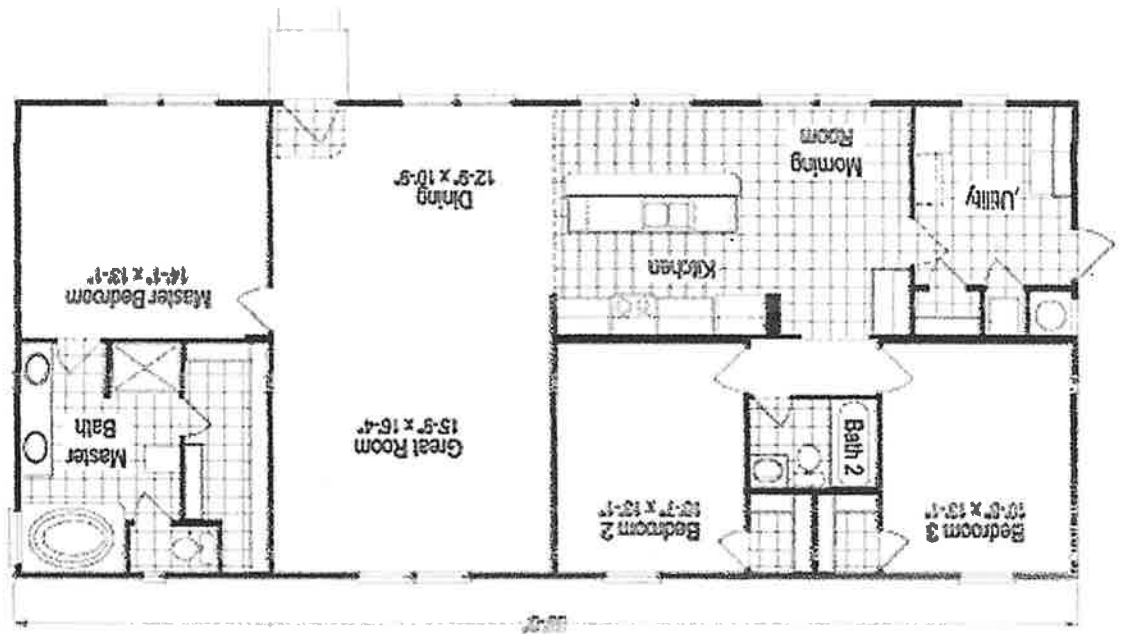
3811 South 27th West Ave  
Tulsa, OK 74108



## Notes:

1. Concrete; 3000 psi 28 day strength, placed using commonly accepted practices
2. Rebar; 1/2 inch #4 grade 80, Tied and suspended with iron stakes.
3. Vapor barrier 6 mill placed on top of ground to extend 6 inches beyond concrete on all sides.
4. Wet set J-bolt anchors to accommodate normal blocking and strapping.
5. Grading to divert surface water away from foundation.







10.14



10.15





10.16



10.17

## Sparger, Janet

---

**From:** Personal Email <joanmfields1@gmail.com>  
**Sent:** Tuesday, March 17, 2020 2:42 PM  
**To:** esubmit  
**Subject:** BOA-22873

Good afternoon,

I am writing to provide comments on BOA-22873 which requests a special exception to allow a mobile home and extend the time allowed to permanent. I am not in favor of this exception as I believe this does not serve the long term vision of the community and the precedent this sets for future requests.

West Tulsa has been consistently looking for ways to improve the local neighborhoods as well as develop growth and capitalize on the proximity to Route 66. This vision seeks to improve and rejuvenate the historical homes in the area and a mobile home seems out of step with what the community as a whole is trying to achieve.

Additionally it is concerning to me that if this request is approved, it seems that it would be difficult to decline future requests like this and that would be very impactful to the overall identity and direction of the area.

We take a lot of pride and effort in maintaining and improving our property and believe this request, if approved, would be detrimental to our property value in the long run.

Brian & Joan Fields





0 Feet 200 400



Subject Tract

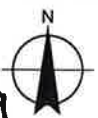
**BOA-22873**

19-12 22

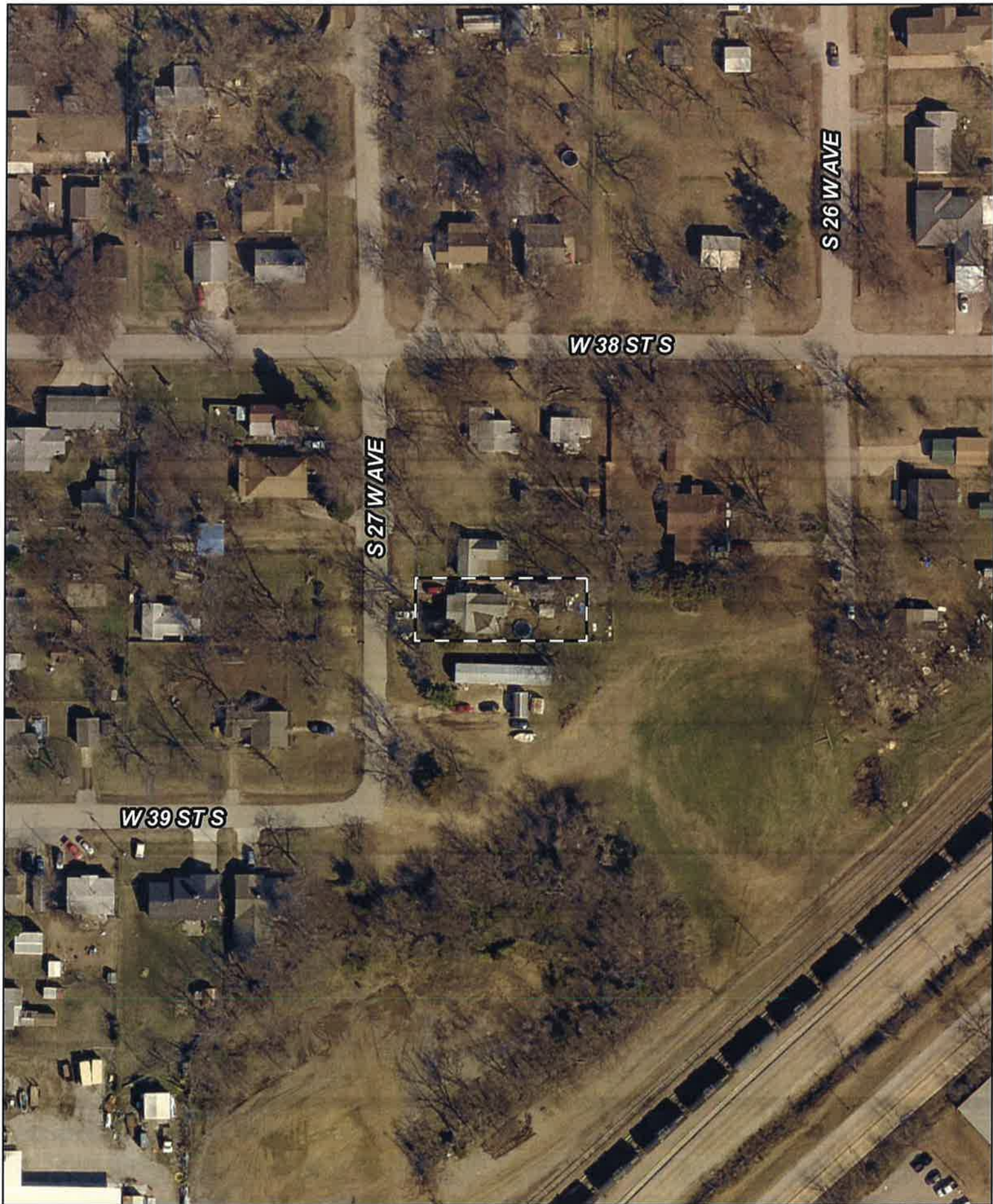
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

10.19







0 50 100  
Feet



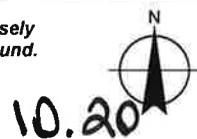
Subject  
Tract

**BOA-22873**

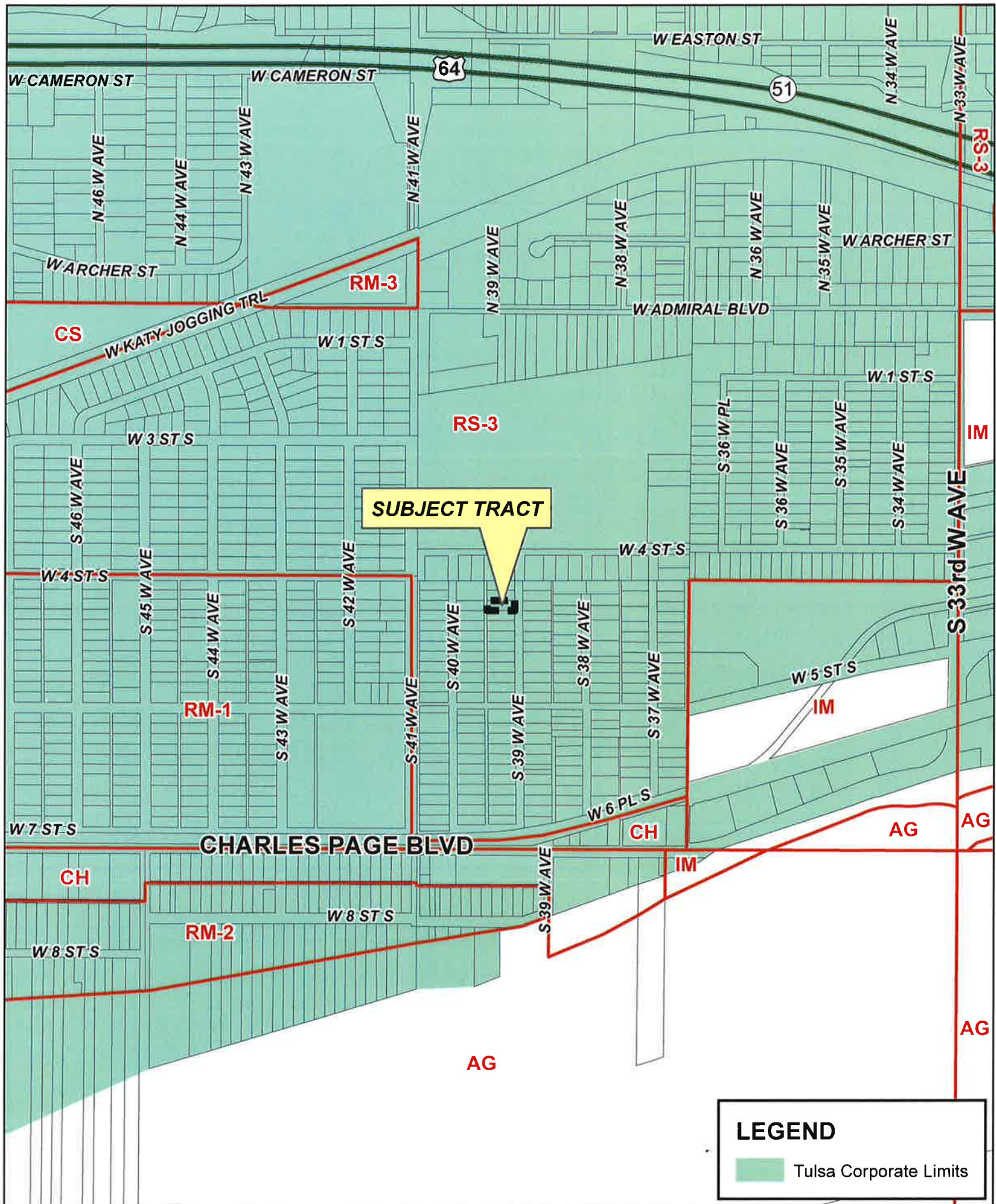
19-12 22

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

Aerial Photo Date: February 2018







## LEGEND

Tulsa Corporate Limits

BOA-22876

19-12 04



# BOARD OF ADJUSTMENT CASE REPORT

STR: 9204

Case Number: BOA-22876

CZM: 35

CD: 1

HEARING DATE: 03/24/2020 1:00 PM

APPLICANT: Blendia Clark

ACTION REQUESTED: Modification of a previously approved Special Exception (BOA-21850) to allow a Manufactured Housing Unit Permanently (Sec.40.210-A)

LOCATION: 408 S 39 AV W

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6699.56 SQ FT

LEGAL DESCRIPTION: LT-3-BLK-2, PARK VIEW PLACE

## RELEVANT PREVIOUS ACTIONS:

### Subject Property:

**BOA-21850;** On 2/24/2015 the Board **approved** a Special Exception to permit a manufactured home and a Special Exception to extend the 1-year time limit to 5 years. Approval expired 2/24/2020.

### Surrounding property:

**BOA-17086;** on 6.27.95, the Board **approved** a *special exception* to permit a mobile home in the RS-3 district; and a *variance* of the one-year time limit to permanent. LOCATED: 430 S 38<sup>th</sup> AV W

**BOA-15790;** on 7.23.91, the Board **approved** a *special exception* to permit a mobile home in the RS-3 district; and a *variance* of the one-year time limit to permanent. LOCATED: 440 S 39<sup>th</sup> AV W

**BOA-13342;** on 10.18.84, the Board **approved** a *special exception* to allow a mobile home in the RS-3 district; and a *variance* of the one-year time limit to permanent. LOCATED: 446 S 40<sup>th</sup> AV W

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

11.2

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located South of the SW/c of S 38 W Ave and W 4<sup>th</sup> Street S.

