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

Meeting No. 1254

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: https://www.gotomeet.me/CityOfTulsa2/boa-gotomeeting---council-chambers-july-14th

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

Participants must then enter the following Access Code: 474-382-381

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: https://global.gotomeeting.com/install/471574485

______________________________________________________________

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

1. 22873—Carina Garcia
   Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). LOCATION: 3811 South 27th West Avenue (CD 2)
2. **22892—Dale Bennett**  
Variance to permit additional dynamic display signage on a single lot (Section 60.080-E). **LOCATION:** 200 South Denver Avenue West  **(CD 4)**

3. **22895—Israel Sanchez**  
Variance to reduce the required 25-foot setback in an RM-1 District (Section 5.030, Table 5-3). **LOCATION:** 119 North Wheeling Avenue East  **(CD 3)**

4. **22934—Katy Anderson**  
Variance to increase the permitted 240 square foot display area for a wall sign in a CS District (Section 60.080-B). **LOCATION:** 1711 East Skelly Drive  **(CD 9)**

5. **22945—Wallace Engineering**  
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)**

**NEW APPLICATIONS**

6. **22947—Jermaine Miller**  
Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Section 45.030-A); Variance to allow an accessory structure to exceed one story, 18 feet in height and more than 10 feet in height to the top of the top plate (Section 90.090.C); Variance to allow more than 30% coverage in the rear setback (Section 90.090-C.2). **LOCATION:** 1232 South Braden Avenue East  **(CD 5)**

7. **22949—Crown Neon – Gary Haynes**  
Variance to permit two signs on an OM lot with one street frontage (Section 60.060-B); Variance of the allowable display surface area for signs in the OM District (Section 60.060-C). **LOCATION:** 3227 East 31st Street South  **(CD 4)**

8. **22951—Coast to Coast Motors – Greg Bissonette**  
Special Exception to allow for Commercial/Vehicle sales and Service/Personal vehicle sales & rental use in a CS District (Section 15.020). **LOCATION:** 3112 South Mingo Road East  **(CD 7)**

9. **22954—Eric Bushnell**  
Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL
10. 22957—Blazing B’s – Brent Barnes
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 7839 East Admiral Place North  (CD 3)

11. 22958—Crown Rx – Brent Barnes
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 7435 East Admiral Place North  (CD 3)

12. 22960—Elton Fernandez
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
**LOCATION:** 6030 South Peoria Avenue East  (CD 9)

13. 22962—Clare Ashby
Special Exception to permit a fence to exceed 4 feet in height inside the street setback in a residential district (Section 45.080-A).  **LOCATION:** 1831 East 27th Street South  (CD 4)

14. 22963—W Design
Variance of the minimum open space requirement from 6,600 square feet to 6,000 square feet for a 33-unit apartment building in an RM-2 District (Section 5.030-A, Table 5-3).  **LOCATION:** 3320 East 37th Street South  (CD 9)

15. 22964—Joshua Roegiers
Variance to allow more than one accessory dwelling unit per lot in an RM-2 District (Section 45.031-D); Variance to permit the aggregate floor area of accessory buildings on a lot in an RM-2 District to exceed 40% the floor area of the primary residential structure (Section 45.030-B); Variance to permit a detached accessory structure to cover more than 30% of the rear setback (Section 90.090-C.2); Variance to permit a detached accessory building to exceed one story or 18 feet in height and 10 feet to the top of the top plate (Section 90.090.C) and to be located less than three feet from the rear lot line (Section 90.090-C).  **LOCATION:** 1515 South Carson Avenue West  (CD 9)

16. 22965—Xeng Chang
Variance of the required frontage in the AG and RE Districts from 30 feet to 0 feet to permit a lot line adjustment (Section 25.020-D, Table 25-2 & Section 5.030, Table 5-3).  **LOCATION:** Northwest of the NW/c of East 21st Street South and South 177th Avenue East  (Approximately @ 16900 East 12st Street South)  (CD 6)
17. **22966—Wallace Engineering – Mike Thedford**  
Modification to a previously approved site plan (BOA-21326). **LOCATION:**  
3101 West Edison Street North *(CD 1)*

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Website:** tulaplaning.org  
**E-mail:** esubmit@incog.org  
**CD = Council District**

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

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

PRESENT USE: Vacant

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

TRACT SIZE: 7000.12 SQ FT

RELEVANT PREVIOUS ACTIONS:

Subject Property: None

Surrounding Properties:

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

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of W. 38th 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)
### Sample Motion:

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

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

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

  
  The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Manufactured home on lot immediately South of Subject Tract

Facing South on 27th W Ave
Facing North on 27th W Ave.

Subject Property
Case No. 13727 (continued)

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

Case No. 13728

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

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

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

Protestants: None.

Comments and Questions:
Mr. Chadwell 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.
Mr. Wright informed that he may use the mobile for rental property after the installation is complete.

Board Action:

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

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

Case No. 13729

Action Requested:

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

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

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

Comments and Questions:

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

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

Ms. White inquired if a business is being operated on the subject property at this time. The applicant replied that he is doing some upholstery work in a small existing building.
Jeff S. Taylor  
Zoning Official  
Plans Examiner II  

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

ZONING CLEARANCE PLAN REVIEW  

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 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.inco.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 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 Special Exception from the City of Tulsa Board of Adjustment (BOA) per Sec.70.120 to allow a Manufactured Housing Unit to be placed on your lot. Once you receive approval you will need to submit the approval documents to this office. *Apply for a Building permit to place a manufactured Housing Unit on this lot.*

2. Section 40.210 Manufactured Housing Units

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

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

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

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

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

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

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

http://www.cityoftulsa.org/media/1259/res_09102014.pdf

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

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

5. 55.090-A Applicability

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

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

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
S 27th West ave
Foundation Sketch

Site:
3811 South 27th West Ave
Tulsa, OK 74108

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

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<th>Name &amp; Address</th>
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<td>Name: James H. Reynolds</td>
<td>J.DThompson</td>
<td>918-638-5587</td>
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<td>Address: 3712 S 27th W Ave</td>
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<tr>
<td>Name: James J. Johnson</td>
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<td>978-534-3600</td>
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<td>Address: 3803 S 29th W Ave</td>
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<tr>
<td>Name: Jerry Bentley</td>
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<td>918-699-7228</td>
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<td>Address: 3743 S 29th W Ave</td>
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<tr>
<td>Name: Michael Bentley</td>
<td><a href="mailto:Michael.bentley@gmail.com">Michael.bentley@gmail.com</a></td>
<td>918-698-2031</td>
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<td>Address: 3743 S 29th W Ave</td>
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<tr>
<td>Name: J.D. Carter</td>
<td><a href="mailto:jdcarter94@gmail.com">jdcarter94@gmail.com</a></td>
<td>918-555-9546</td>
</tr>
<tr>
<td>Address: 3752 S 29th W Ave</td>
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<tr>
<td>Name: Charles J. Vogel</td>
<td><a href="mailto:C.Vogel@12573.yaho.com">C.Vogel@12573.yaho.com</a></td>
<td>918-445-7153</td>
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<td>Constance Susie McDade</td>
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<td>Billy E. Malott</td>
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<td>Mary McLain</td>
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<td>William Davis</td>
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<td>918-230 3518</td>
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<td>Frank K. Crenshaw</td>
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<td>Otis McDonald</td>
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<td>3803 S. 29th Ave</td>
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<td>Juanita Des</td>
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<tr>
<td><strong>Name:</strong> Christopher Cook</td>
<td><a href="mailto:archiktox@yahoo.com">archiktox@yahoo.com</a></td>
<td>918-510-6681</td>
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<tr>
<td><strong>Address:</strong> 3704 S. 27th West Ave.</td>
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<tr>
<td><strong>Name:</strong> Annette Cook</td>
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<tr>
<td><strong>Address:</strong> 3704 S. 27th West Ave</td>
<td><a href="mailto:nettiecook08@yahoo.com">nettiecook08@yahoo.com</a></td>
<td>918-640-3452</td>
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<tr>
<td><strong>Name:</strong> Shellei Jones</td>
<td><a href="mailto:shelliejo2020@gmail.com">shelliejo2020@gmail.com</a></td>
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<td><strong>Address:</strong> 3705 S. 2nd N. Ave.</td>
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<td><strong>Name:</strong> Tali Burns</td>
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<td>978-770-9747</td>
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<td><strong>Address:</strong> 3705 S. 2nd N. Ave</td>
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<tr>
<td><strong>Name:</strong> Tami McCall</td>
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<tr>
<td><strong>Address:</strong> 3705 S. 2nd N. Ave</td>
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<td>918-704-5266</td>
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To: BOA members, RE: Case #22873, applicant Carina Garcia, requesting a
special exception to permit a manufactured housing unit and grant permanent
status, 382 S. 24th W. Ave.

We, the undersigned residents of Lookout Mountain located in Red Fork, City of
Tulsa, Tulsa County, request by our signatures to follow, that you acknowledge
the presenter of said petition as our proxy in lieu of our bodily pre-
sence so that we may comply with “shelter at home” coronavirus in-
structions. Further more that proxy also represents our request that you
deny the applicants request for action. Undoubtedly, applicant will attempt
to justify 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
would prompt request for immediate removal. We would like you to take note
of the actual development of Lookout Mountain over many decades; despite
RS-3 zoning, a look at aerial views will reflect a neighborhood with
considerably less density and the people who live 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 maybe others, downsize them into
1/2 lots like she owns and build a mobile home anomaly in our midst.
This would be devastating to the original stakeholders interest and life-
long investment in their properties and violate the base principles of
RS-3 zoning. It is also important for you to know that the area was
covered recently by the Red Fork Mainstreet plan and development remained
unchanged under our Planitulsa comprehensive plan. Please honor the
voices of many over the one by denying the applicants request. Thank you.

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>E-mail/Telephone</th>
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<tbody>
<tr>
<td>Sandra Hancock</td>
<td>382 S. 28th West Ave</td>
<td>Sandra395EeNet</td>
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<tr>
<td>Jerry Poulter</td>
<td>38/6 S 28th W Ave</td>
<td>918-741-1861</td>
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<tr>
<td>Chuck Hall</td>
<td>3808 S. 28th W. Ave</td>
<td>918-810-6172</td>
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<tr>
<td>John Bennett</td>
<td>3802 E 25th W Ave</td>
<td>918-446-2077</td>
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<tr>
<td>Sandy Wilson</td>
<td>3902 2807 W39St</td>
<td>918-28234</td>
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<tr>
<td>Charlie R Smith</td>
<td>3821 S 27th W Ave</td>
<td>918-679-4570</td>
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<tr>
<td>Mary Carolyn Nordell</td>
<td>3824 S. 27th W Ave</td>
<td>918-407-4963</td>
</tr>
<tr>
<td>John Paulkinn</td>
<td>3824 S 27th W Ave</td>
<td>918-219-6137</td>
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124
10: DAA members, RE: Case #22873, applicant Caring Garcia, requesting a Special exception to permit a manufactured housing unit and grant permanent status. 3751 S. 28th Ave.

We the undersigned residents of Lookout Mountain located in Red Fork, City of Tulsa, Tulsa County request by our signatures to follow, that you acknowledge the presence of said petition as our proxy in lieu of or for bodily presence so that we may comply with "shelter at home" corona virus instructions. Further more that proxy also represents our request that you deny the applicants request for action. Undoubtedly, applicant will attempt to justify 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 would prompt request for immediate removal. We would like you to take note of the actual development of Lookout Mountain over many decades. Despite RS-3 zoning, a look at aerial views will reflect a neighborhood with considerably less density and the people who live 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 maybe others, downsize them into 1/2 lots like she owns and build a mobile home anomaly in our midst. This would be devastating to the original stakeholders interest and life-long investment in their properties and violate the base principles of RS-3 zoning. It is also important for you to know that the area was covered recently by the Red Fork Mainstreet plan and development remained unchanged under our Plan. Tulsa Comprehensive Plan. Please honor the voices of many over the one by denying the applicants request. Thank you.

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<th>NAME</th>
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<tbody>
<tr>
<td>Lesa Barnett</td>
<td>3753 S. 28th W. Ave Tulsa</td>
<td></td>
<td>918-734-8654</td>
</tr>
<tr>
<td>Joy Eaton</td>
<td>3752 S. 28th W. Ave Tulsa</td>
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<tr>
<td>M.H. Hustay</td>
<td>3709 S. 28th W. Ave Tulsa</td>
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<td>918-646-5769</td>
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<tr>
<td>Kyle Bruce</td>
<td>3651 S. 28th W. Ave Tulsa</td>
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<td>918-886-7685</td>
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<td>Kirk Bruce</td>
<td>3708 S. 28th W. Ave Tulsa</td>
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<td>573-881-3880</td>
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<tr>
<td>Carl Brighter</td>
<td>2501 W. 37th St Tulsa</td>
<td>k.brighter@</td>
<td>918 231 3133</td>
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<td>cox.net</td>
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</table>
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 permit.

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
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

Determining compliance to zoning or building code requirements is not a function of this office. The Building Permits Division will address compliance upon application for a building permit or occupancy permit.

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 28th 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. 28th 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
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.
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
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
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 of 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
All,

I did receive a voicemail from Betty and Steve Denny who live at 3746 S. 27th 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 permit (918) 596-9456
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.
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 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:

I would like to extend additional comments based on today's meeting regarding this case. I am extremely disappointed by the lack of consideration of the multiple comments provided by the neighbors; I counted over 50 signatures of neighbors in opposition to this exception in the packet. Is there no weight in decisions made about the fact that the neighborhood is not in support for this exception? This is an exception because it does not fit the code of the neighborhood. One applicant should not be given preference over an entire neighborhood voicing their disapproval, which appears to be the case here.

My first comment to the board is the idea of approving the exception of the mobile home but not approve the indefinite time frame is backwards because Ms. Garcia is not intending to put the mobile home on the lot temporarily, but permanently. I consider it to be irresponsible to approve it with concerns about the indefinite timeframe, as she is planning on making this a permanent residence. Once the mobile home is there, if there are issues that are not complied with or met to the board's requirements, 1., who is going to enforce that? and 2. Won't it just lead to another variance exception, because I cannot see the board voting to have the mobile home removed once placed.

This instance seems that the neighborhood is not being served by city, but rather the city catering to one applicant.

I strongly ask that the board please take the comments into consideration and think about the other homeowners in the neighborhood and deny the variance request to permit a mobile home.

Joan Fields
3745 S. 26 W. Ave
Tulsa, OK 74107

> On Mar 17, 2020, at 3:01 PM, Sparger, Janet <JSparger@incog.org> wrote:
> I will place your comments in the case file and provide copies to the staff and Board members.
> Thank you,
> Janet Sparger
> Recording Secretary
> City and County Boards of Adjustment
> Tulsa Planning Office
> 2 West 2nd Street, Suite 800
> Tulsa, Oklahoma 74103
> 918.579.9417
> jsparger@incog.org
> ----Original Message-----
> From: Personal Email <joanmfields1@gmail.com>
> Sent: Tuesday, March 17, 2020 2:42 PM
To: esubmit<esubmit@incog.org>
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: Chapman, Austin
Sent: Monday, June 29, 2020 7:57 AM
To: Sparger, Janet
Subject: FW: case 22873

Please add to file, thanks.

From: Jill Halstead <jillhalstead1117@gmail.com>
Sent: Sunday, June 28, 2020 11:03 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: case 22873

To Board of Adjusters

At the present time, you serve a short 3 yr term on this board that represents the public. The job description I read is, the BOA meets to consider special exceptions or minor variances. As I see it, this special exception application by Ms. Garcia is NOT Minor. This request will have lasting effects on our neighborhood.

Once you vote - your decision is forgotten - BUT - for us - in this Historic Red Fork Community - we will have a Daily Remembrance of how YOUR VOTE changed our neighborhood Forever!!

The residents signed a petition AGAINST a nonstick house in a RS3 District - if this exception is approved - Future requests for Modular/Mobile Homes will be difficult to decline!!!

THIS IS NOT A MINOR CHANGE - IT WILL IMPACT OUR COMMUNITY FOREVER

We ask you BOA: Stuart, Austin, Briana, Burlinda, and Jessica, if this permanent Modular Home request was for your neighborhood, would you allow it??
I bet your home owner associations would not!

Jill and Billy Halstead
3623 S. 26th W Ave
FW: Constituent Concerns on BOA Case No. 22873 at meeting number 1253.

Please add to the file. Thank you.

From: Bruce, Kyle <Kyle.Bruce@tdwilliamson.com>
Sent: Monday, June 29, 2020 9:08 AM
To: (DIST2) Cue, Jeannie <dist2@tulsacouncil.org>
Cc: Worley, Brandon <BrandonWorley@tulsacouncil.org>
Subject: Please send advisory board emails

Good morning Jeannie and Brandon. As you know our neighborhood has little time to prepare and it is crucial that you get me those members of the advisory board who looked at Case No. 22873 at meeting number 1253.

Jeanie Cue, we handed in a Petition with 70+ signature of residents of “Redfork lookout Mountain area” who fiercely opposed to this, I listened to the last half of the meeting from TEXAS but could not speak as I was late. During my time of listening there was no mention made of our “PETITION”......Everyone who attended and listened in told me there was No mention of the signed Petition..........So that begs the question WHY NO MENTION OF THE PETITION?

As a group we feel slighted at the least and Hoodwinked at worst... the only ones wanting that trailer in here are Carinas family nearby. There is a majority of people in this Neighborhood who do NOT want that trailer in here rightly as it does not meet the standard of housing in the neighborhood.

I know you have things to do but the sooner you or brandon can send me the addresses of the advisory board members the sooner we can take action as concerned neighbors and oppose this bad idea called a “special exception”. Thank you for your help in the matter.

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.
Greetings board members.

Simply put I and many concerned neighbors are disturbed that the tulsa BOA is again considering placing Mobile/manufactured housing in an RS-3 area, namely “Redfork Lookout Mountain Area”. I do not know the individual “Corina Garcia” whose Case No. 22873, she is perfectly welcome in redfork and made that clear while speaking to her and her family but do it as everyone else has in a traditional Wood frame home.

I went through this in 2011 and it was denied then. I hope you will deny this time as well based on the same objections today as presented in 2011 as they are alive and well today. I attached the meeting notes for your review. I ask you to please read meeting notes for the content and outcome. Thank you very much for your service and commitment to the City of Tulsa.

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

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CITY OF TULSA BOARD OF ADJUSTMENT

APPLICATION INFORMATION

RECEIVED BY: DATE FILED: 12/21/10 HEARING DATE: 01/25/2011 1:00 PM CASE NUMBER: BOA-21213

[ ] RESIDENTIAL [ ] NON-RESIDENTIAL [ ] COMBINATION BUILDING PERMIT APPLICATION NUMBER

NEIGHBORHOOD ASSOCIATIONS:

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 3634 S 29TH AV W
LEGAL DESCRIPTION: (email to boa_legal@incog.org) N 1/2 LT 1 BLK 10, RED FORK

PRESENT USE: _______________ ZONING ATLAS: _______________ COMPREHENSIVE PLAN DESIGNATION: _______________


AREA PREVIOUS CASE NUMBERS: SUBJECT: _______________ SURROUNDING: _______________

INFORMATION ABOUT YOUR REQUEST: A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: Special Exception to permit a manufactured home in the RS-3 district (401); and a Special Exception to extend the one year time limit (Section 404.E)

VARIANCE SECTIONS: _______________ SPECIAL EXCEPTION SECTIONS: _______________ USE UNIT: _______________

APPLICANT INFORMATION

NAME: Ginger and Allen Chadic
ADDRESS: 1920 S. Phoenix Av.
CITY, ST, ZIP: Tulsa, OK 74102
DAYTIME PHONE: 918.749.3993
EMAIL: ginokla35@yahoo.com

PROPERTY OWNER INFORMATION

NAME: GLENN, MARY HELEN
ADDRESS: 405 NE 90TH TERRACE
CITY, ST, ZIP: KANSAS CITY MO 64155

I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.

SIGNATURE & DATE:

DOES OWNER CONSENT TO THIS APPLICATION [ ] Y [ ] N, WHAT IS APPLICANT'S RELATIONSHIP TO OWNER?

APPLICATION FEES

| BASE REQUEST | $ 50 |
| ADDITIONAL REQUESTS | $ 0 | APPLICATION SUBTOTAL | $ 50 |
| NEWSPAPER PUBLICATION | $ 60 |
| SIGN (Special Exception Uses in CITY Only) | $125 x 1 = $125 |
| 300’ PROPERTY OWNERS MAILING & POSTAGE | $40 + $40 = $80 | NOTICE SUBTOTAL | $225 |

[ ] APPLICANT PROVIDED MAIL LIST RECEIPT NUMBER TOTAL AMOUNT DUE $276

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION:

FINAL DATE: ___________ VOTE: ___________ PLAT INVOKED [ ] Y [ ] N PLAT NAME: ___________ WAIVER [ ] Y [ ] N

REVISED 12/21/2010
requirement for the square footage of the building would require 36 spaces; the Board cannot count or consider on-street or other parking which may be available, and have always seemed to accommodate the patrons of this business. The Board makes this approval subject to conceptual plan on page 13.7. In granting this Variance the Board has found by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the Variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

BEG 50W & 313.38S NEC LT 5 TH N176.3 W100 S TO PROP LINE ON NL 5TH ST E70 POB SEC 4 19 12, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

************

Case No. 21213-Ginger and Allen

Action Requested:
Special Exception to permit a manufactured home in the RS-3 district (401); and a Special Exception to extend the one year time limit (Section 404.E). Location:
3634 South 25th Avenue West

Presentation:
Ginger and William Chadic, 1920 South Phoenix Avenue, Tulsa, OK; Ms. Chadic presented two pictures of manufactured homes in the neighborhood; one is located at 3604 South 29th West Avenue which is two houses down from the subject property and the other is located on 27th West Avenue which is approximately one block away.

Interested Parties:
Lesa Ryan, 3652 South 28th West Avenue, Tulsa, OK; stated she is one street away from the subject property and does not think that a manufactured home would fit into an area that has traditionally built homes, and that it would have a negative impact on the area.

Steve Bailey, 4424 East 105th Place, Tulsa, OK; stated a manufactured home would devalue the value of the traditional housing in the neighborhood, and if the properties are devalued it would take away revenue from the city.

Comments and Questions:
Ms. Stead stated that it is not the Board's habit to approve a mobile home in a neighborhood containing predominantly stick homes.

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 DENY the Special Exception to permit a
manufactured home in the RS-3 district (401); and a Special Exception to extend the one year time limit (Section 404.E); for the following property:

N 1/2 LT 1 BLK 10, RED FORK, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**********

Case No. 21214-Lamar Central Outdoor, LLC

Action Requested:
Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10). Location: On the west side of 7616 South Garnett Road

Presentation:
Lorinda Elizondo, 7777 East 38th Street, Tulsa, OK; no presentation was made.

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 ACCEPT the Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way (Section 1221.G.10), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to the following property:

LT 1 LESS BEG 354.85 E SWC LT 1 TH E29.13 NW100.98 S96.46 PQB BLK 1, UNION SCHOOL ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

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

Case Number: BOA-21213

STR: 9222
CZM: 46
PD: 9
CD: 2

HEARING DATE: 01/25/2011 1:00 PM

APPLICANT: Ginger and Allen Chadic

ACTION REQUESTED: Special Exception to permit a manufactured home in the RS-3 district (401); and a Special Exception to extend the one year time limit (Section 404.E)

LOCATION: 3634 S 29TH AV W

ZONED: RS-3

PRESENT USE: vacant lot

TRACT SIZE: 7,000 SQ FT

LEGAL DESCRIPTION: N 1/2 LT 1 BLK 10, RED FORK

RELEVANT PREVIOUS ACTIONS:
BOA-20037; on 5.10.05 the Board approved a Special Exception to permit a mobile home in an RS-3 district, with conditions: existing home to be torn down and existing garage be restored to useable condition; and a Special Exception to extend the 1 year time limit to 25 years, with a permanent foundation/skirting; located at 3604 S. 29th W. Av.

BOA-16737; 7.26.94 the Board approved a Special Exception to permit a mobile home in an RS-3 zoned district, and a variance of the one year time limitation to three years only subject to a building permit, Health Department approval, skirting and tie-downs; finding that there are mobile homes in the surrounding area at 3703 S. 33rd W. Ave.

