

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, August 11, 2020, 1:00 P.M.

Meeting No. 1256

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://global.gotomeeting.com/join/580504949>

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

Participants must then enter the following **Access Code**: 580-504-949

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.

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<https://global.gotomeeting.com/install/580504949>

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

UNFINISHED BUSINESS

None.

NEW APPLICATIONS

1. **22973—John and Elaine Burkhardt**

Variance to reduce the 30-foot front street setback and the 15-foot side street setback in an RS-2 District to permit a swimming pool (Section 5.030, Table 5-3 & Section 90.090, Table 90-1); Special Exception to allow a fence or wall to exceed 4 feet inside the street setback (Section 45.080-A). **LOCATION:** 1128 Woodward Boulevard **(CD 4)**

2. **22974—Edward Lindsey**

Special Exception to allow a law office in a RM-2 District (Section 5.050, Table 5-2); Variance of the minimum lot size and lot width requirement for a Special Exception use in a RM-2 District (Section 50.050, Table 5-3); Variance of the 25-foot building setback for Special Exception use from a R District in a RM-2 District (Section 5.030-B, Table Note 4); Variance of the minimum building setback from an R District for an office use in an RM-2 District (Section 40.260-B, Table 15-3 & Section 15.030-B, Table Note 5). **LOCATION:** 1612 South Denver Avenue West **(CD 4)**

3. **22975—Jim Beach**

Minor Special Exception to amend a previously approved site plan for a fitness facility and health club in an RD District (Section 70.120). **LOCATION:** 3030 East 91st Street South **(CD 2)**

OTHER BUSINESS
NEW BUSINESS
BOARD MEMBER COMMENTS
ADJOURNMENT

Website: tulsaplanning.org

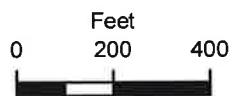
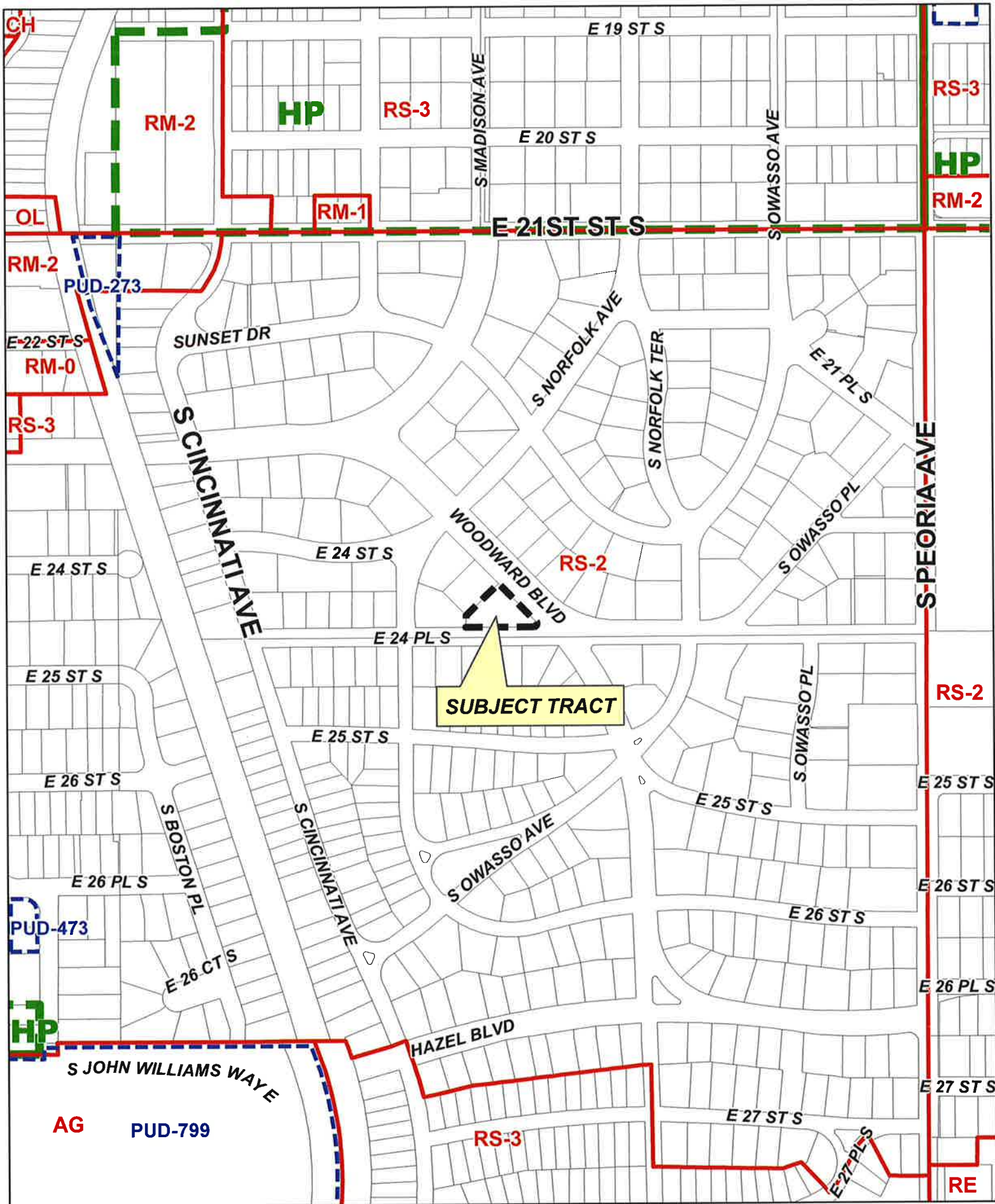
E-mail: esubmit@incog.org

CD = Council District

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

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

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BOA-22973

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BOARD OF ADJUSTMENT CASE REPORT

STR: 9213

Case Number: **BOA-22973**

CZM: 36

CD: 4

HEARING DATE: 08/11/2020 1:00 PM

APPLICANT: John and Elaine Burkhardt

ACTION REQUESTED: Variance to reduce the 30-foot front street setback and the 15-foot side street setback in an RS-2 District to permit a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090, Table 90-1) Special Exception to allow a fence or wall to exceed 4' inside the street setback (Sec. 45.080-A)

LOCATION: 1128 E WOODWARD BV S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 22690.5 SQ FT

LEGAL DESCRIPTION: LOT 3 BLK 10, SUNSET PARK AMD

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-21237; On 03.22.2011 the Board approved a variance of the required front yard to permit an addition to an existing garage . property located 1134 E. 24th Pl. South.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the NW/c of E. 24th Pl. S. and Woodward Boulevard.

1.2

STAFF COMMENTS: The Applicant is requesting Variance to reduce the 30-foot front street setback and the 15-foot side street setback in an RS-2 District to permit a swimming pool (Sec. 5.030, table 5-3; Sec. 90.090, Table 90-1) Special Exception to allow a fence or wall to exceed 4' inside the street setback (Sec. 45.080-A)

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	-
Duplex	-	-	-	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	-
Multi-unit house	-	-	-	-	-	3,300	6,900	5,500	5,500	5,500	5,500	5,500	-
Apartment/condo	-	-	-	-	-	-	-	-	10,000	10,000	6,000	24,000	-
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Patio house	-	-	-	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	-
Townhouse	-	-	-	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	-
Cottage house dev't	-	-	-	-	-	2,750	2,750	2,750	2,750	2,750	2,750	2,750	-
Duplex	-	-	-	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	-
Multi-unit house	-	-	-	-	-	1,100	1,800	1,800	1,800	1,375	1,100	900	-
Apartment/condo	-	-	-	-	-	-	-	-	2,900	1,750	1,100	400	-
Other allowed buildings/uses													
Permitted by right	-	-	-	-	-	-	-	-	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	-
Patio house	-	-	-	60	50	30	50	50	50	50	50	50	-
Townhouse	-	-	-	30	30	20	25	20	20	20	20	20	-
Cottage house dev't	-	-	-	-	-	75	75	75	75	75	75	75	-
Duplex	-	-	-	75	75	30	60	60	60	60	60	60	-
Multi-unit house	-	-	-	-	-	30	50	50	50	50	50	50	-
Apartment/condo	-	-	-	-	-	-	-	-	100	100	50	100	-
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Street Frontage													
Residential bldgs/uses [2]	30	30	30	30	30	30	30	30	30	30	30	30	30
Min. Building Setbacks (ft.)													
Street [3]													
Arterial or fwy service rd.	35	35	35	35	35	35	35	35	35	35	35	35	35
Other streets	35	35	25	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5[5]	5[6]	5[6]	5[6]	5[7]	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15

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

Figure 5-1: Street Side Setback on Corner Lots

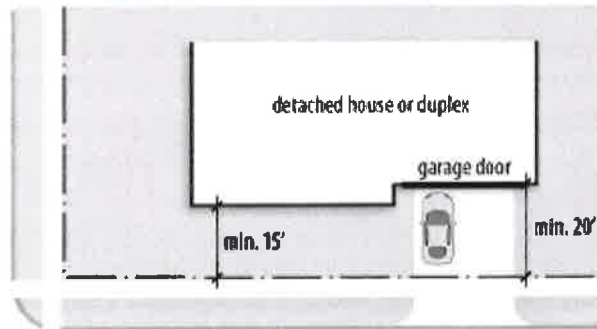


Table 90-1: Permitted Setback Obstructions in R Zoning Districts

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

Table 90-1 Notes

- [1] Special exception approval required; see [§90.090.C1](#).
- [2] Must be setback at least 3 feet from side and rear lot lines.
- [3] May be allowed in the street setback within a rear yard.

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

STATEMENT OF HARDSHIP: The proposed pool would encroach on the setback line.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to allow a fence or wall to exceed 4' inside the street setback (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.

Move to _____ (approve/deny) a **Variance** to reduce the 30-foot front street setback and the 15-foot side street setback in an RS-2 District to permit a swimming pool (Sec. 5.030, Table 5-3; Sec. 90.090, Table 90-1)

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

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

- That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*
- That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*
- 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;*
- That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*
- 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 northwest on Woodward



Facing West on 24th Pl.



Subject property



Subject property

impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

LT 6 LESS BEG SWC THEREOF TH E297.97 N161.47 W297.37 S161.46 POB BLK 2, GOLDEN VALLEY, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21237-Hoby Ferrell

Action Requested:

Variance of the required front yard in the RS-2 district from 30 ft. to 22 ft. (Section 403) to permit an addition to an existing garage. **Location:** 1134 East 24th Place South

Presentation:

Hoby Ferrell, 2651 East 21st Street, Suite 515, Tulsa, OK; stated he represents Mary and Mark Eck. The property is a 1940's era home with an original one-car garage. The zoning is currently RS-2, and the proposal is to construct an architecturally correct one-car garage addition approximately 12' x 19' located adjacent to the existing garage on the property. The existing structure is close to the street and is nonconforming per current building codes. The proposed addition would be located one foot farther away from the street than the current home. The pie-shaped lot prevents the owner from locating the addition farther away from the street.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the required front yard in the RS-2 district from 30 ft. to 22 ft. (Section 403) to permit an addition to an existing garage. This neighborhood was developed in the 1930s, and the RS-2 designation was probably established on this portion of the neighborhood more as to preserve lot sizes than it was to preserve an established streetscape. This lot is very unusual, in a triangular shape, contains over 14,000 square feet, is of a unique shape and is also adjacent to 24th Place, which calls for a 60-foot wide right-of-way, or an additional ten feet than is normal for a residential street. Under the code, dwellings are to be set back 55 feet. The addition will be placed, according to the plan submitted, 52 feet from the centerline. This will be per conceptual plan on page 7.6. Any other encroachment is not given relief herein. In granting this Variance the Board has found that by reason of extraordinary or exceptional conditions or circumstances listed above, which are peculiar to the land, structure or building involved, the literal enforcement of

BDA-21237

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

LT 4 BLK 4, SUNSET TERRACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21238-Wallace Engineering

Action Requested:

Special Exception to permit a public school (Use Unit 5) in an AG district.