**STAFF COMMENTS:** The applicant is requesting Modification of a previously approved Special Exception (BOA-21850) to allow a Manufactured Housing Unit Permanently (Sec.40.210-A)

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

USE CATEGORY	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations
Subcategory														
Specific Uses														
Building Type														
<b>RESIDENTIAL</b>														
<b>Household Living</b>														
Single household														
Detached house	P	P	P	P	P	P	P	P	P	P	P	P	S	
Patio House	-	-	-	P	P	P	P	P	P	P	P	P	-	Section 40.290
Townhouse														
2-unit townhouse	-	-	-	S	S	P	P	P	P	P	P	P	-	Section 40.390
3+-unit townhouse	-	-	-	-	-	-	-	P	P	P	P	P	-	Section 40.390
Manufactured housing unit	S	S	S	S	S	S	S	S	S	S	S	S	P	Section 40.210
Manufactured housing subdivision	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.220
Mobile home	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240
Mixed-use building	-	-	-	-	-	-	-	-	S	S	S	-	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	S	S	S	-	-	
Two households on single lot														
Duplex	-	-	-	S	S	S	P	P	P	P	P	P	-	
Mixed-use building	-	-	-	-	-	-	-	-	P	P	P	-	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	P	P	P	-	-	
Three or more households on single lot														
Cottage house development	-	-	-	-	-	P	S	S	P	P	P	P	-	Section 40.110
Multi-unit house	-	-	-	-	-	S	S	P	P	P	P	P	-	Section 40.250
Apartment/condo	-	-	-	-	-	-	-	-	P	P	P	P	-	Section 40.030
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	P	Section 40.240
Mixed-use building	-	-	-	-	-	-	-	-	P	P	P	-	-	
Vertical mixed-use building	-	-	-	-	-	-	-	-	P	P	P	-	-	

P= Permitted; S=Special Exception Approval Required; - = Prohibited

#### Section 40.210 Manufactured Housing Units

The supplemental regulations of this section apply only to manufactured housing units approved as special exception uses in R or AG-R zoning districts.

**40.210-A** The manufactured housing unit must be removed from the lot within one year of the date of special exception approval. The board of adjustment is authorized to extend the one-year limit through approval of a subsequent special exception if the (special exception) extension request is filed before expiration of the one-year time limit.

**40.210-B** No more than one manufactured housing unit may be located on a lot.

**40.210-C** Manufactured housing units are required to comply with the same lot and building regulations that apply to detached houses in the subject zoning district.

#### SAMPLE MOTION:

Move to \_\_\_\_\_ (approve/deny) a **Modification** of the previously approved Special Exception (BOA-21850) to extend the permitted time for Manufactured Housing Unit (Sec.40.210-A)

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

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

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





***Subject Property***



***Subject property***





***Facing North on 39<sup>th</sup> W Ave***



***Facing South on 49<sup>th</sup> W Ave***

# SITE PLAN EXHIBIT

## Legal Description of Property:

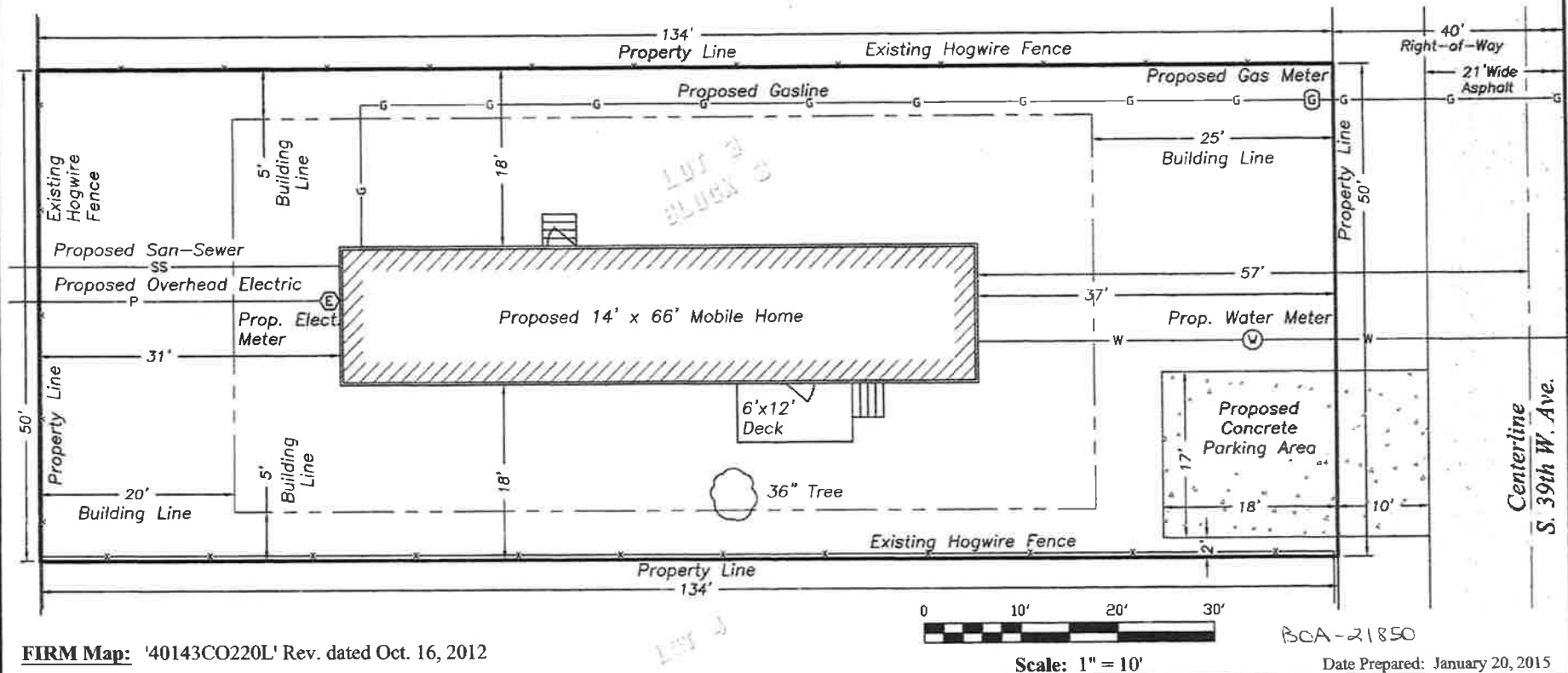
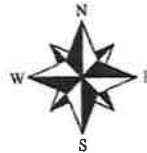
Lot Three (3) Block Two (2) Park View Place  
Addition to the City of Tulsa, Tulsa County, Oklahoma

Zoned: RS-3

Located in the SE/4 of Section 4, Township 19 North,  
Range 12 East, IM&B, Oklahoma

**Owners:** Vernon R. Clark &  
Blendia Worden

**Address:** 408 S 39th W. Ave.  
Tulsa, Oklahoma



FIRM Map: '40143CO220L' Rev. dated Oct. 16, 2012



Scale: 1" = 10'

BCA-21850

Date Prepared: January 20, 2015

2.11



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

**PRT BLK 2 BEG SECR TH W282.04 N170.29 E282.04 S170.32 POB & E25 VAC ST  
ADJ ON W, RIVERSIDE SOUTH COMPLEX, CITY OF TULSA, TULSA COUNTY,  
STATE OF OKLAHOMA**

**21850—Blendia & Vernon Clark**

FILE COPY

**Action Requested:**

Special Exception to allow a manufactured home in the RS-3 District; Special Exception to extend the one year time limit for the manufactured home (Section 401). **LOCATION:** 408 South 39<sup>th</sup> West Avenue (CD 1)

**Presentation:**

**Vernon Clark**, 401 South 39<sup>th</sup> West Avenue, Tulsa, OK; stated he and his wife are disabled and they need an affordable place to live.

Mr. White asked Mr. Clark the age of the trailer. Mr. Clark stated it is a 1975 Skyline and it has been painted recently.

**Interested Parties:**

**Michael Simpson**, 419 South 40<sup>th</sup> West Avenue, Tulsa, OK; stated that the neighbors have been trying real hard to clean up the neighborhood, and have been razing old houses. Where the trailer sits now there used to be an old house that was torn down. He can look out his back window and see the mobile home, and he thinks it takes away from the neighborhood. He believes his neighborhood is the forgotten part of Tulsa. He believes that if this request is approved it will be a step backward for the neighborhood. He understands what Mr. Clark is saying because he has been on disability most of his life, and he knows what it is like to try to make ends meet but for the neighborhood he feels this is a step backward.

**Blendia Clark**, 401 South 39<sup>th</sup> West Avenue, Tulsa, OK; stated her mother lives right across the road from the subject property, and her children live beside Mr. Simpson. She and her husband are trying to make things better.

Mr. Henke asked Ms. Clark how long they are asking to extend the time limit. Ms. Clark stated that they would accept whatever they can receive.

FILE COPY

Comments and Questions:  
None.

BOA-21850

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White "aye"; no "nays"; no "abstentions"; Van De Wiele absent) to **APPROVE** the request for a Special Exception to allow a manufactured home in the RS-3 District (Section 404, Table 1); Special Exception to extend the one year time limit for the manufactured home (Section 404) to five years from today, February 2020. This approval is subject to per plan on page 11.13. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**LT-3-BLK-2, PARK VIEW PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

**21851—Barron & McClary – Bert Pohl**

**Action Requested:**

Variance of the required rear yard setback in the RS-3 District from 25 feet to 4.3 feet to permit an existing garage (Section 403, Table 3); Variance of the required garage setback from 20 feet to 15.2 feet (Section 403.A.5); Minor Variance of the required side yard setback in the RS-3 District from 5 feet to 4.2 feet to permit an existing pool house and carport (Section 403, Table 3). **LOCATION:** 1568 South Yorktown Place (CD 4)

**Mr. White recused himself at 4:11 P.M.**

**Presentation:**

**Kurt Barron**, Barron & McClary General Contractors, 1424 South Harvard, Tulsa, OK; no presentation was made at this time.

Mr. Henke thanked Mr. Barron for his patience, and pointed out that with Mr. White recusing himself and Mr. Van De Wiele's need to leave the meeting there are only three Board members to hear the case. It will be necessary to have all three Board members in favor of the request for it to pass. Mr. Henke asked Mr. Barron if he would like to ask for a continuance. Mr. Barron stated that he would be brief.

Mr. Barron stated that he has been building in the mid-town area for about 30 years and there is a common setback issue on the subject property. This house was built closer to the property line than the modern code allows. What he proposes is to connect the existing pool house to the main house. He proposes to move 12 inches away from the

FILE COPY

Case No. 17085 (continued)

Ms. Turnbo asked the number of members in attendance at monthly meetings, and Mr. Hinds replied that approximately 80 to 100 members attend these meetings, but many of those attending are couples.

In reply to Ms. Turnbo, Mr. Gardner informed that that the use requires 55 parking spaces and the applicant has stated that he can supply 50 spaces.

Mr. White stated that he feels the neighborhood would be safer with the range operating at this location.

After a lengthy discussion concerning access to the facility, it was the consensus of the Board that the application should be continue to permit the applicant to relocate the access and provide a more detailed plot plan.

**Board Action:**

On **MOTION** of **ABBOTT**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 17085 to July 11, 1995 to permit the applicant sufficient time to attempt to relocate the access point away from Zunis and provide a detail site plan.

**Case No. 17086**

**Action Requested:**

Special Exception to permit a mobile home in an RS-3 zoned district and a variance of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6, located 430 South 38th West Avenue.

**Presentation:**

The applicant, **Walter Watts**, 10936 East 28th Street, informed that he is purchasing the lot in question to install a mobile home for his daughter-in-law's residence. He informed that mobile home use was previously approved in 1990; however, the approval has now lapsed because it was not utilized within the three-year approval period. A plot plan (Exhibit P-1) was submitted.

**Protestants:**

None.

11.10

6:27:95:683(9)



Case No. 17086 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a mobile home in an RS-3 zoned district and a **variance** of the one year time limitation to permanent - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 6; per plan submitted; and subject to the mobile unit being skirted and tied down; finding the use to be appropriate for the area; on the following described property:

Lot 8, Block 9, Park View Place Addition, City of Tulsa, Tulsa County, Oklahoma, and Lot 5, Sherwood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17087**

**Action Requested:**

Appeal the decision of an administrative official that the applicant is tutoring more than one student at a time and is conducting a home occupation of cooking and preserving - **SECTION 402.6.a Home Occupations Permitted by Right** - Use Unit 6, located 2519 South Cincinnati Avenue.

Special Exception to permit tutoring of more than one student at a time - **SECTION 402.6.a Home Occupations Permitted by Right** - Use Unit 6.

**Comments and Questions:**

Mr. Beach advised that Mr. Tips has requested by letter (Exhibit G-1) that Case No. 17087 be continued to September 12, 1995.

Mr. Gardner informed that the applicant is out of the country and the use is not ongoing during her absence.