BOA-11506; 6.11.81 the Board approved a Special Exception to permit a mobile home in an RS-3 district for one year with a removal bond required at 3703 S. 31st W. Ave.

BOA-10769; 11.8.79 the Board approved an Exception to locate a mobile home in an RS-3 district, for one year, removal bond required on property located south of 36th St. and 32nd W. Ave.

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

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

The ideal for the Area 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.
Board Action:
On Motion of Stead, the Board voted 4-1-0 (Dunham, Stephens, Henke, Stead "aye"; Paddock "nay"; no "abstentions"; no "absences") to APPROVE a Special Exception to allow a wrecker service in an IL zoned district (901), with conditions: all-weather surface on all the property; and an 8' wooden fence on the south, west and north; and the use allowed for a 5-year time limit, finding it 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, on the following described property:

LTS 5 THRU 11 & LTS 19 THRU 27 & VAC ALLEY ADJ THERE TO & W30 VAC ROSEDALE AVE ADJ ON E THEREOF LESS W10 LTS 19 THRU 26 & LESS W9 LT 27 BLK 2, FULLER WALTER ADDN, THE, City of Tulsa, Tulsa County, State of Oklahoma

**********

Case No. 20037

Action Requested:
Special Exception to permit a mobile home in an RS-3 district - SECTION 401. Principal Uses Permitted in Residential Districts - Use Unit 9; Special Exception to extend the 1 year time limit - SECTION 404.E.1 - Use Unit 9, located: 3604 South 29th West Avenue.

Presentation:
David Lugo, 10260 Happycamp Road, stated they live in a rural area of northern Okmulgee County. He added that they plan to have a new manufactured home on the property. He informed the Board the wheels and tongue would be removed and it would be placed on a permanent foundation. They planned to tear down the existing house. They are considering rebuilding the existing garage.

Comments and Questions:
Mr. Dunham asked Mr. Lugo about the one-year time limit. Mr. Lugo replied they want to build on a permanent foundation and stay there.

Interested Parties:
Wayne McCutchen, 4610 South 69th West Avenue, would like to know that the existing house is going to be torn down. He did not want to see a manufactured home moved in between the house and the garage.

Edwin Wyre, 3624 South 28th West Avenue, was opposed to a mobile home in the neighborhood. He stated there were no mobile homes in the neighborhood.

Applicant's Rebuttal:
Mr. Lugo referred to the photographs (Exhibit C-1) to point out the mobile homes that are in the neighborhood. The house will be torn down and the garage will be
rebuilt. He also reminded the Board that his home would be a modular home not a mobile home and it would be permanent.

**Board Action:**
On Motion of Stead, the Board voted 4-1-0 (Dunham, Stephens, Henke, Stead "aye"; Paddock "nay"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a mobile home in an RS-3 district - SECTION 401. Principal Uses Permitted in Residential Districts - Use Unit 9, with conditions: existing home to be torn down and existing garage be restored to usable condition; Special Exception to extend the 1 year time limit to 25 years - SECTION 404.E.1 - Use Unit 9 with a permanent foundation/skirting, finding it 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, on the following described property:

LT 1 BLK 5, N1/2 LT 2 BLK 5, RED FORK, City of Tulsa, Tulsa County, State of Oklahoma

************

**Case No. 20038**

**Action Requested:**
Special Exception to permit a private school (Use Unit 5) in an RM-1 district (Section 401), and a Variance of the required minimum lot area of one acre for a school (Section 1205.B.2.c), located: 2935 East Pine Street.

Mr. Paddock out at 3:25 p.m.

**Presentation:**
Jamie Broom, 1436 North Denver, proposed to open a small private school. They are temporarily using a church facility but they need a more permanent facility.

Mr. Paddock returned at 3:27 p.m.

Mr. Dunham out at 3:37 p.m.

She stated it would be in harmony with the spirit and intent of the zoning code. She pointed out the elementary school, church and park in the area. She submitted a sketch of the proposed design and sign plan (Exhibits D-1 and D-2). Ms. Broom assured the Board that any security lights would be directed toward the building. The hours of operation would be from 7:30 a.m. to 5:30 p.m., to include aftercare. There would be no late night functions or need for ball fields. Vehicles would enter from Pine and exit onto Evanston on a one-way drive.

Mr. Dunham returned at 3:30 p.m.

She informed the Board that they will not have large events or extracurricular activities that would need the one acre of property as required by the Zoning Code.
CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 661
Tuesday, July 26, 1994, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT
Boizle
Doverspike, Chairman
S. White
T. White

MEMBERS ABSENT
Chappelle

STAFF PRESENT
Gardner
Moore
Linker, Legal Dept.
Russell
Parnell, Code Enforcement

OTHERS PRESENT

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, July 25, 1994, at 8:23 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doverspike called the meeting to order at 1:00 p.m.

MINUTES:
On MOTION of S. WHITE, the Board voted 4-0-0 (Boizle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE the Minutes of July 12, 1994 (No. 660).

NEW APPLICATIONS

Case No. 16737

Action Requested:
Special exception to permit a mobile home in an RS-3 zoned district, and a variance of the one year time limitation to permanent - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9, located 3703 South 33rd West Avenue.

Presentation:
The applicant, Pat Dooley, 3716 South 32nd West Avenue, advised that she is requesting the mobile home as a residence for her granddaughter. Ms. Dooley informed that she owns the vacant lot, and the mobile unit will provide affordable housing for her granddaughter. She pointed out that she also owns the abutting property, as well as the lot across the alley.
Case No. 16737 (continued)

Comments and Questions:
Mr. Doverspike inquired as to the location of other mobile homes in the area, and the applicant stated that there is one approximately 800' from the lot in question.

Ms. White advised that she is supportive of the application with a 3-year time limitation.

Protestants:
None.

Board Action:
On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle; Doverspike; S. White; T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special exception to permit a mobile home in an RS-3 zoned district, and a variance of the one year time limitation to three years only - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9, subject to a building permit, Health Department approval, skirting and tie-downs; finding that the lot in question is abutted by the applicant's property and undeveloped land; and finding that there are other mobile homes in the general area; on the following described property:

Lot 6, Block 21, Original Town of Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16738

Action Requested:
Variance of the maximum square footage for a sign - SECTION 1103.B.2. Signs - Use Unit 17, located 9146 South Memorial Drive.

Presentation:
The applicant, Barry Moyaell, 1221 Charles Page Boulevard, submitted a plot plan (Exhibit A-3) and informed that he is representing South Pointe Chevrolet. He explained that the car company is located in a Planned Unit Development, which restricts signage to 1.5 sq ft per lineal foot of wall to which the sign is affixed. Mr. Moyaell stated that the proposed sign will have 2.25 sq ft per lineal foot, wall signage previously determined appropriate for their national program. He submitted a drawing (Exhibit A-1) and informed that two of the three building walls will not have signs, and the remaining wall will have signage (Exhibit C-2) on the wall directed toward the competing car dealership on Memorial Drive.
Board Action:

On MOTION of VICTOR and SECOND by LEWIS, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1670) of the setback requirements on the corner lot from 25' to 14'7" in an RS-3 District, per plot plan submitted, on the following described property:

Lot 7, Block 2, Hill Haven Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) request for an exception to permit a mobile home in an RS-3 District (has been in place 8 months). This property is located at 3703 South 31st West Avenue.

Presentation:

Deborah and Shirley High, 3703 South 31st West Avenue, were present on the behalf of the applicant, Keith High, and submitted a petition signed by 15 area residents stating that they did not object to the location of the existing mobile home at the subject location (Exhibit "P-1").

Shirley High advised the Board that she lived in the mobile home on the property, which has a residence on it as well, and stated that there were some other mobile homes in the area (one two doors down) which were situated behind houses, such as in this case. Ms. High indicated that Deborah High lived in the house on the property and that someone had notified the Building Inspector that they were in violation whereupon they were served notice. Ms. High explained that the mobile home was a 1976 model and was 12' x 65' and that it was hooked into a sanitary sewer system that served the residence on the property.

Protestants: None.

Board Action:

On MOTION of LEWIS and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, Wait, "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes - Under the Provisions of Section 1680) to permit a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described property:

Lot 6, Block 19, Red Fork Addition to the City of Tulsa, Tulsa County, Oklahoma.

NOTE:

A memorandum from the City-County Health Department was received by the Board of Adjustment Office on June 15, 1981, advising that the mobile home was connected to a sanitary sewer system and was suitable for the use. This memorandum has been entered into the record as Exhibit "P-2".
Protests: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-1 District, for a period of one year, removal bond required, on the following described tract:

Lot 3, Block 2, Bridges Acres Addition to the City of Tulsa, Okla.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District located south of 36th Street South and 32nd West Avenue.

Presentation:
M. L. Smith, 202 South 193rd East Avenue, stated he had purchased the property from his aunt whose home had burned down on the subject tract seven years ago and would like to place a mobile home on the property. There are other mobile homes in the area. Mr. Smith stated he planned to build a family room and a fireplace onto the mobile homes.

The Staff stated that the property is in the county and the Building Inspector may consider the mobile home to be a modular home and allow additions. The Board advised the applicant to contact the County officials before building onto the mobile home.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described tract:

Beginning at the NW corner of the E/2, SW/4, NW/4; thence East 300'; thence South 363'; thence West 300'; thence North 363' to point of beginning of Section 6, Township 20 North, Range 13 East.

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) for permission to locate a mobile home in an RS-3 District located south of 36th Street South and 32nd West Avenue.

11.8.79:298(14)
Presentation:
Mrs. Eugene Coble, 3642 South 31st West Avenue, advised she would like to place a mobile home on the wooded lot behind her house for her daughter to live in. There is one other mobile home in the area.

Protests: None.

Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Lewis, Purser, Smith "aye"; no "nays"; no "abstentions"; Thompson, Wait "absent") to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440.6 - Mobile Homes) to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on the following described tract:

Lot 5, Block 9, of the Original Town of Red Fork Addition to the City of Tulsa, Oklahoma.

Action Requested:
Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) of the frontage requirements on a dedicated street from 30' to 10'; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 35' to 25'; and a variance of the front yard requirements from 35' to 25' in an RS-1 District located SW of 47th Place and Birmingham.

Presentation:
John Moody, 7030 South Yale Avenue, Suite 902, representing the applicant, presented a sketch plan (Exhibit "K-1") and advised the property is 2.8 acres in size, 370' x 330'. The present zoning on the subject tract would permit development of 7.6 lots, the applicant is proposing the development of 6 lots, each of the lots conforming to the area requirements of the RS-1 zoning on the property. Mr. Moody stated that there are four large trees located on the subject tract and without the variances, the one, very large oak tree, would need to be removed. In order to save the trees, the proposed lots have handles which extend to East 41st Place for the purpose of street frontage and access. The development will have a private road which will be built to city specifications and maintained by private homeowners and so provided for in the Restrictive Covenants. The large oak tree will then be preserved in an island in the middle of the private cul-de-sac street. The location of the sanitary storm sewer is another reason for requesting the variance. The applicant is proposing 2,500 sq. ft. of living space in each home.

Mr. Moody pointed out that within 187' to the west of the subject property, the Board previously waived the frontage requirements to permit two lots, one with a 30' handle and one with a 70' handle. The Board also approved 8 lots with a 25' building setback on East 47th Place — all of the lots in Regency Manor Addition to the north of the subject tract. There are no drainage problems in the area. The Planning Commission approved the sketch plat of this development November 7, 1979.
Austin/Board Members

Greetings, I trust this will get to “board of adjustment” who are considering the approval of a trailer/manufactured home to be moved into the redfork neighborhood lookout mountain area, a RS-3 District. (June 23rd, 1 pm meeting No. 1253, case No. 22873) I and 50 other individual property owners are against this “SPECIAL EXCEPTION” and I want you to know that a vast majority of the neighborhood is against this. As the news spreads about this action it has already creating Fear, Anxiety, and Dread for our neighborhood(redforklookout mountain) amongst property holders. I am working on a 2nd Petition even though I don’t know why because the first one was turned in but never mentioned.....? I look forward to sharing more with you about this matter.

Sr. Field Inspector
AWS C.W.I./C.W.E.
API 1169, NACE
918-645-2656
TDWilliamson
Tulsa, OK

kyle.bruce@TDWilliamson.com

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Dear respected board members,

My name is Sandi Dittmann, I own and operate Cedar Rock Inn at 4501 West 41st Street, Tulsa, OK 74107.

I recently purchased a little fixer upper house in this quaint neighbor, Redfork Lookout Mountain Area, with the intent to restore the house to possibly rent or sale. I bought in this neighbor because it is full of small, wood framed, and well maintained homes.

I am in agreement with Mr. Bruce, please do not allow a manufacturer home to come into the neighbor. There are many families taking a lot pride in their homes, this will not be a good thing for West Tulsa.

With due respect please deny this.

Thank you.

Respectfully,

Sandi Dittmann
918-724-6673 cell
Cedar Rock Inn

Greetings board members.

Simply put I and many concerned neighbors are disturbed that the tulsa BOA is again considering placing Mobile/manufactured housing in an RS-3 area, namely “Redfork Lookout Mountain Area”. I do not know the individual “Corina Garcia” whose Case No. 22873, she is perfectly welcome in redfork and made that clear while speaking to her and her family but do it as everyone else has in a traditional Wood frame home.

I went through this in 2011 and it was denied then. I hope you will deny this time as well based on the same objections today as presented in 2011 as they are alive and well today. I attached the meeting notes for your review. I ask you to please read meeting notes for the content and outcome. Thank you very much for your service and commitment to the City of Tulsa.
Sparger, Janet

From: Chris Vogel <cvogel257@yahoo.com>
Sent: Friday, July 3, 2020 2:29 PM
To: esubmit
Subject: case#22873 at 3811 south 27th west Ave Tulsa OK 74107 please deny thank you

Christopher Vogel 2615 west 37th Pl Tulsa Ok

Sent from Mail for Windows 10
From: Lesa Barnett <lesabarnett@gmail.com>
Sent: Sunday, July 5, 2020 7:43 PM
To: esubmit
Subject: Case no. 22873

Address: 3811 south 27th west Avenue

As a member of the Red Fork neighborhood...allowing manufactured homes in this area will greatly degrade the value, and the integrity of this neighborhood.

This neighborhood has been existing for decades....

Over the years, we have seen people moving into our neighborhood and revamping the houses that already exist. Don’t degrade this iconic neighborhood by moving metallic objects in to this beautiful neighborhood!
Members,
I ask that you say no to the request for Special Exception as this is not traditional housing and is not customary to the neighborhood.

We would like to maintain the traditional neighborhood I have attached a Past Precedent for your review.

Thank you,
Sandra Hancock
918-857-8416
APPLICANT INFORMATION

NAME: Betty Baker
ADDRESS: 2111 W. 42nd Ct. S.
CITY, ST. ZIP: Tulsa, OK 74107
DAYTIME PHONE: 918-629-0159
EMAIL: betty.baker56@yahoo.com

PROPERTY OWNER INFORMATION

BAKER, PAUL D JR AND BETTY
2111 W 42ND CT
TULSA OK 74107

I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.

SIGNATURE & DATE:

DOES OWNER CONSENT TO THIS APPLICATION [ ] Y [ ] N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER?

APPLICATION FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASE REQUEST</td>
<td>$150</td>
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<tr>
<td>ADDITIONAL REQUESTS</td>
<td>$50</td>
</tr>
<tr>
<td>NEWSPAPER PUBLICATION</td>
<td>$60</td>
</tr>
<tr>
<td>SIGN (Special Exception Uses in CITY Only)</td>
<td>$125 x 1 =</td>
</tr>
<tr>
<td>300' PROPERTY OWNERS MAILING &amp; POSTAGE</td>
<td>$40 + $</td>
</tr>
<tr>
<td>[ ] APPLICANT PROVIDED MAIL LIST</td>
<td>RECEIPT NUMBER</td>
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</tbody>
</table>

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION: DENIED

FINAL DATE: 09/13/2011 VOTE: 5-0-0 PLAT INVOKED [ ] Y [ ] N PLAT NAME: WAIVER [ ] Y [ ] N
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9227
CZM: 46
PD: 9
CD: 2

HEARING DATE: 09/13/2011 1:00 PM

APPLICANT: Betty Baker

ACTION REQUESTED: Special Exception to permit a manufactured home dwelling in an RS-3 District (401) and a special exception to extend the one-year time limit (404.E)

LOCATION: 2111 W 42ND CT S

PRESENT USE: Residential

ZONED: RS-3

TRACT SIZE: 6,750 SQ FT

LEGAL DESCRIPTION: LT 11 BLK 6, CLINTON HOME ADDN

RELEVANT PREVIOUS ACTIONS:
BOA-8070; on 10.08.73 the Board approved a Special Exception to locate a mobile home, for a period of one year, on property located in an RS-3 zoned district at 4326 South Waco Avenue, southeast of the subject tract.

BOA -17923; on 01.27.98 the Board denied a Special Exception to allow a manufactured home in an RS-3 zoned district and denied a Variance of the one-year time limit to permanent on the subject property (meeting minutes attached).

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

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.

The Existing Residential Neighborhood category 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. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.
CITY OF TULSA BOARD OF ADJUSTMENT

201 West 5th Street, Suite 600 • Tulsa, Oklahoma 74103 • (918) 584-7526 • FAX (918) 583-1024

DATE FILED: 11-19-97 HEARING DATE 1-27-98 NEIGH. ASSO.: None


GENERAL LOCATION: 2111 West 42nd Court

PRESENT USE: RESIDENTIAL (House to be removed)

RECORD OWNER: PAUL D. BAKER JR

Does record owner consent to the filing of this application? □ Yes □ No

If Applicant is other than owner, indicate interest:

Variance - Sections: □ Special Exception - Section: 401. Table □ Appeal from Administrative Official

Set out below the specifics of your application. A sketch is required. Attach any photographs or other factual information which will assist the Board in determining the merits of your application.

Request a special exception to allow a manufactured home in a RS-3 zone, 11. Variance of the 1 year wind limitation to make it permanent (added 12-23-77)

Legal Description of all property that is part of this application:
Lot 14, Block 6, Collecting Home Addition

I CERTIFY THAT THE SUBMITTED INFORMATION IS TRUE AND CORRECT.

X Name: [Print] PAUL D. BAKER JR Telephone: (918) 445-0453

Address: 2111 West 42nd Court City/State/Zip: Tulsa, OK 74107

X Signature: PAUL D. BAKER Date: 12-11-97

APPLICANT - DO NOT WRITE BELOW THIS LINE

APPLICATION FEES: NOTIFICATION FEES:

NEwSPAPER publication: $ 50.00
300-FOOT PROPERTY OWNERS REPORT:
27 Estimated names Base Fee = $ 25.00
Additional Fee = $ 17.00 $ 42.00

APPLICATION FEE: TOTAL NOTIFICATION FEES:
RECEIPT NUMBER: 64504
48083 TOTAL FEES: $ 92.00

PREVIOUS CASE NUMBERS (Specify E or V): Subject Tract:
Surrounding Area: 16986

BOA Action: Denied □ o DATE / VOTE:

PLAT NAME & NUMBER OR WAIVER:
Action Requested:
Special Exception to permit a manufactured home dwelling in an RS-3 District (401) and an exception to extend the one-year time limit (404.E). Location: 2111 West 42nd Court South

Presentation:
D. Ray Pierson, 2111 West 42nd Court, Tulsa, OK; stated he is requesting a special exception to place a manufactured home on the property to replace the existing residence because it has become unlivable.

Ms. Stead stated that the Board had denied a request to allow a manufactured home several years ago, and she has not seen anything that has changed in the area; several people have added onto their homes or installed siding on their homes and nothing at this point in time would change her mind from the previous vote.

Mr. Pierson stated there is a mobile home attached to an existing home in the area. They have opened the front portion of the mobile home to make it a garage and there are wheels underneath it proving it is a manufactured home. The manufactured home Mr. Pierson is proposing to bring in will be set on a concrete full foundation and once the manufactured home is set on the foundation it will no longer be eligible to be repossessed, meaning that if the payments cease before being paid in full he would lose home and property. Once the manufactured home is set on the concrete foundation Mr. Pierson proposes to have a sandstone foundation with a deck making it look like a home similar to the others in the neighborhood.

Interested Parties:
Randy McDevitt, 2116 West 42nd Place, Tulsa, OK; stated he has lived in the neighborhood for 30 years, and the mobile home that Mr. Pierson refers to is not a mobile home. A portable building has been moved onto the lot and has been attached to the rear of the existing house. All the houses in the neighborhood are the same, wood structures with a wooden floor and a manufactured home will not do the historic Red Fork neighborhood any good.

Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wele, White “aye”; no “nays”; no “abstentions”) to DENY the request for a Special Exception to permit a manufactured home dwelling in an RS-3 District (401) and an exception to extend the one-year time limit (404.E); for the following property:

LT 11 BLK 6, CLINTON HOME ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
NEW APPLICATIONS

Case No. 17923

Action Requested:
Special Exception to allow a manufactured home in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 9 and a Variance of the one-year time limit to permanent. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located 2111 West 42nd Court.

Presentation:
The applicant, Paul Baker, Jr., represented by William Abshire, 2115 Mercury Court, Bartlesville, submitted a site plan (Exhibit C-1) and photographs (Exhibit C-2). Mr. Abshire stated he is a Trustee for Mr. Paul Baker and will speak on his behalf. He proposed to remove a 600 SF home that has been on the subject property since the 1930's. He stated he would be moving a doublewide home to be placed on a permanent foundation.

Comments and Questions:
Ms. Turnbo asked the applicant if the structure will be 28’ x 44’ and a 12’ x 20’ garage. He answered affirmatively.

Mr. White asked Mr. Abshire to elaborate on the difference between a mobile home and a manufactured home? Mr. Abshire stated the proposal is not a mobile home. He explained that the walls are 2 x 4 with a pitched roof and meets current codes.

Protestants:
Darla Hall, City Councilor for District #2, stated she protests this application. She commented in her opinion, as an insurance agent, the proposal is a mobile home. It is a doublewide mobile home that will be on a permanent foundation, but is still a mobile home. She explained that in the insurance industry, no matter what you do with a mobile home it is still rated as mobile home. Ms. Hall concluded that mobile homes do not belong in residential districts with established stick built homes. She indicated that there are no other mobile homes in the area and this will be detrimental to the area.

The following protestants expressed the same concerns:
Hazel Castner, 2103 West 42nd Court; Marie Simmons, 2104 West 42nd Court.

Interested Parties:
Beverly Clark, 2111 West 42nd Street, stated she viewed the proposed trailer and did not feel it looked like a trailer. She indicated the proposal would improve the subject property.
Applicant's Rebuttal:
Mr. Abshire stated the proposed structure is not built like a mobile home. He commented the insurance codes are their own codes. He explained that the proposed structure would be as sound as a stick built home. He concluded the proposal would be a quality improvement to the neighborhood.

Comments and Questions:
Mr. Dunham asked the applicant if the proposed structure will be on a permanent foundation? Mr. Abshire answered affirmatively.

Ms. Turnbo stated she did not see any mobile homes nor manufactured homes in the immediate area when she viewed the subject property. She commented that she cannot find any manufactured homes on the aerial map either.

Mr. Bolzle stated the Board has been careful in the past to locate manufactured homes in areas that have traditionally large lots, such as the previous case, or areas that are sparsely populated and areas where there is abundance of existing manufactured homes. None of these instances exist here and suggested the case be denied.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to DENY a Special Exception to allow a manufactured home in a RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9 and a Variance of the one-year time limit to permanent. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; finding that the applicant failed to present a hardship unique to the property that would warrant the granting of the variance request and finding that the approval of this application will be injurious to the neighborhood and will not be in harmony with the spirit and intent of the Code, on the following described property:

Legal Description: Lot 11, Block 6, Clinton Home Addition to Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17925

Action Requested:
Variance to allow required parking on a lot other than lot containing the principal use. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS, located 3939 South Harvard.
8078 (continued)

Protests: None.

Board Action: On MOTION of HENDRICKS, the Board (3-0) continued application 8078 to October 18, 1973, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to allow the Board sufficient time to site check the subject property.

8073

Action Requested: Minor Variance (Section 206 - Number of Dwelling Units on One Lot - Under the Provisions of Section 1430) to erect more than 40 units on one lot in an RM-2 District located at 800 North Sheridan Road.

