### AGENDA CITY OF TULSA BOARD OF ADJUSTMENT

Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, June 23, 2020, 1:00 P.M.

#### Meeting No. 1253

The City Board of Adjustment will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing.

Board of Adjustment members and members of the public may attend the meeting in the Tulsa City Council Chamber but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet, or smartphone.

Join **Videoconference**: <a href="https://www.gotomeet.me/COT5/council-chambers-boa-june-23rd">https://www.gotomeet.me/COT5/council-chambers-boa-june-23rd</a>

Join **Teleconference** by dialing: +1 (669) 224-3412

Participants must then enter the following Access Code: 205-341-301

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: Stuart Van De Wiele, Austin Bond, Briana Ross, Burlinda Radney and Jessica Shelton.

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <a href="https://global.gotomeeting.com/install/471574485">https://global.gotomeeting.com/install/471574485</a>

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

#### **UNFINISHED BUSINESS**

#### 1. 22902—Lamar Outdoor Advertising

<u>Verification</u> of the spacing requirement for an outdoor advertising sign with a dynamic display (Section 60.100-K). <u>LOCATION:</u> 10025 East 44th Place South **(CD 7)** 

#### 2. 22904—Sierra Russell

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6373 East 31st Street South, Suite J **(CD 5)** 

#### 3. 22873—Carina Garcia

<u>Special Exception</u> to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); <u>Special Exception</u> to extend the time limit permanently (Section 40.210). <u>LOCATION:</u> 3811 South 27th West Avenue (**CD 2**)

#### 4. 22884—Brandon Ledezma

<u>Variance</u> of required 5-foot side yard setback in an RS-3 District (Section 5.030, Table 5-3). **LOCATION:** 4408 North Delaware Avenue East (**CD 1**)

#### 5. <u>22885—Susie Woody</u>

<u>Variance</u> to reduce the required 5-foot side yard setback in an RS-3 District (Section 5.030, Table 5-3); <u>Variance</u> to reduce the 20-foot side setback for a street facing garage on a corner lot (Section 80.020-B). <u>LOCATION:</u> 1575 East 35th Place South **(CD 9)** 

#### 6. 22886—J. R. Donelson

<u>Variance</u> of the Parking Area Design Standards to permit an existing gravel parking lot (Section 55.090). <u>LOCATION:</u> 5628 & 5630 South 107th East Avenue **(CD 3)** 

#### 7. 22892—Dale Bennett

<u>Variance</u> to permit additional dynamic display signage on a single lot (Section 60.080-E). **LOCATION:** 200 South Denver Avenue West **(CD 4)** 

#### 8. 22894—Jorge Fernandez

<u>Special Exception</u> to increase the maximum driveway width, within the right-of-way and inside the street setback (Section 55.090-F.3). <u>LOCATION:</u> 3747 South 152nd Avenue East **(CD 6)** 

#### 9. <u>22895—Israel Sanchez</u>

<u>Variance</u> to reduce the required 25-foot setback in an RM-1 District (Section 5.030, Table 5-3). <u>LOCATION:</u> 119 North Wheeling Avenue East **(CD 3)** 

#### 10. 22920—Eller & Detrich – Lou Reynolds

<u>Special Exception</u> to permit a self-service storage facility in a CS District (Section 15.020, Table 15-2). <u>LOCATION:</u> 1535 South Memorial Drive East (CD 5)

#### 11. 22922—A-Max Sign Company

<u>Variance</u> to permit a projecting sign on a major street to exceed its maximum permitted height of 32 feet (Section 60.080-D). <u>LOCATION:</u> 405 North Main Street East **(CD 4)** 

#### 12. 22932—Eller & Detrich – Lou Reynolds

<u>Special Exception</u> to allow a Commercial/Assembly & Entertainment/Large (>250) in the CBD District (Section 15.020, Table 15-2). <u>LOCATION:</u> 1227 South Detroit Avenue East **(CD 4)** 

#### **NEW APPLICATIONS**

#### 13. <u>22935—Cannatopia, LLC</u>

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). <u>LOCATION</u>: 9999 South Mingo Road East, Suite V **(CD 7)** 

#### 14. <u>22943—Robert Jackson</u>

<u>Verification</u> of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). <u>LOCATION:</u> 4328 South Mingo Road East **(CD 7)** 

#### 15. 22934—Katy Anderson

<u>Variance</u> to increase the permitted 240 square foot display area for a wall sign in a CS District (Section 60.080-B). <u>LOCATION:</u> 1711 East Skelly Drive South (CD 9)

#### 16. 22936—D. Robert Neil

<u>Variance</u> of the required 30-foot front street setback and 15-foot side street setback in an RS-2 District (Section 5.030, Table 5-3). <u>LOCATION:</u> 2506 East 57th Street South **(CD 9)** 

#### 17. 22937—Rex's Remedies, LLC

<u>Special Exception</u> to allow a Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020). <u>LOCATION:</u> 11105 East 56th Street South, Suite G (CD 7)

#### 18. 22938—Encinos 3D Custom Products & Signs

<u>Variance</u> of the maximum allowable sign area in an OM District (Section 60.060-C); <u>Variance</u> to allow a dynamic display sign in an OM District for a use that is not public, civic, or institutional (Section 60.060-E). <u>LOCATION:</u> 2651 East 21st Street South **(CD 4)** 

#### 19. 22940—Abraham Adedokun

<u>Special Exception</u> to permit a Type-2 Home Occupation (Beauty Salon) in an RS-3 District (Section 45.100-G). <u>LOCATION:</u> 7719 East 31st Street South (CD 5)

#### 20. 22941—Dustin Justice

<u>Variance</u> to reduce the required 20-foot front street setback; <u>Variance</u> to reduce the required 20-foot rear setback in an RS-4 District (Section 5.030, Table 5-3). <u>LOCATION:</u> 1540 East 8th Street South **(CD 4)** 

#### 21. <u>22944—A-Max Sign Company</u>

<u>Variance</u> to permit a freestanding sign to exceed 20 feet in height in an RS-3 District (Section 60.050-B-2.b); <u>Special Exception</u> to permit a dynamic display sign in an RS-3 District (Section 60.050 B-2.c). <u>LOCATION:</u> 7903 East 15th Street South **(CD 5)** 

#### 22. 22945—Wallace Engineering – Mike Thedford

Variance to reduce the Build-to-Zone Requirement along Lewis Avenue (Section 10.030, Table 10-4); Variance to reduce the ground floor ceiling height from 14 feet (Section 10.030, Table 10-4); Variance to reduce the minimum transparency required along a street facing building facade (Section 10.030, Table 10-4). LOCATION: 2311 East 11th Street South (CD 4)

Applicant requests a continuance to July 14, 2020.

# OTHER BUSINESS NEW BUSINESS BOARD MEMBER COMMENTS ADJOURNMENT

Website: tulsaplanning.org <u>E-mail</u>: esubmit@incog.org
CD = Council District

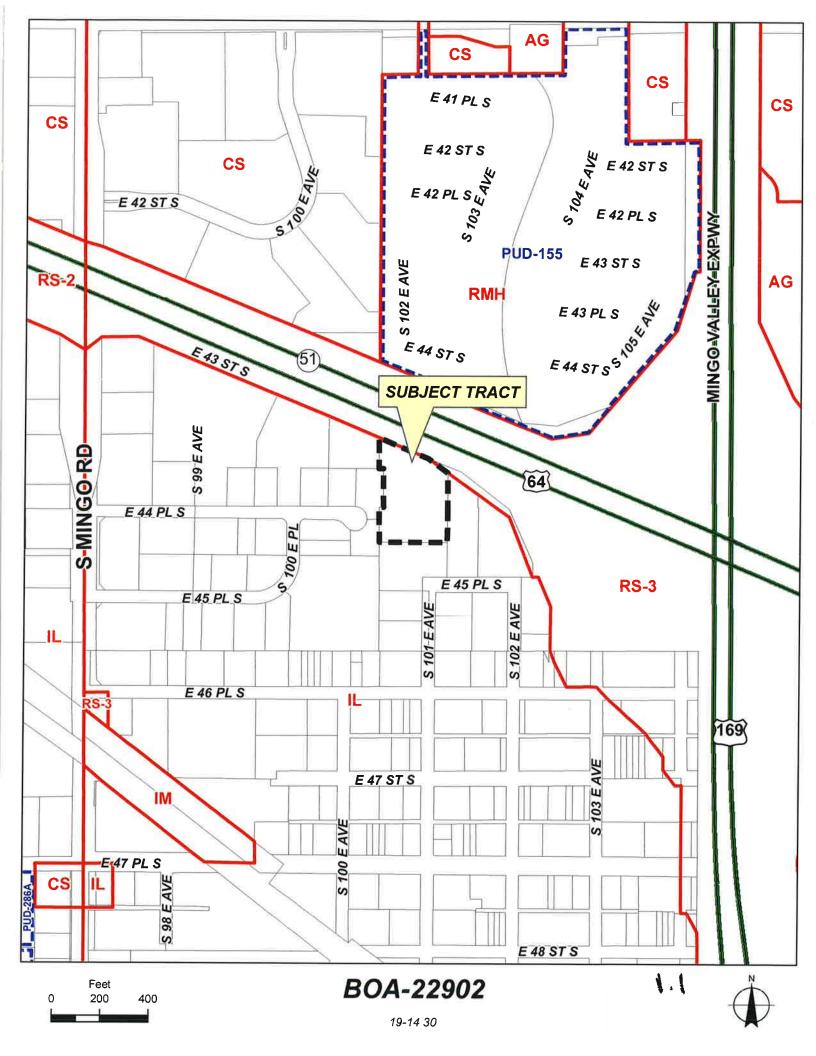
<u>NOTE</u>: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office at 918-584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning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

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

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## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9430 Case Number: **BOA-22902** 

**CZM**: 49 **CD**: 7

**HEARING DATE**: 06/23/2020 1:00 PM (*Continued from 06/09/2020*)

**APPLICANT:** Lamar Outdoor Advertising

ACTION REQUESTED: Verification of the spacing requirement for an outdoor advertising sign with a

Dynamic Display (Sec 60.100-K)

LOCATION: 10025 E 44 PL S ZONED: IL

PRESENT USE: IL TRACT SIZE: 101016.05 SQ FT

**LEGAL DESCRIPTION:** PRT TR IN SE NW ADJ LT 1 & PRT LT 1 BEG 200N SWC LT 1 TH N APR 142.37 E18 N160 W18 N142.33 SE217.90 SE90.74 S303.33 W275.03 POB BLK 1 SEC 30 19 14

.33AC, IDEAL BRICK INDUSTRIAL TRACTS

#### **RELEVANT PREVIOUS ACTIONS:**

**Surrounding Properties:** 

**BOA-22862**; On 02.25.20 the board accepted a verification of spacing for an Off-Premise Outdoor Advertising sign with Dynamic Display (sec. 60.100-J). The subject sign in BOA-22862 has been converted to dynamic display and is within 1,200 feet of the subject sign. The subject sign in BOA-22862 has received their sign permit since the acceptance of their spacing. The signs are located 773 feet apart according to the survey provided by the applicant.



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

60.100-K Except as provided in §60.100-J, any outdoor advertising sign that includes a dynamic display and that was approved by a permit issued on or after January 1, 2009, must be separated by a minimum distance of 1,200 feet from any other outdoor advertising sign that includes a dynamic display facing the same traveled way. The 1,200-f00t distance must be measured in a straight line from the center of the subject sign structures, as located on the ground

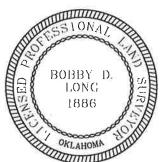
#### **SAMPLE MOTION:**

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



I, Bobby D. Long, of Tulsa Engineering & Planning Associates, Inc. and a Professional Land Surveyor registered in the State of Oklahoma, hereby certify that this exhibit accurately portrays the locations of and distances between proposed and existing outdoor advertising signs as determined by field survey data gathered on the 3rd of February, 2020.

Bobby D. Long Date



#### OUTDOOR ADVERTISING SIGN SPACING EXHIBIT



Tulsa Engineering & Planning Associates, Inc. 9810 East 42nd Street Tulsa, Oklahoma 74146

Phone: 918-252-9621 Fax: 918-250-4566

Certificate of Authorization No. 531 Renewal Date June 30, 2021



Job No: 20-011 Scale: 1" = 500'

Date: 02/24/2020

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



#### **DEVELOPMENT SERVICES**

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

#### SIGN PLAN REVIEW

March 13, 2020

Phone: 918-665-1755

LOD Number: 1

Lorinda Elizando Lamar Central Outdoor Inc. 7777 E. 38<sup>th</sup> St. Tulsa, OK 74145

**APPLICATION NO:** 

SIGN-055101-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: Description:

10102 E. Broken Arrow Exp.
Outdoor Advertising Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

#### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### **IMPORTANT INFORMATION**

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

(Continued)

#### **REVIEW COMMENTS**

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

Application No. SIGN-055101-2020

10102 E. Broken Arrow Exp.

March 13, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

#### Section 60.100 K Dynamic Displays

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

Review Comments: Converting a conventional outdoor advertising sign to a dynamic display outdoor advertising sign requires a 1,200 foot spacing verification from the BOA per section 70.110 from any digital outdoor advertising sign facing the same traveled way. In addition, the proposed dynamic display outdoor advertising sign appears to be closer than 1,200 feet to a previously permitted outdoor advertising sign with a dynamic display facing the same traveled way. As an option, you may pursue a variance from the BOA to allow an outdoor advertising sign with a dynamic display to be closer than the 1,200 feet spacing requirement of 60.100 K.

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

#### **END – ZONING CLEARANCE AND SIGN CODE REVIEW**

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

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



#### City of Tulsa

175 E 2nd St., Suite #450 Tulsa, OK 74103 (918) 596-9456

#### Permit NO. SIGN-053121-2020

Permit Type: Sign

Work Classification: Outdoor Advertising

Permit Status: Issued

Issue Date: 03/10/2020

Expiration: 09/08/2020

**Location Address** 

**Parcel Number** 

9810 E 42ND ST S Tulsa, Tulsa, OK 74146

76150943013560

**Contacts** 

Fees

Total:

WHISTLER SIGN COMPANY LLC

6304 E 102ND ST S Tulsa, Tulsa, OK 74137

(918)491-7446

Application Fee (Sign)

**Record Retention Fee** Resubmittal (Sign)

System Development Fee

Maintenance Fee

**Outdoor Advertising Sign** 

Permit and Licensing System

elaine@whistlerworks.com

**Applicant** 

**Description**: dynamic display outdoor advertising sign

Valuation:

\$0.00

Total Sq Feet: 0.00 Inspection Requests:

For Building/Trades: (918) 596-9656 For Right Of Way: (918) 596-2519

**Amount** \$65.00 \$335.00 \$4.00 \$136.50 \$55.00 \$36.85

\$632.35

**Payments Amt Paid Total Fees** \$632.35 Credit Card \$65.00 Check # 3092 \$567.35 **Amount Due:** \$0.00

Available Inspections:	
Inspection Type	IVR
Sign Foundation	1905
Final Sign	1901

**Additional Information** 

New/Existing: New Electric amps of Sign: 400

Sign Text: changeable message technology

Location on Lot: South on Broken Arrow Expressway frontage

Sign Permit Notes: Permit to convert the existing tri-fold Outdoor Advertising Sign (Original digital sign permit 190243 issued 4/7/2009) to a digital Outdoor Advertising Sign of the same size and location per 60.100-J, lawfully established digital sign prior to 1/1/2010. Spacing acceptance per BOA-22862 approved 2/25/2020. Digital sign shall comply with T42 chapter 60.100 for dynamic displays and with T42 chapter 60.100-I for illuminative brightness. This permit shall become null and void with the erection of a digital OAS prior to the OAS of this permit, by the preemptive effect of negating the 1200 ft. spacing verification of this permit. Contractor shall not place any sign or part of any sign structure in a manner that would interfere with, cause damage to or obstruct service to any public utility. Contractor shall call OKIE at 1-800-522-6543 prior to any excavation, to identify and locate existing utilities on the sign construction site. Electrical work shall be done by separate permit. No approval is granted for any construction or use violating any provision of The City of Tulsa Ordinances Title 42, 49, 51 & 52. No other signs are included in this permit.

	March 10, 2020
Issued By: Brian Mathis	Date
Authorized Signature	Date

BOA-22902 Addendum # 1

From:

Elaine Allred <elaine@whistlerworks.com>

Sent:

Monday, April 27, 2020 6:03 PM

To:

Chapman, Austin

Cc:

Nathalie M Cornett; Shawn Whistler

Subject:

Re: BOA-22902

**Attachments:** 

IMG-4455.JPEG; 60963433387--6553790E-88C6-46E0-BA02-8FD0D4A8855A.JPEG

Austin:

We greatly appreciate the notice. We have already permitted, ordered and installed dynamic displays at the subject location. I have attached photos showing the installed displays.

Please let me know if we can provide you with any additional information.

Thank you,

Elaine

On Wed, Apr 22, 2020 at 2:58 PM Chapman, Austin < AChapman@incog.org > wrote:

Elaine,

I'm contacting you as the applicant in BOA-22862 and I've copied Nathalie Cornett because she represented you the BOA hearing regarding that case. On the April 28<sup>th</sup>, 2020 hearing there will be another verification of spacing request for a dynamic display outdoor advertising sign, BOA-22902. The proposed sign is located 10025 E 44 PL S on the opposite side of the highway as your sign. There appears to be a conflict between your sign and the proposed sign and I did seek to provide you notice of their application.

The applications materials and agenda will be available at the link below by this Friday April 24th.

http://tulsaplanning.org/boards-commissions/city-of-tulsa-board-of-adjustment/city-boa-agenda/

Below is the information regarding the April 28<sup>th</sup> City of Tulsa Board of Adjustment hearing and how to join remotely if your choose :

The City Board of Adjustment will be held in the Tulsa City Council Chambers and by videoconferencing and teleconferencing at 1:00 pm.

Board of Adjustment members and members of the public may attend the meeting in the Tulsa City Council Chamber, but are encouraged to attend and participate in the Board of Adjustment meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

Join Videoconference: https://www.gotomeet.me/COT5/board-of-adjustment-april-28th

Join Teleconference by dialing: 1 (872) 240-3212

Participants must then enter the following Access Code: 775-970-485

Best,



Austin Chapman

Planner, City of Tulsa Board of Adjustment

**Tulsa Planning Office** 

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918,579,9471

achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy {(918) 596-9456}

#### Elaine Allred

Whistler Billboards

direct 918-392-5208

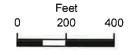
elaine@whistlerworks.com













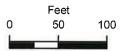
BOA-22902

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

Aerial Photo Date: February 2018





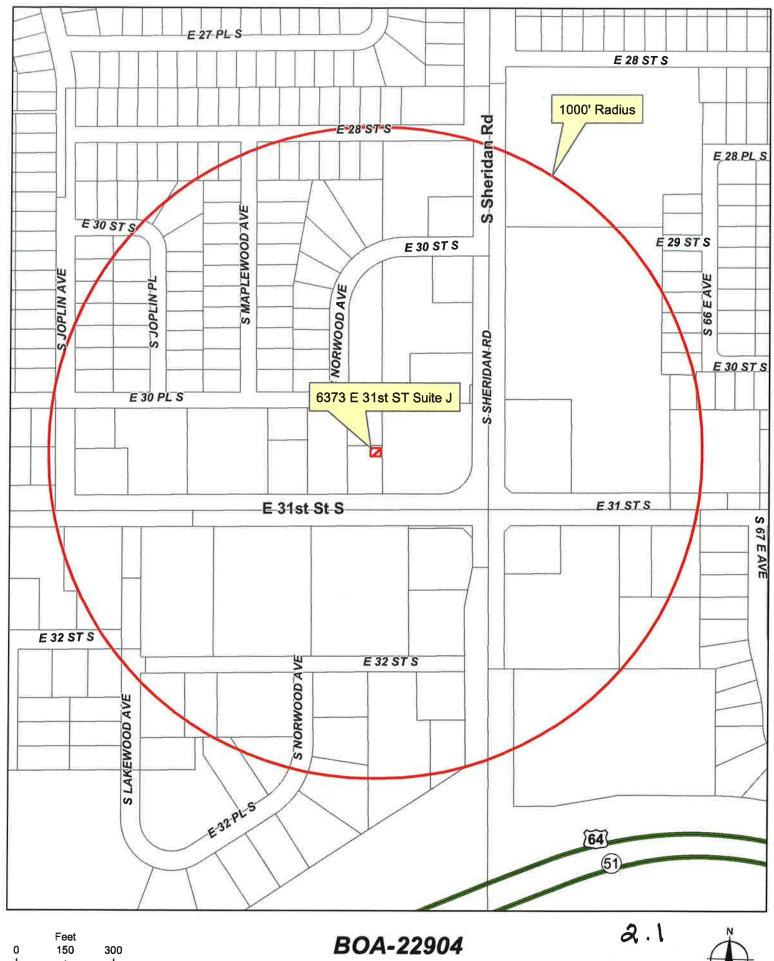




BOA-22902

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





### BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9315 Case Number: **BOA-22904** 

**CZM**: 38 **CD**: 5

**HEARING DATE:** 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT**: Sierra Russell

ACTION REQUESTED: Verification of the 1,000' spacing requirement for a medical marijuana

dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION**: 6373 E 31 ST S, Suite J **ZONED**: CS

PRESENT USE: Vacant TRACT SIZE: 15877.69 SQ FT

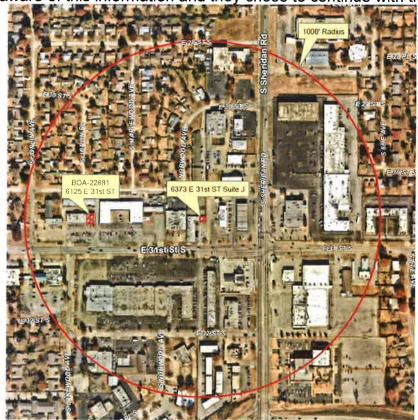
LEGAL DESCRIPTION: BEG 330W & 50N SECR SE TH W108 N147 E108 S147 POB SEC 15 19

13,

#### **RELEVANT PREVIOUS ACTIONS:**

#### **Surrounding Properties:**

**BOA-22881**; On March 24<sup>th</sup> the Board accepted a verification of spacing for a medical marijuana dispensary located 6125 East 31<sup>st</sup>. The proposed dispensary received the Certificate of Occupancy on March 25<sup>th</sup>, 2020. A copy of this certificate is included in your packet. The subject location is within 1,000 feet of the dispensary located at 6125 East 31<sup>st</sup> as demonstrated on the exhibit below. The Applicant was made aware of this information and they chose to continue with their application.



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

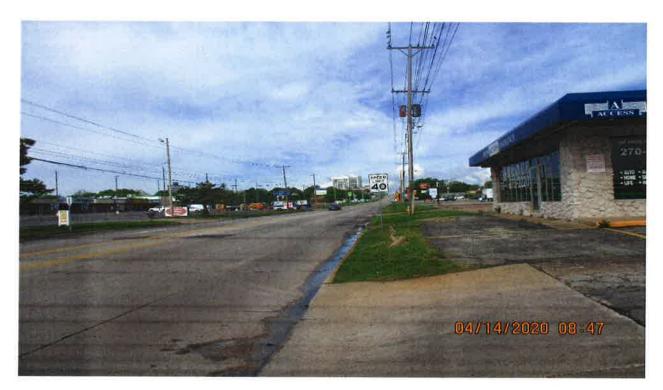
40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

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

The applicant provided the nearest dispensary as T-Town Dispensary, located 3524 S. Sheridan.

#### **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 on 31st Street



Subject property



Dispensary at 6125 E. 31st that has received their Spacing Verification in BOA-22881 and Certificate of Occupancy which is included in your packet



Facing East on E. 31st Street.

DANA L. BOX ZONING OFFICIAL PLANS EXAMINER II

TEL (918)596-9657 danabox@cityoftulsa.org



#### **DEVELOPMENT SERVICES**

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

#### **ZONING CLEARANCE PLAN REVIEW**

February 22, 2020

Phone: 918-406-7024

LOD Number: 1
Pat White
10722 Master's Circle
Jenks, OK 74037

APPLICATION NO:

BLDC-053137-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

6373 E. 31st 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.
- 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 <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 4. A COPY OF A "RECORD SEARCH" [X]IS []IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

BLDC-053137-2020

6373 E. 31st St.

February 22, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to 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 <u>separation distance acceptance</u> 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

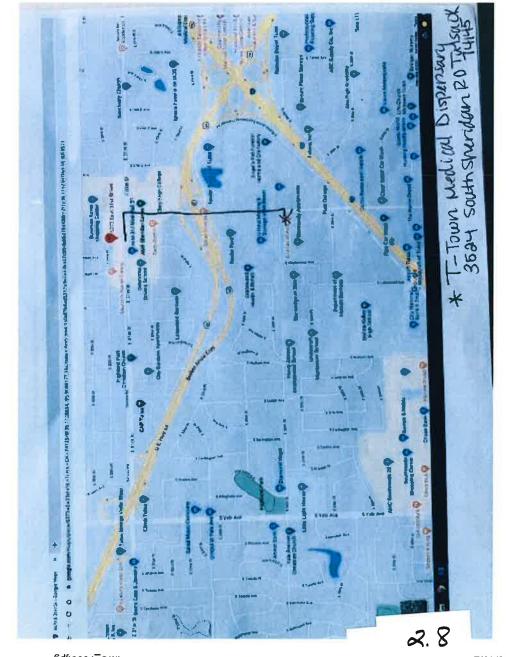
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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.



#### CERTIFICATE of OCCUPANCY No: COO-054008-2020

**PROPERTY** 

Address: 6125 E 31ST ST S

**BUILDING PERMIT:** BLDC-056777-2020

**ZONING USE** 

CS Zoning District:

Commercial/Retail Sales/Medical Marijuana Dispensary Use:

**Use Conditions:** 

**BUILDING OCCUPANCY** 

Building Code Edition: IBC 2015, IEBC 2015

Use Group Const. Type Floor Area Occ. Load **Descriptive Area** М 15

**Entire Facility** 

**Posted** 

Floor area of Permit: 896

OCCUPANCY CONDITIONS:

Approval Date: March 25, 2020



The above described property has been found to comply with the appropriate provisions of the City of Tulsa Zoning Code and Building Code and is approved for use and occupancy as herein limited.

Any easement closed by City Ordinance is subject to the City re-opening the easement unless the developer has foreclosed the City's right to re-open. It is the developer's responsibility to file a lawsuit in the District Court to foreclose the City's right to re-open a closed easement. This Certificate of Occupancy (and prior permits) do not annul the City's rights to re-open a closed easement.

Code Official: Adam Murray

Adan Munz

BOA-22904 Addendum #/

#### Chapman, Austin

From:

Chapman, Austin

Sent:

Monday, April 27, 2020 1:52 PM

To:

Audrey Blank; Austin Bond; Briana Ross; Burlinda Radney; Jessica Shelton; Mark Swiney;

Sparger, Janet; Stuart Van De Wiele; Wilkerson, Dwayne

Subject:

FW: BOA-22904

All,

I reached out to the proprietor of the dispensary at 6125 E 31<sup>st</sup> St. which is within 1,000′ of the proposed dispensary in BOA-22904. They have informed me in the email below that they are opening at that location and a copy of their Certificate of Occupancy is included in your packet.

Best,

#### **Austin Chapman**

Planner, City of Tulsa Board of Adjustment

#### **Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org



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

From: Donyale Stancle <medlifehq@gmail.com>
Sent: Wednesday, April 22, 2020 6:41 PM
To: Chapman, Austin <AChapman@incog.org>

Subject: Re: BOA-22904

Hi Austin,

Thanks for reaching out. Yes, I am still planning to open Medicinal Life Headquarters (dispensary) at that location in the very near future; still making my way through the process. My landlord shared the notice with me and I planned to attend in person as well. Thanks again for reaching out.

**Donyale Stancle** 

On Wednesday, April 22, 2020, Chapman, Austin < AChapman@incog.org > wrote:

Mr. Stancle,

I am writing you in regards to your previous application for a spacing verification at 6125 E 31st Street. We have an applicant who put in an application for a spacing verification that is within 1,000' of your address I am reaching out to confirm that you are still opening at that location I see that you have been issued your Certificate of Occupancy but I did want to reach out and confirm that with you. I've attached a map with the location other dispensary. Please respond to this email and let us know if your plans have changed for opening at that location. The Board will have a copy of your Occupancy Certificate but it would be helpful to hear directly from that you are opening at the 6125 E 31st Street. Feel Free to contact me with any questions.

Best,



#### Austin Chapman

Planner, City of Tulsa Board of Adjustment

**Tulsa Planning Office** 

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy {(918) 596-9456}

BGA-22904 Addendum #2

From:

Gary Conroy <conroy02@gmail.com>

Sent:

Monday, April 27, 2020 6:06 PM

To:

esubmit

Subject:

Case Number is BOA-22904

I am writing as a parent with a child attending Augustine Christian Academy, that is well within the 1,000' of a dispensary about to open. I object to the opening!! The statute is very clear and this location is under 50' from the play area of the kids.

Sincerely, Gary Conroy 918 282-5514

OKLAHOMA MEDICAL MARIJUANA AUTHORITY Proof of Distance from a School for Dispensaries REQUIREMENTS 1. Title 63 O.S. § 425(G) prohibits medical marijuana dispensaries from operating within one thousand (1,000) feet from public or private schools. 2. Applicants for a dispensary license must attest and submit supporting documentation which demonstrates the premises of a potential business site will be 1,000 feet from any public or private school. 3. This distance is measured by the straight-line (shortest) distance from the property line of the dispensary to any entrance of a school. Any school that holds classes or activities for students, such as field houses, track/practice fields or agriculture classes, is included in this restriction.

From: Aaron Wiedman <aaron.wiedman@tulsacounty.org>

**Sent:** Monday, April 27, 2020 4:46 PM

To: esubmit

**Subject:** Case Number BOA-22904

Good afternoon. I am writing to you today regarding the Case Number BOA-22904. I understand that a medical marijuana dispensary is seeking to open up within 1000 feet of a K-12 school, namely Augustine Christian Academy. I strongly request that you do not allow this business to open in such close proximity to the school. I have three young children that attend this school. The administration, families, and caretakers of Augustine work tirelessly to support the school. We already have a very large problem with vagrants, thieves, and others that vandalize, steal, and destroy school property. It is not an exaggeration to say that we have poured blood, sweat, and tears into this school for over 20 years. We have spent thousands and thousands of dollars in an attempt to mitigate the damage and theft that has occurred just in the last few years. At the risk of sounding cliché, the customers that this type of business would bring into extreme close proximity to children, some as young as four, is in my mind dangerous. This would also be exacerbating the already prevalent issue in an extreme degree. There are already at least 3 other medical marijuana dispensaries within a mile of the location of the school. One could ask how many more are necessary to support the population of this area.

I respectfully plead with the Board of Adjustment to deny this business the ability to open in this location. There are countless other locations in the same general area that would fit within the existing law.

Sincerely, Aaron Wiedman

Aaron Wiedman
Budget Analyst
Tulsa County Clerk Budget Office
Aaron.wiedman@tulsacounty.org
918-596-5865



The information in this e-mail message (including any information contained in attachments hereto) is intended only for use of the addressee. This e-mail message may contain confidential or privileged information. If you receive this e-mail message unintentionally, please notify the sender promptly and then delete this message. E-mail transmission is not guaranteed to be secured or error free. The sender is in no way liable for any errors or omissions in the content of this e-mail message, which may arise as a result of e-mail transmission. E-mails, text messages, and other electronic communications made or received in connection with the conducting of public business, the expenditure of public funds, or the administration of public property are subject to the Oklahoma Open Records Act and the Records Management Act.

From: Becki Davis <davisb@staugustineacademy.org>

**Sent:** Monday, April 27, 2020 3:56 PM

To: esubmit

**Subject:** Case Number: BOA-22904

To Whom it May Concern,

My name is Becki Davis and I live at 414 W. Nashville St. in Broken Arrow, Oklahoma. I am employed as the Academic Counselor at Augustine Christian Academy at 6310 E. 30th St. in Tulsa, OK. It has come to my attention that a marijuana dispensary is planning to open directly behind our school property (your case number BOA-22904). I am writing to strongly encourage you to NOT allow this dispensary to open! I believe that this location is entirely too close to our school! We are already plagued by the homeless population in the area that we have to chase off of our property to keep our students safe... we do not need to add marijuana users into the mix. Please consider how close this dispensary would be to our school playground and the lot where our high school students park their cars, and please to not allow them to open their dispensary in that location.

Thank you for your consideration.

Sincerely,

#### Becki Davis

Academic Counselor Administrative Assistant Augustine Christian Academy 918-832-4600 ext. 204



From:

John Ahrens <ahrensj@staugustineacademy.org>

Sent:

Monday, April 27, 2020 3:37 PM

To:

esubmit

Subject:

BOA-22904

I am one of the administrators of St. Augustine Academy, Inc., doing business as Augustine Christian Academy. Our school is located at the corner of 30th and Sheridan, within the 1,000' radius of the proposed dispensary that desires to go into the shopping center just behind us on 31st St. It is my understanding that there is already a regulation in place that would prevent this dispensary from going in just around the corner from our school, but I felt it was important to actually voice my concerns in writing. We have been a member of this community since 1997 and have owned three buildings at the corner of 30th and Sheridan since 2002. Our primary school address is 6310 E 30th Street, a full 200+feet within the 1,000 radius, which ends at 28th St. to our North.

I plan to attend the hearing tomorrow online.

Thank you,

John Ahrens Director of Operations Augustine Christian Academy 918-832-4600 ext. 205 (Office) 918-863-5535 (Cell)



From:

Kirk Post <postk@staugustineacademy.org>

Sent:

Monday, April 27, 2020 3:37 PM

To:

esubmit

Subject:

Case # BOA-22904

I was sorry to hear that a new marijuana dispensary is scheduled to be opened on 31st and Sheridan in Tulsa, just down from the back of our school property which fronts on 30th and Sheridan. We are a small school, but the impact on our families and children is no less important.

We are already located in a place that receives much traffic from people who are experiencing many difficulties in life, understandable, but not necessarily safe for children. We must constantly remove people who try to sleep on our property and leave drug paraphernalia on our playground. Although marijuana is legal in Oklahoma, we feel this location for a dispensary will encourage even more people who struggle with drugs to hang out in our area. Please protect family by making these retailers consider a spot farther away.

With thanks.

Kirk D. Post Headmaster Augustine Christian Academy 918-832-4600 (Office) 918-853-9719 (Cell)



#### Sparger, Janet

From: Linda Thornhill <thornhill@staugustineacademy.org>

**Sent:** Tuesday, April 28, 2020 4:25 PM

To: esubmit

**Subject:** marijuana dispensary Case Number is BOA-22904

#### The Case Number is BOA-22904

I am writing as a teacher, This dispensary encroaches on the restricted area around the school. We will have a view right outside the class window.

We don't need any more dispensaries. There are four in my own neighborhood. I live at 1203 S. Delaware Place, Tulsa, OK 74104 near the University of Tulsa.

PLEASE don't allow this business to move in.

Yours truly, Linda Thornhill

#### Linda Thornhill

Art Teacher Augustine Christian Academy 918-832-4600 (Office) 918-625-4318 (Cell)



# Chapman, Austin

From:

Linda Thornhill <thornhilll@staugustineacademy.org>

Sent:

Tuesday, April 28, 2020 4:25 PM

To:

esubmit

Subject:

marijuana dispensary Case Number is BOA-22904

The Case Number is BOA-22904

I am writing as a teacher, This dispensary encroaches on the restricted area around the school. We will have a view right outside the class window.

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PLEASE don't allow this business to move in.

Yours truly, Linda Thornhill

# Linda Thornhill

Art Teacher Augustine Christian Academy 918-832-4600 (Office) **918-625-4318 (Cell)** 



# Chapman, Austin

From:

Donyale Stancle < medlifehq@gmail.com>

Sent:

Tuesday, June 9, 2020 10:02 AM

To:

Chapman, Austin

**Subject:** 

Update Re: BOA-22904

Good morning, Austin. I am writing to confirm that I will be opening Medicinal Life Headquarters (dispensary) in 2 weeks. I have received my COO from the City and also my license from the state.

Will I be required to attend today? If I am not in attendance, is it possible that she would be approved to operate within 1000ft of my dispensary? I will be there if needed but hoping this email will serve the same purpose.

Thanks Donyale

Great. Thank you.

TULSA CITY BOARD OF ADJUSTMENT CASE NO. 2211

On Friday, April 24, 2020, Donyale Stancle <medlifehg@gmail.com> 如何地打下

THE L/10/20 THE TULSA CITY BOARD

OF ADJULIA MIT

On Friday, April 24, 2020, Chapman, Austin < AChapman@incog.org > wrote:

Yes I did and I will communicate that information to the Board. Thank you for the response.

From: Donyale Stancle < medlifehq@gmail.com >

Sent: Friday, April 24, 2020 9:30 AM

To: Chapman, Austin < AChapman@incog.org >

Subject: Re: BOA-22904

Good morning, Austin. Just wanted to confirm you received my email? Thanks and have a great weekend.

Donyale

On Wednesday, April 22, 2020, Donyale Stancle <medlifehq@gmail.com> wrote:

Hi Austin,

Thanks for reaching out. Yes, I am still planning to open Medicinal Life Headquarters (dispensary) at that location in the very near future; still making my way through the process. My landlord shared the notice with me and I planned to attend in person as well. Thanks again for reaching out.

**Donyale Stancle** 

On Wednesday, April 22, 2020, Chapman, Austin < AChapman@incog.org > wrote:

Mr. Stancle,

I am writing you in regards to your previous application for a spacing verification at 6125 E 31st Street. We have an applicant who put in an application for a spacing verification that is within 1,000' of your address I am reaching out to confirm that you are still opening at that location I see that you have been issued your Certificate of Occupancy but I did want to reach out and confirm that with you. I've attached a map with the location other dispensary. Please respond to this email and let us know if your plans have changed for opening at that location. The Board will have a copy of your Occupancy Certificate but it would be helpful to hear directly from that you are opening at the 6125 E 31st Street. Feel Free to contact me with any questions.

Best,



Austin Chapman

Planner, City of Tulsa Board of Adjustment

Tulsa Planning Office

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org

Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupal {(918) 596-9456}



Feet 0 150 300 BOA-22904

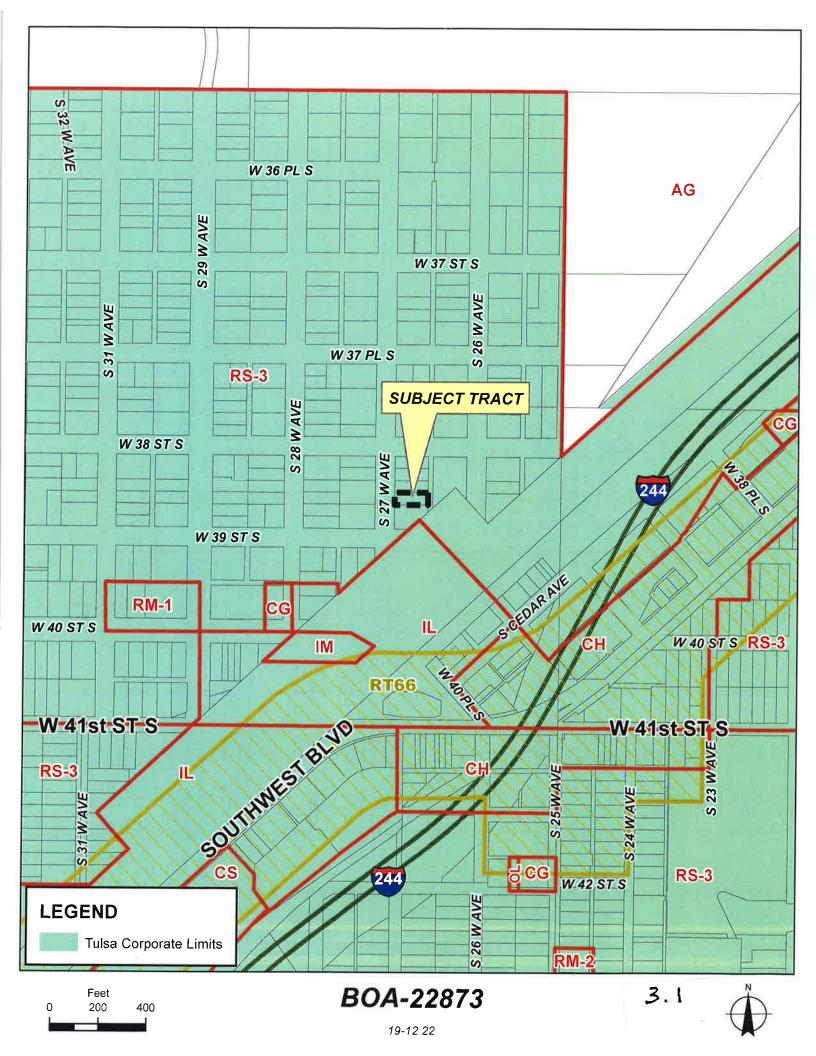
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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9222 Case Number: **BOA-22873** 

**CZM**: 46 **CD**: 2

**HEARING DATE**: 06/23/2020 1:00 PM (*Continued from 06/09/2020*)

**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 qualities of older neighborhoods that are looking for new ways to preserve their character and 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)

Table 5-2.5: R District Building Type Regulations for Household Living **USE CATEGORY** Supplemental Subcategory RD RT RE RMH 2 3 3 4 Specific Uses Regulations **Building Type** RESIDENTIAL Household Living Single household PPPPP PPPP Detached house S PPP PPPP Patio House Section 40,290 **Townhouse** PPPP 2-unit townhouse Section 40.390 PPPP P 3+-unit townhouse Section 40,390 5 S S S 5 Manufactured housing unit SSSS P Section 40.210 P Manufactured housing subdivision Section 40,220 Mobile home P Section 40.240 SSS Mixed-use building SSS Vertical mixed-use building Two households on single lot SS S P PPP Duplex PPP Mixed-use building PPP Vertical mixed-use building Three or more households on single lot SPPPP Cottage house development Section 40.110 PPPP S 5 Multi-unit house Section 40.250 - -PPPP Apartment/condo -Section 40,030 Mobile home park -P Section 40.240 PPP Mixed-use building 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:** (approve/deny) a Special Exception to allow a manufactured housing unit in an Move to 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.

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



Manufactured home on lot immediately South of Subject Tract



Facing South on 27th W Ave

3.4



Facing North on 27th 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 demolished 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 uphostery 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 2nd 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 27th 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 OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 3. A COPY OF A "RECORD SEARCH" [ ]IS [ x ]IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

Application No. 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 <u>Special Exception</u> from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a <u>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.\*</u>

# 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

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 <u>Variance</u> (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.

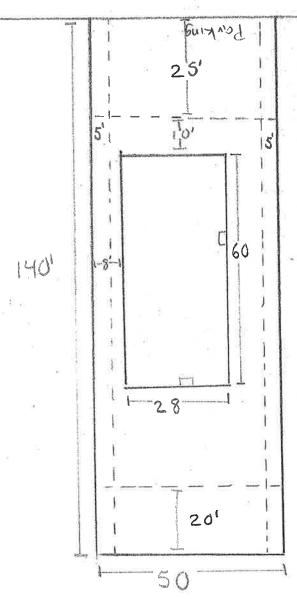
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

### **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.

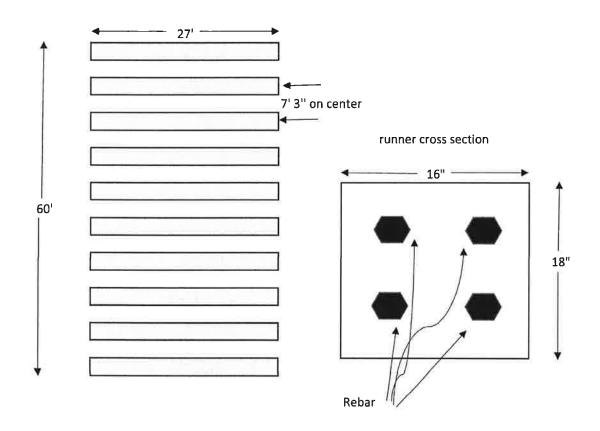
# S 27th West ave



# Foundation Sketch

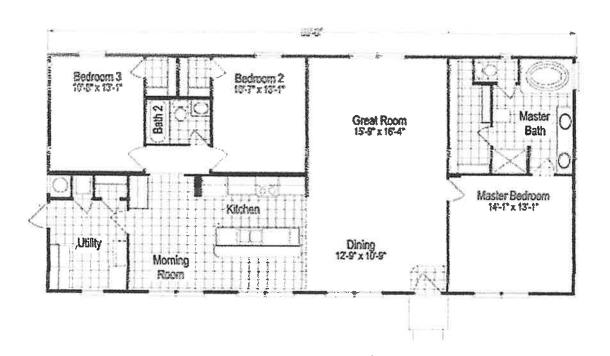
#### Site:

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.



1/30/2020 IMG\_5594.jpg



1/30/2020 IMG\_5596.jpg



1/30/2020 IMG\_5595.jpg



1/30/2020 IMG\_5593.jpg



# Objection to Request for Special Exception in Case BOA-22873 & Request for Continuance of Closed Meeting to Allow a Public Hearing

The parties below are residents and/or property owners in the neighborhood directly affected by the subject Special Exception Request, or adjacent to it.

# The parties below all strongly oppose this Request!

This neighborhood has challenges, but it has some beautiful homes as well as some neglected homes.

There are some persons trying to fix up and improve the single family residential character of this neighborhood, and there are some existing detrimental code violations that are already eroding its single family character.

This neighborhood is one of the oldest and most historic in the city. It should be restored and preserved, not pushed off the edge into further single family home degradation and deterioration. If approved, that is the effect the subject Request will have. That is precisely why a special exception for the requested use is required, as opposed to being normally acceptable.

The subject request should be denied, and the existing flagrant code violations should now be corrected.

Lastly, the parties below object to this "Public" meeting being held in a "Closed to the Public" fashion. We understand why current conditions do not support an "Open to the Public" setting, but in the alternative it should be continued until it can be. It is too important to not have a true "Public" meeting, as intended.