Location: East of the NE/c of West 91st Street and South U.S. Highway 75

Presentation:

Jim Beach, 200 East Brady, Tulsa, OK; stated he represents the applicant. The application is for a Special Exception to allow Jenks public schools to establish a 3rd and 4th grade center on the property. Across the street, to the south, is Jenks Intermediate School. One mile north is Tulsa Hills with a lot of new development stimulated by Tulsa Hills. The demand is present for a new school in this location. The applicant will soon be submitting a plat requirement. The building is approximately 80,000 square feet and will be a two-story structure. The parking requirement is 67 spaces at the rate of one per 1,200 square feet, and there will be approximately 180 spaces provided, which will provide parking for larger assembled groups at the school. The ingress and egress drives will be placed on the westerly side of the property, and they will fall between two drives that serve the intermediate school across the street per the City of Tulsa's Transportation Planning Division request. The parking on the northwestern side of the building is designed for car parking/stacking, and the bus loop is situated in front of the building on the southwest side. By situating the school on the west side of the highest point of the property, the topography of the land allows for the hill and trees on the east and the southeast parts of the property to be a buffer zone between the residential property and the school. Initially the school is expected to serve about 650 students with a capacity of about 800, and will service 18 square miles.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **STEAD**, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a public school (Use Unit 5) in an AG district, subject to conceptual plan presented

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

Drew Baker
Vivion Pools & Spas Inc
sarah@vivionpools.com

3/17/2020

APPLICATION NO: ZN LOD 55022-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1128 S Woodward Blvd E

Description: Pool

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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 (TMPC) 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** ☒ **IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT <http://tulsaplanning.org/plans/TulsaZoningCode.pdf>

Application No. **ZN LOD 55022-2020**

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

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

1. **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 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

2. **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: Pools in an RS-2 zoned lot are not allowed in the front street setback which is the first 30' feet of your lot along Woodward Blvd. Revise your site plan to indicate compliance

with the 30' front setback or apply to INCOG for a variance to allow a pool in the front street setback.

3. **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: The proposed swimming pool is located within the 15 foot side yard setback in an RS-2 zoning district along 24th street. You may revise the plans to provide a 15 foot side setback or pursue a variance from the BOA to permit a swimming pool to be located in the 15 foot side yard setback in an RS-2 zoning district.

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
<p>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.</p> <p>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.</p>

LEGEND

- FENCE
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE
EASEMENT (APPROXIMATE LOCATION)

- | | |
|-------------------------------------|-------------------|
| U/E | UTILITY EASEMENT |
| D/E | DRAINAGE EASEMENT |
| <input checked="" type="checkbox"/> | CONCRETE |
| <input type="checkbox"/> | ASPHALT |



BEFORE YOU DIG,
CALL OKIE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DIAL 811

INVOICE NO.: STK 20-101264
CLIENT: JOHN BURKHARDT

LEGAL DESCRIPTION:

LOT THREE (3), BLOCK TEN (10), SUNSET PARK AMENDED, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 1128 WOODWARD BOULEVARD.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF A CAREFUL AND THOROUGH SURVEY OF THE ABOVE DESCRIBED LAND, ACCORDING TO THE BEST PRACTICES AND STANDARDS OF THE SURVEYING PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING PLAT OF SURVEY ACCURATELY SHOWS THE LOCATION OF ALL EXISTING BOUNDARY MONUMENTS AND ALL EXISTING EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR REPORT OF TITLE. THE LOCATION OF ALL EXISTING EASEMENTS AND BUILDING SETBACK LINES ARE SHOWN ON THE PLAT OF SURVEY. ALL ABOVE GROUND UTILITIES WERE NOT FIELD LOCATED AND THEREFORE ARE NOT SHOWN ON THIS PLAT OF SURVEY UNLESS SPECIFICALLY LOCATED BY THE SURVEYOR. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER OF THE PROPERTY THAT THERE ARE NO EXISTING EASEMENTS ONTO THE PROPERTY DESCRIBED HEREON OR ONTO ADJACENT PROPERTIES FROM THE PROPERTY DESCRIBED HEREON BY VISIBLE PERMANENT IMPROVEMENTS, AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PURPOSES OF THE PARTIAL INTERESTS LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR IN A SEPARATE TRANSACTION.

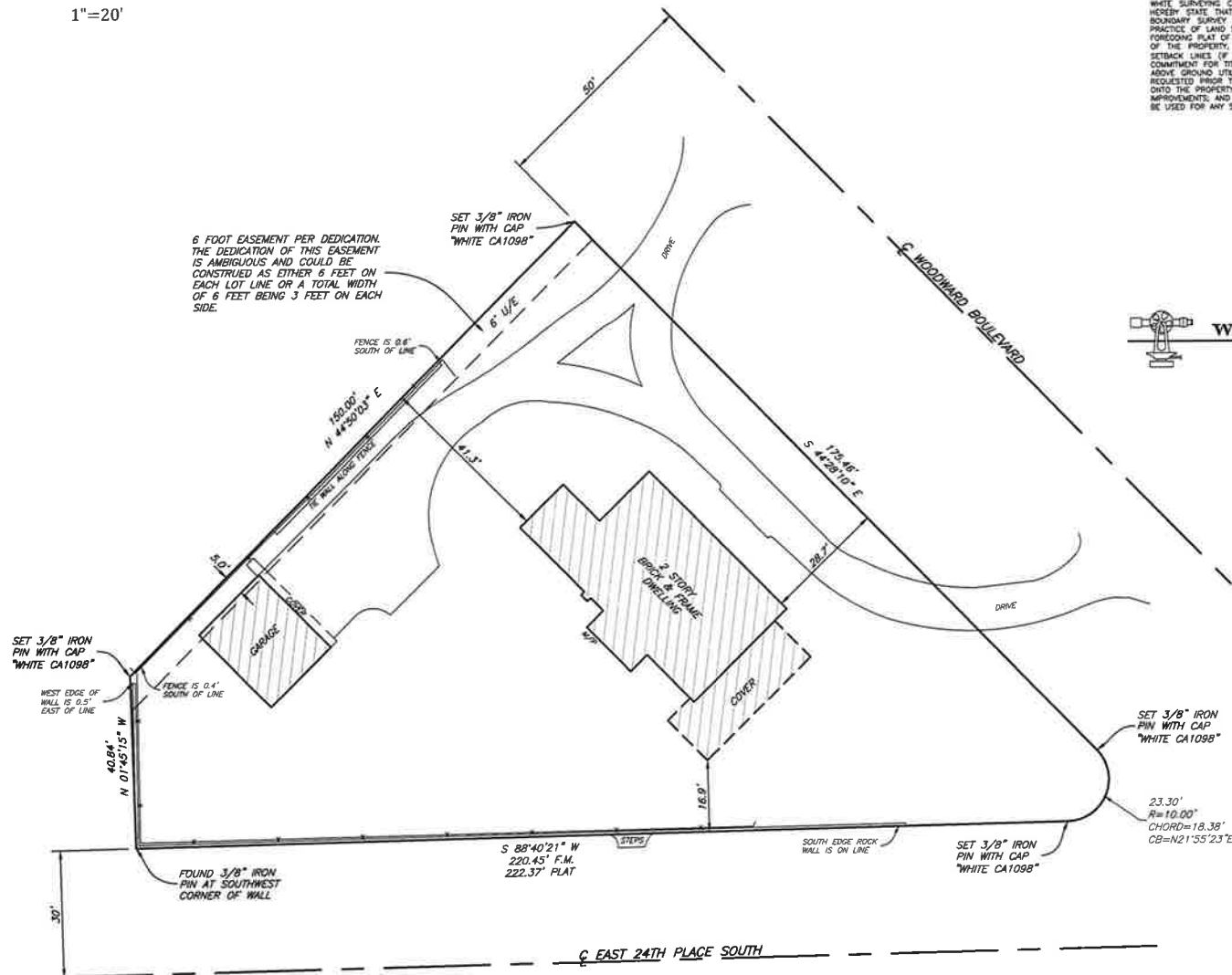
WHITE SURVEYING COMPANY
CERTIFICATE OF
AUTHORIZATION NO. CA1098
(RENEWAL 6/30/2021)



BY: Kyle J. [Signature] DATE: 4/1/20
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676

WHITE SURVEYING COMPANY
providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74146 • 918.663.6924 • 918.664.8366 fax



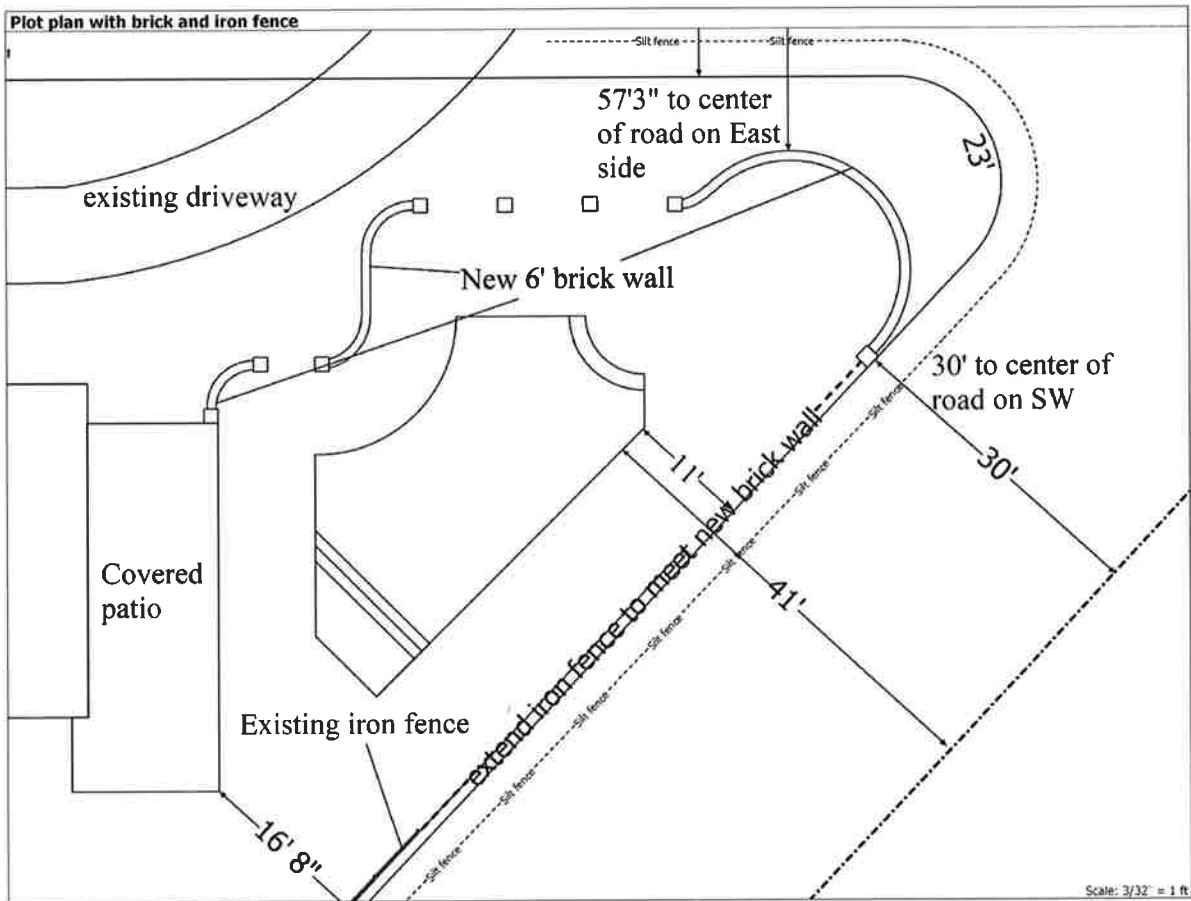
GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE
OKLAHOMA STATE PLANE COORDINATE SYSTEM.