Presentation: John Moors requested that he be permitted to erect more than 40 units on one lot on the subject property.

Mr. Gardner suggested that the application be approved subject to the conditions that no apartment structure be located nearer than 50' from the east property line—the 50' to be used for access or parking for the development, in lieu of being approved subject to the plot plan.

Protests: None.

Board Action: On MOTION of HENDRICKS, the Board (3-0) approved a Minor Variance (Section 206 - Number of Dwelling Units on One Lot - Under the Provisions of Section 1430) to erect more than 40 units on one lot, subject to no structure being located within 50' of the east boundary line (50' to be used for parking and circulation) in an RM-2 District on the following described tract:

Lots 1 and 2, Polston 2nd Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

8070

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home in an RS-3 District at 4326 South Waco Avenue.

Presentation: Juanita Garrison advised that she had purchased a mobile home with the intention of locating the home on the subject property.

Protests: None.
On MOTION of HENDRICKS, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home for a period of one year in an RS-3 District on the following described tract:

Lot 7, Block 3, Hillsdale Addition to the City of Tulsa, Oklahoma.

Rex Switzer, representing Southwest Baptist Church, advised that the Church has gained all necessary approvals for the operation of a day care center with the exception of Board's approval. He stated that adequate facilities in regard to access and parking are available and that there will be no new building for the operation.

On MOTION of HENDRICKS, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1005 - Community Services, Cultural and Recreational Facilities) to operate a day care center in a church building in an RS-3 District located at 3420 West 53rd Street.

A part of the SE/4 of the NE/4 of Section 33, in Township 19 North, Range 12 East of the Indian Base and Meridian, described as follows:

Beginning at a point 33' West of the Northeast corner of the SE/4 of the NE/4 of Section 33, Township 19 North, Range 12 East; thence West 625' to an iron pipe; thence South 88.2' to an iron pipe; thence East 625' to an iron pipe; thence North 88.2' to the point of beginning, being 1,265 acres, more or less, situated in Tulsa County, State of Oklahoma, according to the United States Government survey thereof.
I live at 3721 S. 26th W. Avenue.
I oppose putting trailers in our neighborhood, because it degrades the homes we have here. Putting trailers in makes the whole place look trashy. Trailers show wear fast and most people just patch them up enough to live in them. I lived in a trailer when I was little, and storage is limited, they pile it outside. The Westside had a repulsion of being trashy for years and we are trying to change that image. Houses are being built, and others are being fixed up after being neglected for many years. The Channel 8 hill is being developed, and new things are happening. Please help us make our neighborhood a place of pride and growth. No trailers please!!

Sent from my iPhone
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 4
HEARING DATE: 07/14/2020 1:00 PM (Continued from 06/23/2020)

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.
ANALYSIS OF SURROUNDING AREA: The subject tract is the BOK Center Located at the NW/c of E. 3rd 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 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 Section 60.100.

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;

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.”
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 Variance to permit the separation of two projecting signs to be less than 30 feet (Section 60.040-B); Variance to permit four projecting signs to be installed along South Boulder Avenue with frontage of 183 feet (Section 60.080-C); Variance 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

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
South Cheyenne Avenue (Section 60.100-E). **LOCATION:** 100 West 1st Street South (CD 4)

**Presentation:**
Brian Ward, A-Max Sign Company, 9520 East 56th 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 **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 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:**

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

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

**Presentation:**

Brian Ward, A-Max Sign Company, 9520 East 55th 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
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
DEVELOPMENT SERVICES
175 EAST 2nd STREET, SUITE 450
TULSA, OKLAHOMA 74103-3227

SIGN PLAN REVIEW

February 24, 2020

Phone: 918-587-7171

Melissa Mirsaesi
1226 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 2nd STREET, SUITE 450, TULSA, OKLAHOMA 74103, PHONE (918) 596-9601.
THE CITY OF TULSA WILL ASSESS A $55 RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE
PLANS EXAMINERS.

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

IMPORTANT INFORMATION

1. SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED
   WITH CLOUDS AND REVISION MARKS.

2. INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG),
   BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING
   COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT
   2 WEST 2nd STREET, 8th FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.

3. PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR
   PLANNING COMMISSION ACTION.

(Continued)
REVIEW COMMENTS

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

Application No. 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, 

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0331                                      Case Number: BOA-22895
CZM: 29                                      
CD: 3                                      
HEARING DATE: 07/14/2020 1:00 PM (Continued from 06/23/2020)

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

SAMPLE MOTION:

Move to ______ (approve/deny) a Variance to reduce the required 25 foot street setback in an RM-1 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  

APPLICATION NO: BLDR-035699-2019  
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)  
Project Location: 119 N Wheeling Ave E  
Description: Porch Addition & Carport  

ZONING CLEARANCE PLAN REVIEW  
8/26/2019  

APPLICATION NO: BLDR-035699-2019  
(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 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 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)
Note: As provided for in Section 70.130 you may request the Board of Adjustment to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to an INCOG representative at 584-7526. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **5.030-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 variance 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 administrative adjustment 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.
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 SUBMITAL 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.
BOA-22895

Subject Tract

20-13 31

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

Aerial Photo Date: February 2018
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
CZM: 47
CD: 9
HEARING DATE: 07/14/2020 1:00 PM (Continued from 06/23/2020)

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.

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 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 Section 60.030, 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.

Comments Added 6/30/2020: At the request of the applicant City of Tulsa Permitting provided a second review of the applicant’s sign permit application and made the determination that only the Southern 340 square feet of display area would be considered a sign. Per the new calculation the wall sign would be allowed 140 square feet of display area based on their 40-foot wall length that the sign is affixed. The revised Letter of Deficiency, dated June 30th, 2020, is included in your packet.

STATEMENT OF HARDSHIP: The mural is necessary to see our business form the highway, does not impact the area permanently, nor does it affect the area negatively.

SAMPLE MOTION: Move to _________ (approve/deny) a Variance 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 ________________________________.

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

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

e. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Facing West on Skelly Drive

Subject Sign
Facing North on Victor

Facing East on Skelly Drive
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 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.in cog.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)
APPLICATION
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.
**SIGN PLAN REVIEW**

June 30, 2020

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 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.**

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### IMPORTANT INFORMATION

1. **SUBMIT TWO (2) SETS OF REVISED OR ADDITIONAL PLANS.** Revisions shall be identified with clouds and revision marks.

2. **INFORMATION ABOUT ZONING CODE, THE INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 WEST 2ND STREET, 8TH FLOOR, TULSA, OK, 74103 OR TELEPHONE (918) 584-7526.**

3. **PRESENT THIS LETTER TO INCOG WHEN APPLYING FOR BOARD OF ADJUSTMENT OR PLANNING COMMISSION ACTION.**

(Continued)
### REVIEW COMMENTS

Sections referenced below are from the City of Tulsa Zoning Code Title 42 and can be viewed at [www.incog.org](http://www.incog.org).

<table>
<thead>
<tr>
<th>Application No.</th>
<th>SIGN-055267-2020</th>
<th>1711 E. Skelly Dr.</th>
<th>June 30, 2020</th>
</tr>
</thead>
</table>

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 north half of the proposed sign is considered a mural and not subject to the area requirements for a wall sign in the above code section. The remaining 340 square feet of proposed wall sign exceeds the 120 square foot permitted display surface area based on a 40 foot wall length. You may reduce the sign area to 120 square feet, or you may pursue a variance from the Board of Adjustment (BOA) to permit the display area for a wall frontage of 40 feet to be increased from 120 square feet to 340 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.

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### 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.
All,

Please see the attached exhibit provided by the applicant in BOA-22934.

>
> I'd also like to submit this estimate of another mural I had permitted through COT a couple years ago.
>
> Thanks,
>
> Katy Anderson
>
> KüSh Dispensary
> 1711 East Skelly Drive
> Tulsa, OK 74105
> kushtulsa@gmail.com
>
> Thanks,
>
> Katy Anderson
>
> KüSh Dispensary
> 1711 East Skelly Drive
> Tulsa, OK 74105
> kushtulsa@gmail.com

>>> On Jun 23, 2020, at 10:04 AM, Katy Anderson <kushtulsa@gmail.com> wrote:
>>> Both neighbors and customers.
>>> Thanks,
>>> Katy Anderson
>>> KüSh Dispensary
>>> 1711 East Skelly Drive
>>> Tulsa, OK 74105
>>> kushtulsa@gmail.com

>>> On Jun 23, 2020, at 8:06 AM, Chapman, Austin <AChapman@incog.org> wrote:
>>> I will forward to the Board members. Just for reference are these neighbors who live near your property or are these signatures from customers?
>>> ----Original Message-----
From: Katy Anderson <kushtulsa@gmail.com>
Sent: Monday, June 22, 2020 8:24 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: 22934—Katy Anderson

Attached is my submission for tomorrow's meeting.

Thanks,

Katy Anderson

KüSh Dispensary
1711 East Skelly Drive
Tulsa, OK 74105
kushtulsa@gmail.com
About the Artist: Josh Butts received his degree in Fine Arts from the University of Tulsa, but he received his education as a soldier. As a chaplain assistant for an air assault infantry battalion in Al Ramadi, Iraq during 2004 - home to some of the fiercest fighting of that conflict - Josh was responsible for ensuring combat readiness through enhancing the morale of the men. His responsibilities included aiding with mass casualty operations, memorial ceremonies, religious support, and a liaison between the command staff and the soldiers on the ground.

Josh received a scholarship for track and field at The University of Tulsa after his deployment. While attending TU, Josh met and was married to Erin Dixon.

Josh worked for several non-profits and creative agencies following his masters work in painting at The University of Tulsa. After his son Marcus, 7 and daughter Anna, 6 were born, Josh started Scrambler Creative Services - a creative services agency with a focus on integrating innovative commercial concepts with fine art. A small but proactive creative agency, Scrambler is located in the former Ziegler Art Supply Building in the historic Kendall Whittier neighborhood.

The Butts family resides in midtown Tulsa.

Learn more about Josh Butts and Scrambler Creative Services in the links below:
https://scramblercreative.com/
https://www.youtube.com/watch?v=mzqf813937o
https://www.youtube.com/watch?v=7psukyYyYyS
http://www.ncas.org/static/champion/battlefield-to-home-field/
Alexandre Hogue was an American artist active from the 1930s through the 1960s. He was a realist painter associated with the Dallas Nine, the majority of his works focus on Southwestern United States and Midwestern United States landscapes during the Dust Bowl. From 1945 to 1963, he became the head of the art department at the University of Tulsa. After his retirement from the university, the institution founded the Alexandre Hogue Gallery in his honor. Hogue remained in Tulsa until his death in 1984. We will learn stylistically on Alexandre Hogue's work as a relevant American Regionalist artist with a Tulsa connection.
(Hello, Mr. Chapman, thank you for your prompt responses with helpful information, yesterday, Monday, June 22nd!)

Honorable BOA members,

Hello, my name is John Huffines, the Tulsa liaison for the Brookside Neighborhood Assoc. We are grateful for all the good you, your staff, and team are doing for our city and for our neighborhoods. Yes, thank you for serving the citizens of this great city, Tulsa, OK.

As the representative of the Brookside Neighborhood Assoc. I would like to say that while we appreciate the applicant's entrepreneurial spirit, in this particular case, however, we consider it important to adhere closely to the law.

We are fine with this applicant advertising at the sign size standard previously set. This business, situated close to Interstate 44, between Lewis and Peoria Ave, is located near a place where much lane changing occurs, entering and exiting I-44. It is helpful when motorists can stay focused on driving. The sign size limit was determined for a reason. Let us honor the insight of our City Planners. Much thought and deliberation goes into the setting of these standards.

The applicant has options. One example is, there are Billboards in the area that might be utilized.

Please deny this request and maintain the standards set by the city for sizes of signs. Thank you.
Case number: BOA 22934

Respectfully,
John Huffines,
Tulsa Liaison
BNA

Case number: BOA 22934
All please see the attached petition in support of BOA-22934. I have asked the applicant if these are residents in the area or customers of her dispensary and have not received a response from the applicant.

-----Original Message-----
From: Katy Anderson <kushtulsa@gmail.com>
Sent: Monday, June 22, 2020 8:24 PM
To: Chapman, Austin <AChapman@incog.org>
Subject: 22934—Katy Anderson

Attached is my submission for tomorrow's meeting.
Thanks,

Katy Anderson

KüSh Dispensary
1711 East Skelly Drive
Tulsa, OK 74105
kushtulsa@gmail.com
Someone called and complained to the City of Tulsa about our mural. The City is now requiring that we go to the Board of Adjustment to apply for a variance for the mural or take it down. If you would like to show your support for the mural, sign below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaitie Taylor</td>
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<td>918.664.4514</td>
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<td>918.408.0130</td>
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<td>Jacob McDonald</td>
<td><a href="mailto:jacob@map.com">jacob@map.com</a></td>
<td></td>
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<tr>
<td>Carl Meehan</td>
<td><a href="mailto:Carl@beaverecom.com">Carl@beaverecom.com</a></td>
<td></td>
</tr>
<tr>
<td>Clark Stevens</td>
<td><a href="mailto:clark@beaverecom.com">clark@beaverecom.com</a></td>
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<tr>
<td>Lisa Ward</td>
<td><a href="mailto:lisa@ward.com">lisa@ward.com</a></td>
<td></td>
</tr>
<tr>
<td>Glenda Childs</td>
<td>Glenda5813@ com</td>
<td></td>
</tr>
<tr>
<td>Tuckerman Chester</td>
<td>tuckerman68@ com</td>
<td></td>
</tr>
<tr>
<td>Ian Crush</td>
<td><a href="mailto:ian@crush.com">ian@crush.com</a></td>
<td></td>
</tr>
<tr>
<td>Nathan Bils</td>
<td>Nathan.bils@ com</td>
<td></td>
</tr>
<tr>
<td>Dianarrio Holmes</td>
<td>dianarrio304@ com</td>
<td></td>
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<tr>
<td>Jasa Hurt</td>
<td><a href="mailto:jasa@hurt.com">jasa@hurt.com</a></td>
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<tr>
<td>Kyle Gas</td>
<td><a href="mailto:Kyle@kyle.com">Kyle@kyle.com</a></td>
<td></td>
</tr>
<tr>
<td>Sydney Hayes</td>
<td>Sydneyhayes91@ com</td>
<td></td>
</tr>
<tr>
<td>Michael Vincent</td>
<td>michaelvincent91@ com</td>
<td></td>
</tr>
<tr>
<td>Michael Degan</td>
<td>Mayrc783@ com</td>
<td></td>
</tr>
</tbody>
</table>
Someone called and complained to the City of Tulsa about our mural. The City is now requiring that we go to the Board of Adjustment to apply for a variance for the mural or take it down. If you would like to show your support for the mural, sign below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josh Heyl</td>
<td><a href="mailto:jheyl1327@gmail.com">jheyl1327@gmail.com</a></td>
<td>918-373-0153</td>
</tr>
<tr>
<td>Randy Motion</td>
<td><a href="mailto:randymotion@gmail.com">randymotion@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Lauryn Garcia</td>
<td><a href="mailto:lauryn.garcia@gmail.com">lauryn.garcia@gmail.com</a></td>
<td>918-407-8220</td>
</tr>
<tr>
<td>Frieda Phares</td>
<td><a href="mailto:friedaphares@gmail.com">friedaphares@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Melissa Teitel</td>
<td><a href="mailto:melissa.teitel@gmail.com">melissa.teitel@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Lee Hayes</td>
<td><a href="mailto:leehayes@gmail.com">leehayes@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Martin Keith</td>
<td><a href="mailto:martinkeith@gmail.com">martinkeith@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Christopher Cargwell</td>
<td><a href="mailto:c.cargwell@gmail.com">c.cargwell@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Alexander Motz</td>
<td><a href="mailto:alexander.motz@gmail.com">alexander.motz@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Lynn White</td>
<td><a href="mailto:lynnwhite@bluehost.com">lynnwhite@bluehost.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Etta Lowery</td>
<td><a href="mailto:ettaglowery@gmail.com">ettaglowery@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>James Firth</td>
<td><a href="mailto:jamesfirth@gmail.com">jamesfirth@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Auli Morris</td>
<td><a href="mailto:aulimorris@gmail.com">aulimorris@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Justin Deeter</td>
<td><a href="mailto:justindeeter@gmail.com">justindeeter@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Christina Smith</td>
<td><a href="mailto:christinasmith@gmail.com">christinasmith@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Eric Trush</td>
<td><a href="mailto:erictrash@gmail.com">erictrash@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Jasmine Baldwin</td>
<td><a href="mailto:jasminebaldwin@gmail.com">jasminebaldwin@gmail.com</a></td>
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<tr>
<td>Donna McAlpine</td>
<td><a href="mailto:donnamcalpine@gmail.com">donnamcalpine@gmail.com</a></td>
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<tr>
<td>Darcon Simmons</td>
<td><a href="mailto:darconsimmons@gmail.com">darconsimmons@gmail.com</a></td>
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<tr>
<td>Zoe Lehem</td>
<td><a href="mailto:zolehem@gmail.com">zolehem@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Bill Barker</td>
<td><a href="mailto:billbarker@gmail.com">billbarker@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Crystal Бога</td>
<td><a href="mailto:crystalboag@gmail.com">crystalboag@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Jason Howard</td>
<td><a href="mailto:jasonhoward@gmail.com">jasonhoward@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>Michael Tontson</td>
<td><a href="mailto:mttontson@gmail.com">mttontson@gmail.com</a></td>
<td>405-920-2379</td>
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<tr>
<td>John Vandenheuvel</td>
<td><a href="mailto:johnvandenheuvel@gmail.com">johnvandenheuvel@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
<tr>
<td>Salvador Avila</td>
<td><a href="mailto:salvadordavila@gmail.com">salvadordavila@gmail.com</a></td>
<td>405-920-2379</td>
</tr>
</tbody>
</table>

4.26
Someone called and complained to the City of Tulsa about our mural. The City is now requiring that we go to the Board of Adjustment to apply for a variance for the mural or take it down. If you would like to show your support for the mural, sign below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rochelle Bondar</td>
<td><a href="mailto:rachahansler@yahoo.com">rachahansler@yahoo.com</a></td>
<td>918-870-9878</td>
</tr>
<tr>
<td>Melissa McManus</td>
<td><a href="mailto:masumi.mcmanus@gmail.com">masumi.mcmanus@gmail.com</a></td>
<td>918-634-3691</td>
</tr>
<tr>
<td>Ashley Westbrook</td>
<td><a href="mailto:ashleywestbrook@gmail.com">ashleywestbrook@gmail.com</a></td>
<td>918-946-5739</td>
</tr>
<tr>
<td>Aaron Brown</td>
<td><a href="mailto:aaronbrown@ymail.com">aaronbrown@ymail.com</a></td>
<td>214-286-7856</td>
</tr>
<tr>
<td>Dana Snyder</td>
<td><a href="mailto:dquicsperson@gmail.com">dquicsperson@gmail.com</a></td>
<td>918-902-3142</td>
</tr>
<tr>
<td>Sheikha McArthur</td>
<td><a href="mailto:sheikha.mcarther@gmail.com">sheikha.mcarther@gmail.com</a></td>
<td>918-503-7825</td>
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<tr>
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</tr>
<tr>
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<td>918-902-3142</td>
</tr>
<tr>
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<tr>
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<td>918-643-3297</td>
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<tr>
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<td>918-643-3297</td>
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<tr>
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<td>918-348-5199</td>
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<tr>
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<td>918-643-3297</td>
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<tr>
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<tr>
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<td>918-973-7785</td>
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<tr>
<td>Sarah Minger</td>
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<tr>
<td>Tim VanDongen</td>
<td><a href="mailto:timvan@comcast.net">timvan@comcast.net</a></td>
<td>918-973-7785</td>
</tr>
<tr>
<td>Jessica Pisiski</td>
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<td>918-807-3336</td>
</tr>
<tr>
<td>Andrew Johnson</td>
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<td>918-807-3336</td>
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<tr>
<td>Diedri Van Dorn</td>
<td><a href="mailto:diedrikvan@comcast.net">diedrikvan@comcast.net</a></td>
<td>918-807-3336</td>
</tr>
<tr>
<td>Karen Taylor</td>
<td><a href="mailto:karentaylor@outlook.com">karentaylor@outlook.com</a></td>
<td>918-807-3336</td>
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<tr>
<td>Alexa Roman</td>
<td><a href="mailto:alexaroman@gmail.com">alexaroman@gmail.com</a></td>
<td>918-807-3336</td>
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<tr>
<td>James Sircel</td>
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<tr>
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<td>918-807-3336</td>
</tr>
<tr>
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<td>918-807-3336</td>
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<tr>
<td>Bren Harris</td>
<td><a href="mailto:bren.harris@outlook.com">bren.harris@outlook.com</a></td>
<td>918-807-3336</td>
</tr>
</tbody>
</table>

4.27
Honorable BOA members,

My name is Justin Baney, Co-Owner of Clean Hands based in Tulsa, Oklahoma.

While you might not be familiar with my name, I’m sure that you are familiar with our large scale public work. We have painted large scale murals all over the nation but most importantly in our home town of Tulsa, OK. A few of our local murals (Woody Guthrie Mural, Bob Wills Tribute Mural, OKC Thunder Mural, Brookside Collective Mural, to name a few) have been published, photographed, and are sought out by tourists from all over the country.

While our mission has always been to enhance the City of Tulsa through public and private commissioned art, we still want to make sure that we adhere to the city laws put in place.

With this specific mural, the allotted signage was 240 sq/ft, which we kept on the front half of the mural with the business name. To brighten up space and the bland wall, we encouraged our clients to paint the entire wall with a southern California style to liven up the area and bring some happiness and relaxation to the otherwise bland strip of the access road. We did not consider this signage as no imagery pertains to their business.

While only the front half of this mural is considered signage, the other half of this wall is simply art. Art is what enhances our City. Its what brings the community together. I apologize that this mural has taken up so much time and energy. It was created out of love and meant to bring some energy to this area of Tulsa.

I would be happy to make any changes to this mural to comply with the signage codes if it is deemed necessary. I thought that by keeping the logo under 240 sq/ft, I was doing so. I would hate to see so much attention brought to one specific mural in Tulsa because of a complaint.

Please accept the request to increase the signage sq/ft on this property. Tulsa needs all the vibrancy and positive energy that we can get.

Thank you, case number: BOA 22934

Justin Baney / (918) 636-8756
Co-Owner / Artist / Sr. Project Manager
Web: cleanhandsarmy.com / habitfestival.com
To whom it concerns:

With regards to the Kush Dispensary on Skelly Dr and their huge mural on the side of their building: Living very close and work next door to this business I feel that mural is way to big and in everyone’s face. It portrays the business as a Head Shop and not medicinal products. Numerous gatherings have been seen to have congregated at later than normal business hours and on Sundays.

A significant reduction in the size and in your face mural would be appreciated.

Regards,

Dave Miley
4727 S, Atlanta Ave.
Tulsa, OK 74105
918-492-7094 office
918-232-2425 cell
918-517-3031 eFax
dave@ips-pays.com
Greetings. I have office space at 1703 E. Skelly Drive #109. I am providing video production services to the non-profit Compassion International child sponsorship program, Dentsply Sirona International, and Trinity Broadcast Network to name my top few clients. All of this money comes into our economy and state from outside sources. And with it comes my clients working personally with me in my offices on final edits and deliveries. I feel that any variance beyond the 240sq feet is a detriment to my business. If anything I would vote that it be removed completely. It is not a good representation to this area and I feel lowers the professionalism I am providing to my clients.

Thank you,
Craig Trevithick
918-636-8541
To all BOA members,

My name is Ron Sage, I own the building directly West of KUSH Dispensary, address: 1711 E. Skelly Dr. Tulsa OK.74105

My concern is the size of their sign at 720 sf. which is significantly larger than the 240 sf. that is allowed by City of Tulsa zoning codes. The attached photos will show that the entire 720 square feet of their wall sign is intended as advertising and that the Northern portion of their wall sign is not intended as only art (as they claim) but an integral part of their advertising, as can be seen in the wording “Tulsa High Country” located in one of the three photos attached. Also, the front view displaying the KUSH Logo is incorporating the same blue and magenta color scheme as the Northern section. These size limits where determined for a reason and I am hoping the Board Members will honor these regulations set forth by our City Planners.

