

AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, September 8, 2020, 1:00 P.M.

Meeting No. 1258

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/CityOfTulsa3/board-of-adjustments-sept-8th>

Join **Teleconference** by dialing: +1 (312) 757-3121

Participants must then enter the following **Access Code**: 291-580-981

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<https://global.gotomeeting.com/install/291580981>

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, Burlinda Radney and Jessica Shelton.

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of **Minutes** of July 14, 2020 (Meeting No. 1254).

UNFINISHED BUSINESS

2. **22982—Greg Hollinger**
Variance of the required 25-foot rear setback (Section 5.030, Table 5-3); Special Exception to increase the permitted driveway width (Section 55.090-F).
LOCATION: 2103 East 37th Street South **(CD 9)**

NEW APPLICATIONS

3. **22983—John Durkee**
Special Exception to increase the permitted driveway width (Section 55.090-F).
LOCATION: 1125 East 49th Place South **(CD 5)**
4. **22986—Hall Estill – Amanda Lowe**
Special Exception to permit a horticulture nursery use in the CG District (Section 15.020, Table 15-2). **LOCATION:** 10724 East 11th Street South **(CD 5)**
5. **22987—Bashir Harfoush**
Special Exception to allow for commercial/vehicle sales and service/personal vehicle sales & rental use in a CS District (Section 15.020, Table 15-2).
LOCATION: 9107 East 11th Street South **(CD 3)**
6. **22988—Johnny Hoang**
Special Exception to increase the maximum allowable height of 4 feet for a fence located inside the street setback (Section 45.080-A); Variance to allow a fence to be located inside the City of Tulsa right-of-way or planned right-of-way (Section 90.090-A). **LOCATION:** 5101 and 5151 East Pine Street North **(CD 3)**
7. **22989—Joseph MacDonald**
Special Exception to allow for commercial/vehicle sales and service/personal vehicle sales & rental use in a CS District (Section 15.020, Table 15-2).
LOCATION: 1310 and 1320 East 58th Street South **(CD 9)**
8. **22990—Wallace Engineering – Nicole Watts**
Variance of the screening requirement between office use and residential zoning districts (Section 40.260-D). **LOCATION:** 5750 East 15th Street South **(CD 5)**
9. **22991—W Design, LLC**
Variance to allow a drive through on the street facing (Skelly Drive) side of the property (Section 55.100-C2). **LOCATION:** 3866 South Sheridan Road South **(CD 5)**

10. 22992—Shirley Ferguson

Special Exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1).

LOCATION: 1634 South Delaware Avenue East **(CD 4)**

11. 22993—Duane Daniels

Variance to reduce the required 15-foot side street setback for an accessory building in an RS-2 District (Section 5.030-A, Table Note 3). **LOCATION:** 5302 East 9th Street South **(CD 5)**

12. 22994—Raul Cisneros

Variance to reduce the 20-foot setback for a street facing garage (Section 5.030-A, Table Note 3); Variance to increase the maximum coverage area of the rear yard setback for a detached accessory building (Section 90.090-C.2, Table 90-2).

LOCATION: 1347 North Boston Place East **(CD 1)**

13. 22995—Raul Cisneros

Variance to allow the floor area of detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A). **LOCATION:** 3727 East Pine Place North **(CD 3)**

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

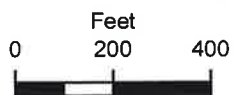
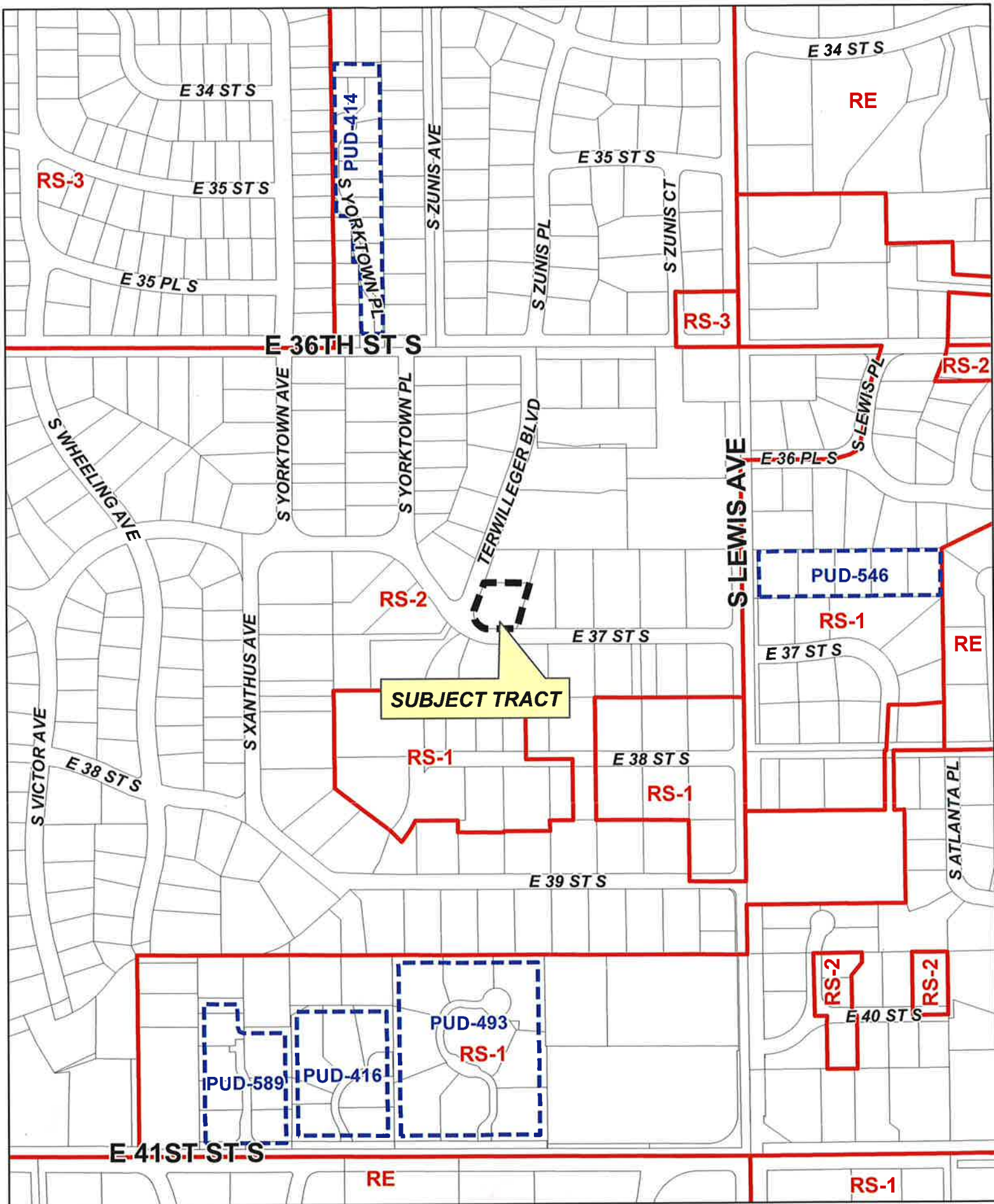
Website: tulsaplanning.org

E-mail: esubmit@incog.org

CD = Council District

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

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



BOA-22982

19-13 19

2.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9319

Case Number: **BOA-22982**

CZM: 47

CD: 9

HEARING DATE: 9/08/2020 (Continued from 08/25/2020) 1:00 PM

APPLICANT: Greg Hollinger

ACTION REQUESTED: Variance of the required 25' rear setback (Sec. 5.030, Table 5-3).

LOCATION: 2103 E 37 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 21714.75 SQ FT

LEGAL DESCRIPTION: PRT LT 2 BEG 112.80SW NEC TH SW155.70 W53.3 CRV RT 66.8 NE106.80 E92.80 POB & PRT VAC TERWILLIGER BLVD BEG 53.3W SECR TH W45.41 CRV RT 82.88 NELY98.05 E52.87 SLY TO POB BLK 6, HIGHLAND PARK EST, LEWIS ROAD ESTATES PRT B6-9 HIGHLAND PARK EST AMD B6-9

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-20929: On 5.26.09 the Board **approved** a Minor Exception to reduce the front yard setback from 30' to 28.2 ' in an RS-2 District. Property located 3644 Terwilliger Boulevard.

BOA-17613: On 01.14.97 the Board **approved** a variance of the required 30' frontage from 20' to 30' to permit a lot split. Property located at the intersection 37th Street South and Terwilliger Boulevard. The split property appears to remain undeveloped.

BOA-16920: On 01.24.95 the Board **approved** a variance to permit a two-story detached accessory building and variance of the maximum 750 sq. ft. for a detached accessory building. Property located 3750 Terwilliger Boulevard.

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 NE/c of E. 37th St. S. and Terwilliger Boulevard.

STAFF COMMENTS: The applicant is requesting a **Variance** of the required 25' rear setback (Sec. 5.030, Table 5-3) ;

Table 5-3: R District Lot and Building Regulations

Regulations	RE	RS-1	RS-2	RS-3	RS-4	RS-5	RD	RT	RM-0	RM-1	RM-2	RM-3	RMH
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 bldg/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	25	35	35	35	35
Other streets	35	35	30	25	20	20	25	10	25	25	10	25	25
Side (interior) [4]	15	5	5	5	5	5	5	5(5)	5(6)	5(6)	5(6)	5(7)	10
Rear [4]	25	25	25	20	20	20	20	20	20	20	10	20	15
Min. Open Sp./Unit (sq. ft.)	12,000	7,000	5,000	4,000[8]	2,500	600	2,000	1,200	1,200	600	200	-	2,500

STATEMENT OF HARDSHIP: The applicant provided a statement of Hardship in support of their variance request which in included with your packet

SAMPLE MOTION:

VARIANCE:

Move to _____ (approve/deny) a **Variance** of the required 25' rear setback (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."*

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** the Refund for \$233.00, finding the application was not processed.

FILE COPY

Case No. 20929

Action Requested:

Minor Special Exception to reduce the required front yard from 30 ft. to 28.2 ft. in an RS-2 district (Section 403.A.7); to permit the existing dwelling, located: 3644 Terwilliger Boulevard.

Presentation:

Mark Nelson, 2125 East 31st Street, stated they built the existing house on the subject property. He added they took care to stay within the 30 ft. setback. Somewhere in the construction phase the front porch section was 1.8 ft. over the setback line. This needs to be cleared to complete the sale of the house. The neighbors support the application, as it is to clear title only (Exhibit D-1).

Interested Parties:

George Bullock, 2025 East 37th Street, expressed his complaints that this home has been vacant for three years. He had to re-design his own plans to fit the zoning code. He understood the alternatives but he desired to speak.

Joe Trotter, is also a neighbor to the south, and had numerous complaints about the construction phase, including erosion, materials and other items placed on his property.

Applicant's Rebuttal:

Mr. Nelson made an apology for the offenses by the construction. He stated the encroachment was unintentional. He mentioned that the front porch overhang has a bathroom above it. He stated his company designs the homes not construct them. They simply want to clear the title and close the sale. He stated the home was designed to stay within the 30 ft. setback.

FILE COPY

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 Minor Special Exception to reduce the required front yard from 30 ft. to 28.2 ft. in an RS-2 district. (Section 403.A.7); to permit the existing dwelling as built, and the approval is limited to only the portion that was overbuilt, on the following described property:

PT LT 5 BLK 5 BEG SW COR TH E 130 N 123 W 133 TO W L S 117.9 TO BEG,
HIGHLAND PARK EST, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 17612 (continued)

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Dunham, White, "aye"; no "nays" no "abstentions"; Turnbo "absent") to **APPROVE** a **Variance** of the required parking for an adult entertainment establishment from 23 to 14. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2; per plan submitted; subject to approval for three years, finding that the subject property is non-conforming and has been established for five (5) years; finding that the use is not changing, but the owner is applying for a liquor license; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lots 26-29, Block 2, Federal Heights, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 17613

Mr. White announced that he will be abstaining from this case.

Action Requested:

Variance of required 30' of frontage to 0' to permit a lot split or in the alternative, a Variance of required 30' of frontage to 20' to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6, located 38th & South Yorktown.

Presentation:

The applicant, **Philip Doyle**, represented by Steve Turner of Turner & Associates Architect, 5550 South Lewis. Mr. Turner submitted a survey (Exhibit P-1) and an area map/plat (Exhibit P-2). Mr. Doyle stated he represents Karen Nelson, the owner of the property. He further stated he sent a letter of the proposal to the residents within 300' of the subject property. He explained that the owner would like to split the subject property into two lots. Mr. Turner stated the owner is not the same owner who came before the Board several years ago to split the same property into four lots. Mr. Turner indicated that the owner will retain the westerly lot and build a home for herself. He explained that the westerly lot will be approximately a 1/2 acre in size and the easterly lot will be 9/10 of an acre and limited to one single family residence. He commented the easterly lot will sell in excess of \$200,000. The two proposed lots will be in scale with the surrounding neighborhood. Mr. Turner stated the tract is a large tract of land (1 1/2 acres), but it is limited to 47' of frontage at Yorktown and 37th.

Comments and Questions:

Ms. Abbott asked the applicant if there was some type of mutual access for the lots that are being split? Mr. Turner stated there will be a 20' access easement that will go back to the westerly lot.

Mr. Gardner stated the applicant advertised in the alternative and so the Board has a choice of which configuration they think is more appropriate. He further stated the Board will need to decide if it is appropriate to have an ownership handle versus an easement.

Protestants:

Linda Bennett, 2024 East 37th, stated she prefers one home on this lot, although two lots are acceptable to the neighborhood. She expressed concerns regarding the first option of zero frontage and prefers the 20' of frontage. She commented that traffic is a concern because of the children in the neighborhood. Ms. Bennett informed the Board that there is a 6' underground storm sewer and, in the 1984 flood, water completely submerged the access to the subject lot. She expressed concerns regarding soil erosion on the back of her lot, which abuts the subject property. She explained that the owner of the subject lot installed a 6' to 8' high fence around the subject property and it did not comply with flood zoning requirements. The owner did go back and fix the retaining wall so that flood water could flow through. Ms. Bennett stated she is concerned about what the lot split will do to the value of the property and the possibility of changing the character of the neighborhood. She expressed concerns regarding the setbacks for the proposed home on the lots. She requested the Board to use the second alternative so that the west lot has actual ownership and the frontage is split to 20'.

Connie McFarland, 2215 East 37th Street, stated she is across the street from the subject property. Ms. McFarland explained that she is very active with her home owner's association and that most of the neighbors are in favor of the two lots. She expressed concerns regarding the character of the neighborhood. Ms. McFarland stated she supports the 20' frontage option rather than the 0' frontage. She indicated she is concerned about the separation of the two lots and the setbacks. Ms. McFarland expressed the same concerns as Ms. Bennett. She requested that the stormwater issue be addressed before the lot split is allowed.

Comments and Questions:

Ms. Abbott asked the staff if the building permits would go through stormwater management regarding flooding and erosion? Mr. Gardner stated that if that is a concern the Board should make the approval subject to Stormwater Management review.

Ms. Abbott asked the staff if, in terms of setbacks for RS-2, a lot split will have to follow the normal setback regulations? Mr. Gardner stated it will have to follow the Code and if there is a panhandle then obviously the front yard becomes the yard abutting the street. He further stated that when you have an irregular shaped lot the panhandle could not be built upon, but merely functions as an access handle from the road to the lot.

Case No. 17613 (continued)

Mr. Gardner asked the applicant how he intended to get water and sewer to the lot? Mr. Gardner informed the applicant that the City of Tulsa will not accept an easement.

In response to Mr. Gardner, Mr. Turner stated it was his intention originally to have the flag lot and the Staff suggested the 0' of frontage with a mutual access easement filed of record.