**Presentation:**

The applicant, **Robert Tips**, 427 South Boston, Suite 509, was not present.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 3-0-0 (Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; Abbott, Bolzle, "absent") to **CONTINUE** Case No. 17087 to September 12, 1995.

11.11

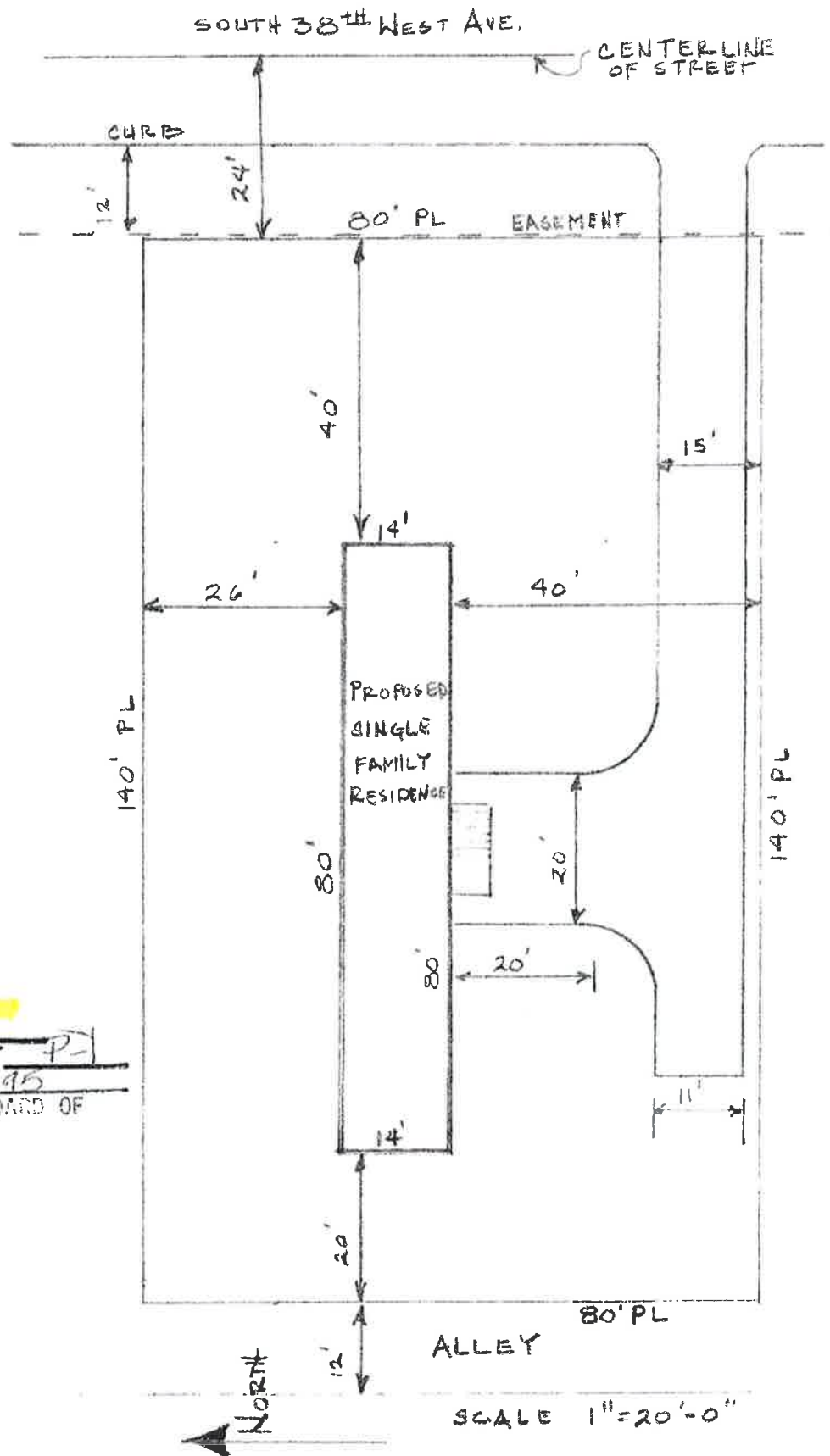
6:27:95:683(10)

Lot Eight (8), Block Nine (9)  
Park View Place Addition to  
the City of Tulsa, State of  
Oklahoma, according to the  
recorded plat thereof.

and

Lot 5, Sherwood Place Addition  
to the City of Tulsa, State of  
Oklahoma, according to the  
recorded plat thereof.

CASE NO. 17086  
OFFICIAL RECORD EXHIBIT P-1  
ENTERED IN THE 6/27/95  
BOOK 11 PAGE 12 OF THE TULSA BOARD OF



PLOT PLAN FOR 430 So. 38th W. Ave.

11.12

Case No. 13341 (continued)

"abstentions"; Clugston, "absent") to DENY a Variance (Section 1212.4--Off-Street Parking and Loading Requirements--Under the Provisions of Use Unit 1212) of the 15 required off-street parking spaces to 8 spaces to permit a drinking establishment in a CH zoned district; on the following described property:

Lots 3, 4 and 5, Block 3, Ridgedale Terrace 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13342

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS-3 zoned district; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts--Requirements--Request a variance of the one-year time limitation to permanently--mobile home is to be placed on a foundation; and a

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Request a variance of the side yard setback from 5' to 1' to permit a carport over an existing driveway and of the 50' setback from the centerline of 5th Street to 35' to permit a mobile home with a wooden deck, located on the NW/c of 5th Street and 40th West Avenue.

Presentation:

The applicant, Shirley Sandridge, 446 South 40th West Avenue, informed the Board that the older home she lived in at this location was severely damaged by the Memorial Day Flood. She wants to clear the lot, but cannot afford to rebuild. She requested that she be allowed to place a mobile home on the property permanently. She informed that she lost everything in the flood and a mobile home is the only way she can afford a place to live. She submitted pictures (Exhibit E-1) and three plot plans (Exhibits E-2, E-3, and E-4). Also a floor plan was submitted (Exhibit E-5). A petition was submitted stating that the signatures would grant approval of a mobile home on the subject property (Exhibit E-6).

Protestants: None

Comments and Questions:

Ms. Purser asked Ms. Sandridge if there are other mobile homes in the area. Ms. Sandridge informed that there are two on 39th West Avenue, approximately one block over from her property.

Mr. Jackere asked how high the wooden deck will be. Ms. Sandridge informed that approximately two or three cinder blocks high (a stoop which she could walk onto from her front door).

10.18.84:424(11)



Case No. 13342 (continued)

Mr. Gardner asked if the subject property is where her home was flooded. She informed that it is the place where her home was flooded, but that she has lived there for twenty-four years and has never had a problem with flooding before.

Mr. Smith asked Ms. Sandridge if the Building Inspector's office has given her a permit to allow the mobile home on the subject property. She informed that she has not talked to the Building Inspector. Mr. Smith informed her that the City does not allow rebuilding in a floodway and if the Board is inclined to approve this application, this will not be the last step she will go through to get the mobile home approved.

Ms. Purser asked Ms. Sandridge how close the neighbor's home is to the property line. She replied that the adjacent neighbor's home is 12' to 15' from the property line and she informed that the new carport will be no closer to the property line than the existing building.

Mr. Victor asked if setback relief would be needed for a porch. Mr. Gardner informed that there is no stipulation about how long or wide a deck must be, therefore, any motion could limit the deck to the existing building lines.

Mr. Victor asked Ms. Sandridge how wide the driveway will be. She informed that it will be approximately 11 feet.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and a Variance (Section 440.6--Special Exception Uses in Residential Districts--Requirements) of the one-year time limitation to permanently, subject to the mobile home being placed on a foundation; and a Variance (Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts) of the side yard setback from 5' to 1' to permit a carport over an existing driveway, and of the 50' setback from the centerline of 5th Street to 35' to permit a mobile home with a wooden deck, subject to the mobile home and wooden deck being no closer than 9 1/2 feet from the curb on 5th Street; and subject to a hydrology report; subject to a Building Permit; subject to Health Department approval; per plot plan to be submitted; on the following described property:

Lot 12, Block 4, Parkview Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

10.18.84:424(12)

Case No. 15789 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Variance** of the maximum permitted floor area from 32,670 sq ft to 33,315 sq ft to permit an existing office building - **Section 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** - Use Unit 11; finding that the building was constructed in accordance with the submitted plot plan approximately five years ago, but the square footage calculations were in error; on the following described property:

Lot 1, Block 1, South Lewis Plaza, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15790**

**Action Requested:**

Special exception to permit a manufactured home dwelling in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9.

Variance of the one-year time limitation to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9, located 440 South 39th West Avenue.

**Presentation:**

The applicant, **Linda Taff**, 801 North Mingo, Tulsa, Oklahoma, informed that she has purchased a lot and is proposing to install a mobile home on the property.

**Comments and Questions:**

In response to Mr. Bolzie, Ms. Taff stated that she has not moved the mobile home on the property. She informed that the mobile home will be permanently installed, with a foundation, tie-downs and skirting.

Ms. Bradley noted that numerous mobile homes in the area have been granted permission to install permanent manufactured home units.

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Bolzie, Chappelle, White, "aye"; no "nays"; no "abstentions"; Fuller, "absent") to **APPROVE** a **Special Exception** to permit a manufactured home dwelling in an RS-3 zoned district - **Section 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 9; and to **APPROVE** a **Variance** of the one-year time limitation to permanent - **Section 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** - Use Unit 9; subject to Stormwater Management approval; finding that there are numerous mobile homes in the area, and approval of the requests would not be detrimental to the neighborhood, or violate the spirit and intent of the Code; on the following described property:

Lot 12, Block 2, Parkview Place Addition, City of Tulsa, Tulsa County, Oklahoma.

7.23.91:591(19)





W4 STS

S40 WAVE

S39 WAVE

Feet  
0 50 100



Subject  
Tract

**BOA-22876**

19-12 04

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

Aerial Photo Date: February 2018



11.16





0 Feet 300 600



Subject  
Tract

**BOA-22876**

19-12 04

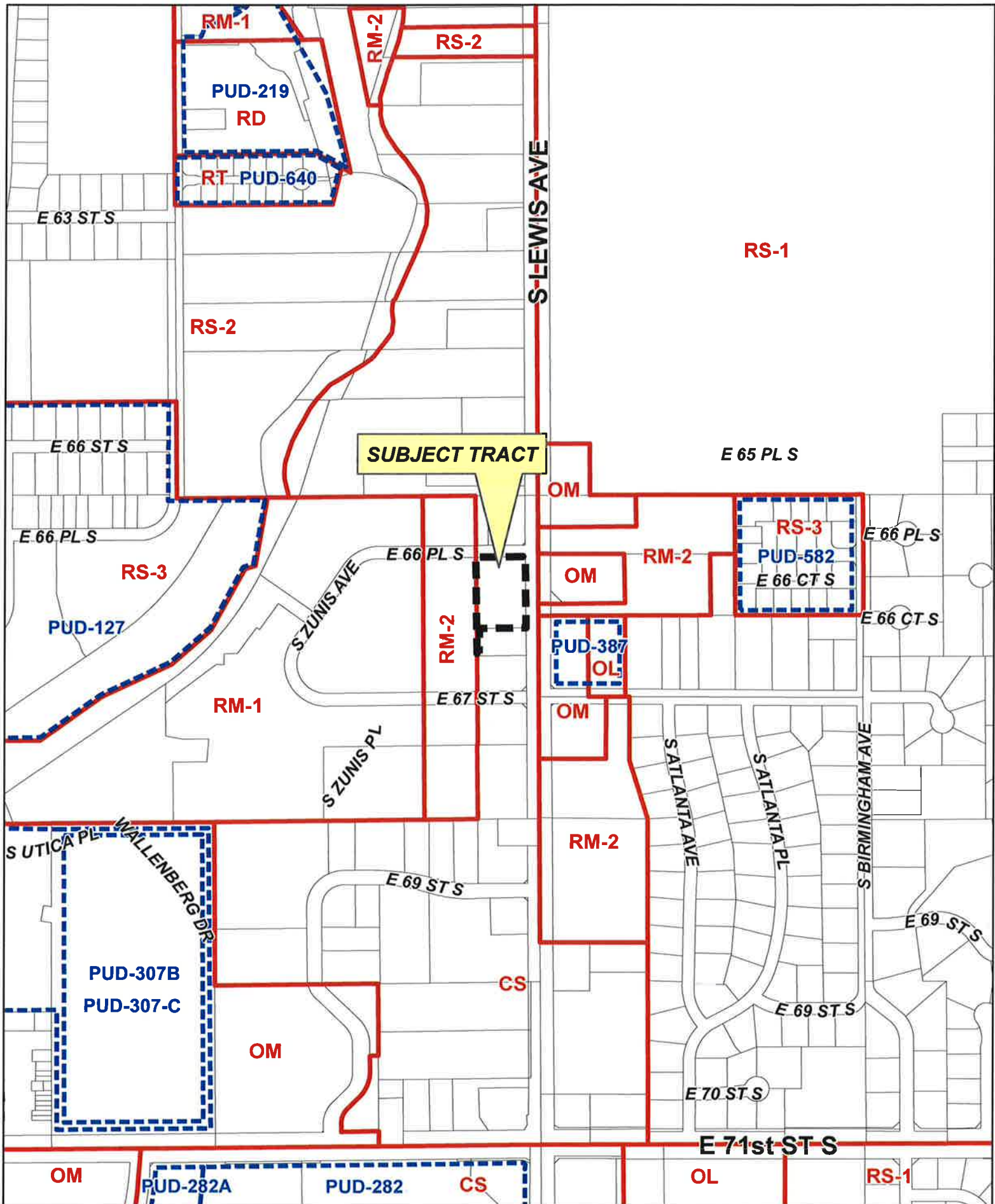
Note: Graphic overlays may not precisely  
align with physical features on the ground.