Along with the sheer size of the sign, It seems clear to me that Section 60.080-B, sub paragraph (f) is especially pertinent to this case since some of my tenants have already expressed their concern and may not be renewing their leases when it comes time for renewal.

I feel that Kush Dispensary has given no consideration to the businesses and the surrounding properties with the immensity of their signage, and feel the variance, Case # BOA-22934 should not be granted, because it directly affects and alters the essential character of the neighborhood and impairs the use and development of neighboring businesses.

Please See Below

Section 60.080-B (e)(f)(g)

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.

The proposed 720 square foot wall sign exceeds the 240 square foot permitted display surface area based on an 80 foot wall length.

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.

I appreciate your time and consideration,
Respectfully,

Ron Sage

RNC Properties, Inc.
1703 E. Skelly Dr. Ste. 108
Tulsa, Ok. 74105

(918) 636-7117 (c)
(918) 749-7000 (o)
(918) 749-7001 (f)
ron.sage@homevestors.com

facebook.com/WeSellTulsaHomesRNCproperties

*Each franchise office is independently owned and operated

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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9306
CZM: 37
CD: 4
HEARING DATE: 07/14/2020 1:00 PM (Continued from 06/23/2020)

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

LEGAL DESCRIPTION: 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. 11th 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

<table>
<thead>
<tr>
<th>Minimum Lot Area (sq. ft.)</th>
<th>3,500</th>
<th>Min. Ground Floor Ceiling Height (feet)</th>
<th>14</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Width (feet)</td>
<td></td>
<td>Minimum Transparency (%)</td>
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</tr>
<tr>
<td>Minimum Street Frontage (feet)</td>
<td>20</td>
<td>Ground floor</td>
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<tr>
<td>Minimum Open Space per Unit (sq. ft.)</td>
<td>100</td>
<td>Upper floors</td>
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<tr>
<td>Minimum Building Setbacks (feet)</td>
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<td>Min. Parking Setbacks (ft) (see also §55.080-C)[1]</td>
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</tr>
<tr>
<td>Street</td>
<td>0</td>
<td>Primary street</td>
<td>30</td>
</tr>
<tr>
<td>Abutting R district</td>
<td>10</td>
<td>Secondary street or R zoning district</td>
<td>10</td>
</tr>
<tr>
<td>Abutting nonresidential district</td>
<td>0</td>
<td>Nonresidential zoning district</td>
<td>0</td>
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<tr>
<td>Abutting alley</td>
<td>5</td>
<td>Street-facing Entrance Required</td>
<td>Yes</td>
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</table>

Build-to-Zone (BTZ) (minimum/maximum in feet) 0/10

Primary street BTZ (%) 80
Secondary street BTZ (%) 30

See Figure 10-3 for illustration of selected regulations.

[1] Parking is prohibited between building and street right-of-way (see Figure 10-2). Parking structures are subject to Section 40.280.

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 11th Street BTZ frontage and the Lewis Ave. BTZ frontage. A noise study was conducted and it is suggested that some setback occur from the 11th 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 10th 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 10th street, making it functionally not possible to meet the transparency measurement starting at 3’ from the adjacent curb.

SAMPLE MOTION: Move to ______ (approve/deny) a 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)

- 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:

5.3
REVISED 8/23/2020
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.

*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 (open-air) 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.
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-D On 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 Section 1.030 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 façade is measured between 3 and 8 feet above the adjacent curb. Such transparent elements...
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.

   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 Section 79.120.
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.
TULSA ROUTE 66 MIXED USE

05/21/2020
11TH STREET (SOUTH) ELEVATION
1" = 40'-0"

10TH STREET (NORTH) ELEVATION
1" = 40'-0"

TULSA ROUTE 66 MIXED USE
2020
TULSA ROUTE 66 MIXED USE

CEILING HEIGHT DIAGRAM

1" = 60'-0"

GROUND FLOOR CEILING HEIGHT AT 14' IS 48.4% OF OVERALL GROUND FLOOR CEILING HEIGHT, EXCLUDING OPEN-AIR GARAGE

VARIANCE NEEDED = 4.6%
BOARD OF ADJUSTMENT
CASE REPORT

Case Number: BOA-22947

STR: 9310
CZM: 38
CD: 5
HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Jermaine Miller

ACTIONS REQUESTED: Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Sec.45.030-A); Variance to allow an accessory structure to exceed one story, 18 feet in height and more than 10 feet in height to the top of the top plate (Sec.90.090.C.2); and a Variance to allow more than 30% coverage in the rear setback (Sec.90.090-C.2).

LOCATION: 1232 S BRADEN AV E
ZONED: RS-3

PRESENT USE: Residential
TRACT SIZE: 10641.75 SQ FT

LEGAL DESCRIPTION: S1/2 N1/2 E1/2 LT 12, CROWELL HGTS

RELATIVE 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".

ANALYSIS OF SURROUNDING AREA: The subject tract is North of the NW/c of S. Braden Ave. and E. 13th Street South in the Croswell Heights Addition.

STAFF COMMENTS: Variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Sec.45.030-A); Variance to allow an accessory structure to exceed one story, 18 feet in height and more than 10 feet in height to the top of the top plate (Sec.90.090.C.2); and a Variance to allow more than 30% coverage in the rear setback (Sec.90.090-C.2).

Section 45.030

Accessory Buildings and Carports in R Districts

45.030-A Accessory Building Size

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

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

   [1] For detached accessory buildings, including accessory dwelling units, located within rear setbacks see 90.090.C.2.
Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes:

a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:

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

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

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage of Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-1 and RE Districts</td>
<td>20%</td>
</tr>
<tr>
<td>RS-2 District</td>
<td>25%</td>
</tr>
<tr>
<td><strong>RS</strong> and RD Districts</td>
<td>30%</td>
</tr>
<tr>
<td>RM zoned Lots Used for Detached Houses or Duplexes</td>
<td>30%</td>
</tr>
</tbody>
</table>

Construction of the structure is mostly completed, and photos of the structure are available in your packet.
STATEMENT OF HARDSHIP:

To the Tulsa Board of Adjustment -

I submit this variance application to prove a hardship caused to me and my family. Around the mid to late part of March 2020, the contractors I pre-paid to complete the building of an apartment behind my mother's house to be able to rent out and generate an income ceased communication with me and no longer returned my phone calls. Therefore, I am left with an incomplete project and the contractor has the rest of my funds I was using to complete the building. I was planning to complete this project if allowed by the city. I am seeking assistance or instruction to know where to start since the project was abandoned. I am prepared to apply for the appropriate permits and pay applicable fees.
SAMPLE MOTION:
Move to _______ (approve/deny) a **Variance** to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure (Sec.45.030-A); **Variance** to allow an accessory structure to exceed one story, 18 feet in height and more than 10 feet in height to the top of the top plate (Sec.90.090.C.2); and a **Variance** to allow more than 30% coverage in the rear setback (Sec.90.090.C.2).

- 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

6.6
Front of Subject Property

Facing North on Braden
Facing South on Braden
Application No: ZN LOD-57833-2020

(Please reference this number when contacting our office)

Project Location: 1232 S Braden Ave E

Description: Detached Accessory Building

Information about submitting revisions

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

Revisions need to include the following:

1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)
4. Board of adjustment approval documents, if relevant

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

Submittals faxed / emailed to plans examiners will not be accepted.

Important Information

1. Submit two (2) sets [4 sets if health department review is required] of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. 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.tyler.tech.com/energov4934/selfservice. You will need to register on the portal if you have not previously done so.

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.inco.org or at INCOG offices at 2 W. 2nd St., 5th Floor, Tulsa, OK, 74103, Phone (918) 584-7526.

4. A copy of a "Record Search" is not included with this letter. Please present the "Record Search" along with this letter to INCOG staff at time of applying for Board of Adjustment Action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)

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

   **Review comments:** You are proposing 2048 sq ft of detached accessory structure floor area. The proposed detached structure exceeds 500 sq ft and 40% of the size of your house. Based on the size of your house (1803 you are allowed 721 sq ft of detached accessory structures floor area on your lot. Reduce the size of your proposed detached accessory structure to be less than 721 sq ft of total floor area or apply to BOA for a variance to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure.

2.  **90.90.C: Detached Accessory Buildings.** Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and

   **Review Comments:** Revise plans to indicate that the detached accessory building will not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to exceed one story, 18 feet in height and more than 10 feet in height to the top of the top plate.

3.  **90.090-C.2 Detached Accessory Buildings.** Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that the building coverage in the rear setback does not exceed the maximum limits established in Table 90-2.

   **Review Comments:** This lot is zoned RS-3. The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 20 feet from the rear property line). A maximum 30% area can be covered by the accessory building; (75' x 20' x 30%) allows 450 sq ft of coverage. You are proposing 536 sq ft of coverage in the rear setback. Revise your plans to show compliance or apply to BOA for a variance to allow more than 30% coverage in the 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.

<table>
<thead>
<tr>
<th>END – ZONING CODE REVIEW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NOTE:</strong> 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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>
LEGAL DESCRIPTION AS PROVIDED

THE SOUTH HALF OF THE NORTH HALF OF THE EAST HALF (S1/2 N1/2 E1/2) OF TRACT 12, CEDAR heights to TOSA, TOSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED Plat THEREFORE, AND KNOWN AS 1232 S. BRADEAN AVE.

PLAT

DRAWN BY K. GUST
6.14
$\frac{7}{12}$ Pitch

2x4 Rafter @ 24° O.C.
W/ 9/16 O.S.B

2x6 Rafter

7/12 Pitch

2x8 Ridge

7/12 Pitch

ROOF PLAN
SOME = $\frac{1}{4}'' - 1' - 0''$

DRAWN BY KEASTON
Graph overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317
CZM: 37
CD: 4

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Gary Haynes

ACTION REQUESTED: Variance to permit 2 signs on an OM lot with one street frontage (Section 60.060-B); Variance of the allowable display surface area for signs in the OM district. (Section 60.060-C)

LOCATION: 3227 E 31 ST S
ZONED: OM

PRESENT USE: Office
TRACT SIZE: 37365.14 SQ FT

LEGAL DESCRIPTION: W124 E540 S320 LESS S40 FOR RD & N163 W15 E416 S208 SE SE SE SEC17 19 13 .858AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-19135; On 07.24.2001 the Board approved a Variance of the required setback from East 31st Street from 50' from the Centerline of the street to 40' from the centerline of the street. Finding the hardship to be the visibility on 31st Street.

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

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

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

7.2
REVISED 6/30/2020
**ANALYSIS OF SURROUNDING AREA:** The subject tract is located West of the NE/c E. 31st street South and S. Harvard Ave.

**STAFF COMMENTS:** The applicant is requesting **Variance** to permit 2 signs on an OM lot with one street frontage (Section 60.060-B); **Variance** of the allowable display surface area for signs in the OM district. (Section 60.060-C)

---

### Chapter 60 | Signs

#### Section 60.060 | Signs in Office Zoning Districts

**60.060-B Signs Allowed**

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

2. **Development Identification Signs**

   Developments with multiple tenants are allowed a single monument style or freestanding sign with a maximum height of 8 feet at each street entrance to the development. Such signage shall count against the maximum sign area permitted on the lot in which it is located, and may not identify any tenant or tenants within the development.

**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.

The applicant has two pending sign permits for both a freestanding sign and wall sign. The proposed freestanding sign is 70 square feet which exceeds the allowed 38.7 square feet based on the 129-foot street frontage. The proposed wall sign is 51.8 square feet which exceeds the allowed 38.7 square feet based on the 129-foot street frontage.

**STATEMENT OF HARDSHIP:**

**Monument sign:** Hardship is identification for business coming from West to East, the building sets back far enough that it is hard to see the building sign. The Monument sign will be easier seen from this direction. Also, regarding size, this is a Non-Illuminated sign that will have ground lights. The size is for better visual contact.
Building Sign  Hardship is for identification for business coming from East to West, the size of the Building sign will also help to identify location. Also, Sign is reverse illuminated, it will not be shining out from the front only from the back of the sign.

**SAMPLE MOTION:** Move to __________ (approve/deny) a **Variance** to permit 2 signs on an OM lot with one street frontage (Section 60.060-B); **Variance** of the allowable display surface area for signs in the OM district. (Section 60.060-C)

- 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.”
View immediately across 31st Street
Case No. 19135

Action Requested:
Variance of structure setback (sign) from centerline of East 31st Street from the required 50' to 40'. SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS -- Use Unit 11, located 3227 E. 31st St.

Presentation:
Sandra Joseph, 2005 N. Willow, Broken Arrow, the applicant, introduced Mr. Dillon. Jerry Dillon, 1252 Hazel Blvd., stated they are in the business of finding families for abandoned/orphaned children in third world countries. Their business has grown and they have moved to the subject property. He submitted photographs (Exhibit I-1) of street frontage. They propose a new sign that would be more visible to the street. He submitted contact directories (Exhibit I-3) showing the drop in contacts. He believes the decrease is due to poor visibility of their signage.

Interested Parties:
George Brewer, 2879 S. Gary Ave., stated his property backs up to the subject property. He expressed concern for high traffic and increased speed of the traffic. He submitted photographs (Exhibit I-2) and believes that there is shrubbery would hide any sign they put up.

Applicant's Rebuttal:
Mr. Dillon reviewed his own photographs again noting there is no landscaping on his property that would obstruct the view of a sign at the 40' setback, where he would like to place a sign.

Comments and Questions:
Mr. White questioned if a ground sign at that point would block the visibility for drivers pulling out of the driveway on the east.

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Cooper "aye"; no "nays"; no "abstentions"; Perkins "absent") to APPROVE a Variance of structure setback (sign) from centerline of East 31st Street from the required 50' to 40', finding the hardship to be the visibility on 31st Street; the fact that other variances have been granted in the neighborhood; and on condition for only one sign for the building, a removal contract, on the following described property:


**********
SIGN PLAN REVIEW

May 28, 2020

Phone: 918-872-8425

Justin Moydell
5676 S. 107th E. Ave.
Tulsa, OK 74146

APPLICATION NO: SIGN-061332-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 3227 E. 31st St.
Description: 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.
1. 60.060-B
Signs Allowed
In addition to any sign exceptions allowed pursuant to Section 60.030, lots in office zoning districts are allowed a maximum of one on premise sign per street frontage. The allowed on premise sign may be a wall sign, a projecting sign or a freestanding sign. Roof signs and off-premise outdoor advertising signs are prohibited in office districts.

Review Comments: This location has a pending application for a wall sign. You may pursue a variance from the Board of Adjustment (BOA) to permit more than one sign in an office district.

2. 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 70 square foot ground sign exceeds the 38.7 square foot permitted total display surface area based on a 129 foot street frontage. You may reduce the total sign area to 38.7 square feet, or you may pursue a variance from the Board of Adjustment (BOA) to allow the permitted display area for a street frontage of 129 feet to be increased from 38.7 square feet to 70 square feet of display surface area in an OM 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.
MONUMENT SIGN

* This is NOT final artwork. Artwork will be finalized after order is placed.

SCALE

EuroChem

CLIENT

Monument Sign Revision

PROJECT

3227 E 31st Street

ADDRESS

Tulsa, OK 74158

CITY, STATE, ZIP CODE

03-12-2020

DATE

031220-02

DESIGN NUMBER

Steven Galbo

DRAWN BY

APPROVED

DATE

This is an original unpublished drawing created by Crown Neon. It is submitted for your personal use in conjunction with a project being planned for you. It is not to be shown to anyone outside your organization nor is it to be used, reproduced, copied or exhibited in any fashion without the express written consent of Crown Neon.

Approved by: ____________________________  (print)  ____________________________  (signature)  Date: ____________________________

www.crownneonsigns.com

5676 S. 107th E. Ave

Tulsa, OK  74146

918.872.8425 Sales
10' from edge of parking lot to sign
50' from center of 31st
60' building front
110' lot frontage
SIGN PLAN REVIEW

May 28, 2020

Phone: 918-872-8425

APPLICATION NO: SIGN-061331-2020 (PLEASE REFERENCE WHEN CONTACTING OUR OFFICE)
Location: 3227 E. 31st St.
Description: 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 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.

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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-061331-2020 3227 E. 31st St. May 28, 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 51.8 square foot wall sign exceeds the 38.7 square foot permitted total display surface area based on a 129 foot street frontage. You may reduce the total sign area to 38.7 square feet, or you may pursue a variance from the Board of Adjustment (BOA) to allow the permitted display area for a street frontage of 129 feet to be increased from 38.7 square feet to 51.8 square feet of display surface area in an OM 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 INCOC 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. INCOC 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.

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This is NOT final artwork. Artwork will be finalized after order is placed.

REVERSE CHANNEL LETTERS

* This is NOT final artwork. Artwork will be finalized after order is placed.

EuroChem

CLIENT

Channel Letters & Monument

PROJECT

3227 E 31st Street

ADDRESS

Tulsa, OK 74158

CITY, STATE, ZIP

3-12-2020

DATE

031220-03

DESIGN NUMBER

Steven Galbo

DRAWN BY

APPROVED DATE

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Underwriters Laboratories Inc. APPROVED

www.crownneonsigns.com

5678 S. 107th E. Ave

Tulsa, OK 74146

918.872.8425 Sales
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9324
CZM: 48
CD: 7
HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Greg Bissonnette

ACTION REQUESTED: Special Exception to allow for Commercial /Vehicle sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020)

LOCATION: 3112 S MINGO RD E
ZONED: CS

PRESENT USE: Vacant
TRACT SIZE: 40001.31 SQ FT

LEGAL DESCRIPTION: N 250 E 250 NE LESS N 50 & E 50 SEC 24-19-13,

RELEVANT PREVIOUS ACTIONS:

Subject Property.

BOA-21904; on 6.09.2015, the Board approved a Special Exception to permit Automobile Sales in a CS District limited to expire on October 19th, 2019 which was the length of the lease by the current tenant at the time of approval.

BOA-20760; on 8.26.08, the Board approved a special exception to permit automobile sales (UU17) in the CS district with amendments to previous conditions set by BOA-20381, but still set to expire November 28, 2011.

BOA-20381; on 11.28.06, the Board approved a special exception to permit auto repair in the CS district with conditions and limited to 3 years.

BOA-16048; on 5.26.92, the Board approved a special exception to permit an existing muffler shop in the CS zoned district.

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or
redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to 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 at the SW/c of East. 31st Street South and S. Mingo Road.

**STAFF COMMENTS:** The applicant is requesting a **Special Exception** to allow for Commercial /Vehicle sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020)

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Personal Vehicle Sale and Rental Use is subject to the supplemental regulations of Sec. 40.400:

**Section 40.400**

**Vehicle Sales and Service**

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

40.400-B Whenever commercial or personal vehicle sales or rentals are within 300 feet of an R- or AG-R-zoned lot, off-street parking and vehicle display areas must comply with the parking area design standards of Section 55.090.

The property has been used for automobile allied uses for several years, the most recent approval for vehicle sales expired October 19th, 2020.

**SAMPLE MOTION:**

Move to __________ (approve/deny) a **Special Exception** to allow for Commercial /Vehicle sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020)

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

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

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

Western Side of Subject property
Facing West on 31st Street

Intersection of East 31st Street South and South Mingo Road.
Subject property
LT 1 BLK 1, HALL BROTHERS SUB, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21903—Ramesh Vemula

Action Requested: Modification to a previously approved Special Exception (BOA-21473) to extend the permitted time limit to allow a church (Use Unit 5) in the IL District permanently. LOCATION: 9718 and 9748 East 55th Place — Tenant Space: 9724 East 55th Place (CD 7)

Presentation: Ramesh Vemula, 9724 East 55th Place, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Swiney asked Mr. Vemula if the time limit was the same as his lease of the property. Mr. Vemula stated that his lease will expire in 2019.

Interested Parties: There were no interested parties present.

Comments and Questions: None.

Board Action: On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to APPROVE the request for a Modification to a previously approved Special Exception (BOA-21473) to extend the permitted time limit to allow a church (Use Unit 5) in the IL District for a period that will expire December 31, 2020. This approval will be for the tenant space currently occupied by the church. Finding the request is compatible and non-injurious to the surrounding area and meets the previously granted Special Exception and meets the zoning requirements per code; for the following property:

LT 13 BLK 9; LT 14 BLK 9, TULSA SOUTHEAST IND DIST B9-12 RESUB BLK C & PRT BLK A&B, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21904—Victor Alqarin

Action Requested: Special Exception to permit auto sales and repair (Use Unit 17) in the CS District (Section 701, Table 1). LOCATION: 3112 South Mingo Road (CD 7)
Presentation:
Victor Algarin, 1819 South 119th East Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions from the Board.

Mr. White asked Mr. Algarin if there had been any changes. Mr. Algarin stated there were not. Mr. White asked Mr. Algarin if he had any plans for adding onto the building in the future. Mr. Algarin answered no.

Mr. White asked Mr. Algarin if he owned the property. Mr. Algarin stated that he is only a tenant and does not own the property. Mr. White asked Mr. Algarin how long his lease was for. Mr. Algarin stated his lease is for five years which will end in December 2019.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Snyder, Tidwell, White “aye”; no “nays”; no “abstentions”; Van De Wiele absent) to APPROVE the requests for a Special Exception to permit auto sales and repair (Use Unit 17) in the CS District (Section 701, Table 1), and this approval will be “as built”. The previous conditions will apply from the previous approval with the exception of the hours of operation, which will be 9:00 A.M. to 6:00 P.M., Monday through Saturday. The previous conditions that are to be applied are as follows: prohibit promotional business signs as defined by the zoning code; work on all vehicles must be inside the structure; no outside repairs allowed; no outside storage of materials; limit total number of inoperable vehicles queuing for repair on the site to 20; no auto body work on the property; and no junk vehicles stored on the property. This approval will have a time limit of October 1, 2019 which is the length of time the current lease runs. 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:

N 250 E 250 NE LESS N 50 & E 50 SEC 24-19-13, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21905—Gregory Helms

Action Requested:
Special Exception to permit off-street parking to be located on a lot other than the lot containing the use (Section 1301.D). LOCATION: 1709 South Boston Avenue (CD 4)
page 4.7 of the agenda; and the brush on south of lot to be removed before home is set in place; 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, on the following described property:

LT 19 BLK 23, LT 20 BLK 23, LT 21 BLK 23, LT 22 BLK 23, DAWSON AMD (ORIGINAL TOWNSITE), City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20760
Action Requested:
Special Exception to permit automobile sales (Use Unit 17) in a CS district (Section 701), located: 3104 South Mingo Road.

Presentation:
Judy Newby, 10915 East 31st Street, #13, Tulsa, Oklahoma, represented Lucio Mondragon. He proposed to operate a used car business. The hours of operation would be Monday through Saturday, 9:00 a.m. to 6:00 p.m.

Comments and Questions:
Ms. Stead suggested extending the approval to expire when the auto repair exception expires so that he can return to the Board for both requests at one time. She stated she would not be for the use of banners, flags, glitter, balloons or additional lighting.

Interested Parties:
There were no interested parties who wished to speak.

Board Action:
On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit automobile sales (Use Unit 17) in a CS district (Section 701), with conditions for the hours of operation Monday through Saturday from 9:00 a.m. to 6:00 p.m.; prohibiting promotional business signs as defined by the zoning code; approval to run concurrently with the former special exception until November 28, 2011; with conditions required in the previous case: that all work on vehicles must be inside the structure; no outside repairs allowed; no outside storage of materials; limit total number of inoperable vehicles queuing for repair on site to 20; no auto body work on the property; no junk vehicles stored on the property; approval limited to five years coinciding with the current tenant’s lease period, and per plan, so that any expansion of this business be reviewed by this Board; 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, on the following described property:
**FILE COPY**

N 250 E 250 NE LESS N 50 & E 50, City of Tulsa, Tulsa County, State of Oklahoma

*********

Case No. 20761

**Action Requested:**

Variance of the maximum permitted size for a detached accessory building in an RS-3 district (Section 402.B.1.d), located: 4132 West 57th Place.

Mr. Cuthbertson informed the Board subject property consists of four originally platted lots with a lot combination, so that it is one legal lot of record (Exhibit l-2).