Name & Address	Email	Tel.#	
Name: Ed Gras Address: 3) 0 4 5	5 2 Q	637-3	3835
Name: Jana Sche Address: 3808 S. 29th	W. ave Schillyana	Oyshor con 918-9	176-7622

# Objection to Request for Special Exception in Case BOA-22873 & Request for Continuance of Closed Meeting to Allow a Public Hearing

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Name & Address	Email	Tel.#
Name: EVAN COO 184 Address: 3703 5 29th WAVE TUISA OK 74107	Geran/cooley460) Gmall, Com	918-805-41441
Name: Jerakin Cooley Address: 37355 26th west AVR Tulsa ok 74107	Jerakin cooley 2@gnoil	918-316-6023

# Objection to Request for Special Exception in Case BOA-22873 & Request for Continuance of Closed Meeting to Allow a Public Hearing

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Email	Tel.#
2 KCL bb	b@ 918-231
Tulux Hotmail.	on 3/33
710/	010.74
gguerrero ov.co	ease- 918 - 77
	What Hotmail.

Name & Address	Email	Tel. #
Name: Drownless late		
Address: 3801531WALE	Stanley Total Mal	9183980336
laver / at	1 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	914-3980330
Address: 3801531 W. AND	Sevrin 77 al gmil, a	om
Name: Sam Sendara A	1195	
Name: DANNY ROBERSON	Somsindy atto	918-237-561
	DAMMY C. RobERSON a	9/82774433
Address: 2924 W 37 7h pL	GUAILCOR	116211442
Name: KINGGAS HORRIS	1000	9184470102
Address: 3762 5 28, one		(19 170102
Name: ADAM MICHOLS		
Address: 3813 5. 29th West Ave Tulsa CK Name: Lawre J. Josque		9186385587
Name: Lavra J. Joaque	- Beaky	313
Address: 3803 5. 29th w. Ale Julsa, 057412	Jerger	98574-2600
Name: Sun Beasley		918-899-92 9
Address: 3743 S. Z913 W. AUC.		
Name: MicaH Bearley	Michbersleyegmilcon	
Address: 37-13 S 29th W. Ave	pridate pegii	918-698-2081
Name: John Carter	:1 / 202	
Address: 37525.29 (west five	jdmeavter987e hotmailicum	9185509506
Name: a bris of boyce	cloge 257	918-445-715
Address: 2615 W 37 PL	o Tokana	
TRIST 74107		

Name & Address	Email	Tel.#
Name: Constance Source Me. V.	mich	918-695-
Address: 3803 5.24 4 W. AV	201	5006
Name: Billy C Walkland		918-445-
Address: 3623 Sc. 26 + W. Ave		8630
Name: Affauf Villord		918 445
Address: 37225, 26 W, Al	15	2395
Name: Mary Mc Clain		912-446
Address: 3721526th W Av	e	913 619-2514
Name: Morge D Cheek		918 982
3614 5, 26 WATE 12	Yuan.	2796
Name: Wirmin DAD25		918-230
Address: 2512 W.3746 TWS	a	3518
Name: IHN OCKENFR		718-
Address: 25/5 W, 38 57		447-1195
Name: Ots MOONARD		918-6
Address: 3803 S Dut w AVE	-	695-5096
Name: Juanita Deis		(918)
Address: 2521 W3714 St		918)
Name: K Bruce		010 1110 710
Address: 3651 5.28th W. Aile	5.	918-645-2656
Name: HIRAN Address: 36525,28th A		
Address: 36525 28th A	uo	918-445-01

Name & Address	Email	Tel.#
Name: Christopher Cook		
Address: 3704 S. 27th West Ave,	arcith for eyahoo.com	918-510-6681
Name: Annete Cook		
Name: 5 helle Janes Address: 3705 5. 2 Lest A. A.D.E.	nettiecock osegation	can 918-640 74
Address: 3705 5. 26th D. ADE.	Shelliej 2020209	mail car
Name: AND SMA		913-
Name: Dawn A Jana		799 - 944L
Address: 3705 Sth 26 rw Ave		918) 704-528
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To: BOA members, RE: Case # 12873, applicant Carina Garcia, requesting a special exception to permit a manufactured housing unit and grant perminent status; @ 38115.274 W. Ave.

We the undersigned residents of Lookout Maintain located in Red Fork, lity of Tulsa, Tulsa county request by our signatures to follow, that you acknow ledge the presenter of Said Petition as our proxy in leiu of of our bodily presense so that we may comply with "shelter at Home" corona Virus in structions. Futher wore that proxy also represents our request that you deny the applicants request for action, undoubtedly, applicant win attempt to Justing her request, noting the existing mobile, home to her South. We have no evidence that the unit has legal status and a finding of such a would prompt request for immediate removal. We would like you to take note of the actual development of Loukout Wountain over many decades, despite RS-3 20 ning, a look at airial views will reflect a neighbor hood with considerably less density and the people who like here like it that way. We are concerned that your approval would allow Ms. Garcia, or others, to purchase the vacant lots to her north, and maibe others, downsize them into V2 lots like she owns and build a mobile home anomoly in our midsternis would be devastating to the original Stakeholders intrest and lifethis would be devastating to the original Stakeholders intrest and lifethis would be devastating to the original Stakeholders intrest and lifethis would be devastating to the original Stakeholders intrest and lifethis would be devastating to the original Stakeholders intrest and lifethis would be devastating to the original Stakeholders intrest and lifethis would be devastating to the original Stakeholders intrest and lifethis would recently by the Red Fork Mainstreet plan and developent remained covered recently by the Red Fork Mainstreet plan and developent remained unchanged under ow Manituls of Comprehensive plan. Please honor the

voices of man	er our Manitulea comprehensive plan. Pl y over the one by denying the applicants ADDRESS	request.	TELEPHONE
Sandra Hancock	38125.28th West Ave	Savara 3945e att.net	
Jerry Poulter	38/6 C 28+h W. Ave	CC17 710.	918-798-806
Church Hall	3808 S. 28 th. Avo		
Har Bamet	3803 lo 25 th ave		918-444-2499
Dunle Wels	n 3902 2809 W3951	4	918 282033
Charles R Lack	3822 8 29 2 2 ave		918 639 4912
Vary Carolyn arnoll	3824 5. 27th W. aw		918-409-4015
11 1 11 11	2 38245 27 to Ave		918-219-6137
			3.24

10: DDA members, RE: Case # 22873, applicant Carina Garcia, requesting a special exception to permit a manufactured housing unit and grant perminent We the undersigned residents of Lookout Mauntain located in Red Fork, City of Tulsa, Tulsa county request, by our signatures to follow, that you acknowledge sense so that we may Comply with "shelter at thome" corona virus in deny the applicants request for action, undoubtedly, applicant will attempt to Justin her request, noting the existing mobile home to her south. We would prompt request for immediate removal we would like you to take note of the actual development of Locatout Neuntain over many decades, despite Considerably less density and the people who live here. It ke it that way. We are concerned that your approval would allow Ms. Garcia, or others, to burchase the vacant lots to her north, and maybe others, downsize them into 12 lots like she owns and build a mobile home to make intensity of the intensity. This would be devastating to the cricinal stakeholders intrest and lifelong investment in their properties and violate the base principle of RS-3 zoning. It is also important for ya to know that the area was covered recently by the Red Fork Nainstreet plan and developent remained unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls a comprehensive plan, Please honor the unchanged under our Manituls and the pro

un Changed und	ler our Manitules comprehensive plan. Pl y over the one by denying the applicants	ease non s request	.Thank V.
NAME	LADDRESS		TELEPHONE
Lesa Barnett	3753 S. 28th W. AVE TULGA, UK		918: 7344604
Joy Eaton.	3752. S. 28th W. Ave Tulsa, \$ 74107.		918-1498-1337
M/ 184 13-01	WR 3909 & 25 W are Tulog		118-446-568
Thy fare Kell	CE 3903 5.28+4 W. AVE-		918-83677
Kyle Bruce	3651 S. 28th W. Ave Tulsa	RK. Bruce@	918-645-2656
Kirk Bruce	3708 5, 28th 11 Ave TI		573-881-3880
al Brayhear	2501 W.37" Gt TulsA		718
15			
N <sup>2</sup>		,	
			3.25

# Chapman, Austin

From:

Jill Halstead <jillhalstead1117@gmail.com>

Sent:

Monday, March 23, 2020 8:03 PM

To:

esubmit

Subject:

opposition to case 22873

We are a home owner at 3623 S 26th Ave W.

We Do Not agree to the special exception of allowing a manufactured housing unit to be moved in permanently to property 3811 S. 27th Ave W.

This decision will lessen the property value of other homes in our neighborhood of Red Fork one of the oldest neighborhoods around.

Billy and Jill Halstead 918 445 8630

### Sparger, Janet

From:

Chapman, Austin

Sent:

Monday, March 23, 2020 3:30 PM

To:

SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica

Shelton

Cc:

Sparger, Janet; Wilkerson, Dwayne; Blank, Audrey; Swiney, Mark

Subject:

FW: Case # BOA-22873

All,

Please see the email below in opposition to BOA-22873.

Best,

### **Austin Chapman**

Planner, City of Tulsa Board of Adjustment

### **Tulsa Planning Office**

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org



Determining compliance to zoning or building code requirements is not a function of this office.

The Building Permits Division will address compliance upon application for a building permit or occupancy processes [(918) 596-9456]

From: Jana Schell <schelljana@yahoo.com>
Sent: Monday, March 23, 2020 12:55 PM
To: Chapman, Austin <AChapman@incog.org>

Subject: Case # BOA-22873

I am ADAMANTLY OPPOSED TO A MOBILE HOME BEING PUT IN OUR NEIGHBORHOOD!!! 100% NO!!!!!! NO!!!!! NO!!!!!

Jana Schell 3808 S.29th W. Ave. Tulsa okla 74107 918-946-7622

Sent from Yahoo Mail for iPhone

### Sparger, Janet

From:

Chapman, Austin

Sent:

Monday, March 23, 2020 3:26 PM

To:

SVanDeWiele@HallEstill.com; Austin P. Bond; Burlinda Radney; Briana Ross; Jessica

Shelton

Cc:

Sparger, Janet; Swiney, Mark; Blank, Audrey; Wilkerson, Dwayne

Subject:

FW: Concerning Case BOA-22873

All,

Please See the email in opposition to BOA-22873 below.

Best,

**Austin Chapman** 

Planner, City of Tulsa Board of Adjustment

**Tulsa Planning Office** 

2 W. 2nd St., 8th Floor | Tulsa, OK 74103

918.579.9471

achapman@incog.org



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The Building Permits Division will address compliance upon application for a building permit or occupancy part [(918) 596-9456]

From: Bruce, Kyle <Kyle.Bruce@tdwilliamson.com>

**Sent:** Monday, March 23, 2020 11:23 AM **To:** Chapman, Austin < AChapman@incog.org>

**Subject:** Concerning Case BOA-22873

Dear Austin, concerning the rezoning of property on westside of Tulsa, in red fork district....Case # BOA-22873.....NO,NO,NO I live at 3651 south 28<sup>th</sup> west ave, Tulsa Ok, 74107 and I do not want trailers being brought into our neighborhood! We are refurbishing and investing to make Nice homes in redfork and we are struggling enough to turn it around and make it better this is a NEGATIVE move in regards to making things better, and by the way tell that guy after a year he should finish siding his house before thinking of starting other projects.....I'm not lying, look at it yourself. ALSO, my father who lives in a house I own across the street at 3708 s. 28<sup>th</sup> west Ave, Tulsa OK. 74107 DOES NOT WANT IT EITHER! Matter of fact none of the 4 neighbors I told does so please say NO to this bad Idea. Thank you.

R. Kyle Bruce Sr. Field Inspector AWS C.W.I./C.W.E. API 1169, NACE 918-645-2656 TDWilliamson

# Tulsa, OK

# kyle.bruce@TDWilliamson.com

This message and any attachments may be a confidential attorney-client communication or otherwise be privileged and confidential. If you are not the intended recipient, any review, distribution or copying of this transmittal is prohibited. If you have received this transmittal in error, please reply by e-mail and delete this message and all attachments.

# Sparger, Janet

From:

A Brashear <kclbbb@hotmail.com>

Sent:

Monday, March 23, 2020 10:04 AM

To:

esubmit

Subject:

Hi

Case # boa-22873. Property address. 3811 s 27 av w Tulsa,ok.

This is a housing addition yes it is been here for a long time Redfork and these houses that are currently here are being fixed up and brought back to life many in the addition there should not be any mobile homes allowed to be in here to downgrade our property values this was not set up for a mobile home park this should not be a thanks Earl Brashear Sent from my iPad

### 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** 

### Sparger, Janet

From:

lindapinda88 < lindapinda88@gmail.com>

Sent:

Tuesday, June 2, 2020 10:02 AM

To:

esubmit

Subject:

Case BOA-22873

### Good Morning!

I did get a notice that Carina Garcia wants to be allowed to build a manufactured home close to my rental. Although,I appreciate her need,I 100 percent object to this exception and feel it will lower the values of homes in that area. I am from out if state and unable to appear in person. I did try the website but, it failed me. It is very important to me,as an investor, to not allow this. Please tell me if I need to do anything more to avoid this situation and let the courts know I object. Thank you Linda Gage

925 822 6440

Sent from my Verizon, Samsung Galaxy smartphone

### Sparger, Janet

From:

Chapman, Austin

Sent:

Friday, June 5, 2020 2:35 PM

To:

Audrey Blank; Austin Bond; Briana Ross; Burlinda Radney; Jessica Shelton; Swiney,

Mark; Sparger, Janet; Stuart Van De Wiele; Wilkerson, Dwayne

Subject:

BOA-22873

All,

I did receive a voicemail from Betty and Steve Denny who live at 3746 S. 27<sup>th</sup> W. Ave. They stated they were in support of the request in BOA-22873.

Best,



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

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

TULSA CITY BOARD OF ADJUSTMENT
CASE NO. 22873
OFFICIAL RECORD EXHIBIT
ENTERED IN THE MINUTES OF THE TULSA CITY BOARD
OF ADJUSTMENT

The staff members attending in person are as follows:

Mr. Stuart Van De Wiele, Chair

Ms. Jessica Shelton, Board Member

Ms. Susan Miller. Tulsa Planning Office

Mr. Austin Chapman, Tulsa Planning Office

Mr. Nathan Foster, Tulsa Planning Office,

Ms. Janet Sparger, Tulsa Planning Office

### MINUTES

On MOTION of SHELTON, the Board voted 3-0-1 (Ross, Shelton, Van De Wiele "aye"; no "nays"; Radney "abstaining"; Bond absent) to APPROVE the Minutes of the February 11, 2020 Board of Adjustment meeting (No. 1244).

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the Minutes of the February 25, 2020 Board of Adjustment meeting (No. 1245).

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the Minutes of the March 10, 2020 Board of Adjustment meeting (No. 1246).

### **NEW APPLICATIONS**



### 22873—Carina Garcia

### **Action Requested:**

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)

### Presentation:

The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

### Interested Parties:

There were no interested parties present.

FILE COPY

Comments and Questions: BOA - 22873None.

### **Board Action:**

On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to **CONTINUE** the request for a Special Exception to allow a 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) to the April 28, 2020 Board of Adjustment meeting; for the following property:

S 1/2 LT 4 BLK 30, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

### 22877—Stephen Pedmia

### **Action Requested:**

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)

### Presentation:

The district City Councilor has requested a continuance to April 28, 2020, and the applicant has agreed to the continuance.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

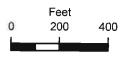
None.

### **Board Action:**

On **MOTION** of **SHELTON**, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to CONTINUE the request for a Special Exception to allow a 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) to the April 28, 2020 Board of Adjustment meeting; for the following property:

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 .001AC, City of Tulsa, Tulsa County, State of Oklahoma

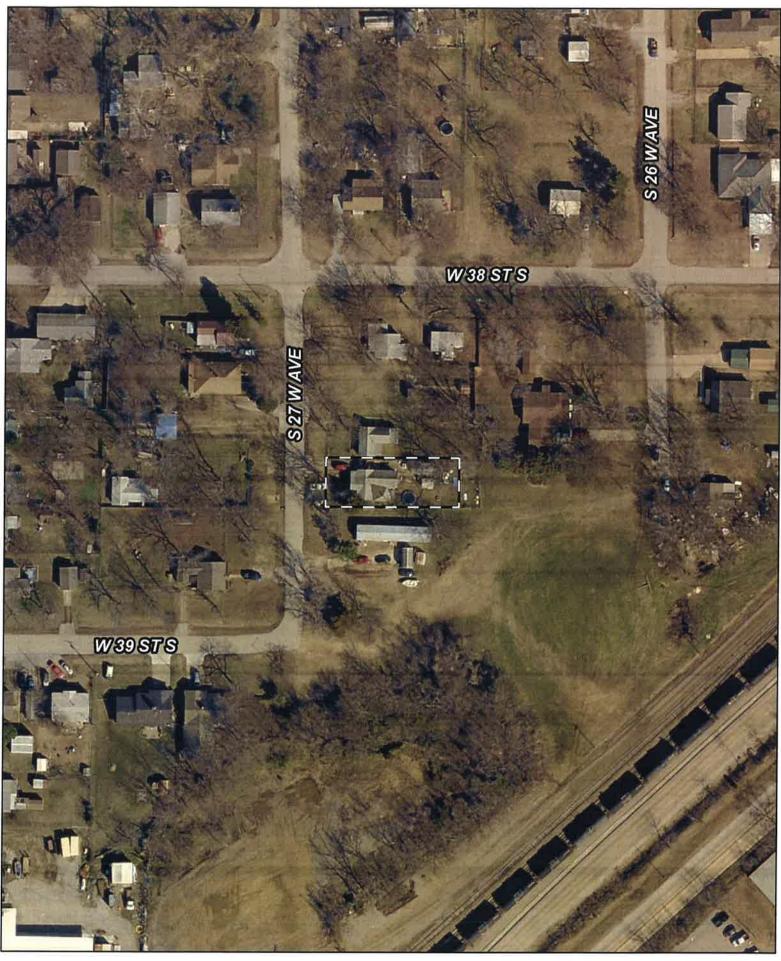


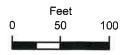




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19-12 22

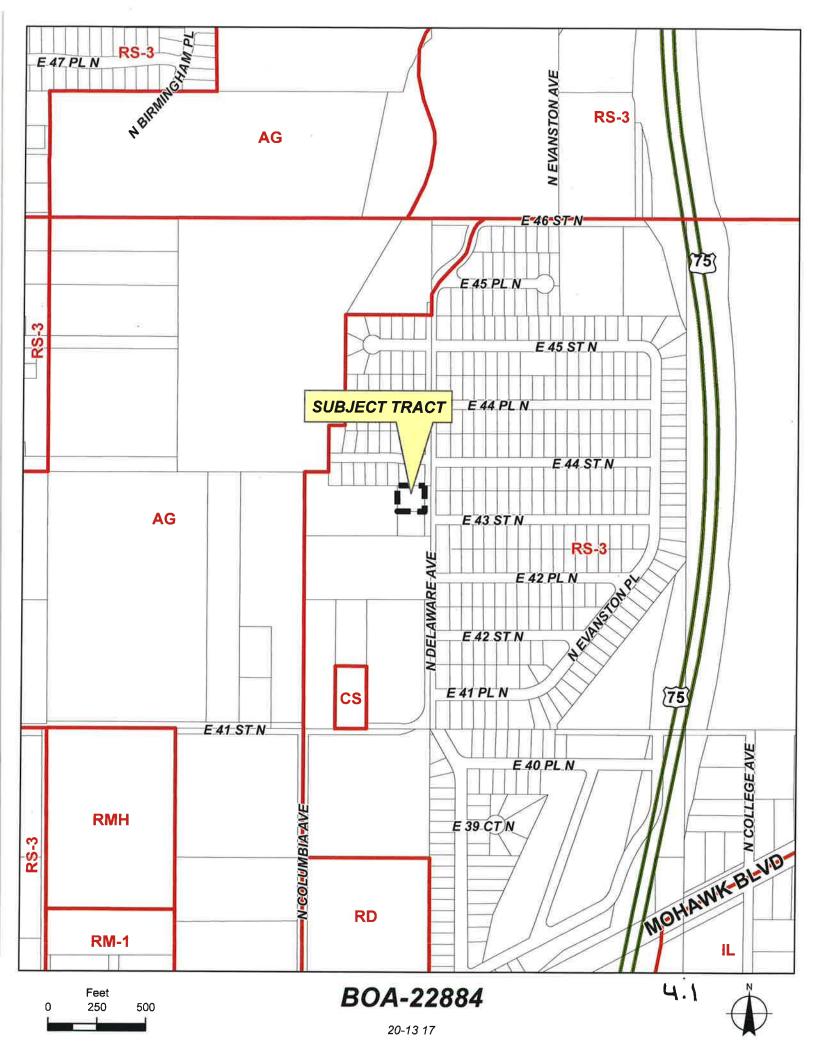
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## BOARD OF ADJUSTMENT CASE REPORT

STR: 207 Case Number: BOA-22884

**CZM**: 22 **CD**: 1

**HEARING DATE:** 06/23/2020 1:00 PM (*Continued from 06/09/2020*)

**APPLICANT:** Brandon Ledezma

ACTION REQUESTED: Variance of required 5 foot side yard setback in an RS-3 district (Section

5.030, Table 5-3)

**LOCATION**: 4408 N DELAWARE AV E **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 20908.89 SQ FT

**LEGAL DESCRIPTION:** BEG 30W & 123.3N SECR N/2 NE SE NW TH N126.7 W144.24 S122

E144.32 POB SEC 17 20 13 .412AC

**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 Growth".

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c N. Delaware Ave. and E. 44<sup>th</sup> St. N.

**STAFF COMMENTS:** The Applicant is requesting *Variance* of required 5 foot side yard setback in an RS-3 district (Section 5.030, Table 5-3)

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

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Min. Building Setbacks (ft.)								-71					
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

Per the site plan provided the the structure was built 2.5" away from the side property line.

**STATEMENT OF HARSDHIP:** The reason we built this porch there is because there use to be an old garage there. The garage was 1 ft away from the property line, so we thought it was right for us to build so close to the property line. In front of the house there are sewer lines and natural gas. On the north side there are buried electric lines as well. We have our own company and we have all our equipment and truck so we built it so that when it rained our equipment wouldn't be damaged.

SAMPLE MOTION: Move to (approve/deny) a <i>Variance</i> of setback in an RS-3 district (Section 5.030, Table 5-3)	required 5 foot side	yard
Finding the hardship(s) to be	,	
Per the Conceptual Plan(s) shown on page(s) of the agenda	packet.	
Subject to the following conditions		

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

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



Facing North on Delaware



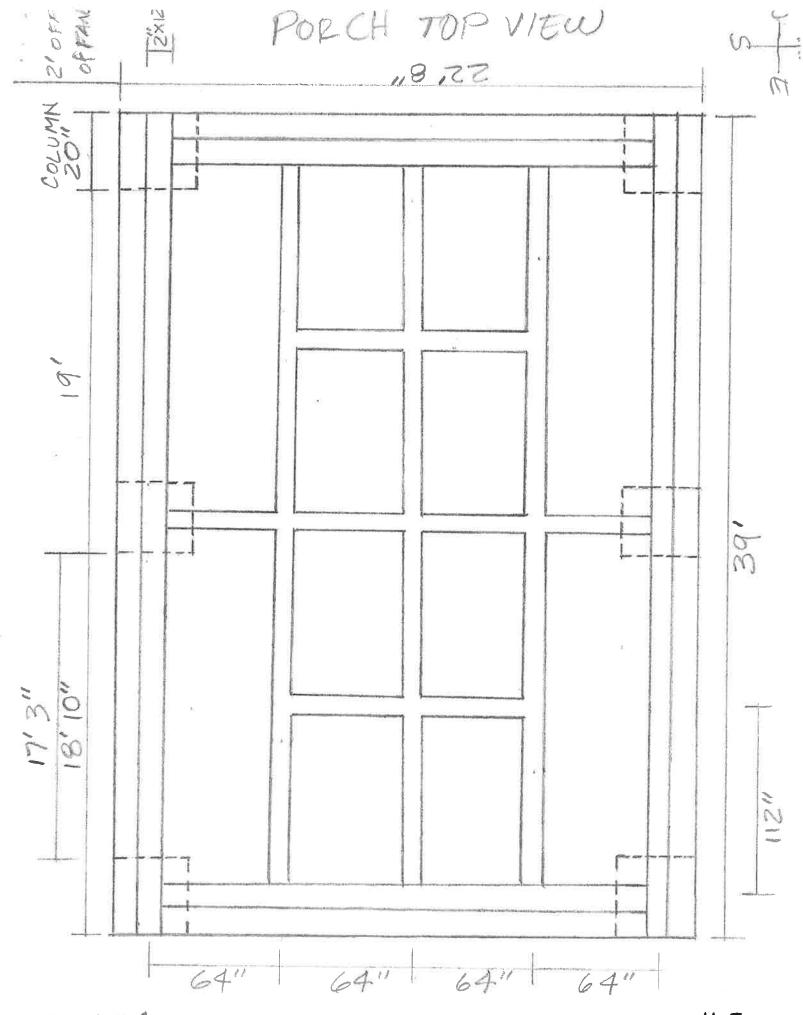
Facing South on Delaware



Subject property

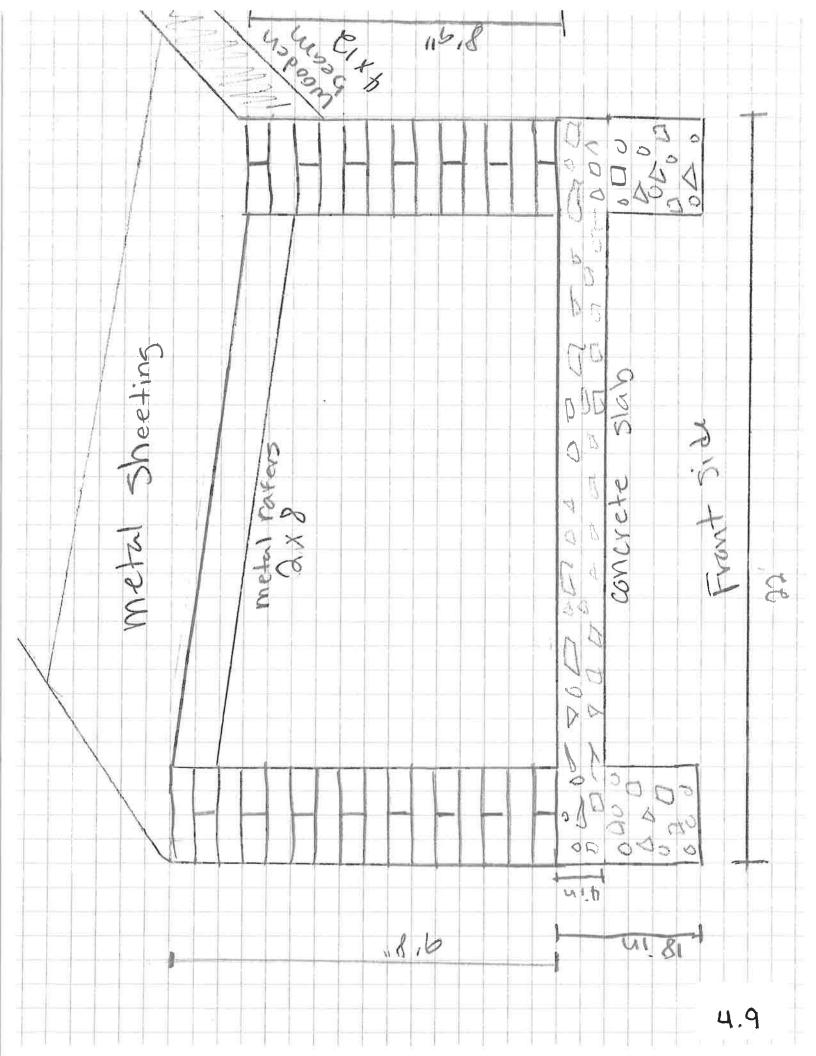


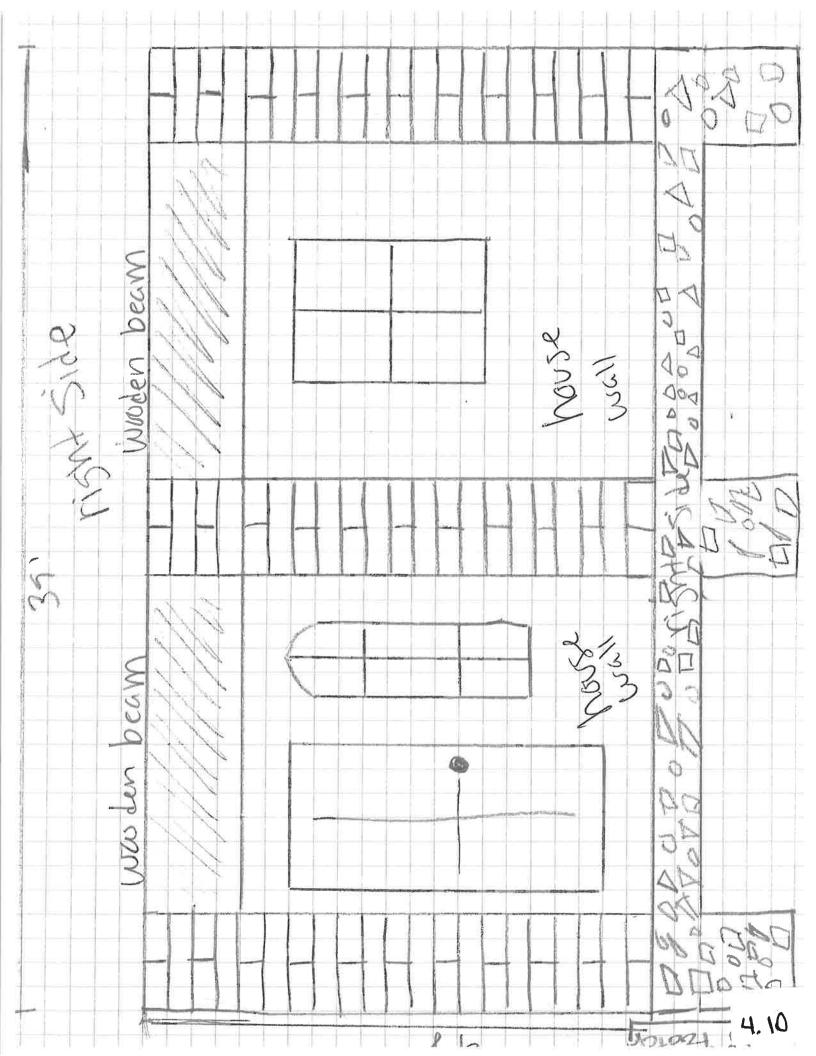
Subject Property

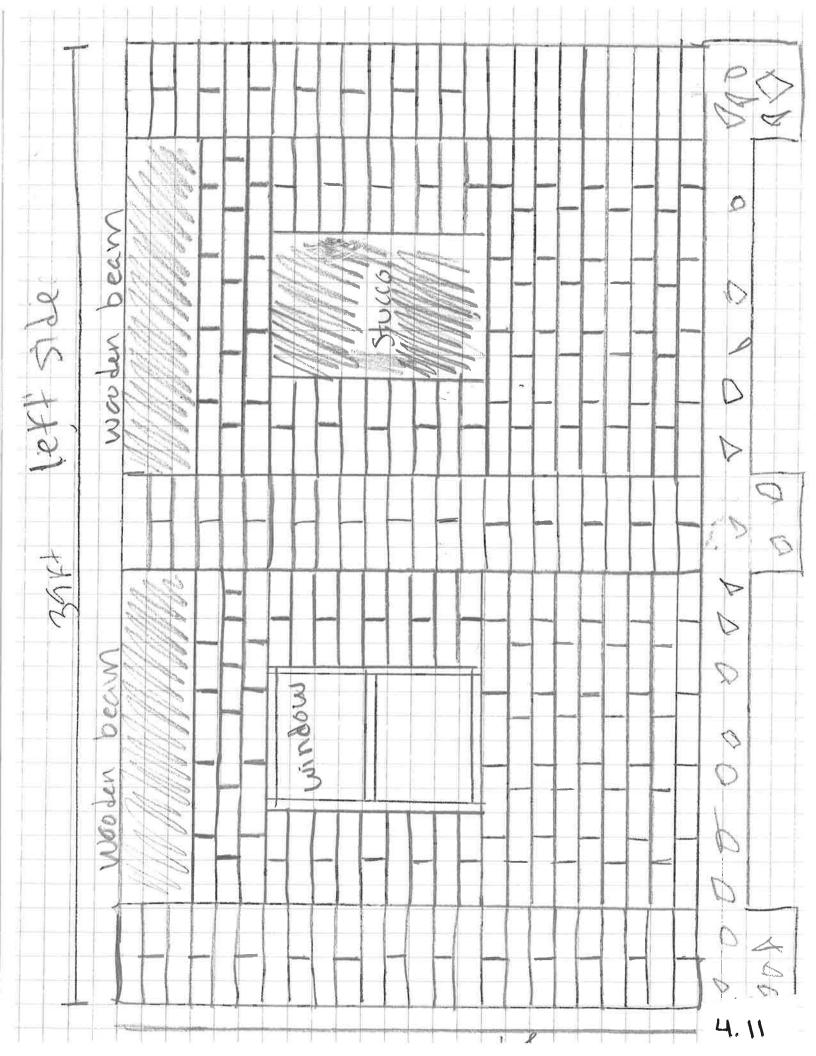


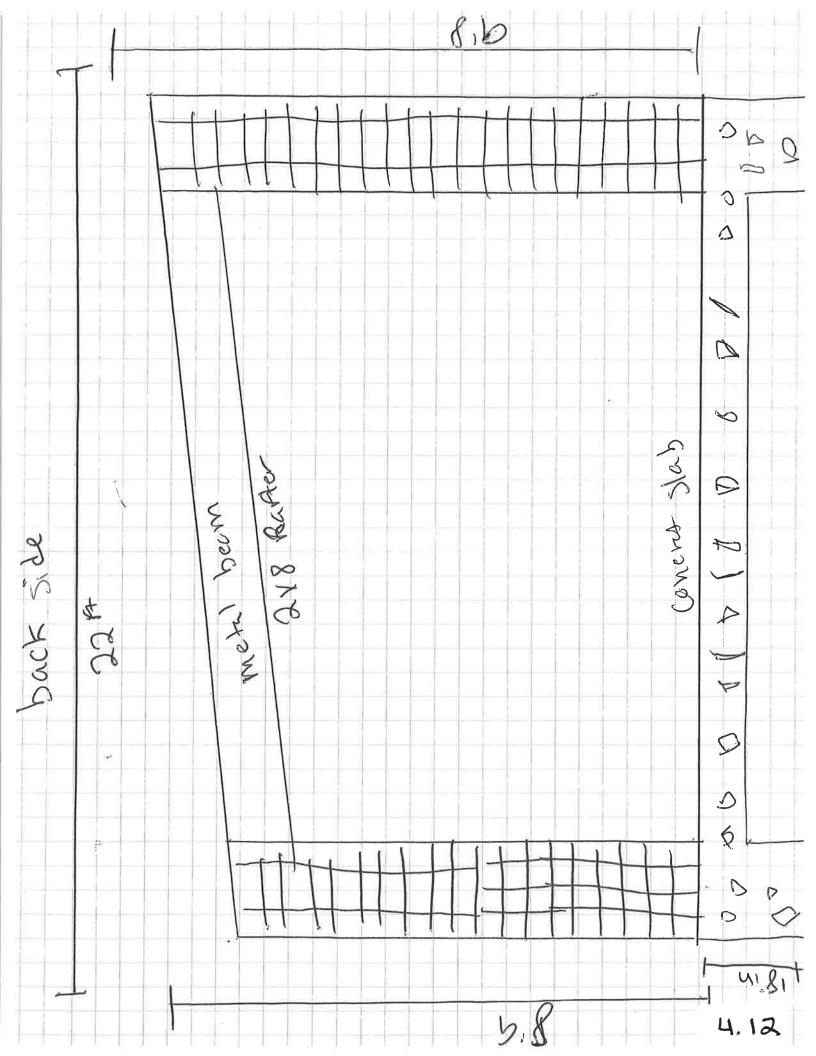
ENTRANCEA

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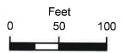
BOA-22884

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











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

Aerial Photo Date: February 2018



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



### **DEVELOPMENT SERVICES**

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

### ZONING CLEARANCE PLAN REVIEW

1/18/2020

Brandon Ledezma brandonledezma98@gmail.com

APPLICATION NO: BLDR-50998-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE)

Project Location:4408 N Delaware Ave E

**Description: Carport** 

### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

### IMPORTANT INFORMATION

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

(continued)

### **REVIEW COMMENTS**

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

Application No. BLDR-50998-2019

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.

<u>5.030-A</u>: In the RS-3 zoned district the minimum side yard setback shall be 5 feet from the side property line.

**Review Comments:** Revise your plans to indicate a 5' side setback from carport to the property line, or apply to INCOG for a <u>variance</u> to allow less than a 5' side setback.

**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 and under the proposed carport or apply to the Board of Adjustment for a <u>Variance</u> (section 70.120) to allow a material other than an approved material meeting the requirements of 55.090-F.

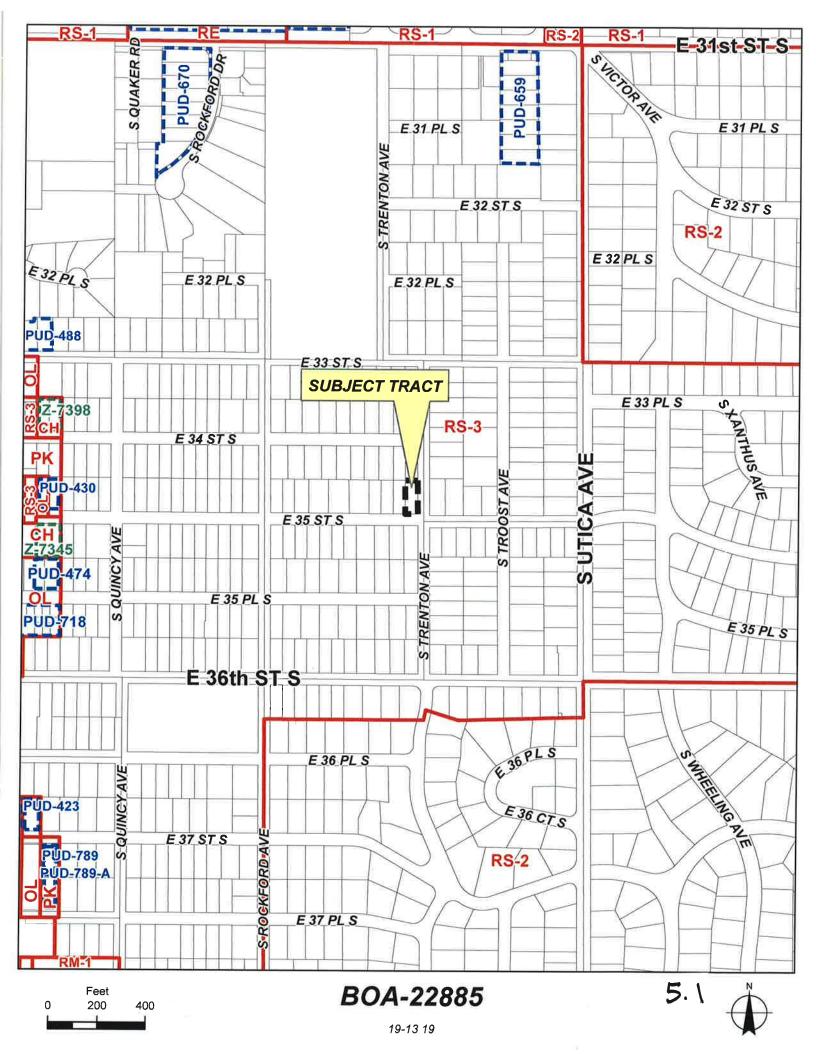
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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

### **END –ZONING CODE REVIEW**

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

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



## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9319 Case Number: **BOA-22885** 

**CZM**: 47 **CD**: 9

HEARING DATE: 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT**: Susie Woody

<u>ACTION REQUESTED</u>: Variance to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) Variance to reduce the 20 foot side setback for a street facing garage on a

corner lot (Sec. 80.020-B)

**LOCATION**: 1575 E 35 ST S **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT-13-BLK-2, PARRAMORE ADDN

**RELEVANT PREVIOUS ACTIONS: None** 

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located at the NW/c of S. Trenton Ave. and E. 35<sup>th</sup> St. S.

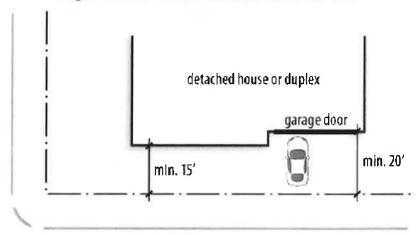
**STAFF COMMENTS:** The applicant is requesting *Variance* to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) *Variance* to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)

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

Chapter 5 | Residential Districts Section 5.040 | Other Relevant Regulations

[3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

Figure 5-1: Street Side Setback on Corner Lots



### **STATEMENT OF HARDSHIP:**

Not Provided by applicant at this time.

<u>SAMPLE MOTION:</u> Move to \_\_\_\_\_ (approve/deny) a *Variance* to reduce the required 5 foot side yard setback in an RS-3 District (Sec. 5.030, Table 5-3) *Variance* to reduce the 20 foot side setback for a street facing garage on a corner lot (Sec. 80.020-B)

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

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

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



Subject property



Facing West on 35th Pl.



Subject Property



BOKED OF ADJUSTMENT

Z WEST SECOND STREET

SUITE 800

TULSA, OULCHOMA

74103

74109-311600

- դիկիկիրութվերիիիիիիիիիիրինաբրին<u>իարի</u>ն

6-2-20 RE: CASE# BOA-22885 WE HAVE NO OBJECTION 10 THIS APPLICATION. THOMAS F. STERLINE 1527 E 34

1575 E 35<sup>th</sup> St S Lt-13-BLK-2 Miami Home Plate, LLC March 17, 2020, updated June 16, 2020

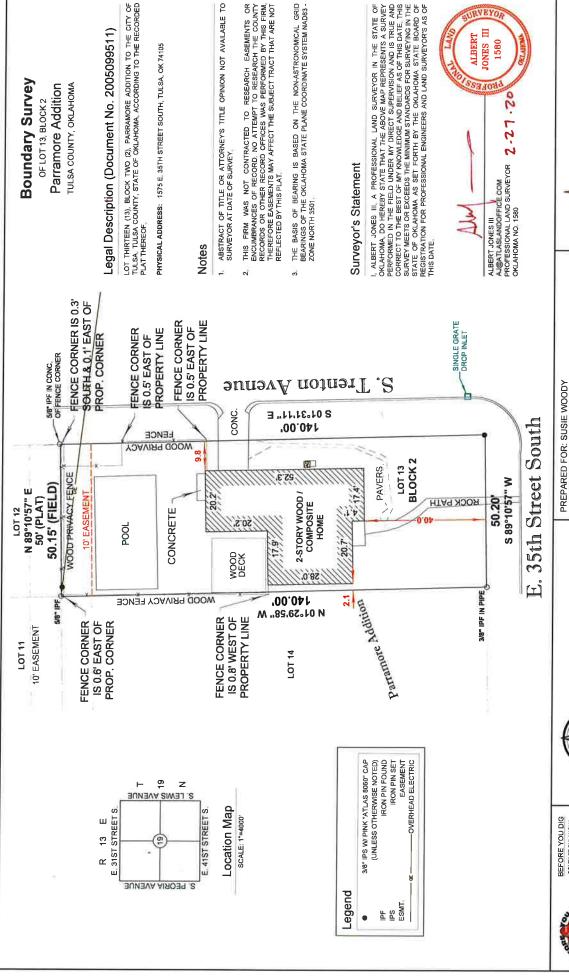
Owner requests variance to codify existing legally nonconforming structure and guarantee ability to rebuild as currently exists.

### **Existing conditions:**

- 1. lot was platted prior to 1970 zoning code
- 2. west yard is setback 2.1', not 5'- per the 1970 zoning code
- 3. east garage entry is 9.8′, not 20′ per the 1970 zoning code
- 4. city of Tulsa has approved interior remodel plans and issued permit
- 5. interior remodel is in progress

### Owners plans for remodel:

- 1. will not change the exterior shape and size of residence
- 2. demonstrates commitment to maintaining established character of neighborhood.



- ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
- THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR RENOUMBRANCES OF RECORD, ON ATTEMPT OR RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBLICT THACT THAT ARE NOT

I ALBERT JONGS III, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA. DO HERBY STATE THAT THE ABOVE MAR REPRESENTS A SURVEY PERFORMED IN THE HELD UNDER MY DIRECT SUPERVISION AND IS TRUE AND CREEKETTO THE BEST OF MY KNOWNDER AND BELEN AS OF AS SURVEY WESTS OR EXCEEDS THE MINIMUM OF AND ARADDES FOR SURVEYING IN THE STATE OF OKLAHOMA AS SET FORTH BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS OF THIS DATE.