Aerial Photo Date: February 2018





**THIS PAGE  
INTENTIONALLY  
LEFT BLANK**



**BOA-22877**

12.1

18-13 06





# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 8306

Case Number: **BOA-22877**

**CZM:** 52

**CD:** 2

**HEARING DATE:** 03/24/2020 1:00 PM

**APPLICANT:** Stephen Pedmia

**ACTION REQUESTED:** A Special Exception to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 2)

**LOCATION:** 6622 S LEWIS AV E

**ZONED:** CS

**PRESENT USE:** Vacant.

**TRACT SIZE:** 59198.28 SQ FT

**LEGAL DESCRIPTION:** PRT NE SE BEG 250S & 50W SECR SE TH S292 W190 S98 W10 N390 E200 TO POB LESS BEG 2385.91N & 50W SECR SE TH W10 SE14.14 N10 TO POB SEC 6 18 14

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Tract:**

**BOA-16979;** On 03.14.95 the Board approved a Special Exception to permit a dry-cleaning facility in a CS District.

**Surrounding Properties:** None

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

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

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

12.2

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the SW/c of E 66 Pl S and S Lewis Ave.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 2)

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
<b>COMMERCIAL</b>												
Animal service												<a href="#">Section 40.020</a>
Boarding or shelter	-	-	-	-	S	P	P	P	P	P	P	
Grooming	-	-	-	-	P	P	P	P	P	P	P	
Veterinary	-	-	-	-	P	P	P	P	P	P	P	
Assembly and Entertainment												<a href="#">Section 40.040</a>
Indoor gun club	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Other indoor												
Small (up to 250-person capacity)	-	-	-	-	P[2]	P[2]	P[2]	P[2]	S	S	S	<a href="#">Section 40.040</a>
Large (>250-person capacity)	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>
Outdoor gun club	-	-	-	-	S	S	S	-	S	S	S	<a href="#">Section 40.040</a>
Other outdoor	-	-	-	-	S	S	S	S	S	S	S	<a href="#">Section 40.040</a>

15.020-G Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 15-2](#):

[1] Restaurant is permitted as accessory use in OL, OM, and OMH districts. Use must be located entirely within the principal office building and may not occupy more than 5% of the building's floor area.

[2] Use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way (see [Figure 15-1](#)).

This use is subject to the supplemental regulations of Sec. 40.040:

**Section 40.040 Assembly and Entertainment**

Whenever an assembly and entertainment 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](#).

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow a Small (< 250 person capacity) Indoor Commercial Assembly & Entertainment Use to serve or sell Alcoholic Beverages within 150 feet of a Residential Zoning District (Sec. 15.020, Table 15-2, Sec. 15.020-G Table Note 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.



**Action Requested:**

Special Exception to permit a 1983 sq ft dry cleaning facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; located 6630 South Lewis.

**Presentation:**

The applicant, **Cynthia Woodson**, 1519 East 75th Street, was represented by **Tod Sanders**, owner of Comet Cleaners, who submitted a plot plan (Exhibit W-1) and requested permission to operate a cleaners at the above stated location.

**Comments and Questions:**

In reply to Mr. Bolzle, Mr. Sanders replied that the cleaning establishment will be located on Spaces 4 and 5.

Mr. Bolzle asked if this location will be limited to pick-up and delivery, and Mr. Sanders stated that a dry cleaning plant will be in operation.

Mr. Gardner advised that the cleaning industry has changed considerably since the last Code revision, and another revision is being considered that will permit additional square footage by right.

**Protestants:**

None.

**Board Action:**

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** to permit a 1983 sq ft dry cleaning facility in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted (Spaces 4 & 5); finding the use and size of the cleaning establishment to be compatible with the area; on the following described property:

A tract of land lying in the SE/4, Section 6, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the United States Government Survey thereof, described as follows: Beginning at a point on the east line of said Section 6 a distance of 2092.20' north of the SE/c of said Section 6, thence due north a distance of 292', thence N 89° 59' W a distance of 250', thence due south a distance of 390', thence S 89° 59' E a distance of 10', thence due north a distance of 98', thence S 89° 59' E a distance of 240' to the POB, City of Tulsa, Tulsa County, Oklahoma.



*Facing South on Lewis*



*Subject property*



***Facing North on Lewis***



***Subject Property***



DANA L. BOX  
ZONING OFFICIAL  
PLANS EXAMINER II

TEL (918) 596-9661  
danabox@cityoftulsa.org



## DEVELOPMENT SERVICES

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

### ZONING CLEARANCE PLAN REVIEW

LOD Number: 1  
Femi Fasesin  
421 S. Olympia Ave.  
Tulsa, OK 74127

February 14, 2020

Phone: 918-346-9700

APPLICATION NO: **ZCO-051934-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **6622 S. Lewis Ave.**

Description: **Event Center**

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

## REVIEW COMMENTS

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

ZCO-051934-2020

6622 S. Lewis Ave.

February 14, 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 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.

**Sec.15.020 Table 15-2:** Your proposed event center is designated a Commercial/Assembly & Entertainment/Indoor (small < 250 person capacity) Use and is located in a CS zoning district within 150' of an R zoned district. This use is allowed at this location providing no intoxicating beverages or low-point beer are sold or served. Special exception approval is required if intoxicating beverages or low-point beer are sold or served, and the subject lot is located within 150 feet of any residential zoning district.

**Review comment:** The owner is required to submit a statement in writing that no intoxicating beverages or low-point beer will be sold or served at this location or a copy of the special exception, reviewed and approved per Sec.70.120, allowing intoxicating beverages or low-point beer to be served or sold.

**Note:** All references are to the City of Tulsa Zoning Code. Link to Zoning Code:  
<http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

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

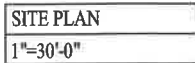
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



Section: 06 Township: 18  
Range: 13



A-1



12.11

EVENT CENTER  
6622 SOUTH LEWIS AVE  
Tulsa, Oklahoma  
74136

FEMI FASESIN, ARCHITECT  
ARCHITECTURE & PLANNING  
421 SOUTH DOWNEY AVE., TULSA, OKLAHOMA 74127  
PHONE: 918-245-7700

DATE	10 JAN 2020
SCALE	3/16" = 1'-0"
SHEET NAME	Floor Plan
SHEET NO.	A2

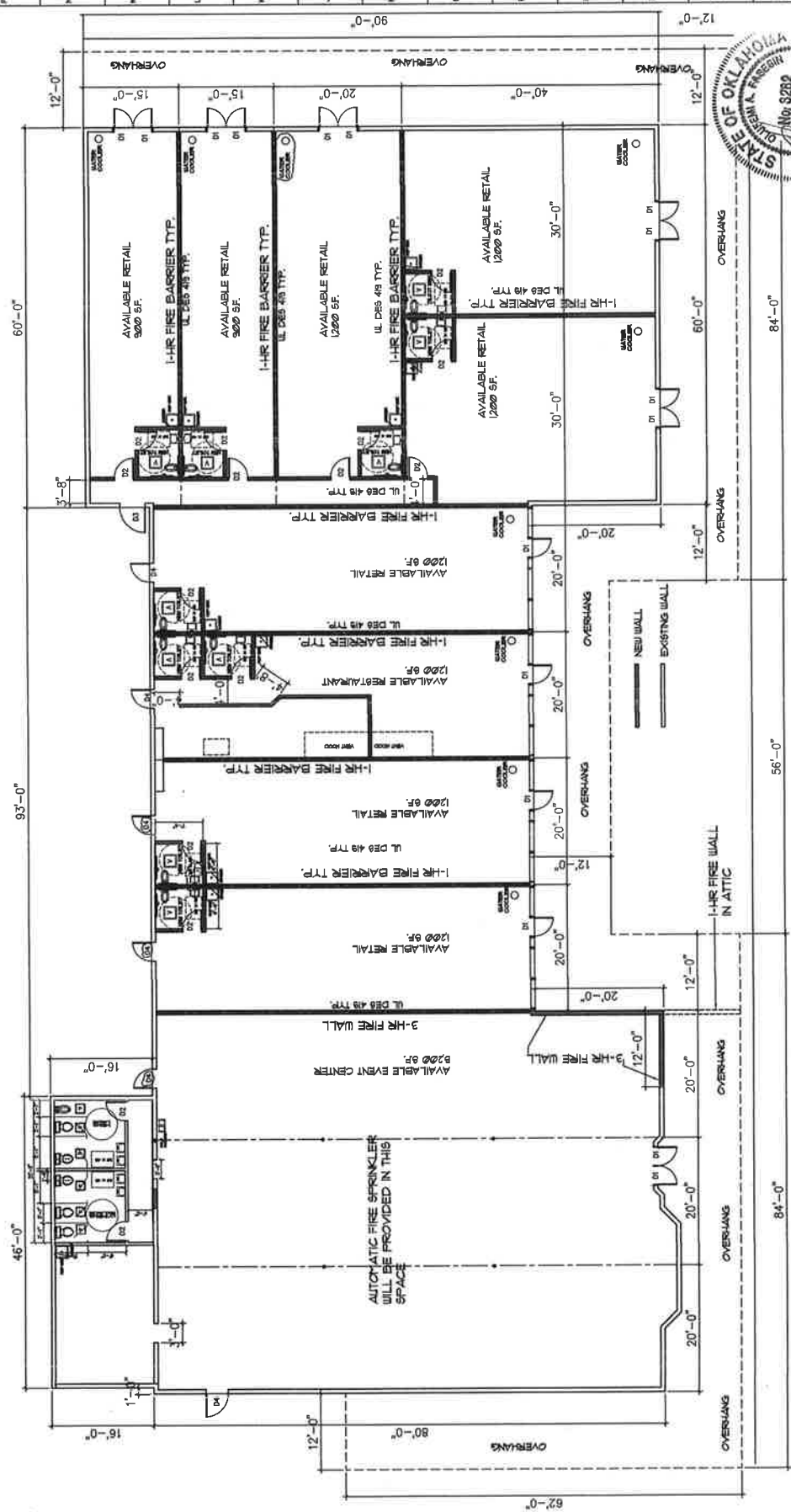
10 JAN 2020

Floor Plan

SHEET NAME

A2

10 JAN 2020



FLOOR PLAN

1/16" = 1'-0"

Part of Section 6  
T-18-N R-13-E  
Tulsa County, State of Oklahoma

**Physical Address**  
8670 SOUTH LEWIS AVENUE TULSA, OKLAHOMA

LEGAL DESCRIPTION  
(AS PROVIDED)

A TRACT OF LAND IN THE SOUTHERLY QUARTER (SE 1/4) OF SECTION 36 (S) TOWNSHIP 48 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 6 A DISTANCE OF 3.092 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 6, THENCE DUE NORTH A DISTANCE OF 242 FEET, THENCE NORTH  $65^{\circ}56'$  WEST A DISTANCE OF 79 FEET, THENCE DUE SOUTH A DISTANCE OF 54 FEET, THENCE SOUTH  $65^{\circ}52'$  EAST A DISTANCE OF 10 FEET, THENCE DUE NORTH A DISTANCE OF 98 FEET, THENCE SOUTH  $69^{\circ}58'$  EAST A DISTANCE OF 340 FEET TO THE POINT OF BEGINNING.

## AREA

SAID TRACT CONTAINS 59,330 SQUARE FEET OR 1.362 ACRES (AS DETERMINED BY THIS SURVEY).

### BASIS OF BEARINGS:

THE BEARINGS CONTAINED HEREIN ARE BASED UPON GPS OBSERVATIONS USING NAD83 OKLAHOMA NORTH STATE PLANE ZONE (3501) COORDINATES.