**Presentation:**

Paul Celick, 4132 West 57th Place, proposed to build a garage (Exhibit l-1). He stated by the code in RS-3 zoning he would be allowed 540 sq. ft. He requested 900 sq. ft., as the property is much larger than the average RS-3 lot.

**Comments and Questions:**

Ms. Stead confirmed the access on the west to the garage is a designated street. She reminded Mr. Celick that the drive must be paved with asphalt or concrete.

**Interested Parties:**

Maurice Reagle, 5722 South 39th West Avenue, stated he has eight lots in the area. He expressed concern for a larger accessory building and if it would be used for business. He stated he did not have any complaints.

**Board Action:**

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Variance of the maximum permitted size for a detached accessory building in an RS-3 district (Section 402.B.1.d), with condition for the driveway to come from South 43rd West Avenue, paved with concrete or asphalt; finding the lot, a combination of four smaller lots combined, and documented with a declaration signed August 1, 2006, which is over 4.3 times the minimum lot area permitted in RS-3, allowing 750 sq. ft. accessory building; plan is for 900 sq. ft., per plan as shown on page 11.6 of the agenda; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan on the following described property:
purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

LT 3 BLK 1, OLIVER TERRACE SECOND ADDN SUB L20 GLEN ACRES SUB, City of Tulsa, Tulsa County, State of Oklahoma

******

**Case No. 20381**

**Action Requested:**
Special Exception to permit automotive repair in a CS district (Section 701), located: 3104 South Mingo Road.

**Presentation:**
Judy Newby, represented Lucio Mondragon, the applicant, for Lucios' Auto Repair. Previously this was a muffler shop and no changes have been made to the building. A site plan was provided (Exhibit D-1).

**Comments and Questions:**
Ms. Stead asked how long he has operated the shop. Ms. Newby replied he has operated the shop for two months and has a five-year contract. Mr. Henke asked if he would be agreeable to approval for five years. Mr. Lucio was agreeable to the five-year approval. Ms. Stead asked for the hours of operation, to which Ms. Newby replied are 9:00 a.m. to 7:00 p.m. Mr. Lucio responded to Ms. Stead's question about limiting the number of cars kept on the subject property. Mr. Lucio was sure he could park twenty vehicles and asked for that limit.

**Interested Parties:**
There were no interested parties who wished to speak.

**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 **APPROVE** a Special Exception to permit automotive repair in a CS district (Section 701), with conditions: hours of operation 9:00 a.m. to 7:00 p.m.; all work on vehicles must be inside the structure; no outside repairs allowed; no outside storage of materials; limit total number of inoperable vehicles queueing for repair on site to 20; no auto body work on the property; no junk vehicles stored on the property; approval limited to five years coinciding with the current tenant's lease period, and per plan, so that any expansion of this business be reviewed by this Board, 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, on the following described property:

N 250 E 250 NE LESS N 50 & E 50 SEC 24-19-13, City of Tulsa, Tulsa County, State of Oklahoma
**Case No. 16048**

**Action Requested:**
Special Exception to permit an existing muffler shop in a CS zoned district - Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17, located SW/c East 31st Street South and South Mingo Road.

**Presentation:**
The applicant, First City Bank, 7625 East 51st Street, Tulsa, Oklahoma, was represented by Steve Kennedy, who informed that the bank received the property back as a result of a foreclosure, and the prospective buyer is proposing to operate a muffler shop at this location.

**Comments and Questions:**
Mr. Doverspike asked if all business inventory is kept inside the building, and Mr. Kennedy answered in the affirmative.

In response to Mr. Chappelle, Mr. Kennedy stated that the business is in operation at this time, and there will be no changes.

**Protestants:**
None.

**Board Action:**
On MOTION of CHAPPELLE, the Board voted 4-0-0 (Bolzle, Chappelle, Doverspike, T. White, "aye" no "nays"; no "abstentions"; S. White, "absent") to APPROVE a Special Exception to permit an existing muffler shop in a CS zoned district - Section 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS - Use Unit 17; subject to no outside storage of materials on the property; and subject to all work being performed inside the building; finding that the use, with conditions, will not be detrimental to the area; on the following described property:

North 250' of the east 250' of the NE/4, Section 24, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.
ZONING CLEARANCE PLAN REVIEW

May 27, 2020

APPLICATION NO: ZCO-061623-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3112 S. Mingo Rd.
Description: Zoning clearance for used car sales in CS zone

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.** (SEE #2, BELOW)

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 PLANS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULAOK.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 WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-594-7626 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
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 a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incoq.org. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec.15.020 Table 15-2: The proposed Used Car Sales is designated Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals. It is located in a CS zoned district. This will require a Special Exception approved by the BOA.
Review comment: Submit an approved BOA Special Exception for Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals to be allowed in a CS zoned district.

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.

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

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

PUD-286A
PUD-425
PUD-425
PUD-425
PUD-353
PUD-353A ABANDONED
PUD-353B ABANDONED

BOA-22954

0  200  400  Feet
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9430
CZM: 49
CD: 7

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Eric Bushnell

ACTION REQUESTED: Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020)

LOCATION: 9915 E 51 ST S

PRESENT USE: Horticulture Nursery

ZONED: IL

TRACT SIZE: 66851.81 SQ FT

LEGAL DESCRIPTION: E317 W990 S400 SW SW LESS W126 & LESS S50 E191 FOR ST SEC 30 19 14 1.53ACS,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located East of the NE/c of S. Mingo Road and East 51st Street, immediately South of the Alsuma Soccer Field and City of Tulsa Stormwater Detention facility.
STAFF COMMENTS: 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

<table>
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<tr>
<th>USE CATEGORY</th>
<th>Subcategory</th>
<th>Specific use</th>
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<th>Supplemental Regulations</th>
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<td>INDUSTRIAL</td>
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Section 40.225 Medical Marijuana Uses

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

40.225-A A medical marijuana grower operation must be located inside an enclosed building.
40.225-B A medical marijuana processing facility, whether moderate impact or high impact, must be located inside an enclosed building.
40.225-C A medical marijuana dispensary must be located inside an enclosed building.
40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

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

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

YULSA 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-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 dispensary. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.
SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to allow a Moderate-Impact Medical Marijuana Processing Facility in the IL District (Section 15.020)

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

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

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

Center of Subject property (tenant space is to the left)
Facing Northwest from subject property 9Visible is the soccer complex and City of Tulsa stormwater Detention Facility)

Subject property fromn51st Street (Subject Tenant space not visible from street)
Facing East on 51st Street

Facing West on 51st Street
ZONING CLEARANCE PLAN REVIEW

May 6, 2020

Tulsa, OK 74103

Phone: 620-921-5632

Eric Bushnell
9915 E. 51st St., Suite B
Tulsa, OK 74146

APPLICATION NO: BLDC-059954-2020

(Please reference this number when contacting our office)

Location: 9915 E. 51st St., Suite B
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 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."

(see #2 below)

Submitts 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 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 COTDEV@CVS@CITYOFTULSA.ORG or submit electronic plan revisions on the portal at https://TULSAOK.com/energy/43435/ELFService. 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 www.TULSAPLANNING.ORG, in person at 2 W. 2nd St., 6th Floor, in Tulsa; or by calling 918-594-7528 and asking to speak to someone about this letter of deficiency.
4. A copy of a "Record Search" (XJS) 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.)
REVIEW COMMENTS

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

BLDC-059954-2020 9915 E. 51st St., Suite B May 6, 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 BOA Planner at the Tulsa Planning Office at 918-584-7526 or eesubmit@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.15.020 Table 15-2: The proposed work is designated an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility. It is located in an IL zoned district. This will require a Special Exception approved by the BOA.

Review comment: Submit an approved BOA Special Exception to allow an Industrial/Moderate-Impact Manufacturing and Industry/Moderate-Impact Medical Marijuana Processing Facility Use in an IL zoned district. Contact the BOA (referenced above) for further instruction on how to obtain the Special Exception.

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

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 SUBMITTED 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.
Storage

25 FT

Floor Plan Bldg 2

Scale: 1/8" = 1'-0"

1. Full ht wall 6025 140 LF
2. 6025 ft with 8 ft 6020 lid 15 LF
3. Single doors 2 EA
   Double doors 2 EA

All doors hollow metal 3070 with gaskets
Thresholds for air quality mechanisms
Door into small office to have power
Lockset the others to be handle
THE ALSUMA PROJECT
BUILDING NO. B
TULSA, OKLAHOMA
FLOOR PLAN
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2015
Subject Tract

BOA-22954

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

Aerial Photo Date: February 2018

19-14 30

0 200 400 Feet
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302
CZM: 38
CD: 3
HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Brent Barnes

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

LOCATION: 7839 E ADMIRAL PL N
ZONED: CH

PRESENT USE: Commercial
TRACT SIZE: 22742.77 SQ FT

LEGAL DESCRIPTION: LT 5 LESS S30 & LESS BEG NWC LT 5 TH S408 ELY126.68 N419 W126 POB FOR STS, BLOOMFIELD HGTS

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22925; On 6.09.2020 the Board rejected a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). The Board found a dispensary located at 7498 E. Admiral Pl. S. had already been issued building permits and is approximately 650.05-feet away from the subject property, per the applicant. The Dispensary located at 7498 E. Admiral Pl. S. is not subject to the 1000-foot spacing requirement due to their Dispensary license being issued by the Oklahoma Medical Marijuana Authority prior to December 1st, 2018.
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 West of the NW/c of N. Memorial Ave. and E. Admiral Pl.
STAFF COMMENTS: The Applicant is requesting a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

STATEMENT OF HARDSHIP: I had a dispensary as a tenant for 12 months. They broke their lease and required me to find a new dispensary tenant. Shortly after signing the lease another dispensary popped up across the street and successfully protested my dispensary despite them not being operational. If variance is not approved, I will be unable to collect rent on this space for the foreseeable future.
SAMPLE MOTION: Move to ________ (approve/deny) a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

- Finding the hardship(s) to be________________________________________.

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

- Subject to the following conditions ________________________________.

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

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

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

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Facing West on Admiral Pl.

Facing East on Admiral Pl.
Subject Property
ZONING CLEARANCE PLAN REVIEW

May 4, 2020

LOD Number: 1
Brent Barnes
7030 S. Yale Ave., Suite 104
Tulsa, OK 74136

APPLICATION NO: ZCO-059889-2020

(PLACE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 7839 E. Admiral Pl.
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.** (SEE #2, BELOW)

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.
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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 WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-596-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)
REVIEW COMMENTS

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


ZCO-059689-2020

7839 E. Admiral Pl.  May 4, 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@incoq.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@incoq.org.

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


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.
Measure distance
Total distance: 650.05 ft (198.14 m)
Note: Graphic overlays may not precisely align with physical features on the ground.
BOA-22958

Case Number: BOA-22958

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Brent Barnes

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

LOCATION: 7435 E ADMIRAL PL N

ZONED: CH

PRESENT USE: Commercial

TRACT SIZE: 28780.21 SQ FT

LEGAL DESCRIPTION: PRT LT 13 BLOOMFIELD HGTS & A TRACT OF LAND BEG 30N & 30.5E SWC LT 13 BLOOMFIELD HGTS TH W126.5 N225.77 TO S R/W EXPY TH NE ALG R/W 126.53 TO PT 30.5E WL LT 13 TH S229.26 POB SEC 2 19 13 .50AC, BLOOMFIELD HGTS

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22926; On 6.09.2020 the Board rejected a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). The Board found a dispensary located at 7498 E. Admiral Pl. S. had already been issued building permits and was approximately 808.37 feet away from the subject property, per the applicant. The Dispensary located at 7498 E. Admiral Pl. S. is not subject to the 1000-foot spacing requirement due to their Dispensary license being issued by the Oklahoma Medical Marijuana Authority prior to December 1st, 2018.
**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 East of the NE/c of N. 73rd E. Ave. and E. Admiral Pl.
STAFF COMMENTS: The Applicant is requesting a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

Section 40.225 Medical Marijuana Uses
The supplemental use regulation of this section apply to medical marijuana uses.

40.225-A A medical marijuana grower operation must be located inside an enclosed building.
40.225-B A medical marijuana processing facility, whether moderate impact or high-impact, must be located inside an enclosed building.
40.225-C A medical marijuana dispensary must be located inside an enclosed building.
40.225-D A medical marijuana dispensary may not be located within 1,000 feet of another medical marijuana dispensary.
40.225-E Drive-through windows and drive-through lanes are prohibited for medical marijuana grower operations, processing facilities, dispensaries and research facilities.
40.225-F Medical marijuana grower operations, processing facilities and dispensaries must provide the following:

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

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

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-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.

STATEMENT OF HARDSHIP: We negotiated our lease with the intent of adding a dispensary beside our liquor store. We were recently informed that a mmj license holder was grandfathered in under the 12-1-18 language and is within 1,000-feet of our location. Unbeknownst to us the dispensary sat on the license for 18 months. We have already spent substantial money on improvements in preparation for our dispensary.
SAMPLE MOTION: Move to ______ (approve/deny) a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

- 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.”
APPLICATION NO: ZCO-059992-2020

Location: 7435 E. Admiral Pl.
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.** (See #2, below)

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 be signed 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://tulsaoak.tylertech.com/energov4/934/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 www.tulsaplanning.org; 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” 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.)
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@incoq.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@incoq.org.

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


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.
Measure distance
Total distance: 808.37 ft (246.39 m)
Subject Property

Facing West on Admiral
Facing East on Admiral
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9236  
CZM: 46  
CD: 9

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Elton Fernandes

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

LOCATION: 6030 S PEORIA AV E  
ZONED: CS

PRESENT USE: Dispensary  
TRACT SIZE: 15250.42 SQ FT

LEGAL DESCRIPTION: S45 LT 7 & ALL LT 8 & N30 LT 9 LESS E18 THEREOF BLK 8, BROADVIEW HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22711; On 08.13.2019 the Board accepted a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).

Surrounding Properties:

BOA-22930; On 06.09.2020 the Board accepted a Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D) subject to the applicant closing her existing dispensary, located at 6030 S. Peoria, prior to opening her proposed dispensary. Property located 1135 E. 61st Street, approximately 140.2 feet away from the subject property, per staff's measurements.
Measurement taken from Google Earth.
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: North of the NW/c of E. 61st Street and S. Peoria Ave.

STAFF COMMENTS: The Applicant is requesting a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)
The applicant provided an exhibit showing the distance between the two dispensaries as 347.26 feet though their measurement does not appear to be measure between the when two nearest exterior walls.

**STATEMENT OF HARDSHIP:** Applicant indicated they would email a statement of hardship and none has been received as of the writing of this staff report.
SAMPLE MOTION: Move to _______ (approve/deny) a Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

- 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 Dispensary

Facing South on Peoria
Facing North on Peoria
Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; absent) to APPROVE the request for a Variance to increase height for a freestanding sign to 50 feet tall with a 72-foot setback from the C/L (centerline) of East 51st Street South (Section 60.080-D), subject to conceptual plan 16.23 of the agenda packet. The Board finds the hardship to be unique location of the subject property abutting 51st Street that functions like a frontage road. 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; for the following property:

BEG 50E & 50S NWC NW TH E280 S478 W290 N158 E10 N320 POB SEC 32 19 13
3.11AC, City of Tulsa, Tulsa County, State of Oklahoma

22711—Valveeta Ware

Action Requested:
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 6030 South Peoria Avenue East (CD 9)

Presentation:
William Lark, 6030 South Peoria Avenue, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.
Mr. Bond stated the Board has received a copy of the applicant’s OMMA license that is shown on page 17.11 and page 17.12 is a map of the 1,000-foot radius of the agenda packet.

Ms. Shelton asked if this dispensary is located in the EZ Pawn building or is it next to the EZ Pawn. Mr. Lark stated that is in the EZ Pawn.

Ms. Radney asked Mr. Lark how far away is the nearest dispensary in relation to his location? Mr. Lark stated that he thinks it is over 1,600 feet.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

S45 LT 7 & ALL LT 8 & N30 LT 9 LESS E18 THEREOF BLK 8, BROADVIEW HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

**22712—Eufloria, LLC**

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

**LOCATION:** 303 North Martin Luther King, Jr. Drive East (CD 4)

**Presentation:**
Tim Borgmann, 7815 South Memorial Drive, Tulsa, OK; stated he created a leasing agreement with Bradley Garcia with the Gypsy Coffee House, went to INCOG and spoke with Austin Chapman to set up for this hearing, at that time Mr. Chapman checked the data base and there was no other dispensary in that area. The original Board of Adjustment case that was for the other dispensary for a manufacturing process so that did not deter him from going forward and applying for permits. Mr. Borgmann stated that what he has been able to find out is that the manufacturing process would have involved a large financial investment for a sprinkler system due to the butane extraction, so the manufacturing process was dropped and somehow they received a dispensary license for the same location as the proposed manufacturing process.
June 10, 2020

To Whom It May Concern

Please consider this a formal request for a variance as provided by 70.130

Enclosed copy of deficiency letter

1) Sec – 40.225-D See measuring distance not in compliance but requesting a variance

2) Sec-40.225-H See measuring distance

We would like to appear before The Board of Adjustment to present evidence of the Illegal Operation of the Dispensary currently operating at 6030 S Peoria Ave and licensed at 1135 E. 61st ST. They made an alteration to the building located at 6030 S. Peoria without a building permit and the property lease expired 4/30/2020 and tenant was provided a notice to vacate and has refused the new owner access to the property from April 1, 2020 to date. This has prevented the owner from establishing his dispensary at this location. Forcible Entry & Detainer SC-2020-5406 Filed 5/20/20 after

Sincerely

Elton Fernandes
Measure distance
Total distance: 347.26 ft (105.85 m)
APPLICATION NO: BLDG-060675-2020

Location: 6030 S Peoria, Tulsa, Oklahoma
Description: OMMA 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.

REVIZIONS 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.

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. We will continue providing service via remote working. Please bear with us as we go through this together.

In an effort to manage possible exposure to the coronavirus, the City of Tulsa Development Services is encouraging people to use the Citizen Self Service portal to submit applications and trade licenses that are available online. The portal can be accessed at https://tulsaokcitytech.com/EnerGov4934/FastService.

You will need to register on the portal if you have not previously done so and then you can apply for a permit or license.

Permit applications that cannot be filed online are those for Commercial Priority review, Commercial Repair, Certificate of Occupancy, Residential Repair, and Demolition Permit applications. If applying for these types of permits, email the application and plans to codeevsvo@cityoftulsa.org.

Paper submittals (including revisions and addendum) for any project is not accepted at this time. Please submit in electronic format. Email attachments may be submitted to codeevsvo@cityoftulsa.org.

THE CITY OF TULSA WILL ASSESS A RESUBMITTAL FEE. DO NOT SUBMIT REVISIONS TO THE PLANS EXAMINERS.

SUBMITTALS FAXED/EMAIL 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 WITH 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. SHOULD YOU REQUIRE FURTHER CLARIFICATION, PLEASE CONTACT THE PLANS EXAMINER NAMED ABOVE. IF YOU DISAGREE WITH THE CODE INTERPRETATIONS OR COMMENTS, YOU MAY REQUEST AN ADMINISTRATIVE REVIEW OF YOUR APPEAL.

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

1. IEBC-2015 Section 106.2.1; Plans must show all demolition work and all new work (existing plan and proposed plan). NOTE: Other sources of information indicate a canopied exterior space within the rectangular building footprint at the NW corner. Please confirm the exiting vs. proposed construction at this feature as well.

2. IEBC-2015 Section 106.2.1; Notes on the plans reference “EXIT” (1) and “FIRE” (2). Please clarify what these signify.

3. IEBC-2015 Section 302.5; Use group M (Mercantile) for the building use needs to be stated on the plans.

4. IEBC-2015 Section 302.3 & 302.4; Construction type VB needs to be stated on the plans.

5. IEBC-2015 Section 801.3; Identify materials used in the new construction elements.

6. IBC-2015 Table 307.1(1); Maximum Allowable Quantity per Control Area of Hazardous materials posing a Physical Hazard. List any hazardous chemicals that will be used or stored within the proposed facility. Please indicate type, quantities, container material and volume, and locations to be stored, for further review. Include SDS of each.

7. IBC-2015 Section 1004.1.2; Occupancy calculations need to be shown for all spaces on plans. Storage/Mechanical areas use 300 SF per occupant, Offices use 100 SF per occupant, Sales Areas and all areas not included in office and storage (Mercantile) use 60 SF per occupant.

8. IBC-2015 Section 1111.2; Identify on the plans which entrances are accessible. If any are not accessible, provide signs indicating the route to the nearest accessible entrance.

9. ICC-2009 Chapter 6; Bathrooms must show the required accessibility elements and dimensions for; turnaround space, clear floor space, water closet, sink, grab bars, door hardware.

10. IFC-2015 Chapter 53; Where compressed gas (such as CO2) is utilized in connection with the growth, processing, extraction, storage and any other aspect of the operations; please indicate type, quantities, pressure limits, and locations to be stored, for further review.

11. IPC-2015 Sections 403.1 & 410.2; A drinking fountain must be provided if occupancy exceeds 15.

IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

END – COMMERCIAL ARCHITECTURAL CODE REVIEW

This constitutes a Plan Review to date in response to the information submitted with and after 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 client. Any code items not reviewed are still in force, and it shall be the responsibility of the owner and design professional(s) to ensure that all building code requirements are satisfied.
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) 596-9001. 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. ""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 SUBMITTALS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO CTDEVSVC@CITYOFTULSA.ORG, OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSA.ORD/TECH/COMMENERG/4624/SELF SERVICE. 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 WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-594-7656 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" [EX. 118] 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.).
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@incoq.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@incoq.org.

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

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.
BOA-22930

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

Aerial Photo Date: February 2018
Top shelf stock is moving from 6030 S. Peoria to 1135 E. 61st St.
IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

The Cavee Group Llc, Plaintiff,

V.

Jennifer Fralick Dba, Defendant, and
Top Shelf Dispensary, Defendant.

No. SC-2020-5406
(Small Claims: FORCIBLE ENTRY & DETAINER >$5000.00.)

Filed: 05/20/2020

Judge: Small Claims Judge

Parties

Fralick, Jennifer Dba, Defendant
The Cavee Group Llc, Plaintiff
Top Shelf Dispensary, Defendant

Attorneys

Events

Event
Thursday, June 4, 2020 at 10:00 AM
HEARING(HEA)
Wednesday, September 2, 2020 at 10:00 AM
HEARING(HEA)

Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1.

Issue: FORCIBLE ENTRY & DETAINER >$5000.00. (SCFED2)
Filed by: The Cavee Group Llc
Filed Date: 05/20/2020

Party Name: Disposition Information:

Pending.

Docket

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VERIFICATION OF COMPLIANCE OF THE CARES ACT

OCIS HAS AUTOMATICALLY ASSIGNED JUDGE SMALL CLAIMS JUDGE TO THIS CASE.

RECEIPT # 2020-4093740 ON 05/20/2020.
LINE ITEMS:
- SC-2020-5406: $85.00 ON AC01 CLERK FEES.
- SC-2020-5406: $50.00 ON AC08 SHERIFF FEES.
- SC-2020-5406: $6.00 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL.
- SC-2020-5406: $1.66 ON AC31 COURT CLERK REVOLVING FUND.
- SC-2020-5406: $5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.
- SC-2020-5406: $1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.
- SC-2020-5406: $7.00 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY.
- SC-2020-5406: $0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS.
- SC-2020-5406: $2.48 ON AC67 DISTRICT COURT REVOLVING FUND.
- SC-2020-5406: $25.00 ON AC79 OCIS REVOLVING FUND.
- SC-2020-5406: $10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY.
- SC-2020-5406: $10.00 ON AC89 COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE.