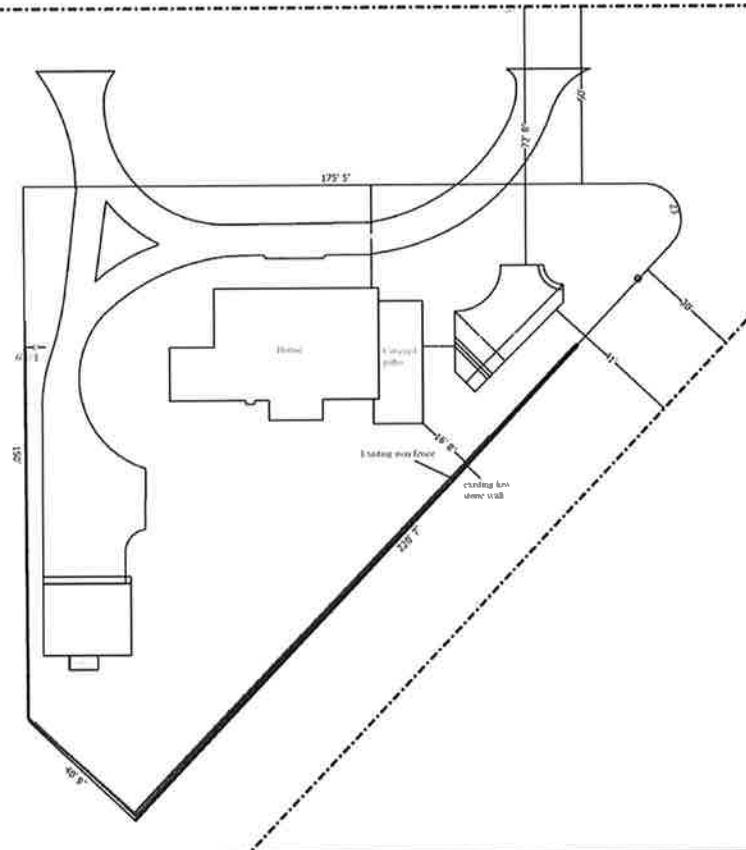
NO BUILDING LINES OR EASEMENTS ARE SHOWN ON THE
RECORDED PLAT OF SUNSET PARK AMENDED.

FIELD WORK COMPLETED MARCH 31, 2020.

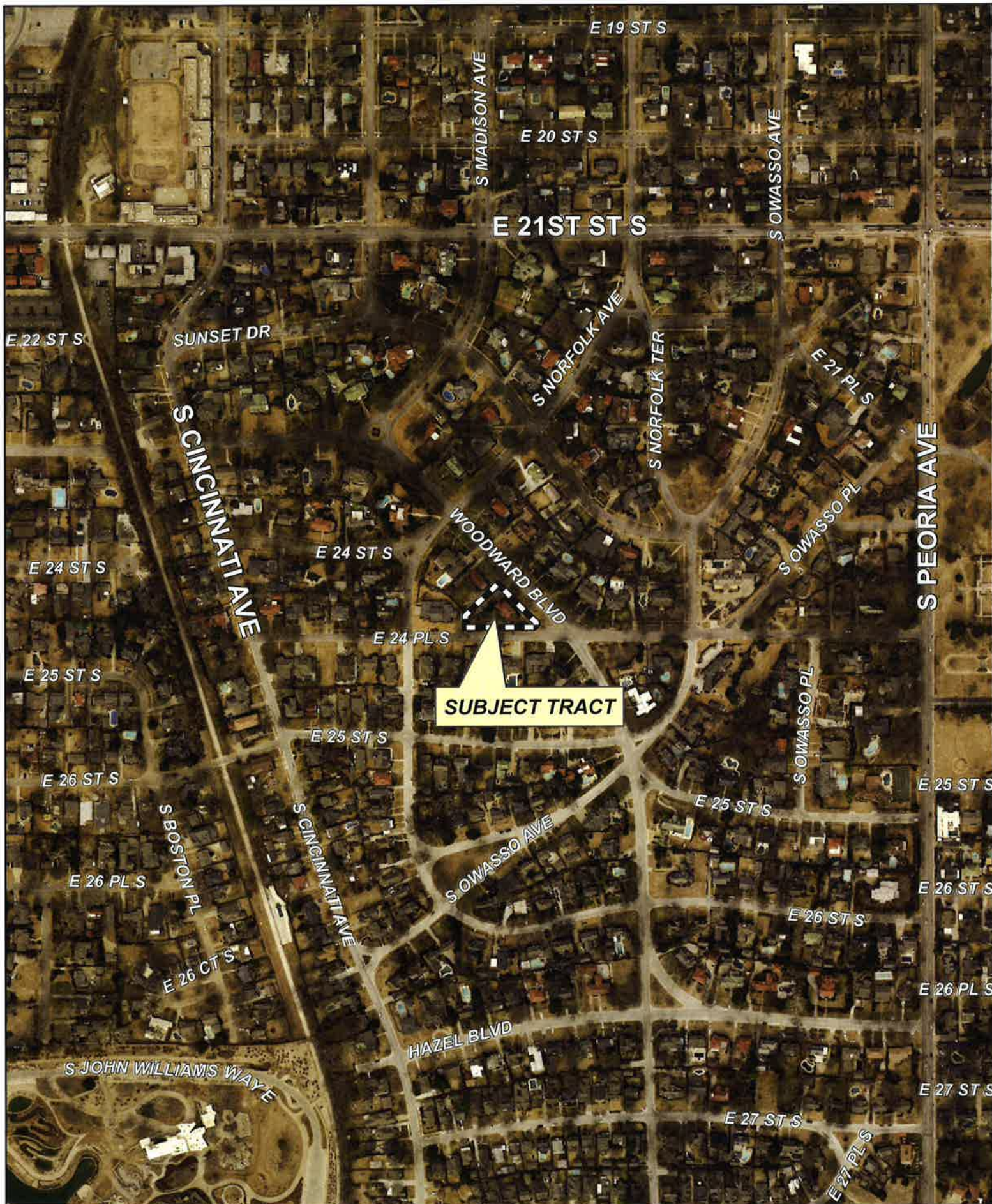
FM = FIELD MEASURED COURSE.
PLAT = RECORDED PLAT COURSE



Plot plan view



Scale: 1/32" = 1 ft



0 200 400
Feet

 Subject Tract

BOA-22973

19-12 13

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

Aerial Photo Date: February 2018

1.17





0 50 100
Feet



Subject
Tract

BOA-22973

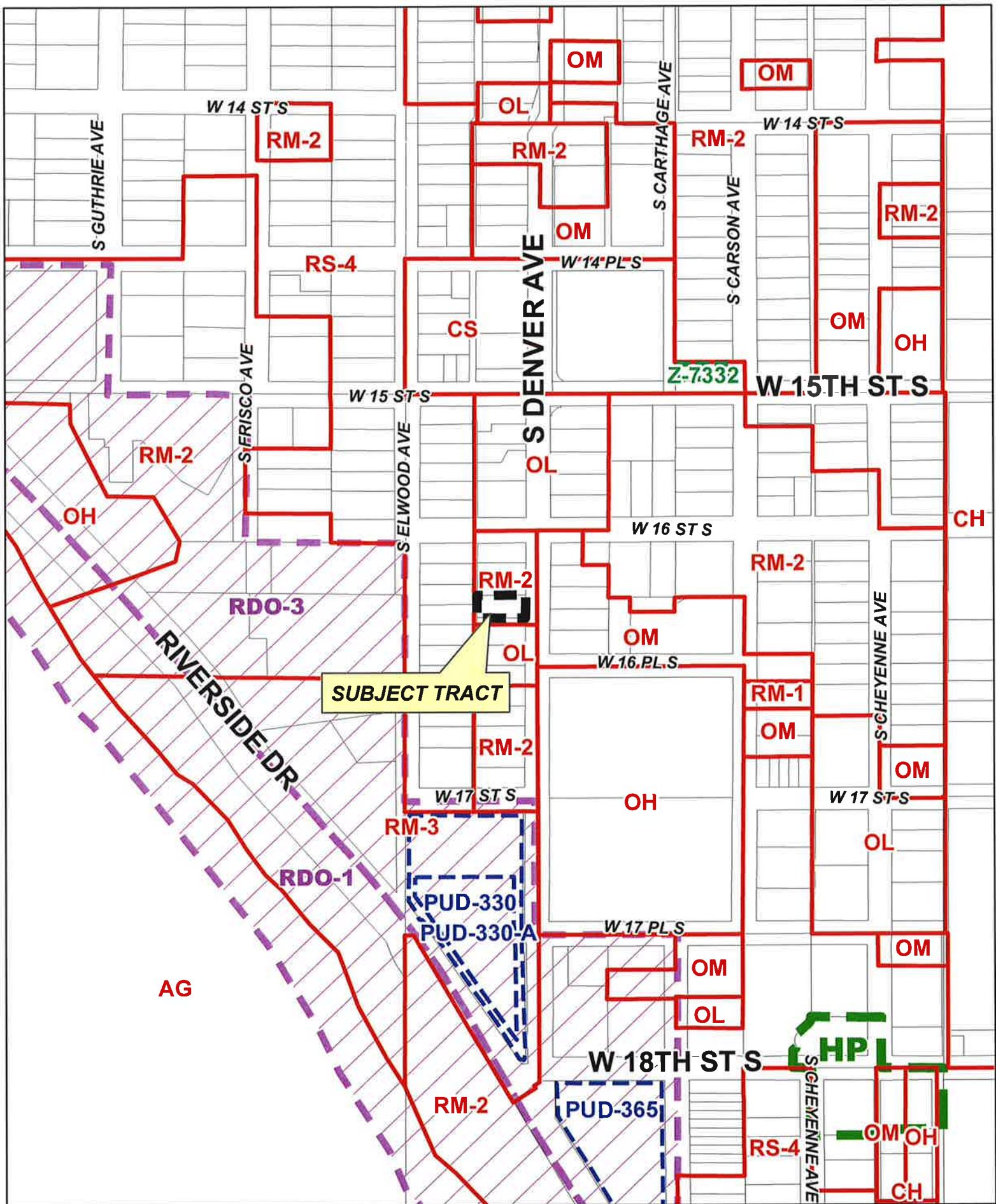
19-12 13

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

Aerial Photo Date: February 2018

1.18





BOA-22974

19-12 12

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9212

Case Number: **BOA-22974**

CZM: 36

CD: 4

HEARING DATE: 08/11/2020 1:00 PM

APPLICANT: Edward Lindsey

ACTION REQUESTED: Special Exception to allow a law office in a RM-2 zoning district (Sec.5.050; Table 5-2) Variance of the minimum lot size and lot width requirement for a Special Exception use in a RM-2 zoning District (Sec. 50.050, Table 5-3) Variance of the 25' building setback for Special Exception Use from a R zoning District in a RM-2 Zoning District (Sec. 5.030-B; Table Note 4) Variance of the minimum building setback from an R District for an Office Use in an RM-2 District (Sec. 40.260-B; Table 15-3; Sec. 15.030-B Table Note 5)

LOCATION: 1612 S DENVER AV W

ZONED: RM-2

PRESENT USE: Residential

TRACT SIZE: 7740.64 SQ FT

LEGAL DESCRIPTION: S.25 LT 3 N.35 LT 4 BK 5, STONEBRAKER HGTS ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding Properties:

BOA-17796: On 09.09.97 the **approved** a Special Exception to permit a home occupation to permit a photography studio. Property located 1611 S. Elwood.