Mr. Gardner stated he told the applicant that they needed to advertise in the alternative so the Board could consider the flag lot as an option. He explained that the reason he told the applicant to advertise in the alternative is because if he wants water and sewer to the lot it will have to be done with a flag lot. The City will not approve an easement to put a line across another property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 3-0-1 (Abbott, Bolzle, Dunham, "aye"; no "nays" White "abstention"; Turnbo "absent") to **APPROVE** a **Variance** of required 30' of frontage to 20' to permit a lot split. **SECTION 206. STREET FRONTAGE REQUIRED** - Use Unit 6; per plan submitted; subject to a review of the drainage before any building permits issued; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Tract A, W 120', Lot 8, Block 10, Highland Park Estates, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, Less and Except the S 18' thereof AND Tract B, Lot 8, less S 18' and less the W 120' thereof, Block 10, Highland Park Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, AND W/2, of vacated Terwilleger Blvd. lying adjacent to Lot 8, Block 10, being more particularly described as : Beg. at SE/c, Lot 9, Block 10, Highland Park Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence SWly direction along a curve to the left having a radius of 275.93', for 210.60' to a point; thence in a Ely direction for 50.00' to a point; thence in a NEly direction along a curve to the right having a radius of 225.53', for 235.53' to a point; thence a NWly direction along a curve to the right having a radius of 175.00', for 7.92' to a point; thence in a Wly direction, for 81.64' to the place of beg., and known as 3740 S. Terwilleger Blvd.; TOGETHER WITH a tract of land more particularly described as follows. commencing at a point in the NEly boundary of Lot 9, Block 10, Highland Park Estates Addition, to the City of Tulsa, Oklahoma, and 139.6' from the NE/c thereof; thence in a SEly direction along the Sly projection of the NEly line of said Lot 9, for 66.46' to a point of curve; thence around a curve to the left, having a radius of 174.80', for 2.35' to the POB; thence continuing to the left along said curve having a radius of 174.80', for 47.31' to a point, said point being on line with the Ely projection of S boundary of said Lot 9, Block 10, Highland Park Estates Addition; thence due W along the Ely projection of said S boundary of Lot 9,

Case No. 17613 (continued)

Block 10, Highland Park Estates Addition, for 62.64'; thence N 44°16'58" E, for 44.50' to POB, AND Access Easement to Tract A: a strip of land 20' in width lying in a portion of Lot 8, Block 10, Highland Park Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and in a portion of vacated Terwilleger Blvd. lying adjacent to Lots 8 & 9, Block 10, said strip being 20' S & E of a line more particularly described as follows, to wit: Commencing at a point in the NEly boundary of Said Lot 9, 139.6' from the NE/c thereof; thence in a SEly direction, along the Sly projection of the NEly line of said Lot 9, for 66.46' to a point of curve; thence around a curve to the left, having a radius of 174.80', for 2.35' to POB; thence S 44°16'58" W, a distance of 44.50' to a point on Ely projection of the S Boundary of Said Lot 9; thence due W, along the Ely projection of said S boundary of said Lot 9, for 19.0' to the SE/c of said Lot 9, the same being the NE/c of said Lot 8; thence continuing due W, along the N line of said Lot 8, to a point 120.00' E of the NW/c of said Lot 8, said point also being the end of said strip of land.

Case No. 17614

Action Requested:

Appeal the decision of an Administrative Official that the use is classified as Use Unit 8 - Multifamily Dwelling and Similar Uses, located 245 West 12th Street.

Presentation:

The applicant, **James G. Norton/Downtown Tulsa Unlimited (DTU)**, 320 South Boston, Suite 101, submitted a copy of the zoning code that defines residential treatment center (Exhibit Q-1) and an application for Federal Assistance with attachments (Exhibit Q-2). Mr. Norton stated he is requesting the Board of Adjustment to interpret a decision made by a zoning official. Mr. Norton explained how DTU became established and the responsibilities of DTU. He further explained the different members of the organization. Mr. Norton stated that DTU has been registered as the neighborhood association for District 1 for the downtown area. Mr. Norton explained that DTU has a contract with the City of Tulsa to sweep the streets, clean the sidewalks, maintain the 5th & Main Malls, hang banners/Christmas decorations, to promote special events and put on festivals, etc. He further explained that the contract specifically recognizes planning and development issues. Mr. Norton stated it is DTU's obligation, under the contract with the City, to review, comment and advocate positions regarding the Comprehensive Plan, the zoning ordinance and land use issues. DTU, as an organization, has been before this Board to support similar uses in the past. He explained that DTU is currently working with two social service agencies to provide them with appropriate locations in the Downtown area. He commented that it is very important that the Board understands that the issue today is not the location of a use unit 2 use. Mr. Norton stated that the Comprehensive Plan,

Action Requested:

Variance of the required setback from the centerline of East Oklahoma and a special exception to permit Use Unit 15 Other goods and Services in a CS Zoned District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICT** and **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15, located northeast corner of North Utica Avenue and East Oklahoma Street.

Presentation:

The applicant, **Pat Forsman**, 2251 East 24th Street, submitted a plot plan (Exhibit N-1) and informed that the building was constructed in 1929 and requested a variance of the setback from the street from 25' to 20'. He noted that the property is surrounded by CS and IL zoned parcels and the proposed use (contract construction services) will be compatible with those in the area.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required setback from the centerline of East Oklahoma and a **special exception** to permit Use Unit 15 Other goods and Services in a CS Zoned District - **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICT** and **SECTION 701. PRINCIPAL USES PERMITTED IN THE COMMERCIAL DISTRICTS** - Use Unit 15; per plan submitted; subject to the use being restricted to contract construction services only; finding that IL zoned property is located to the south and west and approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lots 13 and 14, Block 2, Carpenter's 1st Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16920

Action Requested:

Variance to permit a two-story detached accessory building and a variance of the maximum 750 sq ft for a detached accessory building - **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS** and **SECTION 402.B.1.d. GENERAL CONDITIONS** - Use Unit 6, located 3750 Terwilliger Boulevard.

Case No. 16920 (continued)

Presentation:

The applicant, **Alan Madewell**, 5314 South Yale, Suite 210, submitted a plot plan (Exhibit P-1) and informed that a two-car garage is proposed to the rear of an existing dwelling. He explained that the existing garage will be added to the 5700 sq ft dwelling and the new structure will be buried in the hillside, with only the front face being two stories. The applicant noted that the garage is not visible from the street.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** to permit a two-story detached accessory building and a **variance** of the maximum 750 sq ft for a detached accessory building - **SECTION 210.B.5. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS** and **SECTION 402.B.1.d. GENERAL CONDITIONS** - Use Unit 6; per plan submitted; finding a hardship demonstrated by the topography and the size of the lot; and finding that the house is large enough to warrant the granting of the variance of the size of the accessory building; on the following described property:

Lot 7 and south 18' of Lot 8, Block 10, Highland Park, City of Tulsa, Tulsa County, Oklahoma.



Subject Property



Subject Property from Terwilliger







Subject Property from 37th St.

Applicant's Statement of Hardship for Variance

Case No. BOA-22982

This statement is submitted by the applicant in connection with Case No. BOA-22982 in support of the variance requested in the application. The applicant has redesigned the proposed driveway so that it complies with current driveway width requirements, and so no longer needs a special exception concerning the driveway. This statement replaces and supersedes the Statements of Hardship that were initially submitted with the application.

Request for Variance; Section 5.030-A of the Zoning Code of the City of Tulsa (the "Code")

This property is an existing single-family residence that was built in 1932 with an under-sized two car garage and an existing single lane driveway that is only 10 feet wide. The existing garage is inadequate to hold the family's cars. The family currently has three drivers with another expected soon, as well as extended family in the area. Most family gatherings take place at the applicant's residence.

The property in question is an unusually shaped lot, with irregular boundaries. The lot fronts on East 37th Street and is bounded on the west by Terwilleger Blvd. East 37th Street makes a tight curve in front of the property, and Terwilleger Blvd. intersects that curve at an unusual angle. The result is that even without any cars parked in the street, it is difficult to see the intersection at all from 37th Street. With the closing of Riverside Drive due to Gathering Place construction, many drivers have adapted their commutes and cut through on 37th Street to get from Lewis to Utica. Many cars speed down 37th; the subject property is at the bottom of the hill. The intersection is part of a popular jogging, dog walking, and cycling path that many people from surrounding neighborhoods utilize as they come off Terwilleger and head east or west up 37th Street. There are no sidewalks in the neighborhood so people must walk in the street. With cars parked in the street on 37th, it is virtually impossible to see the intersection, all of which creates an unsafe and dangerous condition. It is unsafe not only for drivers, but also for pedestrians and cyclists on 37th Street, because they too are unable to see vehicles turning from Terwilleger Blvd. onto 37th Street. Enclosed in the package are photographs showing a typical day with cars parked on both sides of 37th Street, rendering it almost impossible to even see the intersection with Terwilleger Blvd. In addition, because of the unique layout of the lots in this area, many of the lots do not have the normal amount of street frontage. There are 4 driveways intersecting in a very tight area in front of the subject property that make ingress and egress very cumbersome when any of the neighboring homes have guests and students home from college. The result is that street parking is more of a problem than it typically would be, increasing the danger.

The applicant's contractor, Greg Hollinger, applied for a building permit for the garage addition in December of 2018. After issues relating to hydrology studies and utility easements were resolved, the building permit was issued by the City of Tulsa on October 1, 2019. Unfortunately, a mistake was made on the plans when they were prepared. The plans showed the garage addition being located approximately 15 feet from the rear of the lot. However, the setback requirement in Section 5.030-A of the Code for residences in RS-2 zoning is 25 feet.

Mr. Hollinger failed to catch the mistake, and the City permitting office did not notice it. As a result, the permit was issued and construction of the garage addition began.

After complaints by neighbors that were apparently related to the hydrology issues which had already been resolved, the City realized the errors and issued a stop work order on July 20, 2020. At that point, the project had been substantially completed, including slab, framing, insulation, windows, and roof installation. Mr. Hollinger immediately stopped work on the project and filed this application with the Board.

The garage addition is designed to be completely compatible with the traditional design of the existing residence. It will have the same brick exterior and roof materials, and will even have the same type of eave molding that is used in the current residence. Mr. Hollinger's goal from the beginning of the project was to be very sensitive to the impact on the neighborhood and the aesthetic quality of the material on the facade of the structure so that it will match the existing residence. Once the project is completed, no one will be able to tell that it is an addition.

In this case, the literal enforcement of the Code provision is not necessary to achieve the setback requirement's intended purpose. The subject property's rear lot line is the side lot line of the property immediately to the north, which was split off from the subject property in a lot split. Thus, the backyard in the property to the north will not be affected by the proposed addition. Instead, it is only the driveway side yard on the property to the north that is adjacent to the requested variance. There is a significant existing high-quality masonry and wrought iron fence between the two properties. The applicant is willing to add additional screening between that fence line and the street in order to further lessen the impact of the proposed addition.

In summary, the unusual shape and orientation of this lot, and the unusual arrangement of the intersection of 37th Street and Terwilleger with its attendant safety problems and risks of accidents, are unique to this property. Granting the requested variance would help alleviate an unnecessary hardship or practical difficulty that would be caused by strict enforcement of the Code requirements in this particular case.

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

Greg Hollinger
Hollinger Enterprises, LLC
greg@hollingerenterprises.com

7/22/2020

APPLICATION NO: ZN LOD- 66304-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 2103 E 37th St S

Description: Addition

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" **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. **ZN LOD- 66304-2020**

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. **5.030-A:** In the RS-2 zoned district the minimum rear yard setback shall be 25 feet from the rear property line.

Review Comments: Revise your plans to indicate a 25' rear setback to the property line or apply to INCOG for a variance to allow less than a 25' rear setback.

2. **55.090-F Surfacing.** Based on your lot width you are allowed a combined driveway width of up to 30' in width on this lot.

Review Comments: The submitted site/plot plan proposes a combined driveway width of more than 30' wide on this lot which exceeds the maximum allowable composite of all driveway widths on the lot. Revise plans to indicate the combined driveway widths shall not exceed the maximum allowable 30' width or apply to the BOA for a special exception for the proposed combined driveway widths on this lot.

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

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code:
<http://www.tmapc.org/Documents/TulsaZoningCode.pdf>