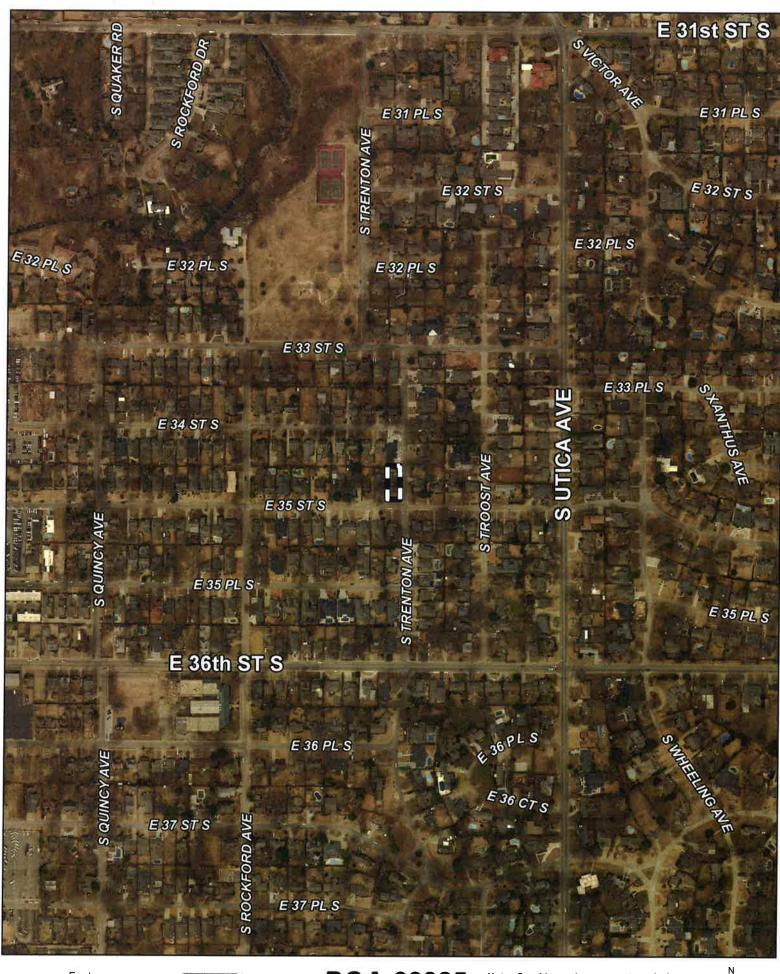


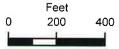
SHEET 1 OF

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

SCALE: 1"=20" 2 9

FILE NUMBER: JOB NUMBER: DRAFTED BY: SURVEY DATE: 02/04/2020 DIGITAL BOC ARJ BOOK / PAGE: CHECKED BY: SURVEY BY: 6



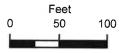




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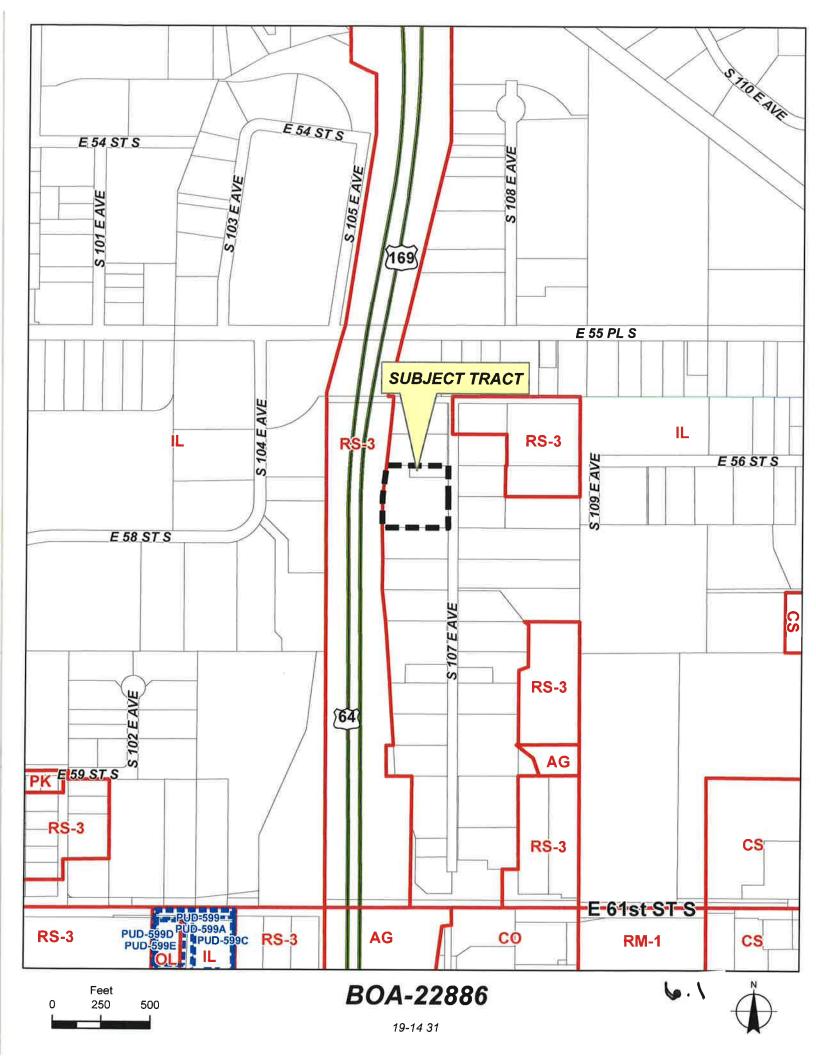
Aerial Photo Date: February 2018



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# BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9431

Case Number: BOA-22886

**CZM**: 49

**CD:** 7

**HEARING DATE**: 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT: JR Donelson** 

**ACTION REQUESTED:** Variance of the Parking Area Design Standards to permit an existing gravel

parking lot (Sec. 55.090)

**LOCATION**: 5630 S 107 AV E; 5628 S 107 AV E **ZONED**: IL

PRESENT USE: Mulch Sod Sales and Landscaping TRACT SIZE: 107737.39 SQ FT

**LEGAL DESCRIPTION:** LTS 3 & 4 LESS N60 E200 LT 3 & LESS BEG NWC LT 3 TH E314.89 SW162.53 S161.47 W296.76 N322.92 POB FOR HWY BLK 2; N60 E200 LT 3 BLK 2, GOLDEN

**VALLEY** 

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 offstreet 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 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.

Included in your packets are photos of the storm drains along 107<sup>th</sup> E. Ave. immediately outside of the subject property. The requirement for an all-weather parking surface predates the improvements of 107<sup>th</sup> E. Avenue.

**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.

### **STATEMENT OF HARDSHIP:**

Request for Variance:

We have operated Tulsa Sod & Mulch at the above location since November 2001. We have cleaned and made great improvements to our property since 2001. We have installed concrete in the business parking locations and gravel is in the drive lanes leading to our landscape materials.

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 South 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 drive lanes 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 15 feet higher in elevation. Granting the 'Variance' will not change the character of the addition or 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.

**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.

### **SAMPLE MOTION:**

have been established:

	to (approve/deny) a <b>Variance</b> of the Parking Area Design Standards to permit aring 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 gra	inting the Variance the Board finds that the following facts, favorable to the property owner,

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

distinguished from a mere inconvenience, if the strict letter of the regulations were carried out:

- 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."

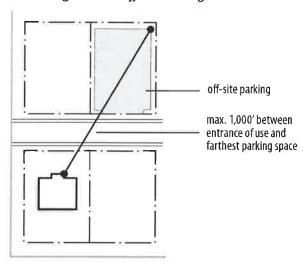


Figure 55-4: Off-Site Parking Location

### 3. Design

Off-site parking areas must comply with all applicable parking area design regulations of <u>Section 55.090</u>. 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 <u>Table 55-5</u>, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in <u>Table 55-5</u> may be interpolated from the layouts shown, as approved by the development administrator.

		1	1
0°	8.5	22.0	12.0/20.0
U	9.0	22.0	12.0/20.0
45°	8.5	18.0	12.0/20.0
45	9.0	18.0	11.0/19.0
60°	8.5	18.0	16.0/21.0
00	9.0	18.0	15.0/20.0
75°	8,5	18.0	21.0/22.0
/5.	9.0	18.0	20.0/21.0
	8.5	18.0	-/24.0
90°	9.0	18.0	-/22.0
	10.0	18.0	-/20.0

Table 55-5: Parking Area Geometrics

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

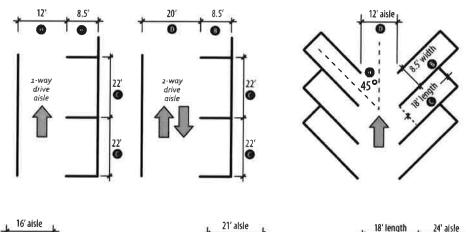
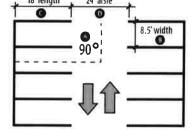


Figure 55-5: Parking Area Geometrics



### 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.

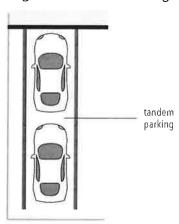


Figure 55-6: Tandem Parking

### 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 <u>Section 55.090-F.4</u>. 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'	**:	aec.	-

- [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:
  - 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:

 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)

Table 55-6: Drive-through Stacking Space Requirements

#### 55.100-B Dimensions

Other

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.

As determined by the development administrator

### 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.



Gutter outside of business on 107th E Ave.



Gutter on 107<sup>th</sup> E. Ave.



Subject Property



Subject property



Subject Property



Facing South on 107th E. Ave.



Facing North on 107th E. Ave.



# Neighborhood Investigations WORKING IN NEIGHBORHOODS

### NOTICE OF VIOLATION - ZONING

To:

MORAN, JAMES R JR 5630 S 107TH EAST AVE

TULSA, OK 74146

Date: 2/18/2020

Case: ZONV-027889-2020

Compliance Date: 3/4/2020

Dear Property Owner and/or Occupant,

You are hereby notified of zoning code violations at (legal)

LTS 3 & 4 LESS N60 E200 LT 3 & LESS BEG NWC LT TH E314.89 SW162.53 S161.47 W296.76 N322.92

POB FOR HWY BLK 2 GOLDEN VALLEY

City of Tulsa, _TULSA	County State of Oklaho	ma; And located at the address of:
630 S 107TH EAST AVE		
Violations:		147
Home Occupations	Mobile Storage Units	Recreation Vehicles
Commercial Vehicles	Garage/Yard Sales	Fences and Walls
Accessory Uses	X Parking Surface	Permit Needed

Additional comments, descriptions or directions: ALL OFF-STREET PARKING MUST BE CONFINED TO AN ALL-WEATHER PARKING SURFACE SUCH AS CONCRETE OR ASPHALT

### See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed \$1,000.00 per day. Failure to comply may also result in revoking or withholding permits certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

Thank you da

City of Tulsa – Working in Neighborhoods

ladams@cityoftulsa.org

918-596-7598

6.14



# Neighborhood Investigations WORKING IN NEIGHBORHOODS

### **NOTICE OF VIOLATION – ZONING**

0.	MORAN, JAMES JR	Date		2/17/2020	
	5628 S 107TH EAST AV	E -	Case:	ZONV-027892-2020	
	TULSA, OK 741466715	C	ompliance Date:	3/3/2020	
Dear l	Property Owner and/c	r Occupant,			
∕ou a	re hereby notified of z	oning code violations at (legal) N60 E	200 LT 3 BLK 2 GOLE	DEN VALLEY	
	Tulsa, TULSA 107TH EAST AVE	County State of Oklahoma; And lo	cated at the addr	ress of:	
/iolat	ions:				
Ho	me Occupations	Mobile Storage Units	Recreatio	n Vehicles	
Co	mmercial Vehicles	Garage/Yard Sales	Fences ar	nd Walls	
Ac	cessory Uses	X Parking Surface	Permit Needed		
dditic	onal comments, descr	iptions or directions:ALL OFF-STREET PA	RKING MUST BE CON	NFINED TO AN ALL-	
/EATH	EB DARKING STIDEACE STI	CH AS CONCRETE OR ASPUALT			

### See back of page for what the resolution of each violation requires.

You still have time to correct the issue(s) at your property. To comply, must correct all violations prior to the compliance deadline listed on this notice above. If you are unable to correct any or all the violation(s) listed above, contact the Code Official listed below to work out an acceptable plan to bring your property into compliance. Ensure that all family members, employees, and/or contractors, etc. are familiarized with and adhere to these regulations. Additional notices will not be sent if recurring violations are found in the future.

Failure to make the correction may result in the issuance of a criminal citation or civil remedial penalties not to exceed \$1,000.00 per day. Failure to comply may also result in revoking or withholding permits, certificates or other forms of authorization issued by the City of Tulsa; and/or any other remedies allowed by law.

Your property is an important investment for you and the community. I urge you to make the necessary corrections to eliminate all violations so that no further enforcement will be necessary.

Please understand that it is ultimately the responsibility of the owner to ensure these violations are corrected. Any civil agreements or rental agreements do not alleviate the owner of this responsibility.

, James LLOYD ADAMS

City of Tulsa - Working in Neighborhoods

iadams@cityoftulsa.org

918-596-7598

6.15

# Tulsa Sod & Mulch

5628 So. 107<sup>th</sup> E. Ave. Tulsa, Oklahoma 74146

February 26, 2020

Ms. Lori Wright
City of Tulsa District No. 7

Re: Notice of Violation

A Notice of Violation – Zoning from Neighborhood Investigations was issued on February 18, 2020 for our business at 5628 and 5630 So. 107<sup>th</sup> E. Ave. The violation was stated, Zoning Code: '42.55.090-F All weather surface' violation.

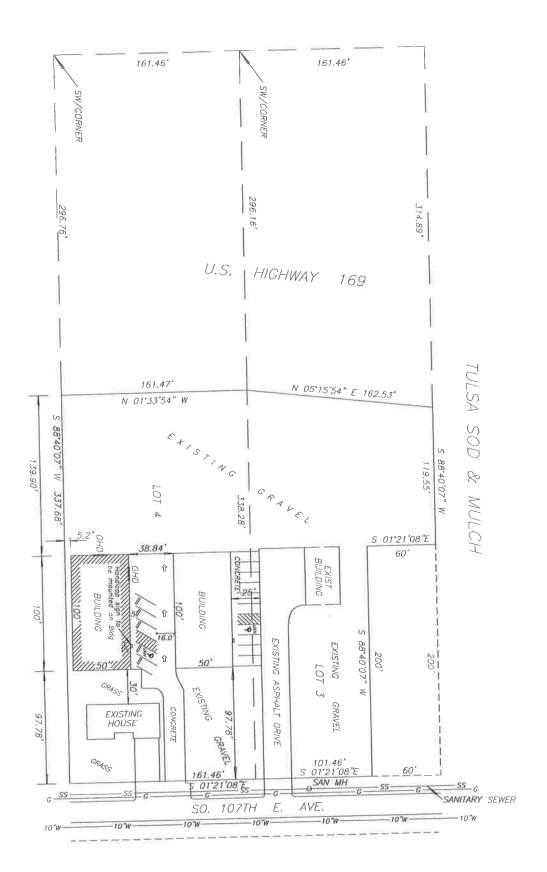
We have operated our businesses at this location since 2001. The parking surface was gravel when we began operating our business. The previous owner had a house, grass and gravel. We do have a Dust Abatement Program in place for our business, considering our location next to highway 169. A copy of that program is attached to this letter.

We and other business owners along 107<sup>th</sup> E. Ave. believe it was very unprofessional of the City of Tulsa to show up at our businesses, issuing a notice of violation with a threat of a criminal citation of up to \$1000.00 per day, without knowing the history of this property or other properties at this location. It is apparent that the City of Tulsa and the Zoning Code did not take into account existing businesses when this requirement was initiated, which affects a large number of existing businesses along 107<sup>th</sup> E. Ave. and in the City of Tulsa.

We will exercise our option and make an application to the City of Tulsa Board of Adjustment, requesting a Variance to 'All Weather Surface' requirement as an existing business, unless Ms. Wright you can intercede on our behalf and other businesses, before the City Council.

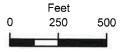
Thank you,

James Moran Jr Tulsa Sod & Mulch











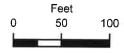
BOA-22886

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

Aerial Photo Date: February 201









BOA-22886

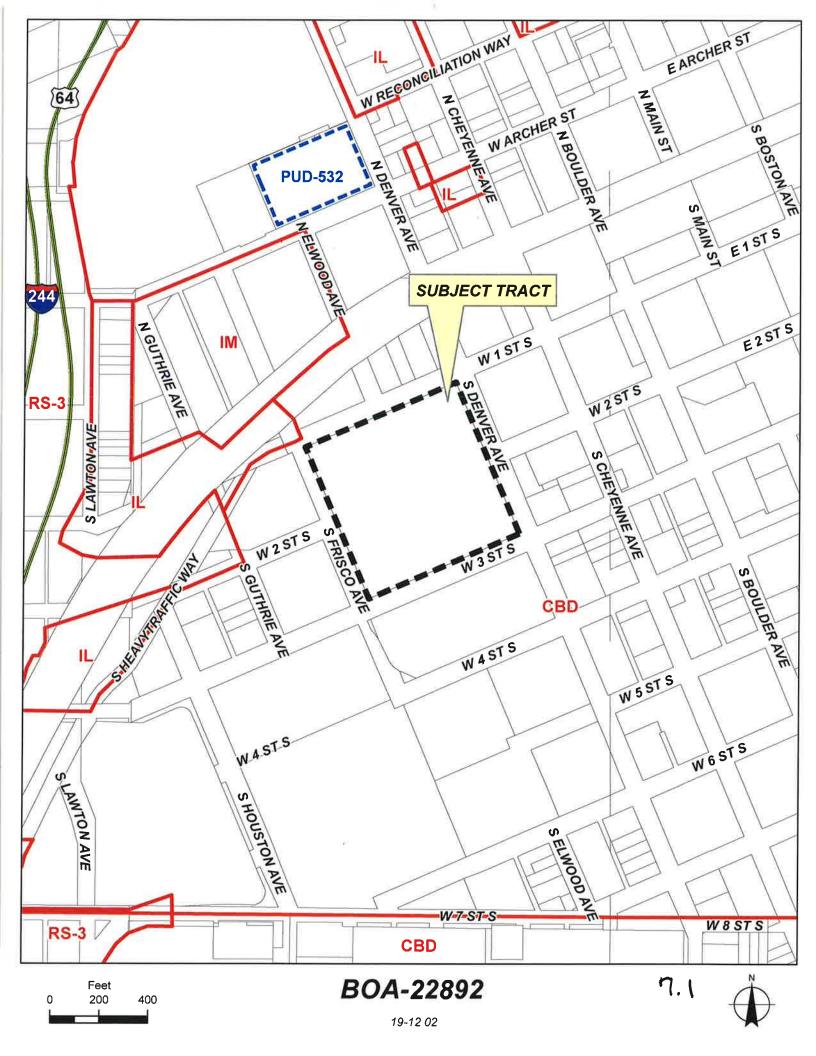
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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9202 Case Number: **BOA-22892** 

**CZM:** 36 **CD:** 4

HEARING DATE: 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT:** Dale Bennett

ACTION REQUESTED: Variance to permit additional dynamic display signage on a single lot (Sec.

60.080-E)

**LOCATION**: 200 S DENVER AV W **ZONED**: CBD

PRESENT USE: BOK Center TRACT SIZE: 462400.01 SQ FT

**LEGAL DESCRIPTION: LT 1 BLK 1, TULSA REGIONAL CONVENTION AND EVENTS CENTER** 

**RESUB PRT OT TULSA** 

### **RELEVANT PREVIOUS ACTIONS:**

### **Subject Property:**

**BOA-22449**; On 6.13.17 the Board *approved* two dynamic display signs on the subject property and a variance to allow a dynamic display within 20 feet of a driving surface.

Surrounding Property: None

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

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

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

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is the BOK Center Located at the NW/c of E. 3<sup>rd</sup> Street and S. Denver Ave.

**STAFF COMMENTS**: The applicant is requesting a *Variance* to permit additional dynamic display signage on a single lot (Sec. 60.080-E)

60.080-E Dynamic Displays on On-premise Wall, Projecting and Freestanding Signs
A maximum of one of the on-premise wall signs, projecting signs or freestanding
signs allowed on a lot in a mixed-use, commercial or industrial zoning district may
include a dynamic display. The dynamic display may not exceed the maximum sign
area allowed for the respective sign type or 48 square feet, whichever is less. The
sign area allowed for a dynamic display is not in addition to the maximum sign

TULSA ZONING CODE | December 09, 2019
page 60-13

Chapter 60 | Signs
Section 60.080 | Signs in Mixed-use, Commercial and Industrial Zoning Districts

area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic display are subject to the dynamic display regulations of <u>Section 60.100</u>.

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

**SAMPLE MOTION:** Move to \_\_\_\_\_ (approve/deny) a *Variance* to permit additional dynamic display signage on a single lot (Sec. 60.080-E)

- 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;
- 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."

### Comments and Questions:

None.

### **Board Action:**

On **MOTION** of **FLANAGAN**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a <u>Variance</u> to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); <u>Variance</u> to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); <u>Variance</u> to permit a dynamic display within 20 feet of the driving edge of the road on South Boulder Avenue (Section 60.100-E), subject to conceptual plans 10.11, 10.12, 10.13, 10.14 and 10.15 in the agenda packet. The Board has found the hardship to be the space between the building and the street is not sufficient, and the sign is for informational purposes to the public. The Board finds that the following facts, favorable to the property owner, have been established:

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

LTS 1 & 2 & N50 LT 3 LTS 7 & 8 & N50 LT 6 ALL IN BLK 135 & N200 VACATED ALLEY IN BLK 135, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

## 22256—A-Max Sign Company - Lori Worthington

FILE COPY

### Action Requested:

Variance to permit two dynamic display signs on the lot (Section 60.080-E); Variance to permit a dynamic display sign within 20 feet of the driving surface of

06/13/2017-1185 (18)





)

South Cheyenne Avenue (Section 60.100-E). <u>LOCATION:</u> 100 West 1<sup>st</sup> Street South (CD 4)

Presentation:

**Brian Ward**, A-Max Sign Company, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated at the subject location the Board previously approved an identical sign on the First Street side. The sign that is being discussed now is the second sign on the lot. The one approved previously is located on First Street and this single sided sign is facing west on Cheyenne Avenue.

Ms. Back asked Mr. Ward why a dynamic display is needed for parking. Mr. Ward stated the display will advertise the parking when there are major events downtown, but he does not know what is planned to be run on the dynamic display.

### Interested Parties:

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a <u>Variance</u> to permit two dynamic display signs on the lot (Section 60.080-E); <u>Variance</u> to permit a dynamic display sign within 20 feet of the driving surface of South Cheyenne Avenue (Section 60.100-E), subject to conceptual plans 11.10 and 11.11 in the agenda packet. The Board has found the hardship to be that the building is built all the way to the property line. 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

06/13/2017-1185 (19)





g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

PRT LTS 1 THRU 8 & VAC ALLEY ADJ THERETO BLK 91 BEG NWC BLK 91 TH NE242 SE230 NE58 SE70 SW300 NW300 POB, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State-of-Oklahoma

Ms. Miller left the meeting at 2:50 P.M.

### 22257—A-Max Sign Company - Lori Worthington

### **Action Requested:**

<u>Variance</u> from the requirement that no more than one dynamic display be permitted on a single CBD zoned lot (Section 60.080-E); <u>Variance</u> to increase the allowed display surface area of a dynamic display sign to 49 square feet (Section 60.080-E); <u>Variance</u> to permit a dynamic display within 20 feet of the driving surface of <u>Main Street</u> (Section 60.100-E). <u>LOCATION:</u> 11 East 1<sup>st</sup> Street South (CD 4)

Ms. Miller re-entered the meeting at 2:52 P.M.

### Presentation:

**Brian Ward,** A-Max Sign Company, 9520 East 55<sup>th</sup> Place, Tulsa, OK; stated this request is the same as the previous request, two dynamic displays on a lot. The permit for dynamic display on the building on the east elevation on the south end of the building has been applied for and granted. This sign request is for an additional one square foot on the sign because this is the biggest sign of all the Park Tulsa signs because of visibility issues.

Mr. Van De Wiele asked Mr. Ward how tall in the air is the sign located. Mr. Ward stated that it is approximately 40 feet in the air.

### Interested Parties:

There were no interested parties present.

### Comments and Questions:

None.

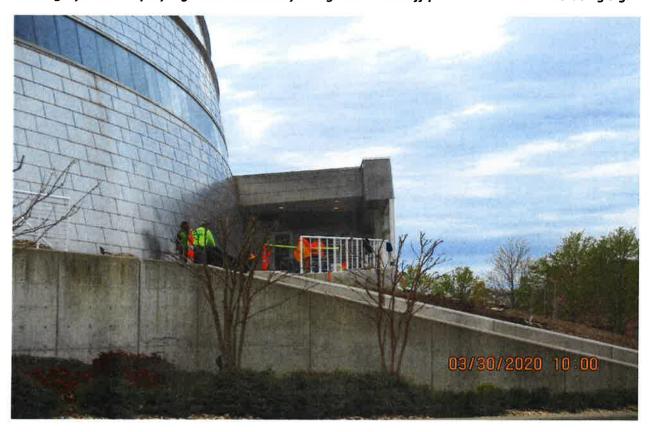
### **Board Action:**

On MOTION of FLANAGAN, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a

06/13/2017-1185 (20)



Exsiting Dynamic Display Sign that is currently being used as an Off-premise Outdoor Advertising Sign



New signage at Northern Entrance



Existing Signage at southeast entrance of BOK Center

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



## **DEVELOPMENT SERVICES**

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

### SIGN PLAN REVIEW

February 24, 2020

Phone: 918-587-7171

LOD Number: 1

Melissa Mirsaeidi 1225 N. Lansing Ave. Tulsa OK 74137

APPLICATION NO:

SIGN-054037-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:

200 S. Denver Ave.

Description:

Wall Sign with dynamic display

### INFORMATION ABOUT SUBMITTING REVISIONS

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

### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

### IMPORTANT INFORMATION

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

(Continued)

### **REVIEW COMMENTS**

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

Application No. SIGN-054037-2020

200 S. Denver Ave.

February 24, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

#### Section 60.080-E

A maximum of one of the on-premise wall signs, projecting signs or freestanding signs allowed on a lot in a mixed-use, commercial or industrial zoning district may include a dynamic display. The dynamic display may not exceed the maximum sign area allowed for the respective sign type or 48 square feet, whichever is less. The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall, projecting or freestanding sign, but rather is counted as part of the maximum area of the wall, projecting or freestanding sign. Only one, contiguous dynamic display is allowed on a wall, projecting or freestanding sign face. Off-premise outdoor advertising signs that incorporate a dynamic

Review Comments: The lot the proposed sign is located on already has multiple signs containing dynamic displays, which was permitted per a variance granted by the BOA, case #22449. You may alter the sign type to a non-dynamic display, or you may pursue another variance from the BOA to permit an additional dynamic display sign on this lot.

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

### END - ZONING CLEARANCE AND SIGN CODE REVIEW

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

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



Melissa Mirsaeidi <melissa@cnfnative.com>

## Interior signs

Perry Grave <Perry.Grave@daktronics.com>
To: Melissa Mirsaeidi <melissa@cnfnative.com>

Thu, Jan 30, 2020 at 2:52 PM

Melissa,

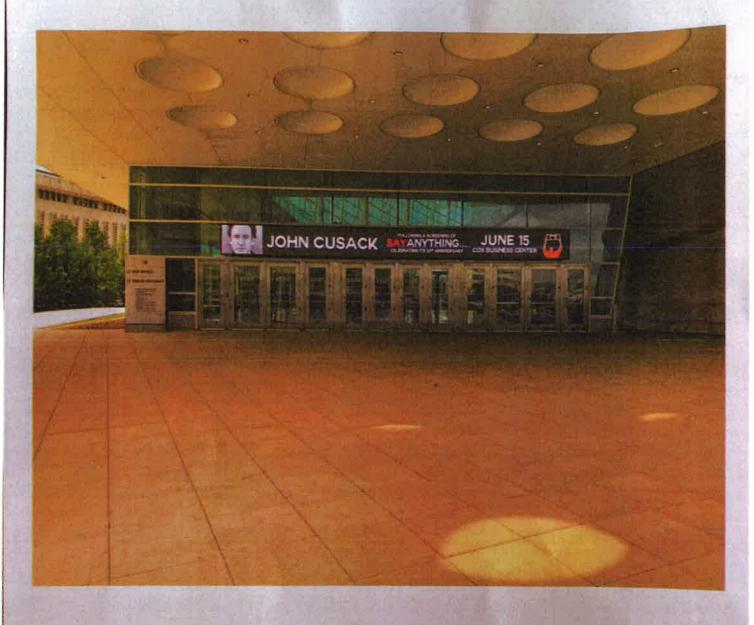
This is the other display that can be easily seen from the street. It is at the main entrance that faces S. Denver Ave. It's dimensions are 3' tall x 41.5' wide.

The other two are at the VIP entrance and the Box Office entrance. These two entrances are set back from the street and are not very visible from the street. They are on the south side of the building facing W. Third street. Box office display is 3'x24' and VIP is 3'x7'.

[Quoted text hidden]

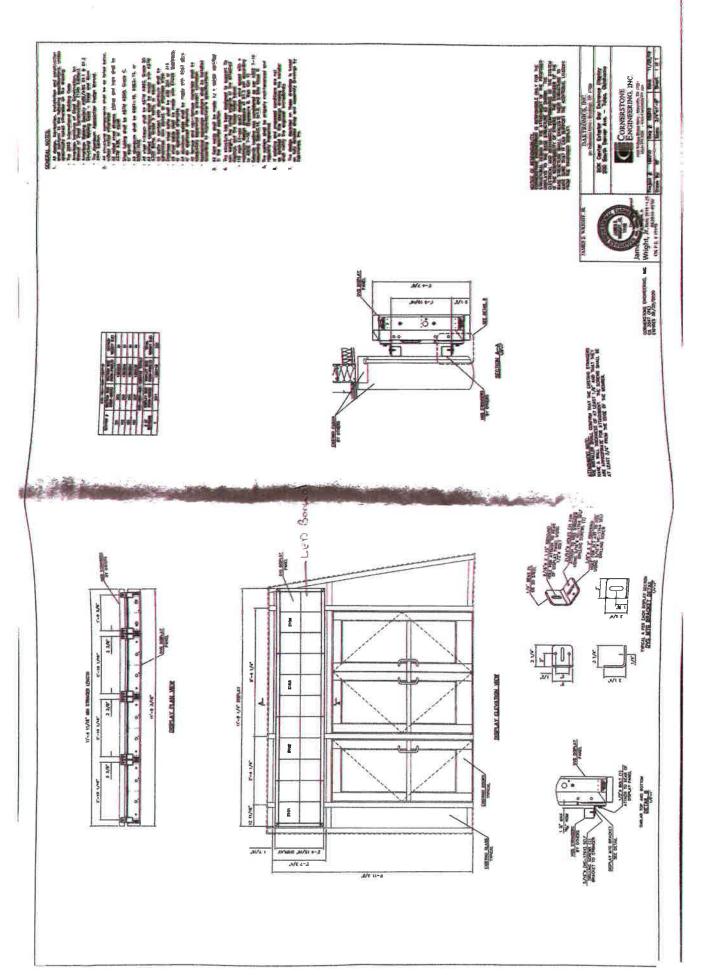


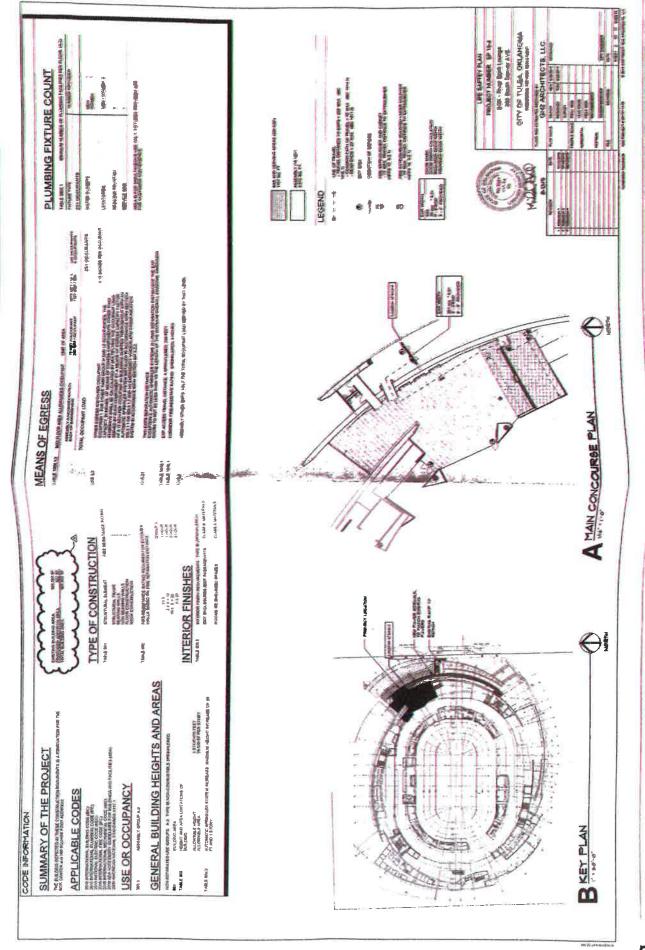
IMG\_1456.JPG 3067K



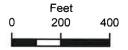
https://mail.google.com/mail/u/ti/

Page 1 of 1







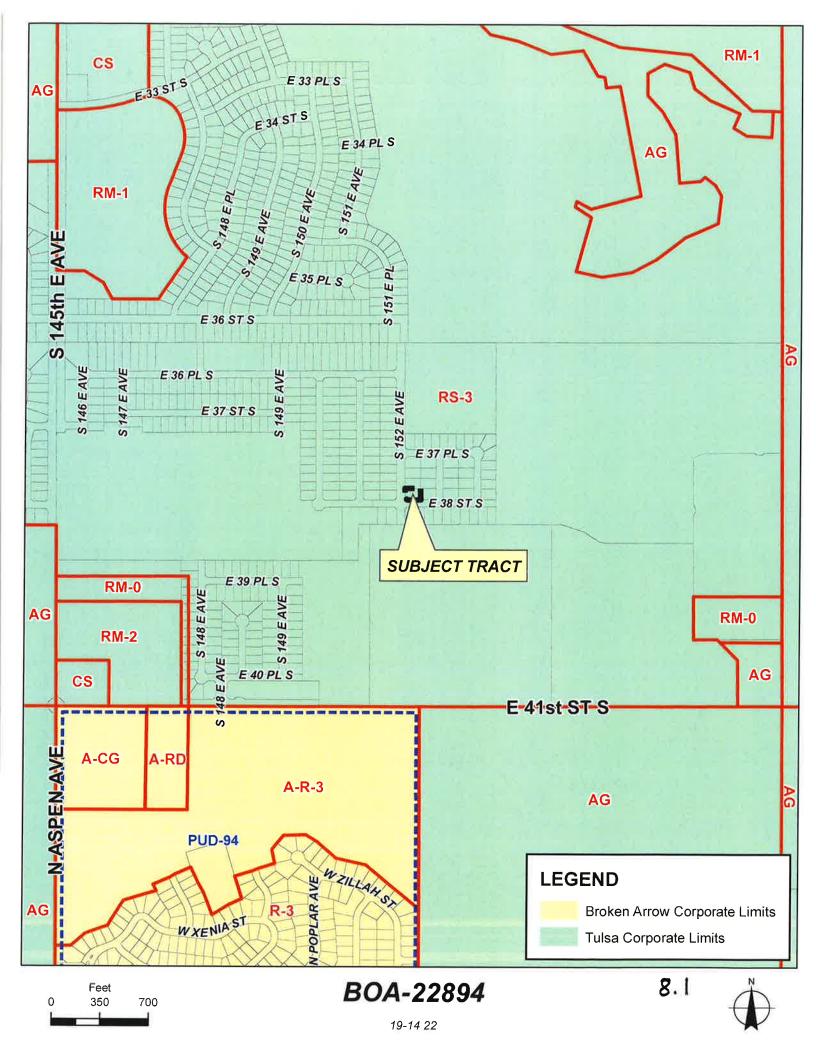




BOA-22892

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





### BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9422 Case Number: **BOA-22894** 

**CZM:** 50 **CD:** 6

HEARING DATE: 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT**: Jorge Fernandez

ACTION REQUESTED: Special Exception to increase the maximum driveway width, within the

right of way and inside the street setback. (Section 55.090-F.3)

**LOCATION**: 3747 S 152 AV E **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 9286.03 SQ FT

LEGAL DESCRIPTION: LOT 1 BLOCK 10, CROSSING AT BATTLE CREEK PHASE II BLOCKS 7-

13

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NE/c of E 38<sup>th</sup> St. S. and S. 152<sup>nd</sup> E. Ave.

<u>STAFF COMMENTS</u>: The applicant is requesting **Special Exception** to increase the maximum driveway width, within the right of way and inside the street setback. (Section 55.090-F.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 <u>Section 70.120</u>, or, if in a PUD, in accordance with the amendment procedures of <u>Section 30.010-1.2</u>, (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'	-	( <del>.</del>	=				

- [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 aggregate width including the expansion appears to bring the total width of the driveway on the lot to 36'. Originally the application was noticed to include the width of the driveway inside the right-of-way, but the applicant confirmed they are not planning on increasing the size of the curb-cut.

### **SAMPLE MOTION:**

Move within	to (approve/deny) a <b>Special Exception</b> to increase the maximum driveway width the right of way and inside the street setback. (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.



Facing North on  $152^{nd}$  E. Ave. (subject property has the dark pick-up in driveway)



Southern dead end of 152<sup>nd</sup> E. Ave.



Subject property

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



### **DEVELOPMENT SERVICES**

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

### ZONING CLEARANCE PLAN REVIEW

Jorge Fernandez jorgepina1986@gmail.com

2/1/2020

**APPLICATION NO: ZCO-52437-2020** 

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 3747 S 152<sup>nd</sup> Ave E Description: Driveway Expansion

#### 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 <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 W. 2nd St., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 3. A COPY OF A "RECORD SEARCH" [ ] IS [ x ] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

### **REVIEW COMMENTS**

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

Application No. ZCO-52437-2020

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.

**55.090-F3 Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed the following maximum widths unless a greater width is approved in accordance with the special exception procedures of Section 70.120. Maximum Driveway Width allowed is 30' on your lot.

**Review Comments**: The submitted site plan proposes a driveway width of more than 30' in width on the lot in the street setback which exceeds the maximum allowable driveway width on this lot. Revise plans to indicate the driveway shall not exceed the maximum allowable width or apply to the BOA for a <u>special exception</u> for the proposed driveway width on this lot.

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

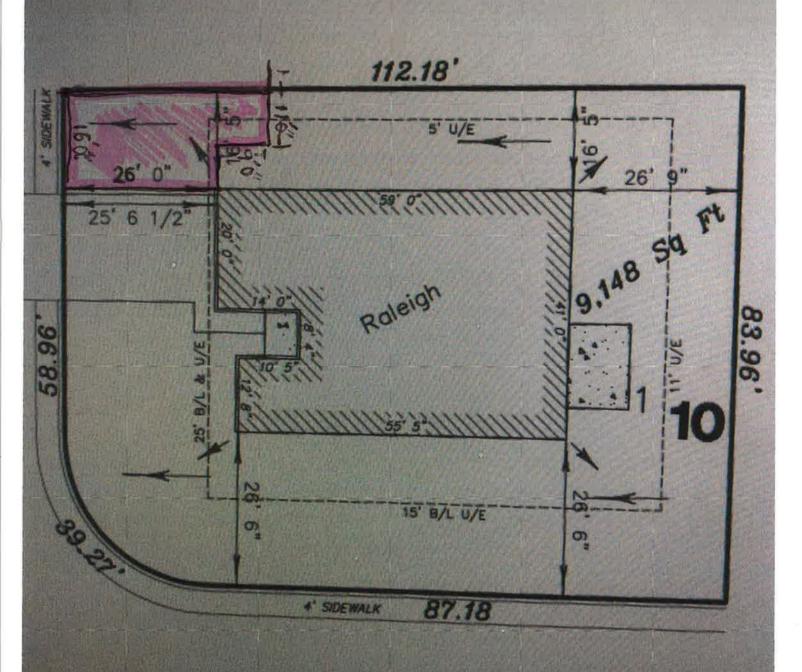
### **END –ZONING CODE REVIEW**

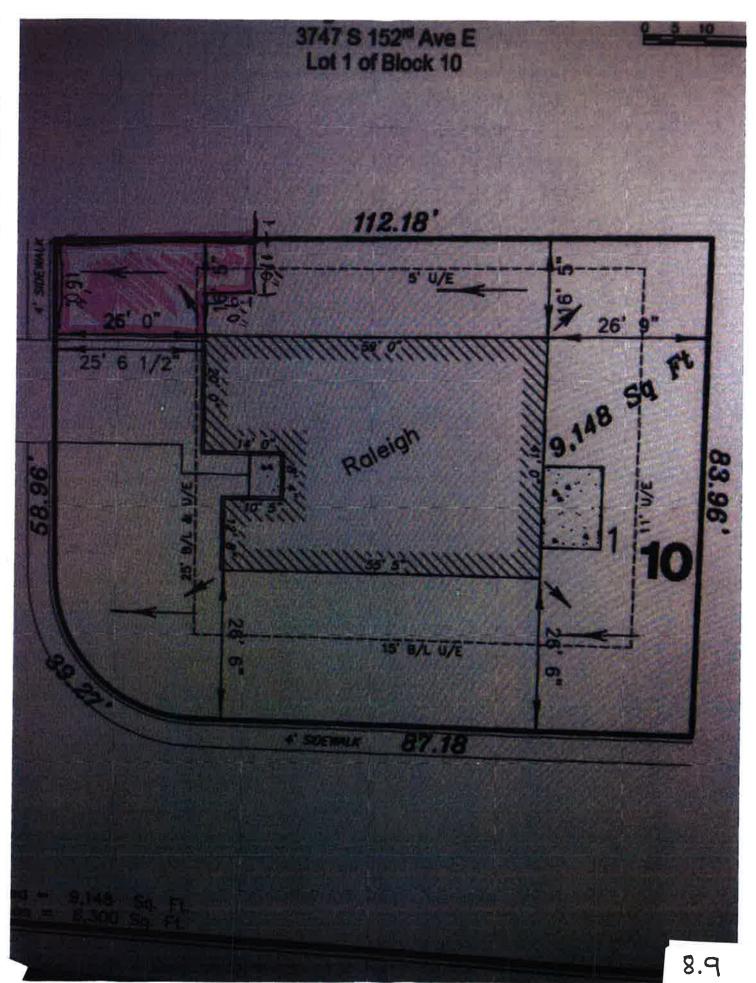
**NOTE:** THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

### 3747 S 152rd Ave E Lot 1 of Block 10













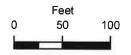
BOA-22894

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

Aerial Photo Date: February 2018









BOA-22894

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

Aerial Photo Date: February 2018



242.74 FEET; THENCE SOUTH 88'53'06" WEST FOR 10.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 01 '06'54" EAST PARALLEL WITH AND 10.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 4 FOR 127.84 FEET; THENCE NORTH 88'53'06" EAST FOR 5.00 FEET; THENCE SOUTH 01 '06'54" EAST PARALLEL WITH AND 5.00 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 4 FOR 133.93 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 20 OF SAID BLOCK 4; THENCE SOUTH 89'39'49" WEST ALONG THE SOUTHERLY LINE OF LOTS 20 AND 31 OF SAID BLOCK 4 FOR 207.12 FEET; THENCE NORTH 80'49'36" WEST FOR 108.94 FEET TO A POINT ON THE WESTERLY LINE OF SAID BLOCK 4; THENCE NORTH 01 '06'54" WEST ALONG SAID WESTERLY LINE FOR 189.50 FEET; THENCE NORTH 88'53'06" EAST FOR 107.06 FEET; THENCE SOUTH 01 '06'54" EAST FOR 58.03 FEET; THENCE NORTH 88'53'06" EAST FOR 95 .00 FEET; THENCE NORTH 01 '06'54" WEST FOR 108.03 FEET; THENCE NORTH 88'53'06" EAST FOR 107.24 FEET TO THE POINT OF BEG INNING OF SAID TRACT OF LAND. SAID TRACT OF LAND CONTAINING 1 .478 ACRES, OR 64,382 SQUARE FEET, MORE OR LESS., City of Tulsa, Tulsa County, State of Oklahoma

Ms. Shelton re-entered the meeting at 2:40 P.M.

### 22894—Jorge Fernandez

FILE COPY

**Action Requested:** 

Special Exception to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.3). **LOCATION:** 3747 South 152nd Avenue East **(CD 6)** 

### Presentation:

**Jorge Fernandez,** 3119 South 145th East Avenue, Tulsa, OK; he would like to have an extension for an existing driveway. The homeowners have several work trucks and six cars and currently they are parking most of them on the street.

Mr. Van De Wiele asked if everything colored pink on exhibit page 18.8 would be paved. Mr. Fernandez answered affirmatively. Mr. Van De Wiele asked if that would be all the way to the property line. Mr. Fernandez answered affirmatively.

Mr. Chapman stated that the applicant will not be adding any more curb cuts and the width that the applicant is only concerned about is within the street setback, not the right-of-way.

Mr. Van De Wiele asked Mr. Chapman how much is within the street setback? Mr. Chapman stated that it would be all of it. Mr. Chapman stated that it is all within the street setback, and the pink is all on the owner's property, so it is within his lot.

04/28/2020-1249 (23)

BOA-22894



Ms. Ross stated that they are also looking to place that over utility easements. Mr. Chapman stated that he thinks the applicant may be able to do that through a construction agreement. There is not relief that the Board has to grant that. Ms. Ross stated that will be a problem when the owner goes to resell.

Mr. Van De Wiele asked Mr. Chapman what the maximum driveway width would be allowable? Mr. Chapman stated that it would be 30 feet. Mr. Chapman stated that he spoke with the applicant yesterday and the total width is going to be 36 feet.

Mr. Fernandez stated that he is looking for an additional 14 or 15 feet, and the current drive is about 16 feet. Mr. Van De Wiele stated that the applicant has 16 feet for a drive plus asking for another 16 feet so that would be 32 feet total, and they are allowed 30 feet. Mr. Chapman confirmed Mr. Van De Wiele's statement.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

Ms. Ross stated she is not in favor of this. She knows the area and she is familiar with the houses that are built there, there are no three-car garages. To extend a driveway when there is no three-car garage and it is going to be used to house a bunch of work trucks and cars, she thinks that is injurious to the neighborhood. If a person has six cars and has a two-car garage, she is not sure why you would buy a house with a two-car garage with that many vehicles, but she can say because of driving by the area all the time that is not the norm in the neighborhood.

Mr. Van De Wiele asked Ms. Ross if she would still think that way because it was only a two-foot Variance. Ms. Ross answered affirmatively stating because that extra space will constantly be filled up with cars and vehicles as opposed to an entrance to a third car garage.

Mr. Bond stated the extra space would keep the vehicles off the street. Ms. Ross stated that the extra space is not going to hold six vehicles. These vehicles will be angle parked and this is a brand-new subdivision.

Mr. Van De Wiele stated that by granting this, if the Board conditioned it on not widening the curb cut. He would rather see this with a narrower curb cut than a 27-foot curb cut. Right now, there is maybe an 18-foot, or 20-foot curb cut, and he would rather see a little wider driveway on a narrower curb cut than a 30-foot wide driveway on a 27-foot wide curb cut. To Ms. Ross's point if the applicant concreted all the way to the property line there will be cars hanging over the property line.

Ms. Ross stated that she does not think the owner's of this property understand that when they concrete over an easement and they want to sell this property it is going to show up as an encroachment, and it won't be insurable for title insurance purposes. This hurt the value of the property to cover up an easement.