BOA-12019: On 06.24.82 the Board **approved** a variance of the FAR from 25% to 34% and a variance of the setback requirement from 100' to 57.67' from the centerline of the street to enclose and existing porch. Property located 1616 S. Denver Ave.

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed-use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter

2.2

REVISED 7/29/2020

auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c of W. 16th St S. and S. Denver Ave.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow a law office in a RM-2 zoning district (Sec.5.050; Table 5-2) **Variance** of the minimum lot size and lot width requirement for a Special Exception use in a RM-2 zoning District (Sec. 50.050, Table 5-3) **Variance** of the 25' building setback for Special Exception Use from a R zoning District in a RM-2 Zoning District (Sec. 5.030-B; Table Note 4) **Variance** of the minimum building setback from an R District for an Office Use in an RM-2 District (Sec. 40.260-B; Table 15-3; Sec. 15.030-B Table Note 5)

Chapter 5 | Residential Districts
Section 5.020 | Use Regulations

USE CATEGORY	RE	1	2	3	4	5	RD	RT	0	1	2	3	RMH	Supplemental Regulations
Subcategory														
Specific use														
Governmental Service	S	S	S	S	S	S	S	S	S	S	S	S	S	
Hospital	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.070
Library or Cultural Exhibit	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.200
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	S	S	S	S	S	S	
Postal Services	S	S	S	S	S	S	S	S	S	S	S	S	S	
Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.300
Safety Service	S	S	S	S	S	S	S	S	S	S	S	S	S	
School														
Established on or before Jan. 1, 1998	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.350
Others	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.350
Utilities and Public Service Facility														
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	
Wireless Communication Facility														
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.420
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.420
COMMERCIAL														
Broadcast or Recording Studio	--	--	--	--	--	--	--	--	--	S	S	S	--	
Financial Services (except as below)	--	--	--	--	--	--	--	--	--	S	S	S	--	
Personal credit establishment	--	--	--	--	--	--	--	--	--	--	--	--	--	
Funeral or Mortuary Service	--	--	--	--	--	--	--	--	--	S	S	S	--	
Lodging														
Bed & breakfast	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 40.060
Short-term rental	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.375
Marina	S	S	S	S	S	S	S	S	S	S	S	S	S	
Office														Section 40.260
Business or professional office	--	--	--	--	--	--	--	--	--	S	S	S	--	
Medical, dental or health practitioner office	--	--	--	--	--	--	--	--	--	S	S	S	--	

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
Minimum Lot Area (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Patio house	--	--	--	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	--
Townhouse	--	--	--	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	--
Cottage house dev't	--	--	--	--	--	15,000	15,000	15,000	15,000	15,000	15,000	15,000	--
Duplex	--	--	--	9,000	9,000	3,300	6,900	6,900	6,900	6,900	6,900	6,900	--
Multi-unit house	--	--	--	--	--	3,300	6,900	5,500	5,500	5,500	5,500	5,500	--
Apartment/condo	--	--	--	--	--	--	--	--	10,000	10,000	6,000	24,000	--
Mobile home park	--	--	--	--	--	--	--	--	--	--	--	--	[1]
Other allowed buildings/uses													
Permitted by right	22,500	13,500	9,000	6,900	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Min. Lot Area per Unit (sq. ft.)													
Detached house	22,500	13,500	9,000	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	--
Patio house	--	--	--	6,900	5,500	3,300	5,500	5,500	5,500	5,500	5,500	5,500	--
Townhouse	--	--	--	4,500	4,500	2,200	2,750	1,600	1,600	1,600	1,600	1,600	--
Cottage house dev't	--	--	--	--	--	2,750	2,750	2,750	2,750	2,750	2,750	2,750	--
Duplex	--	--	--	4,500	4,500	1,650	3,450	3,450	3,450	3,450	3,450	3,450	--
Multi-unit house	--	--	--	--	--	1,100	1,800	1,800	1,800	1,375	1,100	900	--
Apartment/condo	--	--	--	--	--	--	--	--	2,900	1,750	1,100	400	--
Other allowed buildings/uses													
Permitted by right	--	--	--	--	--	--	--	--	5,500	5,500	5,500	5,500	5,500
Special exceptions	22,500	13,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Minimum Lot Width (ft.)													
Detached house	150	100	75	60	50	30	50	50	50	50	50	50	--
Patio house	--	--	--	60	50	30	50	50	50	50	50	50	--
Townhouse	--	--	--	30	30	20	25	20	20	20	20	20	--
Cottage house dev't	--	--	--	--	--	75	75	75	75	75	75	75	--
Duplex	--	--	--	75	75	30	60	60	60	60	60	60	--
Multi-unit house	--	--	--	--	--	30	50	50	50	50	50	50	--
Apartment/condo	--	--	--	--	--	--	--	--	100	100	50	100	--
Other allowed buildings/uses													
Permitted by right	150	100	75	60	50	50	50	50	50	50	50	50	50
Special exceptions	150	100	100	100	100	100	100	100	100	100	100	100	100

[1] Uses requiring special exception approval in R zoning districts require minimum 25-foot building setback from R-zoned lots occupied by residential uses.

Section 40.260 Offices

The supplemental use regulations of this section apply to office uses in the districts indicated.

40.260-A Office uses in the RM-1 district must comply with the lot and building regulations of the OL district.

40.260-B Office uses in the RM-2 district must comply with the lot and building regulations of the OM district, except that no building occupied by office uses may exceed 35 feet in height.

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IM
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	--	--	--	--	--
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	--	--	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	--	--	[2]	[2]	[2]
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	--	--	10	10	10
From AG, AG-R, or R district	10	10[5]	10[5]	10	10[5]	10[5]	--	--	75[6]	75[6]	75[6]
From O district	--	--	--	--	--	--	--	--	75[6]	75[6]	75[6]
Max. Building Coverage (% of lot)	--	--	--	--	--	--	--	--	--	--	--
Maximum Building Height (feet)	35	--	--	--	--	--	--	--	--	--	--

15.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 15.3:

[1] Same as required in RT district.

[2] Same as required in RM-2 district.

[3] Same as required in RM-3 district.

[4] Garage doors must be set back at least 20 feet or 20 feet from the back of the sidewalk, whichever is greater.

[5] When abutting RE-, RS- or RD-zoned lot, 2 feet of add'l building setback required for each foot of building height above 15 feet.

[6] Minimum building setback abutting freeway right of way that is zoned AG, AG-R, R, or O is 10 feet.

STATEMENT OF HARDSHIP: None provided at the writing of his report.

SAMPLE MOTION:

Move to _____ (approve/deny) a Special Exception to allow a law office in a RM-2 zoning district (Sec.5.050; Table 5-2)

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

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

Move to _____ (approve/deny) a **Variance** of the minimum lot size and lot width requirement for a Special Exception use in a RM-2 zoning District (Sec. 50.050, Table 5-3) **Variance** of the 25' building setback for Special Exception Use from a R zoning District in a RM-2 Zoning District (Sec. 5.030-B; Table Note 4) **Variance** of the minimum building setback from an R District for an Office Use in an RM-2 District (Sec. 40.260-B; Table 15-3; Sec. 15.030-B Table Note 5)

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

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

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



Subject property



Facing North on Denver



Facing South on Denver

Case No. 12017 (continued)

to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts) for a garage to be a principal use in a residential district, subject to the execution of the tie contract, on the following described property:

Lot 9, Block 7, Alta Dena Place Addition, Tulsa County, Okla.

Case No. 12018

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts- Request to construct a pool on a lot by itself, abutting the applicant's residence. This property is located at 1931 North Atlanta Court.

Presentation:

Charlie Ramsey, 1931 North Atlanta Court, was present to address the Board requesting permission to place a swimming pool on the adjoining lot where his home is located. He advised that the tie contract would be acceptable in order to combine the lots and tie them together.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to construct a pool on a lot by itself, abutting the applicant's residence, subject to the execution of the tie contract on the following described property:

Lots 382 and 383, Block 30, Tulsa Heights Addition in Tulsa, Tulsa County, Oklahoma.

Case No. 12019

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Request for a variance of floor area ratio from 25% to 43% and a variance of the setback requirement from 100' to 57.67' to enclose an existing porch. This property is located at 1616 South Denver Avenue.

Presentation:

John Wallis, 1717 South Cheyenne Avenue, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Mr. Wallis requested a variance of the floor area ratio to enclose an existing porch. The existing structure which is a residence has a coverage of approximately 39% floor area ratio and the proposed enclosure of the porch will increase the floor area to 43%. There will be no new construction to the building other than the enclosure. The subject property is bounded by a residence on the north and west, and by an office to the south and east.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in Office

6.24.82:365(14)

Case No. 12019 (continued)

Districts) of the floor area ratio from 25% to 43% and a variance of the setback requirement from 100' to 57.67' to enclose an existing porch, per drawings submitted, on the following described property:

All of Lot 5 and the South 15' of Lot 4, Block 5, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12020

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a mobile home on a lot that already has a house on it; and a

Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 1-year time limit to 5 years. The property is located at 1714 East Latimer Place.

Presentation:

Sandy Glass, the applicant's daughter, was present to address the Board on behalf of Elizabeth Warren, 1714 East Latimer Place. Ms. Glass requested permission to locate a mobile home on the subject property so that her daughter can reside there and care for her grandmother.

Protestants: None.

Board Comments:

Mr. Lewis asked if there were other mobile homes in the area and Ms. Glass advised there were some in the surrounding area, but she was unsure of the exact locations.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a mobile home on a lot that already has a house on it; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) of the one (1) year time limit to three (3) years, to run with this owner only, subject to the mobile home being occupied by family members only, on the following described property:

Lot 10, Block 8, Berry Hart Addition in City of Tulsa, Tulsa County, Oklahoma.

Case No. 12021

Action Requested:

Variance - Section 440.7 (a) & (d) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the setback of 25' from abutting R Districts and request for a variance of the floor area ratio of 50%; and a

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Request for a variance of the height restriction and the side yard requirement; and a

Variance - Section 1320 (d) - General Requirements - Request for off-site parking and loading berths. This property is located at 1620 East 12th Street.