FORCIBLE ENTRY AND DETAINER SERVED PER SERV FRALICK-TOP SHELF DISPENSARY, JENNIFER 5/26/20

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO FORCIBLE ENTRY AND DETAINER AFFIDAVIT

CASE NOTE- JURY TRIAL WAS REQUESTED, BUT NO MONEY WAS PAID

LUDI LEITCH, DEBORRAH: PLAINTIFF APPEARED DEFENDANT APPEARED CASE SET FOR STATUS CONFERENCE 9-2-20 @ 10:00 ROOM 112
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: 9318
CZM: 37
CD: 4

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Clare Ashby

ACTION REQUESTED: Special Exception to permit a fence to exceed 4-feet in height inside the street setback in a Residential District (Sec. 45.080-A)

LOCATION: 1831 E 27 ST S

PRESENT USE: Residential

TRACT SIZE: 64804.48 SQ FT

LEGAL DESCRIPTION: PRT LTS 1 & 2 BEG NWC LT 1 TH E93.68 SE95.76 S148.23 SWLY CRV LF 89.08 SELYCRV RT 18.67 S3.53 W120.63 N163.25 NW130.26 POB & BEG NEC LT 2 TH SE130.26 S163.25 NW96.25 N58.28 N144.34 POB BLK 1; PRT LTS 1 & 2 BEG 86.98W & .16N SWC LT 1 TH N199.85 E120.63 S201.70 TH ON CRV LF128.37 POB BLK 1, FOREST HILLS

RELATED PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located on the Northside of E. 27th St. S. Between Victor and Yorktown avenues. It is located Immediately South of Cascia Hall Preparatory School.

STAFF COMMENTS: The Applicant is requesting a Special Exception to permit a fence to exceed 4-feet in height inside the street setback in a Residential District (Sec. 45.080-A)
Section 45.080  Fences and Walls

Fences and walls within required building setbacks may not exceed 8 feet in height, except that in required street setbacks fences and walls may not exceed 4 feet in height. However, in R zoned districts, fences up to 8 feet in height are permitted in side street setbacks of detached houses or duplexes located on corner lots and in street setbacks abutting the rear lot line of houses or duplexes located on double frontage lots. The board of adjustment is authorized to modify these fence and wall regulations in accordance with the special exception procedures of Section 70.120.

SAMPLE MOTION:

Move to ________ (approve/deny) a Special Exception to permit a fence to exceed 4-feet in height inside the street setback in a Residential District (Sec. 45.080-A).

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

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject property (from google street view)

Facing West on 27th Street (from google street view)
Facing East on 27th Street (from google street view)
EAST NEIGHBOR'S WALL  6'-0" + HEIGHT

GROENENDYKE RESIDENCE
B.O.A. SUBMITTAL
June 1, 2020

TO: TULSA BOARD OF ADJUSTMENTS

RE: GROENENDYKE VARIANCE HARDSHIP MEMO

SAFETY & SECURITY: This side yard has a park-like atmosphere and several people have entered the property. The rear portion is lower in elevation and it’s impossible to see if unauthorized people are wandering around. One group actually took baskets to the back area to harvest bamboo. Others have walked through and spent time sitting on the rocks. This house doesn’t have windows or cameras facing the side yard and the Owners are uncomfortable knowing that anyone can walk all the way to the rear.

EXISTING FENCING: There is an existing 5’-0” hgt chain link fence along a portion of 27th Street. It is covered with very tall plantings. We want to remove the chain link and planting and replace with the custom open steel fence.

The neighbor to the east have a 6’ – 7 ft. tall solid wall along 27th street.
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9321
CZM: 47
CD: 9

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: W Design

ACTION REQUESTED: Variance of the minimum open space requirement from 6,600 sq. ft. to 6000 sq. ft. for a 33 unit apartment building in an RM-2 District (Section 5.030-A Table 5-3).

LOCATION: 3702 S INDIANAPOLIS AV; 3708 S INDIANAPOLIS AV E;
ZONED: RM-2

PRESENT USE: Vacant
TRACT SIZE: 22688.36 SQ FT

LEGAL DESCRIPTION: LT 24 BLK 2; LT 23 BLK 2; N10 LT 21 & ALL LT 22 BLK 2, 36TH STREET

SUBURB

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22816: On 12/10/2019 the Board approved a Special Exception to permit an alternative compliance parking ratios in an RM-2 District (Section 55.050-K) to reduce the required number of parking spaces for an apartment use.

Surrounding Properties: None.

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

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.

REVISED 7/6/2020
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 an RM-2 zoned tract located at the SW/c of E. 37th St. S. and S. Jamestown Ave.

STAFF COMMENTS: The applicant is requesting a Variance of the minimum open space requirement from 6,600 sq. ft. to 6000 sq. ft. for a 33 unit apartment building in an RM-2 District (Section 5.030-A Table 5-3):
STATEMENT OF HARDSHIP:

Hardship Statement

Upon additional zoning review by the City of Tulsa exterior breezeway is not allowed to be classified as open space. By excluding the exterior breezeway from the allotted open space for this property we are now requesting a reduction from the total open space requirement of 200sf per unit to 181.8sf per unit, which is the equivalent of a 600sf reduction (6,600sf down to 6,000sf). We believe that excluding the designed breezeway from the calculation and providing an additional 600sf of greenspace to the site would prove to be undue hardship.

By granting the requested reduction to open space we believe that the intent of the zoning code section 90.080 still meets its intended purpose. Based on existing overhead lines we are required to provide arterial access (26' wide drive versus 24' wide drive) for fire truck access, that is unique to our site conditions. By this added hardship our site lost 310sf of open space.

The breezeway being excluded as open space was not self-imposed, as it is not clearly excluded from the zoning code section 90.080-B and only acknowledged by City of Tulsa during the 2nd round of zoning review LOD comments.

Based on the architectural design and additional landscaping provided via alternative landscape compliance plan, we believe that this variance will not alter the essential character of the neighborhood. It is our belief that this variance request will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or comprehensive plan.

SAMPLE MOTION:

Move to _______ (approve/deny) a Variance of the minimum open space requirement from 6,600 sq. ft. to 6000 sq. ft. for a 33 unit apartment building in an RM-2 District (Section 5.030-A Table 5-3)

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

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

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

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

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Facing South on Indianapolis Ave,

Facing West on E. 37th St.
Subject property

Intersection of 37th St and Indianapolis from subject property
Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for an Variance to permit a drive-thru ATM facility to be located at the front, street-facing side of the property (Section 55.100-C), subject to conceptual plan 25.11 of the agenda packet. The Board has found the hardship to be the layout of the existing property and the building is unique to the structures in the area. 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; for the following property:

W125 E200 LT 2 LESS N15 THEREOF FOR STREET, ALBERT PIKE 2ND SUB, City of Tulsa, Tulsa County, State of Oklahoma

22816—Eller & Detrich – Lou Reynolds

Action Requested:
Special Exception to permit alternative compliance parking ratios in an RM-2 District (Section 55.050-K) to reduce the required number of parking spaces for an apartment use. LOCATION: 3320 East 37th Street South (CD 9)

Presentation:
Lou Reynolds, 2727 East 21st Street, Suite 200, Tulsa, OK; stated he represents Mr. Tim Yardy. Mr. Reynolds stated the request for an alternative parking ratio is based on a parking study that is provided in the Zoning Code. The building is built to the street on 36th Street and 37th Street, and the building is built to the street on Indianapolis. The
dumpster has been screened that is on the 37th Street side. There is ¼ mile of multi-family zoning, from 36th Street to 38th Street on the west side of Indianapolis. There is almost an 1/8 mile of multi-family zoning in the east side of Indianapolis. The parking study was done from the eight projects that are on the west side of Indianapolis, and the four that are on the east side of Indianapolis. The study was conducted five times, between October 15th and November 6th at 7:00 A.M. and 7:00 P.M. by Camille Saunders of W Design. There was a neighborhood meeting last week and one of the neighbors requested a count to be taken in the middle of the night. That count was performed at 9:00 P.M. The results were virtually similar. What was shown is that the apartments to the north of 36th Street has 19 units with 16 parking spaces, which is about 34% Variance between today's Code and what exists. At 7:00 A.M. there were eight vacancies, and at 7:00 P.M. there were eleven vacancies, and at 9:00 P.M. there were six vacancies. Moving through the apartments it can be seen that the vast majority of them has parking that does not comply with the Code at an average between 30% to 50%, and that the parking is about 50% vacant most all the time. There is a state of flux through the entire neighborhood with the twelve different projects. Academic data was also looked at from Urban Land Institute from the Institute of Transportation Engineers, referring to academic data accounting for the existence of surplus parking spaces is a growing trend, and the existing parking minimums are too high. These findings in the study are consistent. There are three transit stops within a ½ mile; one on 31st Street, one on Harvard, and one on 41st, and there is another one at 41st and Yale. This is very unique for Tulsa to be that well served. Much of the parking areas in the vicinity of the project are underutilized. This will not cause any adverse effect on traffic. This will not cause any adverse effect on the neighborhood or the residents. Mr. Reynolds respectfully request the Board approve this request.

Interested Parties:
Randall Hauch, 3647 South Harvard Avenue, Tulsa, OK; stated he is the neighbor to the north. He thinks the apartment will be great for the neighborhood, but he disagrees with the parking study. A lot of the apartments being dealt with are low income with no cars because the residents walk through his parking lot daily. Mr. Hauch stated the Enclave Apartment is a very nice apartment complex located at 41st and Peoria, and it appears there is a parking problem. Every night there is five to ten cars in the old Village parking lot. This is what he concerned about with the reduced parking spaces.

Charles McBride, 6169 South Richmond Avenue, Tulsa, OK; stated he is the owner/broker of Bailey-Foristell which is a property management company; he manages the shopping center located at 3711 South Harvard. Mr. McBride stated he is in favor of the project. While there are a lot of tenants in the apartment buildings that walk the increased revenue will make everyone’s property values rise. There is very little parking on Indianapolis, whether it is morning, noon or night. There is more than enough street parking to make up for the shortage that is projected. He does not find the ratio of one parking space per bedroom to be accurate today particularly with new complexes. Mr. McBride stated he is in favor of the project and thinks it will be fantastic for the neighborhood.
Jennifer Harmon, 3523 South Louisville Avenue, Tulsa, OK; stated she is with the neighborhood association and is an alert neighbor captain, and the association supports the project. Ms. Harmon stated that the neighborhood appreciates that Mr. Yardy and Mr. Reynolds hosted a gathering at the library for the residents. Overall everyone expressed that they wanted the project to move forward. The projects that Mr. Yardy has invested in for the neighborhood has led to a heightened demand for young professionals, and the residents appreciate that.

Tim Yardy, 3541 South Rockford Avenue, Tulsa, OK; stated that he has improved the clientele of the street. If a person is a young professional just out of college and want to live in midtown there are not many options. His target is young professionals and most of the people he spends time with and socialize with do not want to own cars; they use Uber and Lyft. This is a generational change in the number of vehicles owned. He is not targeting the people that have two cars because those people are normally in a house.

Tammy DeAngelos, 3207 East 34th Street, Tulsa, OK; stated she lives in the historic Ranch Acres Neighborhood and is a resident and property owner. She has many rental properties and businesses in Tulsa specifically along the Harvard corridor. Ms. DeAngelos stated that her father resides at the Luxor Condominium Complex; he is an owner. She was not able to attend the meeting last week, but she has met with Mr. Yardy and was introduced to the project. The homes in Ranch Acres, while they are historic, are very impacted by Harvard Avenue. The proposed building will be very tall, and the top story will look into the back yards of those houses, and the roof tops of the buildings on Harvard in front of the proposed building. She studied the project and looked at the area properties and realized there are other properties that do the same thing. She is in favor of progress, but she does have concerns. She disagrees with the parking study. Ms. DeAngelos is concerned about what the City has planned for the Harvard corridor because she thinks the potential parking will be an impact on Indianapolis, and the ingress and egress onto Indianapolis, Harvard, 36th Street and 41st Street. There will be 44 cars coming and going which is a concern. Ms. DeAngelos stated that she would like to rescind her letter of objection and have it a letter of concern.

Rebuttal: Lou Reynolds came forward and stated that he believes the parking study meets the obligations of Section K in the Zoning Code, and there will not be a negative impact on safety. He does not believe it will have a negative impact on the neighborhood.

Ms. Radney asked Mr. Reynolds if he had any comments on the suggestion that the other multi-family units are servicing either a more affordable housing or subsidized housing and the applicability of their parking patterns to something that is going to be more of a market rate? Mr. Reynolds stated the complexes that are housing the lower income people, they ebb and flow.
Mr. Van De Wiele asked Mr. Reynolds if the MidTowner plan is for 30 one-bedroom units and three two-bedroom units. Mr. Reynolds answered affirmatively. Mr. Van De Wiele asked how it came to require 44 parking spaces. Mr. Reynolds stated the 30 units is time 1.25 parking spaces. Mr. Van De Wiele asked Mr. Reynolds if, ultimately, he is asking for one parking space per unit. Mr. Reynolds answered affirmatively.

Comments and Questions:
Mr. Van De Wiele stated that he believes the parking study shows that not even one parking space per unit, maybe, but it would seem that one space per unit would be sufficient. Young professionals not owning cars is becoming a newer way of living.

Mr. Bond and Ms. Ross both stated they are in support of the project.

Ms. Radney stated that she is not confident in the parking study but nor does she agree that 44 parking spaces are required. Ms. Radney stated she is in favor of the project.

Ms. Shelton stated that she is in favor of the project, but she thinks it is not just the reduction in parking it is also the diversity of transportation options.

Board Action:
On MOTION of ROSS, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for an Special Exception to permit alternative compliance parking ratios in an RM-2 District (Section 55.050-K) to reduce the required number of parking spaces for an apartment use, subject to conceptual plans 26.9 and 26.10 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:

LT 24 BLK 2; LT 23 BLK 2; N10 LT 21 & ALL LT 22 BLK 2, 36TH STREET SUBURB, City of Tulsa, Tulsa County, State of Oklahoma

****************
OTHER BUSINESS
None.

****************
NEW BUSINESS
None.

****************

12/10/2019-1241 (41)
CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER
TEL (918) 596-9688
clage@cityoftulsa.org

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

ZONING CLEARANCE PLAN REVIEW
May 14, 2020

LOD Number: 3
Camille Sanders
815 E 3ST
Tulsa, OK 74110

APPLICATION NO: BLDC-055808-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3320 E 37 ST
Description: Apartment

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. 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 CHDEVSVCS@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 ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8TH FLOOR, TULSA, OK, 74103, PHONE (918) 584-7526.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.)

(continued)
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 918-7526. 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. **RESOLVED IBC Sec.105.3.2:** The proposed apartment building is being constructed across multiple lot lines.

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

2. **RESOLVED** You have submitted a site plan that does not sufficiently cover all pertinent zoning data necessary for a complete review.

   **Review comment:** Submit a site plan that provides the information listed below:
   - North arrow
   - Appropriate drawing scale;
   - 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=c688593e48564a81a1f1c260984e587](https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81a1f1c260984e587)
   - The location, dimensions and height of the proposed building;
   - Architectural projections the proposed building, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
   - The setbacks from the proposed new building to lot lines and to the centerline of the abutting Rights-of-Way;

3. **RESOLVED Landscape, Street trees:**
   - At least one large tree is required per 30 feet of street frontage, or
   - At least one small tree is required per 25 feet of street frontage.
   - The tree list prepared by the planning director (see 65.080-A2) identifies and classifies street trees by size.
4. RESOLVED Landscape, Parking lot Requirements:

- Required street trees must be located on the subject property within 20 feet of the planned street right-of-way.
- If factors prevent viable tree planting within this area, in which case required street trees must be installed in the first 7 feet of the planned street right-of-way, as measured from the outer edge of the right-of-way.
- Street tree planting in the right-of-way must comply with the regulations of Title 35, Chapter 6 of the Tulsa Revised Ordinances.
- The land use administrator is expressly authorized to approve an alternative compliance landscape plan for installation of street trees in alternative locations when circumstances prevent tree planting within the areas described in Sec. 65.040-C2.a or when compliance with Sec. 65.040-C2.a would result in a poor growing environment for the tree or damage to public or private improvements.
- Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

- Required interior parking lot landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the land use administrator determines that the presence of overhead lines or other obstructions make the installation of large trees unsafe or impractical or would result in poor growing conditions. Minimum tree planting requirements may be satisfied by the installation of new trees or by the preservation of existing trees (see Sec. 65.080-B4 to determine available incentives for preservation of existing trees).
- Interior parking lot landscaping must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:
  - They must be bordered by a paved surface on at least 2 sides;
  - They must be at least 7 feet wide, as measured from the back of the curb;
  - They must include at least one tree per island and be covered with ground cover plants or mulch;
  - They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape island; and
  - They must be located so that every parking space is within 100 feet of a tree.
  - Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section. The regulations of 65.050-D3.a apply to the landscape terminal island.
  - The land use administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.
  - A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot landscaping requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.
  - Landscape areas and plant material provided to satisfy the vehicular use area buffer regulations of Section 65.060 may not be counted toward satisfying the interior parking lot landscaping regulations of this section (Section 65.050).
5. RESOLVED Submit a landscape that includes at least the following information:

1. The date, scale, north arrow, and name of the owner;
2. The location of property lines and dimensions of the site;
3. The approximate center line of existing water courses, the approximate location of significant drainage features, the location and size of existing streets and alleys, existing and proposed utility easements and overhead utility lines on or adjacent to the lot, and existing and proposed sidewalks on or adjacent to the lot;
4. The location, size and type (tree, shrub, ground cover) of proposed landscaping and the location and size of the proposed landscape areas;
5. Planting details and/or specifications;
6. The method of protecting any existing trees and vegetation proposed to be preserved, including the identification of existing and finished contours illustrating the limits of grading near the drip line of any trees;
7. The proposed irrigation plan for each required landscape area, including a list of abbreviations and symbols, water main size, water meter size and location, point of connection, backflow prevention assembly size, make and model;
8. The schedule of installation of required trees, landscaping and appurtenances;
9. The location of all proposed drives, alleys, parking and other site improvements;
10. The location of all existing and proposed structures on the site;
11. The existing topography and proposed grading;
12. The area in which grading and vegetation removal will occur; and
13. The area and dimensions of each landscape area and the total landscape area provided on the site.

Review comment: Revise your landscape plan providing the information listed above.

6. RESOLVED Sec.67.040-A Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

1. Submit a lighting plan that complies with the fixture height lighting plan requirements of Sec.67.040-B; or
2. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with Sec.67.040-C.

Sec.67.040-B Option 1: Fixture Height Standard Lighting Plan
Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan.

1. Information Required
   a. Fixture height standard lighting plans must include at least the following: A scale drawing of the site with all outdoor lighting locations shown;
   b. Fixture specifications, including catalog cut-sheets or generic standards;
   c. Pole type and height of fixture;
   d. Lamp type and size; and
   e. Fixture mounting and orientation.

2. Maximum Fixture Heights: Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any agricultural or residential zoning district or public right-of-way, as established in Table 67-1:
Table 67-1: Maximum Light Fixture Heights

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<th>Distance from AG District, R District or Public Right-of-Way (feet)</th>
<th>Maximum Fixture Height (feet)</th>
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Sec.67.040-C Option 2: Photometric Study

Option 2 (Photometric Study Lighting Plan) no maximum fixture heights are established, but applicants are required to submit a photometric study in enough detail to demonstrate that all applicable outdoor light standards will be met. The photometric study must include at least the following:

1. A scale drawing of the site with all outdoor lighting locations shown;
2. Fixture specifications, including catalog cut-sheets or generic standards;
3. Lamp type and size;
4. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
5. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

7. **NEW ITEM** Sec.5.030-A Table 5-3: The proposed 33-unit apartment building is in an RM-2 zoning district. There is an open space/unit requirement in this zoning district. Sec.90.080-A defines open space/unit as the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. The minimum requirement is 200 sq ft per unit. The 33 units will require 6600 sq ft of open space. According to Sec.90.080-B1 outdoor areas, that are not occupied by buildings, driveways or parking areas and are generally useable by residents, may be counted toward satisfying minimum open space-per unit requirements.

Review comment: The minimum open space/unit requirement, 6600 sq ft, for this lot has not been met. Although you have approval for an Alternative landscape Plan, this does not waive the minimum open space/unit requirement for this lot. A variance will be required to reduce this requirement. Please contact Austin Chapman at achapman@incoa.org for assistance with the variance.

- **Action Required:** The minimum open space/unit requirement, 6600 sq ft, for this lot has not been met. Although you have approval for an Alternative landscape Plan, this does not waive the minimum open space/unit requirement for this lot. The open space cannot be covered by any of the building floor(s). A variance will be required to reduce the minimum open space/unit requirement, 6600 sq ft, for this lot. Please contact Austin Chapman at achapman@incoa.org for assistance with the variance.

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

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.
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.
PARKING SUMMARY

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<tr>
<td>Standard PKG</td>
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</tr>
<tr>
<td>Total Parking</td>
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IMPORTANT SITE NOTES:
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL MUNICIPAL REGULATIONS AND CODES WHICH ARE IN EFFECT.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH 0.5 PSA STANDARDS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HOSPITALS, INCLUDING ALL SERVICES TO ALL UTILITIES, EXCEPT OVERHEAD, ROAD TRAFFIC SIGNALS, AND HOUSE ANT. AS REQUIRED. ALL WORK SHALL BE ACCORDANCE WITH SCAFFOLDING, HOSPITALS, SPECIFICATIONS, AND CODES APPLICABLE IN THIS AREA.
4. ALL COSTS SHALL BE INCLUDED IN SHEET R.
5. ALL MATERIALS AND SPECIFICATIONS ARE FROM BACK OF CURB VALUES EXCEPT OTHERWISE.
6. BUILDING CORRIDORS ARE TO OUTLINE WALL OF WALL.

IMPERVIOUS AREA TABLE

<table>
<thead>
<tr>
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<td>1,027 SISF</td>
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</tbody>
</table>
BOA-22963

Subject Tract
19-13 21

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

Aerial Photo Date: February 2018
ACTION REQUESTED: Variance to allow more than 1 Accessory Dwelling Unit per lot in an RM-2 District (Sec. 45.031-D) Variance to permit the aggregate floor area of accessory buildings on a lot in an RM-2 District to exceed 40% the floor area of the primary residential structure (Sec. 45.030-B); Variance to permit a Detached Accessory Structure to cover more than 30% of the rear setback (Sec. 90.090-C.2) Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C), and to be located less than 3 feet from the rear lot line (Sec. 90.090-C)

LOCATION: 1515 S CARSON AV W
ZONED: RM-2

PRESENT USE: Residential
TRACT SIZE: 7801.63 SQ FT

LEGAL DESCRIPTION: N 35 LT 9 S 25 LT 10 BLK 2, STONEBRAKER HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-19881; On 07.27.04 the Board approved a Special Exception to permit a home occupation (hair salon) in an RM-2 District.

Surrounding properties:

BOA-21112; On 07.13.10 the board approved an office use in an RM-2 District and a variance of the parking and Screening Requirements for an Office Use. Property Located 1522 South Carson Ave.

BOA-18450; On 07.13.99 the Board approved a variance of the side yard setback from 10' to 4'. Property located 1522 South Carson.

BOA-17918; On 01.13.98 the Board approved a special exception to permit a counseling practice in an RM-2 zoned District and a variance of the street setback requirements, and a variance of the parking and drive design guidelines.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SE/c of E. 15th Street and S. Carson Avenue.

STAFF COMMENTS: The Applicant is requesting Variance to allow more than 1 Accessory Dwelling Unit per lot in an RM-2 District (Sec. 45.031-D) Variance to permit the aggregate floor area of accessory buildings on a lot in an RM-2 District to exceed 40% the floor area of the primary residential structure (Sec. 45.030-B); Variance to permit a Detached Accessory Structure to cover more than 30% of the rear setback (Sec. 90.090-C.2) Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C), and to be located less than 3 feet from the rear lot line (Sec. 90.090-C)

Section 45.031-C Applicability
These regulations apply to all accessory dwelling units, as defined by Section 45.031-A.

Section 45.031-D Regulations
1. Where Allowed
   Accessory dwelling units are allowed by special exception in RE, RS, AG, and AG-R districts on lots occupied by a detached house. Accessory dwelling units are allowed by right in RD, RT, RM and RMH districts on lots occupied by a detached house.