FILE COPY

BOA-22894

Ms. Radney stated this is not her favorite thing, but what she also recognizes in this neighborhood is that today's property owners do tend to have many more vehicles than the 2.1 vehicles, and vehicles are bigger than they used to be. Ms. Radney asked if the applicant would be parking a trailer in the area.

Mr. Van De Wiele asked Mr. Fernandez to come back to the microphone and asked him about the area that is behind the existing fence. Mr. Fernandez stated his client wanted that area for the trash containers. Mr. Van De Wiele asked Mr. Fernandez if the fence was going to be moved. Mr. Fernandez answered no and stated that his client intends to keep the gate. Mr. Van De Wiele asked Mr. Fernandez if part of the concrete being discussed was going to be behind the fence. Mr. Fernandez answered affirmatively.

Ms. Radney stated that what is objectionable to her about this is the aesthetics, it is just a great big concrete rectangular blob, but a person does often see in other subdivisions turn-out drives. If this were more stylistically drawn she thinks she would less of an emotional negative response, truth be told this is on a corner and she is sympathetic to the fact that if the Board does not grant the Variance that the neighbors would later object to a lot of cars being parked along the driveway. On the basis of that, she is willing to grant this to the applicant.

Ms. Shelton stated that she thinks the applicant is asking for more than two feet, she thinks he is asking for closer to six feet. She agrees with Ms. Radney, she will vote for this, but she does not like it. She would like to see it kept off the north property line and center it on where it is now.

Mr. Bond stated that before he was thinking this is just two feet, but he has done a 180. This is a house 41 feet across and if they have 30 feet use by right that would be enough in this situation.

Mr. Van De Wiele stated he does not know he would want to see cars parking in front or to the right of the driveway. He would not vote for this to go all the way to the property line, he would want to keep it at least a foot off the property line to prevent this creeping over the property line. He wouldn't want it to connect to the sidewalk because he does not want people to park on the sidewalk, and he wouldn't want the curb cut widened.

Mr. Van De Wiele stated the Board has seen another case similar to this in a different part of the city where the Board has given an applicant an opportunity to come back with a better and different plan; something closer to use by right. Mr. Van De Wiele stated that what the Board seems to be headed toward is continuing this case until the next meeting to give Mr. Fernandez an opportunity to go back to the drawing board and tweak the plan. Mr. Van De Wiele asked Mr. Fernandez if he would like to continue this case to June 9, 2020. Mr. Fernandez answered affirmatively.



80A-22894

**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 **CONTINUE** the request for a <u>Special Exception</u> to increase the maximum driveway width, within the right-of-way and inside the street setback. (Section 55.090-F.3) to the June 9, 2020 Board of Adjustment meeting; for the following property:

LOT 1 BLOCK 10, CROSSING AT BATTLE CREEK PHASE II BLOCKS 7-13, City of Tulsa, Tulsa County, State of Oklahoma

### 22895—Israel Sanchez

### **Action Requested:**

<u>Variance</u> to reduce the required 25-foot street setback in an RM-1 District (Section 5.030, Table 5-3). <u>LOCATION:</u> 119 North Wheeling Avenue East (CD 3)

### Presentation:

The applicant was not present. Mr. Van De Wiele moved this item to the end of the agenda.

### **Interested Parties:**

There were no interested parties present.

### **Comments and Questions:**

None.

### **Board Action:**

No Board action required at this time.

### 22897—Dustin Alphin

### Action Requested:

<u>Special Exception</u> to allow a fence to exceed 4 feet in height in a front street setback (Section 45.080-A); <u>Variance</u> to permit a structure in the City of Tulsa right-of-way or planned right-of-way along East Admiral Place North (Section 5.030-A, Table 5-3 & Section 90.090-A). <u>LOCATION:</u> 10623 East Admiral Place North (CD 3)

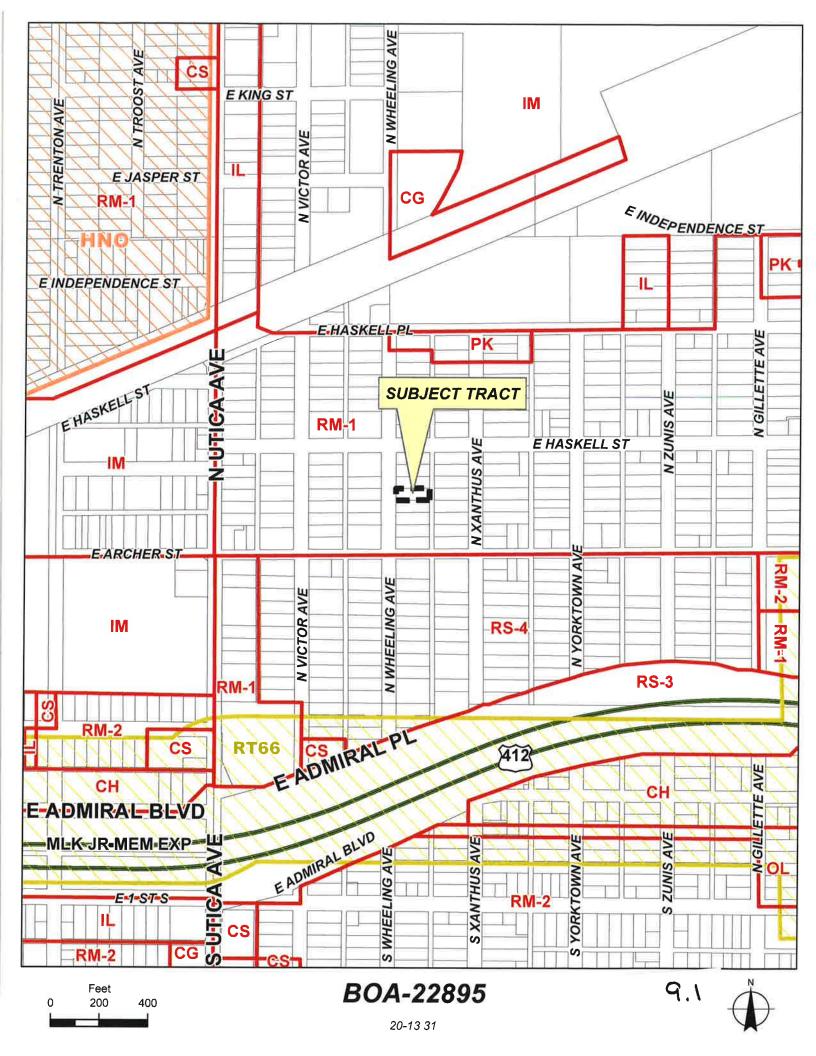
### Presentation:

**Dustin Alphin,** 17697 South 49th West Avenue, Mounds, OK; stated his client has concerns with trespassers on his property, so he built a fence in line with his neighbor's fence. He has built the columns but not the actual fence sections. His client plans to have chain link sections, but he was stopped by the City.

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### BOARD OF ADJUSTMENT CASE REPORT

**STR:** 0331 Case Number: **BOA-22895** 

**CZM**: 29 **CD**: 3

**HEARING DATE**: 06/23/2020 1:00 PM (Continued from 06/09/2020)

APPLICANT: Israel Sanchez

ACTION REQUESTED: Variance to reduce the required 25 foot street setback in an RM-1 District

(Sec. 5.030, Table 5-3)

**LOCATION**: 119 N WHEELING AV E **ZONED**: RM-1

PRESENT USE: Residential TRACT SIZE: 7000.12 SQ FT

**LEGAL DESCRIPTION:** LT 13 BLK 19, CHEROKEE HGTS ADDN

### **RELEVANT PREVIOUS ACTIONS:**

Subject Property:

BOA-22840; On 4/15/20 the Land Use Administrator approved an Administrative Adjustment to reduce the required 5' side yard setback to 4'.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of N. Wheeling Ave. and East Haskell Street.

**STAFF COMMENTS:** The applicant is requesting **Variance** to reduce the required 25 foot Street setback in an RM-1 District (Sec. 5.030, Table 5-3)

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

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

**STATEMENT OF HARDSHIP:** Building out further to cover foundation.

SAMP	LE	MO	TIC	N:
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Move RM-1	to (approve/deny) a <b>Variance</b> to reduce the required 25 foot street setback in an District (Sec. 5.030, Table 5-3)
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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



Subject property



Subject property facing North



Framing of New Carport



New Porch taken from side profile facing South

Jeff S. Taylor Zoning Official Plans Examiner II

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

Israel Sanchez



### **DEVELOPMENT SERVICES**

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

### **ZONING CLEARANCE PLAN REVIEW**

8/26/2019

APPLICATION NO: BLDR-035699-2019

CEIOCI ION NO. BEDIC-033033

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR

OFFICE)

Project Location: 119 N Wheeling Ave E Description: Porch Addition & Carport

### INFORMATION ABOUT SUBMITTING REVISIONS

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

### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

### **IMPORTANT INFORMATION**

- 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.
- 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 <u>WWW.INCOG.ORG</u> 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 [ x ] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

### **REVIEW COMMENTS**

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

Application No. BLDR-035699-2019

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

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

 5.030-A: Setback(s) (Residential): In the RM-1 zoned district the minimum street setback shall be 25 feet from the front property line, or measured from the centerline of the abutting street add to the setback distance ½ the right-of-way (ROW) designated on the major street plan.

**Review Comments:** Revise your plans to indicate a 25' front setback to the property line and a 55' setback from the center of Wheeling street to the proposed covered porch, or apply to INCOG for a <u>variance</u> to allow less than a 25' front setback or 55' from center of street.

### 2. 70.100-B Authorized Administrative Adjustments

- 1. Administrative adjustments may be granted only as expressly identified in this section.
- **b.** The land use administrator is authorized to grant an administrative adjustment reducing minimum required side and rear setbacks in any R district by up to 20%.

**5.030-A**: In the RM-1 zoned district the minimum side yard setback shall be 5 feet from the property line.

**Review Comments:** Revise your plans to indicate a 5' side setback to the property line, or apply to INCOG for an <u>administrative adjustment</u> to reduce the side setback to allow less than a 5' side setback.

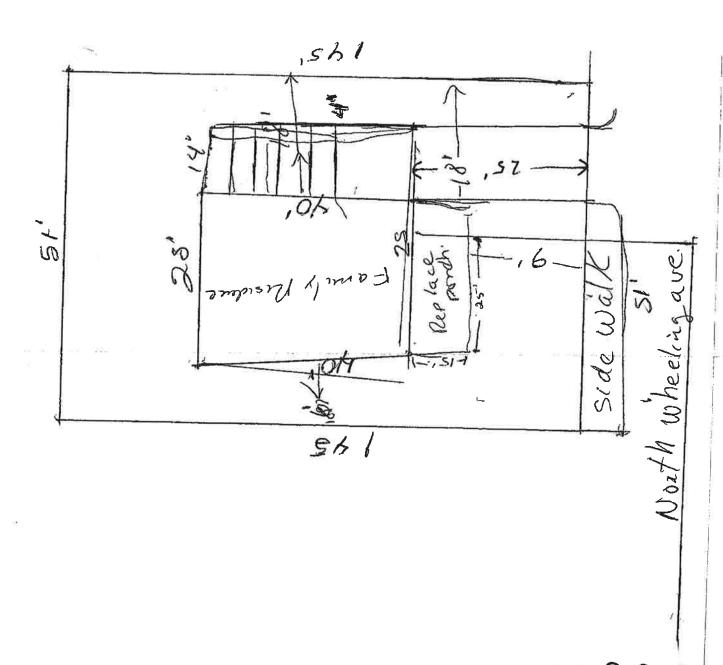
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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

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

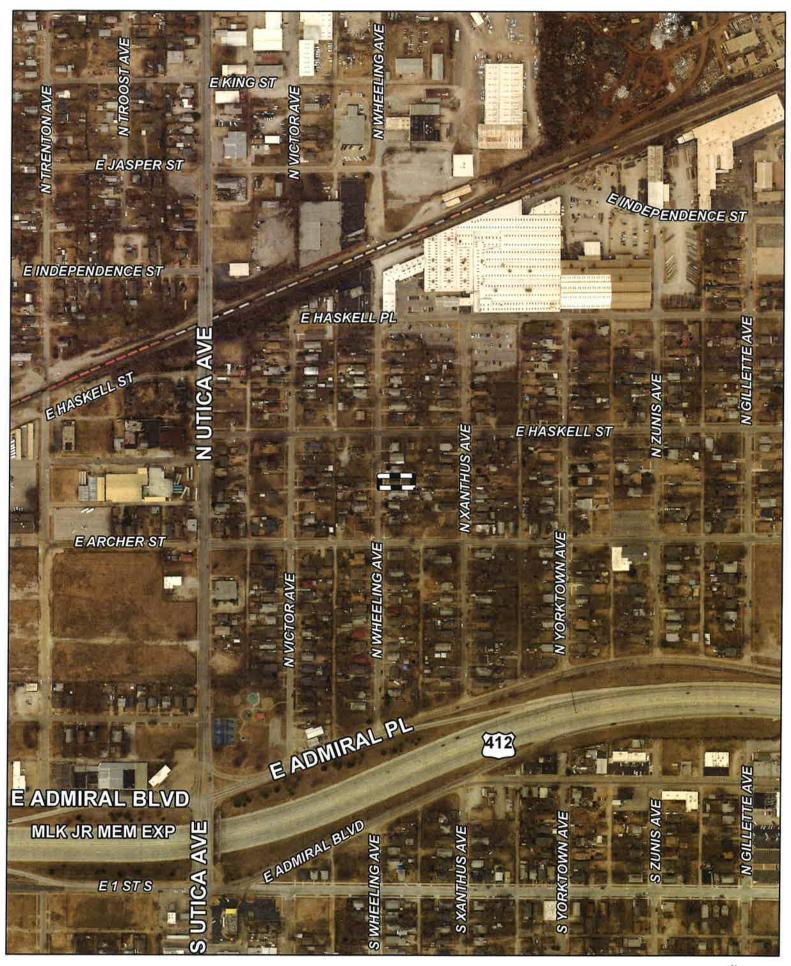
**NOTE**: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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



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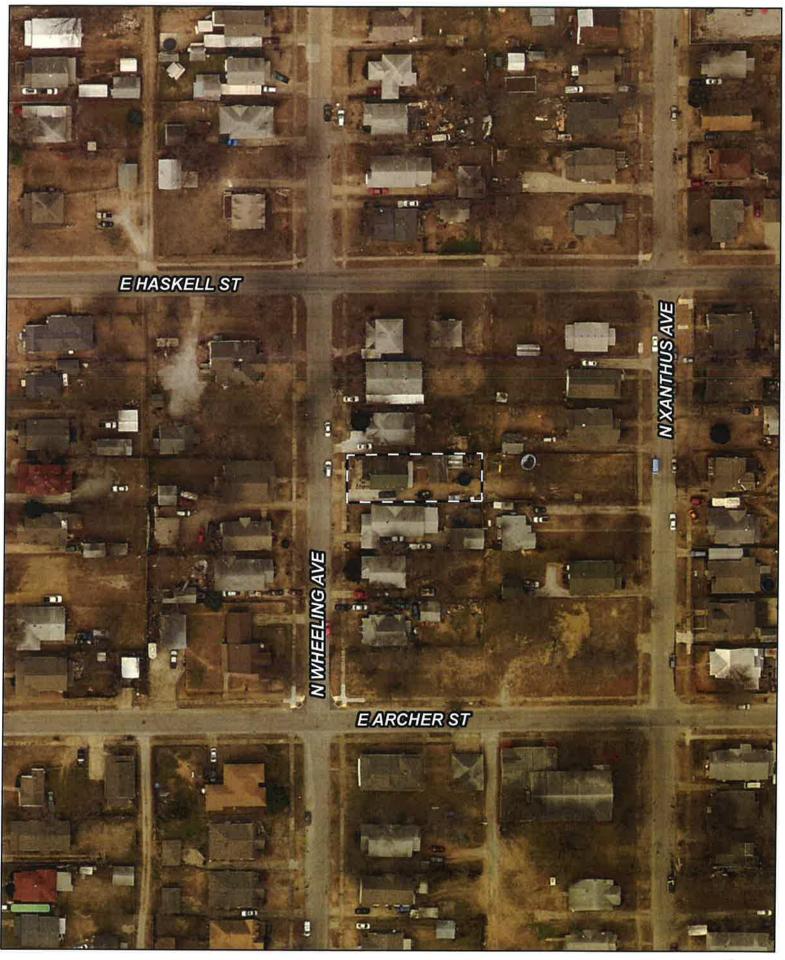
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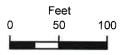


BOA-22895

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









BOA-22895

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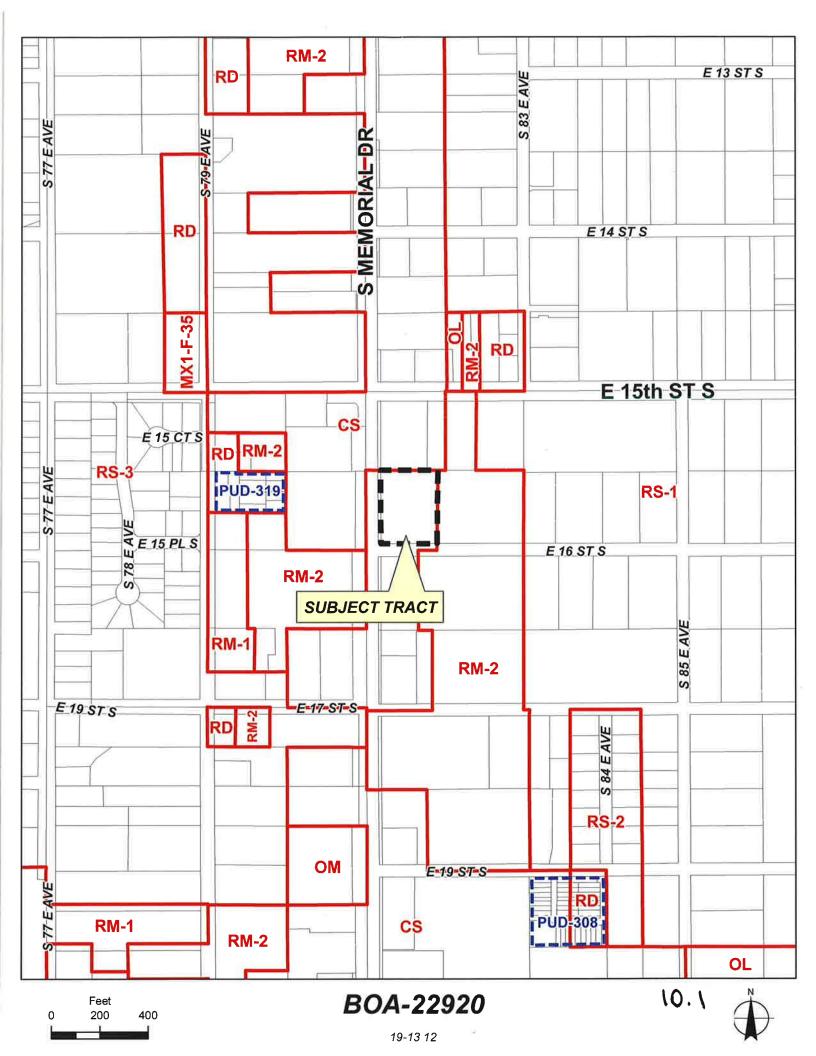
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### BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9312 Case Number: **BOA-22920** 

**CZM:** 38 **CD:** 5

HEARING DATE: 06/23/2020 1:00 PM (Continued from 06/09/2020)

**APPLICANT**: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a self-service storage facility in a CS District

(Sec. 15.020, Table 15-2)

**LOCATION**: 1535 S MEMORIAL DR E **ZONED**: CS

PRESENT USE: Vacant TRACT SIZE: 73198.52 SQ FT

LEGAL DESCRIPTION: BLK 1, BROOKCREST SQUARE ADDN RESUB PRT L4 B3 O'CONNOR

PARK SUB

### **RELEVANT PREVIOUS ACTIONS:**

Subject Property:

**BOA-22911:** On 4/24/2020 the Land Use Administrator *approved* an Administrative Adjustment to reduce the required 10' street setback along E. 16<sup>th</sup> Street. Subject to the same site plan submitted with this application.

### Surrounding properties:

**BOA-16673;** The Board of Adjustment *approved* a *special exception* to permit Use unit 17 (ministorage) in a CS zoned district, a **variance** to permit open air display and sales within 300' of an R district and a **variance** of the all-weather surface requirement for this use only, on property located South of the Southwest corner of East 15<sup>th</sup> Street South and South Memorial Drive.

**BOA-8761**; The Board of Adjustment *approved* an *exception* to erect a mini-storage facility with conditions, on property located South of the Southwest corner of East 15<sup>th</sup> Street South and South Memorial Drive.

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

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

Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the NE/c of E. 16<sup>th</sup> St. S. and S. Memorial Drive.

**STAFF COMMENTS**: The applicant is requesting a Special Exception to permit a self-service storage facility in a CS District (Sec. 15.020, Table 15-2)

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

USE CATEGORY Subcategory Specific use	OL	ОМ	ОМН	ОН	cs	cG	СН	CBD	IL	IM	IH	Supplemental Regulations
Self-service Storage Facility	S	5	S	5	5	P	Р	Р	Р	Р	Р	Section 40.360

Self-Service Storage facilities are subject to the following supplemental regulations:

#### 40.360-A General

- 1. The general provisions of this section apply to all self-service storage facilities.
- 2. A screening fence or masonry wall is required along all lot lines that abut R- or AG-R- zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

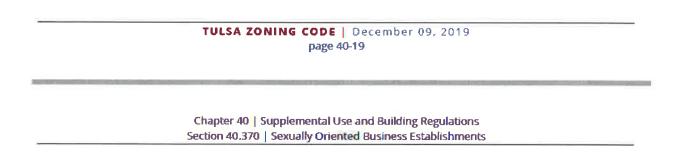
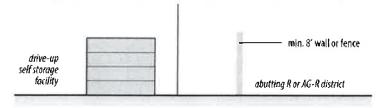


Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R or AG-R Districts



- 3. A single dwelling unit may be integrated into the self storage facility.
- No activities other than storage and pick-up and deposit of stored materials are allowed within the storage units.

### **SAMPLE MOTION:**

Move to \_\_\_\_\_ (approve/deny) a **Special Exception** to permit a self-service storage facility in a CS District (Sec. 15.020, Table 15-2)

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

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



Subject Property



Subject Property



Facing East on 16th Street



Facing North on Memorial



Subject property from intersection of E 16<sup>th</sup> Street and S Memorial Dr.

2 West Second Street Suite 800 | Tulsa, OK 74103 | 918.584.7526 | www.cityoftulsa-boa.org

Revised: 06/11/2020

Lou Reynolds 2727 E 21<sup>st</sup> Street Tulsa, OK 74114

DELIVER ELECTRONICALLY: rireynolds@ellerdetrich.com

RE: BOA-22911 (Administrative Adjustment)

Address: 1535 S Memorial Dr E

Applicant Name: Lou Reynolds

Upon examination the Land Use Administrator has **APPROVED** your request for an Administrative Adjustment (BOA-22911) to reduce the street setback in a CS District from district to **10-feet** (Sec. 15.030, Table 15-3) to **5-feet** per the attached conceptual plan; for the following property:

BLK 1,BROOKCREST SQUARE ADDN RESUB PRT L4 B3 O'CONNOR PARK SUB, O'CONNOR PARK RESUB PRT L3 B3

The Land Use Administrator has found that the following criteria have been met:

- 1. The requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning code and with the general purpose and intent of the comprehensive plan;
- 2. The requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
- 3. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

You will need to print this letter and insert it into your permit package for submittal to the City. If you have previously submitted plans to the permit office, then you will need to submit two sets at a legible size for a revision to your permit package.

This letter shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the proposed construction and proposed use of the subject lot.

Sincerely,

Austin Chapman

Austin Chapman Planner City of Tulsa Board of Adjustment 918-579-9471

### Case No. 16673

Action Requested:

Special Exception to permit Use Unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300' of an R District and a variance of the all-weather surface requirement - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1217.C. Use Conditions and SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 17, located 1520 South Memorial Drive.

### Presentation:

The applicant, James Bracken, 1520 South Memorial Drive, was represented by Warren Morris, 1918 East 51st Street, who informed that his client is relocating his business. He submitted a brochure (Exhibit G-1) and stated that the operation consists of selling parts, renting dollies for towing purposes and some outside storage of recreational vehicles and boats. Mr. Morris pointed out that approximately 95% of the business is by mail and only three or four customers visit the store in a one-day period. He submitted photographs (Exhibit G-3) and stated that the parking area is partially hard surface, with the remainder being gravel. Mr. Morris requested that the front portion of the tract will be used for automobile sales. He noted that there are similar operations in the area. Code Enforcement information (Exhibit G-1) was submitted.

Comments and Questions:

Mr. Doverspike noted that photographs submitted by Code Enforcement show landscaping material on the property, and Mr. Morris replied that these materials have all been removed.

Ms. Parnell informed that that a skateboard business formerly occupied the subject property, and a portion of the lot is concrete, which has been leveled by adding gravel. She stated that the gravel surface could create a dust problem for the area.

Mr. Gardner noted that some area businesses store automobiles that are inoperable and they have the appearance of a salvage yard. He stated that, if approved, conditions should be imposed that will eliminate this type of outside storage.

Mr. Bolzle stated that the lot in question is much larger than other sales lots in the area, and that he would like to see a site plan depicting the location of uses on the lot.

Ms. Parnell informed that the property in question has been a continual problem for Code Enforcement. She stated that the applicant, Mr. Bracken, has cleaned the property and is a prospective buyer.

James Bracken, 1520 South Memorial, informed that vehicles can only be parked north of the creek.

Mr. Jackere suggested that the application could be continued to allow the Board an opportunity to review the plot plan before considering the case.

Mr. Morris requested that his client be permitted to park 20 vehicles on the northeast corner (100' frontage by 130' depth) of the tract.

Case No. 16673 (continued)

Ms. Parnell noted that many times Code Enforcement requires that inoperable vehicles removed from residential areas and they are then placed in storage facilities.

**Board Action**:

On MOTION of BOLZLE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to permit Use Unit 17 (mini-storage) in a CS zoned district, a variance to permit open air display and sales within 300' of an R District and a variance of the all-weather surface requirement for this use only - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS, SECTION 1217.C. Use Conditions and SECTION 1303.D DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 17; subject to no mini-storage being permitted on the northeast 100' (frontage) by 130' (depth), which is to be reserved for automobile sales only, with a maximum of 20 automobiles; and subject to all vehicles on the subject property being operable; finding the use, per conditions, to be compatible with the surrounding area, and in harmony with the spirit and intent of the Code; on the following described property:

SE/4, NE/4, NE/4, SE/4, less east 45' thereof for street, Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 16675

**Action Requested:** 

Special Exception to permit a construction office and a janitorial service in a CS zoned district and for a variance of the required setback from the centerline of South Lewis - SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS and SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS - Use Unit 15, located northwest corner of East 7th Street and South Lewis Avenue.

Presentation:

The applicant, Cedar Creek Builders, PO Box 582505, was represented by Barry Burkhart, 824 North Toledo Avenue, who stated that he is proposing to operate a construction office on the property. He informed that other uses at this location will be a janitorial service and limited fabrication. Mr. Burkhart submitted a site plan (Exhibit H-1) and photographs (Exhibit H-2), and stated that the existing building and parking will be utilized. He informed that a new building is proposed, and noted that numerous buildings in the area have comparable setbacks.

Comments and Ouestions:

In reply to Mr. Doverspike, Mr. Burkhart stated that eight parking spaces will be provided.

Ms. White asked what type of fabrication will be done at this location, and Mr. Burkhart stated that the major portion of the company's work will be completed at the customer's home. He added that occasionally some custom cabinet work may be done at this location.

#### 8760 (continued)

· 500

In reviewing the applicant's plot plan, the Staff pointed out that the plot plan would need to be revised to show the actual location of the night watchman's quarters, at which time Mrs. Cole noted on the plot plan the watchman's quarters. Mr. Alberty also noted that the Board needs to determine whether or not the night watchman's quarters is an accessory use customarily incidental to the principle use. If that determination is made then the night watchman is permitted by right rather than the granting of an exception. In reviewing the proposed location of the ministorage structures, it was pointed out that a variance of the setback requirement from 10th Street would also be required, after which it was noted that the application had not been properly advertised for this required variance.

David Pauling, Assistant City Attorney, suggested that the application be continued in order that it might be readvertised and proper notice given.

Protests:

None.

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 8760 to October 16, 1975, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the application might be readvertised and proper notice given.

8761

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect a mini-storage facility; and an

Exception (Section 720 - Accessory Uses Permitted in Commercial Districts) to have living quarters for a night watchman in a CS District located at 1520 South Memorial Drive.

Presentation:

Gomer Evans submitted the plot plan (Exhibit "N-1") and requested permission to erect a ministorage facility with night watchman's quarters on the subject property, per the plot plan. Upon questioning, Mr. Evans advised that the facility will be constructed of cement blocks with metal doors and lights to be concentrated on the area and away from surrounding properties.

#### 8761 (continued)

In reviewing the facility proposed, Board Member Smith suggested that earthen-tone paint might be used to be compatible with the surrounding development, that landscaping be provided along Memorial Drive, that the lighting be directed away from the apartments and surrounding residents, that no signs be painted on the buildings themselves, and that the facility be setback 110' from centerline as required.

Protests:

None.

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect a mini-storage facility; and found the living quarters for a night watchman to be accessory to the principle use of the facility, subject to earthen-tone paint being utilized, landscaping along the property line on Memorial being provided, lighting being directed away from the surrounding properties, no signs being painted on the structures themselves, and that the facility be setback 110' from the centerline of Memorial as required, per revised plot plan to be submitted, in a CS District on the following described tract:

SE/4, NE/4, NE/4, SE/4, of Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

#### 8762

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a child care center in a church building in an RS-3 District located at 727 East 56th Street North.

Presentation:

Betty Jean Craven, representing Gethsemane Baptist Church, requested permission to operate a child care center within the Church, noting that approximately 15 welfare or potential welfare recipients will be served by the operation which will be open 24 hours per day. Mrs. Craven advised that there are no parking problems and that the Church had been inspected by the Health Department.

Protests:

Mrs. Vanteen Wilson, 5531 North Hartford Place, advised the Board that she was given permission in 1972 to operate a day care center on the property which abuts the subject property. Since her

9.18.75:196(22)

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**

October 28, 2019

Phone: 918.747.8900

LOD Number: 1
Natalie Cornett
2727 E 2 ST
Tulsa, OK74104
APPLICATION NO:

ZCO-043642-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1535 S Memorial Dr

Description: Self-Service Storage Facility

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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 <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, Phone (918) 584-7526.
- 4. A COPY OF A "RECORD SEARCH" [X]IS []IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

ZCO-043642-2019

1535 S Memorial Dr

October 28, 2019

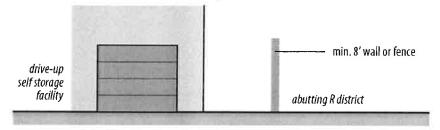
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at <u>584-7526</u>. 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.15.020 Table 15-2: Your proposed Storage facility is designated a Commercial/Self-service Storage Facility use and is in a CS zoning district. This use is allowed in the CS zoning district by special exception.
  - **Review comment:** Submit a copy of the special exception, reviewed and approved per *Sec.70.120*, to allow Commercial/Self-service Storage Facility use in a CS zoning district.
- 2. Sec. 15.030-A Table 15-3: The required building setback from the E 16 ST property line is 10'. Review comment: The proposed setback is 4'. Submit a site plan providing a 10' building setback from the 16 ST property line. You may wish to consider a variance to reduce the setback to less than 10'.
- **3. Sec. 15.030-A Table 15-3:** The property abuts an RM-2 district to the east. The required building setback from the property line is 10'.
  - **Review comment:** The proposed setback is less than 10'. Submit a site plan providing a 10' building setback from the east property line. You may wish to consider a variance to reduce the setback to less than 10'.

#### 4. Sec.40.360-A: Self- service Storage Facilities

- 1. The general provisions of this section apply to all self-service storage facilities.
- 2. A screening fence or masonry wall is required along all lot lines that abut R-zoned lots. Required screening fences and walls must be at least 8 feet in height. If buildings are masonry, the building wall can serve as the screening wall, provided that any open spaces between perimeter buildings are screened with a masonry screening wall at least 8 feet in height. The screening fence/wall requirements of this section do not apply to climate-controlled self-storage buildings in which self-storage spaces are accessed only from within the building.

Figure 40-12: Screening of Drive-up Style Self-Storage Facilities from Abutting R Districts



**Review comment:** Provide screening, along the east property line, in accordance with this section.

- 5. Sec.55.020 Table 55-2: The proposed storage facility is designated a Commercial/Self-service Storage Facility and is in an CS district. The minimum parking requirement is .2 spaces for 1000 sqft of floor area. There is 15580 sqft of floor area. This will require 4 parking spaces.
  Review comment: Submit a site plan providing 4 parking spaces that comply with the design criteria of Sec.55.090. You may wish to sider an Alternate Compliance Parking ratio approved per Sec.55.050-K.
- **6. Advisory note: Sec.40.360-C:** In the CS district, no outdoor (open-air) storage of any kind is allowed that is visible at ground level from abutting R or O districts or from any street rights-of-way.

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.

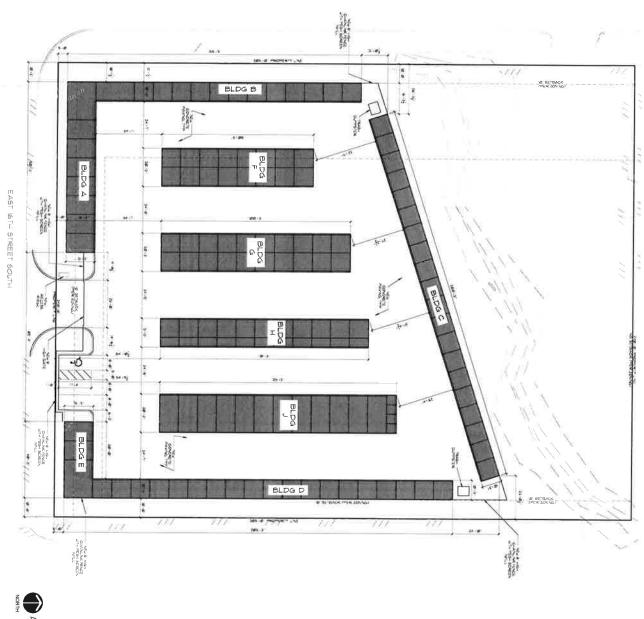
#### Exhibit "A"

The Applicant requests a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the "Code") to permit a self-service storage facility in a CS District for property located at 1535 S. Memorial Drive (the "Property"). Attached hereto is a site plan of the proposed storage facility.

The Property is located in a mixed-use corridor at the northeast corner of South Memorial Drive and East 16<sup>th</sup> Street. The Property is abutted to the north and south by commercial strip centers. Across Memorial to the west of the Property is a used car sales lot and to the east are multi-family units. The project will comply with the screening requirements of the Code for self-storage facilities adjacent to R districts.

The Property was formerly an office building that had become dilapidated and structurally unsound. In May 2019, the Property was rezoned from OL to CS and the abandoned office building has been demolished. On April 3, 2019, TMAPC recommended approval of the rezoning in Case Z-7476 and on May 15, 2019, the Tulsa City Council approved the same, said rezoning adopted by Ordinance No. 24137.

The proposed storage facility is consistent with the existing commercial development along Memorial and the expected development pattern in a mixed-use corridor and thus will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Further, as a permitted use by special exception in the CS district, which zoning was approved by the Tulsa City Council, the self-service storage facility is in harmony with the spirit and intent of the Code.



SITE PLAN

SKOOKCREST SOLARE, ADDITION, A RESIDENTISION OF THE

1-E CIVIL EXCINEER WILL DE REPROCES FOR 1-E REQUIRED WORKLERY AND SHE DESIGN BERVICES FOR ALL CIVIL WORK.

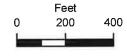
FULL SCALE AT 2204 HALF SZE REDUCTION AT 17217 AS 101

Architectural Site Plan

1535 S. Memorial Dr. Self Storage

10.17





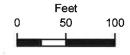


BOA-22920

Aerial Photo Date: February 2018









BOA-22920

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

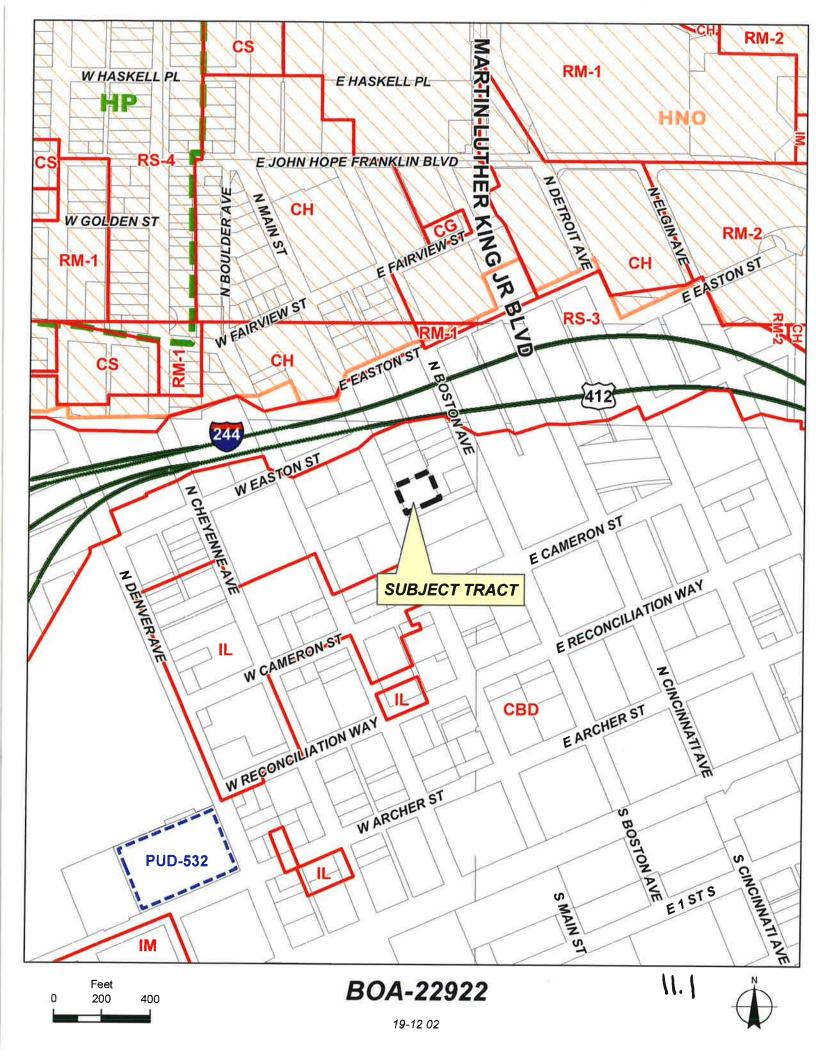
Aerial Photo Date: February 2018



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## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9202 Case Number: **BOA-22922** 

**CZM**: 36 **CD**: 4

**HEARING DATE**: 06/23/2020 1:00 PM (Continued from 06/09/2020)

APPLICANT: A-max Sign Company, Inc.

<u>ACTION REQUESTED</u>: Variance to permit a projecting sign on a major street to exceed its maximum permitted height of 32 feet (Section 60.080-D)

<u>LOCATION</u>: 405 N MAIN ST E <u>ZONED</u>: CBD

PRESENT USE: Multifamily building under construction TRACT SIZE: 17999.07 SQ FT

**LEGAL DESCRIPTION:** PRT LT 4 & PRT N/2 VACATED FOURTH ST & PRT W/2 VACATED ALLEY ADJ THERETO BEG SWC LT 4 TH NW90 NE150 SE120 SW150 NW30 POB BLK 7, TULSA-ORIGINAL TOWN

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NE/c of E. Cameron Street and N. Main.

**STAFF COMMENTS:** The applicant is requesting a *Variance* to permit a projecting sign on a major street to exceed its maximum permitted height of 32 feet (Section 60.080-D)

#### 60.080-D Maximum Height of On-premise Projecting and Freestanding Signs

#### 1. Lots with Frontage on Only Minor Streets

On-premise projecting signs and freestanding signs on lots with frontage on only minor streets may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

#### 2. Lots with Frontage on Major Streets

On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

#### **STATEMENT OF HARDSHIP:**

Due to the structure of the building, it is not possible to install a sign lower. This also keeps in harmony with the projecting signs in the CBD District.

SAMPLE MOTION:  Move to (approve/deny) a Variance to permit a projecting sign on exceed its maximum permitted height of 32 feet (Section 60.080-D)	a major	street to
Finding the hardship(s) to be		
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.		
Subject to the following conditions		

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

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;

- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."



Facing North on Main



Facing South on Main



Subject property is the new construction project to the right of the photo.

#### DANNY WHITEMAN

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



#### **DEVELOPMENT SERVICES**

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

#### SIGN PLAN REVIEW

March 3, 2020

Phone: 918-622-0651

LOD Number: 1

Lori Worthington 9520 E. 55<sup>th</sup> PI. Tulsa, OK 74145

APPLICATION NO:

SIGN-047416-2019 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: Description: 405 N. Main St. Projecting Sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(Continued)

#### **REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="https://www.incog.org"><u>WWW.Incog.org</u></a>

Application No. SIGN-054422-2020

405 N. Main St.

March 3, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

### Section 60.080-D Maximum Height of On-premise Projecting and Freestanding Signs 2. Lots with Frontage on Major Streets

On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.

#### Review comments:

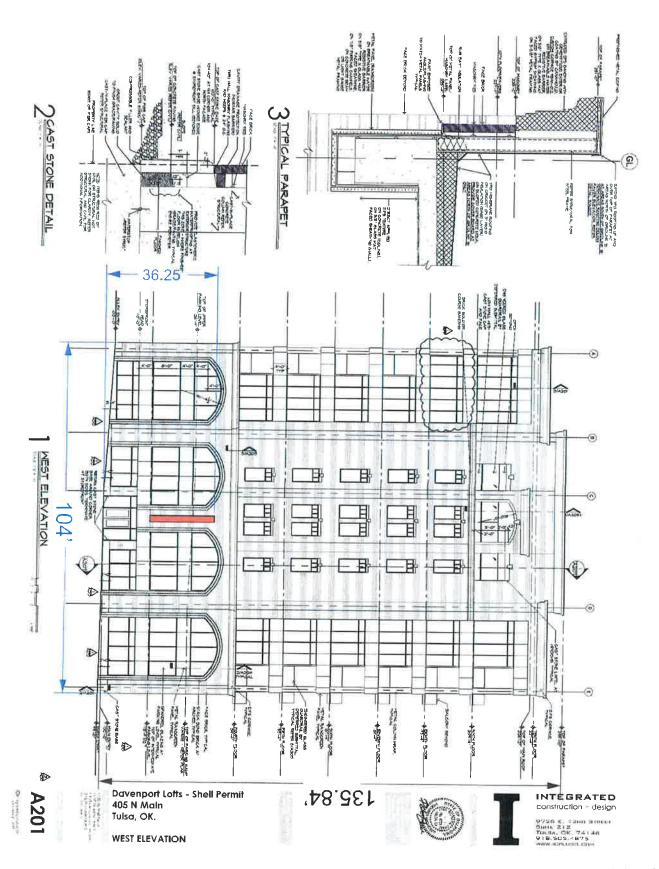
The proposed projecting sign height of 36.25 feet exceeds the permitted 32 foot height above grade allowed for a sign with a 47 foot setback from the C/L of N. Main Street. You may seek a variance from the BOA to permit a projecting sign to exceed the maximum permitted height of 32 feet to be installed 36.25 feet above grade, with a 47 foot setback from N. Main Street.

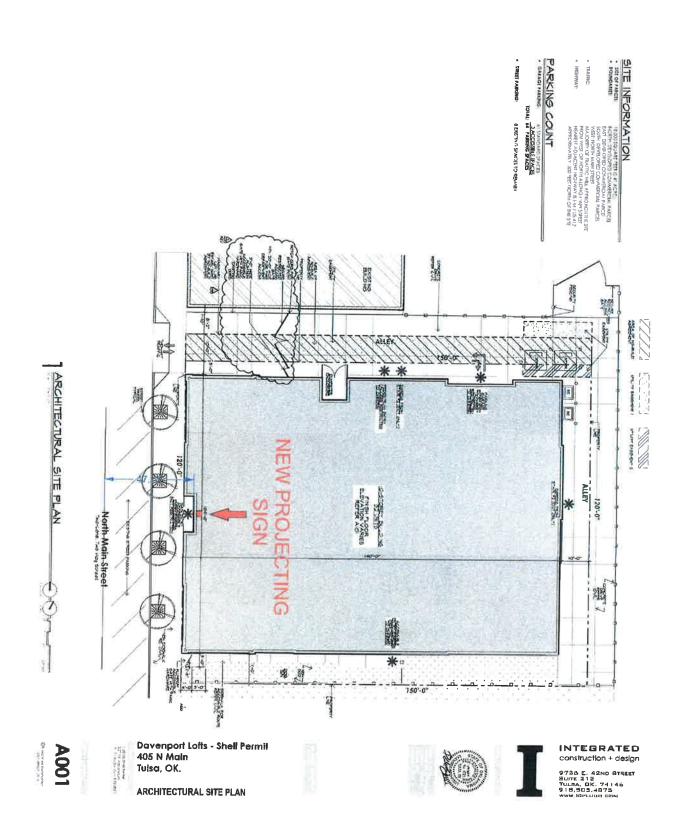
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding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

#### **END – ZONING CLEARANCE AND SIGN CODE REVIEW**

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

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





11.10

#### DOUBLE SIDED BLADE ID

1.0)-

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

(A) Letter Cabinets (Pan-In-Pan): .063" Alum. Face Pans w/ Routed Copy, .063" Alum. Backer Pans. .063" Alum. Filler Between Cabinets. Prefinished - Black (Matte).

Push-Thru Letters: 3/4" Thick Clear Acrylic w/ 3635-70 Diffuser on Back & 3630-20 White Vinyl on Face. Internal White LED Illumination (Remote Mount Power Supplies).

Cabinets Atlach to Vertical 4" Sq. Steel Tube Structure w/ Mechanical Fasteners.