6.24.82:365(15)

Jim Barnes, 5110 East 93rd, **David Lynch**, 9511 South Canton, **Bill Vandale**, 9515 South Canton.

Applicant's Rebuttal:

Mr. Coutant stated that the street is a narrow street and serves the neighborhood well. He explained that there will be construction traffic, however once the substation is completed and on-line it will not be a manned or occupied facility. He commented that there would be a pickup truck or van once a week or less to test the substation. With regard to planting trees and shrubs on the northside for screening, Mr. Coutant stated that he did not think Storm Water Management would approve the plantings because of the flood plain. He offered to plant on the northside if Storm Water Management will allow it. The trees would be conforming to the landscape ordinance and if the size is an issue, than PSO would be willing discuss it.

Comments and Questions:

Mr. Cooper asked the applicant how the berm height was arrived at? Mr. Coutant stated he did not know.

Mr. Cooper asked Mr. Coutant if the proposed berm is a storm water issue or a design issue? He stated it was a design issue.

After a lengthy discussion regarding landscaping and height of equipment, the Board suggested that the application be continued in order for Mr. Coutant and PSO to meet with the neighbors for input on landscaping and screening.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 5-0-0 (Bolzle, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17795 to August 26, 1997, in order for the applicant to meet with the neighbors surrounding the subject site.

Mr. Romig introduced Leslie Myers from the City Legal Department.

Case No. 17796

Action Requested:

Special Exception to allow a photography studio in an RM-2 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a Variance to allow signage in an R district not exceeding 32 SF. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS; ACCESSORY USE CONDITIONS** - Use Unit 11, located 1611 South Elwood.

Presentation:

The applicant, **Andy Leithner**, represented by **Kelly Carter**, Patterson Realtors, submitted a site plan (Exhibit K-1) and photographs (Exhibit K-4). Mr. Carter stated that the 32 SF is a mistake and the sign will actually be 3' x 3' (9 SF). He gave a detail break down of the surrounding properties, which range from apartments, multi-family residences to rental property and homes. Mr. Carter made the comment that the subject property is located in a hodge podge of different zonings, which are higher density zonings. He described the proposed photography studio as a low profile business with low volume. The proposed business is run by Mr. Leithner and his spouse, however in the future they would like to hire someone to help with the day to day business.

Mr. Leithner, 4213 South Rockford, submitted letters of support (Exhibit K-2) and stated that he operates a small, low volume, photography business. He intends to raise his family in the subject home, as well as operating the small photography business. The majority of his business is conducted on location and occasionally one client per day would like to come by his home and pickup their order. He described the sign as 3' x 3', which would be similar to the Resonance sign, which is across the street from the subject property. The sign is not intended for advertising, but to inform the public that he takes appointments only and that the customers do have the right house. Mr. Leithner stated he did not want any walk-in traffic to his business and he does not advertise his address. He explained that in the Yellow Pages Advertisement he includes only his phone number and his business cards do not include his address.

Comments and Questions:

Ms. Turnbo asked the applicant if he works out of his home at his present location? He answered affirmatively.

Ms. Turnbo asked the applicant if he had hired employees in his present location? He answered negatively.

Mr. Cooper asked the applicant to clarify the total square footage of the sign? Mr. Leithner stated the sign will be 9 SF.

Protestants: The following concerns were expressed by the protestants:

Traffic problems on Elwood, rebuilding the neighborhood back to residential, vintage homes, parking problems along the narrow street, setting a precedent and allowing more commercial business in the subject area, submitted a letter of protest (Exhibit K-3) and photographs (Exhibit K-5).

Case No. 17796 (continued)

Christine Dickson, 1518 South Elwood; **Joan Hoar**, 1415 South Frisco; **Ray W. Conn**, 1601 South Elwood; **Clifford Michaels**, 8546 East 33rd Street, joint owner of property located at 1625 South Elwood; **Joann Porter**, 1631 South Elwood.

Applicant's Rebuttal:

Mr. Carter stated that Mr. Leithner filed for an exception because he was over the SF allowed for home occupation.

Comments and Questions:

Ms. Turnbo informed Mr. Carter that if Mr. Leithner hired someone outside of the home to work at the business, than it is no longer a home occupation.

Applicant's Rebuttal: (continued)

Mr. Leithner stated that he respects older homes and would like to raise his family in the subject property. He commented that his customers would only park along the street for approximately one hour or less. He reiterated that the sign will be a small sign to indicate that the customers have the right home.

Comments and Questions:

Mr. Bolzle asked if there is any reason why he could not fit into the home occupation, other than the sign and the proposed future employee? He stated he could fit into the home occupation guidelines.

Mr. Bolzle stated that the subject area has had several compatible businesses over the years. The Code allows for office uses in RM-2 districts by special exception and that has been done in various areas successfully.

Ms. Turnbo stated that the applicant is before the Board for a special exception to allow a photography studio. She commented that she is very aware of the street, which has a terrible traffic problem. She stated that the neighbors have invested money in the subject area and there is a study that says that this part of Riverview should be converted back to single-family dwellings. This neighborhood was blanket zoned and the property owners had no say in the zoning. The neighborhood is listed as a potential National Registry and Historic Preservation of Tulsa. Ms. Turnbo stated she would not be in agreement with a business on the subject street because the parking is very difficult. The homes are built with very short and narrow driveways. She acknowledged that the McCormicks Studio has been on Carson Street for a very long time, however it is east of Denver and is in an area on the Comprehensive Plan that states it is mixed use. The subject property is a part of the District's Comprehensive Plan and it states that it should remain residential.

08:12:96:732(27)

Case No. 17796 (continued)

Board Action:

On **MOTION** of **TURNBO**, to **DENY** a **Special Exception** to allow a photography studio in an RM-2 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** and a **Variance** to allow signage in an R district not exceeding 32 SF. **SECTION 402.B.4.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS; ACCESSORY USE CONDITIONS** - Use Unit 11.

There being no second the Motion failed.

Applicant's Rebuttal: (continued)

Mr. Leithner stated that he would definitely fit into the classification of a Home Occupation because the sign would be a convenience for the neighbors and maybe in the future he would hire extra help. He explained that he is a family man and would like to keep his business small. He stated he could operate his business without a sign or an outside employee.

Comments and Questions:

Ms. Turnbo asked the applicant if he is stating that he does not take portraits in his home and everything is done outside the home? He stated that he might have one person a day come by his home to pick up their order or have their portrait made. He explained that one room would be set up for portraits, which would be 400 SF.

After discussion it was determined that the applicant needed to re-advertise for a home occupation.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Bolze, Cooper, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; none "absent") to **CONTINUE** Case No. 17796 to September 9, 1997, to enable the applicant to re-advertise for a home occupation.

Case No. 17797

Action Requested:

Variance of setback from an abutting street from required 20' to 11.5' to allow an expansion to an existing non-conforming garage. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** - Use Unit 11, located 1347 South Jamestown Avenue.

08:12:96:732(28)

Case No. 17792 (continued)

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:

A part of the NE/4, NW/4, Sec. 1, T-18-N, R-13-E, IBM, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Beg. at the NW/c; thence S89°56'00"E for 175.00', to the POB; thence S0°05'51"W for 500'; thence S89°56'00"E for 100'; thence S0°05'51"W for 500'; thence N89°56'00"W for 100' to the POB, City of Tulsa, Tulsa County, Oklahoma.

Board Action:

On **AMENDED MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to add to the previous **APPROVAL** a **Variance** of the required 200' lot width requirements. **SECTION 303. BULK AND AREA REQUIREMENTS IN THE AGRICULTURE DISTRICTS.**

Case No. 17796

Action Requested:

Special Exception to allow a photography studio as a home occupation in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11, located 1611 South Elwood.

Presentation:

The applicant, **Andy Leithner**, 1611 South Elwood Avenue, submitted letters of support (Exhibit D-1) and photographs (Exhibit D-2). Mr. Leithner stated that the general use of the house is to raise his family and operate a small in-home photography business. He explained that the majority of his business is done outside of the home on location. He commented that the business will not be intrusive to the home or neighborhood. Mr. Leithner explained that there is a small amount of portrait work in the studio, however the majority of the business would be bookkeeping, clients picking up proofs and photographs. He stated that his business is by appointment only and he does not advertise his address in the phone book. The appointments are staggered so that no more than one client will be picking up proofs or photographs.

Comments and Questions:

Ms. Turnbo asked the applicant how many cars he owned, Mr. Liethner stated he owned two (2) cars.

Ms. Turnbo asked the applicant if he had a driveway to his home? He stated he does not have a driveway, but he parks in the alley where there is a garage available.

In response to Ms. Turnbo, Mr. Leithner stated he has approximately two (2) to three (3) customers a day. He explained that there is a three (3) car garage in the alley and there is room for five (5) cars if parked correctly. He stated that his clients come by for approximately 15 minutes and the appointments will be staggered.

Interested Parties:

Cliff Michaels stated he is the joint owner of the property located at 1625 South Elwood. Mr. Michaels concluded that he is in favor of the proposal and welcomes the Leithners to the neighborhood.

Robin Bohls, 4221 South Rockford, stated that the Leithners have been her neighbors for seven (7) years and they have been the best neighbors she has ever had. Ms. Bohls commented that there have never been any problems with parking or traffic in the neighborhood. She concluded that she will miss having the Leithners for neighbors because they were assets to the neighborhood.

Anton Bringman, 1717 South Elwood, stated he is in favor of the Leithner's request. He commented that it will be good for the City of Tulsa to eliminate a commuter off the streets and pollution problems during the day. He stated by having someone home during the day can keep an eye on any potential crime problems in the neighborhood. Mr. Bringman requested the Board to approve the Leithner's application.

Comments and Questions:

Mr. Dunham asked the applicant what the hours of operation will be for the business? He stated that 12:00 noon to 6:00 p.m. weekdays. He explained that on weekends he is usually photographing weddings on site.

In response to Ms. Turnbo, Mr. Leithner stated that he has two parking spaces available in the alley and the attorney behind his home has offered his parking lot for the evening hours if needed.

Ms. Turnbo asked the applicant to state his hours of operation so they can be in the record? Mr. Leithner stated that Monday through Friday, 10:00 a.m. to 8:00 p.m.; Saturdays, 8:00 a.m. to 1:00 p.m.; Sunday, 1:00 p.m. to 3:00 p.m.

Case No. 17796 (continued)

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **APPROVE** a **Special Exception** to allow a photography studio as a home occupation in an RM-2 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 11; per plan submitted; subject to the following conditions: weekday hours 10:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 1:00 p.m., Sunday 1:00 p.m. to 3:00 p.m.; limited to 5 appointments per day; 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:

Lot 21, Block 5, Stonebraker Heights, City of Tulsa, Tulsa County, Oklahoma

Case No. 17801

Action Requested:

Variance to allow parking in the required front yard. **SECTION 1202.C.5.b. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES;** Use Conditions, located 6621 East Latimer Place.

Presentation:

The applicant, **Byron D. Salsman**, representing Greater Heights Church, submitted a site plan (Exhibit E-1) and stated it was his understanding that everything had been approved. He explained that a question came up whether the landscaping plan would alter the site plan. In order to have the required number of trees to meet the landscaping ordinance he will loose six (6) parking spaces. According to his consultants, he has the right number of required parking spaces for a new sanctuary. Mr. Salsman asked for a clarification on when the three (3) year limit commences on the gravel parking lot?

Comments and Questions:

Mr. White explained that the three (3) year limit on the gravel parking lot commences on the date of the meeting it was approved.