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

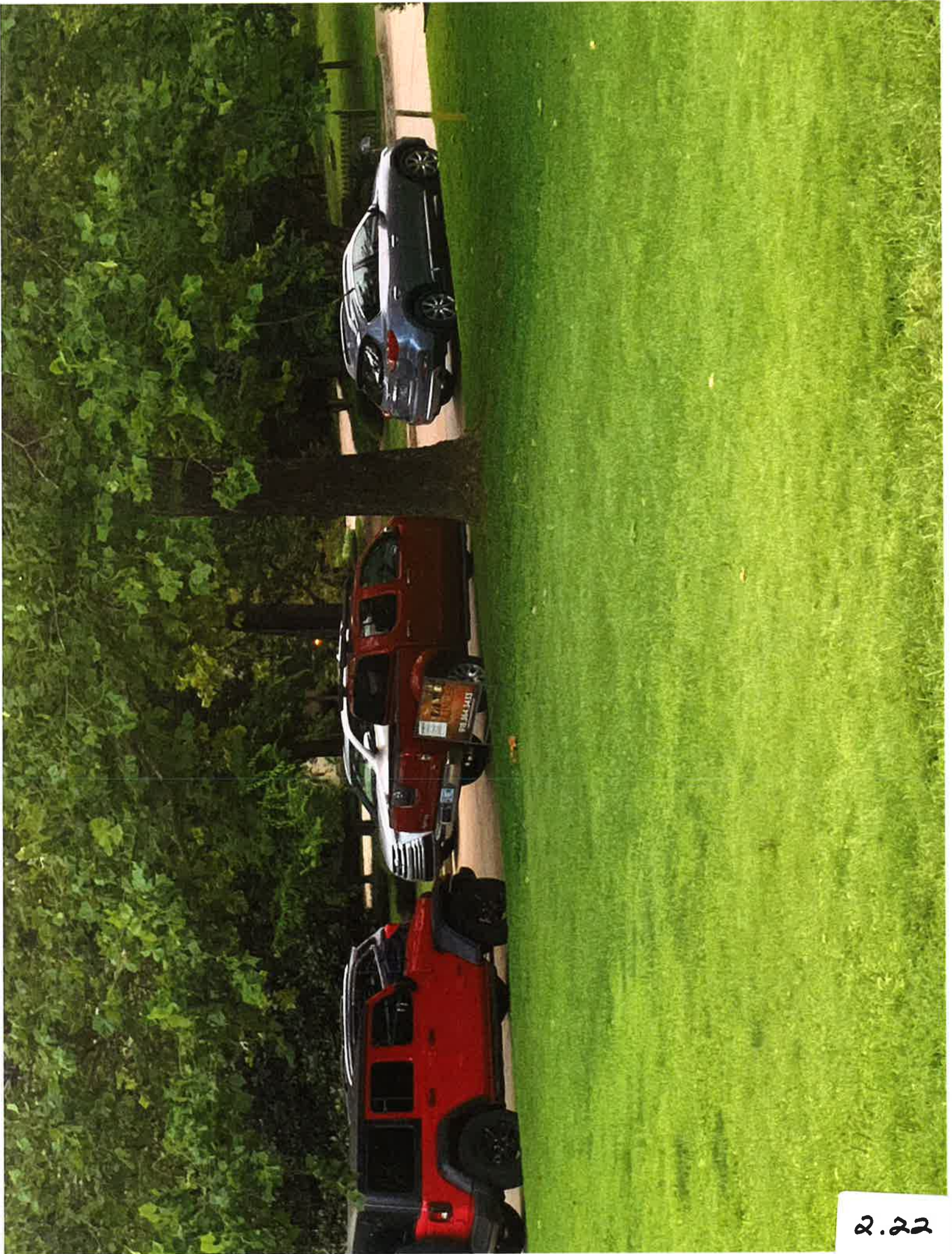
END –ZONING CODE REVIEW

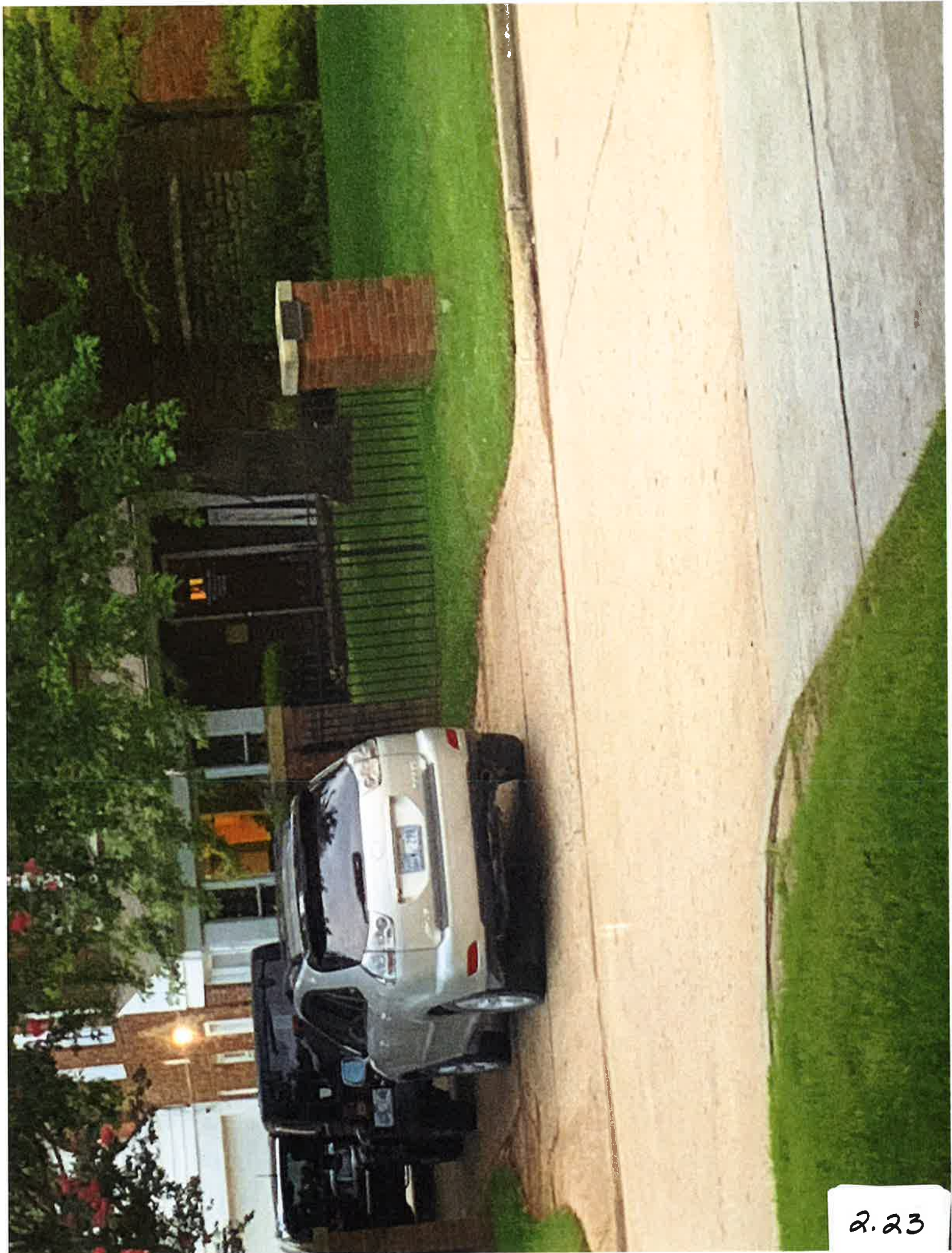
NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

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.

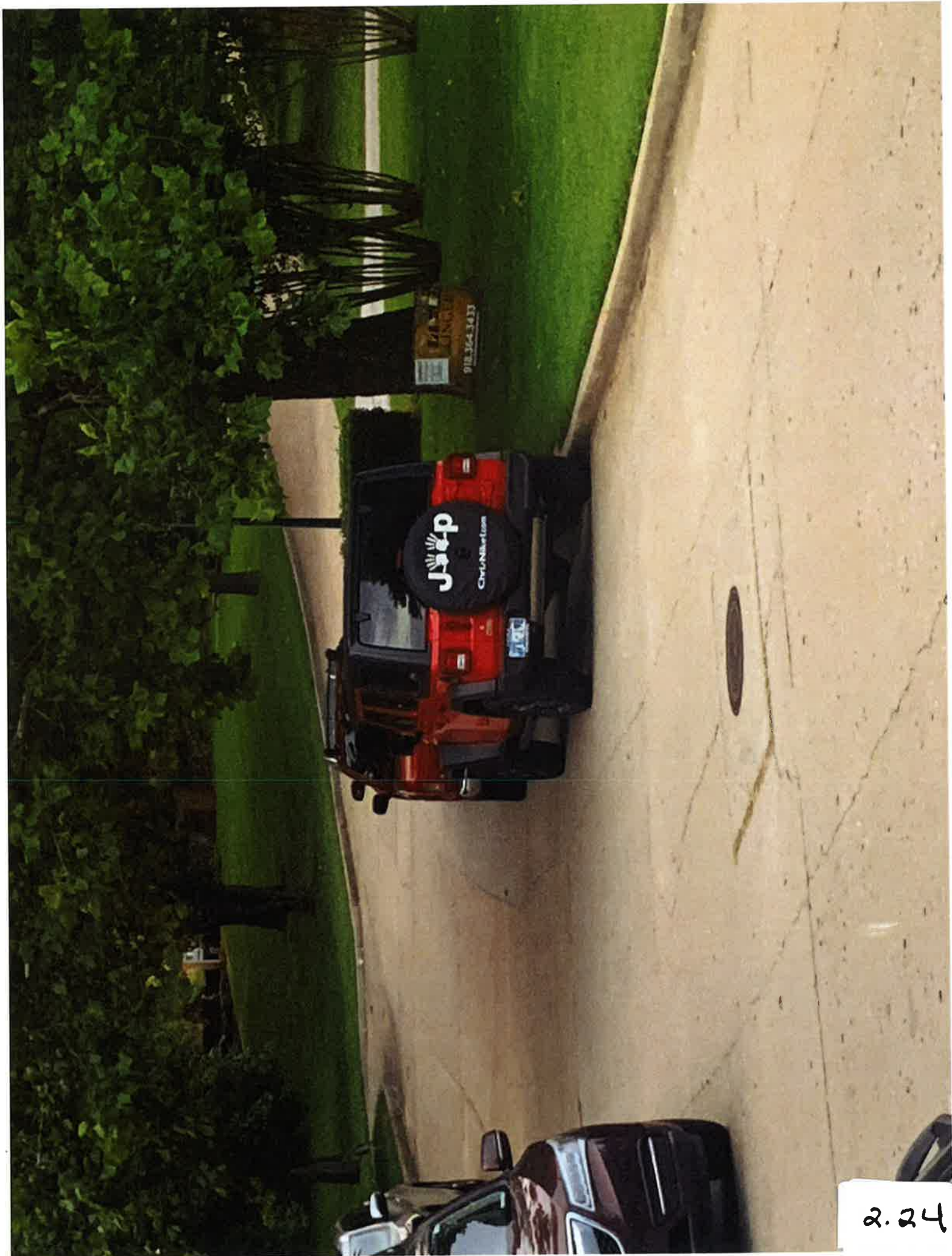


2.21





2.23



2.24

Chapman, Austin

From: L J Bennett <tallfamilymom@gmail.com>
Sent: Sunday, August 23, 2020 6:36 PM
To: esubmit
Subject: Case Number BOA-22982, Hearing scheduled August 25, 2020

Hello INCOG, Mr. Austin Chapman, and Tulsa PLanning Board -

My name is Lynda Bennett and my husband and I live at 2024 E. 37th Street, Tulsa. I am sending this e-mail in opposition to the variance requested in Case Number: BOA-22982. Unfortunately, I will not be able to attend the August 25, 2020 meeting in person.

I am opposed to the 17 foot requested variance in that it sets precedence for narrower building requirements in the rest of this neighborhood. The neighborhood is known for the large distance between homes which creates a unique setting. The beauty of this neighborhood is in part due to the distance between homes.

I also am vehemently opposed to any variance, even though not specifically addressed in the Application, due to potential flooding issues and concerns. Even though I (we) did not live in our current home at 2024 E. 37th Street during the 1984 flood, we did live in Tulsa and saw the horrific impact the flooding had. We helped friends clean up after 15 feet of water flooded their garage. Neighbors just to the east of us on 37th Street told us that there was a rushing river that spanned most of Terwilliger and went from the east side of our home to the west side of their home. Patio furniture, grills, and all types of detritus were seen rushing down Terwilliger between our homes. This area is part of a creek bed and additional paving, such as a large garage and/ or driveway, can only endanger the future any permeable land in this area.

Even though the flooding is assumed to have been addressed after the 1984 flood with a very large storm drain, I would like to direct the Board of Adjustment/ Tulsa Planning Staff to the flooding that occurred in Houston during and after hurricane Harvey in 2017. If you recall, a large part of Katy, TX, east of Houston, was originally designated as flood plain. However, that was "forgotten" over time and large subdivisions, such as Cinco Ranch, were built in that flood plain. When Harvey hit, there was catastrophic flooding which devastated thousands of homes and families. I do not want that to happen in Tulsa, and specifically to our home and the surrounding neighborhood homes.

I know this sounds harsh, but someone's error or lack of planning should not create an emergency on my part. I do not want there even to be a possibility of future flooding in our neighborhood.

I am empathetic with the homeowners, but can only suggest a smaller garage and gravel driveway.

Thank you for allowing me input, and I hope everyone in the neighborhood can continue to remain friendly with each other.

Respectfully -
Lynda Bennett

Chapman, Austin

From: T. Bennett <tallfamily@hotmail.com>
Sent: Sunday, August 23, 2020 6:21 PM
To: esubmit
Subject: City of Tulsa zoning variance. BOA 22982

To: The Members of the City of Tulsa Board of Adjustment
August 20, 2020
Re: BOA.22982

Dear Members of the Board,

My wife and I have lived in our current residence at 2024 East 37th Street, (diagonally opposite the subject property) for very close to 35 years. While we claim no standing because of our tenure here, we have seen (and delighted in) many changes in the neighborhood over those years. Additionally, I believe that ours is the only property with sight lines of both the front and side of the subject property. Although I know many of our neighbors, I have never met the Browns but I'm certain that they have made every attempt to comply with the zoning rules and regulations. However, I am skeptical about the basis of their hardship in this application and refer to the following excerpts from their statements:

"The existing residence was built in the late 1950's with an under sized two car garage and a single lane driveway only 10' wide."

This driveway was a standard "two car" driveway until the previous owner narrowed it to a single lane for most of it's length. To my knowledge, there is no reason that this can't be restored to it's earlier width except that to do so would limit driveway expansion options elsewhere on the property.

"In order for cars to leave the residence they are required to back down a 10' driveway..."

Our property at 2024 E 37th has the same driveway configuration - two car garage narrowing to single car driveway. It has always struck us as an odd layout and don't know why the original owners opted for this. At various times, we had five drivers (two adults and three children) and it never occurred to us that backing down a driveway should test a driver's ability. If backing down a fairly flat, straight driveway is problematic, will the property owners allow their children to park their Hummer in the proposed garage? Backing out of that location requires turns, navigating a material incline and backing while turning at right angles onto a single lane street (Terwilliger) that is only 14' wide with sight lines obstructed by significant vegetation.

"This situation is not only dangerous for the family but also pedestrians."

If the use of the extant driveway is truly dangerous for the family and pedestrians, then is it reasonable to assume that if the variance is allowed, the family will cease this "dangerous" practice and no longer use the 10' driveway or park in the street? In fact, if it is dangerous, why do they allow their children, guests and/or staff to do it?

Our property is adjacent to undeveloped property (2020 East 37th Street). While the current owners of that property have expressed their desire to maintain this property as-is, it is naive to assume that will be the status quo indefinitely. If/when this property is developed, someone wishing to push the envelope by building over the setback lines could refer to the structure being contested here as precedent. I don't believe that the property owner's "hardship" is based on safety or even an understandable desire for more convenient access to their high performance vehicles, but the hardship is that they were misled, albeit unintentionally, by a city inspector, for which I would understand it they sought recourse from the city. But such an error by the city must not taint all future construction in this, or any, neighborhood.

Respectfully,

**Tom Bennett
2024 East 37th Street
Tulsa, OK. 74105**

**Robert L. Triplett, Jr.
139 E. 122nd E. Ave.
Tulsa, Oklahoma 74128**

August 20, 2020

Via Email: esubmit@incog.org

City of Tulsa Board of Adjustment
c/o INCOG
2 W. 2nd St., Suite 800
Tulsa, OK 74103

Re: **Comment**
Case No. BOA-22981

Ladies and Gentlemen:

I received notice of the above referenced case seeking a Special Exception to permit moderate-impact medical marijuana processing in the IL district. I am submitting my comment to express concerns regarding the potential BOA approval of this application.

In addition to the mailed notice, I have reviewed the application available online, as of August 19, 2020. I could not read the fine print on the application floor plan for Fat & Happy Processing LLC. The application does not include a copy of the OMMA License. I did not find Applicant, Cody Welch, Fat & Happy Processing LLC or Fat and Happy Processing LLC on the OMMA list of licensed processors as of August 12, 2020. Surely, the application should include the OMMA license before this application can be approved.

The application is for the whole property and building at 165 S. 122nd E. Ave. Tulsa, OK 74128, as indicated on application, aerial photos, and map. However, the Applicant's, Cody Welch, address is for Suite B in the building, not the whole building. Is the application for the whole building or just Suite B? Also, the application does not indicate the owner of the property consents to this application or what Applicant's relationship is with the owner. Does the owner consent to this application and what is the Applicant's relationship to the owner?

I did not see anything in the application about air scrubbers or filters to make sure the odor from processing marijuana (especially on harvesting days) will not be smelled by neighbors when processing marijuana. There is another Medical Marijuana grower/processor at 147 S. 122nd E. Ave. Tulsa, OK 74128. When they were processing or harvesting the marijuana, there was a pungent odor that

Robert L. Triplett, Jr.
Comment
Case No. BOA-22981
Page -2-

permeated our clothes and the interior of our vehicles. We were very concerned that, if stopped by the police, the odor could be probable cause for us to be questioned and detained, and our vehicles could be searched and impounded. Recently, after the grower/processor installed air scrubbers or filters, we have not noticed the odor.

I did not see anything in the application indicating what security measures would be made to prevent this location from being a target for burglary and other crimes. We are very concerned that approving this application would increase crime in the area. What is the Applicant's plan for security?

I tried to find information regarding the Applicant's work experience or education that would indicate Applicant is qualified to operate a Medical Marijuana processing facility. I was unable to find the information I was looking for, however, information I did find indicated Applicant may have a criminal record that should be reviewed before he or an entity he is involved with is licensed by the OMMA.

Based on my comments above I do not want this application for a Special Exception to permit moderate-impact medical marijuana processing in the IL district approved.

I and other neighbors that received notice of this application have talked and we want to be kept informed of the actions the BOA takes regarding this application.

Thank you in advance for your cooperation and consideration.

Sincerely,


Robert L. Triplett, Jr.

RLT/tg

**Robert L. Triplett, Jr.
139 E. 122nd E. Ave.
Tulsa, Oklahoma 74128**

August 21, 2020

Via Email: esubmit@incog.org

City of Tulsa Board of Adjustment
c/o INCOG
2 W. 2nd St., Suite 800
Tulsa, OK 74103

Re: **Comment (#2)**
Case No. BOA-22981

Ladies and Gentlemen:

Shortly after submitting my initial comment I received an email, from Austin Chapman, acknowledging its receipt and encouraging contacting the Applicant directly regarding our concerns. I want to thank Mr. Chapman for his recommendation, when contacted the Applicant was generous with his time discussing my concerns and appeared to be open and honest. I found my discussion with the Applicant very beneficial. I am now more convinced that the Applicant's proposed Medical Marijuana processing facility should be in an IM (Industrial-Moderate) or IH (Industrial Heavy) district.

I wish the Applicant every success starting a Medical Marijuana Processing Facility. The Applicant is planning to sublease a 200 sq. ft. (10'x20') room from the current tenant, Jessie Sims (Current Tenant), at 165 S. 122nd E. Ave., Suite B, Tulsa, OK 74128 (Suite B). The Applicant said the Current Tenant is a Marijuana grower that has been growing Marijuana in Suite B for some time. The Applicant said the tenant at 165 S. 122nd E. Ave., Suite A, is making building/construction products.

Due to the limited space, the Applicant is planning to limit the Medical Marijuana Processing to mechanical extraction of cannabis oil using two (2) tabletop machines. He is not planning on using chemical solvent processes other Medical Marijuana Processing Facilities use. The Applicant said this location is not ideal for a Medical Marijuana Processing Facility and that ideally, he would like to have 10 acres out in the country to build a Medical Marijuana Processing Facility. The Applicants' proposed 200 sq. ft. Medical Marijuana Processing Facility will only have one (1) employee initially, the Applicant, but in no event more than two (2) employees due to the limited space.

Robert L. Triplett, Jr.
Comment #2
Case No. BOA-22981
Page -2-

A Medical Marijuana Processing Facility is a moderate impact operation and should be in an IM (Industrial-Moderate) or IH (Industrial Heavy) district where the lots or parcels would be much larger than IL (Industrial Light) and designed to accommodate a Medical Marijuana Processing Facility's potential environmental impact.