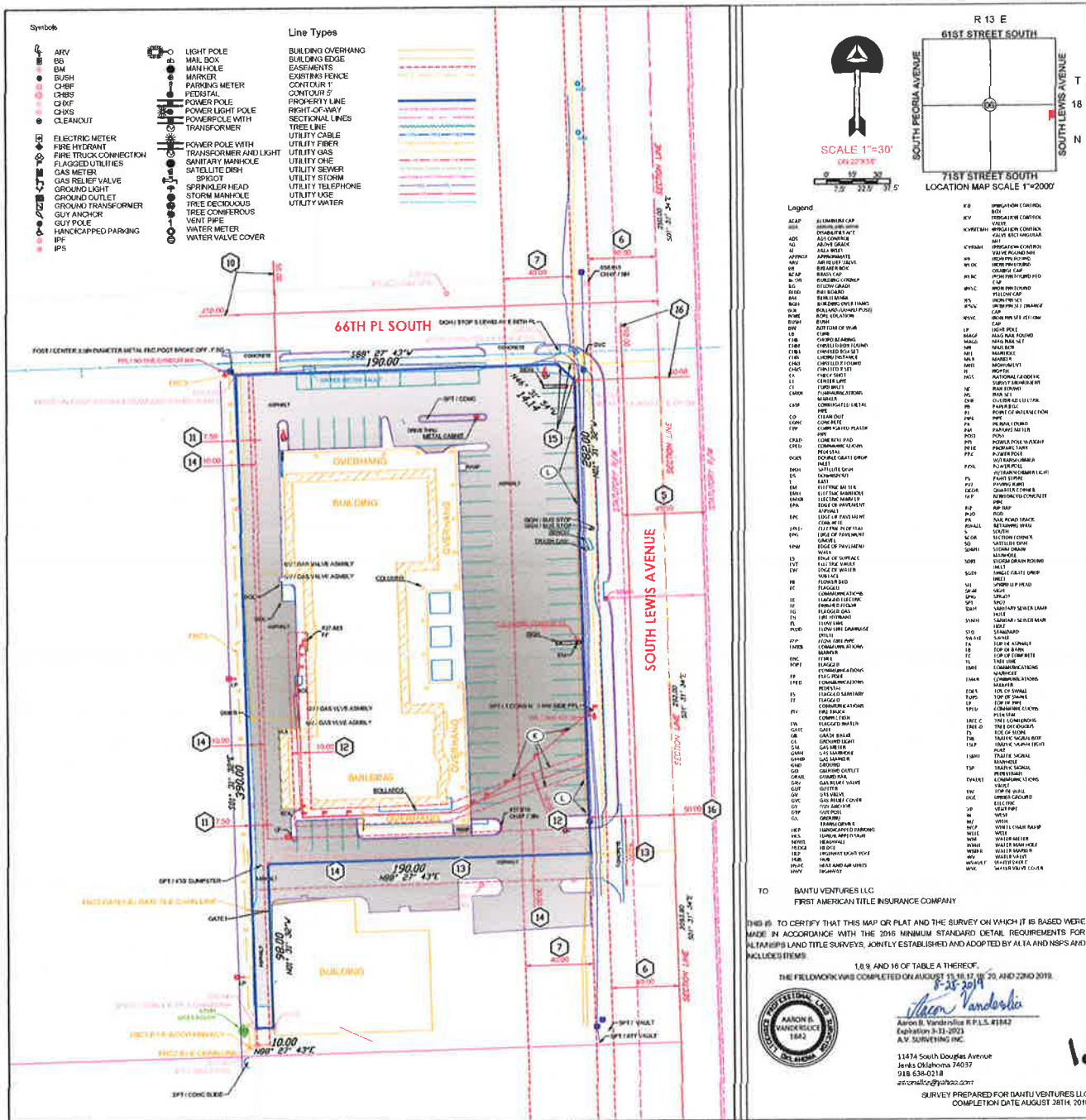
- ### Notes:

- A. ANY AND ALL EASEMENT AND RIGHT-OF-WAY DOCUMENTATION WAS PROVIDED BY THE REFERENCED TITLE COMMITMENT.
- B. WHERE PROPERTY CORNERS FALL ON OUTER SECTION LINES, OR UNHATCHABLE PORTIONS, WITNESS MONUMENTS ARE PLACED ON PROPERTY LINE 2 AT THE SPECIFIED OFFSET DISTANCES, AS SHOWN ON NOTED.
- C. ALL MONUMENTS SET ARE YELLOW-CAST, READINGS 7/15/11, 1401, ALL FOUND AND SET MONUMENTS ARE 30" UNLESS OTHERWISE NOTED.
- D. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83).
- E. NO GAPS OR OVERLAPS WITH ADJACENT DEEDS WAS FOUND.
- F. ALL BENCHMARKS SHOWN HEREON ARE GRID (GPS) USING THE NORTH AMERICAN DATUM 1983 (NAD83). (HAKOMA NORTH STATE PLANE COORDINATES (ZONE 18S01) AND GRID 12A, COORDINATES DERIVED FROM U.S.G.S. SOLUTION.
- G. ALL UTILITIES LOCATED ON, OVER, BEHIND, OR THROUGH PROPERTY MAY NOT BE EXACTLY UTILITY LOCATIONS AND SIZE MAY HAVE BEEN COMPILED FROM MULTIPLE SOURCES, SUCH AS, BUT NOT LIMITED TO, INTERPOLATION FROM AIRLINES, FIELD OBSERVATIONS, AND STATEMENTS FROM LOCALS. AND LOCATIONS OF UTILITIES WERE REQUESTED TO BE LOCATED IN 10-20' THROUGH CHAIN, TOGETH WITH 10-20' THROUGH CHAIN, TOGETH WITH 10-20' THROUGH CHAIN, AND THEN AGAIN 10-20' THROUGH CHAIN. (TICKET NO. 1900223115667).
- H. ACCORDING TO FEMA MAP #H43030284 WITH AN EFFECTIVE DATE OF 8/20/09, PROPERTY LIES WITHIN UNDESIGNED ZONE "3" (AREA OF MINIMAL FLOOD HAZARD).
- I. ACCORDING TO U.S.F.W. WILDLIFE SERVICES NATIONAL WETLANDS INVENTORY WEBSITE, THERE ARE NO INVENTORIED AREAS ON SUBJECT PROPERTY.
- J. NO TREES, SHRUBS, OR GRASSES (ANY TYPE OF VEGETATION) WERE LOCATED ON THIS SURVEY.
- K. UNDERGROUND POWER IS NOT IN ITS EASEMENT SOUNDS.
- L. FIBER, ACCORDING TO LOCATE MARKINGS HAS CROSSED ONTO SUBJECT PROPERTY AT MOST 3.3 FEET ABOVE THE EAST LINE.
- M. REGARDING TALE "3" ITEM 10, NO PARKING STRIPES ARE PRESENT WHICH QUALIFY TO BE CONSIDERED APPLICABLE, THEY ARE ALL EXTREMELY WORN AND BARELY VISIBLE.
- N. NO EVIDENCE OF EARTH MOVING WORK OR ANY KIND OF EXTERIOR CONSTRUCTION WAS OBSERVED, INTERIOR ACCESS WAS NOT AVAILABLE.
- O. LOCATOR BELIEVES THERE IS COMMUNICATION ACCESS TO BUILDING, HOWEVER NO BUILDING ACCESS WAS AVAILABLE FOR HIM TO HOOK UP TO TRACT

## Schedule B-Part II Exceptions

FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT NO. 18-06-2783, ABSTRACT NO. 2415927-TU99 DATE: JUNE 25, 2019 7:30AM

- 5 THE EAST LINE OF THE CAPTIONED PROPERTY IS SUBJECT TO A STATUTORY ROADWAY EASEMENT, IN, AND EAST LINE IS PARALLEL BUT NOT COINCIDENT WITH  
6 STATUTORY HIGHWAY.  
7 EASEMENT TO TULSA COUNTY FILED APRIL 29, 1930, RECORDED IN BOOK 912, PAGE 34. AREA ACQUIRED BY THIS EASEMENT, COINCIDENT WITH SUB 47  
8 AND 48 OF THE CAPTIONED PROPERTY, IS SHOWN IN EXHIBIT A, ATTACHED HERETO, AND IS SUBJECT TO THE EASEMENT.  
9 PUBLIC DEDICATION HEREIN FILED NOVEMBER 15, 1965, RECORDED IN BOOK 210, PAGE 466. THE WEST 42 FEET OF THE SOUTH SIDE WAS RELINQUISHED BY GUY  
10 W. BARNES TO THE CITY OF TULSA BY DEED FILED DECEMBER 1, 1965, RECORDED IN BOOK 210, PAGE 467.  
11 SENIOR EASEMENT TO THE CITY OF TULSA FILED DECEMBER 5, 1962, RECORDED IN BOOK 1236, PAGE 539. DOES NOT AFFECT ACQUISITION BY GUY W. BARNES  
12 TO THE CITY OF TULSA BY DEED FILED DECEMBER 1, 1965, RECORDED IN BOOK 210, PAGE 467.  
13 SENIOR EASEMENT TO THE CITY OF TULSA FILED DECEMBER 1, 1965, RECORDED IN BOOK 3341, PAGE 202. DOES NOT AFFECT.  
14 PUBLIC DEDICATION FILED NOVEMBER 28, 1973, RECORDED IN BOOK 4097, PAGE 855. DOES NOT AFFECT. ACQUISITION BY GUY W. BARNES IN PART LINE 38, DIRECTLY FROM  
15 THE CITY OF TULSA BY DEED FILED DECEMBER 1, 1965, RECORDED IN BOOK 210, PAGE 467.  
16 RIGHT OF WAY TO OKLAHOMA NATURAL GAS COMPANY FILED FEBRUARY 4, 1948, RECORDED IN BOOK 478, PAGE 475. ACQUIRES AS SHOWN.  
17 UNDERGROUND RIGHT OF WAY TO PUBLIC SERVICE COMPANY OF OKLAHOMA FILED MARCH 8, 1978, RECORDED IN BOOK 4106, PAGE 314. ACQUIRES AS SHOWN.  
18 TERMS, CONDITIONS, PROVISIONS, COVENANTS AND RESTRICTIONS AS CONTAINED IN LIMITATIONS OF ACCESS AGREEMENT FILED MAY 7, 1992, RECORDED IN BOOK 4106,  
19 NATURAL AND SPECIFIC EASEMENT GRANT FILED MAY 7, 1992, RECORDED IN BOOK 5403, PAGE 381. ACQUIRES AS SHOWN.  
20 VARIOUS DEEDS TO THE CITY OF TULSA FILED FEBRUARY 1, 1990, RECORDED IN BOOK 5403, PAGE 381. ACQUIRES AS SHOWN.  
21 VARIOUS DEEDS TO THE CITY OF TULSA FILED APRIL 1, 2006, RECORDED IN DOCUMENT NO. 2006012375. ACQUIRES AS SHOWN.







0 Feet 250 500



Subject  
Tract

**BOA-22877**

18-13 06

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

Aerial Photo Date: February 2018







E 66 PL S

S LEWIS AVE

E 67 ST S

0 Feet 50 100



Subject  
Tract

**BOA-22877**

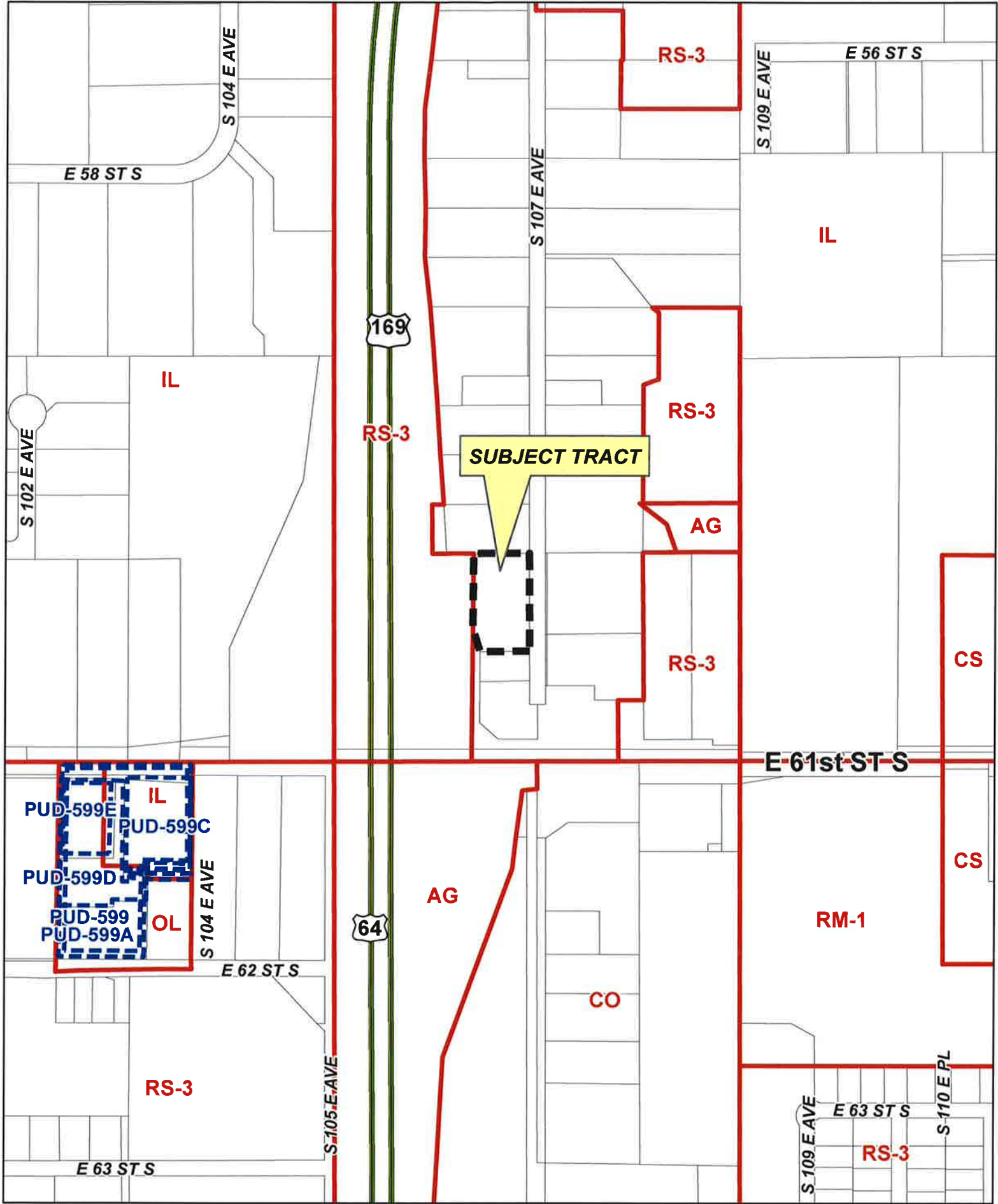
18-13 06

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

Aerial Photo Date: February 2018

12.14





SUBJECT TRACT

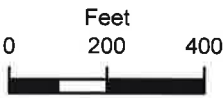
PUD-599E  
PUD-599C  
PUD-599D  
PUD-599  
PUD-599A