After a lengthy discussion the Board decided that the applicant needed to submit a detailed site plan and landscaping plan before taking any action.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Cooper "absent") to **CONTINUE** Case No. 17801 to September 23, 1997, at 1:00 p.m. to enable the applicant to prepare a detailed site plan.



WHITE SURVEYING COMPANY

9036 EAST 56TH PLACE TULSA, OKLAHOMA 74146 (918) 883-8824



INVOICE NO.: FTA 12-62097
MORTGAGOR: LUNA, BRANDON S. & AIMIE LYNN

CLIENT: FIRSTTITLE & ABSTRACT SERVICES, LLC.
STEWART TITLE GUARANTY CO.
75253

MORTGAGE INSPECTION REPORT

LEGEND

— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
W/P WETTING POINT
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)
B.L. BUILDING LINE
O.B.L. OUTBUILDING LINE
BEFORE YOU DIG, CALL OKIE
1-800-522-8543

SURVEY REVIEWED

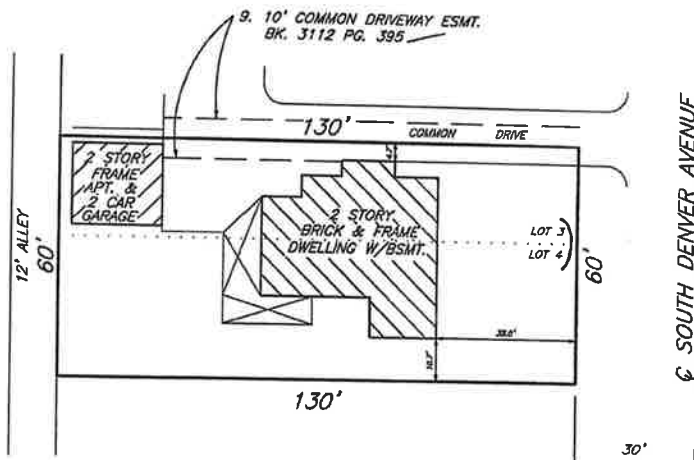
TITLE 8-3-1268

CLOSING _____

ENCROACHMENTS

Yes _____ No X

THIS PROPERTY LIES IN ZONE "X-UNSHADED" FLOOD HAZARD AREA PER F.I.R.M. COMMUNITY PANEL NO. 405381 0240K, AS LAST REVISED 8/03/09.



PLAT NO. 0136

LEGAL DESCRIPTION AS PROVIDED:

THE SOUTH 25 FEET OF LOT THREE (3), AND NORTH 35 FEET OF LOT FOUR (4), BLOCK FIVE (5), STONEBRAKER HEIGHTS ADDITION, TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 136, AND KNOWN AS 1612 SOUTH DENVER.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED LICENSED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION #CA1098 (RENEWAL DATE: JUNE 30, 2013), DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE INSPECTION PLAT SHOWS THE DWELLING AS LOCATED ON THE PREMISES DESCRIBED, THAT IT IS ENTIRELY WITHIN THE DESCRIBED TRACT BOUNDARIES, AND THERE ARE NO ENCROACHMENTS THEREON BY VISIBLE PERMANENT IMPROVEMENTS, EXCEPT AS INDICATED; THAT THE ABOVE INSPECTION PLAT SHOWS ALL RECORDED PLAT EASEMENTS AND OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR BY COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US; THAT THIS INSPECTION PLAT WAS PREPARED FOR IDENTIFICATION PURPOSES ONLY FOR THE MORTGAGE AND IS NOT A LAND SURVEY LINE SURVEY THAT NO PROPERTY CORNERS WERE SET AND IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF PROPERTY BOUNDARIES OR OTHER IMPROVEMENTS REQUESTED BY THE CLIENT; THAT THIS INSPECTION PLAT IS PREPARED SOLELY FOR THE CLIENT LISTED HEREON, OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION; AND THAT NO RESPONSIBILITY OR LIABILITY IS ASSUMED HEREIN OR HEREBY TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.

WITNESS MY HAND AND SEAL THIS DATE: 8/3/12

WARNING! If the seal on this document is not RED, it is an unauthorized copy which may have been altered or modified, and cannot be used for any purpose without the written permission of White Surveying Company.



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DRUMMOND LAW, PLLC
An Oklahoma Professional Limited Liability Company

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Thomas E. Drummond (1945-2012)

June 11, 2020

Randall S. Pickard (1958-2013)

City of Tulsa Board of Adjustment
c/o Edward Lindsey
edwardlindsey@hotmail.com

RE: 1612 South Denver Zoning Change Application

Dear Board of Adjustment members:

This letter endorses Edward Lindsey's application to change the zoning of 1612 South Denver from residential to commercial. As the beneficial owner and occupant of 1414 South Galveston Avenue, I recognize that South Denver Avenue between 15th and 17th Streets has become "Attorneys' Row", and the addition of Mr. Lindsey's legal practice will bring greater prestige to the neighborhood and our community. I welcome him as a neighbor and encourage you to grant the application.

Very Truly Yours,


Gentner F. Drummond

HINDS LAW FIRM, PC

1611 South Denver Avenue
Tulsa, Oklahoma 74119

Collin M. Hinds
collin@hindsfirm.com

tel: (918)582-7472
fax: (918)592-4191

July 8, 2020

City of Tulsa Board of Adjustment
c/o Edward Lindsey

Re: 1612 S. Denver Ave. zoning change application

City of Tulsa Board of Adjustments:

As a long-time owner of the property located at 1611 S. Denver Ave., I am writing this letter in support of the application of Edward Lindsey to change the zoning of property located at 1612 S. Denver Ave. from residential to commercial. I have every reason to believe that granting his application would be beneficial to the other owners of the properties located in that area and would do no harm to any of us. It is important that the home be occupied and kept in good repair, and I am certain Mr. Lindsey will do that.

Sincerely,



Collin M. Hinds

July 21, 2020

City of Tulsa Board of Adjustment.
2 West 2nd Street 8th Floor
Tulsa, OK 74103

Re BOA-22974

To Whom It May Concern,

Please allow this letter to serve as full support for the request from Lindsey Law Firm to seek a Special Exception to allow the property at 1612 South Denver Ave to be used as a law office. I am aware that the existing zoning is RM-2 and that this property is currently being used as a residence.

I am located directly across the street from the property at 1615 South Denver Ave and operate Curtis Music Academy. We would welcome Lindsey Law Firm to our street and neighborhood.

I strongly encourage the Board of Adjustment to approve this request and issue a special exception to Lindsey Law Firm.

Thank you

A handwritten signature in black ink, appearing to read 'Ron Curtis', is written over a horizontal line.

Mr. Ron Curtis
Curtis Music Academy
1615 South Denver Ave
Tulsa, OK 74119
918-361-7641
ron@curtismusicacademy.com

2.20



Terry R. Bennett, D.M.D.

General Dentist

Practice Limited to Temporomandibular Joint Disorders,
Craniofacial Pain, Sleep Apnea and Snoring

Fellow:

International College of
Cranio-Mandibular Orthopedics

American Academy of
Craniofacial Pain

Diplomate:

American Board of
Craniofacial Pain

American Academy of
Dental Sleep Medicine

American Academy of
Pain Management

Memberships:

American Academy of
Craniofacial Pain

International College of
Cranio-Mandibular Orthopedics

American Academy of
Orofacial Pain

American Academy of
Sleep Medicine

American Academy of
Dental Sleep Medicine

Oklahoma Dental Association

American Dental Association

American Academy of
Pain Management

Tulsa Office:

1616 S. Denver
Tulsa, OK 74119

Phone: (918) 582-8651
Fax: (918) 582-3903

Arkansas Office

604 S. 52nd St.
Rogers, AR 72712

Phone: (479) 271-0941

www.tmjok.com
tulsatmj@gmail.com

July 22, 2020

City of Tulsa Board of Adjustment.
2 West 2nd Street 8th Floor
Tulsa, OK 74103

Re BOA-22974

To Whom It May Concern,

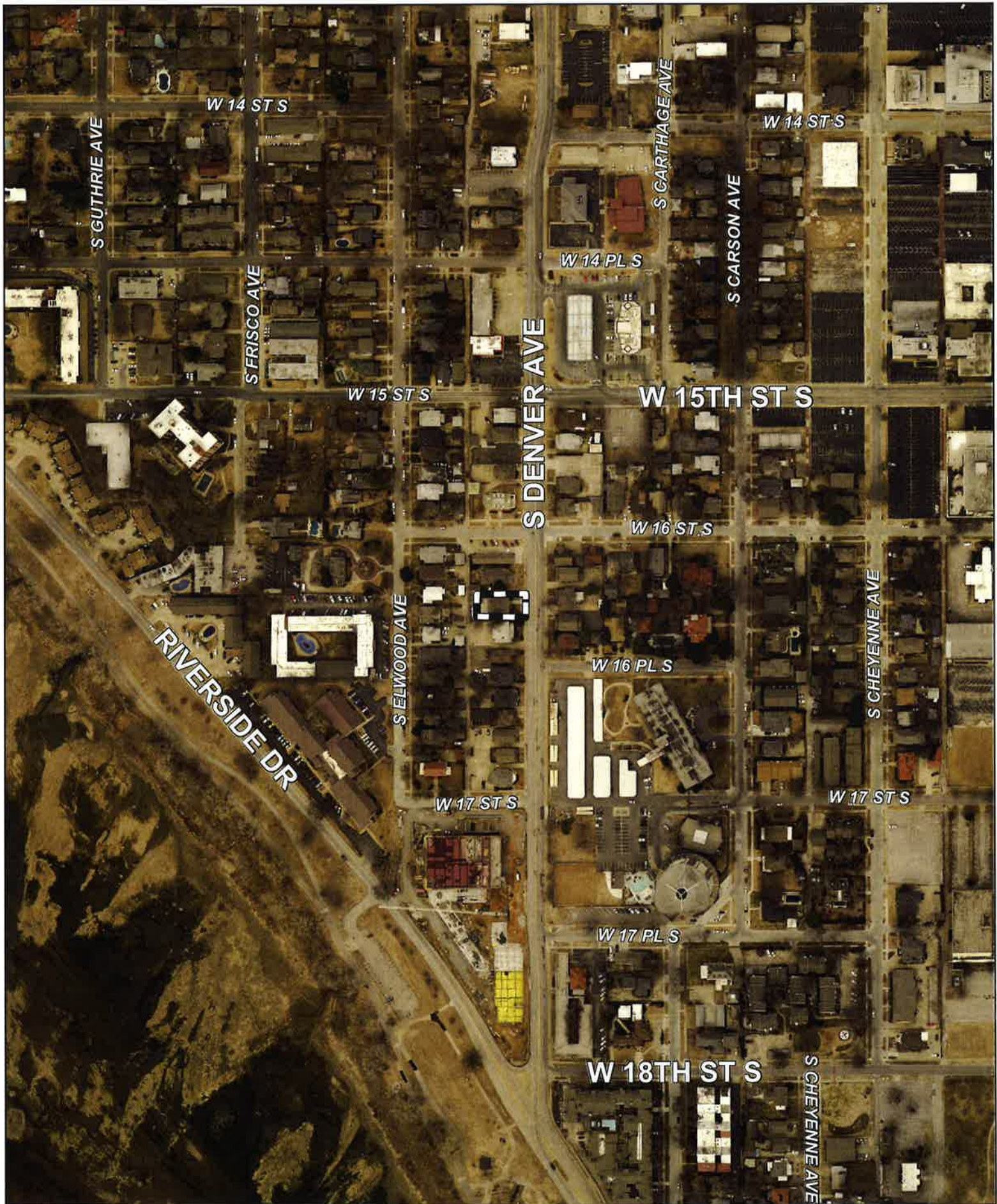
Please allow this letter to serve as full support for the request from Lindsey Law Firm to seek a Special Exception to allow the property at 1612 South Denver Ave to be used as a law office. I am aware that the existing zoning is RM-2 and that this property is currently being used as a residence.