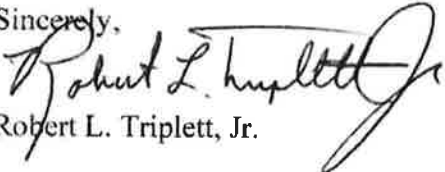
I am still concerned about security, the smell/odor, and the owners written consent for this application. In addition, I have a new concern, should a Special Exception be approved, what area will be given the exception, the whole Lot 8, the whole building, Suite B, or the 200 sq. ft. room to be sublet to the Applicant? If approved, will the Special Exception be conditioned upon the use of mechanical extraction only? How will any Special Exception limitation/condition be enforced? I do not think this application is a good fit for this IL (Industrial Light) district. I think the Applicant and his business would be better suited to an IM (Industrial-Moderate) or IH (Industrial Heavy) district.

Based on my initial comments and my comments above I do not want this application for a Special Exception approved.

I and other neighbors that received notice of this application have talked and we want to be kept informed of the actions the BOA takes regarding this application.

Thank you in advance for your cooperation and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Triplett, Jr.", written over the printed name.

Robert L. Triplett, Jr.

RLT/tg

Chapman, Austin

From: Malcolm E. Rosser IV <mac.rosser@crowedunlevy.com>
Sent: Monday, August 24, 2020 8:07 AM
To: Chapman, Austin
Cc: Wilkerson, Dwayne; Good, Felicity
Subject: RE: BOA-22982 (address: 2103 E 37 St S)

Austin – over the weekend, my client in this matter (the applicant owner), Sig Brown, met with his neighbor to the north, who would be most affected by the requested variance. They discussed possible ways to resolve the matter. They both thought it would be helpful if this case could be continued to the next Board meeting to give them time to discuss the matter more fully and hopefully reach an agreed resolution. So I am writing to request that this case be continued to the September 8 meeting.

Please pass this on to the Board. Thanks for your help, and let me know if you have any questions.

Regards,

Mac



Malcolm E. Rosser IV
Attorney at Law

500 Kennedy Building
321 South Boston Avenue
Tulsa, OK 74103

direct line: 918.592.9838
mobile: 918.230.4246
direct fax: 918.599.6328
mac.rosser@crowedunlevy.com
[v-card](#) · [bio](#) · [website](#)

This message may be protected by the attorney-client privilege and/or other privileges or protections. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error and then delete it. Thank you.

From: Chapman, Austin [mailto:AChapman@incog.org]
Sent: Tuesday, August 18, 2020 4:52 PM
To: Malcolm E. Rosser IV
Cc: Tammy Shaddox; Wilkerson, Dwayne
Subject: RE: BOA-22982 (address: 2103 E 37 St S)

I have replaced these exhibits and the hardship statement to the packet. I will update my staff report to reflect your are withdrawing the Special Exception Request.

From: Malcolm E. Rosser IV <mac.rosser@crowedunlevy.com>
Sent: Tuesday, August 18, 2020 4:14 PM
To: Chapman, Austin <AChapman@incog.org>
Cc: Tammy Shaddox <tammy.shaddox@crowedunlevy.com>; Wilkerson, Dwayne <DWilkerson@incog.org>
Subject: RE: BOA-22982 (address: 2103 E 37 St S)

Austin – we have prepared a revised site plan that allows the driveway to be in compliance with the code; see attached. The total driveway width between street and property line is 22' and total width between property line and setback lines is 30'. So we will not need the special exception.



0 Feet 200 400



Subject Tract

BOA-22982

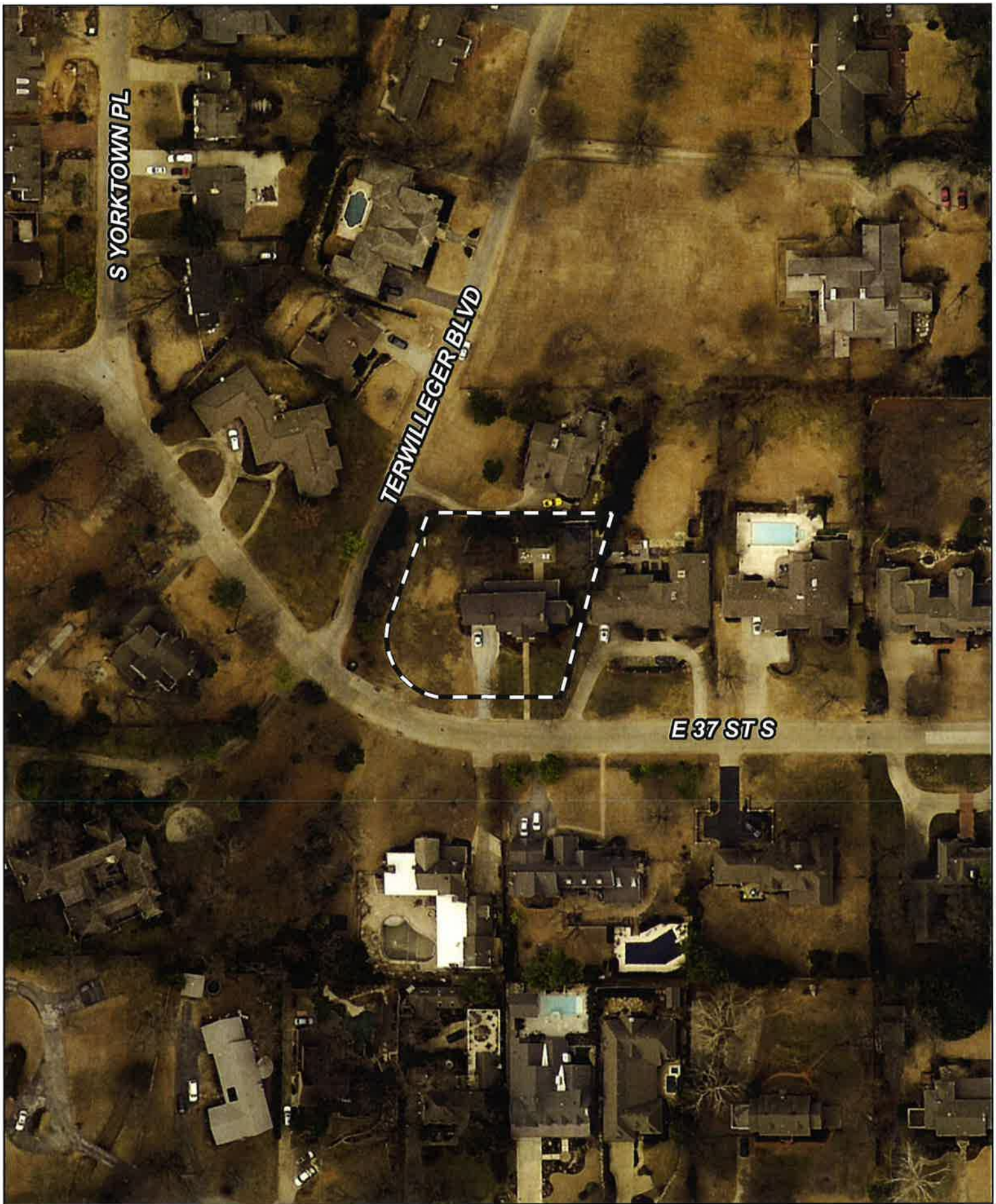
19-13 19

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

Aerial Photo Date: February 2018



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S YORKTOWN PL

TERWILLEGGER BLVD

E 37 ST S

0 50 100
Feet



Subject
Tract

BOA-22982

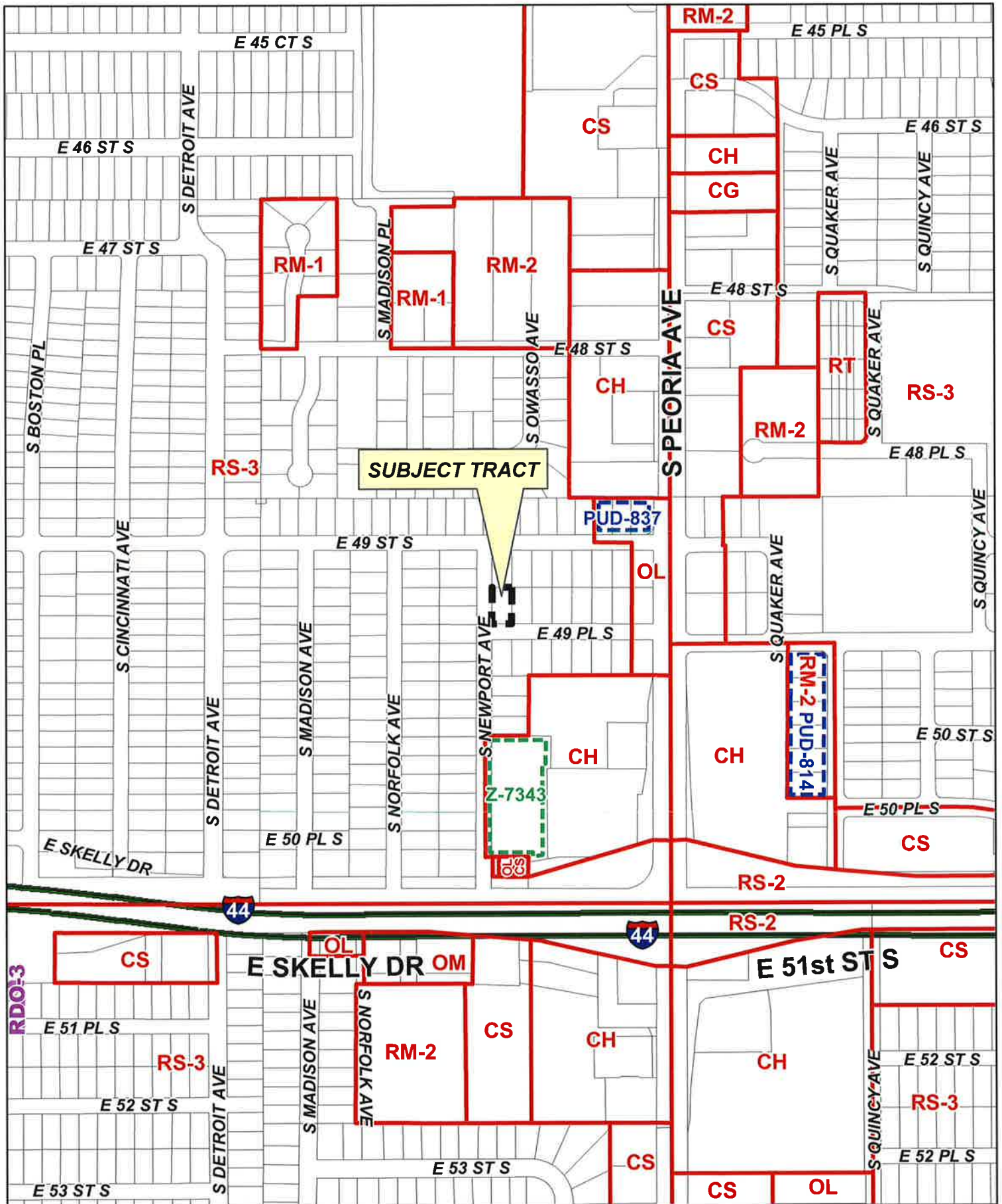
19-13 19

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

Aerial Photo Date: February 2018

N

2.34



BOA-22983

3.1

19-12 25

BOARD OF ADJUSTMENT CASE REPORT

STR: 9225

Case Number: **BOA-22983**

CZM: 46

CD: 9

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: John Durkee

ACTION REQUESTED: Special Exception to increase the permitted driveway width (Sec. 55.090-F)

LOCATION: 1125 E 49 PL S

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 7801.63 SQ FT

LEGAL DESCRIPTION: LOT-9-BLK-15, RIVERVIEW VILLAGE B14-20

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

BOA-21191: On 01/11/2011 the Board **approved** a variance of the rear yard from 20 ' to 5' to permit a garage addition. Property located 1124 East 49th St. S.

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 NE/c of S. Newport Ave. and E. 49th Pl. S.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to increase the permitted driveway width (Sec. 55.090-F)

3.2

55.090-F Surfacing

1. All off street parking areas must be surfaced with a dustless, all-weather surface unless otherwise expressly stated in this zoning code. Pervious pavement or pervious pavement systems are allowed subject to the supplemental regulations of Section 55.090.F.4. Parking area surfacing must be completed prior to initiation of the use to be served by the parking.
2. All motorized vehicles designed for travel upon public streets and that are being parked, stored or displayed for sale must be parked, stored or displayed on dustless, all-weather surface. This surfacing requirement does not apply to junk or salvage yards. The board of adjustment is authorized to grant a special exception permitting the storage or display of motorized vehicles on a surface other than one consisting of a dustless, all-weather surface if the location complies with all applicable minimum building setbacks.
3. In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120, or, if in a PUD, in accordance with the amendment procedures of Section 30.010.1.2. (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

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

TULSA ZONING CODE | July 1, 2020
page 55-20

Chapter 55 | Parking
Section 55.090 | Parking Area Design

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

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

Currently the applicant has both concrete paving and brick that is the width of the entire Western lot line and roughly one third of his Southern lot line. The surfacing is both inside the right-of-way and on the lot inside the street setback.

Per the interpretation by the Planning and Development Director written on September 17th, 2017 the "driveway" as referenced by the City of Tulsa Zoning Code is interpreted to mean the appropriately surfaced path of vehicular travel between the street setbacks(s) of the subject property. A copy of this interpretation is included in your packet.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to increase the permitted driveway width (Sec. 55.090-F)

- 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.



Neighbor's property immediately North of the subject property



Curb-cut from the subject property on to Newport Ave.



Facing South on Newport Ave.



Subject property



Subject property at the corner of Newport and 49th Pl.

Case No. 21190-Bill Powers

Action Requested:

Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403). **Location:** 1720 East 30th Place South

Presentation:

Bill Powers, 6910 South Lewis Avenue, Tulsa, OK; his client is remodeling the home and wants to add a front porch to the home.

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 Minor Special Exception to permit a 5 ft. reduction of the 35 ft. required front yard in the RS-1 district (Section 403); subject to conceptual plan 8.6. In granting the Special Exception the Board has found 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; for the following property:

W27 OF LT 11 ALL OF LT 12 BLK 18, FOREST HILLS, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

*****.

Case No. 21191-Bill Powers

Action Requested:

Variance of the rear yard requirement from 20ft. to 5ft. (Section 403) to permit a garage and work space addition. **Location:** 1124 East 49th Street South

Presentation:

Bill Powers, 6910 South Lewis Avenue, Tulsa, OK; no presentation made.

Ms. Stead confirmed that the existing detached building is to be removed.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

BOA-21191

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 rear yard requirement from 20 ft. to 5 ft. (Section 403) to permit a garage and work space addition. This proposed 770 sq. ft. garage addition shall be located in the southeast corner of the existing dwelling and in accordance with conceptual plan 9.6. The existing small detached building behind the dwelling is to be removed, as the addition itself covers 29% of the required rear yard. The Board has found that this lot is shallow and contains 120 ft. in depth. It contains only 7,800 sq. ft with the front of the house set back farther than usual, limiting the space on which to have a garage. In granting this variance the Board finds 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; for the following property:

LOT-8-BLK-15, RIVERVIEW VILLAGE B14-20, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Case No. 21192-Vanessa Somerville

Action Requested:

Verification of the spacing requirement for an Adult Entertainment Establishment of 50 ft. from an R district and 300 ft. from a public park, school or church (Section 1212a.C.3); a Variance of the spacing requirement for an Adult Entertainment Establishment from another Adult Entertainment Establishment (Section 1212a.C.3); and a Variance of the parking requirement from 23 parking spaces (Section 1200). **Location:** 1323 East 6th Street

Presentation:

Vanessa Somerville, 1123 Xanthus Place, Tulsa, OK; stated she is proposing a bar with music and art gallery; the displayed art will be for sale to patrons and the general public. Currently the area is mainly industrial but there will be a café opening on the corner of 6th and Peoria, plus there are two other art galleries in the area. Ms. Somerville stated that by bringing art to a bar it will allow the public that generally do not visit art museums to see art because people do visit a neighborhood bar.

Interested Parties:

Theron Warlick, City Planner, City of Tulsa, 175 East 2nd Street, Tulsa, OK; stated the Eclipse Bar that is near the proposed bar has closed. The establishment is reopening as a 3.2 beer bar. The spacing requirements for this area would be a hardship for the applicant because this area was developed much more compactly than the rest of the city, and that should be considered for this request.