AG

CO

BOA-22879

13.1



19-14 31





# BOARD OF ADJUSTMENT CASE REPORT

STR: 9431

Case Number: **BOA-22879**

CZM: 49

CD: 7

**HEARING DATE:** 03/24/2020 1:00 PM

**APPLICANT:** JR Donelson

**ACTION REQUESTED:** Variance of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090)

**LOCATION:** 5866 S 107 AV E

**ZONED:** IL

**PRESENT USE:** Trailer Sales

**TRACT SIZE:** 59198.28 SQ FT

**LEGAL DESCRIPTION:** N320 LT 13 & E26.39 N320 LT 14 LESS BEG 320.93 N SECR LT 14 TH NW81.04 S76.58 E26.39 POB BLK 2, GOLDEN VALLEY

## **RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** None

## **Surrounding Properties:**

**BOA-22886;** This requesting is a ***pending*** Variance request for the same relief sought by the subject the applicant to be heard on 4/14/20. Staff anticipates more requests of this nature along 107<sup>th</sup> E Ave between E 56<sup>th</sup> St S and E 61<sup>st</sup> St S. City of Tulsa Code enforcement has issued several notices of violation along 107<sup>th</sup> that are in violation of Sec. 55.090.

**BOA -18280;** The Board approved a variance of the all-weather surfacing requirements for a period of 2 years ending 01.12.2001. Property locate approximately 1,200' S of the SE/c of E 56<sup>th</sup> St S and S 107<sup>th</sup> E Ave.

**BOA-14124;** On 7.10.86 the Board ***approved*** a variance of the screening requirements and the off-street parking design standards. Property located 5845 S 107<sup>th</sup> E. Ave.

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

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

13.2



is necessary when employment districts are near other districts that include moderate residential use.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located S of the SW/c of E 56<sup>th</sup> St S and S 107<sup>th</sup> E Ave.

**STAFF COMMENTS:** The applicant is requesting a **Variance** of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090). This request would permit the existing gravel parking areas and drive lane that do not conform to the surfacing requirements, striping requirements of geometric standards for parking areas. A copy of Sec. 550.090 is included in your packets.

## STATEMENT OF HARDSHIP:

City of Tulsa  
Board of Adjustment

Re: JCPP Properties One, LLC at 5866 So. 107<sup>th</sup> E. Ave.

### Request for Variance:

We have operated Hitch It Trailers at the above location since November 2014. The property had a gravel surface for parking automobiles and storage of cars in disrepair. We have cleaned and made great improvements to our property. During which time we have left the parking/storage surface to remain gravel. We have installed concrete in the business drive lanes from 107<sup>th</sup> E. Ave. The gravel area is used from the placement of our trailers.

The Golden Valley subdivision, located east of Highway 169 is zoned industrial with approximately 20 businesses. Many of these businesses were operating prior to the City of Tulsa paving 107<sup>th</sup> E. Ave. in 2015. To require our business and the other existing businesses in Golden Valley to comply with 'All weather' parking/driving surfaces is unrealistic. The City of Tulsa Zoning Code should have taken into consideration existing businesses such as ours when adopting a 'All off-street parking areas must be surfaced with a dustless, all-weather surface' policy.

Leaving our parking lot gravel will not adversely affect surrounding properties. The intended purpose of reducing dust can be achieved with our 'Dust Abatement Program' for our business. It is impractical for my existing business and my neighbors to close and install an 'All Weather Surface'. The property to the west of this site is Highway 169, being 18 feet higher in elevation, the land to the east of our addition is a detention pond and neither is affected by any possible dust from our business. Granting the 'Variance' will not change the character of the addition. Granting the 'Variance' will in no way cause detriment to the public. Granting the 'Variance' will in no way impair the purpose of the zoning code or the comprehensive plan.

We respectfully request the City of Tulsa revisit the zoning code and consider changing the 'All Weather paving requirement' for existing 'IL' zoned properties in operation before the present zoning code was adopted.



**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Variance** of the Parking Area Design Standards to permit an existing gravel parking lot (Sec. 55.090)

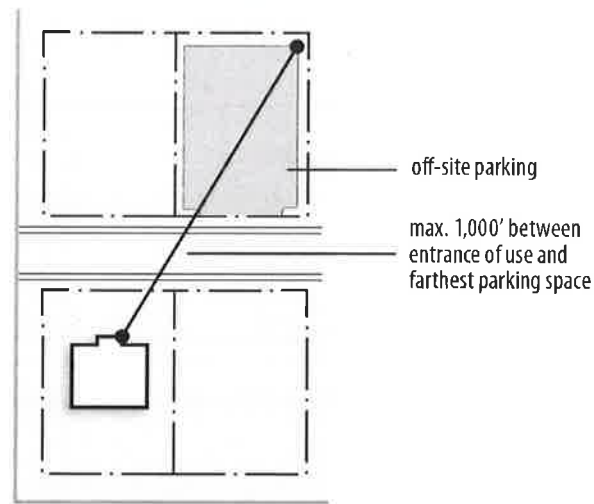
- Finding the hardship(s) to be \_\_\_\_\_.
- Per the Conceptual Plan(s) shown on page(s) \_\_\_\_\_ of the agenda packet.
- Subject to the following conditions \_\_\_\_\_.

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."*



Figure 55-4: Off-Site Parking Location



### 3. Design

Off-site parking areas must comply with all applicable parking area design regulations of [Section 55.090](#). Off-site parking proposed to take place on a newly constructed parking area must comply with the PK district lot and building regulations of [§25.030-C](#).

### 4. Control of Off-Site Parking Area

The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. The agreement must be filed of record in the county clerk's office of the county in which the property is located. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

## Section 55.090 Parking Area Design

### 55.090-A Applicability

The parking area design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

### 55.090-B Ingress and Egress

All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to lots with access on a minor street.

### 55.090-C Stall Size

Parking spaces must be at least 8.5 feet in width and 18 feet in length, exclusive of access drives and aisles. In parking areas where permanent wheel stops have been

installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is unobstructed and not part of another parking stall, drive aisle or sidewalk.

#### 55.090-D Parking Area Layout (Geometrics)

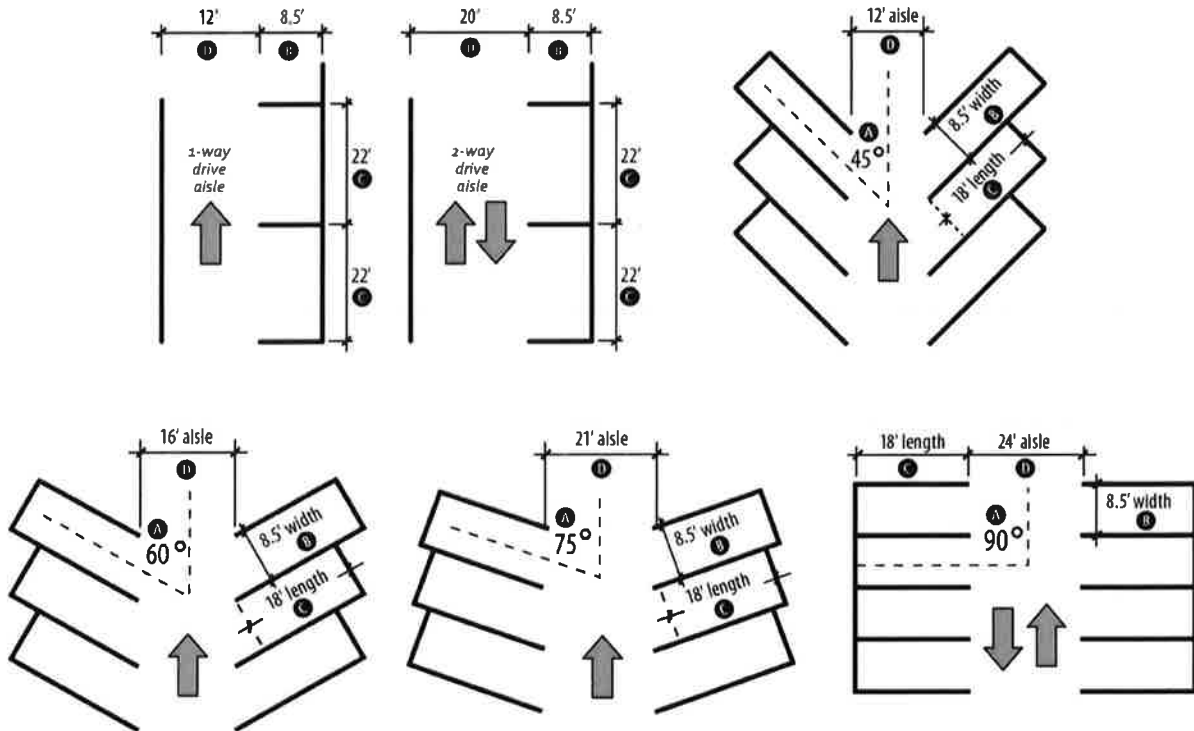
Parking areas must be designed and marked in accordance with the dimensional standards of Table 55-5, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 55-5 may be interpolated from the layouts shown, as approved by the development administrator.

Table 55-5: Parking Area Geometrics

0°	8.5	22.0	12.0/20.0
	9.0	22.0	12.0/20.0
45°	8.5	18.0	12.0/20.0
	9.0	18.0	11.0/19.0
60°	8.5	18.0	16.0/21.0
	9.0	18.0	15.0/20.0
75°	8.5	18.0	21.0/22.0
	9.0	18.0	20.0/21.0
90°	8.5	18.0	-/24.0
	9.0	18.0	-/22.0
	10.0	18.0	-/20.0

= Stall Angle, = Stall Width, = Stall Length, = Aisle Width (1-way/2-way)

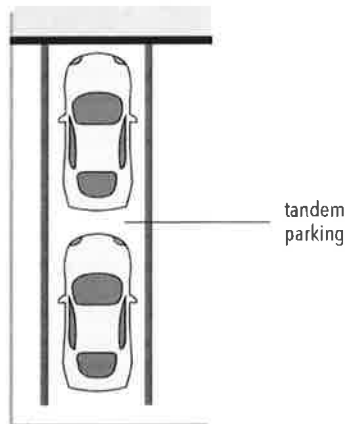
Figure 55-5: Parking Area Geometrics



#### 55.090-E Tandem Parking

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces are assigned to the same dwelling unit. In all other cases parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangements must have a minimum stall of 8.5 feet and a minimum length of 36 feet.

Figure 55-6: Tandem Parking



#### 55.090-F Surfacing

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

Maximum Driveway Width

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

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

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



For approvals granted under the terms of the zoning code in effect prior to January 1, 2016, including (1) variances of maximum driveway coverage measured by width, square footage or percentage of yard and (2) establishment of PUD development standards that increase the maximum permitted driveway coverage measured by any such means, the foregoing maximums do not apply.

4. Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, resin-bound pervious pavement systems, or similar structured and durable systems are allowed as parking lot surfacing materials. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:

- a. Materials must be installed and maintained in accordance with all applicable city standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement system onto adjacent areas must be regularly swept and removed.
- b. Accessible parking spaces and accessible routes from the accessible space to the principal structure or use served must comply with the building code.
- c. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where other hazardous materials are used or stored.
- d. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but no other pervious pavement systems may be used in such areas unless expressly approved by the development administrator.
- e. Pervious pavement or pervious pavement systems that utilize turf grass may not be used to meet minimum off-street parking requirements, but may be used for overflow parking spaces that are not used for required parking and that are not occupied on a daily or regular basis.
- f. Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells may be used only in industrial zoning districts.
- g. Parking areas with pervious pavement or pervious pavement systems must have the parking spaces marked as required by this chapter, except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

#### **55.090-G Vertical Clearance**

All parking spaces must have overhead vertical clearance of at least 7 feet.

#### 55.090-H Landscaping and Screening

See [Chapter 65](#).

#### 55.090-I Lighting

See [Chapter 67](#).

### Section 55.100 Stacking Spaces for Drive-through Facilities

#### 55.100-A Spaces Required

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

*Table 55-6: Drive-through Stacking Space Requirements*

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

#### 55.100-B Dimensions

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

#### 55.100-C Location and Design

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

#### 55.100-D Pedestrian Access

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

### Section 55.110 Accessible Parking for People with Disabilities

Accessible parking facilities must be provided in accordance with the building code.