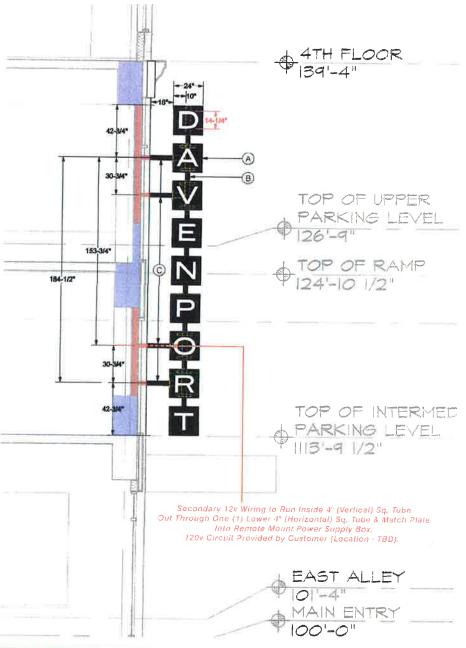
- B Sign Support Structure: (1) Vertical 4" x 4" x 3/16" Wall Steel Sq. Tube,

  (18) Horizontal 2" Wide x 1/8" Thick Flat Strap Steel Cabinet Supports.

  (4) Horizontal 4" x 4" x 3/16" Wall Steel Sq. Tubes w/ 4" x 8" x 3/8" Thick Steel Match Plates.

  Match Plates Per Spec. Provided by G.C (See Clecal Below).

  Painted Finish Black (Satin).
- (C) Bullding Attachment Points (Provided by Owner): (4) Horizontal 4" Steel Sq. Tubes w/ Match Plates Painted Finish Black (Satin).





PR. (916)622-0651 \_ CDF. (918)522-0658 Dr. (9 LIFEAST-GR. COTT

PROJECT:	DAVENPORT	Signer will be small to record to repeat production in the control of the control	E-	
LOCATION:	405 N Main Tulsa, OK	BIRTING LAND	1, i	
SALES REP:	Brian Ward	(npc)   (uples group)   (uples		
FILE NAME:	Blade ID	- F		
DATE:	1 / 30 / 2020 SCALE: AS NOTED	1 the 5 (1 g)	WORK ORDER	DWG
DRAWN BY: RAM Contractor (Contractor (Cont		Project Manager,	00000 Page 2 of 3	013020-02

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

# 2' x 22.5'=45SQFT DOUBLE SIDED BLADE ID

(A) Letter Cabinets (Pan-In-Pan): .063" Alum. Face Pans w/ Routed Copy., .063" Alum. Backer Pans. .063" Alum. Filler Beiween Cabinets. Prelinished - Black (Matte).

Push-Thru Letters: 3/4" Thick Clear Acrylic w/ 3635-70 Diffuser on Back & 3639-20 White Vinyl on Face. Internal White LED Illumination (Farncie Mount Power Supplies).

Cabinets Attach to Vertical 4" Sq. Steel Tube Structure w/ Mechanical Fasteners.

Tulsa, ONamonia 74145 pn. (916) 622-0651 - Iax. (918) 622-0659

a-max

www.amaxsign.com

9520 E, 55ts Place

(B) Sign Support Structure; (1) Vertical -4" x 4" x 3/16" Wall Steel Sq. Tube, (18) Horizontal - 2" Wide x 1/6" Thick Flat Strap Steel Cabinat Supports. (4) Horizontal - 4" x 4" x 3/16" Wall Steel Sq. Tubes w/ 4" x 8" x 3/8" Thick Steel Match Plates, Match Plates Per Spec. Provided by G.C (See Detail Below). Painted Finish - Black (Satin).

(©) Building Attachment Points (Provided by Owner): (4) Horizontal - 4" Steel Sq. Tubas w/ Match Plates. Painted Finish - Black (Satrn).

(4)

0



Secondary 12v Wiring to Run inside 4" (Vertical) Sq. Tube Out Tinrough One (1) Lower 4" (Horrzontal) Sq. Tube & Watch Plate Into Remore Mount Power Supply Box 20v Circuit Provided by Custamer (Location TBD).

S 1-1/4" Die 6/16" Dia

Signs will be built to mins Ut. hoodischons us required.

CLIENT APPROVAL SIGNATURE & DATE

ADDRESS 405 N Main

LOCATION Julsa, OK

RAIN

DRAWN BY: JB FINAL:

SALES RSP. Brian Ward

FILE Blace ID

PROJECT DAVENPORT

DATE 1/30/2020

SCALE AS NOTED

(ngc) and reduced by the state control.

REVISIONS:

SCALE: INCREASED BY 1000% MATCH PLATE DETAIL

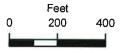
WEST ELEV. SCALE: NTS

DWG 00000 Page 1 of 3 WORK ORDER

013020-01

11.12







BOA-22922

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





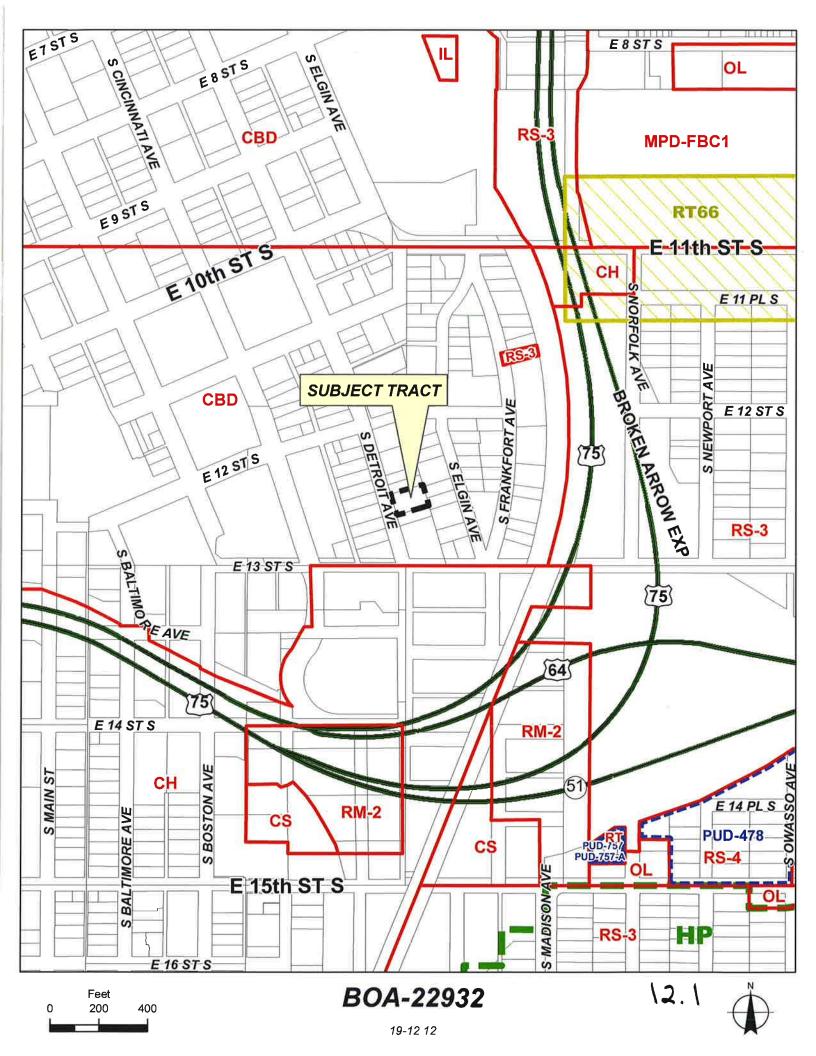


BOA-22922

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

Aerial Photo Date: February 2018





#### **BOARD OF ADJUSTMENT** CASE REPORT

**STR**: 9212 Case Number: BOA-22932

**CZM**: 36 CD: 4

**HEARING DATE:** 06/23/2020 1:00 PM (*Continued from 06/09/2020*)

**APPLICANT**: Lou Reynolds

ACTION REQUESTED: Special Exception to allow a Commercial/Assembly & Entertainment/Large

(>250-person capacity) in the CBD zoning district (Sec.15.020 Table 15-2)

**LOCATION: 1227 S DETROIT AV E** ZONED: CBD

PRESENT USE: Commercial **TRACT SIZE:** 13651.76 SQ FT

**LEGAL DESCRIPTION:** The South 20 feet of Lot Seven (7) and the North 30 feet of the vacated

street adjacent to the South

side of said Lot Seven (7) in Block Two Hundred Six (206), and the North 11 feet of Lot Nine (9) and the South 30 feet of the vacated street adjacent to the North side of said Lot Nine (9), in Block Two Hundred Nine (209), WOODLAWN, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located Northwest of the NE/c of E. 13th Street S. and S. Detroit Ave. The property is immediately adjacent to an office building and is across Detroit from auto repair businesses.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow a Commercial/Assembly & Entertainment/Large (>250 person capacity) in the CBD zoning district (Sec.15.020 Table 15-2)

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

USE CATEGORY Subcategory Specific use	OL	ОМ	ОМН	ОН	cs	ce	СН	CBD	IL	IM	IH	Supplemental Regulations
COMMERCIAL		0.1	KER	AT THE	President	20.5	All					SECTION AND IN
Animal service												Section 40.020
Boarding or shelter		-	=	2.5	5	P	Р	Р	Р	Р	Р	
Grooming	_		=	7 <del>-</del> =	P	Р	Р	Р	Р	P	Р	
Veterinary	=	-	-	-	Р	Р	Р	Р	Р	Р	Р	
Assembly and Entertainment												Section 40.040
Indoor gun club	-	25	=	32	5	S	5	S	5	5	S	Section 40.040
Other indoor												
Small (up to 250-person capacity)	(~	-		-	P[2]	P[2]	P[2]	P[2]	S	5	5	Section 40,040
Large (>250-person capacity)	72	20	-	=	S	5	5	5	5	S	5	Section 40.040
Outdoor gun club	8 <del>=</del>	=	:=:	:=:	5	5	S		5	S	5	Section 40.040
Other outdoor	% <b>=</b>	25	-	-	5	5	S	5	5	5	S	Section 40.040

#### **SAMPLE MOTION:**

Move Enter	to (approve/deny) a <b>Special Exception</b> to allow a Commercial/Assembly & tainment/Large (>250 person capacity) in the CBD zoning district (Sec.15.020 Table 15-2)
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions (including time limitation, if any):
	2 <u></u>

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



Facing South on Detroit



Facing North on Detroit



Subject property

#### Exhibit "B"

The Applicant requests a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the "Code") to permit Indoor Assembly and Entertainment (Large >250) use in the CBD District for property located at 1227 S. Detroit Avenue (the "Property").

The existing building on the Property is a 12,740 SF warehouse, formerly the headquarters of the John L. Rucker Company, a janitorial supply company. The Property is located just north of the Broken Arrow Expressway exit ramp into the IDL at the intersection of E. 13<sup>th</sup> Street and S. Detroit Ave. To the South of the Property is the Tulsa Fire Fighters Local 176 station. North and West of the Property are various automotive shops and to the East is Gunboat Park.

The existing brick warehouse was originally built in 1925 and is currently undergoing renovations in an effort to preserve one of Downtown Tulsa's historic buildings located at a gateway into downtown. For the past several years, the Rucker family has housed its personal classic car collection in the warehouse and used the space to host small events for family and friends. The Rucker family desires to convert the existing building into a banquet hall for large events such as weddings, receptions, and fundraisers.

The proposed assembly and entertainment use will further the goals of the CBD district – encouraging a diversity of uses in the IDL, accommodating a desirable, more productive use of land, and promoting private investment into the area – and thus is in harmony with the spirit and intent of the Code. Additionally, the surrounding area along Detroit primarily consists of warehousing and light industrial uses. However, the Gunboat Park neighborhood to the East is currently undergoing a transformation from an industrial park to an office park with commercial and retail amenities. The proposed use will enhance an important entry point into downtown while preserving a historic building and will not be injurious to the neighborhood.

DANA L. BOX ZONING PLANS EXAMINER II

TEL (918) 596-9657 danabox@cityoftulsa.org



#### **DEVELOPMENT SERVICES**

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

#### **ZONING CLEARANCE PLAN REVIEW**

March 6, 2020

Phone: 918-743-9444

Julia Hovanec/Jeremy Perkins 2200 S. Utica Place, Suite 216

Tulsa, OK 74114

LOD Number: 1

APPLICATION NO: **BLDC-053500-2020** 

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1227 S. Detroit Ave.

Description: Banquet Hall

#### **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 REVISIO 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 <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 4. A COPY OF A "RECORD SEARCH" [X]IS []IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

BLDC-053500-2020

1227 S. Detroit Ave.

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

Section 15 Office, Commercial and Industrial Districts - Sec.15.020 Table 15-2: Your building will be used as
a Banquet Hall, which is designated a Commercial/Assembly and Entertainment/Large (>250 person
capacity) use. This facility is in the CBD zoned district, which will require a <u>Special Exception approved by
the BOA</u>.

**Review comment:** Submit an approved BOA <u>Special Exception</u>, reviewed and approved per <u>Sec.70.120</u>, to allow a Commercial/Assembly & Entertainment/Large (>250) use in the CBD district.

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

**Review comment:** Provide a site plan. The zoning site plan is required to provide the following:

- Legal description of the lot;
- Actual shape and dimensions of the lot;
- Location and dimensions of all easements;
- Lot lines and names of abutting streets;
- Public rights-of-way as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:

https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81a f1fc2609846e587

- The location and dimensions of existing buildings or structures, including distances to lot lines;
- The location, dimensions and height of proposed buildings or structures.

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.

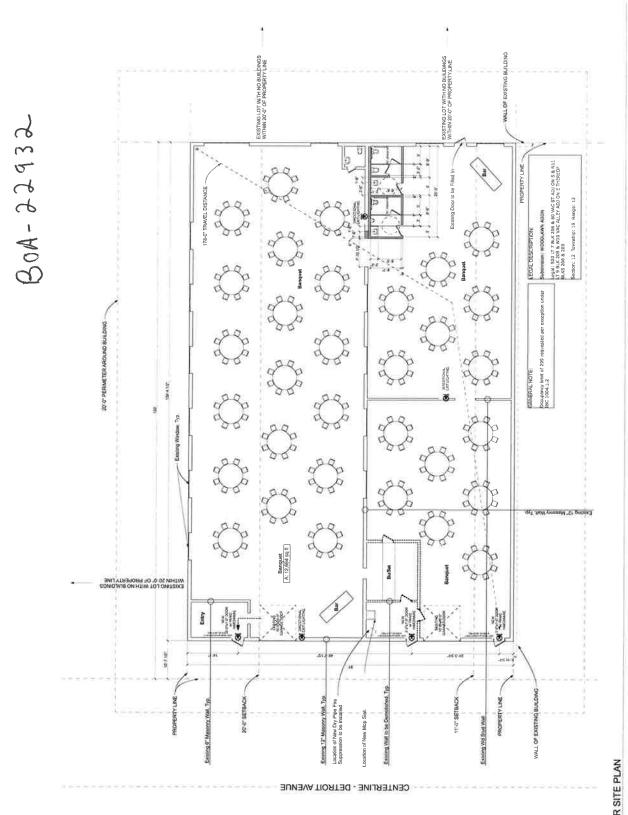
A hard copy of this letter is available upon request by the applicant.

#### **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.

FIRST FLOOR SITE PLAN



#### Sparger, Janet

From:

Kimberly <makerdefault@comcast.net>

Sent:

Friday, June 5, 2020 4:56 PM

To:

esubmit

Cc:

makerdefault@comcast.net

Subject:

Case number BOA-22932

Hello,

We wish to voice opposition to case number BOA-22932 Special Exception to allow a Commercial/Assembly & Entertainment/Large (>250person capacity) for the Rucker property. This is an incompatible use relative to the surrounding neighborhood. In particular, the Gunboat Park neighborhood where our home is located. Allowing a venue like this will be detrimental to the surrounding area and would negatively impact the quality of life for those that live in the neighborhood. The exhibit B statements are particularly troubling in that it falsely states the Gunboat Park area is an industrial park – it is not, it is a residential neighborhood.

Please – do not approve this adjustment.

Charles and Kimberly Maker 1228 S. Elgin Ave Tulsa, OK 74120

TULSA CITY BOARD OF ADJUSTMENT CASE NO. 22932

OFFICIAL RECORD EXHIBIT

ENTERED IN THE 6/10/20
MINUTES OF THE TULSACITY BOARD

**OF ADJUSTMENT** 



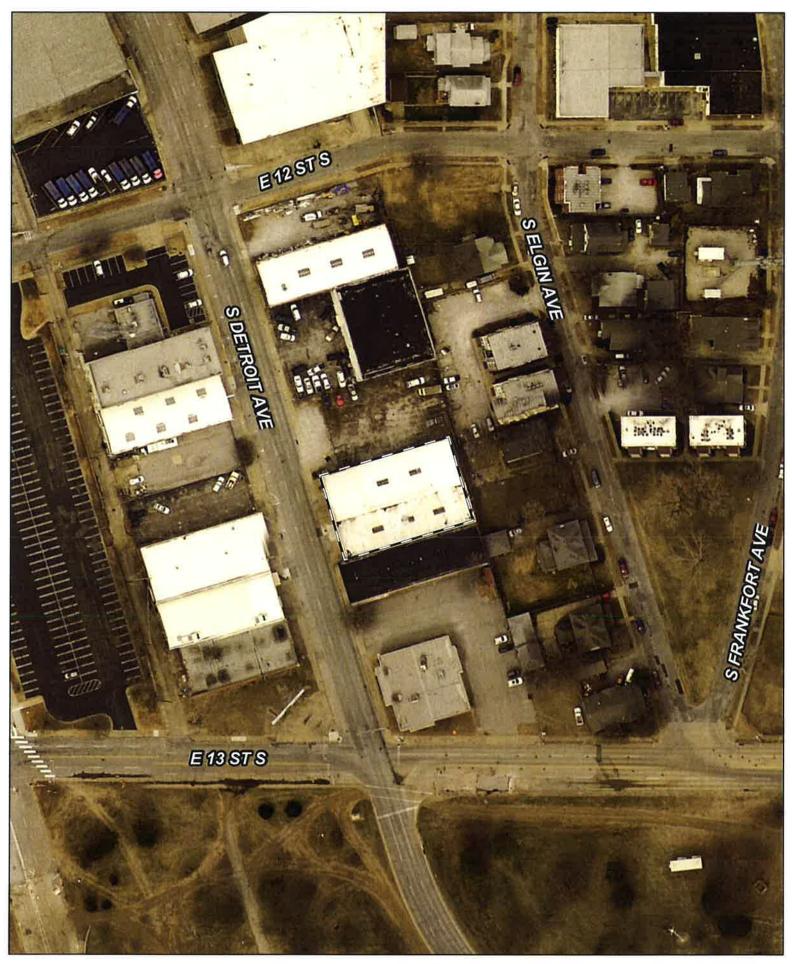


BOA-22932

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

Aerial Photo Date: February 201





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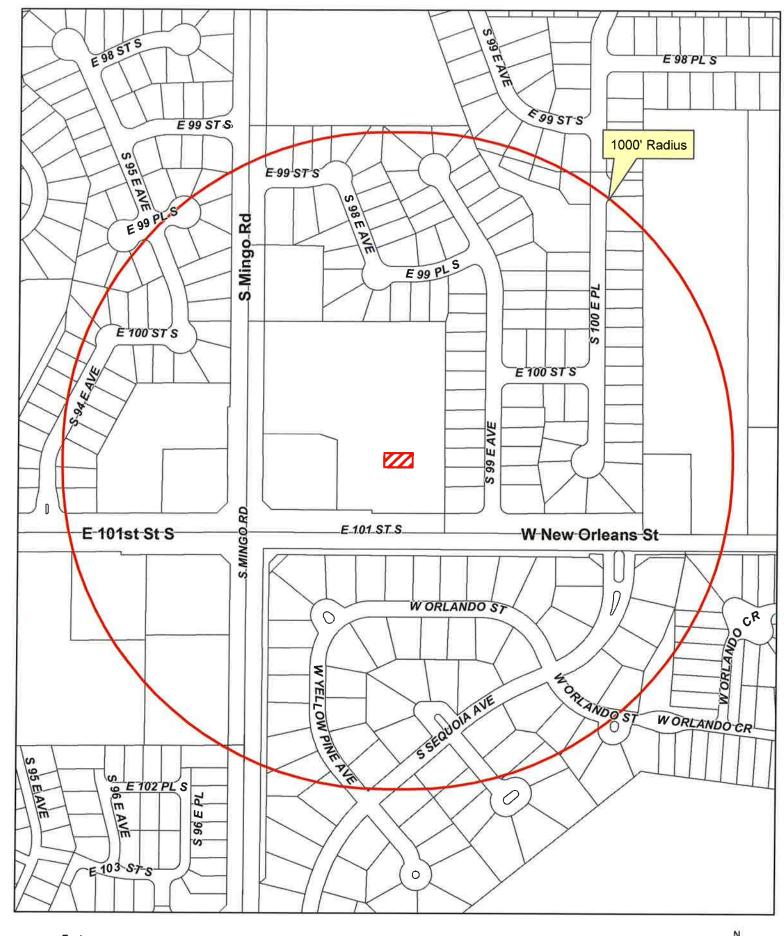
BOA-22932

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

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BOA-22935

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#### **BOARD OF ADJUSTMENT CASE REPORT**

**STR: 8419** 

Case Number: BOA-22935 **CZM**: 58

**CD**: 7

**HEARING DATE:** 06/23/2020 1:00 PM

**APPLICANT**: Cannatopia LLC

**ACTION REQUESTED:** Verification of the 1,000 spacing requirement for a medical marijuana

dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION: 9999 S MINGO RD E** ZONED: CS

PRESENT USE: Medical Marijuana Dispensary **TRACT SIZE**: 283646.46 SQ FT

LEGAL DESCRIPTION: PRT LT 1 BEG 305.79N & 50E SWC SW TH N355.30 E565.95 S600.98 W228 W10 W108.72 N217.41 NW57.79 W176.11 TO POB BLK 1, MILLICENT CROSSING, YALE

CLEANERS ADDN NO 101, PLAZA DEL SOL

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

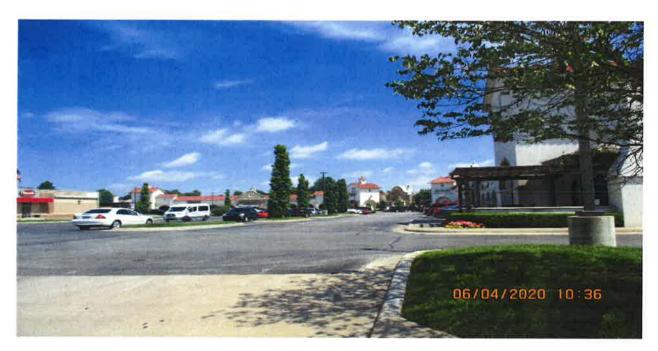
> 40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

40.225-1 The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40,225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant provided the nearest dispensary as Lotus Gold, located 8010 E 106th St, which is 1.25 miles away.

#### **SAMPLE MOTION:**

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



Plaza del Sol Shopping center at the NE/c of 101st St. and S. Mingo Road.



Facing West on 101st St.



Facing East on 101st Street



Location of proposed Dispensary

DANA L. BOX ZONING PLANS EXAMINER II

TEL (918)596-9657 danabox@cityoftulsa.org



#### **DEVELOPMENT SERVICES**

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

#### **ZONING CLEARANCE PLAN REVIEW**

May 7, 2020

LOD Number: 1 Seth Hendrix 13814 S. 23<sup>rd</sup> Pl. Bixby, OK 74008

APPLICATION NO:

Phone: 918-812-6297

ZCO-060482-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: Description:

9999 S. Mingo Rd., Suite V Medical Marijuana Dispensary

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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#### 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. \*\*PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19
  THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER
  NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT
  THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE
  REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL
  AT HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE. YOU WILL NEED TO REGISTER ON THE
  PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. \*\*
- 3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT <a href="https://www.tulsaplanning.org">www.tulsaplanning.org</a>; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
- 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**

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ZCO-060482-2020

9999 S. Mingo Rd., Ste. V

May 7, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incog.org. 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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or esubmit@incog.org.

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

www.tulsaplanning.org/plans/TulsaZoningCode.pdf

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

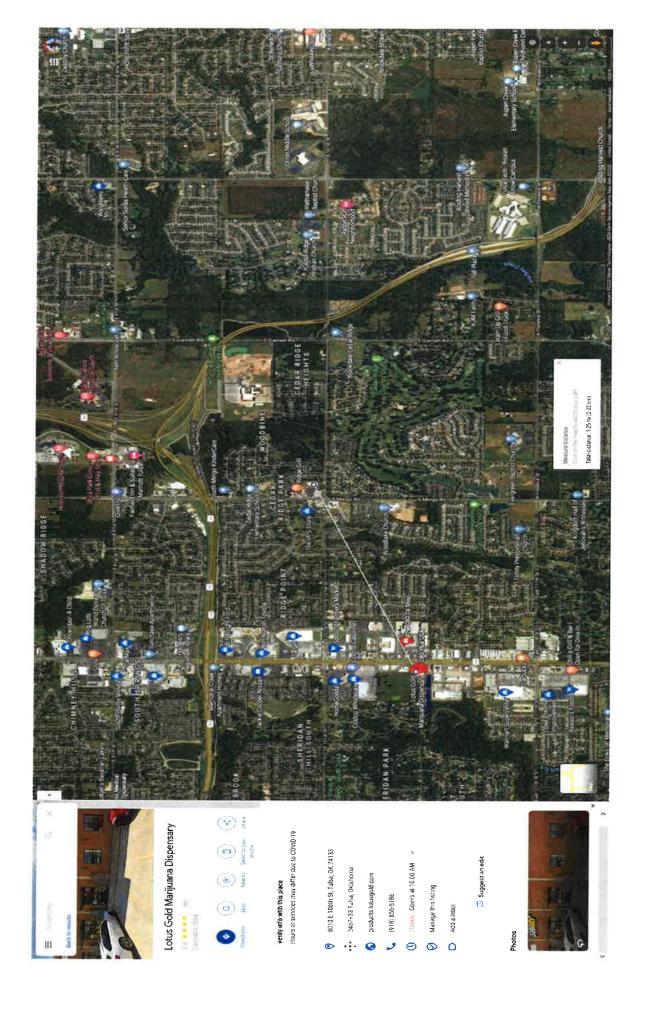
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A hard copy of this letter is available upon request by the applicant.

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

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



# GENERAL NOTES:

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RECANTLE 11500

STORY CONTANT COLUMN

# FLOOR PLAN NOTES:

FLOOR PLAN LEGEND:

HETAL STUDS AT 250 SAFE BD. BOT SIDES, STACKS OF STUDS TO MATE BIRLDING STANDARD WALL

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KKT ARCHITECTS, INC.
2200 SOUTH UTICA PLACE SUITE 200
TULSA, OKLAHOMA 74114
PP 918,744,720, (F) 918,744,789
WWW,KKTARCHITECTS,COM
COFA #534 EXPIRES 6/30/19

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A FLOOR PLAN O

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CASE & ASSOCIATES

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BOA-22935

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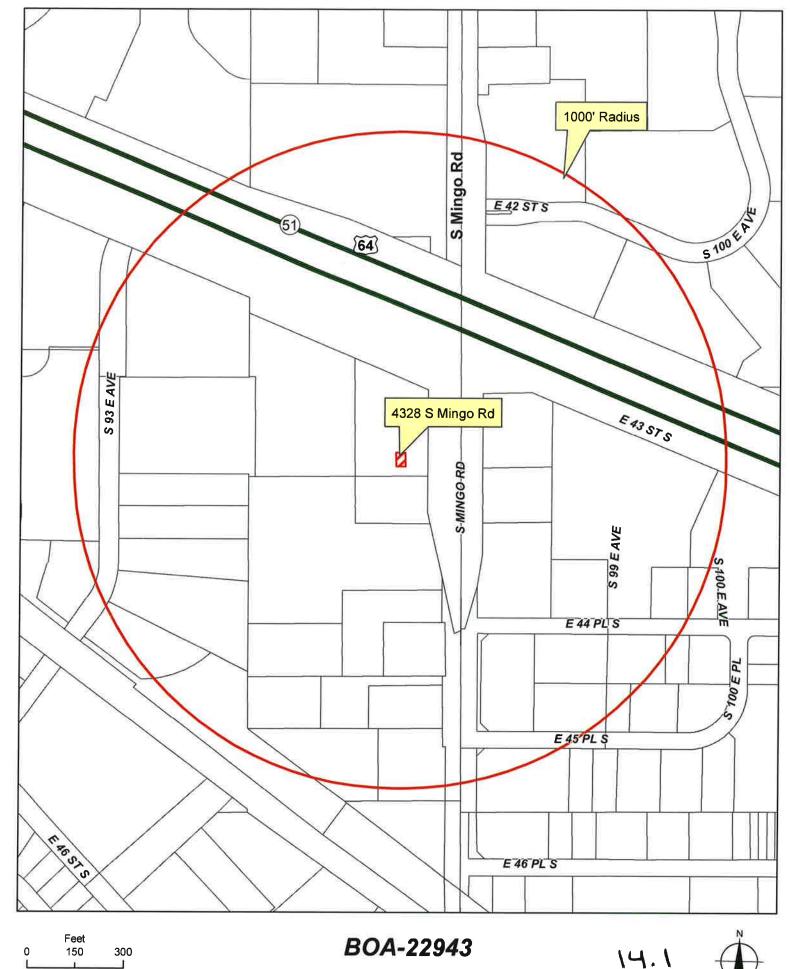
Aerial Photo Date: February 2018



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## BOARD OF ADJUSTMENT CASE REPORT

**STR**: 9325

Case Number: BOA-22943

**CZM**: 48 **CD**: 7

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT: Robert Jackson** 

ACTION REQUESTED: Verification of the 1,000' spacing requirement for a medical marijuana

dispensary from another medical marijuana dispensary (Section 40.225-D)

**LOCATION**: 4328 S MINGO RD E

ZONED: IL

PRESENT USE: Retail/Office

TRACT SIZE: 73616.7 SQ FT

**LEGAL DESCRIPTION: PRT SE NE BEG 1281.50N & 108.73NW SECR NE TH S270.71 W229.96** 

N368.79 SE249.95 POB SEC 25 19 13 1.69ACS,

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)

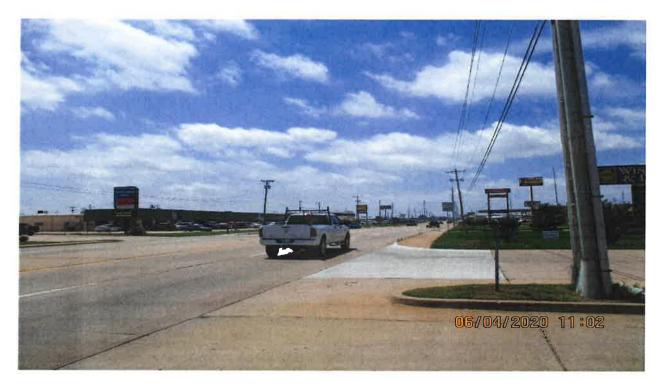
40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.

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 nearest dispensary as PURA Cannabis Collective, located 8712 E. 46<sup>th</sup> Street, which is 2,990 feet away.

#### **SAMPLE MOTION:**

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



Facing North on Mingo



**Proposed Dispensary Space** 



Facing South on Mingo

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

October 26, 2019

**Carlos Plaud** 1821 E Young ST Tulsa, OK 74110

Phone:

APPLICATION NO: BLDC-043695-2019

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

4328 S Mingo RD

Description: Medical Marijuana Dispensary

#### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

#### **REVIEW COMMENTS**

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

BLDC-043695-2019

4328 S Mingo RD

October 26, 2019

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning <u>separation distance acceptance</u> and all questions regarding BOA application forms and fees to the INCOG BOA Planner at <u>918-584-7526</u>. 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 acceptance of the separation distance of 1000' from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under Sec.40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the

Oklahoma Department of Health prior to December 1, 2018 for the particular location.

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

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

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

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

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

#### **END – ZONING CODE REVIEW**

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

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





Robert Jackson





Licenses / New Business License - Savant Cannabis, LLC



#### Approved

Selected Account: Savant Cannabis,

LLC

+ CREATE NEW APPLICATION

LICENSE DASHBOARD(/#!/LICE

APPLICATIONS(/#!/APPLICATIC

ACCOUNT

License Number : DAAA-EYRC-K7IW

License Expiry Date: 07/24/2020

Date Issued : 07/19/2019

**Date Updated** : 10/30/2019

**GENERAL** INFORMATION **PERSONS** OF INTEREST

LOCATION INFORMATION

CONTAC **INFORMAT** 

Entity Name: Savant Cannabis, LLC

License Type: Dispensary

Trade Name: Savant Cannabis

**Entity Phone** :2143173647

Fax:6094826351

Website: www. Savante Cannabis.com

**Operating Hours of Entity: 10-8** 

Oklahoma Tax Permit Number (Sales Account ID):

#### **Limited Liability Corporation**

**Business Structure**:(LLC)

© 2020 State of Oklahoma

Accessibility (/#!/ok/accessibility)

Terms and Conditions (/#!/legal/ok/terms-and-conditions)

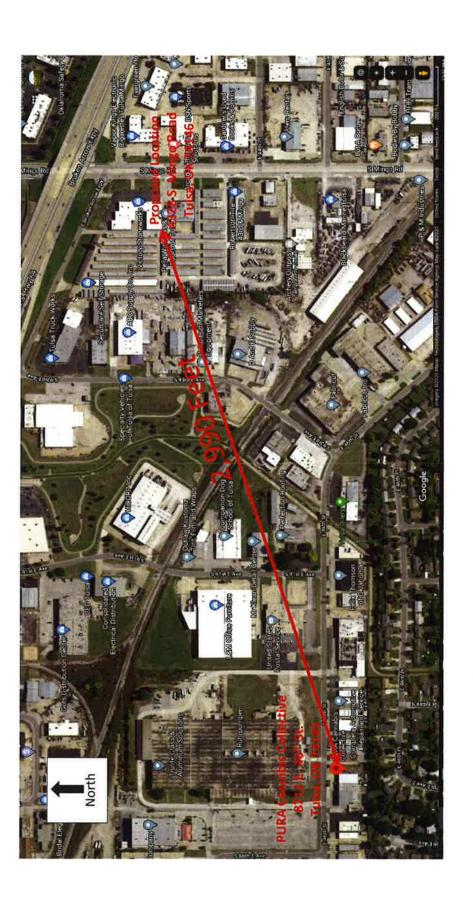
**FAQ** 

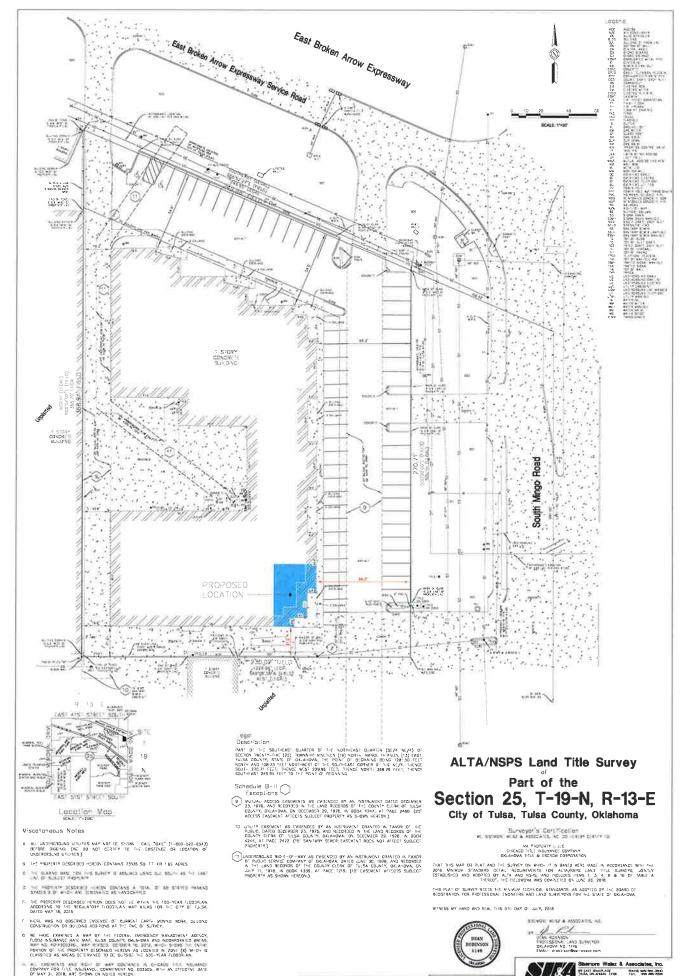
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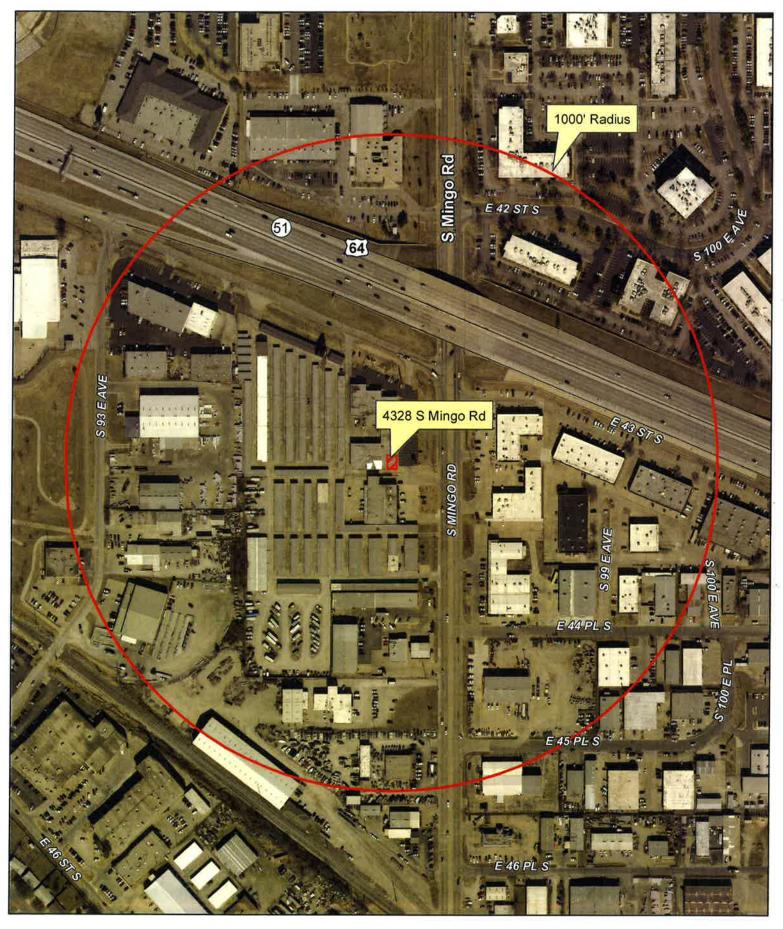
OMMA (http://omma.ok.gov/)

v.5.83.3





BUIDING LINE PER ZONNO NOTE ON SURVEY DONE BY HARDEN & ASSOCIATES ALTA/ACSV LAND TITLE SURVEY OF SUBJECT PROPERTY DATED 2/11/05



Feet 0 150 300

BOA-22943

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

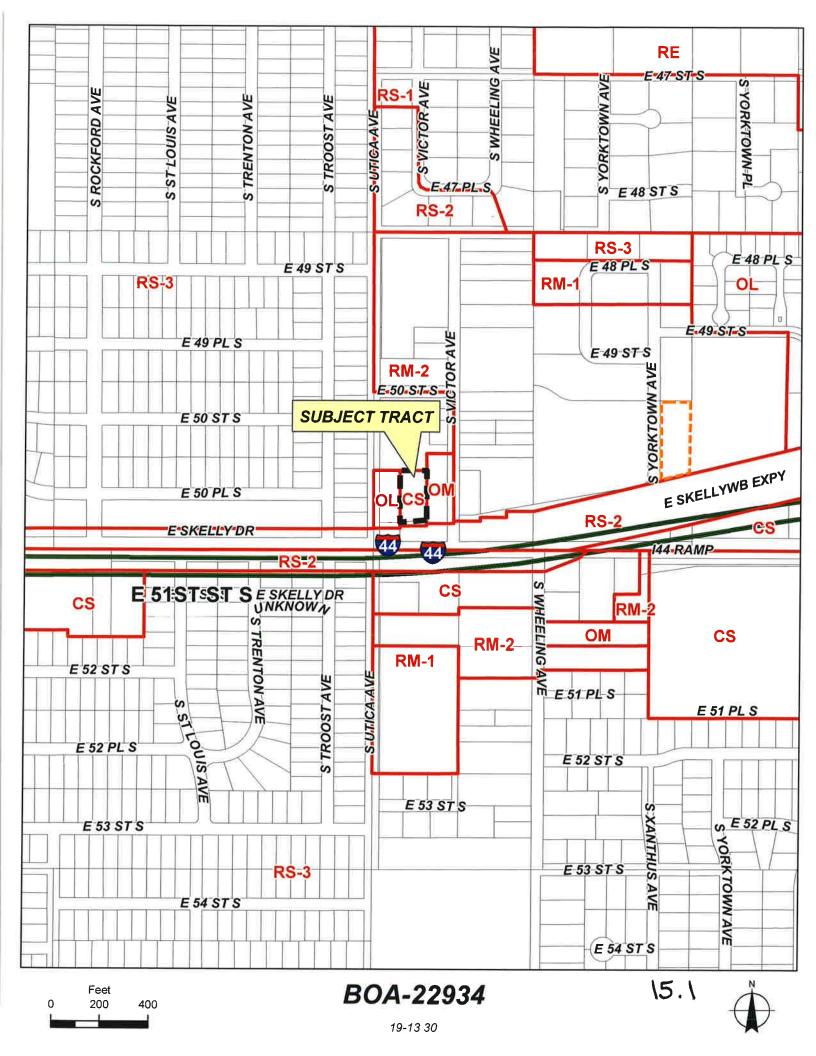
Aerial Photo Date: February 2018



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### BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9330 Case Number: **BOA-22934** 

**CZM**: 47 **CD**: 9

**HEARING DATE:** 06/23/2020 1:00 PM

**APPLICANT**: Katy Anderson

**ACTION REQUESTED:** Variance to increase the permitted 240 square foot display area for a wall

sign in a CS District (Sec. 60.080-B)

**LOCATION**: 1711 E SKELLY DR S **ZONED**: CS

PRESENT USE: Medical Marijuana Dispensary TRACT SIZE: 23091.25 SQ FT

LEGAL DESCRIPTION: N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10

SW110.46 S15 POB FOR RD, PERRY'S 27207 SUB

**RELEVANT PREVIOUS ACTIONS: None.** 

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

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

**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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is located Along Skelly Drive between Utica and Victor Avenues.

**STAFF COMMENTS**: The applicant is requesting *Variance* to increase the permitted 240 square foot display area for a wall sign in a CS District (Sec. 60.080-B)

#### 60.080-B Signs Allowed

In addition to any sign exceptions allowed pursuant to <u>Section 60.030</u>, the following signs are the only signs allowed in all mixed-use, commercial and industrial zoning districts:

#### 1. On-premise Wall Signs

On-premise wall signs are allowed in all mixed-use, commercial and industrial zoning districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to §60.080-C.

Per the zoning code the applicant would be allowed a 240 square foot display area based on the 80-foot wall length. The applicant is requesting a 720 square foot display area for their sign.

<b>STATEMENT OF HARDSHIP:</b> The mural is necessary to see our business form the highway, does not impact the area permanently, nor does it effect the are negatively.
SAMPLE MOTION: Move to (approve/deny) a <i>Variance</i> to increase the permitted 240 square foot display area for a wall sign in a CS District (Sec. 60.080-B)
Finding the hardship(s) to be
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions
n granting the Variance the Board finds that the following facts, favorable to the property owner,

have been established:

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



Facing West on Skelly Drive



Subject Sign



Facing North on Victor



Facing East on Skelly Drive

#### DANNY WHITEMAN SIGN PLANS EXAMINER

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



#### **DEVELOPMENT SERVICES**

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

#### SIGN PLAN REVIEW

March 12, 2020

Phone: 918-381-3923

LOD Number: 1

Katy Anderson 2712 Gary Dr. Tulsa, OK 74114

APPLICATION NO:

SIGN-055267-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:

1711 E. Skelly Dr.

Description:

Painted wall sign

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

#### IMPORTANT INFORMATION

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

(Continued)

#### **REVIEW COMMENTS**

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

Application No. SIGN-055267-2020

1711 E. Skelly Dr.

March 12, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

#### Section 60.080-B

#### 1. On-premise Wall Signs

On-premise wall signs are allowed in all mixed-use, commercial and industrial zoning districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to §60.080-C.

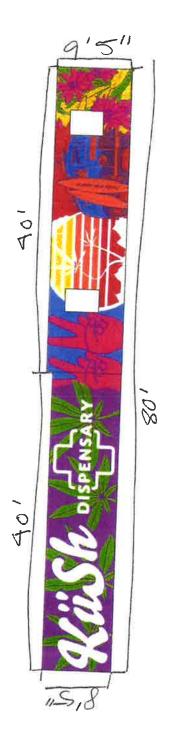
Review Comments: The proposed 720 square foot wall sign exceeds the 240 square foot permitted display surface area based on an 80 foot wall length. You may reduce the sign area to 240 square feet, or you may pursue a variance from the Board of Adjustment (BOA) to permit the permitted display area for a wall frontage of 80 feet to be increased from 240 square feet to 720 square feet of display surface area.