**PLANNING & DEVELOPMENT
DEPARTMENT**

September 22, 2017

Mr. R. Louis Reynolds
Eller & Detrich
2727 East 21st Street, Suite 200
Tulsa, OK 74114-3533

Re: Zoning Code Interpretation #2017-01
Definition of "driveway"

Mr. Reynolds:

The following interpretation is provided in response to your August 21, 2017 letter.

Interpretation:

The term "driveway" as referenced by the City of Tulsa Zoning Code is interpreted to mean the appropriately surfaced path of vehicular travel between the street and the street setback(s) of the subject property.

To provide additional clarity, when codifying this interpretation, it is also appropriate to amend the definition of "Parking Area" (§95.190) as follows:

Parking Area

The vehicular driving surfaces and parking area which includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives and driveways providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

Parking Area Design (§55.090-F.3.) establishes a maximum width for driveways serving RE and RS zoned properties. The maximum width of a driveway "on the lot (outside ROW)" shall be applied to the driveway located within the street setback (pursuant to measurement standards of §90.090.A). Beyond the street setback, any applicable open space requirements will guide maximum lot coverage based on the size and location of buildings, driveways and parking areas on the lot, as well as the parking space setback requirements of §55.080.C (Table 55-4).

Adjusting the way we review site plans for driveways has evolved with the updated zoning code. Application of this interpretation has been implemented through training with the Building Plans

Review Team in the Permit Center. I believe through this interpretation, we have identified a better way to ensure compliance while allowing more flexibility in site design. This interpretation is expected to reduce Letters of Deficiency (LODs) due to driveway configuration.

70.090-G Appeal of decision

Appeals of written interpretations issued pursuant to this section may be taken to the board of adjustment in accordance with the appeal procedures of Section 70.140.

Sincerely,



Dawn T. Warrick, AICP
Planning & Development Director

cc: Yuen Ho
Susan Miller

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1 REVISED

John Durkee
1125 E. 49th Place
Tulsa, OK 74105

August 25, 2020

Phone: 918-742-0457

APPLICATION NO: **BLDR-064032-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 1125 E. 49th Place

Description: 8' fence and brick paving

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. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO COTDEVSVCS@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. **
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT 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" [X] IS [] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

REVIEW COMMENTS

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

BLDR-064032-2020

1125 E. 49th Place

August 25, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.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.

1. Section 45.130 Parking and Storage of Commercial Trucks

No vehicle required to be registered as a "commercial truck" pursuant to OAC 710:60-3-91 may be parked or stored on a lot within a residential zoning district.

Review Comments: No commercial vehicles may be parked or stored on a residential lot.

2. **Sec. 55.090-F Surfacing.** In RE and RS zoning districts, driveways serving residential dwelling units may not exceed 50% of the lot frontage or the following maximum widths, whichever is less, unless a greater width is approved in accordance with the special exception procedures of Section 70.120 (Refer to the City of Tulsa Standard Specifications and Details for Residential Driveways #701-704).

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

Review Comments: The submitted site plan proposes a driveway of more than 22' in width on the lot, which exceeds the maximum allowable driveway width within the ROW. Revise plans to indicate the driveway shall not exceed the maximum allowable width in the table or apply to the BOA for a special exception, for the proposed driveway width within the ROW. Further, you have already laid brick across the entirety of the Western frontage and a large portion of the Southern frontage, which exceeds 50%, so you must get a special exception for this existing condition.

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

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

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

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

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

END – ZONING CODE REVIEW

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

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

STATEMENT

In 1956 the property at 1125 East 49th Place became my home at the age of eleven when my grandparents purchased it and it has been my home since that time.

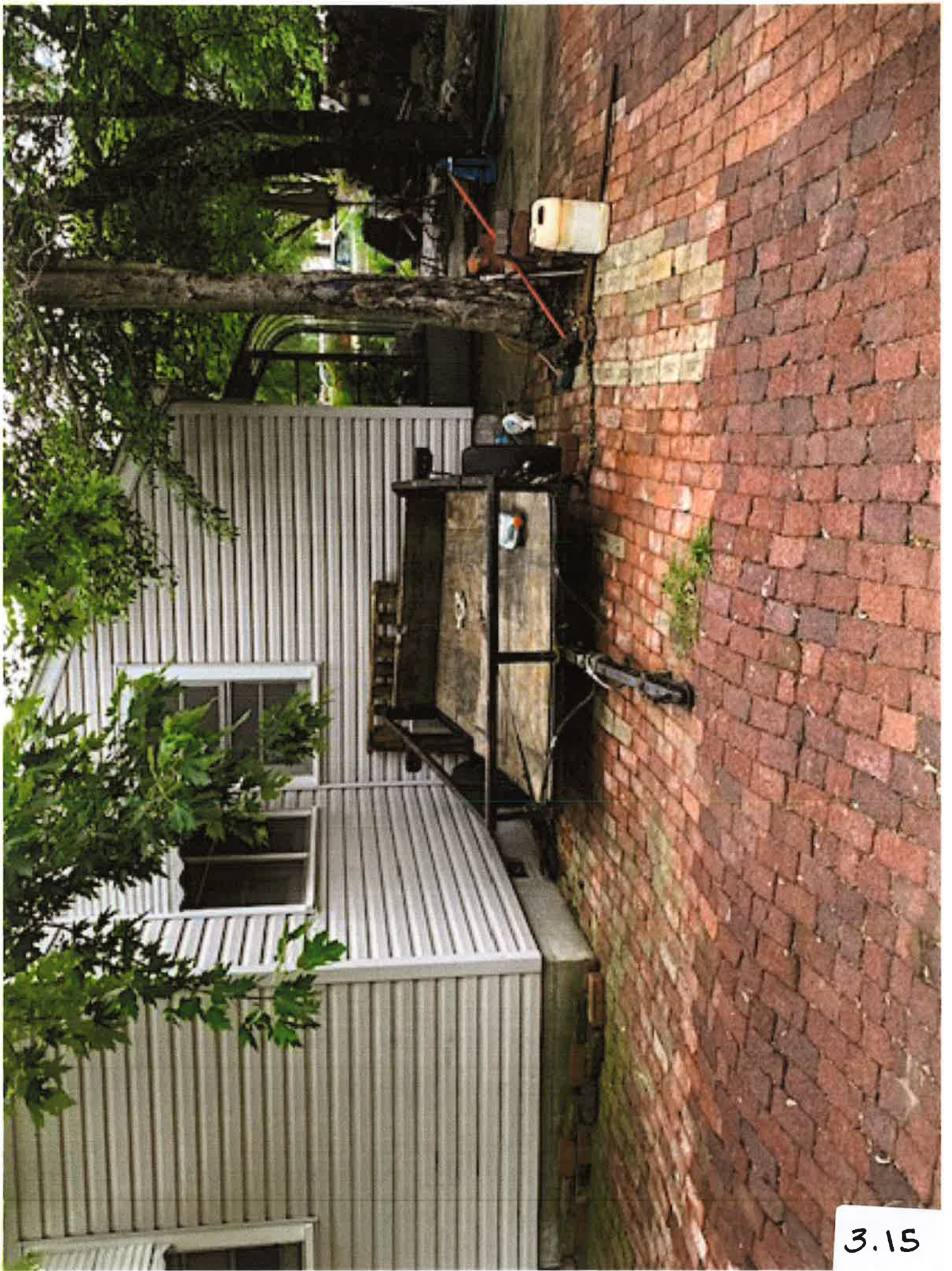
In the sixty-four years that I have resided there, with the exception of my time in the Army, I have personally worked on, added to, remodeled, repaired, reroofed, installed brick sidewalks and yard coverings, planted trees, shrubbery and gardens much of which occurred before the first zoning code adopted in 1970.

The residence is the place where I learned much of the mechanical aptitude that became the basis for my career as a Registered Professional Engineer, largely without the care and supervision of any department of the City of Tulsa.

In 2017 through 2019, the City of Tulsa demolished and reconstructed the water, sanitary and storm sewer under the entire two blocks of Newport Avenue from 49th street to 51st street. In that process the only part of my property that was disturbed was the corner of 49th Place and Newport Avenue as shown in the attached construction plan indicating that there are no utilities under the remaining right of way.

Therefore, I would respectfully request that the relevant authority 'grandfather' the existing improvements to my property with the understanding that any further improvements would require the application and approval of building permits by the City of Tulsa.

John Durkee



3.15



0 Feet 100
50



Subject
Tract

BOA-22983

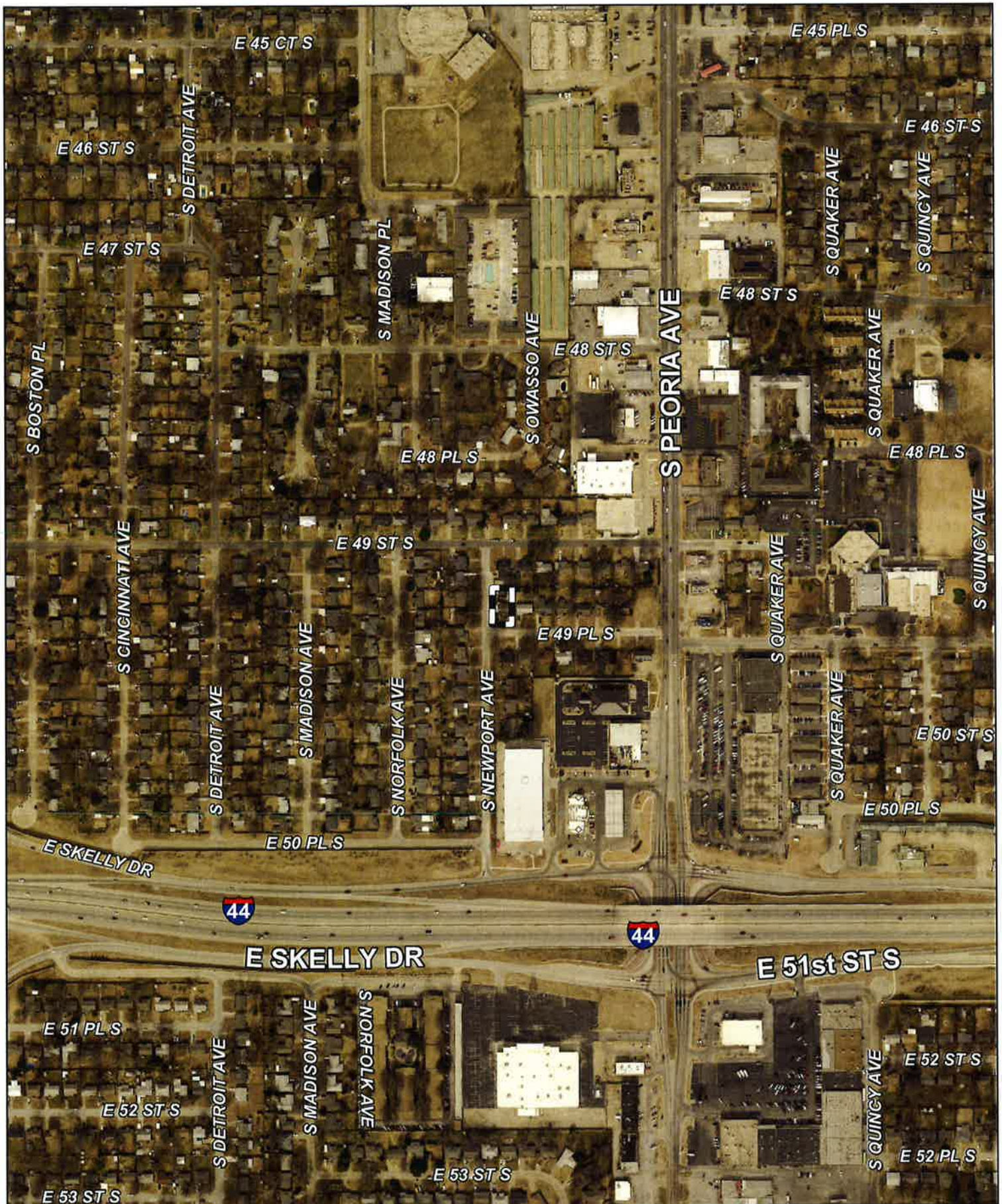
19-12 25

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

Aerial Photo Date: February 2018



3.17



0 Feet
200
400



Subject
Tract

BOA-22983

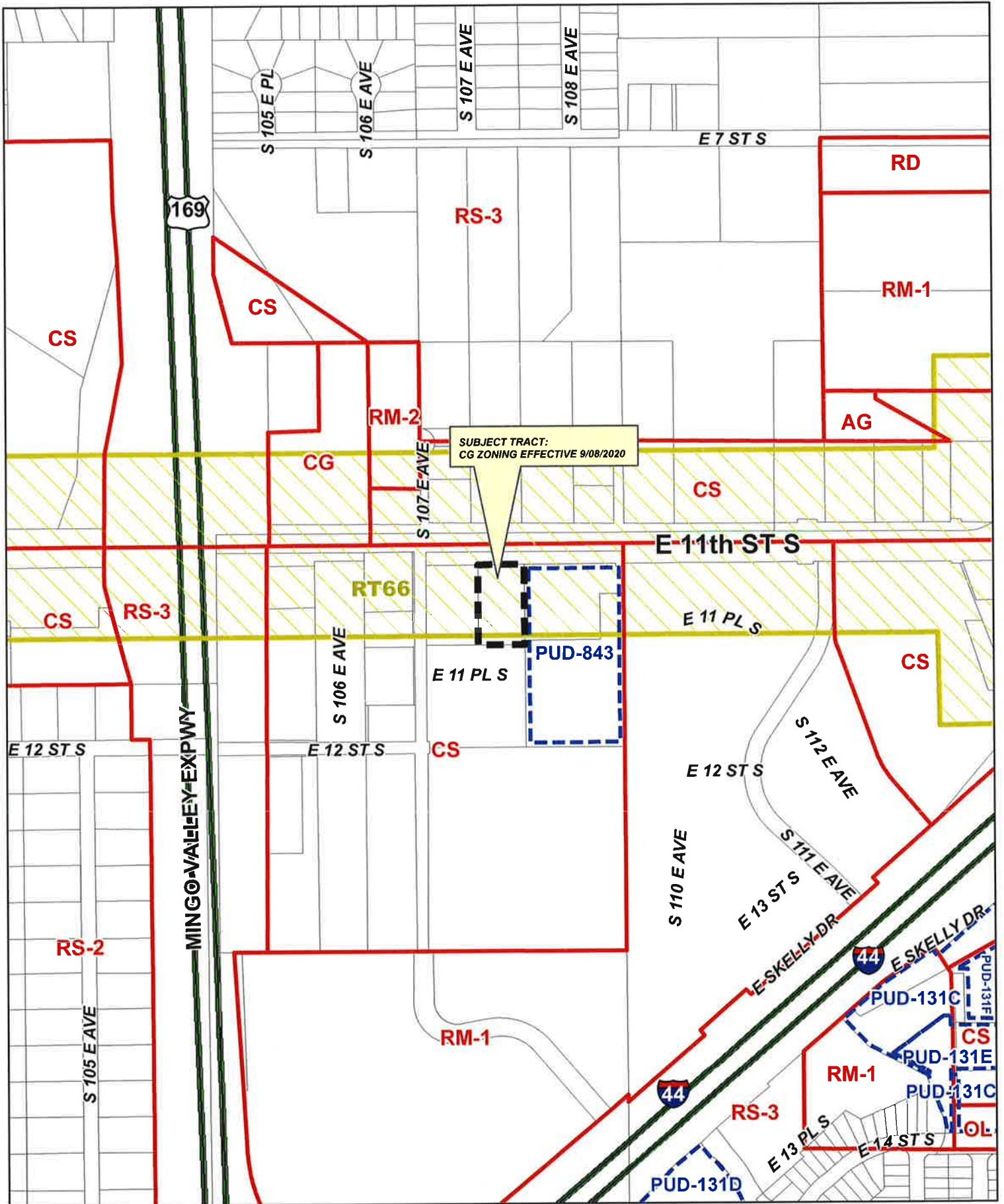
19-12 25

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

Aerial Photo Date: February 2018



3.18



0 200 400
Feet

BOA-22986

19-14 07

4.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9407

Case Number: **BOA-22986**

CZM: 39

CD: 5

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Amanda Lowe

ACTION REQUESTED: Special Exception to permit a Horticulture Nursery Use in the CG district (Sec. 15.020, Table 15-2)

LOCATION: 10724 E 11 ST S

ZONED: CG

PRESENT USE: Variety of Commercial uses.