### Section 55.120 Loading

Unenclosed off-street loading areas may not be located within 50 feet of any abutting R- or AG-R- zoned properties unless the loading areas is screened on all sides abutting the R- or AG-R- zoned property in accordance with the F1 screening fence or wall standards of [§65.070-C](#).

Case No. 18278 (continued)

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 4-1-0 (Cooper, Turnbo, Perkins White "aye"; Dunham "nays", no "abstentions"; no "absent") to **DENY** Approval of site, landscape and drainage plan. **PERSUANT TO APPROVAL OF THE FOLLOWING REQUESTED ACTIONS:** a Special Exception to permit Use Unit 13, Convenience Goods and Services and Use Unit 14, Shopping Goods and Services in an IL district **SECTION 901. PRINCIPAL USES PERMITTED IN THE INDUSTRIAL DISTRICTS – Use Units 13 and 14;** a Variance of the required building setback line from the centerline of E. 61<sup>st</sup> St. from 100' to 93'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS;** a Variance of the required building setback line from the north property line from 75' to 15'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS;** a Variance to delete the required 5' wide landscaped area along E. 61<sup>st</sup> St. for a distance of approximately 65' per the site and landscape plan. **SECTION 1002.A.2. LANDSCAPE REQUIREMENTS;** a Variance of the required setback of off-street parking areas from the centerline of S. 100<sup>th</sup> E. Ave. to permit 5 standard off-street parking spaces and 2 handicapped spaces to be 30' from the centerline of S. 100<sup>th</sup> E. Ave. per the site plan. **SECTION 1302.B. OFF-STREET PARKING AND OFF-STREET LOADING; SETBACKS;** a Variance of the required 5' setback of off-street parking areas abutting a residential district to permit 5 parking spaces 3' from the north property line per the site and landscape plan. **SECTION 1002.A.3. LANDSCAPE REQUIREMENTS** and a Variance of the required minimum width of driveway isles from 24' to 20' along E. 61<sup>st</sup> St. and from S. 100<sup>th</sup> E. Ave. per the site and landscape plan. **SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** on the following described property:

Lot 8, Block 2, Guy Cook Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\*\*\*\*\*

Case No. 18280

**Action Requested:**

Variance of the required 75' setback from an R zoned district on the N, S and E. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25;** a waiver of the screening requirements, **SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions** and a Variance of the all-weather surface for parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,** located N of NE/c E. 61<sup>st</sup> St. & S. 107<sup>th</sup> E. Ave.



Case No. 18280 (continued)

**Presentation:**

The applicant, **Alan Roark**, of Roark Landscape Corporation, 3704 E. 28<sup>th</sup> St., submitted a site plan (M-1), stated that his company is in preparation of putting up a 40'x80' building structure to house both office and storage facilities. Mr. Roark pointed out that they have 159' of frontage along 107<sup>th</sup> Street and they want to turn the building around so that it is 80' long and there is not enough left over to meet the setback. To the north of the property is zoned commercial and behind that is residential but there are not any houses on the residentially zoned part. In the back is a detention facility and the south is zoned residentially. Mr. Roark would like a variance for the all-weather parking for a certain amount of time. It is their intention to pave the surface but because of a financial hardship they can not afford to do so at this time.

**Comments and Questions:**

Ms. Turnbo asked the applicant when he would be able to put in the all-weather surface pavement. Mr. Roark replied five years. Mr. White pointed out that they usually granted them for six months to one year.

Mr. Stump mentioned that to the east of this property is a stormwater detention facility, where there won't be any residences and this area is in transition to Industrial. Mr. Dunham mentioned that there are quite a few gravel drives in the immediate area.

Mr. Dunham suggested allowing the applicant 18 months to put in the gravel parking. Ms. Turnbo suggested allowing the applicant two years, taking into consideration the time to get a building permit.

Mr. Cooper does not see a hardship for the all-weather surface. It is a new building and it should be required. Mr. Cooper pointed out that the Board has sometimes allowed a nonprofit the opportunity to raise the money for the hard surface parking but this is a new business in a new building and the money should be factored into the cost of new building construction.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; "absent") to **APPROVE** Variance of the required 75' setback from an R zoned district on the N, S and E, finding that it meets the requirements of Section 1607.C., **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 25**; a waiver of the screening requirements. **SECTION 1215.C. USE UNIT 15. OTHER TRADES AND SERVICES, Use Conditions**;

1:12:99:764 (23)

13.12

**AND**

On **MOTION** of **COOPER**, the Board voted 2-3-0 (Cooper, White "aye"; Dunham, Perkins, Turnbo "nays", no "abstentions"; no "absent") to and **DENY** a Variance of the all-weather surface for parking. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS;**

**AND**

On **MOTION** of **TURNBO**, the Board voted 3-2-0 (Dunham, Perkins, Turnbo "aye"; Cooper, White "nays", no "abstentions"; "absent") to and **APPROVE** a Variance of the all-weather surface for parking, finding that it meets the requirements of Section 1607.C., **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** for a period of two years, on the following described property:

Lot 10, Block 1, Golden Valley, a subdivision of the W/2 of the SE/4 of Section 31, T-19-N, R-14-E, IBM, Tulsa County, State of Oklahoma, less and except: Beginning at the NE/c of said Lot 10; thence S 01°21'01" E a distance of 160.24' along the E line of Lot 10 to the SE/c of said Lot 10; thence S 88°40'50" W a distance of 317.22' along the S line of Lot 10; thence N 01°21'08" W a distance of 160.23' to a point on the N line of Lot 10; thence N 88°40'36" E a distance of 317.23' to the Point of Beginning.

\*\*\*\*\*

**Case No. 18281**

**Action Requested:**

Special Exception for drive-in use within CS zoned property. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 18,** located SW/c 59<sup>th</sup> St. & S. Lewis.

**Presentation:**

The applicant, **Sack and Associates, Inc.**, 111 S. Elgin Ave., was represented by Ted A. Sack who stated that this property will be used for a Sonic Drive-in.

**Comments and Questions:**

Mr. White referred to Staff Comments while asking Mr. Sack about the 150' of frontage on a major arterial street. Mr. Sack responded that this has been a commercial site for a long time. They do have 203' of frontage on the collector street (59<sup>th</sup> Street) but in a drive-in restaurant it does say that it needs 150' of frontage on an arterial street and they only have 145'. They are going to readvertise for the frontage variance but would like approval today for the special exception.

Case No. 14123 (continued)

A tract of land located in the City of Tulsa, Tulsa County, State of Oklahoma, said tract being in the SE corner of the Annie May Grant "C" Tract (which is a part of the North Half of the NE Quarter of the SE Quarter of Section 25, Township 19 North, Range 12 East), said tract being more particularly described as follows, to-wit:

Beginning at a point in the center of the Section line on the east side of said Section 25 at the SE corner of the Annie May Grant "C" Tract according to the recorded plat thereof and running thence north in the center of said Section line along the east boundary of said Section 25 a distance of 160 ft.; thence due west and parallel with the south boundary line of said Section 25 a distance of 170'; thence south and parallel with the east boundary line of said Section 25 a distance of 160'; thence east along the south boundary line of said Annie May Grant "C" Tract a distance of 170' to the point of beginning, less and except, street right-of-way for South Peoria Avenue previously deeded therefrom to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14124**

Action Requested:

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirement/Section 1215.3 - Other Trades and Services, Use Conditions - Use Unit 1215 - Request a variance to waive screening requirement along the lot line in common with the R District.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the all-weather material required for off-street parking, located north of the NE/c of 61st Street and South 107th East Avenue.

Presentation:

The applicant, William Preaus, 2535 East 55th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-2), stated that he and his brother have a landscape and tree service business. He informed that they have recently relocated to an area where there are 3 other landscape companies within a 3 block area and asked the Board to allow the off-street parking lot to be covered with material other than all-weather material. He pointed out that none of the other landscape businesses have hard surface roads and parking. He informed that there are no residences to the north or south of the property in question and asked that the screening requirement be waived.

Comments and Questions:

Mr. Gardner informed that this area is designated by the Comprehensive Plan to become industrial and if it was zoned IL the

7.10.86:469(22)

13.14



Case No. 14124 (continued)

screening requirement would not be required.

**Interested Parties:**

Mr. Chappelle stated that the Board received a letter (Exhibit M-3) from Grace Davis, a neighbor of Mr. Preaus, who stated that there is a water problem in the area.

Mr. Preaus informed that Ms. Davis has sublet a portion of her land to a nursery company that does excessive watering which creates a problem. He stated that he has dug a ditch on the south boundary of his property line to prevent the water from flowing onto his lot.

Mr. Quarles asked the applicant if he is a landscape contractor and he answered in the affirmative.

**Board Action:**

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirement/Section 1215.3 - Other Trades and Services, Use Conditions - Use Unit 1215) to waive screening requirement along the lot line in common with the R District; and to APPROVE a Variance (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the all-weather material required for off-street parking; per plot plan submitted; until such time as residential use develops on the surrounding RS-3 properties; finding that the area has been planned for IL development and there are several landscaping businesses operating in the neighborhood at this time without hard surface parking lots; on the following described property:

Lot 12, Block 1, Golden Valley Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 14125**

**Action Requested:**

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Request a special exception to allow a home occupation for tape duplicating business in an RS-3 zoned district, located on the NW/c of 26th Street and Joplin.

**Presentation:**

The applicant, Trevor Baldwin, was represented by Leon Whitman, 5905 East 26th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit N-1) and photographs (Exhibit N-3). He pointed out that Mr. Baldwin is doing some construction work for him and is not operating the business. Mr. Whitman informed that most of his tape



*Subject property*

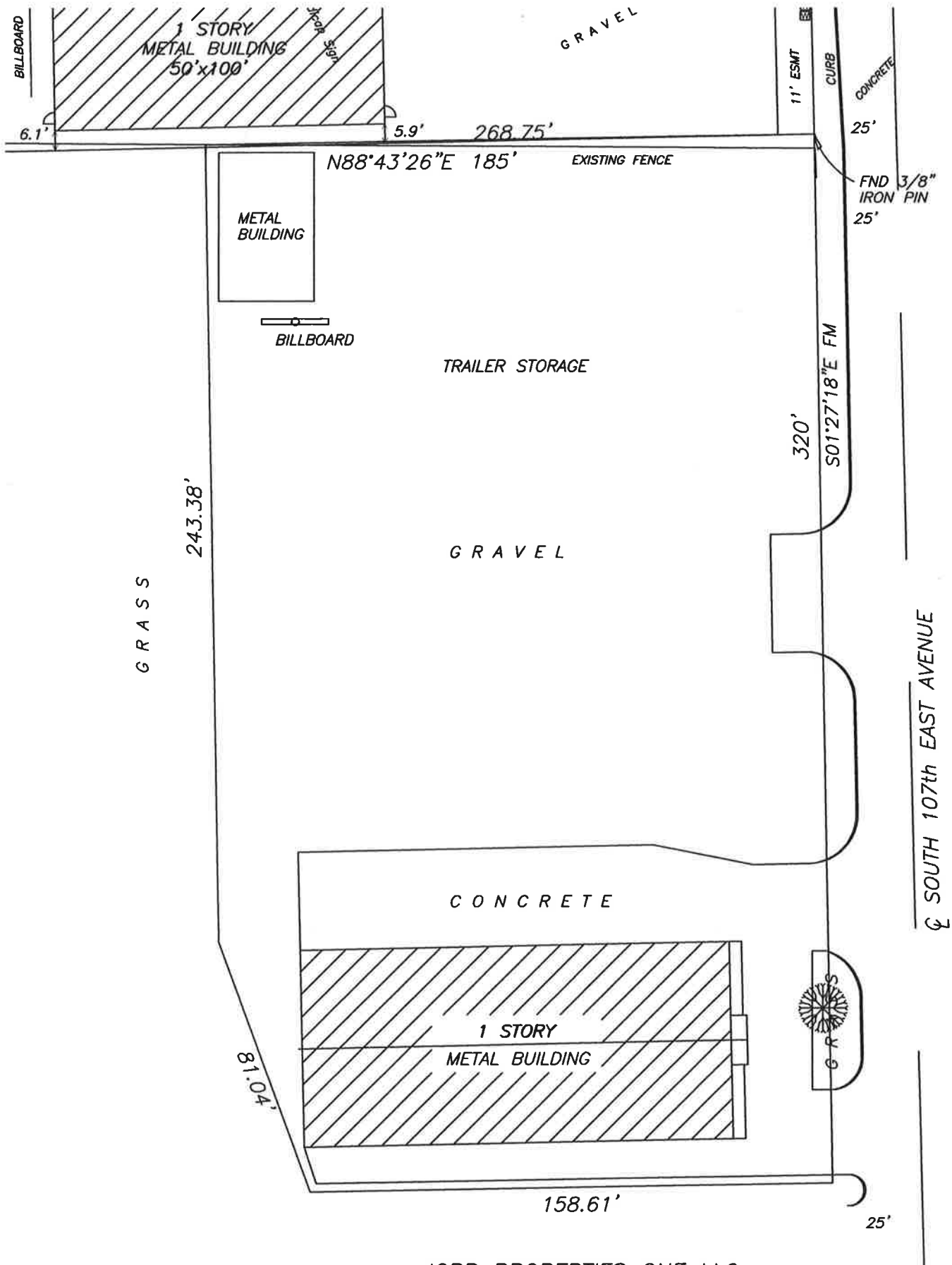


*Facing South on 107<sup>th</sup> E Ave*



*Facing North on 107<sup>th</sup> E Ave*





JCPP PROPERTIES ONE LLC  
5866 S. 107TH E. AVE.