I am located next door to the property at 1616 South Denver Ave and operate the Tulsa Orofacial Pain and Sleep Disorders Clinic. We would welcome Lindsey Law Firm to our street and neighborhood.

I strongly encourage the Board of Adjustment to approve this request and issue a special exception to Lindsey Law Firm.

Thank you

Dr. Terry R Bennett DMD
Tulsa Orofacial Pain and Sleep Disorders Clinic
1616 South Denver Ave
Tulsa, OK 74119
918-582-8651
tulsatmj@gmail.com



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Feet



Subject
Tract

BOA-22974

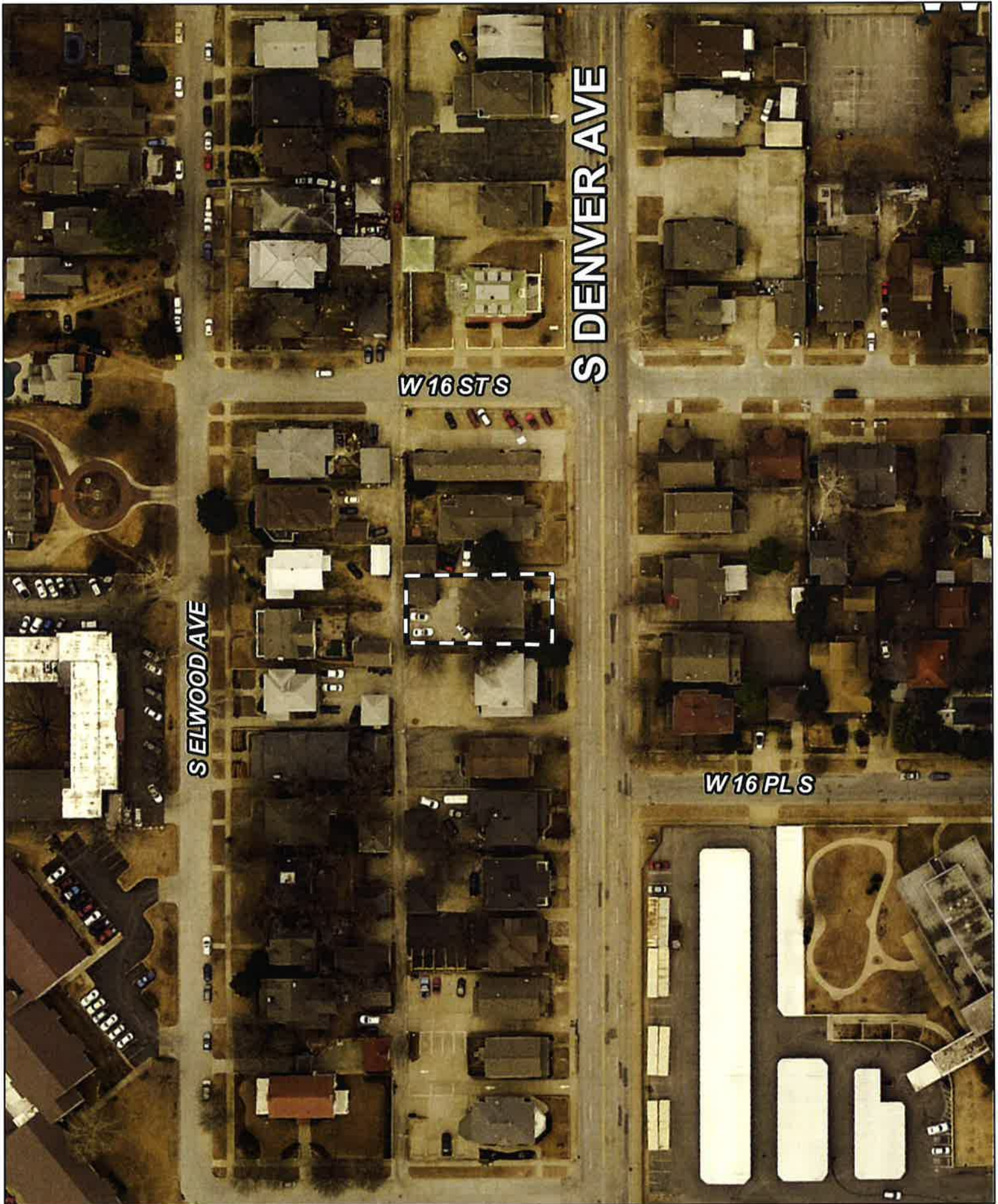
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align with physical features on the ground.

Aerial Photo Date: February 2018

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Feet



Subject
Tract

BOA-22974

19-12 12

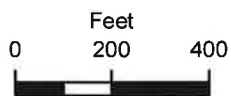
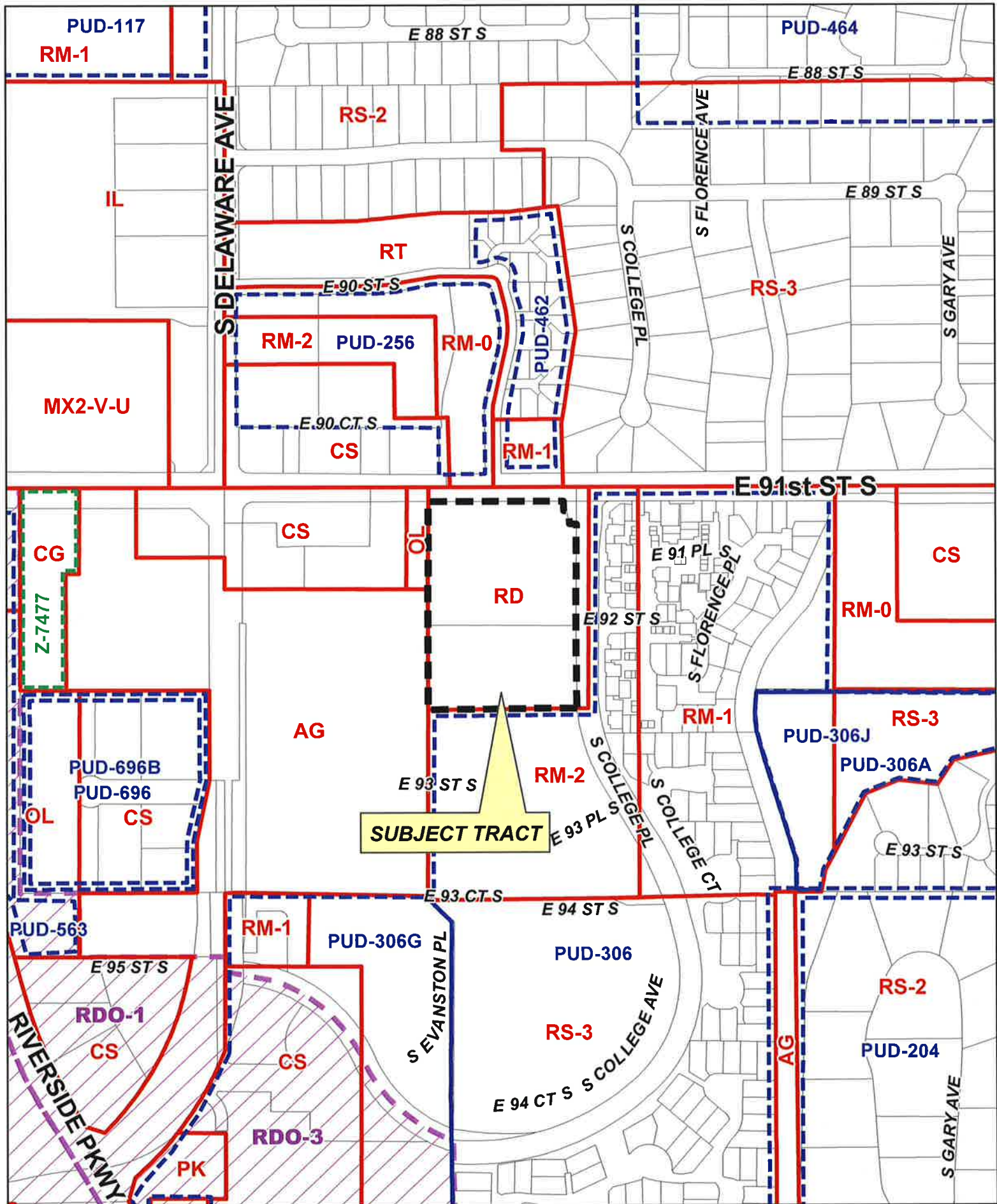
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Aerial Photo Date: February 2018



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BOA-22975

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BOARD OF ADJUSTMENT CASE REPORT

STR: 8320

Case Number: **BOA-22975**

CZM: 56

CD: 2

HEARING DATE: 08/11/2020 1:00 PM

APPLICANT: Jim Beach

ACTION REQUESTED: Minor Special Exception to amend a previously approved site plan for a Fitness Facility and Health Club in an RD District (Sec. 70.120)

LOCATION: 3030 E 91 ST S;

ZONED: RD

PRESENT USE: Fitness Facility

TRACT SIZE: 319435.5 SQ FT

LEGAL DESCRIPTION: LT 1 LESS BEG NEC TH S70 W24 N19 TH ON CRV RT 12.57 N13 W10 N TO NL E TO POB BLK 1, WIMBLEDON PLACE, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA AND PRT NW NE BEG SWC WIMBLEDON PL ADDN TH S270 E480 N270 W480 POB SEC 20 18 13 2.98ACS

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-18874; On 10.26.2000 the Board approved a Minor Special Exception to amend a previously approved site plan.

BOA-16903; On 12.27.94 the Board approved a Minor Special Exception to amend a previously approved site plan.

BOA-9354; On 01.20.77 the Board approved A special Exception to use the property for recreational use to permit 18 outdoor tennis courts and, 10 indoor courts, 2 swimming pools and accessory facilities.

Surrounding properties: None

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

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.

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SW/c of S. College Pl. and E. 91st Street.

STAFF COMMENTS: The applicant is requesting Minor **Special Exception** to amend a previously approved site plan for a Fitness Facility and Health Club in an RD District (Sec. 70.120)

1. Minor Special Exceptions

Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that about the subject property at least 10 days before the scheduled public hearing. (See 570.010-F for additional information on required mailed notices). Minor special exceptions are limited to the following:

- a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

TULSA ZONING CODE | July 1, 2020
page 70-30

Chapter 70 | Review and Approval Procedures
Section 70.120 | Special Exceptions

building or construct an accessory building, structure or use or to permit a use that is an accessory use to an existing principal use, provided the improvement does not include new athletic stadiums or other outdoor athletic facilities that include spectator seating or high intensity lighting;

- b. A special exception to allow recreational vehicles to be parked or stored in a street yard or required side setback if the conditions listed in 545.150.A cannot be met;
- c. Amendments to plot plans that were made condition of the granting of a special exception that involve an increase in building floor area of no greater than 15% and do not require the granting of any variances;

SAMPLE MOTION:

Move to _____ (approve/deny) a Minor **Special Exception** to amend a previously approved site plan for a Fitness Facility and Health Club in an RD District (Sec. 70.120)

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

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



Facing East on 91st



Facing West on 91st



Entrance to property from 91st Street



Facing North on College Pl.