TRACT SIZE: 38999.43 SQ FT

LEGAL DESCRIPTION: Part of the West Half (W/2) of Lot One (1), MINGO VALLEY ACREAGE, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit:

BEGINNING at a point 40 feet South and 170 feet East of the Northwest corner of Lot One (1), said point being on the South Right of Way of line of East 11th Street South; Thence East along said Right of Way line for 150 feet to the East line of said West Half (W/2) of Lot One (1); Thence South and along the East line of said West Half (W/2) of Lot One (1) for 260 feet; Thence West for 150 feet; Thence North 260 feet to the POINT OF BEGINNING.

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7552: On 06.17.20 the TMAPC recommended approval of a re-zoning to CG and the City Council Subsequently **approved** the re-zoning on 07.09.2020. CG zoning Effective 9.08.2020

BOA-13911; On 01.23.86 the Board **approved** a Special Exception to allow building material sales (Use Unit 15) in a CS District.

BOA-13804; On 10.24.85 the Board **approved** a Special Exception to allow automobile sales in a CS District.

Surrounding properties:

Z-7535: On 02.19.20 the TMAPC recommended **denial** of a re-zoning from CS to IL w/ an optional development for the purposed of Medical Marijuana Cultivation, this decision was not appealed to City Council. Property located 1140 S. 107th E. Avenue.

BOA-18957: On 01.23.01 the Board **approved** a Special Exception to permit RV and Trailer sales in a CS District and a variance of the all-weather parking surface requirement, limited to one year. Property Located 10740 E 11th Street South.

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 SE/c of S. 107th E. Ave. and E. 11th Street South.

STAFF COMMENTS: The applicant is seeking a **Special Exception** to permit a Horticulture Nursery Use in the CG district (Sec. 15.020, Table 15-2)

Horticulture Nursery Uses are subject to the supplemental regulations of Sec. 40.225 if being used for Medical Marijuana Cultivation:

Section 40.225 Medical Marijuana Uses

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

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

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

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

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

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

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

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

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

TULSA ZONING CODE | July 1, 2020
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.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Special Exception** to permit a Horticulture Nursery Use in the CG district (Sec. 15.020, Table 15-2)

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

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



Subject property



Facing West on 11th Street



Facing East on 11th Street

On **MOTION** of **CRADDOCK**, TMAPC voted **7-1-0** (Covey, Craddock, Kimbrel, Ray, Shivel, Van Cleave, Walker "aye"; Reeds, "nays"; none "abstaining"; Doctor, McArtor, Ritchey, "absent") to recommend **APPROVAL** of the CH zoning for Z-7548.

Legal for Z-7548:

LT 1 & 2 BLK 3 CENTRAL PARK PLACE & S24.5 LT 3 BLK 15; LT 3 BLK 3, CENTRAL PARK PLACE, HODGE ADDN

6. **Z-7552 Stuart Van De Wiele** (CD 5) Location: East of the southeast corner of East 11th Street South and South 107th East Avenue requesting rezoning from **CS** to **CG**

STAFF RECOMMENDATION:
SECTION I: Z-7552

DEVELOPMENT CONCEPT: Repurpose existing building and property with expanded uses that may be allowed in a CG district. CG provides additional floor area opportunities and additional use opportunities.

DETAILED STAFF RECOMMENDATION:

CG zoning allows uses that are generally consistent with the Mixed-Use Corridor land use designation and,

The surrounding property has been developed with uses allowed in a CS district and a variety of special exceptions that allow light industrial uses in a CS district. CG zoning is generally consistent with that development pattern and,

The architectural style of the development in this area is like many light industrial development areas and the proposed zoning change the Mixed-Use Corridor land use designation for the area therefore,

Staff recommends approval of Z-7552 to rezone property from CS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

***Staff Summary:** The uses allowed in a CG zoning category allow more vehicular uses that are not currently allowed in the surrounding properties however many of the surrounding properties have been granted special exception uses for vehicular use categories. The mixed-use corridor*

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets 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. 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.

Areas of Stability and Growth designation: 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.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile."

Transportation Vision:

Major Street and Highway Plan:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial

pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None that affect this site.

Small Area Plan: None

Special District Considerations: Route 66 Overlay. This overlay designation changes sign standards but does not affect any uses.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently occupied with a single-story office warehouse.*

Street View looking from northwest to southeast on next page.



Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11 th Street	Secondary Arterial with Multi Modal Overlay	100 feet	(6 lanes) 3 each direction with landscape median

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Employment	Growth	Retail
East	CS	Mixed-use corridor	Growth	Dollar General
South	CS	Mixed-use corridor	Growth	Mobile Home Park
West	CG	Mixed-use corridor	Growth	Commercial use with light industry approvals

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-13911 January 1986: The Board of Adjustment **approved** a *Special Exception* to allow retail, building material sales business with minor wholesaling in a CS District, per plot plan submitted, on property located at the southeast corner of 11th Street and 107th East Avenue.

BOA-13804 October 1985: The Board of Adjustment **approved** a *Special Exception* to allow automobile sales in a CS zoned district, subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant, on property located at 10724 East 11th Street.

BOA-12976 January 1984: The Board of Adjustment **approved** a *Variance* of the required 100' setback from the centerline of 11th Street to 89' to allow for new construction in a CS District under the provisions of Section 1670, per plans submitted, on property located at the southeast corner of 11th Street and South 107th East Avenue.

Surrounding Property:

Z-7535 February 2019: All concurred in **denial** of a request for *rezoning* a .42± acre tract of land from CS to IL for a medical marijuana grow facility, on property located northwest corner of East 12th Street South and South 107th East Avenue.

PUD-843 February 2016: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.37± acre tract of land for mixed-use/commercial, on property located west of the southwest corner of East 11th Street and S. Garnett Road.

BOA-21889 May 2015: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701), with the condition that all the Use Units referred both in 15, 16, 12, and 14 are referenced in the letter from Tanner Consulting dated May 26th, 2015, per conceptual site plan 3.8, on property located at 10880 East 11th Street.

BOA-20547 September 2007: The Board of Adjustment **approved** a *Special Exception* to permit automobile and allied activities (Use Unit 17) in a CS District (Section 701), with conditions: limited to tire/wheel sales and service, automotive repair except engine work, no portable signs in place on the property, no outside storage of materials, parts or equipment, all refuse placed in appropriate containers, approval for a period of five years, on property located at 10705 East 11th Street South.

BOA-19709 November 2003: The Board of Adjustment **denied** a *Special Exception* to permit Use Unit 17 uses in a CS District, a *Variance* of the setback from an R District from 12' to 0' to permit a building at the property line, and a *Variance* of required screening from an R District, finding it is an inappropriate use for cart blanc Use Unit 17 in this area, and finding a lack of hardship, on property located at northwest corner of East 11th Street and South 107th East Avenue.

BOA-19331 March 2002: The Board of Adjustment **approved** a *Special Exception* to permit a Use Unit 15 (electrical contractor) in a CS district, on property located at 10705 East 11th Street.

BOA-18957 January 2001: The Board of Adjustment **approved** a *Special Exception* to allow RV and trailer sales in a CS zoned district and a *Variance* of the required all-weather surface parking to allow gravel parking, for a period not to exceed one year from the date of this hearing, on property located at 10740 East 11th Street.

BOA-18668 March 2000: The Board of Adjustment **approved** a *Special Exception* to allow an electrical contractor business (Use Unit 15) in a CS district, on property located at 1136 South 107th East Avenue.

BOA-14951 October 1988: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 (automotive uses) in a CS zoned district, a *Variance* to allow open air storage and display of merchandise for sale within 300' of an R District, per site plan submitted, subject to Traffic Engineering approval for the location of storage racks on the north and east sides of the property, and subject to the sales business being limited to pick-up camper shells and accessories, finding that the original plot plan has been revised and the variance of the setback from the street to the east and the variance of the parking requirements is no longer needed, on property located at east of the northeast corner of 11th and 107th East Avenue.

BOA-13933 February 1986: The Board of Adjustment **approved** a *Special Exception* to allow an automotive custom repair and related sales facility in a CS zoned district and a *Special Exception* to remove the screening requirements where existing physical features provide visual separation of uses; finding that there are similar uses in the area and the automotive facility will be compatible with the neighborhood, and finding that the RS zoned property to the north that would require screening is actually vacant land and a creek, on property located at 10877 East 11th Street.

BOA-13517 April 1985: The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS zoned district with the restrictions that the exterior building materials of the car wash be compatible with the abutting apartment complex, there will be an attendant on duty seven days a week from 8:00am to 10:00pm, and that it is built per plot plan submitted, on property located at the northwest corner of 11th Street and 107th East Avenue.

BOA-13350 November 1984: The Board of Adjustment **approved** a *Variance* to allow a guttering and roofing establishment in a CS zoned district, per plot plan submitted, finding that due to the unusual circumstances of the land (in regard to the flood plain developed), on property located at east of the northeast corner of 107th East Avenue and

11th Street, finding that the literal enforcement of the Code would result in an unnecessary hardship to the applicant

Z-5462 December 1982: All concurred in **approval** of a request for *rezoning* a 2.3± acre tract of land from CS/RS-3 to CG for a Use Unit 21-Outdoor Advertising to allow a larger sign, on property located east of the northeast corner of 11th Street and Mingo Valley Expressway.

BOA-12137 August 1982: The Board of Adjustment **approved** a *Special Exception* to allow a Use Unit 17 (muffler shop) in a CS District as described using tilt-up rock panels, subject to all work being performed inside, that all storage be inside with no outside storage being permitted, that refuse be placed outside in covered containers, and that no manufacturing of mufflers take place at the subject location, on property located at 10705 East 11th Street.

BOA-11993 June 1982: The Board of Adjustment **denied** a *Special Exception* to locate a muffler shop in a CS District, on property located at 10705 East 11th Street.

Z-5484 March 1981: All concurred in **approval** of a request for *rezoning* a 2.1± acre tract of land from CS/RS-3 to CG commercial, on property located east of the northeast corner of 11th and Mingo Valley Expressway.

BOA-11386 March 1981: The Board of Adjustment **approved** a *Special Exception* to permit a Use Unit 15 for other trades and services in a CS District and a *Special Exception* to waive the screening requirement on the north property line until such time that the north portion of the property is developed residentially or is sold, all subject to plans submitted, with the condition that no outside storage will be permitted, on property located at east of the northeast corner of 107th and 11th Streets.

BOA-11040 June 1980: The Board of Adjustment **approved** an *Exception* to permit an electrical contractor in a CS District with the screening fence to be constructed all around the building as drawn on the submitted plot plan, with access being also screened, (gates) as shown on the plot plan, no outside storage shall exceed the height of the screening fence, outside storage limited to lighting poles and arms, on property located at 10705 East 11th Street.

BOA-09990 June 1978: The Board of Adjustment **approved** an *Exception* to operate a retail glass outlet and an *Exception* to remove the screening requirement cannot be achieved, per plot plan, in a CS and RS-3 District, on property located at 10737 East 11th Street.

BOA-07212 November 1971: The Board of Adjustment **approved** a *Special Exception* to permit operating a sales and service of travel trailers (camping trailers) and articles incidental to recreation and camping activities, on property located at 10884 East 11th Street.

Z-3972 August 1971: All concurred in **approval** of a request for *rezoning* a 27.998± acre tract of land from CS to RM-1 for Multi-family, on property located southwest corner of 11th Street and Garnett Road.

Z-3854 February 1971: All concurred in **approval** of a request for *rezoning* a 1.8± acre tract of land from RS-3/CS to RM-2 for apartments, on property located north side 11th Street, east of Mingo Valley Expressway.

BOA-05814 March 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-3A to permit the erection of pumps, lights, and canopy for a service station, subject to the plot plan submitted, on property located at southwest corner of 107th East Avenue and 11th Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of COVEY, TMAPC voted **8-0-0** (Covey, Craddock, Kimbrel, Ray, Reeds, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Ritchey, "absent") to recommend **APPROVAL** of the CG zoning for Z-7552 per staff recommendation

Legal for Z-7552:

Part of the West Half (W/2) of Lot One (1), MINGO VALLEY ACREAGE, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit:

BEGINNING at a point 40 feet South and 170 feet East of the Northwest corner of Lot One (1), said point being on the South Right of Way of line of East 11th Street South; Thence East along said Right of Way line for 150 feet to the East line of said West Half (W/2) of Lot One (1); Thence South and along the East line of said West Half (W/2) of Lot One (1) for 260 feet; Thence West for 150 feet; Thence North 260 feet to the POINT OF BEGINNING.

* * * * *

Case No. 13909 (continued)

the business down; finding that it is evidenced by the advertising signs and yard displays that this is a business, and not a home occupation, operating on the property at this time; on the following described property:

Lot 10, Block 3, Crescent Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13910

Action Requested:

Variance - Section 240.2(a) - Permitted Yard Obstructions - Use Unit 1205 - Request a variance to allow a 6' roof overhang of a carport into the required yard, located at 7030 East 31st Street South.

Presentation:

The applicant, Bob Swanson, 2700 East 51st Street, Tulsa, Oklahoma, who submitted a location map (Exhibit H-1) and photographs (Exhibit H-2), informed that he is the architect for Woodlake Assembly of God and asked the Board to allow the roof of a carport to overhang the required setback. The proposed east wing will have a carport for loading and unloading passengers and only a portion of the roof overhangs the setback.

Comments and Questions:

Ms. Bradley asked if the carport will be located where construction is now in progress and Mr. Swanson answered in the affirmative.

Mr. Gardner pointed out that only 6' of the roof overhangs into the required setback.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 240.2(a) - Permitted Yard Obstructions - Use Unit 1205) to allow a 6' roof overhang of a carport into the required yard; per photographs submitted; finding a hardship demonstrated by the irregular shape of the lot; on the following described property:

Lot 1, Block 1, Woodlake Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13911

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 15 - Request a special exception to allow a wholesale, retail, building material sales in a CS district; or

1.23.86:456(14)

Case No. 13911 (continued)

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 23 - Request a use variance to allow wholesale/retail exterior building material sales in a CS zoned district, located on the SE/c of 11th Street and 107th East Avenue.

Presentation:

The applicant, Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, who represented Forrest Siding Supply, a contract purchaser for the lot at the above stated location, submitted a plot plan (Exhibit 1-1) and explained that his client sells siding supplies primarily, with approximately 6% of the business wholesale. Mr. Nichols suggested that, if the Board determines that the special exception requested does not fit the business, a use variance may be needed to permit this operation in the CS zoned district under Use Unit 23. He remarked that this use is a lighter one than those in the surrounding neighborhood.

Comments and Questions:

Ms. Clugston asked if the railroad cars will be removed from the lot and Mr. Nichols replied that they will be moved from the lot and a new facility constructed.

Ms. Wilson inquired if this business is connected with the Green Country Siding Company to the east and Mr. Nichols answered that they are different businesses.

Mr. Jackere stated that the Board would have to determine if the wholesale is accessory to the retail or if the business is principally wholesale. If the case is the former it is by special exception and if the latter, by a variance.

Mr. Nichols stated that his client has informed him that 94% of the business is retail and 6% is wholesale.

Mr. Nichols commented that the business is now operating at 1350 North Louisville, but has outgrown that building and the owner would like to relocate on the subject tract.

Mr. Clugston asked if the new business will be conducted the same as the one that is now in operation on Louisville and Mr. Nichols replied that it is the same type of business and that his client would like to operate under Use Unit 15.

Mr. Garriott, Code Enforcement, stated that his office would view the business as a Use Unit 15.

Ms. Wilson asked where the entrance to the parking lot would be located and Mr. Nichols informed that there are curb cuts on 107th East Avenue and 11th Street.

1.23.86:456(15)

Case No. 13911 (continued)

Mr. Nichols stated that he would like to withdraw the use variance request.

Board Action:

On MOTION of WILSON 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 710 - Principal Uses Permitted in Commercial Districts - Use Unit 15) to allow a retail, building material sales business with minor wholesaling in a CS district; per plot plan submitted; finding that building material sales is compatible with the area and is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

W/2 of Lot 1, Mingo Valley Acreage Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13912

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow a body shop in a CS zoned district.

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request a use variance to allow a body shop because of the small portion of the lot which falls within a RS-3 zoned district, located at 4501 North Peoria Avenue.

Presentation:

The applicant, Raymond Reed, 5123 North Frankfort, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) of a proposed body shop. He explained that a screening fence is not shown on the drawing, but one is planned in the back (east), one on the south side and a partial one on the north (from the back of the lot to the body shop).