13.18

169

S 107 E AVE

E 61st ST S

0 50 100  
Feet



Subject  
Tract

**BOA-22879**

19-14 31

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

Aerial Photo Date: February 2018

13.9







0 Feet  
200  
400



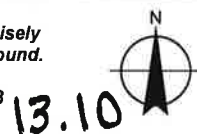
Subject  
Tract

**BOA-22879**

19-14 31

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

Aerial Photo Date: February 2018







BOA-22880

14.1

19-14 07

# BOARD OF ADJUSTMENT CASE REPORT

STR: 9407

Case Number: **BOA-22880**

CZM: 39

CD: 5

**HEARING DATE:** 03/24/2020 1:00 PM

**APPLICANT:** Lou Reynolds

**ACTION REQUESTED:** Special Exception to allow Outdoor Equipment and Storage in a CS district.  
(Section 15.020, Table 15-2)

**LOCATION:** 9955 E 21 ST S

**ZONED:** CS

**PRESENT USE:** Commercial

**TRACT SIZE:** 199827.96 SQ FT

**LEGAL DESCRIPTION:** LTS 1 & 2 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN

## **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-12211;** On 09.30.82 the Board ***approved*** a Special Exception to sell motor homes, travel trailers, 5<sup>th</sup> wheel trailers (Use Unit 17) in a CS District.

**BOA-11899;** On 04.01.82 the Board ***approved*** a Special Exception to allow an outdoor recreational facility in a CS District .

### **Surrounding Property:**

**BOA-22696;** On 07.23.2019 the board ***approved*** a Special Exception to permit a wholesales and distribution use in a CS District. Property located 10131 East 21<sup>st</sup> Street South.

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

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

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

14.2

REVISED 3/12/2020

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 S 101<sup>st</sup> E Ave and E 21<sup>st</sup> Street S.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow Outdoor Equipment and Storage in a CS district. (Section 15.020, Table 15-2)

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

USE CATEGORY	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH	Supplemental Regulations
Subcategory												
Specific use												
<b>WHOLESALE, DISTRIB. &amp; STORAGE</b>												<b>Section 40.410</b>
Equip. & Materials Storage, Outdoor	-	-	-	-	S	P	P	P	P	P	P	
Trucking and Transportation Terminal	-	-	-	-	S	P	P	P	P	P	P	
Warehouse	-	-	-	-	S	P	P	P	P	P	P	
Wholesale Sales and Distribution	-	-	-	-	S	P	P	P	P	P	P	

**SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to allow Outdoor Equipment and 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.



Case No. 12209 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13, and 14 in an IL District, on the following described property:

Lot 3, Block 5A, Tulsa Southeast Industrial District in the City of Tulsa, Oklahoma.

Case No. 12210

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial District - Request to locate a mobile home in a CS District and utilize it as an office and residence. This property is located at 4433 North Peoria Avenue.

Presentation:

LaRue Carlson, 4433 North Peoria Avenue, was present and submitted a plat (Exhibit "K-1") and a petition in support of the application signed by four (4) businessmen in the subject area (Exhibit "K-2"). Mr. Carlson, owner and operator of the North Tulsa Garden Center, requested that a mobile home be placed on the subject property to be used as an office and his residence and it would be placed in back of the existing building. The mobile home will be landscaped and will serve as a display for his customers. The mobile home will serve as security for the businesses in the area because of crime such as theft and vandalism in the subject area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to locate a mobile home for security purposes in a CS District and utilize it as an office and residence, on the following described property:

The North 300' of the South 400' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East in Tulsa County, Oklahoma, and the North 155' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12211

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to sell motor homes, travel trailers, 5th wheel trailers (Use Unit 17) in a CS District. This property is located at the NW corner of 21st Street and 101st East Avenue.

Presentation:

Charles Ford, 4100 East 51st Street, was present representing Dennis Dean, who wants to continue his business at Dean Camper Service located at 6110 East 11th Street. The applicant proposes to purchase the subject property

9.30.82:372(18)

Case No. 12211 (continued)

for the purpose of creating a second lot for sales and maintenance services of motor homes, travel trailers and 5th wheel trailers. Mr. Ford stated that the application falls under the Use Unit 17, but all of those services included in that unit will not be exercised. The maintenance service includes a full service unit which allows customers to come in for refurbishing of the units and provides services for plumbing, air conditioning, electric and power...for the units.

Protestants: None.

Board Comments:

Mr. Smith asked if any outside storage would be placed on the subject property and Mr. Ford stated that there would be no outside storage other than the units for the purpose of display. Mr. Smith also asked if any mobile homes would be sold at this location and Mr. Ford answered no.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to sell motor homes, travel trailers, 5th wheel trailers, plus accessories and services thereof, and not to include any other items under Use Unit 17, and that no outside storage be permitted and no mobile home sales be allowed, on the following described property:

Lots 1 & 2, Block 2, Magic Circle South Addition, LESS the West 447.79' thereof, in the County of Tulsa, Oklahoma.

Case No. 12212

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of South 84th East Avenue from 50' to 38'. This property is located at 5658 South 84th East Avenue.

Presentation:

Paul Sallee, 3812 South 120th East Avenue, was present representing the property owner, Marvin McDonald, and submitted a plot plan and floor plan (Exhibit "L-1"), a copy of the protective covenants for the subject area (Exhibit "L-2"), and four (4) photographs of the subject area (Exhibit "L-3").

Mr. Sallee stated that Mr. McDonald is proposing to construct a carport in front of the existing residence to park his vehicles under as he has already enclosed his garage and added a bathroom to the existing residence. The proposed carport will match the existing residence and will be constructed of plywood and trimed in cedar. One of the photographs which was submitted shows a carport within 2 blocks west of the subject property. On the north end of the carport the applicant plans to add a 5' x 12' storage closet, which will extend into the setback line. Mr. Sallee also submitted a letter (Exhibit "L-4") from Robert Kaiser, 5664 South 84th East Avenue, and Paul Suttle, 5652 South 84th East Avenue, who support the application.

The front line of the carport will be 25' from the curb and the applicant is asking a variance of 12' of the required 50' setback from the centerline of 81st Street.

9.30.82:372(19)

Case No. 11897 (continued)

Lot 1, Block 1, Diversified Industrial Park, an Addition to the City of Tulsa, Tulsa County, Oklahoma, LESS the South 202 feet thereof.

Case No. 11898

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Residential Districts - Request to allow a transmitting tower in an OM District located at the SW corner of 71st Street and Yale Avenue.

Presentation:

Roy Johnsen, attorney, 324 Main Mall, was present to address the Board and submitted a site plan (Exhibit "AA-1") and a drawing (Exhibit "AA-2"). Mr. Johnsen, representing Swanson Broadcasting, Inc., advised that a five-story office building is being constructed with a portion of it being leased to the Broadcasting Company. They are proposing to locate their transmitting tower on top of the building.

The transmitting tower is 50' high and the building is approximately 63' high. Two dishes will be located on the tower; one will be used for receiving and the other for transmitting.

Mr. Johnsen advised that the Board approved a similar request for KRMG, which was north of 71st Street (Case No. 11365). If this new application is approved, they do not intend to build both; instead, they will terminate the old proposal.

Protestants: None.

Board Comments:

Mr. Lewis was concerned that the transmitting tower would interfere with surrounding television reception. Mr. Johnsen advised that they have never had any problems with the reception because the tower is above any frequency or any interference.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Residential Districts) to allow transmitting tower in an OM District, and that when this tower is constructed, Case No. 11365 will lapse, on the following described property:

Lot 1, Block 1, Executive Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11899

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow restricted outdoor recreational facility in a CS District. This property is located at the NW corner of 101st East Avenue and 21st Street.

4.1.82:359(28)

14.6



Case No. 11899 (continued)

Presentation:

Larry Kester, 4960 South Memorial Drive, was present to address the Board and submitted a site plan (Exhibit "BB-1"), 5 pictures of the property (Exhibit "BB-2"), a handout consisting of 7 letters from various states who have a similar operation (Exhibit "BB-3"), and a booklet explaining the proposal (Exhibit "BB-4").

Mr. Kester stated that the subject property is surrounded by I-44, K-Mart, East 101st Street, 21st Street and by single-family residences. The applicant had two (2) intended uses for the property. The first one is permitted by right and the other is a request for a miniature golf course. It will be neatly landscaped and will be an asset for the property.

Protestants: None.

Board Comments:

Mr. Smith asked if the parking lot would be lighted and the applicant answered in the affirmative. He also advised that there would be 148 parking spaces which would be adequate.

Mr. Lewis inquired about the other use and Mr. Kester advised that it would be an indoor recreation center.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a restricted outdoor recreational facility in a CS District, per plot plan submitted, and in accordance with the other plans, subject to the drainage plans and the Health Department approval on the following described property:

A part of Lot 1, Block 2 and all of Lot 2, Block 2 of Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma; said part of Lot 1, Block 2 being more particularly described as follows: Lot 1, Block 2, Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma, LESS and EXCEPT the West 447.79 feet thereof.

Case No. 11900

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from 25' to 16' & 4" from 49th Street North located at 1624 East 49th Street North.

Presentation:

The applicant was not present.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to April 15, 1982.

4.1.82:359(29)

14.7

**Presentation:**

**Steve Dotson**, 1402 South Peoria, Tulsa, OK; stated he represents TJD Natural Supplements. There are no licensed and no operating dispensaries within the 1,000-foot radius. There is one licensed dispensary at 1236 South Peoria which is at 1,144 feet.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, 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:

**LT 1 LESS BEG 109.30NE & NELY CRV LF23.52 SWC LT 1 TH N35.89 NELY CRV RT 20.47 NELY CRV LF 8.44 S10.50 SW 0.36 S29.80 SELY CRV RT 24.79 POB BLK 1, ZANMAI, City of Tulsa, Tulsa County, State of Oklahoma**

**22696—Eller & Detrich – Lou Reynolds**

**Action Requested:**

Special Exception to permit a wholesale and distribution use in a CS District (Section 15.020, Table 15-2). **LOCATION:** 10131 East 21<sup>st</sup> Street South (CD 5)

**Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, OK; stated he represents Elliott Electrical Supply Company. The site is a former K-Mart that has been vacant for about two years and it is located at 21<sup>st</sup> Street and Highway 169. The triangle the site is in is mostly vacant. The only businesses that remain open in that triangle are the billboard, the cell tower, and the used car dealer. Immediately to the east of the site is about nine acres that is owned by the State of Oklahoma, and behind the site is another four acres that is owned by the State of Oklahoma. Currently the site is a transient camp and the property is broken into quite often. Elliott Electrical Supply is primarily an electrical wholesale supplier selling multiple electrical items, selling mainly to commercial. The building is approximately 90,000 square feet on 12 acres of land.

Mr. Van De Wiele asked Mr. Reynolds if anything would be warehoused outdoors. Mr. Reynolds stated there is some outside storage accessory use on the east side which is shown on page 21.15 of the agenda packet.

Mr. Van De Wiele asked Mr. Reynolds what would be stored in that area. Mr. Reynolds stated that it will be primarily conduit.

Ms. Radney asked Mr. Reynolds what the building is that is immediately to the north of the site. Mr. Reynolds stated that it is a motel that has been closed for about two years and is vacant; it is heavily vandalized now.

Ms. Shelton asked Mr. Reynolds if Elliott planned on doing any landscaping of the property. Mr. Reynolds stated the case has not reached that point as of yet.

**Interested Parties:**

There were no interested parties present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Special Exception** to permit a wholesale sales and distribution use in a CS District (Section 15.020, Table 15-2), subject to conceptual plan 21.15 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

**PRT LT 1 BEG 150E SWC TH E617 NE22.36 N200 NE169.64 N345 W736.95 S103.95 W160 S451.02 E150 S130 POB LESS BEG 150E SWC LT 1 TH E617 NE22.36 W59.62 S10 W567.38 S10 POB BLK 1, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma**

**22698—Josh Kunkel**

**Action Requested:**

**Modification** of a previously approved site plan to permit improvements to Woodland Acres Baptist Church approved in BOA-19904 (Section 5.020, Table 5-2). **LOCATION:** 5511 South Harvard Avenue East **(CD 7)**

**Presentation:**

**Andrew Sedersten**, Architect, 2417 East Admiral Boulevard, Tulsa, OK; stated this is a modification request for a previously approved plan in 2004 for Woodland Baptist





*Facing North on Subject property*



*Facing West on Subject property*



*Facing West on 21<sup>st</sup> Street*



*Facing North on 107<sup>th</sup> E Ave*



*Intersection of 107<sup>th</sup> E Ave and E 21<sup>st</sup> Street S*



17.13

17.13

17.13



17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13

17.13





0 Feet 200 400



Subject Tract

**BOA-22880**

19-14 07

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-22880**

19-14 07

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

Aerial Photo Date: February 2018

14.15