Rear of property along College Pl. Approximate location of proposed improvements



Rear of property along College Pl.

*****.

Case No. 18872

Action Requested:

Variance of the required setback for a ground sign from 60' to 30' from centerline of South Yale. SECTION 1212.C. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS, Use Conditions, located SW/c E. 41st St. & Yale.

Presentation:

Cecil Ricks, stated he is an architect with Matrix Architects, Engineers and Planners. He stated that he was representing the University of Oklahoma Health Science Center. Mr. Ricks submitted photographs (Exhibit G-1) to the Board. He informed the Board that the University commissioned his firm to help them in the move from the Sheridan campus and several other campuses to the campus at 41st and Yale. He explained to the Board that there are several rows of large mature trees along Yale, which they would like to preserve. The school asked for a temporary sign closer to the street than code requirements, pending the widening of Yale.

Protestants:

None.

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 the required setback for a ground sign from 60' to 30' from centerline of South Yale, conditioned upon a license agreement with the City and a removal contract, per plan, finding the hardship to be the existing trees, on the following described property:

A tract of land being bounded on the W by Saddlelane and Patrick Henry Additions and on the S by Greenhills Addition, and being more particularly described as follows, to-wit: the E 80 acres of the NE/4 of Section 28, T-19-N, R-13-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, less and except the S 20 acres thereof.

*****.

Case No. 18874

Action Requested:

Minor Special Exception to approve an amended site plan, located 3030 E. 91st St.

Presentation:

Hank Pellegrini, stated he was representing 3030 E. 91st St., Tulsa Southern Tennis Club.

09:26:00:804(12)

Case No. 18874 (continued)

Protestants:

None.

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 **Minor Special** Exception to approve an amended site plan, per plan submitted, on the following described property:

Lot 1, Block 1, Wimbledon, City of Tulsa, Tulsa County, State of Oklahoma

..*.*.*.*.*.*.

Case No. 18206

Action Requested:

Approval of a detailed site plan required as a condition of approval by the Board of Adjustment on October 27, 1998 of a special exception to allow Use Units 23 and 25 in a CG zoned district and a variance to allow required parking to be located on a lot other than the lot with the principal use, located 12801 E. 31st St. S.

Presentation:

Mr. Beach stated that the applicant was to return with a detailed site plan, and it has been provided. He added that staff has reviewed the plan, and found no problems.

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 **detailed site** plan required as a condition of approval by the Board of Adjustment on October 27, 1998 of a special exception to allow Use Units 23 and 25 in a CG zoned district and a variance to allow required parking to be located on a lot other than the lot with the principal use, per plan submitted today, on the following described property:

Lot 2, Block 1, Blue-Robb Addition and (Special Exception) E 400' Lot 1, Block 2, Blue-Robb Addition, City of Tulsa, Tulsa County, State of Oklahoma.

..*.*.*.*.*.*.

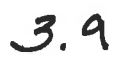
BOA 18874

B gary
sparks
companies

1336 east 15th street
tulsa, oklahoma 74120
(918) 582-0229 • fax: (918) 599-0665



99A071



FILE COPY

Case No. 16899 (continued)

In response to Mr. Doverspike, the applicant stated that he will have four employees.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** to permit automobile sales in a CS zoned district - **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; finding that a used car sales lot is not compatible with existing uses, and approval of the request would be detrimental to the surrounding area; on the following described property:

East 120' of north 140' of the N/2 of the SE/4, NE/4, less the east 50' for street, Section 21, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16901

Action Requested:

Special Exception to amend a previously approved plot plan to allow an addition to an existing school - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located East 19th Street and South 77th East Avenue.

Presentation:

The applicant, **Wallace Wozencraft**, was not present.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **CONTINUE** Case No. 16901 to January 10, 1995.

Case No. 16903

Action Requested:

Minor Special Exception to amend a previously approved plot plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2, located 3030 East 91st Street.

Case No. 16903 (continued)

Presentation:

The applicant, **James O'Haren**, 3030 East 91st Street, submitted an amended site plan (Exhibit P-1) and informed that he is proposing to construct a 600 sq ft pro shop and a 2500 sq ft fitness center. He requested that the previously approved plot plan be amended to include the two additions.

Comments and Questions:

Mr. Bolzle asked if the proposed structures will be attached to the existing building, and the applicant answered in the affirmative.

In reply to Mr. Bolzle, the applicant stated that the new buildings will be one story.

Protestants:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Minor Special Exception** to amend a previously approved plot plan - **SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS** - Use Unit 2; per amended plan submitted; finding that approval of the request will not be detrimental to the area; on the following described property:

Lot 1, Block 1, Wimbledon, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:30 p.m.

Date Approved

January 10, 1995

[Signature]

Chairman

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) varying the set back requirements from 100' to 70' from the center line of Lewis Avenue per the plot plan submitted on the following described tract:

The East 123' of Lot 1, Block 3, Perry's Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof, LESS a tract of land lying in the East 123.00' of Lot 1, Block 3, Perry's Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof and being more particularly described as follows to-wit: Beginning at the NE corner of said Lot 1; thence South along the East line of said Lot 1 a distance of 145.00' to a point; thence in a North-westerly direction along a straight line a distance of 116.10' to a point 29.00' South and 4.00' West of the NE corner of said Lot 1; thence continuing in a Northwesterly direction along a curve to the left having a radius of 35.00' to a point on the North line of said Lot 1, 21.00' West of the NE corner; thence East along said North line a distance of 21.00' to the point of beginning.

9354

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for recreational use to permit 18 outdoor tennis courts (lighted), 10 indoor tennis courts, 2 swimming pools, and accessory facilities located at 3030 East 91st St.

Presentation:

Frank Moskowitz, Box 2875, Tulsa, representing the applicant Tulsa Southern Tennis Club, stated he wished to request an additional 12 outdoor lighted courts on the original ten acres. He noted 10 indoor and 6 outdoor tennis courts have already been approved by the Board. Mr. Moskowitz submitted two site plans (Exhibits "E-1" and "E-2") showing the proposed courts which will be fenced, landscaped, and the lighting will be directed straight down onto the courts.

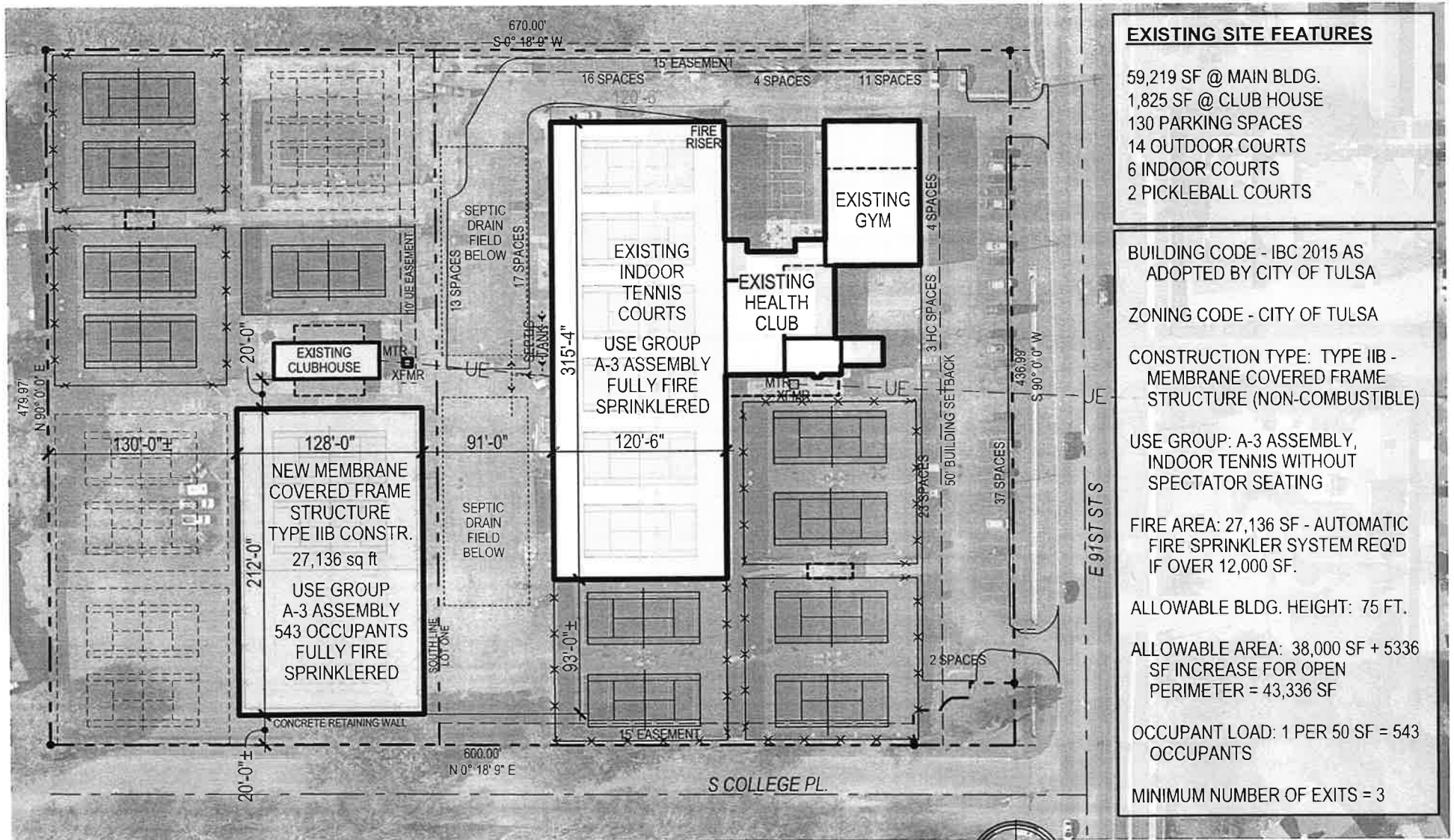
Protests: None.

Board Action:

On MOTION of BLESSING, the Board of Adjustment voted unanimously (4-0) to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property as presented for recreational use to permit 18 outdoor tennis courts (lighted), 10 indoor tennis courts, 2 swimming pools, and accessory facilities per plot plan submitted on the following described tract:

The West 430' of the South 921' of the E/2, NW/4, NE/4 of Section 20, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

1.20.77:228(9)



PROPOSED SITE PLAN RACQUET AND HEALTH 91 MASTER PLAN

0 50' 100' 200'



Project Number **P1906**

Date **4/23/2019**

Drawing Number

CJC Architects, Inc.

1401 S. Denver Ave., Suite B
Tulsa, OK 74119-3445
ph: (918) 582-7129, fax: (918) 582-7192

B0A-22975

AS-1



Feet
0 200 400



Subject
Tract

BOA-22975

18-13 20

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

Aerial Photo Date: February 2018

3.14





E 91st ST S

S COLLEGE AVE

E 92 ST S

S COLLEGE PL

0 50 100
Feet



Subject
Tract

BOA-22975

18-13 20

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

Aerial Photo Date: February 2018

3.15