Comments and Questions:

Ms. Wilson asked the applicant if there is a building on the lot at this time and he replied that there is not, but a 3,000 sq. ft. building will be constructed. Mr. Reed informed that he plans to employ 4 to 6 people and have the business open Monday thru Friday, 8 a.m to 6 p.m.

Mr. Gardner informed that the area is a mixture of light to moderate type usage and that the use proposed by the applicant is compatible with the neighborhood.

Mr. Reed stated that he intends to purchase the lot if the Board grants the special exception to allow the body shop.

1.23.86:456(16)

Case No. 13803 (continued)

street from 50' to 46' to allow for the construction of an addition to an existing structure, located at 5862 East 22nd Place.

Presentation:

The applicant, Ralph Hanson, 3719 South Wheeling, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) for an addition to an existing structure. Mr. Hanson stated that he is extending the living room of a residence owned by Mr. and Mrs. Wyman Hart.

Comments and Questions:

Ms. Bradley asked if the extension of the living room will be 4' and the applicant replied that the addition will be 4' toward the street.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by CLUGSTON, the Board voted 3-1-0 (Bradley, Chappelle, Wilson, "aye"; Clugston, "nay"; no "abstentions"; White, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from street from 50' to 46' to allow for the construction of an addition to an existing structure; finding a hardship demonstrated for the minor variance by the design of the house; on the following described property:

Lot 6, Block 6, Mary Francis Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13804

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow automobile sales in a CS zoned district, located at 10724 East 11th Street.

Presentation:

The applicant, Jim C. Vanderpool, 10724 East 11th Street, Tulsa, Oklahoma, asked the Board to allow him to sell used cars on his property at the above stated address.

Comments and Questions:

Ms. Bradley asked if there is an office and warehouse on the property and the applicant answered in the affirmative.

Ms. Wilson made inquiry as to what is located to the east of the subject tract. Mr. Vanderpool informed that there is a camper sales and service business east of his lot.

10.24.85:450(9)

Case No. 13804 (continued)

Mr. Gardner pointed out that the old railroad restaurant is in the northwest corner of the block and Mr. Vanderpool's land is in an L shape around the restaurant.

The applicant informed that he will have a maximum of 12 cars on the lot at any given time, and that the cars will be parked only on the front portion of the lot. He stated that he also operates Green Country Siding on the subject tract.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow automobile sales in a CS zoned district; subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant; on the following described property:

The North 175' of the W/2 of Lot 1, Mingo Valley Acreage Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13805

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a beauty shop as a home occupation, located at 3215 West 40th Street.

Presentation:

The applicant, Louise Ratliff, 3215 West 40th Street, Tulsa, Oklahoma, requested that she be allowed to use approximately 1/2 of her garage for a beauty salon. She stated that there will be no exterior changes to the house and she will have one station, with no employees. The applicant informed that she has adequate parking for her clients in the driveway of her home.

Comments and Questions:

Mr. Clugston inquired as to the hours of operation for the beauty shop. Ms. Ratliff replied that she would like to have it open from 9:00 a.m. until 7:00 p.m., thus providing evening service for the working women of the neighborhood.

10.24.85:450(10)

Case No. 18951 (continued)

lawful use exists, then the provisions of Title 42, which require that vehicles to be parked for display or sale on an all-weather material shall not apply to any non-conforming parking space that was constructed of a material other than all-weather material prior to July 1, 1970.

Interested Parties:

Sheryl Dyer, P.O. Box 14260, Tulsa, OK 74159-1460, stated she represented the Renaissance Neighborhood Association. She submitted a petition of disagreement (Exhibit E-3) signed by 43 neighbors and members of the neighborhood association, and a list of houses removed from the neighborhood (Exhibit E-4). She stated that she lives at 1122 S. Birmingham Pl., and as a resident she recognized that Mr. Bearden has been a long time business owner in their neighborhood association, and she does not want to make a hardship on him, but she would like to see the lot surfaced with black top or something.

Applicant's Rebuttal:

Mr. Bearden stated that the business has been at this location since 1925. He informed the Board that before they acquired the business and removed the house in about 1966, there was a parking problem along the street. He stated that this was his solution to that problem. He stated that they add gravel and grade it periodically, so that it is well maintained. He indicated that he was never informed to pave the lot. He stated that the ground absorbs the rainwater, and does not cause oily run-off as asphalt lots, or have potholes from asphalt deterioration.

The Board received a letter of opposition (Exhibit E-5) to this application from Councilor Gary Watts, District 4.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4-0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **DENY** Case No. 18951, finding it was unlawful non-conforming; and to **UPHOLD** the administrative official's determination.

Case No. 18957

Action Requested:

Special Exception to allow RV and trailer sales in a CS zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17; and a Variance of the required all-weather surface parking to allow gravel parking. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 10740 E. 11th St.

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Presentation:

Emmett Bean, 1880 E. 11th, stated he has owned the subject property for about 27 years, and operates his business there. He asked for more time to sell his merchandise and property, as they are in the process but it is taking longer than he would like.

Comments and Questions:

Mr. White asked what he thought would be a reasonable time to accomplish this. Mr. Bean suggested it would take about one year. Ms. Bean stated that 10880 E. 11th is the correct address.

Interested Parties:

Carolyn Harder, stated she represented the East Tulsa Mingo Valley Neighborhood Association, in support of the application, at least for a temporary variance. She indicated that Mingo Valley, Western Village, Wagon Wheel, and Magic Circle neighborhood associations were all in agreement to support this request. She suggested six months to one year.

Janet Miller, 1249 S. 105th E. Ave., stated she was also with East Tulsa Mingo Valley representation, and the Crescent Heights Neighborhood. She spoke in support of the application for the maximum time available. She informed the Board that his property was always well kept. She did not feel this variance would be a detriment to the community.

James Mautino, 14628 E. 12th St., from Tower Heights Neighborhood Association, spoke in support of the application. He considered one year to be a reasonable time limitation.

Board Action:

On **MOTION** of **Dunham**, the Board voted 4 0-0 (White, Dunham, Perkins, Cooper "aye"; no "nays"; no "abstentions"; Turnbo "absent") to **APPROVE** a **Special Exception** to allow RV and trailer sales in a CS zoned district, finding that 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; and a **Variance** of the required all-weather surface parking to allow gravel parking, for a period not to exceed one year from the date of this hearing, finding that it 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:

E/2 Lot 1 and N 20' vacated street adjacent on S, less N 40' for street, Mingo Valley Acreage, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

6. **Z-7535 Bob Stinchcomb** (CD 5) Location: Northwest corner of East 12th Street South and South 107th East Avenue requesting rezoning from **CS to IL with an optional development plan**

STAFF RECOMMENDATION:
SECTION I: Z-7535

DEVELOPMENT CONCEPT: Repurpose a vacant building that was used for a rock-climbing training and recreational facility. The optional development plan does not provide additional development limitations other than the use limitations in Section II.

DETAILED STAFF RECOMMENDATION:

The Mixed-Use Corridor land use designation does not encourage light manufacturing or warehouse uses and,

The surrounding property has been developed with standards and uses allowed in a CS district and a variety of special exceptions that allow light industrial uses in a CS district and,

The architectural style of the development in this area is similar to many light industrial development areas and the proposed zoning change with the provisions of the optional development plan is consistent with the Mixed-Use Corridor land use designation for the area therefore,

Staff recommends approval of Z-7535 to rezone property from CS to IL with the optional development plan standards outlined in Section II below.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

- A) PUBLIC, CIVIC, AND INSTITUTIONAL
 - Utilities and Public Service Facility (minor)
 - Wireless Communication Facility (includes all specific uses)
- B) COMMERCIAL
 - Animal Service
 - Boarding or shelter

Grooming
Veterinary
Broadcast or Recording Studio
Commercial Service (includes all permitted specific uses)
Financial Services (includes all permitted specific uses)
Office (includes all permitted specific uses)
Parking, Non-accessory
Restaurants and Bars
Restaurant
Retail Sales (includes all permitted specific uses)
Studio, Artist, or Instructional Service
Trade School
Vehicle Sales and Service (includes all permitted specific uses)

- D) INDUSTRIAL
Low Impact Manufacturing and Industry but only for a Low-Impact medical Marijuana Processing Facility use
- F) AGRICULTURAL
Horticulture Nursery but limited to indoor growing operations.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The uses outlined in Section II are consistent with the Mixed-Use Corridor land use designation.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets 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. 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.

Areas of Stability and Growth designation: 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.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: No special street designations have been assigned along any of the abutting streets.

Trail System Master Plan Considerations: As a part of the GO Plan, the part of East 11th Street South that connects with South 107th East Avenue is designated as a Bike Route with painted Bike lane, though the cross streets that give access to the subject property do not carry a trail and/or route designation.

Small Area Plan: There are no small area plans that require consideration in this area.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site will not significantly change. An existing single-story building will be repurposed.

Street view from southeast looking northwest:



Environmental Considerations: There are no environmental considerations that would affect site re-development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 12 th Street	Undesignated	50 feet	2
South 107 th East Avenue	Undesignated	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Mixed-Use	Area of Growth	Addco Electric

		Corridor		
South	CS	Mixed-Use Corridor	Area of Growth	Mobile Home Park/Accurate Fire Equipment Company
East	CS	Mixed-Use Corridor	Area of Growth	Mobile Home Park/ James Transmissions
West	CS	Mixed-Use Corridor	Area of Growth	A&A Mini Storage

SECTION IV: Relevant Zoning History

Staff Summary:

Of the Special Exceptions that have been granted for and around the subject property, most are now permitted by right in a CS district, although all of these previously approved uses (excluding the variance to allow a mobile home park in a CS district) are allowed by right in all other commercial and industrial zoning districts. These uses include: Self-service Storage facilities, Wholesale and distribution, Personal Vehicle Sales and Rentals, Building Services, Building Supplies and Equipment, Personal Vehicle Repair and Maintenance, Warehouses, Convenience goods, and Fueling Station. While the proposed zoning of IL would be limited to the of growing medical marijuana and uses that would be allowed in a commercial district, this use is classified Horticulture Nursery, which is limited strictly to Industrial zoning districts and Agriculture.

One of the key differences between commercial and industrial zoned districts is the allowance of light industry uses (such as manufacturing, horticultural nurseries, etc.) that would not be permitted in commercial. Though it could be argued that this area looks like an industrial district due to most of the uses permitted in CS also being permitted in industrial districts, it should be noted that the Special Exceptions that were granted were for activities that would have been permitted by right in CG and there has not been any action taken to rezone or request a Special Exception for any uses more intensive than what would be permitted in a commercially zoned district until now.

Commercial and Industrial districts have very different and distinct characteristics. According to our code, a CS district is “primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers by providing a range of retail and personal service uses” and an IL district is “primarily intended to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities that have few if any adverse land use or environmental impacts”. Additionally, the subject property and surrounding properties within 300’ ft carry a land use designation of Mixed-Use Corridor. As outlined by the City of Tulsa’s Comprehensive Plan, Mixed-Use Corridors are described as “modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment

uses” and land uses such as “multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.” By rezoning to IL, the land use intensity would effectively step up, which directly in conflict with the vision for this area set forth by the City of Tulsa’s Comprehensive Plan.

IL has a fundamentally different character to CS as a result of the additional, higher intensity uses that it allows that do not complement the spirit and character of this neighborhood in terms of zoning or land use.

ZONING ORDINANCE: Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-10285 January 1979: The Board of Adjustment **approved** an *Exception* to permit Use Unit 15 in a CS District, subject to the building being a tilt-up concrete panel construction, earth-tone in color, and for warehousing and office combination, on property located at the northwest corner of 12th Street and 107th East Avenue.

Surrounding Property:

PUD-843 February 2016: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.37± acre tract of land for commercial, on property located west of the southwest corner of East 11th Street and South Garnett Road.

BOA-21889 May 2015: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701), on the condition that all the Use Units referred both in 15, 16, 12, and 14 are referenced in the letter from Tanner Consulting dated May 26th, 2015, on property located at 10880 East 11th Street.

BOA-20871 February 2009: The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage facility (Use Unit 16) in a CS district (Section 701) with the conditions that the new units be painted to match the existing storage units and have no open air storage, on property located at 10540 East 11th Street.

BOA-20056 June 2005: The Board of Adjustment **approved** a *Special Exception* to allow the sale of manufactured homes in a CS-zoned district within a mobile home park, on property located at 1211 South 107th Avenue East.

BOA-18957 January 2001: The Board of Adjustment **approved** a *Special Exception* to allow RV and trailer sales in a CS zoned district and a *Variance* of

the required all-weather surface parking to allow gravel parking for a period not to exceed one year from the date of the hearing, on property located at 10740 East 11th Street.

BOA-18668 March 2000: The Board of Adjustment **approved** a *Special Exception* allow electrical contractor business (Use Unit 15) in a CS district, on property located 1136 South 107th East Avenue.

BOA-13911 January 1986: The Board of Adjustment **approved** a *Special Exception* to allow a retail, building material sales business with minor wholesaling in a CS district, per plot plan submitted, on property located on the southeast corner of 11th Street and 107th East Avenue.

BOA-13804 October 1985: The Board of Adjustment **approved** a *Special Exception* to allow automobile sales in a CS zoned district, subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant, on property located at 10724 East 11th Street.

BOA-12703 July 1983: The Board of Adjustment **approved** an *Exception* for storage and office space for electrical contractors in a CS zoned district, under provisions of Section 1680, with the condition that there be no outside storage at all, on property located at the southeast corner of 107th East Avenue and 11th Street.

BOA-11875 April 1982: The Board of Adjustment **approved** a *Variance* to allow a mobile home park in a CS District and a *Variance* of the setback from the west property line from 50' to 30' from 107th East Avenue, with a solid screening fence to be erected on the north property line, on property located at the northeast corner of 12th Street and 107th East Avenue.

BOA-11028 May 1980: The Board of Adjustment **approved** an *Exception* to permit automobile repair in a CS District, subject to the insertion in the lease that the property not be used for junk or salvage automobiles or any outside work or repair and that the Board be furnished a copy of the lease for the file, on property located at 10532 East 12th Street.

BOA-10798 November 1979: The Board of Adjustment **approved** an *Exception* to permit mini-storage buildings in a CS District and **approved** an *Exception* to remove the screening requirement where existing physical features provide visual separation of uses, per plot plan submitted, with the units painted earth tones, on property located at southeast of 11th Street and Mingo Valley.

BOA-10265 December 1978: The Board of Adjustment **approved** an *Exception* to use the property for Use Unit 15, other trades and services, per plot plan

submitted, for an office-warehouse, on property located southwest of 12th Street and 107th East Avenue.

BOA-10264 December 1978: The Board of Adjustment **approved** an *Exception* to permit Use Unit 15, other trades and services, the site to be used for warehousing and offices as presented, with the stipulation that the applicant return to the Board with his final plans prior to the issuance of a building permit, on property located at the southeast corner of 12th Street and Mingo Valley Expressway.

BOA-10208 November 1978: The Board of Adjustment **approved** an *Exception* to permit Use Unit 15 (other trades and services) in a CS District and a *Variance*, of the setback requirements from 25' to 0' on the south, per plot plan submitted, on property located south and east of 11th Street and Mingo Valley Expressway.

BOA-07774 February 1973: The Board of Adjustment found that a florist operation is permitted by right in a CS District and found the warehousing (storage) and wholesale activities to be accessory to the principal retail operation and permitted the use, on property located at 12th Street and Mingo Valley Expressway.

BOA-07212 November 1971: The Board of Adjustment **approved** an *Exception* to permit operating a sales and service of travel trailers (camping trailers) and articles incidental to recreation and camping activities, on property located at 10884 East 11th Street.

TMAPC Comments:

Applicant Comments:

Bob Stinchcomb 3609 East 31st Street, Tulsa, OK

Mr. Stinchcomb stated he has a medical marijuana dispensary at 31st and Yale Avenue and he stated he is very up to date and knowledgeable about the qualifications of things that is required to comply with OMMA. He stated this is not a facility that people will be coming in and out of other than employees. Mr. Stinchcomb stated there's no retail whatsoever in this particular location.

Ms. Kimbrel stated there are concerns about safety from the neighboring residents. She asked if he had talked to neighboring residents?

Mr. Stinchcomb stated "no", he had not.

Ms. Kimbrel asked if he had thought about ways to improve or modify the development area to address safety?