2. Number
   No more than one accessory dwelling unit is allowed per lot.
2. RS-2, RS-3, RS-4, RS-5 and RM Districts
In RS-2, RS-3, RS-4, RS-5 or RM, zoned lots used for detached houses or duplexes, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, and accessory buildings not erected as an integral part of the principal residential building may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater. [1]

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

2. Detached Accessory Buildings, including Accessory Dwelling Units, in RE, RS, RD Districts and RM Zoned Lots Used for Detached Houses or Duplexes.
   a. Detached accessory buildings, including Accessory Dwelling Units, may be located in rear setbacks provided that:
      (1) The building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate; and
      (2) Building coverage in the rear setback does not exceed the maximum limits established in Table 90.2:

      Table 90.2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback
      | Zoning District | Maximum Coverage of Rear Setback |
      |-----------------|---------------------------------|
      | RS-1 and RE Districts | 20%                             |
      | RS-2 District       | 25%                             |
      | RS-3, RS-4, RS-5 and RD Districts | 30%                           |
      | RM zoned Lots Used for Detached Houses or Duplexes | 30%                           |

Construction on this structure is almost all complete, the applicant received a stop work order from an Inspector and referred to apply for permits.
STATEMENT OF HARDSHIP:

The existing parking was not secure, and my property had been frequently targeted by vagrants coming from the corner of 15th and Denver. I needed to build a real garage with quarters to provide safe and secure parking area for my home, additional personal space, and increase lighting and security off the alley. Structure is largely complete, built by me. In addition to the information stated above, other nearby properties in either direction sit closer to the existing alley, and the adjacent 3-story townhomes are taller. My improvement was always intended to conform with the existing adjacent ADU both in style and matching setbacks, and I used old reclaimed materials to help this goal.

SAMPLE MOTION:

Move to _________ (approve/deny) a Variance to allow more than 1 Accessory Dwelling Unit per lot in an RM-2 District (Sec. 45.031-D) Variance to permit the aggregate floor area of accessory buildings on a lot in an RM-2 District to exceed 40% the floor area of the primary residential structure (Sec. 45.030-B; Variance to permit a Detached Accessory Structure to cover more than 30% of the rear setback (Sec. 90.090-C.2) Variance to permit a detached accessory building to exceed 1 story or 18 feet in height and 10 feet to the top of the top plate (Sec. 90.090.C), and to be located less than 3 feet from the rear lot line (Sec. 90.090-C)

- 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 Carson

Facing South on Carson
Subject property

Subject property
Case No. 18445 (continued)

Mr. Dunham mentioned that this area is in transition and is definitely going from residential to industrial.

Interested Parties:
None.

Board Action:
On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Tumbo White "aye"; "nays", no "abstentions"; no "absent") to APPROVE Variance of setback from an R District from the required 75' to 25' to permit a warehouse in an IM District, finding the hardship to be the fact that the neighborhood is in transition. SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions – Use Unit 23 and a Special Exception to remove the requirement for screening from an abutting R District which is vacant land on the west property line, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS, on the following described property:

Lot 1, Block 3, Garden City Addition, City of Tulsa, Tulsa County, State of Oklahoma.

************
NEW APPLICATIONS

Case No. 18450

Action Requested:
Variance of the minimum side yard setback from 10’ down to 4’. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1522 South Carson.

Presentation:
The applicant, Robert Shears, 4829 South 68th East Avenue, submitted a site plan (Exhibit B-1) and stated that the existing house is presently 4’ off of the north property line. He would like to extend the house to the west 12’.

Interested Parties:
None.
Board Action:

On MOTION of DUNHAM, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to APPROVE Variance of the minimum side yard setback from 10' down to 4'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, per plan submitted, finding the hardship to be that this is an existing house and was built before the Zoning Code, on the following described property:

Lot 5, Block 3, Stonebraker Heights, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 18451

Action Requested:

Special Exception to permit church and accessory uses in RS-2 and OL Districts. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located South of SW/c East 51st Street South & South Columbia Place.

Presentation:

The applicant, Randall Pickard, 11013 South Memorial, Tulsa, OK, submitted a site plan (Exhibit C-1) and stated that he represents Christ Presbyterian Church. Mr. Pickard mentioned that the church purchased a lot which was already subject to an approved PUD. In 1985, the lot was approved for office use. The church, since the time of purchase, has made improvements to the property and utilizes it for office use. The purpose for this application is to allow the church to use the property for church use, including the office use and some classrooms. The church would like to expand the house 40’ to the north. At the time of granting the original PUD in 1985, the property to the north of the subject property, which is zoned OM, had a house on it. There was a condition placed in the PUD for the subject property that there could be no expansion to the north without a change in the PUD. Mr. Pickard mentioned that they believe this use is consistent with the surrounding area. Mr. Pickard explained to the Board that it is the church’s intention, upon granting of the special exception, to abandon the PUD.

Comments and Questions:

Mr. Dunham asked Mr. Pickard if the church owns the OM tract? Mr. Pickard replied that the church does own the OM tract.

Mr. Dunham asked the applicant what the days and hours of operation will be on this particular tract? Mr. Pickard replied that the office use will be ordinary office hours for a church. The expansion to the north will allow for a youth meeting room which would primarily be on Sundays.
Presentation:
Beverly Carson, stated she represented Kerry Carson, who lives on the subject property.

Mr. Stevens out at 3:32 p.m. and returned approximately 3:34 p.m.

They proposed to enlarge the house with an addition to the back of it. She stated that because of the CH zoning she was told to apply for a special exception.

Interested Parties:
There were no interested parties present who wished to speak.

Board Action:
On Motion of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Paddock "aye"; no "nays"; no "abstentions"; Stephens "absent") to APPROVE a Special Exception to permit a single-family residence in a CH zoned district, finding this is to correct an existing condition, on the following described property:

E 40 OF LT 4 BLK 12, MAPLE PARK ADDN.

* * * * * * *

Case No. 19881
Action Requested:
Special Exception to permit a home occupation (hair salon) in an RM-2 district, Variance of home occupation guidelines to permit 1 employee. SECTION 402.B.6.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS; SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: 1515 S CARSON AVE W.

Presentation:
Terry Parker, 1515 S. Carson, proposed to open a small salon in his home. He and his roommate would do hair, facials, and massages. They would provide three parking places in the back of the property. They plan to have thirty minutes between clients. They need one employee to do laundry, and cleaning between customers. The hours of operation would be Tuesday through Saturday, 10:00 a.m. to 8:00 p.m. The entrance would be at the back of the house. He wanted to put a small sign on the gate to indicate the entrance to the parking. There will be someone living in the guest house and if they are home during business hours they will park in his driveway not at the back.

Comments and Questions:
Ms. Turnbo asked if he had talked with the neighbors. Mr. Parker replied that he had talked with neighbors and they were in support. Mr. Beach noted that no relief was requested for a sign.
Interested Parties:
Tracy Horner-Shears, 1522 S. Carson, submitted letters of support, and a letter stating conditions they would want on the approval (Exhibit G-2 and G-3). She stated that the neighborhood’s concerns are for preserving the historic value; increased traffic flow and on-street parking. She added that the applicant had addressed the concerns to their satisfaction. The homeowner’s association has no objection to the application.

Board Action:
On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a home occupation (hair salon) in an RM-2 district, with conditions for one customer at a time; days/hours of operation Tuesday through Saturday, 10:00 a.m. to 8:00 p.m.; thirty minutes between clients; and the conditions listed in the neighborhood association letter, which are the zoning code home occupation guidelines, on the following described property:

Amendment to Motion:
On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Stephens, Paddock "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a home occupation (hair salon) in an RM-2 district; and a Variance of home occupation guidelines to permit one employee, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, of the Comprehensive Plan, with conditions for one customer at a time; days/hours of operation Tuesday through Saturday, 10:00 a.m. to 8:00 p.m.; thirty minutes between clients; and the conditions listed in the neighborhood association letter, which are the zoning code home occupation guidelines, except to allow one employee, on the following described property:

N 35 LT 9 S 25 LT 10 BLK 2, STONEBRAKER HGTS ADDN.

Case No. 19883

Action Requested:
Variance of requirement that a bar be 300 feet from any other Adult Entertainment Establishment, Variance to permit a reduction in required parking requirement, Special Exception to permit required parking on a lot other than the lot containing the use. SECTION 1212a.C.3.c. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS, Use Conditions; SECTION1212a.D. USE UNIT 12a. ADULT ENTERTAINMENT ESTABLISHMENTS; Off-Street Parking and Loading Requirements; SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING, General Requirements, located: 1740 S BOSTON AVE E.
Code, or the Comprehensive Plan. As to the Amendment the Board finds it 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. Also, note that an alternative compliance may be sought for the landscaping; on the following described property:

LT 1 BLK 1, UNION HIGH SCHOOL ADDN

Case No. 21112-Robert Shears

Action Requested:
Special Exception to permit an office use (Use Unit 11) in an RM-2 district (section 401); a Variance of the parking requirement from 7 to 2 (1211.D); and a Special Exception to modify the screening requirement for an office use from an abutting R district (Section 212.C); all to permit an office use in the existing home. Location: 1522 South Carson Avenue W.

Presentation:
Jim Beach, Wallace Engineering, 200 East Brady, Tulsa, OK; Mr. Beach represents the applicant who purchased the property in 1998 as his residence and started his landscaping consulting firm business in the home in 2004. In 2009 the applicant purchased a new residence and now would like to maintain his business at this property. The business would be very quiet because clients rarely visit the office because the business is conducted outside at his clients properties. There are several other properties located near the applicant that have prior approval for office space; therefore, it is a mixed use neighborhood. The request for modification of the screening requirement would apply along the north and west property lines; the west is screened by the garage structure and the north is screened with existing landscaping. The applicant feels the addition of screening would be a deterrent to a relationship between the properties and the neighbors have requested not to have a screening fence.

Interested Parties:
No interested parties were present.

Comments and Questions:
The board asked what the garage was used for and Mr. Beach stated half of the garage was used for storage.

The board asked about the existing fence. Mr. Beach stated the existing fence would be maintained but the neighbors have requested not to have it extended outward toward Carson Avenue, which is why the application request for screening modification has been submitted.
Board Action:
On MOTION of Van De Wiele, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nay"; no "abstentions") to APPROVE the Special Exception to permit an office use (Use Unit 11) in an RM-2 district (section 401); a Variance of the parking requirement from 7 to 2 (1211.D); and a Special Exception to modify the screening requirement for an office use from an abutting R district (Section 212.C); all to permit an office use in the existing home; finding the neighborhood is a mixed use type and finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan. As to the Special Exceptions the board has found 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, subject to plan 11.7 which will require the 8 ft. fence will be maintained as well as the sidewalks shown on plan 11.7; on the following described property:

LT 5 BK 3, STONEBRAKER HGTS ADDN

* * * * * *

Case No. 21113-Tulsa Engineering and Planning

Action Requested:
Special Exception to permit nursing home use (Use Unit 2) in an RS-1 district (Section 401). Location: 9415 South Yale Avenue

Presentation:
Tim Terral, Tulsa Engineering and Planning Association, Inc., 6737 South 85th East Avenue, Tulsa, OK; requesting a special exception for nursing home use in a RS-1 district. This location is an appropriate property for a nursing home because it at an intersection that has limited access to an expressway, a primary arterial street, a good buffer to the properties to the north, and the topography is not conducive for a residential use. The proposed architecture is residential style and would be harmonious with the surrounding developed neighborhoods. The proposed nursing home would only generate a light traffic flow with the peak time being at shift change, which occurs at times such that there will be no impact with traditional rush hour traffic.

Interested Parties:
Steven Gray, 4530 South Sheridan Road, Tulsa, OK; represents Dr. Ben Pettigrow who lives immediately north to the subject property. This area was originally a corridor district but that has been removed because the area developed as a residential area. The Zoning Code in a RS-1 area requires a 25 ft. setback from the property line and the portico, as illustrated on the drawing presented, will not provide that. His client's bedroom is situated on the south side nearest to this property. The noise level created
Comments and Questions:
Mr. Beach explained that staff incorrectly advertised the property as an AG zoned district and it is actually an RS-3 zoned district. This case will have to be re-advertised with the correct zoned district. Mr. Beach informed the Board that the staff has already re-advertised with the corrected zoning and can be heard on January 27, 1998.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-1 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", Cooper "abstention"; none "absent") to CONTINUE Case No. 17917 to January 27, 1998 at 1:00 p.m.

Case No. 17918

Action Requested:
Special Exception to permit the operation of a counseling practice in an RM-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 11; a Variance of the setback from the centerline of abutting streets requirement from 25’ to 16.2’ on the W., 25’ to 6.0’ on the S. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS; a Variance of the setback from an abutting R district from 10’ to 2.2’ on the E., 5.5’ to the N and 6.0’ on the S. SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS; a Variance from the off-street parking requirements from 4.83 parking spaces to 3 parking spaces. SECTION 1211.D. OFFICES, STUDIOS AND SUPPORT SERVICES; OFF-STREET PARKING AREAS; a Variance of the drive area requirement from 24’ to 0’ to allow the area to be paved with access from the street. SECTION 1303.A.2.c. & d. Figure 4. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS. Or in the Alternative: A Variance of the drive area requirement from 12’ to 0’ to allow the area to be paved with access from the street. SECTION 1303.A.2.c.&d. Figure 1. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 1521 South Carson Avenue.

Presentation:
The applicant, Charles Plake, 616 South Main Street, representing Dr. Patrick Newman, submitted a site plan (Exhibit U-1) and stated that his client has entered into a contract to purchase the subject property contingent upon the approval of the necessary relief from the Board. He explained that his client would like to operate his counseling practice at the subject location. He indicated that he has contacted several neighbors in the immediate area. Mr. Plake submitted a petition of support from the neighbors (Exhibit U-2) and photographs of the subject property (Exhibit U-3). The subject property is a small two-bedroom home in an RM-2 district and there are several businesses in the immediate area. He characterized the subject area as being in transition from a residential area to light office uses. The Comprehensive Plan contemplates that the subject property will be used as light office space. He stated that his client's practice will not be detrimental to the neighborhood in any way. Mr.
Plake questioned whether he needed the Variance of the required setback from the centerline of abutting streets from 25' to 16.2' on the west and 6.0' on the south. He stated that his client can provide three parking spaces at the rear of the subject property, which is where the driveway is currently located in front of the garage as shown on the site plan marked Exhibit I. Exhibit II of the site plan indicates a parking space in the front yard and some of the neighbors are in opposition to that part of the application. He informed the Board that his client's practice is not in any way drug or alcohol counseling. Mr. Plake described his client's practice as an upscale private practice, which will be a benefit to the community.

**Comments and Questions:**
In response to Mr. Dunham, Mr. Plake stated that there will be no alterations made to the structure and the exterior will remain as it presently exists.

Ms. Turnbo asked the applicant what the office hours will be for the subject property? Monday through Thursday, 10:00 a.m. to 6:00 p.m.

Mr. Cooper asked the applicant how his client intended to identify himself as a business? Mr. Plake stated that there will be a small sign on the front door, however there will no signs on the street.

Mr. Plake informed the Board that his client was prepared to erect the required screening, however, after talking with the two neighbors, he found that the neighbors are opposed to the screening.

Mr. White asked the applicant how many people will be employed by his client? Mr. Plake indicated that it will be Dr. Newman and a part-time secretary.

Ms. Turnbo asked the applicant if his client is expanding the drive? Mr. Plake answered affirmatively.

**Interested Parties:**
Pat Fox, 1611 South Carson, stated he lives immediately south of the subject property and is in support of the special exception use. He expressed concerns with the variance for the parking and would like to retain the single-family character in the neighborhood. He stated that he is in favor of the site plan labeled Exhibit I because the additional parking space in the front would be a detriment to the character of the neighborhood.
Case No. 17918 (continued)

Robin Johnson, Route 3, Hulbert, Oklahoma, stated she owns the property directly across the street at 1522 South Carson, as well as the properties located at 1515 South Carson and 1519 South Carson. She commented that she has a vested interest in the subject neighborhood and she does not feel that this is a neighborhood in transition. She stated that it is a residential neighborhood and the more OL encroaches the neighborhood it will cause problems. She requested the Board to deny this application and maintain the residential character of the neighborhood.

Larry Thomas, 1606 South Cheyenne, expressed similar concerns of previous protesters. He commented that the home has been a residence in the past and should remain a residence. He stated he opposes the front yard being paved for a parking space.

Jean Lemmon, 1524 South Cheyenne, opposes the application and did not feel the neighborhood is in a transition.

Interested Parties:
Ronda Paul, 1605 W. Main, Collinsville, stated she owns Lot 11 & part of Lot 10 on the subject Block. Ms. Paul informed the Board that there are 4 1/2 lots that have already converted to commercial zoning. She stated she is in favor of this application.

George Day, 25500 East 170th, Coweta, stated he is support of this application. He commented that Dr. Newman will be an asset to Tulsa and this will be an appropriate use for the subject area.

Applicant's Rebuttal:
Mr. Plake stated his client will not be paving the entire lot, only the area in front of the garage to allow for three parking spaces. He reminded the Board that they have granted similar relief in two other cases fairly close by the subject property. Mr. Plake recited a history of other similar applications that were granted in the subject area. He reiterated that the Comprehensive Plan contemplates that this property will be used as light office space. He stated that the neighbors will probably not notice any difference in activity after Dr. Newman's practice is operating. Mr. Plake explained that the application is not changing the zoning to commercial, but requesting light office use in an RM-2 district. He concluded by asking the Board to grant this application.

Comments and Questions:
Ms. Turnbo stated that the Comprehensive Plan does not encourage light office use in this District, but it does recognize that north of 18th Street is mixed use and does encourage any light office that comes in to keep the nature of the neighborhood. She commented that she has no problem with the application because the hours are very reasonable. Widening the driveway to accommodate three vehicles is understandable, but there is a problem with parking in the front yard. Ms. Turnbo stated that parking in the front yard would be injurious to the neighborhood.
Case No. 17918 (continued)

Board Action:
On MOTION of TURNBO, the Board voted 4-1-0 (Cooper, Dunham, Turnbo, White, "aye"; Bolzle "nays", no "abstentions"; none "absent") to APPROVE Special Exception to permit the operation of a counseling practice in an RM-2 zoned district.

SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use
Unit 11; a Variance of the setback from the centerline of abutting streets requirement from 25' to 16.2' on the W., 25' to 6.0' on the S.

SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS; a Variance of the setback from an abutting R district from 10' to 2.2' on the E., 5.5' to the N and 6.0' on the S.

SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS; a Variance from the off-street parking requirements from 4.83 parking spaces to 3 parking spaces.

SECTION 1211. OFFICES, STUDIOS AND SUPPORT SERVICES; OFF-STREET PARKING AREAS; a Variance of the drive area requirement from 24' to 0' to allow the area to be paved with access from the street.

SECTION 1303.A.2.c. & d. Figure 4. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, per plan submitted as Exhibit I; subject to the business being a counseling practice; subject to the days and hours being Monday through Thursday, 10:30 a.m. to 6:00 p.m.; subject to the building having no signage in the yard; subject to the signage being located on the door; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

W 90', Lot 7, AND W 90' of the S 5' of Lot 8, Block 2, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17919

Action Requested:
Variance of the required parking from 9 spaces to 4 spaces. SECTION 1211. OFFICES, STUDIOS AND SUPPORT SERVICES & SECTION 1214. SHOPPING GOODS AND SERVICES; OFF-STREET PARKING AND LOADING REQUIREMENTS, located 1612 East 15th Street.

Presentation:
The applicant, Robert Johnson, 123 East 21st Street, submitted a photographs (Exhibit V-1), a site plan (Exhibit V-2), and architect drawing (Exhibit V-3). Mr. Johnson stated that the subject property is an existing four-unit apartment house, which is vacant. He explained that he has been looking for a good use for the subject building and decided to propose an antique store on the lower level with offices above. He stated that the proposal is compatible with the surrounding area. The parking argument is that when people park to look at antiques they do not move their car from shop to shop. He explained that the customer will park their cars and walk
to the
ZONING CLEARANCE PLAN REVIEW

APPLICATION NO: ZN LOD- 61701-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 1515 S Carson Ave W
Description: Accessory Dwelling 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 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.

A COPY OF A "RECORD SEARCH" \[X JIS \] JIS 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)
Note: As provided 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. **Section 45.031-D** No more than one accessory dwelling unit is allowed per lot.

   Review Comments: Apply to INCOG for a variance to allow more than one accessory dwelling unit per lot.

2. **Section 45.031-D,6,a b.** In RS-2, RS-3, RS-4, RS-5 or RM zoned lots used for detached houses, the total aggregate floor area of all detached accessory buildings, including accessory dwelling units, may not exceed 500 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

   Review comments: You are proposing a combined 2464 sq ft of floor area for all detached accessory structures on this lot. The proposed detached structures exceed 500 sq ft and 40% of the size of your house. Based on the size of your house (3062 sq ft) you are allowed 1225 sq ft of detached accessory structures on your lot. Reduce the size of your proposed detached accessory structures to be less than 1225 sq ft or apply to BOA for a variance to allow a combination of all detached accessory structure floor area to exceed 40% of the floor area of the principal residential structure.

3. **90.090-C.2) Detached Accessory Buildings**
   a. Detached accessory buildings may be located in rear setbacks in RM districts, provided that:

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

   Review Comments: Revise and resubmit your plans providing a one story detached accessory building, no greater than 18 feet in overall height and a top plate no greater than 10 feet in height. You may apply for a Variance from the City of Tulsa Board of Adjustment (BOA) to permit the proposed two story accessory building more than 18' above grade and exceed 10 feet to the top plate.

4. **90.090-C.2) Detached Accessory Buildings**
   a. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that:

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

   Review Comments: The rear setback is defined as the minimum distance set out by the zoning code of open unoccupied space between the rear lot line and the required rear setback (in your case, 10 feet from the rear property line. A maximum of 30% (60' X 10' X 30%) or 180 sf of the footprint of the detached
accessory building is permitted to cover the required rear setback. Revise and resubmit your plans indicating the proposed accessory building in the required rear yard to 180 sf or obtain a Variance from the BOA to allow more than 30% coverage in the rear setback.

5. 90.90.C: Detached Accessory Buildings. Detached accessory buildings may be located in rear setbacks in RE, RS and RD districts, provided that the building does not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate.

**Review Comments:** Revise plans to indicate that the detached accessory building will not exceed one story or 18 feet in height and is not more than 10 feet in height to the top of the top plate or apply to the BOA for a variance to allow an accessory structure to be more than 1 story, exceed 18 feet in height and be more than 10 feet in height to the top of the top plate.

6. 90.090-C Permitted Setback Obstructions in R Zoning Districts

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 90-1:

**Review Comments:** Table 90-1 footnote [2] requires accessory structures to be at least 3' from side and rear lot lines. Revise plans to indicate compliance or apply to BOA for a variance to allow less than a 3' rear setback for the structure and the second-floor balcony.

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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.

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

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.
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

### DESIGN PARAMETERS

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<tr>
<td>Live Load</td>
<td>10 kPa</td>
</tr>
</tbody>
</table>

### DIVISION 2 - FOUNDATIONS

- Footings should be designed to support the loads and resist the imposed loads.
- Foundation designs should meet all applicable codes and standards.
- All foundations should be designed to resist seismic loads.

### DIVISION 3 - CONCRETE

- All concrete should be designed to meet the requirements of the American Concrete Institute (ACI) 318.
- Concrete should be reinforced where required by the design.
- All concrete should be cured to meet the design strength.

### DIVISION 6 - WOOD FRAMING

- All wood framing should be designed to meet the requirements of the International Building Code (IBC).
- All connections should be designed to meet the requirements of the IBC.
- All wood framing should be designed to resist wind and seismic loads.

### DIVISION 6 - WOOD ROOF SHEATHING

- All roof sheathing should be designed to meet the requirements of the IBC.
- All connections should be designed to meet the requirements of the IBC.
- All roofing should be designed to resist wind and seismic loads.

### SUBMITTALS

- All plans and specifications should be submitted to the architect for review.
- All materials should be submitted to the architect for approval.
- All work should be submitted to the architect for inspection.

---

**Josh Menders, Attached Garage Addition**

1512 Carson St
Tulsa, OK 74106

**Contractor:** [Contractor Name]

**Architect:** [Architect Name]
I am writing in support of the proposed variances requested by the applicant Joshua Rogeirs on Case Number: BOA-22964 at 1515 S. Carson Ave.

I feel the variance to permit a detached accessory building to exceed one-story or 18 feet in height or 10 feet to the top plate (Section 90.090-C) and to be located less than 3 feet from the lot line should be allowed as several, if not most original accessory structures in Stonebreaker Heights are both two-story and right up against the lot line (especially in an alley configuration).