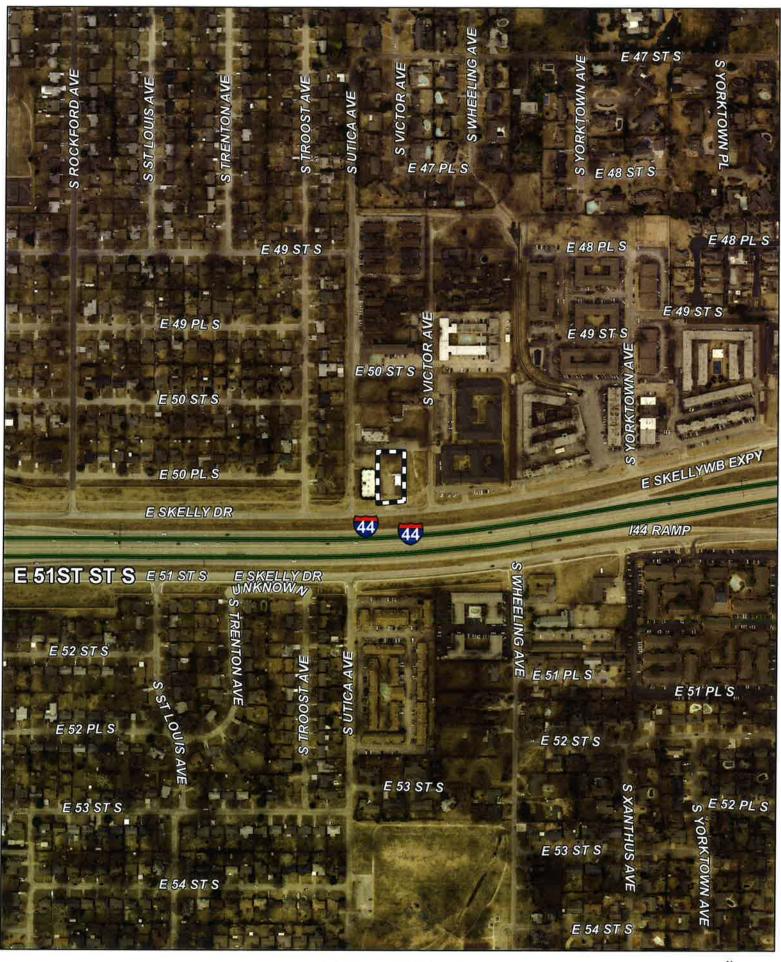
NOTE: Please direct all questions concerning variances, special exceptions, appeals of an administrative official, Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape plans and all questions regarding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

#### **END - ZONING CLEARANCE AND SIGN CODE REVIEW**

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

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









BOA-22934

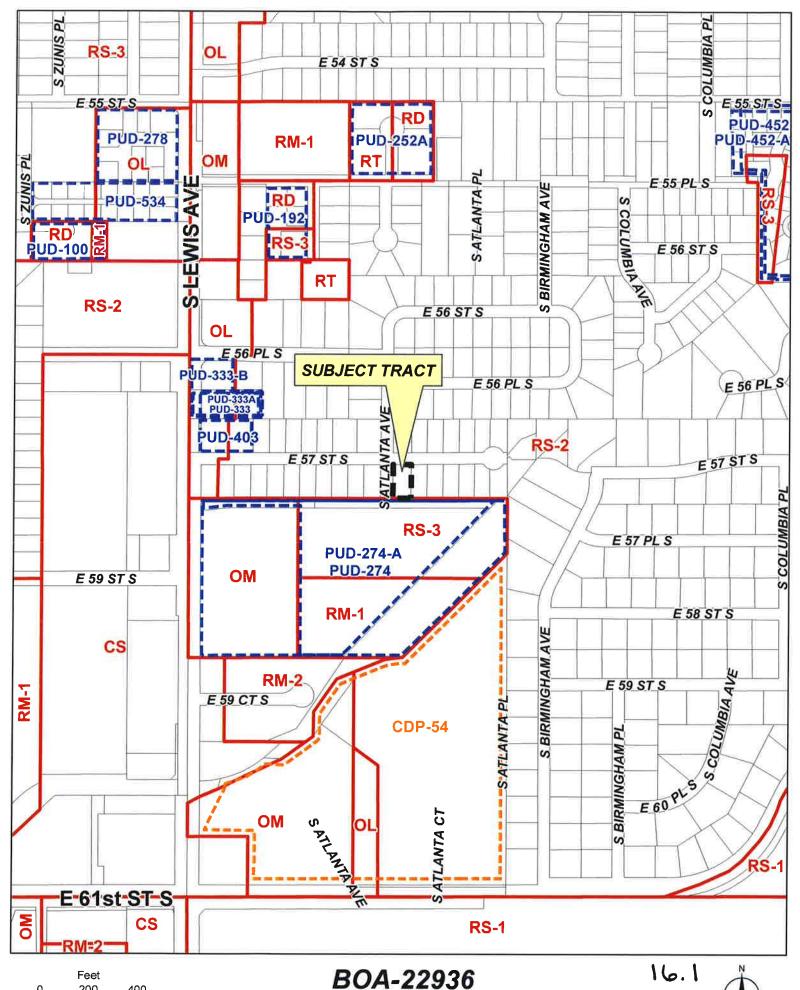
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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9332 Case Number: **BOA-22936** 

**CZM**: 47 **CD**: 9

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT:** D. Robert Neil

ACTION REQUESTED: Variance of the required 30' front street setback and 15' side street setback

in an RS-2 district (Sec. 5.030, Table 5-3)

**LOCATION**: 2506 E 57 ST S **ZONED**: RS-2

PRESENT USE: Residential TRACT SIZE: 10498 SQ FT

**LEGAL DESCRIPTION: LT 7 BLK 6, SOUTH LEWIS TERRACE AMD** 

**RELEVANT PREVIOUS ACTIONS:** None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of E. 57th St. S. and S. Atlanta Ave. South Atlanta dead ends at the along the West property line of this tract.

**STAFF COMMENTS**: The applicant is requesting *Variance* of the required 30' front street setback and 15' side street setback in an RS-2 district (Sec. 5.030, Table 5-3)

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

[3] For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.

detached house or duplex
garage door
min. 15'
min. 20'

Figure 5-1: Street Side Setback on Corner Lots

## **STATEMENT OF HARDSHIP:**

- 1. The existing home was built on the minimum front and side setbacks in the 1950s with a small one car garage. The small garage is not big enough for a modern car, our family of four currently parks one car in the driveway, three cars and one work truck on the street. The most practical way to minimize parking congestion on the street is to enlarge the existing garage by expanding it forward towards E. 57th St. and expanding the width towards S. Atlanta Ave. for a modern two car garage.
- 2. The intended purpose of maintaining a right of way for future city infrastructure expansion is not affected as both streets involved dead-end; E. 57th St. ends with the properties backed up to Joe Creek and S. Atlanta Ave. ends at our rear property line backed up to the large commercial assisted living property of The Villages at Southern Hills.
- 3. The conditions leading to the need of a variance are unique due to the age, design and layout of the existing home. Not only was the house built at the minimum setbacks, it was built with a small one car garage, unlike the homes in the immediate vicinity that have two car garages as do modern homes.
- 4. The hardship comes from the age of the home and the need to modernize it to accommodate modern living and the number and sizes of automobiles for the average family.

- 5. The variance requested is the minimum that will afford relief, allowing the garage to be expanded. The extension forward also adds curb appeal.
- 6. The requested variance will maintain the character of the neighborhood and will in no way impair the use or development of adjacent properties. The addition will expand toward the front and side street, not towards any adjacent property
- 7. The requested variance will not be a detriment to the public good or go against the spirit and intent of the zoning code or comprehensive plan. As stated above in #2, expansion of the street or neighborhood in not likely. The requested variance will if fact bring the property more in compliance with the spirit and intent of the zoning code, eliminating vehicle congestion on the street will improve the look and safety of the neighborhood by giving neighbors a less obstructed view.

## **SAMPLE MOTION:**

Move to (approve/deny) a <i>Variance</i> of the required 30' front street setback and 15' side street setback in an RS-2 district (Sec. 5.030, Table 5-3)
Finding the hardship(s) to be
<ul><li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li></ul>
Subject to the following conditions
In granting the <b>Variance</b> the Board finds that the following facts, favorable to the property owner, have been established:

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



Facing South towards the dead end of S. Atlanta Place.



Facing North on S. Atlanta Pl.



Side Yard of Subject Property



Subject property



Facing West on E. 57th St.



Facing East on 57<sup>th</sup> St.

ort

Sort E	хр
Correction Order ▼	
Correction Order: 1	
Type: General	
Resolved: No Resolved On:	
Comments	
5.030-A :Setback(s) (Residential): In the RS-2 zoned district the minimum street setback shall be 30 feet from the property line and 55' measured from the centerline of the abutting street.	
Corrective Action	
Review Comments: Revise your plans to indicate a 30" front setback to the property line and 55' from center of street, or apply to INCOG for a variance to allow less than a 30" front setback and less than 55' from center of street.	
Correction Order: 2	
Type: General	
Resolved: No	

Resolved On:

#### Comments

5.030-A: In the RS-2 zoned district on a corner lot the minimum side street setback shall be 15 feet from the side property line.

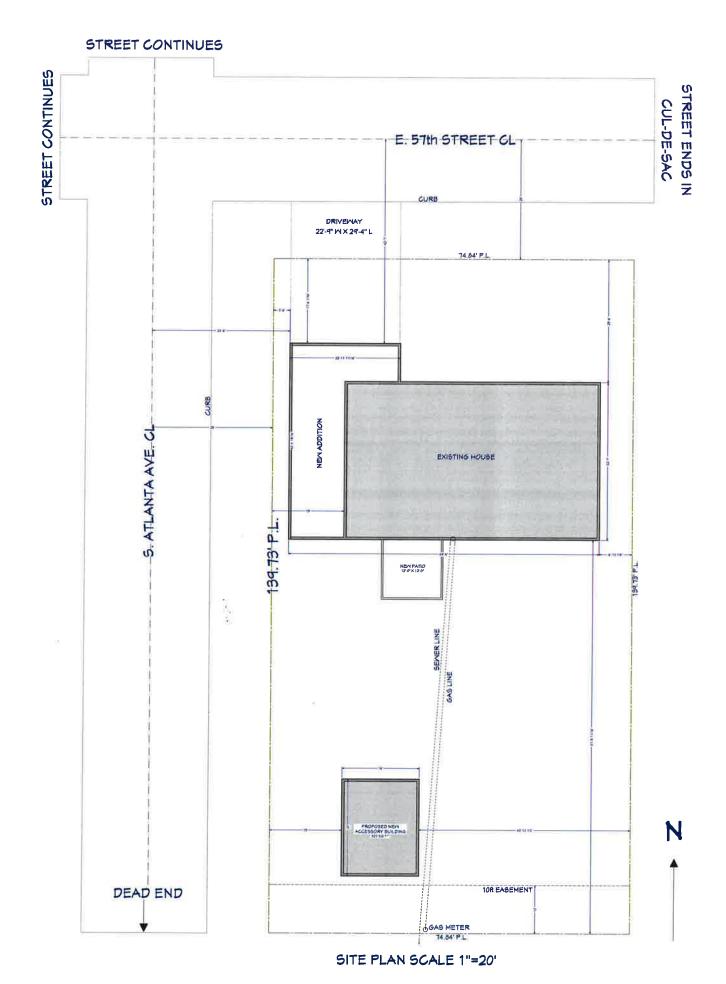
## **Corrective Action**

Review Comments: Revise your plans to indicate a 15' side street setback to the property line, or apply to INCOG for a variance to allow less than a 15' side setback.

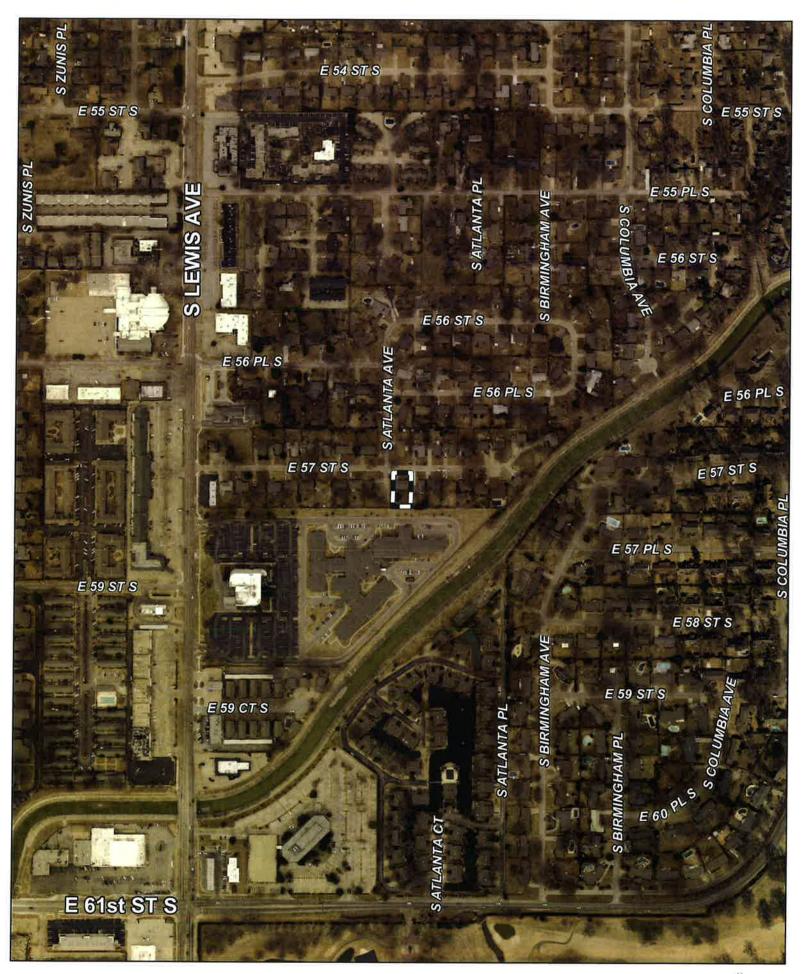
<< < 1 > >>

Results per page 10 ▼ 1-2 of 2

Need Help? Email (mailto:cotdevsvcs@cityoftulsa.org?subject=CSS%20Help) or call us at (918) 596-9456 © 2017 - City of Tulsa, OK | Terms of use () | Privacy () | Accessibility ()



OWNERS: DONALD & ANGEL NEIL ADDRESS: 2506 E. STTH STREET - LOT SIZE = 14.84' M.  $\times$  139.72' L SUBDIVISION: SOUTH LEWIS TERRACE AMD, LOT 7 BLOCK 6, SECTION 32, TOWNSHIP 19, RANGE: 13





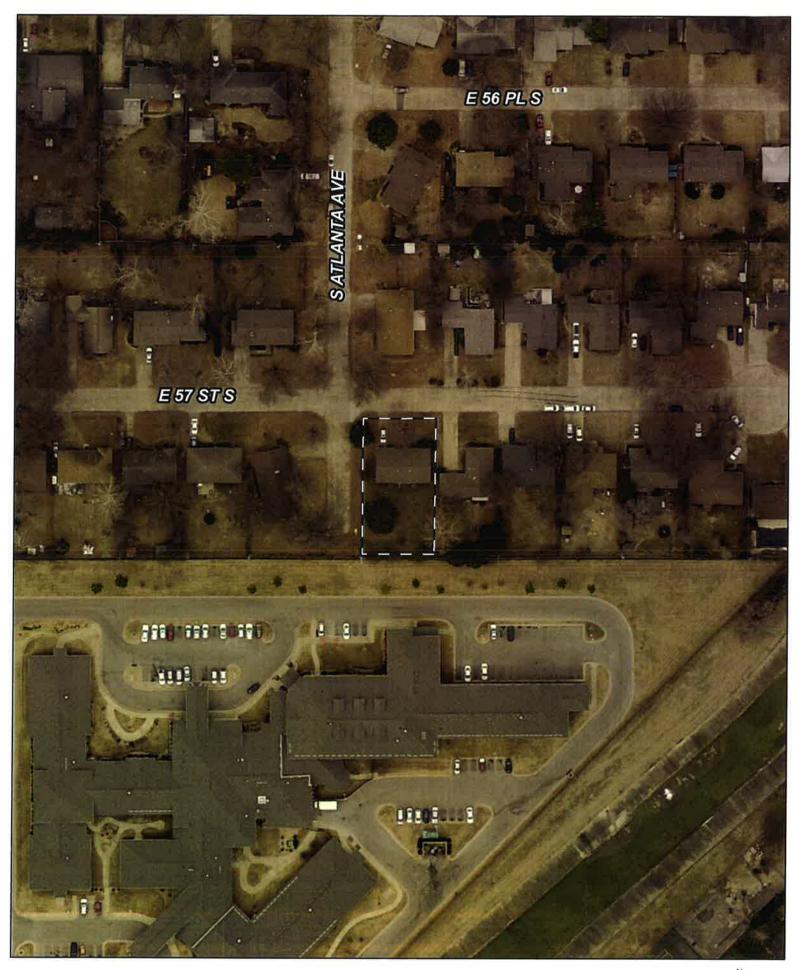


BOA-22936

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

Aerial Photo Date: February 2018







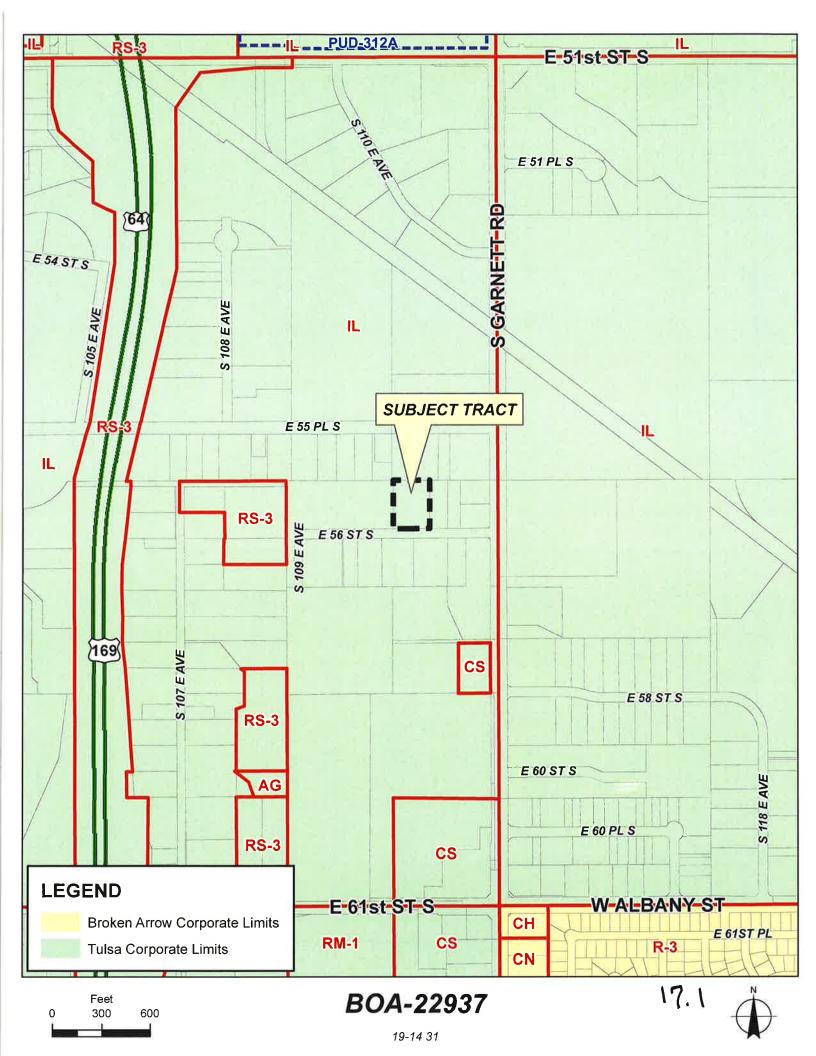


BOA-22936

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

Aerial Photo Date: February 2018





## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9431 Case Number: **BOA-22937** 

**CZM:** 49 **CD:** 7

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT: Rex's Remedies LLC** 

ACTION REQUESTED: Special Exception to allow a Moderate-Impact Medical Marijuana

Processing Facility in the IL District (Section 15.020)

**LOCATION**: 11105 E 56 ST S, SUITE G **ZONED**: IL

PRESENT USE: Industrial TRACT SIZE: 68398.19 SQ FT

**LEGAL DESCRIPTION:** LTS 4 & 5 BLK 1, CARTER INDUSTRIAL PARK

## **RELEVANT PREVIOUS ACTIONS:**

Subject property: None

## Surrounding properties:

**BOA-22491**; On 8.14.2018 the Board *approved* a Special Exception to allow a Moderate-Impact Manufacturing and Industry Use in the IL District to permit expansion of a Heat Exchange Manufacturing Business. Property located 11130 East 55<sup>th</sup> PI.

**BOA-13914**; On 2.06.86 the Board *approved* a Special Exception to permit an indoor recreation use in an IL District. Property located 10909 East 56<sup>th</sup> St.

**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".

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

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

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

<u>ANALYSIS OF SURROUNDING AREA:</u> The subject tract is located West of the NW/c of E. 56<sup>th</sup> St. S. and S. Garnett Rd.

<u>STAFF COMMENTS</u>: The applicant is requesting **Special Exception** to allow a Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020)

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

USE CATEGORY Subcategory Specific use		ОМ	омн							IM	IH	Supplemental	
				ОН	CS	CG	CH	CBD	IL			Regulations	
INDUSTRIAL			19.00	1717	74 0			-		1		Section 40 180	
Low-impact Manufacturing & Industry	-	-	-	25	=	S	5	S	Р	Р	Р		
Moderate-impact Manufacturing & Industry	:=:	27	===	135	==:	-	-	-	S	Р	Р	Section 40,225	
High-impact Manufacturing & Industry						-			_			the business of the party of th	

#### Section 40.225 Medical Marijuana Uses

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

- 40.225-A A medical marijuana grower operation must be located inside an enclosed building.
- 40.225-B A medical marijuana processing facility, whether moderate impact or high impact, must be located inside an enclosed building.
- 40.225-C A medical marijuana dispensary must be located inside an enclosed building.
- 40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
- 40.225-E Drive through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
- 40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:
- A ventilation/air filtration system that prevents odor from being detectible at the boundaries
  of the lot within which the building housing the medical marijuana grower operation, processing
  facility or dispensary is located, except that if such use is located in multiple-tenant building, the
  ventilation/air filtration system must prevent odor from being detectible outside the tenant space
  housing the use.
- 2. An electronic security system and surveillance camera.
  - 40.225-G Medical marijuana grower operations, processing facilities, dispensaries and research facilities must be conducted and maintained in compliance with the license issues by the Oklahoma State Department of Health and in compliance with Oklahoma law, including but not limited to all applicable statutes, rules and regulations.

TULSA ZONING CODE | December 09, 2019
page 40-12

Chapter 40 | Supplemental Use and Building Regulations
Section 40.230 | Mining or Mineral Processing

- 40.225-H No medical marijuana grower operation, processing facility, dispensary or research facility shall be permitted or maintained unless there exists a valid license, issued by the Oklahoma State Department of Health for the particular use at the particular location.
- 40.225-1 The separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

#### **SAMPLE MOTION:**

Move	to		(approv	ve/deny)	а	Special	Exception	ı to	allow	а	Moderate-Impact	Medical
Mariju	ıana Pı	rocessing	Facility	in the IL	Di	strict (Se	ction 15.020	0)			•	

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

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



Facing West on E. 56th St.



Subject Property



Facing East on East 56th Street.

Mr. Meadows stated that he does not openly discourage bikers, but it is certainly not the direction he is taking the bar. He is also using the space the bikers liked to park, and this will discourage them from parking there.

#### **Interested Parties:**

There were no interested parties present.

## Comments and Questions:

None.

### **Board Action:**

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

## LTS 1 & 2 BLK 4, JENNINGS-ROBARDS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

## 22491—Richard Morgan

#### Action Requested:

<u>Special Exception</u> to permit a moderate-impact manufacturing and industry facility in an IL District (Section 15.020). <u>LOCATION:</u> 11130 East 55<sup>th</sup> Place South (CD 7)

## Presentation:

**Richard Morgan,** Accent Construction Services, Inc., 7798 East 24<sup>th</sup> Street, Tulsa, OK; stated he represents Service Properties, LLC. The building to the east is occupied by Tech Fins, Inc. and they are a heat exchanger manufacturer and they would like to expand the heat exchanger manufacturing facility. The building will be a stand alone building with its own parking and driveways.

Mr. Bond asked Mr. Morgan if the cars depicted in picture 9.11 of the agenda packet are functioning cars that are there now or is that area a parking lot. Mr. Morgan stated the subject property was used as a wrecker storage facility and it is now an empty lot.

## **Interested Parties:**

There were no interested parties present.

#### Comments and Questions:

None.

## **Board Action:**

On **MOTION** of **BOND**, the Board voted 4-0-0 (Back, Bond, Radney, Ross "aye"; no "nays"; "abstaining"; Van De Wiele absent) to **APPROVE** the request for <u>Special Exception</u> to permit a moderate-impact manufacturing and industry facility in an IL District (Section 15.020), subject to conceptual plan 9.13 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

W190 E309.70 LT 3 BLK E, TULSA SOUTHEAST IND DIST EXT, City of Tulsa, Tulsa County, State of Oklahoma

#### 22492—Justin Reed

## Action Requested:

<u>Verification</u> of the 300-foot spacing requirement for a liquor store from other liquor stores, plasma centers, day labor hiring centers or pawnshops (Section 40.300-A). <u>LOCATION:</u> 1649 South Yale Avenue East – <u>TENANT SPACE</u> (CD 5)

#### Presentation:

**Justin Reed,** Accurate Construction, 16528 South 333<sup>rd</sup> East Avenue, Coweta, OK; stated there is a Good Will work center next door, but it is not a day work center.

Ms. Back asked Mr. Reed if Collins was going to expand by 1,486 square feet. Mr. Reed answered affirmatively.

#### Interested Parties:

There were no interested parties present.

## Comments and Questions:

None.

#### **Board Action:**

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

BEG 50E NWC SW NW SW TH E361.36 S329.64 W361.53 N329.5 POB SEC 10 19 13 2.73AC, City of Tulsa, Tulsa County, State of Oklahoma

#### Case No. 13914

Action Requested:

Special Exception - Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219 - Request a special exception to permit an Indoor recreation use in an IL district, located at 10909 East 56th Street.

Presentation:

The applicant, Valley Properties, was represented by Richard Richards, 4129 South Peoria, Tulsa, Okiahoma, who submitted a plot plan (Exhibit B-2) for an indoor recreation center.

Comments and Questions:

Ms. Bradley asked the applicant if he intends to make any changes in the building. Mr. Richards replied that he has a building permit to increase the size of the warehouse, adding a 50° by 80° portion to the west.

Mr. Clugston asked Mr. Richards to state the exact nature of the proposed business. He answered that the operation will be soccer only and will be open from 5 p.m. to 11 p.m., Monday thru Friday and on the weekend. It was pointed out by the applicant that there are 71 parking spaces, which is ample parking for the business.

Mr. Jackere asked the applicant if there will be professional exhibition games played at the facility and he replied that the size of the building will not allow these type matches.

Mr. Jones informed that there is 1 other indoor soccer facility located in a corridor zoned area about 1 mile away.

Mr. Dukes, 304 South Burr, Broken Arrow, Oklahoma, owner of the business, stated that the business will have 6 eight-week seasons and the remainder of the year will be a repair period for the facility.

Mr. Gardner asked Mr. Dukes to state the amount of spectator seating that will be available in the building and he replied that a maximum of 60 people could be accompdated in the facility.

Mr. Clugston asked if there will be alcoholic beverages served and the owner answered that only 3.2 beer will be sold inside.

Ms. Wilson asked if both children and adults will use the soccer facility and Mr. Dukes answered in the affirmative.

2.06.86:457(4)

#### Case No. 13914 (continued)

Protestants:

Gene Womble, 2527 East 32nd Street, Tulsa, Oklahoma, stated that he represents a landowner in the complex and presented letters (Exhibit B-1) stating that they are not opposed to a soccer field, but are opposed to concert halls, massage parlors and billiard parlors being located in the area. He stated that he was not aware that added warehouse space was being constructed. Mr. Womble stated that he is concerned that the soccer patrons may park in the spaces allotted to other tenants, therefore, creating a problem. He voiced a concern that beer will be served at the games.

Charles Ewing, 2908 East 37th Street, Tulsa, Oklahoma, pointed out that he does not object to the soccer idea unless there is a conflict in parking. He stated that he has multi-tenant warehouses and would object to excessive traffic that would interfere with these tenants.

## Additional Comments:

Mr. Clugston asked how many playing fields will be in the building and Mr. Richards stated that there will be only one field.

Mr. Clugston asked Mr. Richards to state the size of the building and he replied that the building has a total of 16,000 sq. ft., including the addition.

Mr. Richards explained that the 78 parking spaces will be adequate for the size of the building.

#### Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 910 - Principal uses permitted in Industrial Districts - Use Unit 1219) to permit an indoor recreation use in an IL district; subject to the building being used for soccer only, with spectator seating being a maximum of 80; on the following described property:

Lot 6, Block 1, Carter Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

#### Case No. 13915

#### Action Requested:

Variance - Section 1221.3 - General Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow an identification sign within 10° of a freeway or highway right-of-way, located at 4455 East 31st Street.

#### Presentation:

The applicant, Cecil Jones, 1100 West Edgewater, Broken Arrow, Oklahoma, stated that he is property manager for Wright Properties.

2.06.86:457(5)

## Case No.13914-A-Sportstech Properties

## Action Requested:

<u>Amendment</u> to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only'. **Location:** 10909 East 56th Street

#### Presentation:

Dan McIntosh, 10909 East 56<sup>th</sup> Street, Tulsa, OK; stated he will be training athletes and it will not be a health club.

#### **Interested Parties:**

There were no interested parties present.

## Comments and Questions:

None.

## **Board Action:**

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to <u>APPROVE</u> the <u>Amendment</u> to a condition of a previous approval to expand the list of permitted uses of an indoor recreational facility in an IL district from 'soccer only' to be an athletic training facility, expanding it to gymnasium, physical fitness, and athletic training activities; 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 6 BLK 1, CARTER INDUSTRIAL PARK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

## \*.\*.\*.\*.\*.\*.

## Case No. 18607-A-Keith Robertson

#### **Action Requested:**

Amendment to a previously approved site plan for a church use in the RS-3 district to permit site and building expansions. **Location:** 8707 East 51st Street

## Presentation:

**Keith Robertson**, Architect, 5567 South Lewis, Tulsa, OK; stated he represents the client, The Regency Park Church of the Nazarene. The original site plan was given an approval in 1999, Case No. 18607. The expansion is proposed for the north side of the building, the vestibule on the east and west side, and the extension of the sanctuary. The client would also like to modify the parking by removing three houses and making that area parking; one house has been removed.

DANA L. BOX ZONING PLANS EXAMINER II

TEL (918)596-9657 danabox@cityoftulsa.org



## **DEVELOPMENT SERVICES**

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

## **ZONING CLEARANCE PLAN REVIEW**

March 12, 2020

Phone: 918-644-9939

Jacob Miller 11105 E. 56<sup>th</sup> St., Suite G

Tulsa, OK 74146

APPLICATION NO:

LOD Number: 1

BLDC-054853-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location:

11105 E. 56th St., Suite G

Description:

Medical Marijuana Processing Facility

#### INFORMATION ABOUT SUBMITTING REVISIONS

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

#### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

- 1. A COPY OF THIS DEFICIENCY LETTER
- 2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
- 3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM
- 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 <a href="https://www.incog.org">www.incog.org</a> OR AT INCOG OFFICES AT 2 W. 2nd St., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
- 4. A COPY OF A "RECORD SEARCH" [X]IS []IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

#### **REVIEW COMMENTS**

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

BLDC-054853-2020

11105 E. 56th St., Suite G

March 12, 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 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.

#### Section 15 Office, Commercial and Industrial Districts

**Sec.15.020 Table 15-1:** You are proposing a Moderate-impact Medical Marijuana Processing Facility for the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health. The preparation, manufacture, processing or packaging is conducted in accordance with the terms of such license, and in which extraction processes are limited to use of non-flammable substances such as carbon dioxide, and to food based and water-based extraction. It is in an IL zoning district.

**Review comment:** A Moderate-impact Medical Marijuana Processing Facility use requires an approved BOA Special Exception to be in an IL district. Submit a copy of the approved BOA Special Exception as a revision to this application.

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.

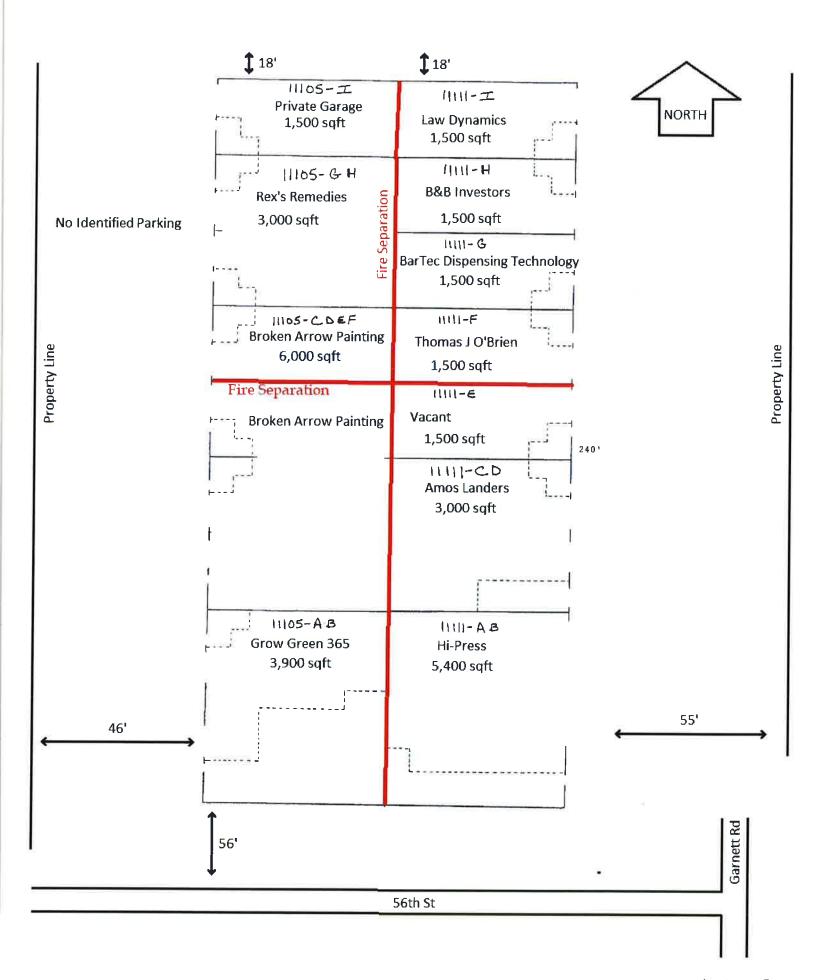
#### **END - ZONING CODE REVIEW**

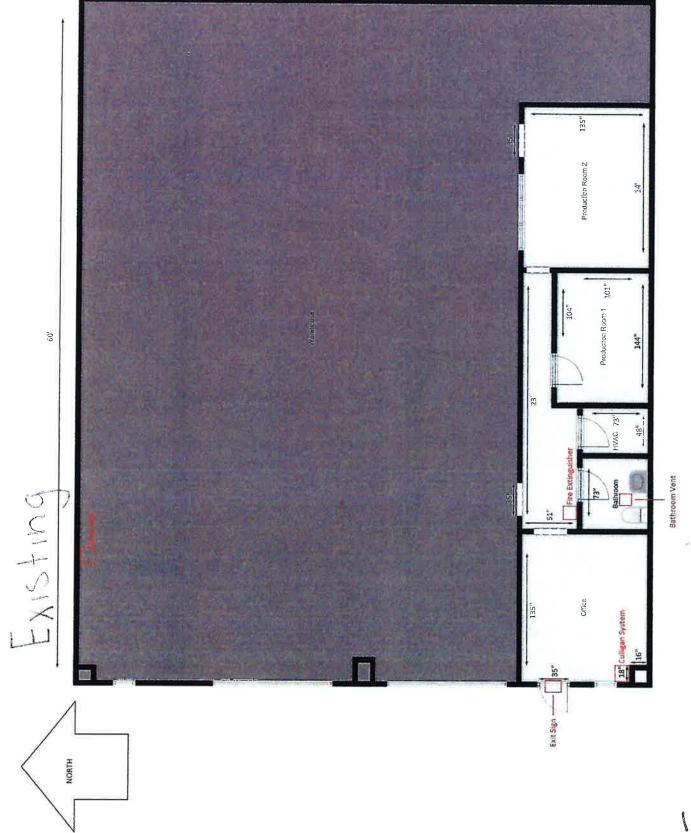
**NOTE**: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

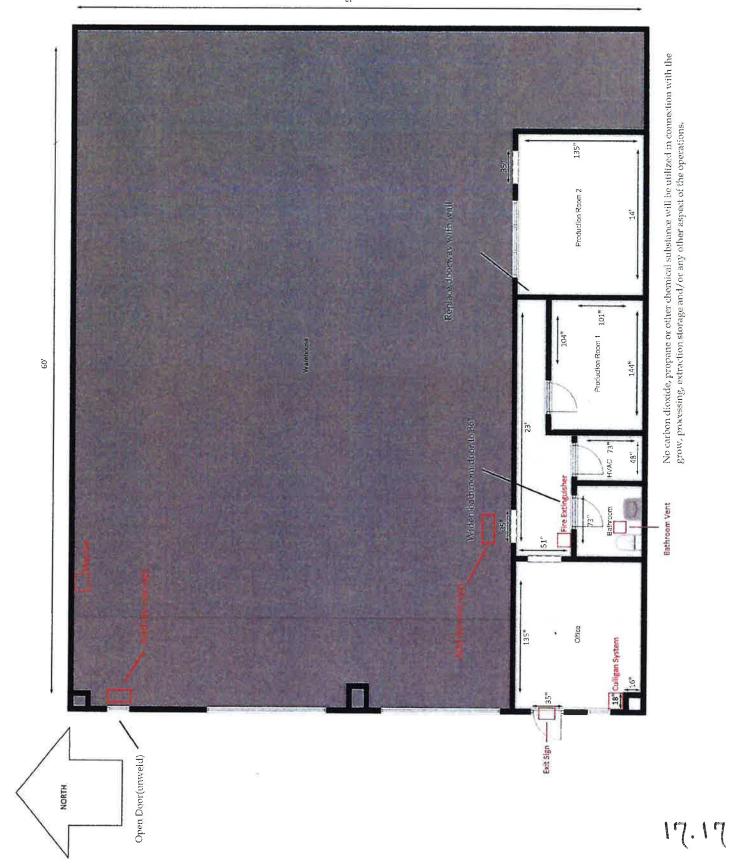


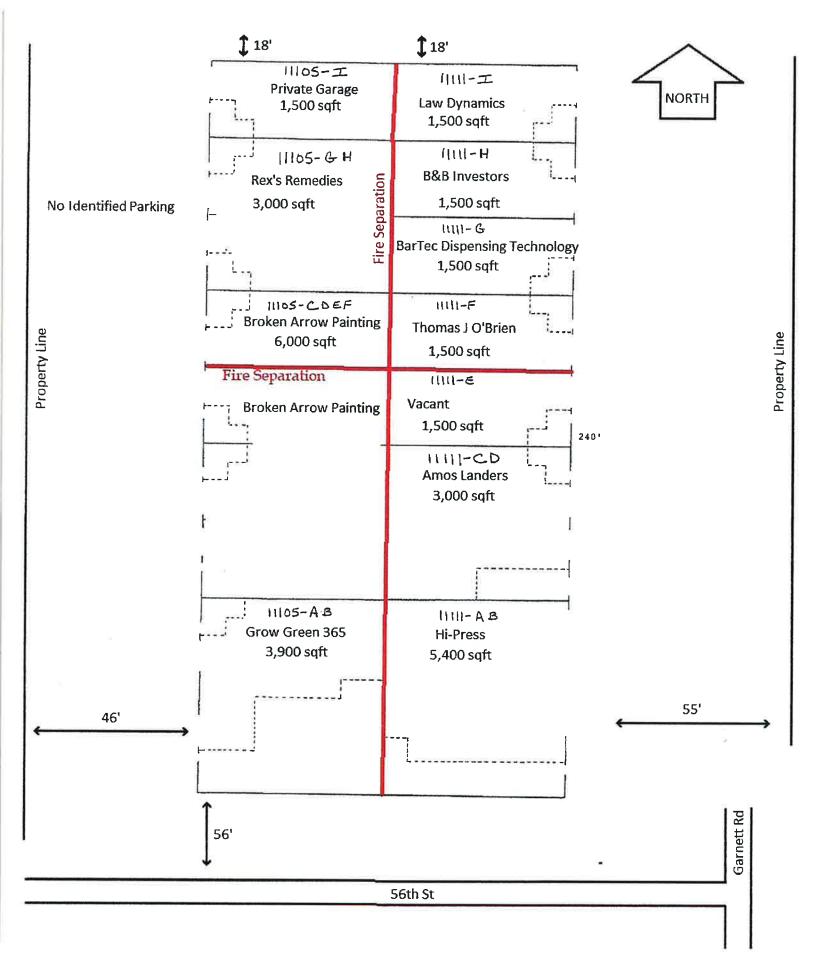
17.14





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BOA-22937

19-14 31

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



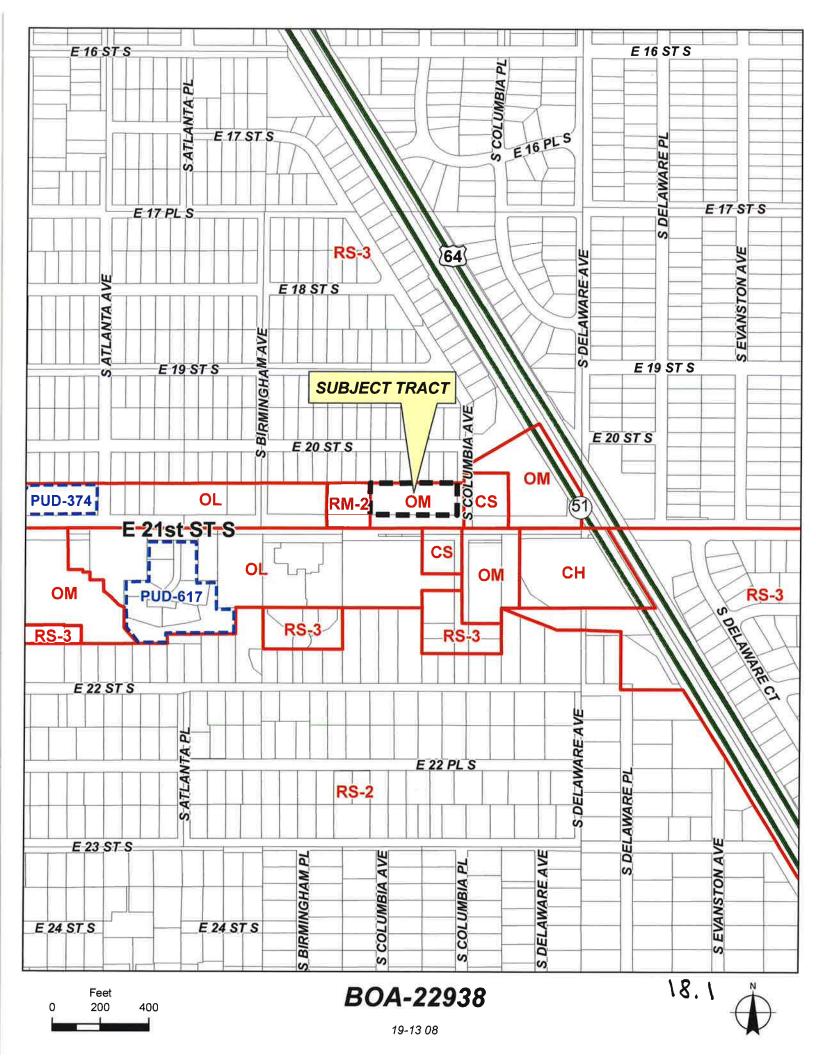


**BOA-22937** 

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

Aerial Photo Date: February 2018 17.20





## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9308 Case Number: **BOA-22938** 

**CZM:** 37 **CD:** 4

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT:** Christian Ortiz

ACTION REQUESTED: Variance of the maximum allowable sign area in an OM District (sec. 60.060-C) Variance to allow a Dynamic Display sign in an OM District for a use that is not public, civic

or institutional (Sec. 60.060-E)

**LOCATION**: 2651 E 21 ST S **ZONED**: OM

PRESENT USE: Office Building TRACT SIZE: 47223.59 SQ FT

**LEGAL DESCRIPTION: RESERVE GREENHOUSE SECOND** 

## **RELEVANT PREVIOUS ACTIONS:**

**Subject Property:** 

**BOA-22405:** On 03.13.2018 the Board *approved* a Special Exception to permit a Freestanding Sign to be located inside the City of Tulsa Right-of-Way.

Surrounding properties: None.

<u>RELATIONSHIP TO THE COMPREHENSIVE PLAN</u>: 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.

<u>ANALYSIS OF SURROUNDING AREA</u>: The subject tract is located on the Northside of E. 21<sup>st</sup> Street West of the Broken Arrow Expressway at the NW/c of E. 21<sup>st</sup> Street S. and S. Columbia.

**STAFF COMMENTS:** The Applicant is requesting *Variance* of the maximum allowable sign area in an OM District (sec. 60.060-C) *Variance* to allow a Dynamic Display sign in an OM District for a use that is not public, civic or institutional (Sec. 60.060-E)

#### 60.060-C Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

#### 60.060-E Dynamic Displays

Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display.

- The allowed dynamic display component may not exceed 32 square feet in area, and no more than one (wall or freestanding) dynamic display is allowed per street frontage.
- The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- Dynamic displays in O districts may operate only between the hours of 7:00

   a.m. and 9:00 p.m.
- Dynamic displays are subject to the dynamic display regulations of <u>Section</u> 60.100.

The applicant is requesting a variance to increase their allowed display area for their freestanding dynamic display sign from 108 square feet to 114 square feet (based on a street frontage of 359 linear feet) to serve an office building.

STA <sup>*</sup>	TEMENT OF HARDSHIP: Unique Conditions.
area	PLE MOTION: Move to (approve/deny) a Variance of the maximum allowable sign an OM District (sec. 60.060-C) Variance to allow a Dynamic Display sign in an OM District for that is not public, civic or institutional (Sec. 60.060-E)
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions

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

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



Subject Property (West face of building)



Subject property (South and East face of Building)



Facing West on 21st Street



Facing East on 21st Street

- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

E. 6" LT 9 ALL LT 10 BLK 1, LEWISTON GARDENS SECOND ADDN RESUB L10 GLEN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

# 22405—Danny Overton

FILE COPY

**Action Requested:** 

Special Exception to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E). LOCATION: 2651 East 21st Street South (CD 4)

Mr. Flanagan recused and left the meeting at 2:59 P.M.

# Presentation:

Danny Overton, 6440 South Lewis Avenue, Suite 2400, Tulsa, OK; stated he is the CEO for the asset management company for the subject property. Mr. Bullick of Bullick Enterprises, LP is the owner of the subject property. Mr. Bullick purchased the property two years ago with the intent of revitalizing the property and has been finalizing the renovations ever since. One of the last agreed to items in an agreement with the tenant was to erect a monument sign on the property. Once the other tenants heard about the monument sign they were all in support of it. The City has approved the sign so what he is asking is to be able to use the right-of-way to push the sign into the parking space, so it will fit. In 1959 an off-street parking easement was created for the subject property with the right to off-street parking. The easement is still in existence today. That is essentially the area he is asking to go into for the sign. Nobody takes advantage of the easement and this property has used it exclusively. The sign being erected is 10'-0" x 2'-6" x 17'-0" wide. All of those measurements have been agreed to by the City and have been finalized. The edge of the sign will stick into the drive area by about four feet or less. The detriment to the owner would be that he would not be able to live up to the full execution of the agreement that he has with the tenant, and he would lose the competitive advantage that most building of this size have. The ability to modernize is important for any development for today with multi-tenant buildings. At this time there

BOA-22405

FILE COPY

has been no utility infringement found that would interfere with placing the sign. The area for the sign is essentially five feet of one parking space. The sign will be a static sign with low energy LED lighting and the architecture will complement the building.

Mr. Van De Wiele asked Mr. Overton if he knew he had to have a license agreement with the City. Mr. Overton answered affirmatively.

# **Interested Parties:**

There were no interested parties present.

# Comments and Questions:

Ms. Back would like to have the condition added that the applicant receive utility company approval or sign off stating the sign will not interfere with any utilities.

# **Board Action:**

On **MOTION** of **BACK**, the Board voted 4-0-1 (Back, Bond, Ross, Van De Wiele "aye"; no "nays"; Flanagan "abstaining"; none absent) to **APPROVE** the request for a <u>Special Exception</u> to permit a freestanding sign within the City of Tulsa Right of Way (Section 60.020-E), subject to conceptual plans 5.8, 5.9 and 5.10 of the agenda packet. The approval is subject to the following conditions: utility company approval or sign off to allow the sign to be located in the area depicted on the site plan, and subject to the City of Tulsa approval for a license and removal agreement within the right-of-way for the area. 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:

RESERVE GREENHOUSE SECOND, GREENHOUSE SECOND, BOOKER'S 2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Flanagan re-entered the meeting at 3:07 P.M.

# 22406—Brian Seller

# **Action Requested:**

<u>Variance</u> to reduce the lot width in an RS-4 District to allow a lot split (Section 5.030). <u>LOCATION:</u> 1301 North Main Street (**CD 1**)

### Presentation:

The applicant was not present. Mr. Van De Wiele moved the case to the end of the agenda.

### Interested Parties:

There were no interested parties present.

03/13/2018-1201 (20)

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



# **DEVELOPMENT SERVICES**

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

# SIGN PLAN REVIEW

May 14, 2020

Phone: 918-286-8535

LOD Number: 2

Christian Ortiz 9810 E. 58th St. Tulsa, OK 74146

APPLICATION NO:

SIGN-057882-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location: Description: 2651 E. 21st St.

Freestanding Sign

INFORMATION ABOUT SUBMITTING REVISIONS

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

#### REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

# IMPORTANT INFORMATION

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

(Continued)

#### **REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="https://www.incog.org">www.incog.org</a>

Application No. SIGN-057882-2020

2651 E. 21st St.

May 14, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

#### 1. Section 60.060-C

#### Maximum Area

Signs allowed in the OH district may not exceed 48 square feet in area or 0.50 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may a sign in an OH district exceed 225 square feet in area. Signs allowed in all other O districts may not exceed 32 square feet in area or 0.30 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review Comments: The proposed 114 square foot wall sign exceeds the 108 square foot permitted total display surface area based on a 359 foot street frontage. You may reduce the total sign area to 108 square feet, or you may pursue a variance from the Board of Adjustment (BOA) to permit the permitted display area for a street frontage of 359 feet to be increased from 108 square feet to 114 square feet of display surface area in an OM district.

#### 2. Section 60.060-E

### **Dynamic Displays**

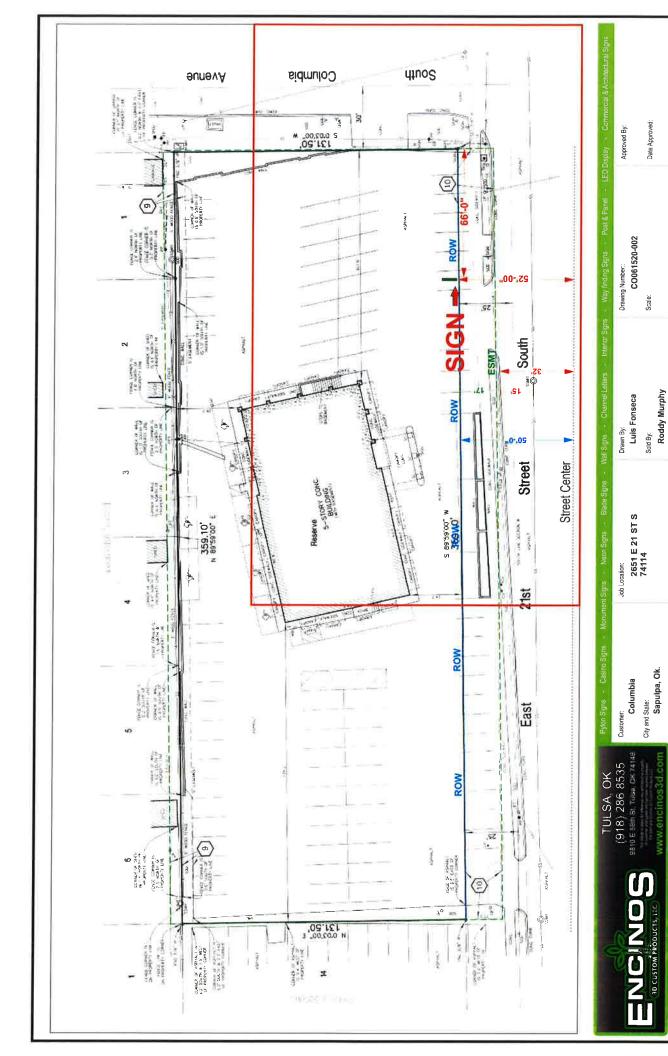
Dynamic displays are prohibited in O districts except that on a lot occupied by an allowed public, civic or institutional use, either the allowed wall sign or the allowed freestanding sign may include a dynamic display. **Review Comments:** The proposed sign contains a dynamic display which is not permitted in an O district. You may remove the dynamic display from the sign, or you may pursue a variance from the BOA to allow a dynamic display sign in an O district.

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

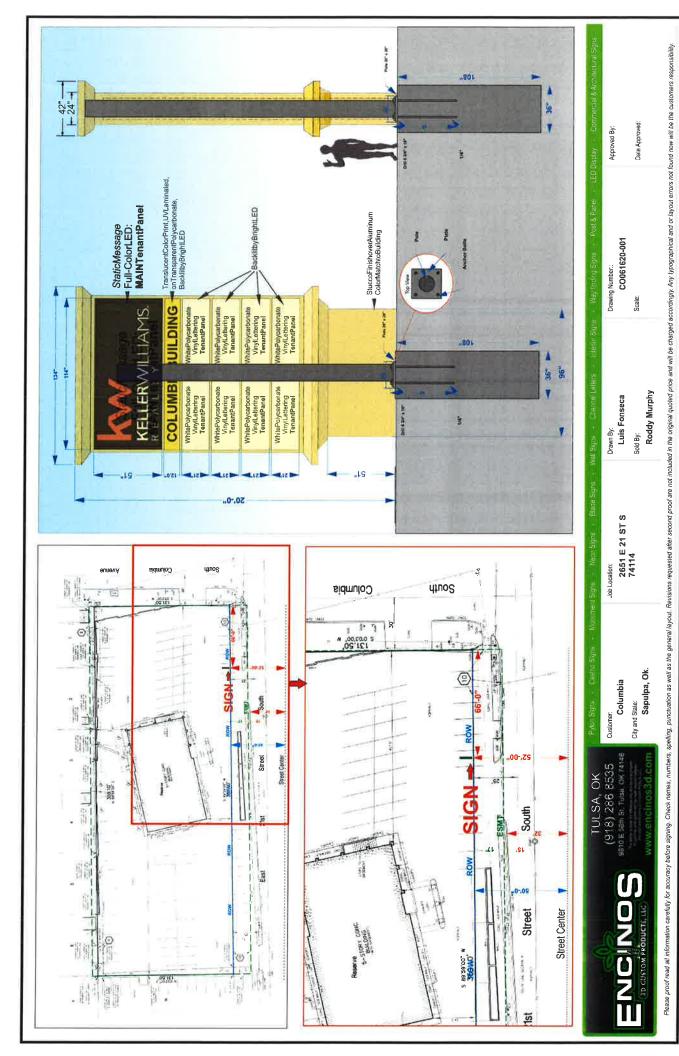
### **END – ZONING CLEARANCE AND SIGN CODE REVIEW**

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

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



Pease proofered all information carefully for accuracy before signing. Check names, numbers, spelling, punctuation as well as the general layout. Revisions requested after second proof are not included in the original quoted price and will be charged accordingly. Any typographical and or layout errors not found now will be the customers responsibility.



# Sparger, Janet

From: Daniel Ashbaugh < DAshbaugh@walterpmoore.com>

**Sent:** Monday, June 15, 2020 3:00 PM

To: esubmit
Subject: BOA-22938

Good afternoon. My name is Dan Ashbaugh and I live at 2663 E. 20<sup>th</sup> St. I'm emailing today in reference to BOA-22938. I have a few questions and concerns that I would love to voice.

- The variance is for "dynamic display sign" but the plans call out for a static LED sign. I just wanted to confirm that the plan is for the LED message to change slowly and not display any videos. I understand that the logo on the top can change as requested by tenets, but the plan is for that to become a video board. If my understanding is correct, then I have no complaints
- The sign looks really close to the drive and roadway. Have they looked at stopping sight distance leaving the driveway? The sign looks like it will be blocking sight of cars leaving the drive as well as hiding cars behind the sign from cross traffic. I wasn't able to see how far behind the sidewalk the base of the sign would be, but would want to ensure that we aren't creating a hazard at the driveway. It would be great for a car to be able to stop behind the sidewalk and then make a left turn out of the drive safely, though I am actually not sure if that is a codified requirement.
- I know Tulsa isn't a dark sky city, but they did recently come out with a list of guidelines about reducing blue light and glare in city's electronic signs. <a href="https://www.darksky.org/wp-content/uploads/2019/05/EMC-Guidelines-IDA2019-1.pdf">https://www.darksky.org/wp-content/uploads/2019/05/EMC-Guidelines-IDA2019-1.pdf</a> A lot of these make perfect sense, eg. Reducing the backlight during extreme night (eg 11pm-5am), reducing the luminance to be consistent or below the existing area, etc. Again, I'm not sure if we have any requirements that would require them to adhere to making this area more pleasant and less jarring, but would love if you could at least ensure the applicant gets the information and realizes how easy it can be.

Again, I don't have any major complaints with the idea of the large sign being proposed, nor with the top of the sign being a static LED board. I would appreciate if the design were more than "standard".

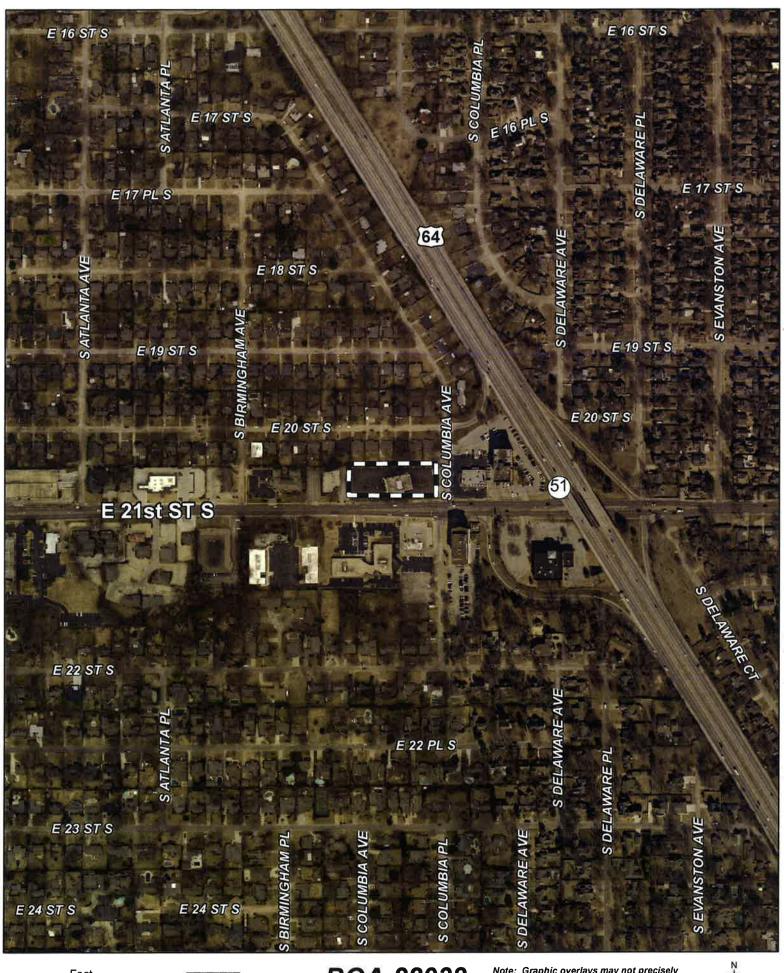
Daniel Ashbaugh, P.E. / Engineer

#### **Walter P Moore**

Triad I, 7666 East 61st St., Ste. 251, Tulsa, Oklahoma 74133 918.806.7201 p / 918.340.9134 c / <u>dashbaugh@walterpmoore.com</u> / <u>www.walterpmoore.com</u>

+ LinkedIn + Twitter + YouTube + Facebook

THE CONTENTS OF THIS E-MAIL AND ANY ATTACHMENT(S) ARE CONFIDENTIAL AND THE PROPERTY OF WALTER P. MOORE AND ASSOCIATES, INC.

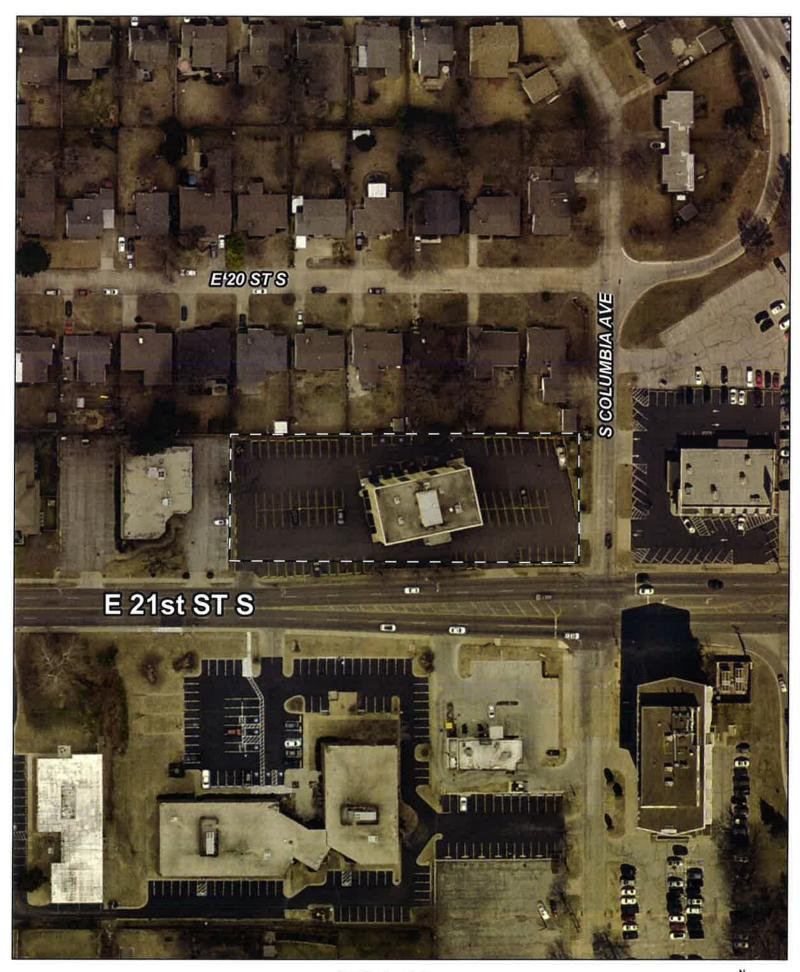




**BOA-22938** 

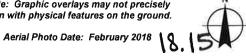
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



BOA-22938

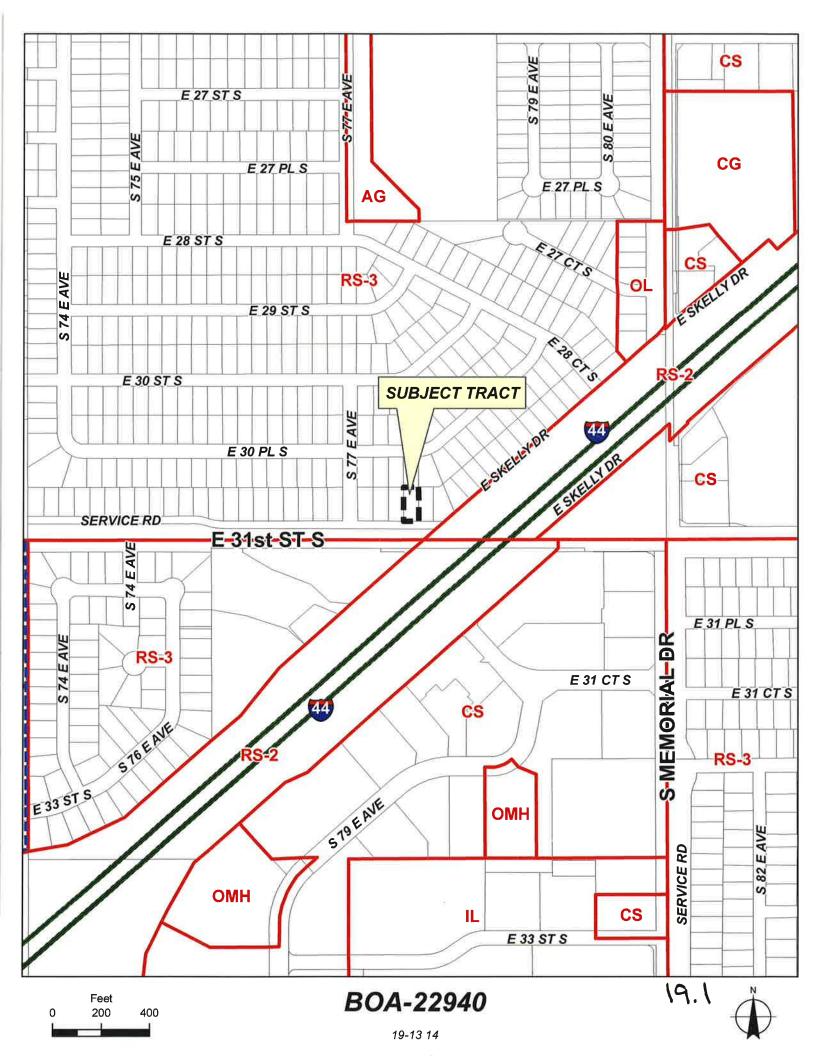
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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9314 Case Number: **BOA-22940** 

**CZM**: 38 **CD**: 5

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT**: Abraham Adedokun

ACTION REQUESTED: Special Exception to permit a Type-2 Home Occupation (Beauty Salon) in

an RS-3 District (Section 45.100-G).

**LOCATION**: 7719 E 31 ST S **ZONED**: RS-3

PRESENT USE: Residential TRACT SIZE: 8803.51 SQ FT

**LEGAL DESCRIPTION: LT 20 BLK 35, BOMAN ACRES FOURTH ADDN** 

**RELEVANT PREVIOUS ACTIONS:** 

Subject property: None.

Surrounding property:

**BOA-7111**; On 08.5.71 the Board *approved* a Special Exception to permit a children's pre-school nursery in an RS-3 District. Property located 7705 E. 31st Street.

**BOA-7177**; On 10.07.71 the Board *approved* a Variance to permit a sign for a Nursery in an RS-3 District. Property located 7705 E. 31<sup>st</sup> Street.

**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 qualities of older neighborhoods that are looking for new ways to preserve their character and 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 Intersection of the NE/c pf the E. 31st Street Service Road and S. 77th E. Ave.

**STAFF COMMENTS**: The applicant is requesting Special Exception to permit a Type-2 Home Occupation (Beauty Salon) in an RS-3 District (Section 45.100-G)

# 45.100-G Where Allowed

# 1. Type 1 Home Occupations

Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of §45,100-H and the supplemental regulations of §45,100-J.

# 2. Type 2 Home Occupations

- a. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through the special exception procedures of <u>Section 70.120</u>. Type 2 home occupations are subject to the general regulations of §45.100-H and the supplemental regulations of Section 45.100-J.
- b. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category through mandatory development plan provisions defined in 70.040-B1. Type 2 home occupations are subject to the general regulations of Section 45.100-H and the supplemental regulations of Section 45.100-I or as may be further regulated in a mandatory development plan.

Type-2 Home Occupations are subject to the supplemental regulations of Sec. 45.100-J:

# 45.100-J Supplemental Regulations for Type 2 Home Occupations

- 1. Only uses approved in accordance with the special exception procedures of <u>Section 70.120</u> or through a mandatory development plan are allowed as type 2 home occupations.
- At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
- No more than 3 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 3-person limit.
- 4. A maximum of one nonresident employee is allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
- 5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

SAME	PLE MOTION:
Move (Beau	to (approve/deny) a <b>Special Exception</b> to permit a Type-2 Home Occupation uty Salon) in an RS-3 District (Section 45.100-G)
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions (including time limitation, if any):
	<u></u>

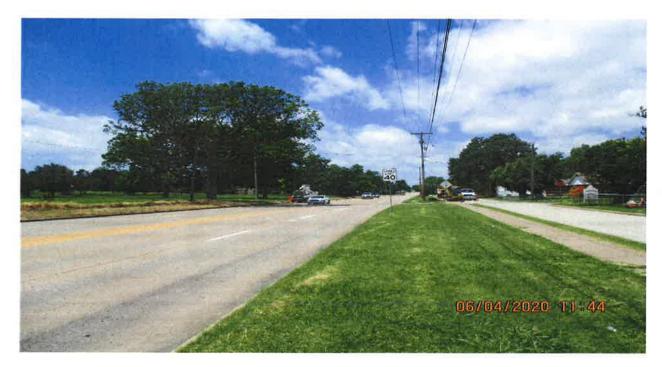
The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare



Facing West on E. 31st Street frontage Street. Existing Daycare is visible on the block.



Subject property



Facing West on East. 31st Street



Facing East on 31st Street

# 7176 (continued)

Remarks:

Mr. Gardner advised the Board that if they determine that the facility is a restaurant the use would be allowed by right under the existing CS zoning.

Protests:

None.

Board Action:

On MOTION of JOLLY, the Board (5-0) determined that the proposed facility is a restaurant and is allowed by right under the existing CS zoning, and approved a Variance (Section 630 - Bulk and Area Requirements in a Commercial District - Under the Provisions of Section 1470) to waive the setback requirements from 25' to 10' from the north property line, subject to the plot plan as submitted, on the following described tract:

The North 96' of Lot 1, Block 6, and the North 96' of the East 40' of Lot 2, Block 6, North Tulsa Addition to the City of Tulsa, Oklahoma.

# 7177

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1470) to permit maintaining a 3' x 4' sign for a nursery in an RS-3 District, on a tract located at 7705 East 31st Street.

Presentation:

Marie Sweetin, applicant, was present.

Protests:

None.

Remarks:

Mr. Gardner advised the Board that although day nurseries are allowed by special exception through the Board of Adjustment in RS-3 Districts, the Code does not provide for signs.

Board Action:

On MOTION of COHEN, the Board (5-0) approved a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1470) to permit maintaining a sign for a nursery in an RS-3 District, to be limited to 8 square feet in surface area, on the following described tract:

Lot 17, Block 35, Boman Acres Fourth Addition to the City of Tulsa, Oklahoma.

# 7109 (continued)

Board Action:

On MOTION of COHEN, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440 (2) - Home Occupations) to permit operating a home beauty shop in an RS-3 District on the following described tract, and advised the applicant that no signs are permitted on the premises:

Lot 10, Block 6, Hill Haven Addition to the City of Tulsa, Oklahoma.

#### 7110

Action Requested:

Exception (Section 710 - Principal Uses Permitted In Industrial Districts) to permit erecting a restaurant in an IL District on a tract located at the northeast corner of 76th East Avenue and 51st Street.

Presentation:

George Logan, representing Frates Properties, owners of the subject tract, stated that they propose to construct a steak house which will be operated by the Picadilly Corporation. The subject tract is 80,000 square feet in size, and the proposed building will contain 8,000 square feet. He stated that the structure will be one-story in height and the interior will be furnished along the theme of an 1890 railroad car. He stated that at this time they have not determined the placement of the building.

Remarks:

Mr. Cohen stated that the Board members prefer that a plot plan be submitted in order to determine the placement of the building, elevation of the structure, and placement of signs.

Protests:

None.

Board Action:

On MOTION of JOLLY, the Board (4-0) continued application No. 7110 to the August 19, 1971 meeting, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order for the applicant to present a plot plan to the Board.

7111

Action Requested: Exception (Section 410 - Principal Uses Permitted In Residential Districts) to permit operating a children's pre-school nursery in an RS-3 District on a tract located at 7705 East 31st Street.

8.5.71:89(7)

# 7111 (continued)

Presentation:

Mrs. Breedlove, applicant, stated that she had conducted a similar operation in the area for fifteen years, however, she has lost the lease on the building and needs to relocate. She stated that there will be three to four supervisors if necessary, however, none of them will reside on the premises. Two supervised play-periods will be conducted. She added that the house on the tract is in poor condition, however it will be renovated if this request is approved.

Protests:

None.

Board Action:

On MOTION of COHEN, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted In Residential Districts) to permit operating a children's pre-school nursery in an RS-3 District on the following described tract:

Lot 17, Block 35, Boman Acres Fourth Addition to the City of Tulsa, Oklahoma.

## 7112

Action Requested: Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440 (6) - Mobile Homes) to permit maintaining a mobile home in an RS-3 District (present dwelling will be removed) on a tract located at 7415 East 38th Street North.

Presentation:

Leona Haberly stated that her home which is on the subject tract is in such extremely poor condition that she will be forced to vacate it. She stated that if the requested use is approved she will have the existing dwelling removed as soon as possible. She presented photos of the dwelling (Exhibit "G-1").

Protests:

None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted In Residential Districts - Section 440 (6) - Mobile Homes) to permit maintaining a mobile home in an RS-3 District for a period of one year on the following described

Part of the W/2 of the SE/4 of Section 14, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; beginning on the West line 242.55' South of the South line

8.5.71:89(8)

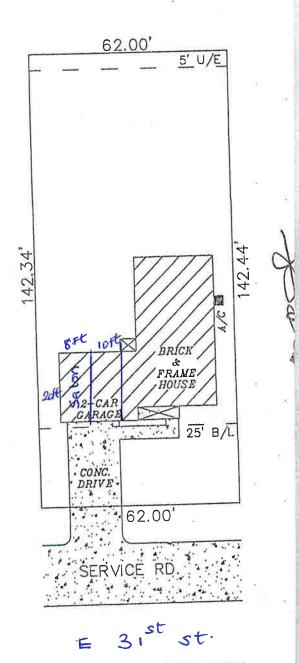


# BRYAN C. SANDLIN

OKLAHOMA REGISTERED LAND SURVEYOR P.O. BOX 1241, HENRYETTA, OKLAHOMA 74437 OFFICE (918) 650-0079

# REGISTERED LAND SURVEYOR'S IN FOR MORTGAGE L

CUSTOMER	EXECUTIVES TITLE, SAPULPA	-
BORROWER	ABRAHAM A. ADEDOKUN	4
LENDER	BOKF, N.A. dba BANK OF OKLAHOMA	
FILE NO.	18040106	
OBDEB NO	18-05-10	



Purpose

Conversion of my 2 car garage For garage Into a Small appointment based beauty Salon.



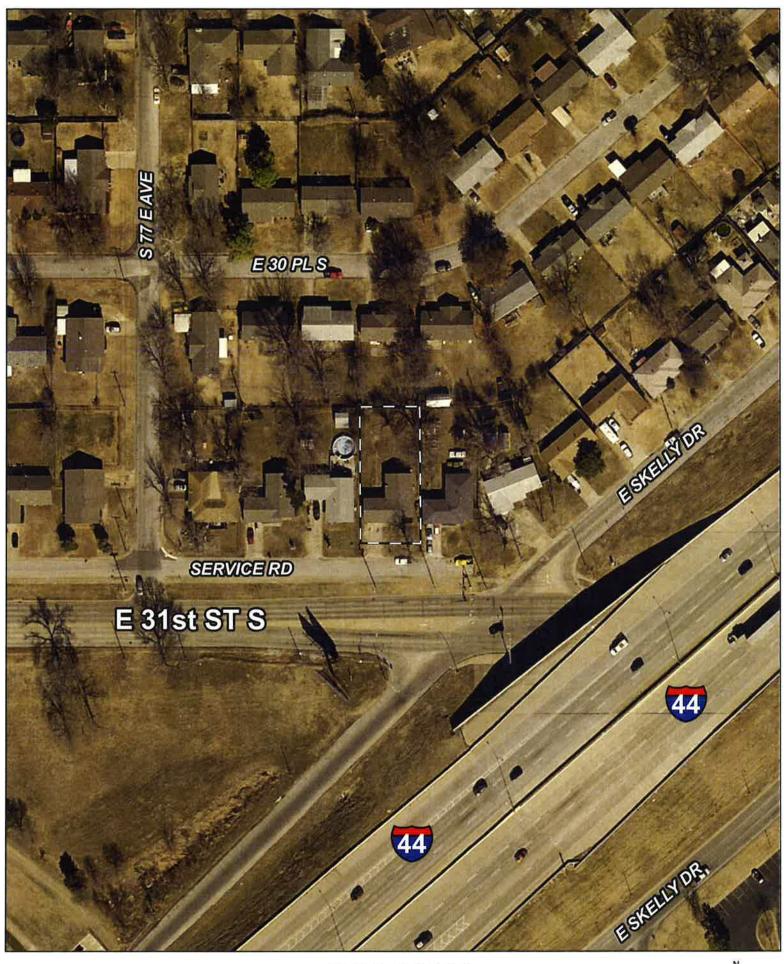


BOA-22940

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

Aerial Photo Date: February 2018





BOA-22940

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

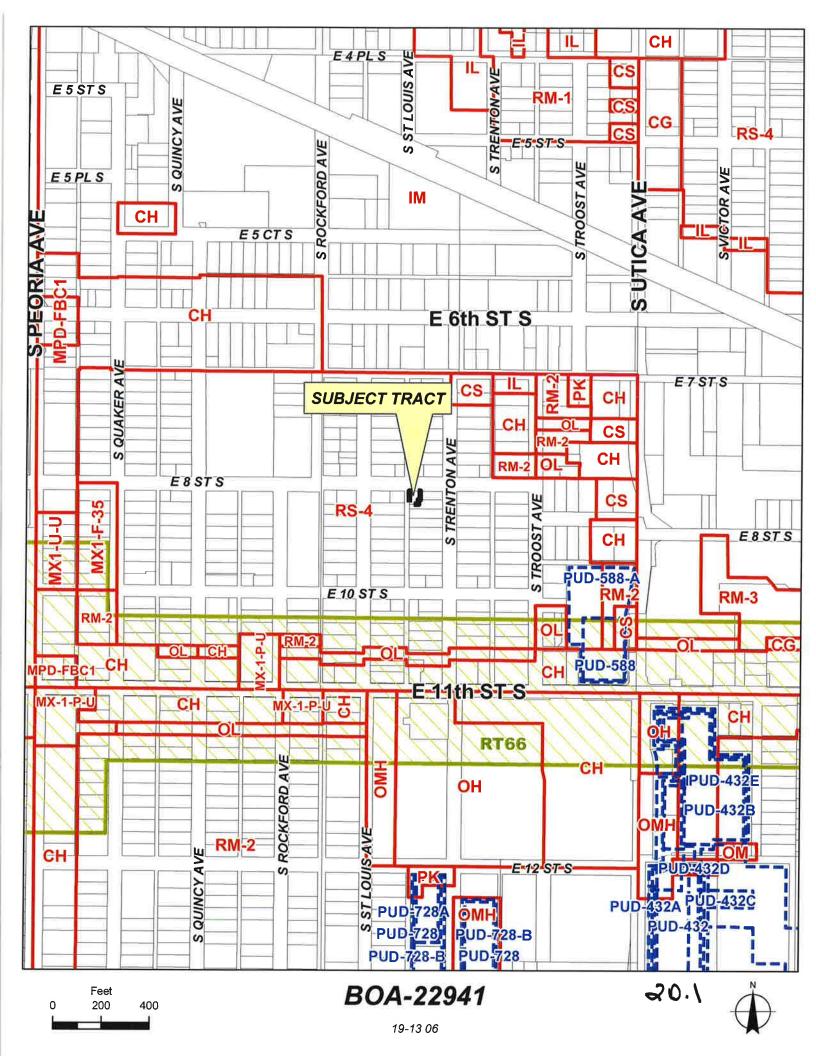
Aerial Photo Date: February 2018



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# BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9306 Case Number: **BOA-22941** 

**CZM**: 37 **CD**: 4

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT**: Dustin Justice

ACTION REQUESTED: Variance to reduce the required 20' front street setback and a Variance to

reduce the required 20' rear setback in an RS-4 District (Sec. 5.030, Table 5-3)

**LOCATION**: 1540 E 8 ST S **ZONED**: RS-4

PRESENT USE: Vacant TRACT SIZE: 2761.72 SQ FT

**LEGAL DESCRIPTION:** W46 LT 1 N10.63 OF W46 LT 2 & S14.37 OF W38.88 LT 2 & N4.55 OF

W38.88 LT 3 BLK 6, PARK DALE AMD

**RELEVANT PREVIOUS ACTIONS:** 

Subject property: None.

Surrounding property:

**BOA-4386**; On 06.10.1964 the Board *approved* a variance of the rear setback. Property located immediately West of the Subject Property.

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

**Downtown Neighborhoods** are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is Located West of the SW/c of E. 8<sup>th</sup> Street and S. Trenton Ave.

**STAFF COMMENTS**: The applicant is requesting **Variance** to reduce the required 20' front street setback and a **Variance** to reduce the required 20' rear setback in an RS-4 District (Sec. 5.030, Table 5-3

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

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Duplex		25		9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	=	- 4	8:	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	1,=		-		-	10,000	10,000	6,000	24,000	-
Mobile home park	-		-	7-	*	-	=	-		-	=21	-	[1]
Other allowed buildings/u	ses												
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. )	ft.)												
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	- 20
Patio house	-	=:	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	
Townhouse	-	=(	· · ·	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	=:
Cottage house dev't	-	-	:=:	==:	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	.=	-0	78	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	
Multi-unit house	-		12	-	20	1,100	1,800	1,800	1,800	1,375	1,100	900	= 27
Apartment/condo	-	-	172	-	-	- 12	-	-	2,900	1,750	1,100	400	
Other allowed buildings/u	ses												
Permitted by right		-		-	-		-		5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)						-							hi-
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	. <del></del>	1.77	60	50	30	50	50	50	50	50	50	1 -
Townhouse	=2.	, <del></del> .	-	30	30	20	25	20	20	20	20	20	700
Cottage house dev't	-	-	194	1-1	2=	75	75	75	75	75	75	75	74
Duplex	=:	~	~	75	75	30	60	60	60	60	60	60	72
Multi-unit house	-,	1/2	·#:	-	1=	30	50	50	50	50	50	50	1100
Apartment/condo		·~	-	_				-	100	100	50	100	8=
Other allowed buildings/us	ses												
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bdgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)	-												
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	=:1	2,500

The applicant is asking to reduce the rear setback to 5' from 20' and the front setback to 9.8' from 20'.

THE LOT ITSELF IS MON CONFORMING MEASURING ONLY 46 WIDE AT THE STREET AND ONLY
HAVING AN AREA OF 2400'SQUARED FEET. THE PROPERTY IS ALSO VERY DATED, BEING
PLATTED IN 1912 ORIGINALLY, AND AT THAT TIME THE LOTS MEASURED 25' X 140', OVER THE
YEARS IT HAS BEEN WHITTLED, AND AT SOME POINT THE PROPERTY LINE WAS DRAWN AROUND A TREE.
Applicant Signature:
SAMPLE MOTION:
Move to (approve/deny) a <b>Variance</b> to reduce the required 20' front street setback and a Variance to reduce the required 20' rear setback in an RS-4 District (Sec. 5.030, Table 5-3)
Finding the hardship(s) to be
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
Subject to the following conditions

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

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



Property immediately East of the Subject Property with Similar Building Line being requested.



Facing West on 8th Street



Subject Tract



Facing East on 8th Street



Subject Tract

Case No. 4385 Lots 4,5,6, Block 8, Suburban Acres Addition

MOVED by Galbreath (Shaull) that this application be Carried. Al 1 members voting yea.

Victory Baptist Church request for a modification of Victory Baptist Church front set-back requirements from 25 feet to 18 feet in a U-1-C District on Lots 4, 5, 6, Block 8, Suburban Acres Addition.

> MOVED by Sublett (Shaull) that this application be approved subject to the applicant obtaining a letter from the adjoining property owners on Lot 1, 2, 3, Block 8, Suburban Acres Addition. All members voting yea. Carried.

Case No. 4386 Howard Stout W.80' of Lots 31,32, Block 6, Parkdale Addition

Howard Stout request for a modification of rear yard requirements to permit extension of attached garage 5 feet into rear yard on the West 80 feet of Lots 31 & 32, Block 6, Parkdale Addition a U-2-B District.

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

Beck Homes Lot 1, Block 16, Briarwood Addition

Case No. 4387 Beck Homes request for permission to project dwelling 4 feet into required 23 foot rear yard in a U-1-C District on Lot 1, Block 16, Briarwood Addition.

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

Case No. 4388 Episcopal Church Lot 111 Block 2, College Addition

The Episcopal Church Council of Greater Tulsa, Inc. request for permission to establish a student center Council of Tulsa, INc. for the Tulsa University Students in a U-2-B District on Lot 11, Block 2, College Addition.

> MOVED by Sublett (Shery) that this application be approved. Carried. All members votingyea.

Case No. 4389 Philip N. Brownstien Lot 16, Block 13, Devonshire Place Addition

Philip N. Brownstein, as Commission of Federal Housing Administration request for permission to divide Lot 16, Block 13, Devonshire Place Addition. This matter was approved by the Tulsa Metropolitan Area Planning Commission, subject to the approval of this Board.

MOVED by Sublett (Avery), that this application beapproved. All members voting yea. Carried.

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



# DEVELOPMENT SERVICES

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

# ZONING CLEARANCE PLAN REVIEW

3/11/2020

**Dustin Justice** justicedetailing409@gmail.com

APPLICATION NO: ZCO-55857-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1540 E 8th Street **Description: Detached House** 

### **INFORMATION ABOUT SUBMITTING REVISIONS**

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

#### **REVISIONS NEED TO INCLUDE THE FOLLOWING:**

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

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

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

#### IMPORTANT INFORMATION

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

(continued)

### **REVIEW COMMENTS**

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT http://tulsaplanning.org/plans/TulsaZoningCode.pdf

Application No. ZCO-55857-2020

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. <u>5.030-A: Setback(s) (Residential)</u>: In the RS-4 zoned district the minimum front setback shall be 20' from the front property line.

**Review Comments:** Revise your plans to indicate a 20' front setback to the property line, or apply to INCOG for a <u>variance</u> to allow less than a 20' front setback.

2. <u>5.030-A</u>: In the RS-4 zoned district the minimum rear yard setback shall be 20 feet from the rear property line.

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

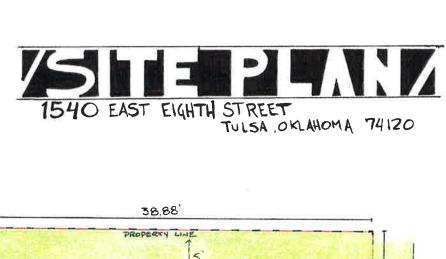
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

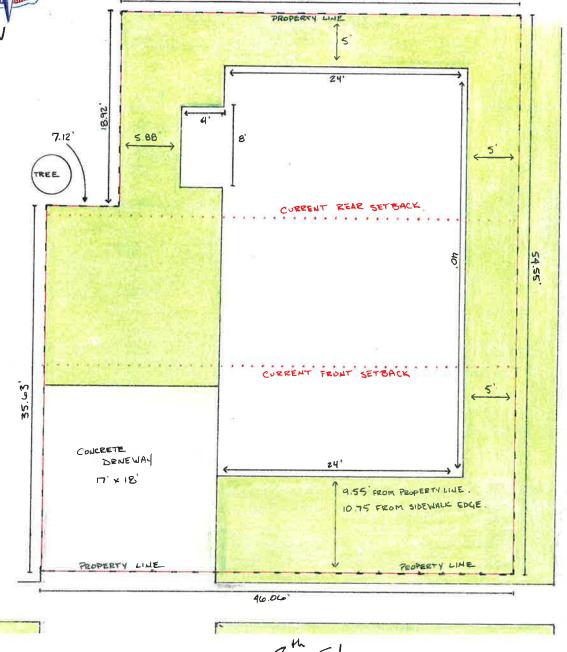
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

# **END –ZONING CODE REVIEW**

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

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





NORTH

8 th 5+

ALLEY

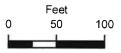


BOA-22941

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

Aerial Photo Date: February 2018 20.12







BOA-22941

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

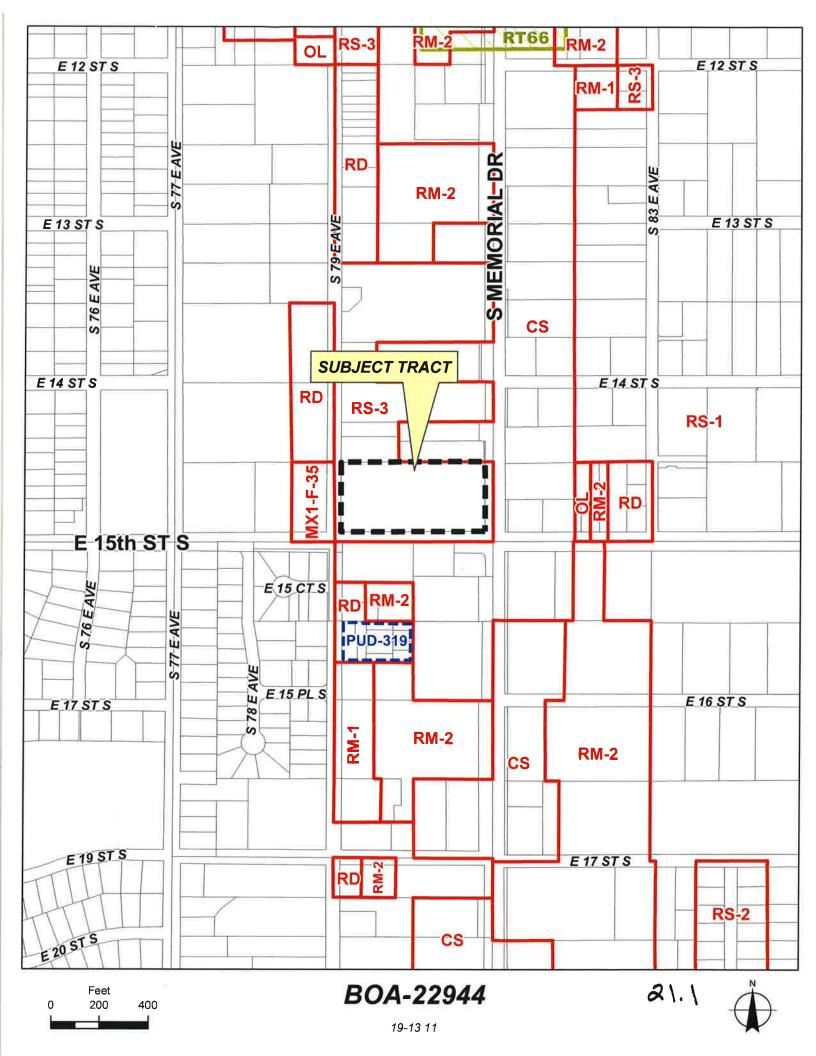
Aerial Photo Date: February 2018



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## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9311 Case Number: **BOA-22944** 

**CZM:** 38 **CD:** 5

HEARING DATE: 06/23/2020 1:00 PM

**APPLICANT:** Lori Worthington

<u>ACTION REQUESTED</u>: Variance to permit a freestanding sign to exceed 20' in height in an RS-3 District (Sec. 60.050-B-2.b) and a Special Exception to permit a Dynamic Display Sign in an RS-3

District (Sec. 60.050 B-2.c)

**LOCATION**: 7903 E 15 ST S **ZONED**: RS-3

PRESENT USE: Church TRACT SIZE: 173129.93 SQ FT

LEGAL DESCRIPTION: S/2 SE SE NE LESS E33 & LESS S40 W597 E630 & LESS W30 FOR STS

SEC 11 19 13 3.975ACS,

## **RELEVANT PREVIOUS ACTIONS:**

## Subject property:

**BOA-20344**; On 10.24.2006 the board **approved** a Variance to allow an LED Message Board in an RS-3 District.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 15<sup>th</sup> Street S. and S. Memorial Drive.

STAFF COMMENTS: The applicant is requesting a Variance to permit a freestanding sign to exceed 20' in height in an RS-3 District (Sec. 60.050-B-2.b) and a Special Exception to permit a Dynamic Display Sign in an RS-3 District (Sec. 60.050 B-2.c)

## Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

## c. Dynamic Displays

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

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

The applicant is seeking a sign height of 23'.

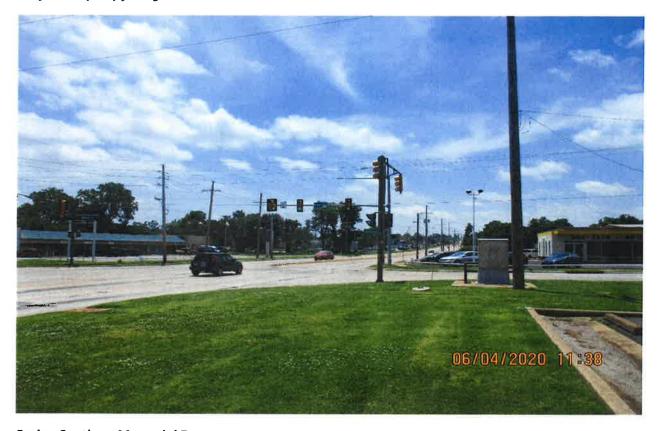
**STATEMENT OF HARDSHIP:** The sign has already been approved through INCOG. The Permit was applied for but somehow never got issued.