I feel the variance for both % of floor area and % of setback should be granted due to the property being located adjacent to an OM district. The building density and height will not be out of place when viewed from Carson Ave, and fits in with adjacent structures when viewed from other vantages (from the east). We welcome the additional residential living opportunities within the RM district. Living in an RM-2 district with adjacent OL, OM and CS districts - along with the office use of properties within the RM district, I feel the more residential neighbors who live in the neighborhood will only add to the diversity and enrich the fabric of the neighborhood.

Thank you.
David Pounds
1502 S. Carson Ave.
918-633-9794
To the Tulsa Board of Adjustment:

I am writing in support of the detached garage project Josh Roegiers is building at 1515 S. Carson. I live at 1513 S. Carson.

I think that the project will add to the improvement of the neighborhood. In addition, there have been at times vagrant/homeless people would congregate in the area that the structure was constructed which caused me concern because my minor kids were confronted. At times there were fights and violent incidents. Since the construction there have been no incidents and the homeless have not returned.

I appreciate your attention to this issue and can be contacted if you have any further questions.

Sincerely,

Ralph Bushong
1513 S. Carson Ave.
Tulsa, Ok 74119
918-629-9710
I am writing in support of the proposed variances for the applicant Joshua Rogeirs on Case Number: BOA-22964 at 1515 S. Carson Ave.

In my opinion, the variance to permit this detached building should be allowed. The alley structures in this neighborhood (Stonebreaker Heights) are almost all on the lot line and right beside each other. The variance to permit a detached accessory building to exceed one-story or 18 feet in height or 10 feet to the top plate (Section90.090-C) and to be located less than 3 feet from the lot line should be allowed. As I stated previously the neighborhood consists of many structures that do not meet these criteria.

Living at 1507 S Carson Ave I welcome new residential fixtures being added to the neighborhood. Any new property being built only adds to the diversity and charm of the structures in this neighborhood. This building will not be an eyesore in any way and will help to spruce up the look of the alley.

Thank you,
Lee Naumann
1507 S. Carson Ave.
918-760-6648
To Board of Adjustment,

I am writing this letter to voice my knowledge and support of the application for the detached garage structure currently being built by Josh at 1515 S. Carson Ave. I understand construction will wrap up in the coming weeks at which time no further construction will continue. I view my neighbor’s endeavor as an overall property improvement, and ultimately as adding value to the neighborhood and my own house.

Thank you for your consideration.

Sincerely,

Bruce Lemmon
1524 S. Cheyenne Ave.
(918) 625-2770
Subject Tract BOA-22964

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

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
BOA-22965
19-14 11
HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Xeng Chang

ACTION REQUESTED: Variance of the required frontage in the AG and RE district from 30' to 0' to permit a lot line adjustment (Sec. 25.020-D, Table 25-2, Sec. 5.030, Table 5-3)

LOCATION: Northwest of the NWc of E. 21st St. and S. 177th E. Ave. (Approximately 16900 E. 21st St. S.)

ZONED: RE, AG

PRESENT USE: Undeveloped

TRACT SIZE: 362560.51 SQ FT


RELEVANT PREVIOUS ACTIONS: None.

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.
ANALYSIS OF SURROUNDING AREA: The subject tract is located Northwest of the NW/c of E. 21st St. and S. 177th E. Ave.

STAFF COMMENTS: The applicant is requesting Variance of the required frontage in the AG and RE district from 30' to 0' to permit a lot line adjustment (Sec. 25.020-D, Table 25-2, Sec. 5.030, Table 5-3)

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<th>RS-2</th>
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</table>

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

The applicant is attempting to add a small strip of land to their existing property that currently has no frontage. This application will permit the transfer of property and allow the applicant access to a City of Tulsa waterline. There is no sanitary sewer available to the applicant and they will need to utilize a septic or aerobic system. Physical access to the property is provided by a 50' easement on the eastern side of the property providing access to 21st Street.

STATEMENT OF HARDSHIP:

Please state your hardship: Request for variance of the required street frontage for the initial split. When the lot is combined the new lot has street frontage on the east side of the lot. By granting this variance the minimum standards are met along with not altering the neighborhood. This lot split is needed to allow the property to have access to city water. The public good will not be impaired.

Applicant Signature: [Signature]

SAMPLE MOTION: Move to ________ (approve/deny) a Variance of the required frontage in the AG and RE district from 30' to 0' to permit a lot line adjustment (Sec. 25.020-D, Table 25-2, 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 should be visible in the distance. Property lines not clearly marked.

Facing West on 21st Street
Facing East on 21st Street
Lot Split Survey Exhibit

Part of the Southwest Quarter of the Southeast Quarter
Section 11 T-19-N, R-14-E

Legal Descriptions

The following parcel description was recorded on 12/27/20016 as Document Number 2000427059., a quit claim deed at the Tulsa County Clerk's Office, Tulsa, Oklahoma. Said deed to a parcel lying in the

A parcel of land described as tract 3, located in the SW/4 SE/4 of Section 11, T19N, R14E, INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Comencing at a point found Oklahoma Department of Transportation brass point at the Southeast Corner of Section 11, T19N, R14E, Thence S89°22′27″W, a distance of 1325.03 feet to a found PI nail at the Southeast corner of the SW/4 SE/4 of Section 11; Thence continuing S89°22′27″W, a distance of 441.00 feet to the centerline of a 50.00 foot wide road easement; Thence N089°52′36″W, a distance of 319.31 feet to set 3/8″ IRN Rod; Thence S89°22′27″E, a distance of 220.47 feet to set 3/8″ IRN Rod at the Southwest Property Corner, said point being the true point of beginning; Thence continuing S89°22′27″W, a distance of 220.47 feet to set 3/8″ IRN Rod; Thence N089°52′36″E, a distance of 116.57 feet to set 3/8″ IRN Rod; Thence N89°22′27″E, a distance of 444.47 feet to set 3/8″ IRN Rod in the centerline of a 50.00 foot wide road easement; Thence S089°52′36″E, a distance of 388.05 feet to set 3/8″ IRN Rod; Thence S89°22′27″E, a distance of 230.47 feet to set 3/8″ IRN Rod; Thence N89°22′27″E, a distance of 444.47 feet to the point of beginning, subject to a 25.00 foot roadway easement along the Northeast Side of the parcel containing 336.41 square feet or 0.27 acres, more or less.

The North Thirty feet (30.00') of a parcel of land described in Document Number 2016038544, a general warranty deed with joint warranty recorded 06/01/2016 at the Tulsa County Clerk's Office, Tulsa, Oklahoma, to wit:

The West Third of the West Half of the Southeast Quarter (W3 W1/2 SE1/4) beginning, fifty (50) feet East of the Southwest Corner at the Southeast Quarter, Thence North One Thousand Two Hundred Twenty-eight (1,228) feet to the Midpoint of the point of beginning; Thence West One Thousand Two Hundred Twenty-eight (1,228) feet; Thence West Three Hundred Ninety and Ninety Thousand (390.90) feet; Thence South One Thousand Two Hundred Thirty (1,230) feet to the Midpoint of the point of beginning; Thence West Three Hundred Ninety and Ninety Thousand (390.90) feet; Thence South One Thousand Two Hundred Thirty (1,230) feet to the Northwest corner.

Said North thirty feet (30.00') contains 17,720 square feet or 0.27 acres.

New split tract containing a total of 350,385 square feet or 0.84 acres, more or less.

Surveyor's Statement

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


HRAAK

SURVEYOR TITONE

PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1460

1013 WEST TACOMA - SUITE B
BROKEN ARROW, OKLAHOMA 74012
VOICE: (918) 288-5727
FAX: (918) 288-2524

SCALE: 1"=250'

PREPARED FOR: Xing Chang & See Yang Chang
CHECKED BY: ST SCALE: 1"=250'
SURVEY BY: HRAAK DRAFTED BY: PDH
SURVEY DATE: 200124.42
JOB NUMBER: 200124.42
BOOK/PAGE: FILE NUMBER: 1914.11
LOT SPLIT SURVEY EXHIBIT
Part of the Southwest Quarter of the Southeast Quarter
Section 11 T19N R14E

Legal Descriptions

The following parcel description was recorded on 06/01/2016 as Document Number 2016050035, a
General Warranty Deed with joint tenancy at the
Tulsa County Clerk's Office, Tulsa, Oklahoma said
deed to a parcel lying in the West Half of the
Southwest Quarter of the Southwest Quarter (SW/4 SE/4), Section Eleven (11), Township Nineteen
(T19N) North, Range Fourteen (14) East of the Indian
Base and Meridian, Tulsa County, State of Oklahoma
according to the U.S. Government Survey and is as
follows, to wit:

A tract of land described as the West Third of the
West Half of the Southeast Quarter (w1/3w1/2)
Beginning Fifty (50) feet East of the Southwest
Corner of the Southeast Quarter, Thence North One
Thousand Two Hundred Thirty-five (1235.62) Feet; Thence East Three
Hundred Ninety and Ninety Hundredths (390.90) Feet;
Thence South One Thousand Two Hundred Thirty-five (1235.62) Feet; Thence
West to the Point of Beginning, less the South (50)
Feet thereof in Section Eleven (11), Township
Nineteen (T19N) North, Range Fourteen (14) East of
The Indian Base and Meridian, Tulsa County, according
to the U.S. Government Survey thereof.

Original Tract contains 463,876 square feet or 10.65
Acres, more or less,

and less and except the North (50) feet of said Tract
thereof containing 11,7670 square feet or 0.27
Acres.

New Split Tract contains 452,249 square feet or
10.38 Acres.

Legend

- = calculated boundary point
- = new boundary points
- = property line
- = stat. or roadway r/w
desc. = original described course

SUBJECT PROPERTY

Surveyor's Statement

HRAOK and Salvador Titone, a professional land surveyor in
the State of Oklahoma, do hereby certify that the above map represents a
survey performed in the field under my direct supervision and is
true and correct to the best of my knowledge and belief as of this
date. This survey meets or exceeds the minimum standards for
surveying in the State of Oklahoma as set forth by the Oklahoma
State Board of Registration for Professional Engineers and Land
Surveyors and the U.S. Department of Defense. I have
witnessed the field work of this survey and hereby certify
that this survey is hereby certified.

HRAOK

Salvador Titone
Professional Land Surveyor
Oklahoma No. 1460

PREPARED FOR: Doug C. Yang & Kia C. Yang
CHECKED BY: ST. Yang SCALE: 1"=250'
SURVEY BY: HRAOK DRAFTED BY: PDH
SURVEY DATE: 200124.42 JOB NUMBER: FILE NUMBER: 1914.11
BOOK / PAGE: 54
Subject Tract BOA-22965

19-14 11

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9202
CZM: 36
CD: 1

HEARING DATE: 07/14/2020 1:00 PM

APPLICANT: Mike Thedford

ACTION REQUESTED: Modification to a previously approved site plan (BOA-21326)

LOCATION: 3101 West Edison St

PRESENT USE: School & Athletic Facilities

ZONED: AG

TRACT SIZE: 1069236.85 SQ FT

LEGAL DESCRIPTION: Govt. Lot 3 and NW/4 of SE/4, Sec. 33, T-20-N, R-12-E, City of Tulsa, Osage County

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21326: On 09.27.2011 the Board granted an Exception to allow a School Use to allow Central High School to construct a new locker room adjacent to the athletic fields of an existing school.

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 immediately North of Edison Street between N. 33rd W Ave. and N. 29th West. Ave.

STAFF COMMENTS: The applicant is requesting Modification to the previously approved site plan in BOA-21326 to make improvements to the athletic facilities at Central High School.

17.2

REVISED 7/6/2020
SAMPLE MOTION:
Move to ______ (approve/deny) the requested Modification to a previously approved site plan approved in BOA-21326 (Table 25-1):

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

- Subject to the following conditions ____________________________.

The Board finds that the requested Modification 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 North on N. 29th W. Ave.
Facing South on N. 29th W. Ave.
Exception to modify previously approved plan to allow for construction of locker room at athletic fields of an existing school; subject to per plan 11.9. 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:

NW NE LESS BEG NW C TH E TO NEC TH S682.66 NLY CRV RT 141.80 N495.27 TO PT 50 S NL NE TH W TO PT 50 S NWC NE TH N POB SEC 8 19 14 38.08 ACS, EAST CENTRAL HGTS, EAST CENTRAL HGTS RESUB B7, EAST PORT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell re-entered the meeting at 4:09 P.M.

21326—Greg Helms

Action Requested:
Special Exception to allow UU5 in an AG district to allow construction of a new locker room adjacent to athletic fields of an existing school (Section 301). Location: 3101 West Edison Street

Presentation:
Greg Helms, 329 South Elm Street, Jenks, OK; stated the subject property is Central High School and is a 2010 School Bond Project for a locker room. The locker room will be approximately 12,000 square feet and approximately 22 feet tall. There will be football, track, and soccer locker rooms for boys and for girls. The locker room will be located where the existing practice football field is now so no parking will be taken.

Interested Parties:
Larry Robinson, 2843 West Haskell Place, Tulsa, OK; stated that the money being spent on locker rooms should be used for the betterment of the school. Ms. Stead stated the money being spent on the locker rooms is not an area the Board of Adjustment has control over because the Board of Education decides how to spend the money. The only reason the Board of Education is before the Board of Adjustment is because there is an approval that is required to be able to build the locker room in the current location.

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 APPROVE the request for a Special
Exception to allow UU5 in an AG district to allow construction of a new locker room adjacent to athletic fields of an existing school (Section 301), per plan on 12.6. 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:

GOVT Lot 3 and NW/4 of SE 1/4, SEC 33, T20N, R12E, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

19098-A—Greg Helms

Action Requested:
Minor Special Exception to modify existing plan to allow for stadium press box replacement and addition of handicap seating. Location: 1631 East Woodrow Place North

Presentation:
Greg Helms, 329 South Elm Street, Jenks, OK; stated subject property is Booker T. Washington High School and it is a bond project. Both the home and visitor bleachers are going to be renovated to be handicap accessible with wheelchair accessible ramps and wheelchair accessible seating. The existing bleachers have a capacity of 6,160 and the capacity will be reduced to 5,689. The visitor bleachers have a capacity of 4,096 and the capacity will be reduced to 4,028. The existing press box will be replaced.

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 APPROVE the request for a Minor Special Exception to modify existing plan to allow for stadium press box replacement and addition of handicap seating. Insofar as plans, per se, this will not be an “as per plan” approval. 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:

GOVT Lot 3 and NW/4 of SE 1/4, SEC 33, T20N, R12E, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

********************
ARCHITECTURAL SITE PLAN
SCALE: 1" = 100'-0"
NORTH

Site plan for Board of Education - 21326
Central High School Football
Tulsa, OK

Lighting System

<table>
<thead>
<tr>
<th>Pole / Fixture Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pole ID</td>
</tr>
<tr>
<td>F1, F4</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td>F2-F3</td>
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<tr>
<th>Circuit Summary</th>
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<tr>
<td>A</td>
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<tr>
<td>B</td>
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<td>C</td>
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<tr>
<th>Fixture Type Summary</th>
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<tr>
<td>Type</td>
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<tr>
<td>TLC-BT-575</td>
</tr>
<tr>
<td>TLC-LED-1500</td>
</tr>
<tr>
<td>TLC-LED-600</td>
</tr>
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<table>
<thead>
<tr>
<th>Light Level Summary</th>
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<tbody>
<tr>
<td>Calculation Grid Summary</td>
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<tr>
<td>Grid Name</td>
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<tr>
<td>Football</td>
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<tr>
<td>Home Bleachers</td>
</tr>
<tr>
<td>Residential Spill</td>
</tr>
<tr>
<td>Residential Spill</td>
</tr>
<tr>
<td>Residential Spill</td>
</tr>
<tr>
<td>Security</td>
</tr>
<tr>
<td>Track</td>
</tr>
<tr>
<td>Visitor Bleachers</td>
</tr>
</tbody>
</table>
GUARANTEED PERFORMANCE:

The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

FIELD MEASUREMENTS:

Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

ELECTRICAL SYSTEM REQUIREMENTS:

Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

INSTALLATION REQUIREMENTS:

Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.
Central High School Football
Tulsa, OK

GRID SUMMARY
Name: Track
Size: Irregular
Spacing: 30.0' x 30.0'
Height: 3.0' above grade

ILLUMINATION SUMMARY
Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ±3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

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EQUIPMENT LIST FOR AREAS SHOWN

<table>
<thead>
<tr>
<th>QTY</th>
<th>LOCATION</th>
<th>SIZE</th>
<th>GRADE ELEVATION</th>
<th>MOUNTING HEIGHT</th>
<th>LUMINAIRES TYPE</th>
<th>QTY</th>
<th>POLE</th>
<th>GRID</th>
<th>OTHER</th>
<th>GRIDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>F1-F4</td>
<td>80'</td>
<td>-</td>
<td>23°</td>
<td>TLC-BT-575</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>F1-F4</td>
<td>60'</td>
<td>-</td>
<td>60°</td>
<td>TLC-LED-600</td>
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<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>F1-F4</td>
<td>80'</td>
<td>-</td>
<td>80°</td>
<td>TLC-LED-1500</td>
<td>14</td>
<td>14</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TOTALS</td>
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<td></td>
<td>72</td>
<td>68</td>
<td>68</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

Central High School Football
Tulsa, OK

GRID SUMMARY
Name: Home Bleachers
Spacing: 10.0' x 10.0'

ILLUMINATION SUMMARY

Scan Average: 24.4
Maximum: 38.50
Minimum: 5.08
No. of Points: 75

Luminaire Output: 52,000 / 160,000 / 65,600 lumens
Total Load: 87.0 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

Field and bleacher lighting on. Bleacher height assumed to be 30' above field grade.

Pole location(s)  dimensions are relative to 0,0 reference point(s).
Central High School Football
Tulsa, OK

GRID SUMMARY
Name: Visitor Bleachers
Spacing: 10.0' x 10.0'

ILLUMINATION SUMMARY
Scan Average: 27.4
Maximum: 45.24
Minimum: 8.91
No. of Points: 40

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

---

ENGINEERED DESIGN By: Shawn Moyer • File #173644 • 13-Apr-20
Central High School Football
Tulsa, OK

GRID SUMMARY

Name: Security
Size: 450' x 450'
Spacing: 10.0' x 10.0'
Height: 3.0' above grade

ILLUMINATION SUMMARY

<table>
<thead>
<tr>
<th>Luminaires</th>
<th>QTY</th>
<th>Height</th>
<th>Pole Type</th>
<th>Color</th>
<th>CRI</th>
<th>Luminaire Output</th>
<th>Load</th>
</tr>
</thead>
<tbody>
<tr>
<td>TLC-LED-600</td>
<td>4</td>
<td>65,600 lumens</td>
<td>2.32 kW</td>
<td>5700K</td>
<td>75 CRI</td>
<td>68,400 lumens</td>
<td>270 hrs</td>
</tr>
<tr>
<td>TLC-LED-1500</td>
<td>4</td>
<td>65,600 lumens</td>
<td>2.32 kW</td>
<td>5700K</td>
<td>75 CRI</td>
<td>68,400 lumens</td>
<td>180 hrs</td>
</tr>
</tbody>
</table>

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 depreciation factor.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

Pole location(s) + dimensions are relative to 0,0 reference point(s) ☓
**Central High School Football**
Tulsa, OK

**GRID SUMMARY**

- **Name:** Residential Spill
- **Spacing:** 30.0’
- **Height:** 3.0’ above grade

**ILLUMINATION SUMMARY**

- **Color / CRI:** TLC-8T.575 - 75 CRI
- **Luminaire Output:** 52,000 / 160,000 lumens
- **No. of Luminaire(s):** 64
- **Total Load:** 84.68 kW

---

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco Warranty document.

**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

**Installation Requirements:** Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

---

**EQUIPMENT LIST FOR AREAS SHOWN**

<table>
<thead>
<tr>
<th>Pole Location</th>
<th>Size</th>
<th>Grade Elevation</th>
<th>Mounting Height</th>
<th>Luminaire Type</th>
<th>QTY / POLE</th>
<th>THIS GRID</th>
<th>OTHER GRID</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1-F4</td>
<td>80’</td>
<td>20’</td>
<td>2’</td>
<td>TLC-LED-1500</td>
<td>2</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Pole Location(s) + dimensions are relative to 0.0 reference point(s).**

---

**Engineered Design**
By: Shawn Moyer • File #173644 • 13-Apr-20

---

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Central High School Football
Tulsa, OK

GRID SUMMARY
Name: Residential Spill
Spacing: 30.0'
Height: 3.0' above grade

ILLUMINATION SUMMARY

<table>
<thead>
<tr>
<th>Luminaire Type</th>
<th>L90 hrs</th>
<th>L60 hrs</th>
<th>L70 hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>TLC-BT-575</td>
<td>&gt;120,000</td>
<td>&gt;120,000</td>
<td>&gt;120,000</td>
</tr>
<tr>
<td>TLC-LED-1500</td>
<td>&gt;120,000</td>
<td>&gt;120,000</td>
<td>&gt;120,000</td>
</tr>
</tbody>
</table>

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

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Central High School Football
Tulsa, OK

**GRID SUMMARY**

- **Name:** Residential Spill
- **Spacing:** 30.0' above grade

**ILLUMINATION SUMMARY**

- **Scan Average:** Entire Grid: 10,135,626
- **Maximum:** 30,521,164
- **Minimum:** 1,835,777
- **No. of Points:** 29

**LUMINAIRE INFORMATION**

- **Color / CRI:** 5700K - 75 CRI
- **Luminaire Output:** 52,000 / 160,000 lumens
- **No. of Luminares:** 64
- **Total Load:** 84.68 kW

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco Warranty document.

**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

**Installation Requirements:** Results assume ±3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

---

**EQUIPMENT LIST FOR AREAS SHOWN**

<table>
<thead>
<tr>
<th>Qty</th>
<th>Location</th>
<th>Size</th>
<th>Grade</th>
<th>Mounting Height</th>
<th>Luminaire Type</th>
<th>Grid</th>
<th>Other Grids</th>
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<tbody>
<tr>
<td>4</td>
<td>F1-F4</td>
<td>80'</td>
<td>-</td>
<td>60' 20'</td>
<td>TLC-BT-575</td>
<td>2</td>
<td>0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>80' 14'</td>
<td>TLC-LED-600</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td>D</td>
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<td>4</td>
<td>TOTALS</td>
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<td>72</td>
<td>64</td>
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</tbody>
</table>

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Central High School Football
Tulsa, OK

EQUIPMENT LAYOUT

INCLUDES:
- Bleachers
- Football
- Security
- Track

Electrical System Requirements: Refer to Amperage
Draw Chart and/or the "Musco Control System Summary"
for electrical sizing.

Installation Requirements: Results assume ± 3%
nominal voltage at line side of the driver and structures
located within 3 feet (1m) of design locations.

EQUIPMENT LIST FOR AREAS SHOWN

<table>
<thead>
<tr>
<th>Pole Location(s)</th>
<th>Dimensions are relative to 0,0 reference point(s)</th>
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<tbody>
<tr>
<td>Pole Location(s)</td>
<td>Dimensions are relative to 0,0 reference point(s)</td>
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<thead>
<tr>
<th>QTY</th>
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<th>GRADE</th>
<th>MOUNTING HEIGHT</th>
<th>LUMINAIRE</th>
<th>QTY</th>
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<tbody>
<tr>
<td>4</td>
<td>F1-F4</td>
<td>60'</td>
<td>23'</td>
<td>60'</td>
<td>TLC-BT-575</td>
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<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TLC-LED-1500</td>
<td>34</td>
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<td>4</td>
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<td></td>
<td>22</td>
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</tbody>
</table>

SINGLE LUMINARE AMPERAGE DRAW CHART

<table>
<thead>
<tr>
<th>Ballast Specifications</th>
<th>Line Ampereage Per Luminaire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Phase Voltage</td>
<td></td>
</tr>
<tr>
<td>220 (480)</td>
<td>708</td>
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<tr>
<td>240 (480)</td>
<td>727</td>
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<td>347 (480)</td>
<td>380</td>
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<td>480 (480)</td>
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<td>TLC-BT-575</td>
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<td>TLC-LED-600</td>
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<td>TLC-LED-1500</td>
<td>8.5</td>
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</tbody>
</table>

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

Aerial Photo Date: February 2018