SAMPLE MOTION: VARIANCE: Move to (approve/deny) a Variance to permit a freestanding sign to exceed 20' in height in an RS-3 District (Sec. 60.050-B-2.b)
Finding the hardship(s) to be
<ul> <li>Per the Conceptual Plan(s) shown on page(s) of the agenda packet.</li> </ul>
Subject to the following conditions
In granting the <b>Variance</b> the Board finds that the following facts, favorable to the property owner, have been established:
a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
SPECIAL EXCEPTION:
Move to (approve/deny) a <b>Special Exception</b> to permit a Dynamic Display Sign in an RS-3 District (Sec. 60.050 B-2.c)
Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
<ul> <li>Subject to the following conditions (including time limitation, if any):</li> </ul>

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 facing West



Facing South on Memorial Dr.



Facing North on Memorial Drive

## Presentation:

Mr. Cuthbertson informed the Board the applicant requested a continuation to better prepare for presentation.

#### **Board Action:**

On **Motion** of **Tidwell**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20351 to the meeting on November 14, 2006, on the following described property:

E 345' W 1005' of Lt 4 SW/4 SW/4 Section 31, T-20, R-12, City of Tulsa, Osage County, State of Oklahoma

\* \* \* \* \* \* \* \* \*

## Case No. 20359

## Action Requested:

Variance of the setback for an accessory building in the required rear yard from 3ft to 1ft and 2ft - 10in to permit a cabana (Section 210.B.5.b), located: 1638 East 31<sup>st</sup> Place South.

## Presentation:

Mr. Cuthbertson informed the Board that the applicant requested a continuance to the meeting on November 14, 2006.

## **Board Action:**

On **Motion** of **Stead**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 20359 to the meeting on November 14, 2006, on the following described property:

BG 341.7W & 316S NEC NE NW TH S183.25 W158.3 N133.25 ELY ON CRV 48.26 REV CV 136.90 E39.47 POB SEC 19 19 13, City of Tulsa, Tulsa County, State of Oklahoma

## **UNFINISHED BUSINESS**

### Case No. 20344

## Action Requested:

Variance of the requirement that illumination of a sign shall be by constant light to permit an LED message board in an RS-3 district (Section 402.B.4.b), located: 7903 East 15<sup>th</sup> Street South.

## Presentation:

**Martha Oglesby**, represented the Memorial Drive United Methodist Church. They proposed to put up this changeable copy sign on Memorial Drive. They would not have running, flashing lights, or time and temperature.

## **Comments and Questions:**

Ms. Stead asked if this sign was just slightly larger than the existing sign, to which Ms. Oglesby replied that it is.

#### **Interested Parties:**

There were no interested parties who wished to speak. The Board received a letter of opposition (Exhibit A-1).

## **Board Action:**

On **Motion** of **Dunham**, the Board voted 5-0-0 (Dunham, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a Variance of the requirement that illumination of a sign shall be by constant light to permit an LED message board in an RS-3 district (Section 402.B.4.b), finding the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:

S/2 SE SE NE LESS E33 & LESS S40 W597 E630 & LESSW30 FOR STS SEC 11 19 13 3.975ACS, City of Tulsa, Tulsa County, State of Oklahoma

## **NEW APPLICATIONS**

\*\*\*\*\*

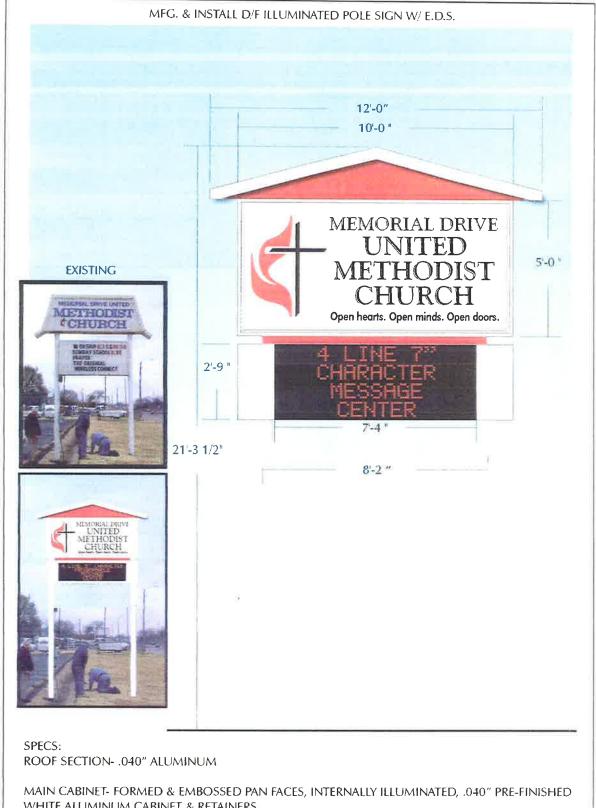
## Case No. 20352

### Action Requested:

Variance of the rear yard requirement in an RS-2 district from 25' to 19.1' to permit a covered porch addition (Section 403), located: 2106 South St. Louis Avenue.

#### Presentation:

**Charles Norman**, 2900 Mid-Continent Tower, represented Mr. and Mrs. Don Miller, the owners of the subject property. They are in the process of remodeling the home. He pointed out the dimensions on all four sides of the property are different. He provided a site plan and photographs (Exhibits B-1 and B-2). He added there is a curve on the frontage. The plans include a covered porch, which would occupy approximately 72 ft. of the required rear yard. He stated the proposed porch would still leave the lot non-conforming under the current zoning code. This plan would still allow more than 50% of livability space and would not change the side yards. This encroachment will not be visible from any neighbor. The applicants have discussed the application with his neighbors also.



WHITE ALUMINUM CABINET & RETAINERS

MARQUEE SECTION- ADAPTIVE STREETSMART E.D.S. W/ RED LED'S, .040" PRE-FINISHED WHITE **ALUMINUM FILLER & CABINET** 

UTILIZE EXISTING 6" POLES PAINTED WHITE 30A 20344

CUSTOMER: MEMORIAL DRIVE UNITED METHODIST CHURCH APPROVED AS DRAWN SCALE; 3(8"=1'-0" LOCATION: 7903 E 15TH STREET APPROVED AS NOTED DATE: 03 27 06 DESCRIPTION: MFG & INSTALL MAKE CHANGES & RESUBMIT FILE: POLE\_3 9520 E. 55th PLACE, TULSA OK. 74145 W.O. #: DRAWN BY: HOFFMANN (918) 622-0651 • FAX (918) 622-0659 SALES REP: BRUCE ANDERSON NOTE: COLORS AS PIONTED HERE ARE APPROXIMATE REPRESENTATIONS OF SPECIFIED COLORS THAY

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



## **DEVELOPMENT SERVICES**

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

## SIGN PLAN REVIEW

March 24, 2020

Phone: 918-622-0651

Menoral Dr. methodest Church

LOD Number: 1

Lori Worthington 9520 E. 55<sup>th</sup> Pl. Tulsa, OK 74145

**APPLICATION NO:** 

SIGN-056636-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)

Location:

7903 E. 15th St.

Description:

Freestanding Sign with digital display

INFORMATION ABOUT SUBMITTING REVISIONS

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

## REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

## IMPORTANT INFORMATION

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

(Continued)

## REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <a href="https://www.incog.org"><u>WWW.Incog.org</u></a>

Application No. SIGN-056636-2020

7903 E. 15th St.

March 24, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

## 1. Section 60.050 B-2.b Signs in R and AG Zoning Districts, Freestanding Signs

Nonresidential uses in R, AG, and AG-R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

Review Comments: The proposed freestanding sign with a dynamic display exceeds the maximum height allowed in an RS-3 zoning district. You may reduce the height of the sign to 20 feet or less, or you may pursue a variance from the Board of Adjustment (BOA) to exceed the allowed freestanding sign height in an RS-3 zoning district.

## 2. Section 60.050 B-2.c Signs in R and AG Zoning Districts, Dynamic Displays

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

Review Comments: The proposed freestanding sign with a dynamic display is located in an RS-3 zoning district, and requires a special exception from the Board of Adjustment (BOA) to be located in an RS-3 zoning district.

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

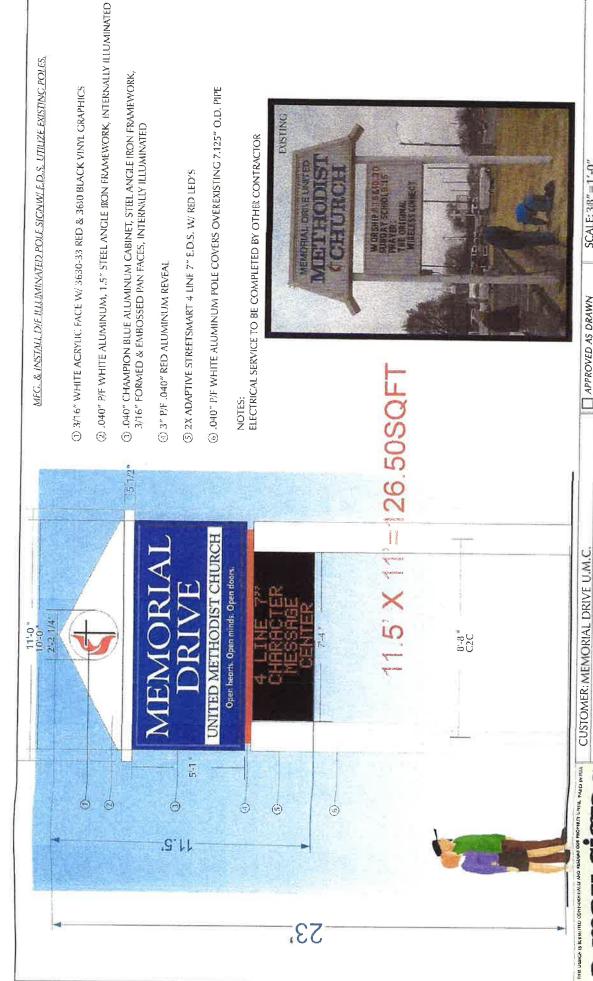
## **END - ZONING CLEARANCE AND SIGN CODE REVIEW**

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

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



MEMORIAL DRIVE UNITED METHODIST CHURCH 7903 E 15TH STREET



FILE: POLE BLUE SCALE: 3/8"=1"-0" DATE: 11/20/06 W.O. #:32752B APPROVED AS DRAWN
 APPROVED AS NOTED
 MAKE CHANGES & RESUBMIT REMOVE EXISTING SIGNS, UTILIZE EXISTING POLES

DESCRIPTION: MFG. & INSTALL NEW D/F & MSG. CNTR,

9520 E. 55th PLACE, TULSA OK. 74145 a-max signs

(918) 622-0651 • FAX (918) 622-0659

LOCATION: 7903 E. 15TH ST.

DRAWN BY, DAVID A. HOFFMANN, I.D. S REP FOR ACTUAL COLOR SAMPLES (918) 622-0651 • FAX (918) 622-0-0659 SALES REP: BRUCE ANDERSON
NOTE: COLORS AS PRINTED HERE ARE APPROXIMATE REPRESENTATIONS OF SPECIFIED COLORS THAT MAY NOT MATCH EXACITY TO THAT OF FINISHED PRODUCT. WHERE COLOR SELECTION IS CRITIC

21.13





BOA-22944

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



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BOA-22944

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

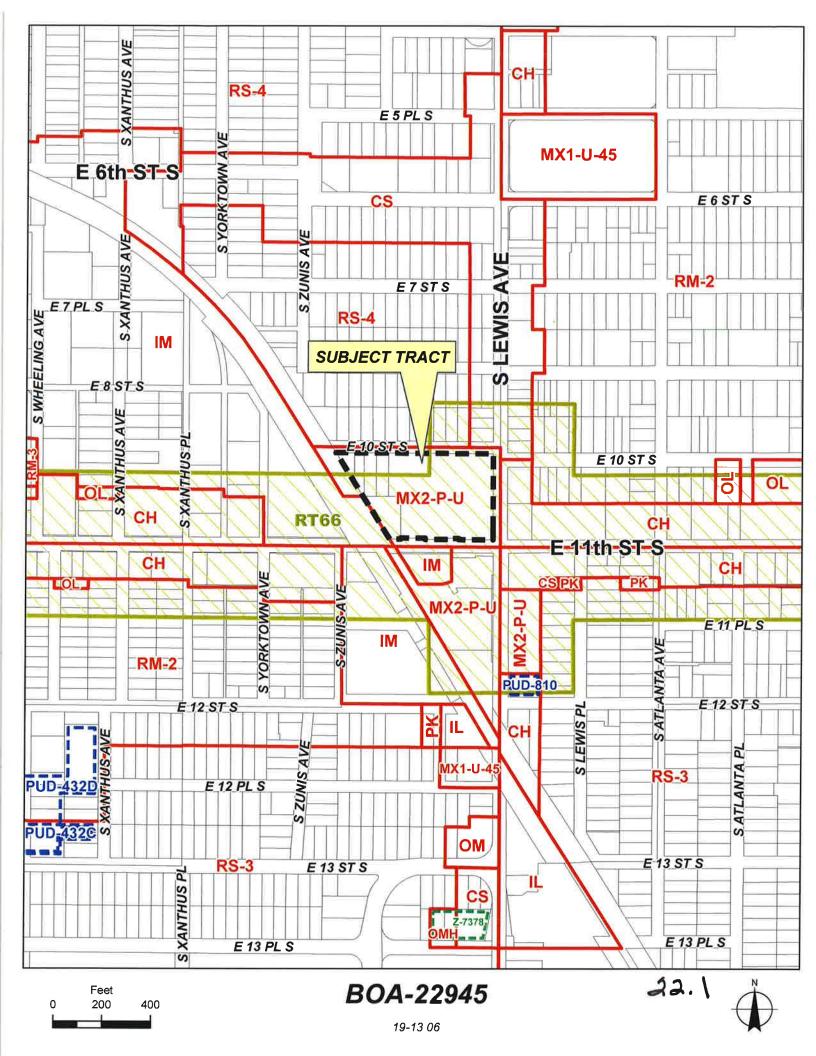
Aerial Photo Date: February 2018



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## BOARD OF ADJUSTMENT CASE REPORT

**STR:** 9306 Case Number: **BOA-22945** 

**CZM:** 37 **CD:** 4

**HEARING DATE:** 06/23/2020 1:00 PM

**APPLICANT:** Mike Thedford

ACTION REQUESTED: Variance to reduce the Build-to-Zone Requirement along Lewis Ave. (Sec. 10.030, Table 10-4); Variance to reduce the ground floor ceiling height from 14'; (Sec. 10.030, Table 10-4); Variance to reduce the minimum transparency required along a street facing building facade (Sec. 10.030, Table 10-4)

**LOCATION:** 2215 E 11 ST S; 2220 E 10 ST S; 2216 E 10 ST S; 2224 E 10 ST S; 2216 E 10 ST S;

2233 E 11 ST S **ZONED**: MX2-P-U

PRESENT USE: Vacant TRACT SIZE: 193028.22 SQ FT

<u>LEGAL DESCRIPTION</u>: LT 19 BLK 1; LT 2 BLK 1; E 40 LT 1 BLK 1; LT 3 BLK 1; W. 77. 3' OF LOT 1 BLK 1; LTS 4 THRU 18 LESS S5 W40 LT 14 & LESS E5 S5 LT 15 & LESS S5 LTS 17 & 18 BLK 1, HILLCREST ADDN, HILLCREST PARK ADDN

**RELEVANT PREVIOUS ACTIONS: None.** 

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

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.

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.

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of E. 11<sup>th</sup> Street South and S. Lewis Ave.

**STAFF COMMENTS:** The Applicant is requesting: **Variance** to reduce the Build-to-Zone Requirement along Lewis Ave. (Sec. 10.030, Table 10-4); **Variance** to reduce the ground floor ceiling height from 14'; (Sec. 10.030, Table 10-4); **Variance** to reduce the minimum transparency required along a street facing building facade (Sec. 10.030, Table 10-4)

Table 10-4: Lot and Building Regulations for -P Character Zones

Minimum Lot Area (sq. ft.)	3,500
Minimum Lot Width (feet)	25
Minimum Street Frontage (feet)	20
Minimum Open Space per Unit (sq. ft.)	100
Minimum Building Setbacks (feet)	
Street	0
Abutting R district	10
Abutting nonresidential district	0
Abutting alley	5
Build-to-Zone (BTZ) (minimum/maximum in feet)	0/10
Primary street BTZ (%)	80
Secondary street BTZ (%)	30

Min. Ground Floor Ceiling Height (feet)	14
Minimum Transparency (%)	
Ground floor	50
Upper floors	20
Min. Parking Setbacks (ft)(see also §55.080-	C)[1]
Primary street	30
Secondary street or R zoning district	10
Nonresidential zoning district	0
Street-facing Entrance Required	Yes

See Figure 10-3 for illustration of selected regulations.

[1] Parking is prohibited between building and street right-of-way (see <u>Figure 10-2</u>). Parking structures are subject to <u>Section 40.280</u>.

Included in your packets are pages 90-11 through 90-14 of the City of Tulsa Zoning Code which includes explains how transparency, Build-to-zones and Ceiling Height are measured.

## STATEMENT OF HARDSHIP:

- 1. The pedestrian oriented intent of the Code, as well as the needs of the neighborhood, are being met by the requested variance to 11 th Street BTZ frontage and the Lewis Ave. BTZ frontage. A noise study was conducted and it is suggested that some setback occur from the 11 th and Lewis intersection. Unique to our site, we are being asked to treat 2 streets as the primary street.
- 2. The literal enforcement of the code is not needed to meet the intent and the variance is the minimum needed. The topography makes 14 ceiling heights a hardship along 10 the street.
- 3. The cased openings are 100% transparent and therefore completely meet the intent of the code and allow for an activated pedestrian destination plaza. The literal enforcement of the code is not needed to meet the intent and the variance is the minimum needed.
- 4. The literal enforcement of the code is not needed to meet the intent and the variance is the minimum needed. The grade changes 10' going East to West down 10 th street, making it functionally not possible to meet the transparency measurement starting at 3' from the adjacent curb.

	PEL MOTION: Move to (approve/deny) a Variance to reduce the required 25 ft. rear ck in an RS-1/RS-2 District (Sec. 5.030, Table 5-3)
•	Finding the hardship(s) to be
•	Per the Conceptual Plan(s) shown on page(s) of the agenda packet.
•	Subject to the following conditions
_	

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

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

- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- 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."

**4.** When the subject lot abuts a corner lot with frontage on the same street, the average street yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.

street

average front yard depth of nearest 2 properties
on one side plus abutting corner lot
(average of A, B and C)

Figure 90-15: Contextual Setbacks (5)

**5.** These contextual setback provisions may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

## Section 90.100 Parking Setbacks

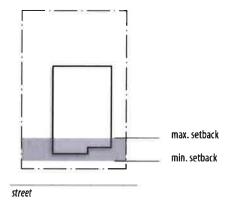
90.100-A All on-site parking spaces must be located behind any applicable parking setback line. This requirement applies whether such spaces are located in a surface (openair) parking lot or in a parking structure. Parking setbacks do not apply to on-street parking spaces, parking spaces located in an underground structure or parking spaces located above the ground floor.

90.100-B Parking setbacks are measured in accordance with §90.090-A.

### Section 90.110 Build-to-Zone

- 90.110-A The build-to zone is the area on the lot where all or a portion of the street-facing building façade must be located, established as a minimum and maximum setback range, measured in accordance with the setback measurement provisions of §90.090-A.
- 90.110-B The street-facing building façade must be located in and extend along the length of the build-to-zone for a minimum distance equal to a percentage of the width of the lot, as required by specific provisions of this zoning code. The required minimum percentage is calculated by dividing the width of the building façade located within the build-to-zone by the width of the lot. For purposes of this calculation, the width of the lot is the narrowest width of the lot within the build-to-zone.

Figure 90-16: Build-to-Zone



- 90.110-C On corner lots, the development administrator is authorized to designate which street is the primary street and which street is the secondary or side street. The primary street designation must be based on consideration of the following criteria:
- **1.** The street with the highest functional street classification;
- 2. The street that the lot takes its address from; and
- **3.** The street parallel to an alley within the block.
  - 90.110-DOn corner lots, the building must be within the required build-to-zone for the first 25 feet extending from the intersection of the 2 street rights-of-way.

### Section 90.120 Building Coverage

Building coverage is the total area of a lot covered by principal and accessory buildings. Only building areas beneath a roof are counted for purposes of measuring building coverage. A porch with a roof, for example, is counted, but an uncovered deck structure is not considered building coverage.

### Section 90.130 Ceiling Height

Ceiling height is measured from the finished floor to the ceiling immediately above. At least 50% of the enclosed ground floor area must comply with established floor-to-ceiling height requirements and all of the first 30 feet of building depth, measured from the principal street-facing façade, must comply with established ceiling height requirements. Buildings in existence or that were the subject of an approved building permit before the effective date specified in <u>Section 1.030</u> are exempt from ceiling height requirements.

## Section 90.140 Transparency

- 90.140-A Transparency regulations govern the percentage of a street-facing building façade that must be covered by transparent elements (e.g., transparent windows and doors). Such transparent elements shall be designed and maintained to provide views into and out of the building, and shall not be permanently obstructed by fixed elements, such as signage, shelving, furniture, etc.
- 90.140-B Unless otherwise expressly stated, the transparency area of a ground floor facade is measured between 3 and 8 feet above the adjacent curb. Such transparent

elements shall not begin higher than 3 feet above the level of the adjoining curb and shall have a minimum width of 2 feet.

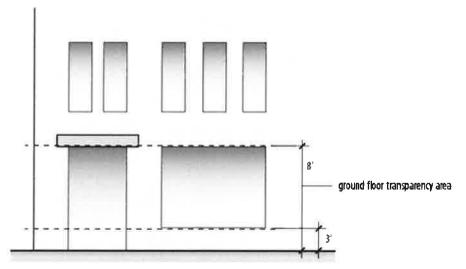


Figure 90-17: Ground Floor Transparency Measurement

90.140-C The transparency of an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

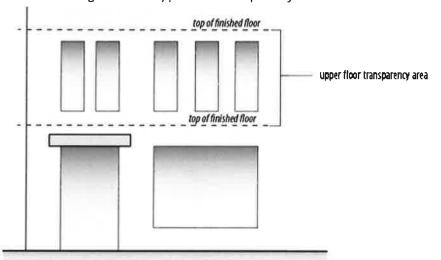


Figure 90-18: Upper Floor Transparency Measurement

90.140-D Glazed elements used to satisfy minimum transparency requirements must be clear and non-reflective and not be painted or tinted (transparent, low-emissivity glass is permitted).

## Section 90.150 Street-facing Building Entrances

- 90.150-A Required street-facing building entrances must provide ingress and egress for residents and customers. Additional entrances off another street, pedestrian area or internal parking area are also permitted.
- 90.150-B An angled entrance may be provided at any corner of a building along the street to meet street-facing entrance requirements.

## Section 90.160 Building Height

#### 90.160-A Measurement

- 1. Building height is measured as the vertical distance from the average ground elevation along the exterior building wall to the highest point of the subject building. For purposes of measuring height:
  - **a.** The average ground elevation is the mid-point between the highest and lowest ground elevations along the exterior building wall; and
  - **b.** The highest point of the building is the coping of a flat roof, the top of a mansard roof or shed roof, or the peak of the highest gable of a gambrel or hip roof. For buildings without a roof, height is measured to the highest point of the structure.

building height

average ground elevation

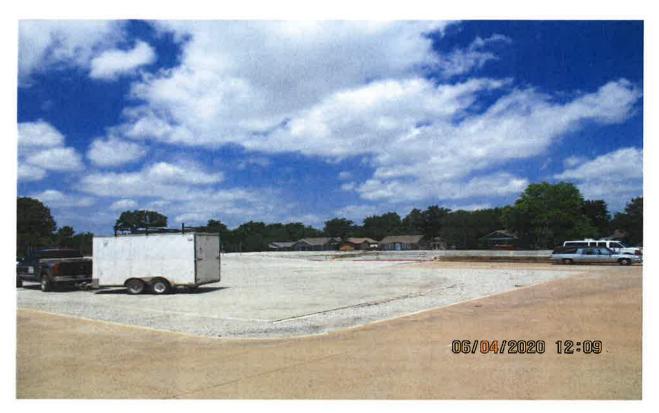
building height

average ground elevation

Figure 90-19: Building Height Measurement

## 90.160-B Exceptions

- 1. Farm buildings and farm-related structures are not subject to building height limits.
- 2. Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators may exceed maximum building height limits, provided they are not intended for human occupancy and they do not extend more than 20 feet above the top of the principal structure to which they are attached. This 20-foot limit may be increased through the special exception procedures of <u>Section</u> 70.120.



Subject Tract located at the NW/c of S. Lewis Ave and E. 11th Street



Intersection so S. Lewis Ave and E. 11th Street



Facing West on 11th Street



Facing South on Lewis

#### Exhibit A

The land described as follows:

Lots One (1) and Two (2), Hillcrest Park Addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 309

#### AND

Lots Three (3), Four, (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), and Nineteen (19), Block One (1), Hillcrest Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 309, LESS AND EXCEPT the South 5 feet of Lots 14, 17, and 18 AND LESS AND EXCEPT the South 5 feet of Lot 15.

GENERAL NOTES
RASS OF BEARING: ASSUMED NORTH.

THE PROPERTY DESCRIBED HEREON CONTAINS THIS MARKED PARKING SPACES WITH Y MARKED REFORMED SPACES. THE PROPERTY DESCRIPED HEREDY CONTANT AND NOTES, WHILE OF LESS.

ABOVE GROUND FEATURES OF PUBLIC UTILITIES SUCH AS, BUT NOT LAHIFED TO. METERS, WALVES, MANHOLES, POLES AND PEDESTA'S ARE LOCATED AND SHOWN HEREON, NO UNDERGROUND UTILITY LINES WERE FLAGGED BY THEIR RESPECTIVE OWNERS AND TREPRETORE ARE RESPECTIVE.

THIS PROPERTY LIES IN ZONES TUNISHADED X" FLOOD HAZARD AREA PER F.: R.W., COMMUNITY PAHEL NO. 40143C0240; AS LAST RENSSED 16-16-2012. PIĘLO WORK COMPLETED OCTOBER 25, 2019

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HAVE INFORMED WHER LOCATED HIS SENSOR! PROPERTY AT THE THE CO THE SENSOR.

HO ENDORED OF THE SENSOR CONSTRUCTION, OR BUILDING ADDRESS WERE OBSERVED AT THE THE OF THIS SUMMEY.

F = FELD MEASURED COURSE.
P = RECORDER PLAT COURSE.
D = DESCRIBED COURSE.

NVOICE NO.: 19251

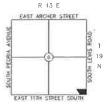
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SCALE IN FEET



LOCATION MAP

#### LEGEND

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OF REMINISTER DIRECTLE PIPE

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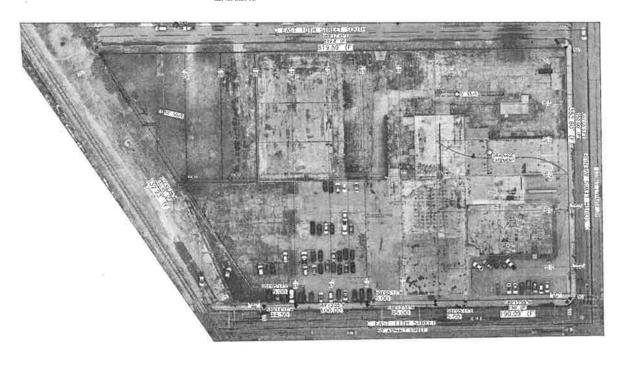
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RECTIFIED ORTHOPHOTOGRAPHY (NOT A COOKLE SANTH PORTIE)

DATE OF ORTHO PHOTO: 2019-03-12

MEMOR RIDS EMPERO ESTAMOL (CSD) 0,87 CU/0 34 H AMEMOR OF GROUND CONTROL: 9 (CCP)



### ALTA/NSPS LAND TITLE SURVEY

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(1) GRANT OF CARBANTT OF PAPER OF M. COCK, DATED MAY 6, 1247 PLED MAY 7, 1247 AND RECORDED IN BOOK 1884 PAGE 134 PAGE 13

14 THE PROPERTY DECLESSED LEPGON IS SUBJECT TO FERMS, CONCESSAND PROMISONS OF DECLEMATION OF COVERNMENT FOR COOR COMPLIANCE IN FAVOR OF THE SHOULD BE LEC. AN ORLH-POAR LIBERTO LUBRITY COMPANY, OAFD SEPTEMBER 18, 2017. PLED SEPTEMBER 28, 2017 AS DOCUMENT AND 2017 OR THE LIBER OF THE TILES OCURTY CLEDY.

(15) STAND MARKET IN FAVOR OF THE INDUST, BATE MAY 27, 1940, FIELD WARD 29, 1940 AND RECORDED PL BOOK 1372, PAGE 255 NATION OF THE TASIA COUNTY CLERK

CERTIFICATE

DAND O LACY, THE LAIDERSYMED, A REGISTERED PROFESSIONAL LAND SURVEYOR, BO HEREBY
CERTIFY TO:

FIDELITY NATIONAL TITLE INSURANCE COMPANY :TULSA, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY

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GCTOSER 30, 3219

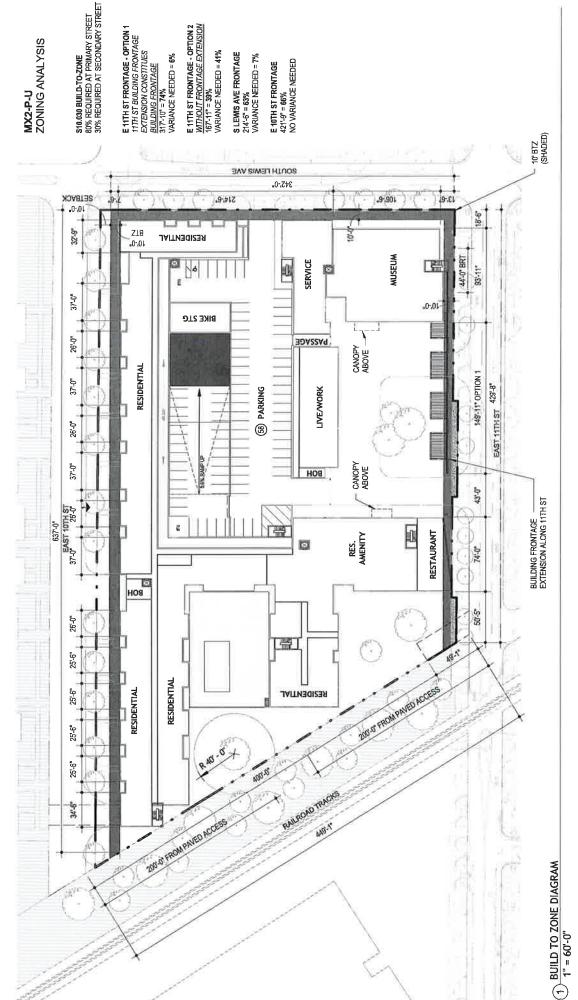




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90

30



TULSA ROUTE 66 MIXED USE

05/21/2020



(2) 11TH STREET (SOUTH) ELEVATION 1" = 40-0"

\$10.030
GROUND FLOOR TRANSPARENCY
50% REQUIRED

NORTH TRANSPARENCY - OPTION 1 MEASURED FROM FINISHED FLOOR (ILO GRADE) = 1,945 SF / 3,029 SF (64%)

NORTH TRANSPARENCY - OPTION 2 MEASURED FROM GRADE = 921 SF / 3,029 SF (30,4%) VARIANCE NEEDED = 19,6%

ROOF LEVEL 3 LEVEL 4 LEVEL 2 LEVEL 1 HE ==== HHH 3,029 SF 0.900

10TH STREET (NORTH) ELEVATION 1" = 40-0"

**TULSA ROUTE 66 MIXED USE** 

**ZONING EXHIBIT** 

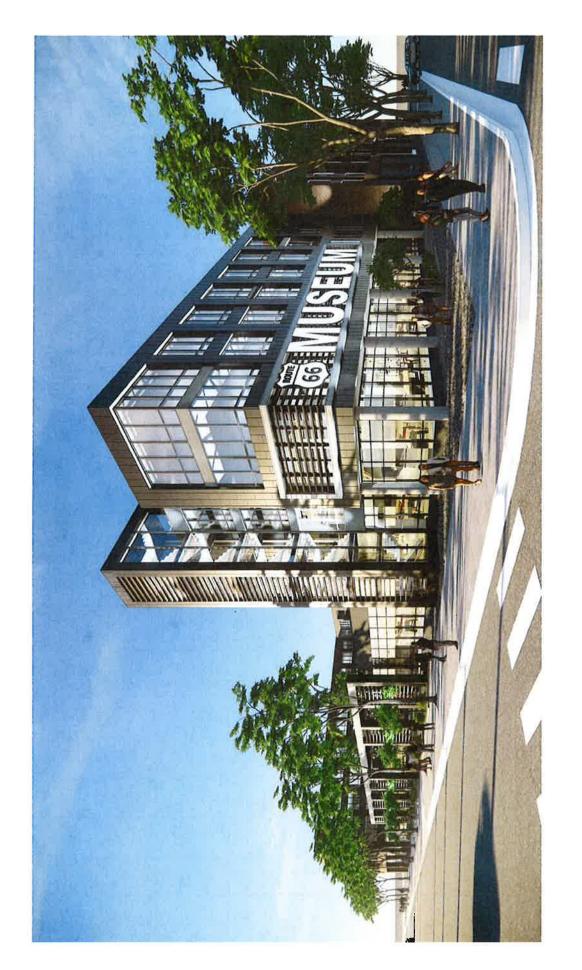
80

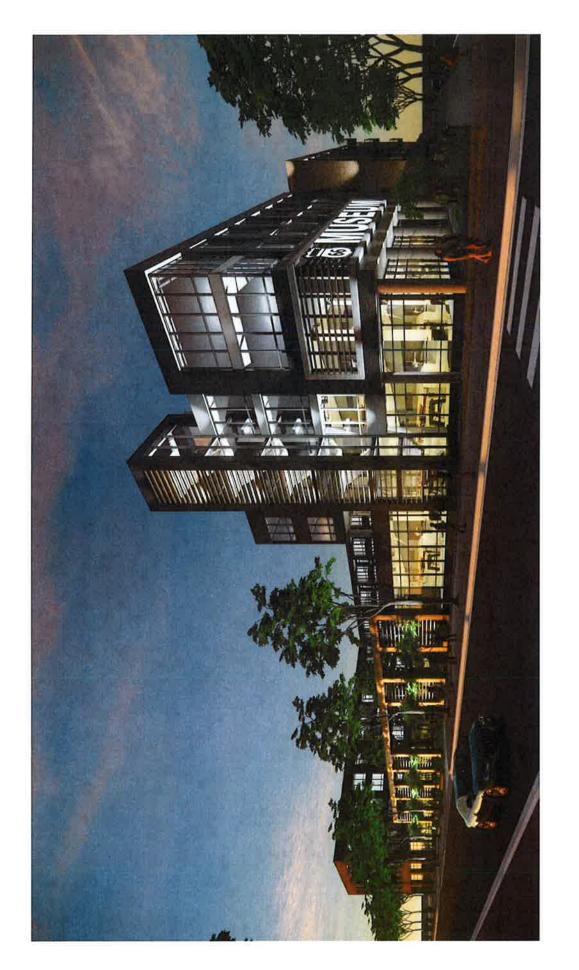
40,

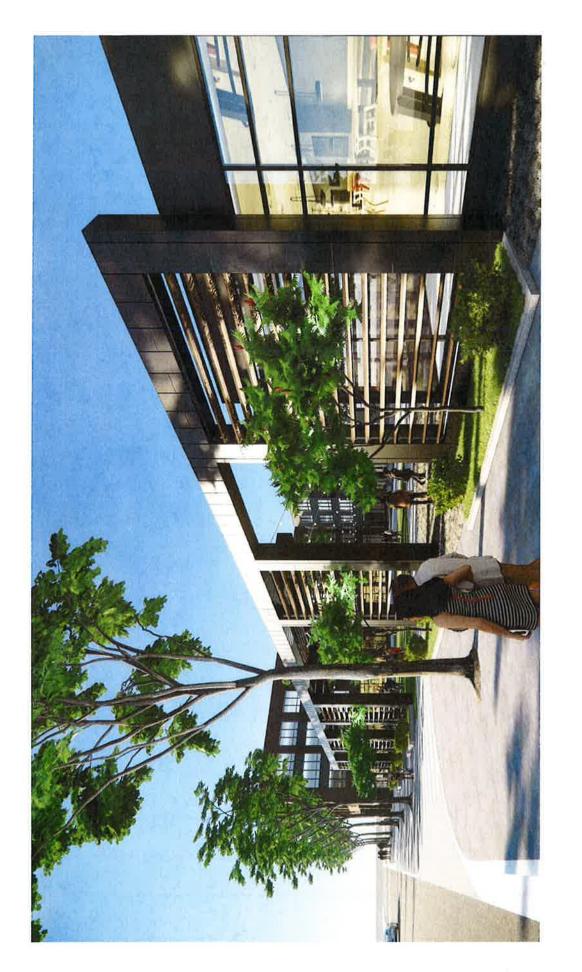
20.

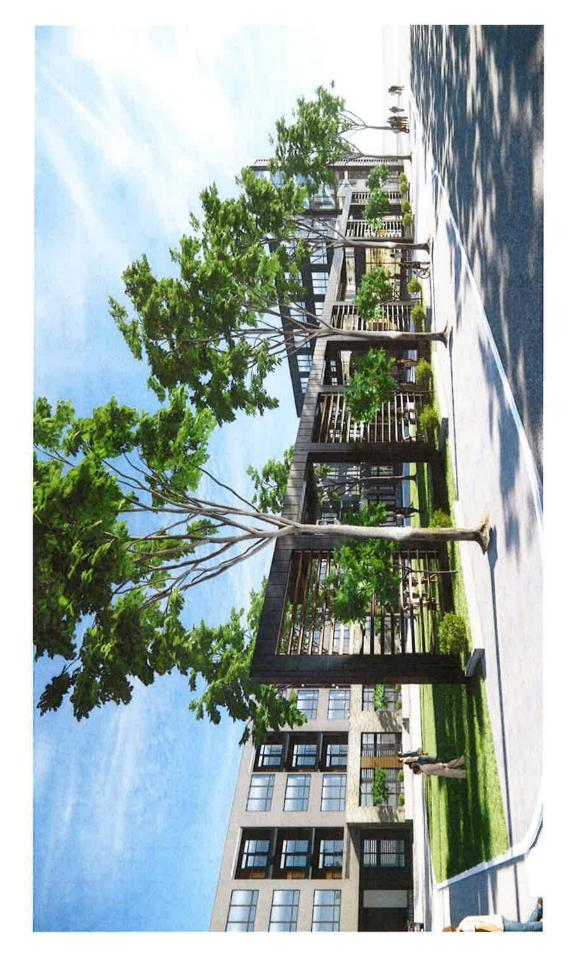
hord | coplan | macht | 12009

05/21/2020







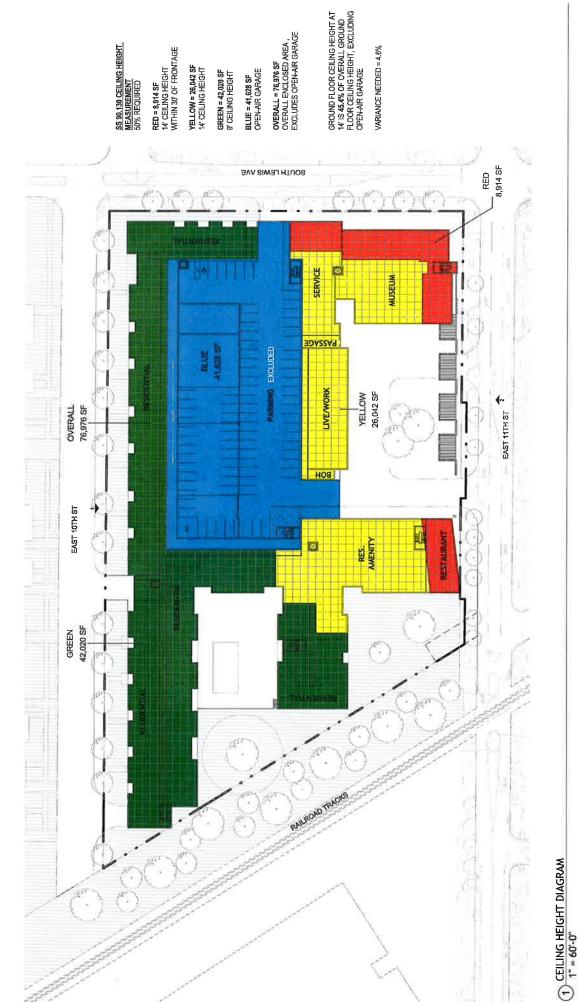




120,

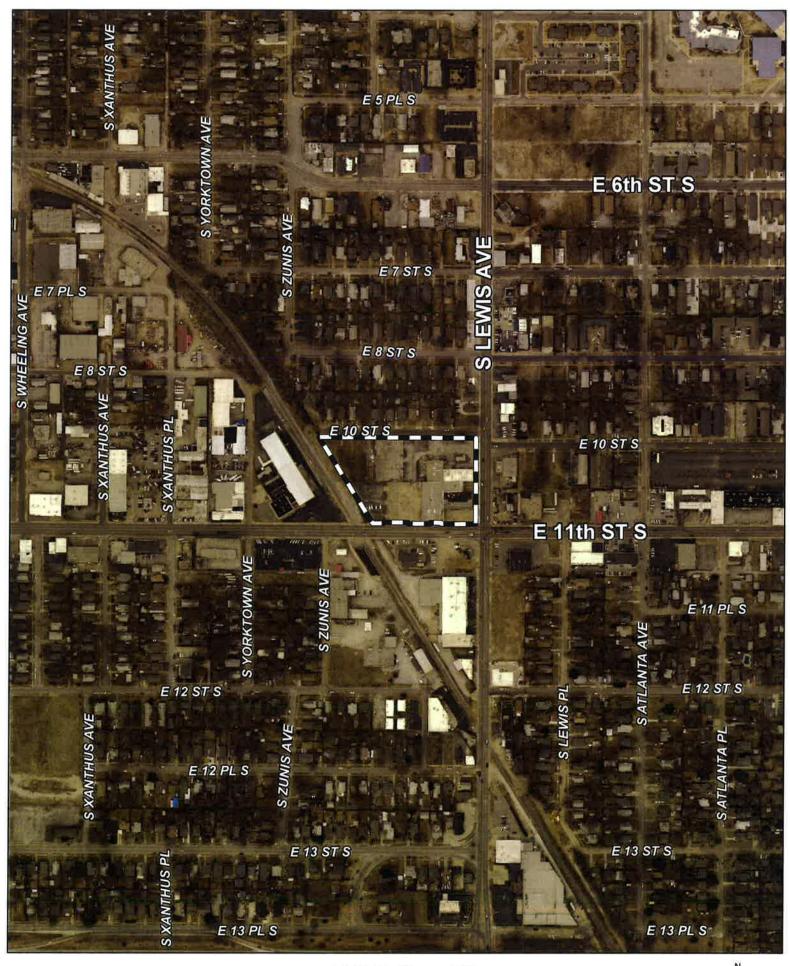
.09

30



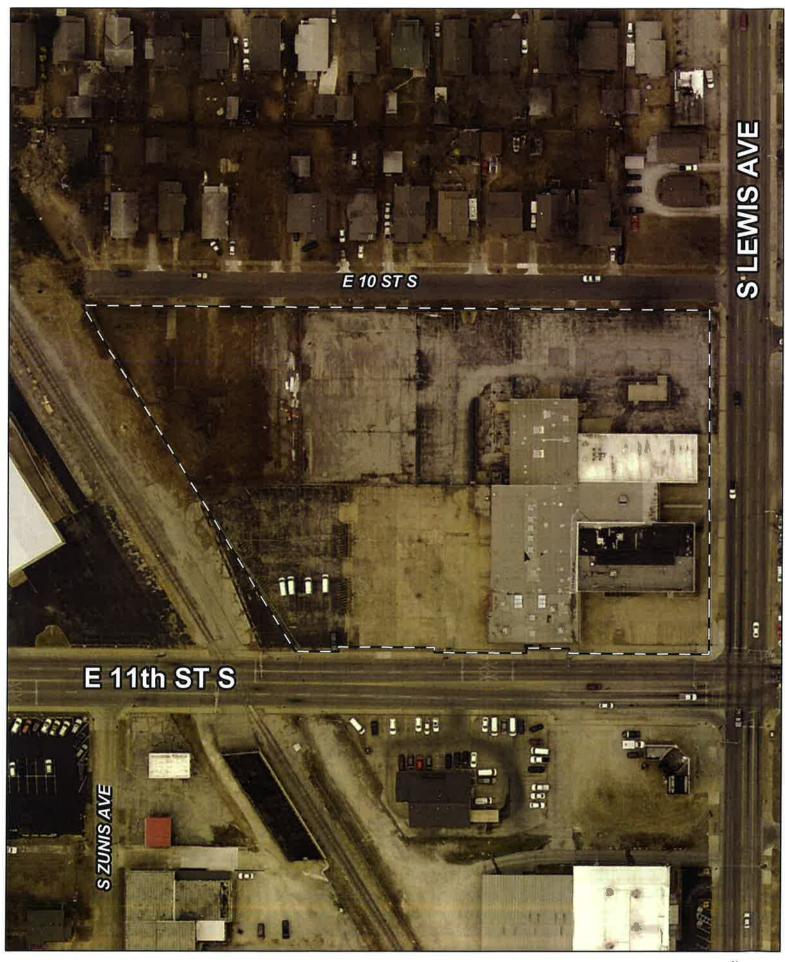
**TULSA ROUTE 66 MIXED USE** 

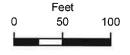
05/21/2020



BOA-22945

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







BOA-22945

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