Mr. Stinchcomb stated growing is all they are going to be doing and they are not looking to do any other kinds of business. He stated the OMMA is quite detailed

in the information that they require the applicant to provide them to make the certifications necessary.

Mr. Ritchey asked if the applicant could take them through the daily operations such as shipping and receiving and what he expects the traffic to be in addition to just the daily workers,

Mr. Stinchcomb stated there would not be any outside people coming in or doing delivery. Mr. Stinchcomb stated he has done some development and research and has spent four and a half months in Israel a couple of years ago and this is really a passion for him because he sees it helping a lot of people and he is really excited about the opportunity to help.

Mr. Ritchey stated to help us kind of see the scale of this if he understands correctly the applicant is growing and then that product goes to the dispensaries. He asked if the applicant was taking it in a car or do, they bring a semi-truck and they're taking it tons at a time.

Mr. Stinchcomb stated it will be by car and you have to have a transport license. He stated there will an 8 foot fence around the property and they are required to have ventilation for the property.

Interested Parties:

Jennifer Rios 1211 South 107th East Avenue, Trailer #30, Tulsa, OK 74128

Ms. Rios stated she was the Manager of the Park East Mobile Home Park and has lived in this neighborhood for 13 years. She stated she has watched her neighborhood fall apart. Ms. Rios stated there is government housing addition behind the mobile home park that was formerly known as Sierra Point and is now known as Oak Brooks Crossing. She stated there is a lot of homeless people in the area and she gets phone calls from residents who need help dealing with the issues that arise with vandalism and homeless sleeping on porches or in storage sheds. Ms. Rios stated they had 4 vehicles stolen from their property last year and 4 home break ins. She stated this community is falling apart and needs help they don't need a medical marijuana dispensary. Ms. Rios stated Tulsa Public Schools just announced it cutting bus routes and transportation to the students so children will be walking further to school or will be using public transportation on East 11th Street. She stated the cars speed down the road and this is not safe for the children who are walking to school and Ms. Rios is asking that Planning Commission deny this request.

Mr. Shivel asked if the speeding cars are on 107th East Ave.

Ms. Rios stated "yes", there are speeding cars that come in and out of Sierra Point and you can hear the engines all the way into the office. She stated there is trash all over the place and if maintenance and herself didn't pick up the trash along South 107th East Ave. it would look like a landfill. Ms. Rios stated a Dollar

General store just opened and she had to put up an eight foot tall sheet metal fence that cost \$30,000 last year to keep the residents from the apartment complex from cutting through 11th and 12th Street and breaking into people's cars on their way to Dollar General.

Ms. Kimbrel asked if Ms. Rios has spoken with the applicant about her concerns?

Ms. Rios stated she believes the owner sent an email and she tried calling the number but didn't get any response.

Ms. Kimbrel stated so the applicant is not aware of the concerns.

Ms. Rios stated "no".

Mr. Stinchcomb stated he would like to say thank you to Ms. Rios for being concerned. He stated this is not a dispensary and there won't be any public coming into the facility. He stated his friends and his wife will be there. Mr. Stinchcomb stated there will be an eight foot fence that goes around the property that's required by the OMMA. He stated other requirements they will comply with is a video security system so there will be video of the persons causing the trouble in the neighborhood so they can be prosecuted. He stated it will be almost like Fort Knox. Mr. Stinchcomb stated they have a medical marijuana dispensary now and he is very familiar with the laws and the requirements that are necessary.

Mr. Craddock stated he had a few concerns. One of the main concerns is the mixed-use corridor that has been placed on this property and the need for IL zoning. He stated once again we are taking an area that the master plan calls for mixed-use corridor and are wanting to do different things to it. He stated the neighbors actually should be able to rely on the plan that is implemented for that area. Mr. Craddock stated he did not see a need to push this to the IL zoning and he doesn't think the change complies with the mixed-use corridor. He stated he doesn't support this application.

Ms. Kimbrel stated she agreed with Mr. Craddock's concerns. She stated from her understanding Planning Commission has to assess that the zoning not be injurious to the neighborhood and the surrounding community and she feels like there is ample evidence that this application could be injurious, and they are already dealing with a lot of concerns. Ms. Kimbrel stated she would like to have seen a little bit more engagement, response and support for addressing these concerns between the applicant and the surrounding community considering the issues that have been presented to us if we granted this zoning change.

Mr. Ritchey stated he wanted to clarify that the IL zoning request is with an optional development limiting the uses. He stated this state overwhelmingly said that medical marijuana is something they wanted and to him a medical marijuana grow facility would be the same as a medical prescription compounding

pharmacy or anything else that's going to have a use that probably is appropriate in CS. He stated however, zoning laws were created that said this can only occur in IL zoning. Mr. Ritchey stated he thinks a hybrid area was found of having IL with optional development. He stated he understands the concerns of residents but this is a legal business that the citizens of Oklahoma overwhelmingly voted for and the applicant has explained that there are no semi-trucks, they are not going to have hundreds of thousands of dollars in cash, tempting people to come in there and break in. He stated it's not open to the public and will be an 8AM-5PM nursery basically. Mr. Ritchey stated as long as he keeps seeing the optional development plans and knows that staff is taking a strong look, he will be voting in support of these moving forward unless he sees that it's just such a ridiculous thing that wouldn't even belong in a CS zoned area. He stated he certainly respected everyone's opinions and understands the concerns.

Mr. Craddock stated he understands the use but what he is looking at specifically at, again, modifying zoning areas and saying, let's just change it again. He stated this has been done for decades and the neighbors need to be able to rely on staff and Planning Commission to provide consistencies or we are going to end up with the same result again and again. Mr. Craddock stated it has nothing to do with the use of the product, but it's very specifically to do with what is being done to the neighborhood and trying to alter the zoning already.

Mr. Reeds stated while he agrees that there is an optional development plan on top of an IL and it's essentially the same as a CS or CG, which is what surrounds the subject property he believes this is spot zoning for the sake of getting a use that fits the needs of the owners proposed grow facility. He stated he doesn't have any objection to medical marijuana grow facilities and he supports the industry as well but he won't support this application because he feels like they are making it too easy.

Mr. Covey stated he will try to be consistent with how he voted in the past or at least the past few weeks. He stated he thinks a business at this location is fine whether its medical marijuana related or not he thinks it could be a stabilizing force for the neighborhood and any business that would provide jobs and help the neighborhood he thinks would be a good thing. Mr. Covey stated however, when medical marijuana was approved Planning Commission was presented with regulations that said if it was a growing facility it would only be allowed in existing IL or IM district. Mr. Covey stated what he has seen over the past few weeks and months is a up zoning approach, where there is a CS and the request is for IL with an optional development plan. He stated this is not how this was presented to Planning Commissioners when the regulations were enacted. Mr. Covey stated there's not a bit of IL zoning anywhere to be found on the zoning map where the subject property is located and he will second Mr. Reeds comments on spot zoning. Mr. Covey stated he would take this position going

forward with regard to matters similar to this one. He stated there is no IL zoning on the map and doesn't believe there should be IL zoning. Mr. Covey stated his vote is going to be no and if those regulations need to be looked at again in another capacity or something along that line then he is open to that but that's not how the current regulations were presented.

Mr. Ritchey asked staff if a dispensary allowed by right in CS zoning?

Staff stated "yes", it does have to go through the spacing verification but it is allowed.

Mr. Ritchey stated with the three types of businesses that exist surrounding medical marijuana the only one not allowed in CS is growing. He asked if there was anything that differentiates a large scale versus a small scale grow operation. Mr. Ritchey stated he understands we want to protect the residents; they should know what they're getting when they move into a neighborhood, but he thinks this maybe doesn't necessarily belong in IL only.

Staff stated it's not just medical marijuana that this would deal with it's also a horticultural nursery. He stated if you were growing tomatoes you couldn't do that here unless it was IL with a development plan.

Ms. VanValkenburgh stated Mr. Ritchey asked about the types of businesses that needed the IL zoning surrounding the medical marijuana and growing was mentioned but processing also needs Industrial zoning.

Mr. Ray stated there have been several of these applications lately and he has supported all of them that he could but he cannot support this one. He stated he thinks the IL portion of the optional development plan is being moved one block to close and he will be voting no.

TMAPC Action; 10 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **6-4-0** (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, "aye"; Ritchey, Shivel, Van Cleave, Walker, "nays"; none "abstaining"; McArtor, "absent") to **DENY** the rezoning to IL with the optional development plan for Z-7335.

* * * * *

7. **Z-7536 James Spoon** (CD 9) Location: South of the southwest corner of East 34th Street South and South Yale Avenue requesting rezoning from **OL** to **CS**

STAFF RECOMMENDATION:

SECTION I: Z-7536

I. Nature of Request

The Subject Property is located at 10724 East 11th Street, Tulsa, Oklahoma 74128.

The Subject Property is 39,000 sq. ft. and contains a single structure (approximately 20,000 sq. ft.) which is internally divided into eight (8) separate tenant spaces. There is one (1) two-story tenant space on the south end of the property that is used as a commercial office for an oil field service company. The remaining seven (7) tenant spaces consist of single story commercial spaces featuring a rollup garage door, small offices and an open shop floor; these spaces have historically been used by tenants for vehicle customization, boat repair, general contractors and various utility contractors, transmission repair facilities and similar uses.

The Subject Property is currently under consideration for being rezoned to Commercial General (CG) in order to align the zoning on the property with its current and historical uses.

This request is to allow for a special exception for Horticulture Nursery use on the Subject Property. The entirety of such use would be conducted indoors and would be conducted in full compliance with Oklahoma law and regulation as well as Tulsa Zoning Code requirements.

This request will be in harmony with the spirit and intent of the Zoning Code as the Zoning Code was recently amended to allow (by special exception) this type of use. Moreover, the rezoning will have gone through multiple layers of public hearing and review before the Tulsa Metropolitan Area Planning Commission and the Tulsa City Council. An approval of such rezoning is perhaps the best evidence of such harmony.

Given the nature of the business operations of being conducted entirely indoor, no direct sales to the public, and that all business traffic (which will be minimal) will be on and off of 11th Street, etc., there is no potential for injury to the neighborhood detriment to the public welfare.

II. Legal Description

Part of the West Half (W/2) of Lot One (1), MINGO VALLEY ACREAGE, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit:

BEGINNING at a point 40 feet South and 170 feet East of the Northwest corner of Lot One (1), said point being on the South Right of Way of line of East 11th Street South; Thence East along said Right of Way line for 150 feet to the East line of said West Half (W/2) of Lot One (1); Thence South and along the East line of said West Half (W/2) of Lot One (1) for 260 feet; Thence West for 150 feet; Thence North 260 feet to the POINT OF BEGINNING.



0 200 400
Feet



Subject
Tract

BOA-22986

19-14 07

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

Aerial Photo Date: February 2018



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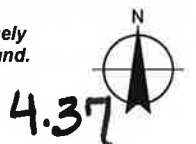
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BOA-22986

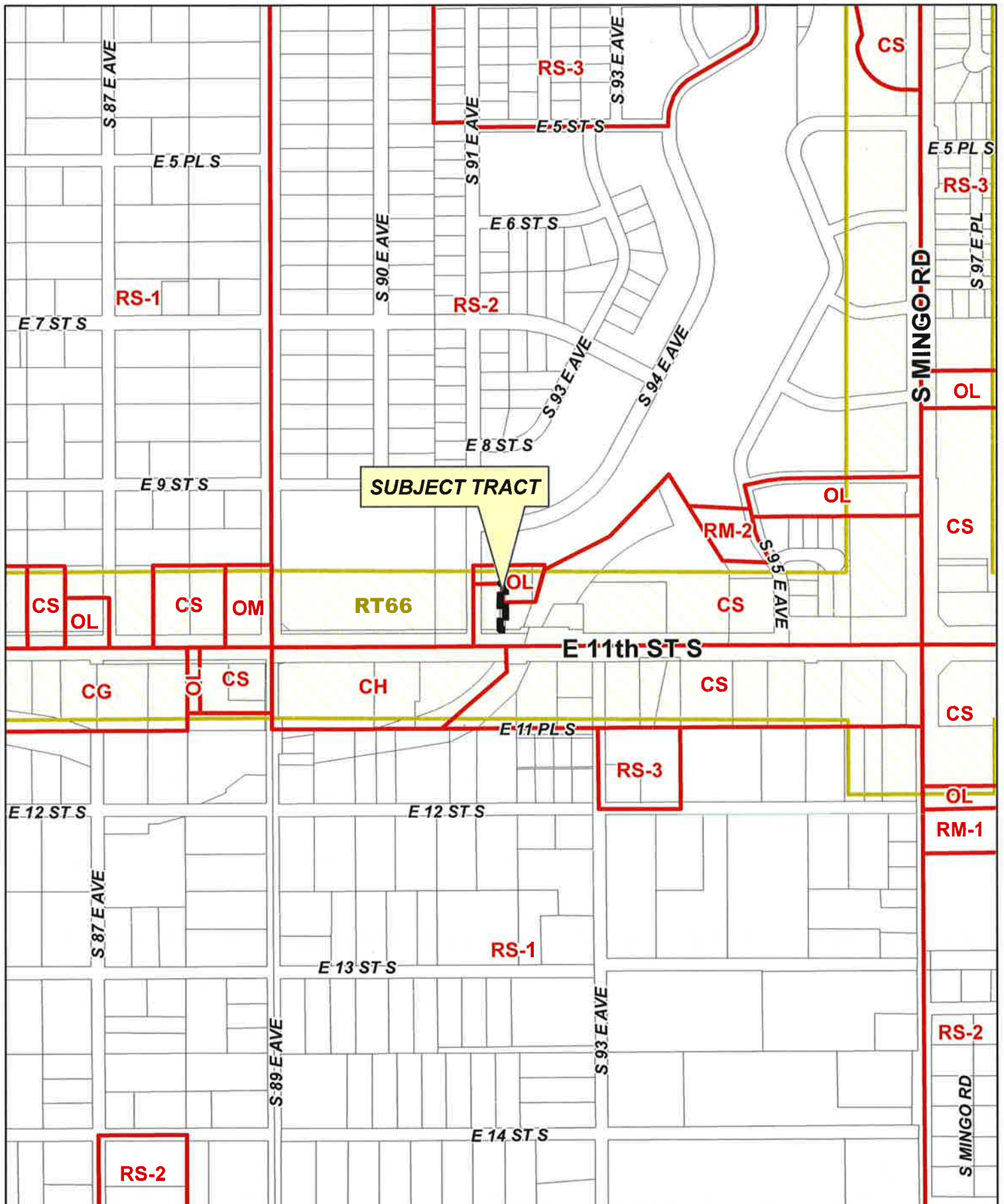
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Note: Graphic overlays may not precisely
align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22987

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5.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9301

Case Number: **BOA-22987**

CZM: 38

CD: 3

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Bashir Harfoush

ACTION REQUESTED: Special Exception to allow for Commercial /Vehicle Sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020 Table 15-2)

LOCATION: 9107 E 11 ST S

ZONED: CS

PRESENT USE: Vacant

TRACT SIZE: 3977.04 SQ FT

LEGAL DESCRIPTION: E19.66 W94.45 LT 37 & E20 W94.4 LT 38 LESS S15 FOR ST BLK 32, CLARLAND ACRES B20-37

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-21732; On 06.24.14 the Board Approved a Special Exception to allow a used car sales office in a CS District (UU 17) subject to a 5-year time limit that expired on 6.24.2019.

Surrounding Property:

BOA-19688; on 10.28.03, the Board **APPROVED** a Special Exception to permit a transmission shop (UU17) with conditions. LOCATED: 9130 E 11th Street

BOA-17627; on 1.28.97, the Board **APPROVED** a Special Exception to permit used car sales in a CS district subject to a limit of 30 cars at any one time; cars are to be parked on the paved parking area only; subject to a review by Public Works that there are no problems with impeding the flow of water. LOCATED: 9137 E 11th Street

BOA-12624; on 6.2.83, the Board **APPROVED** a Special Exception to permit auto sales and repair in a CS district per conditions. LOCATED: 9140 E 11th Street

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

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

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of

Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the NE/c of E. 11th St. S and S. 91st E. Ave. 11th street has recently been improved to reduce the number of traffic lanes and add bike lanes. This property currently has a curb-cut that runs almost the length of their street frontage.

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 Table 15-2)

Vehicle Sales and Service Uses are 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.

Based on the size of the subject lot the Board may seek to limit the number of cars stored on site. The applicant’s site plan was lacking in basic information about the site including their parking arrangements though it would appear they have at least two striped spots on the front of their building.

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 Table 15-2)

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

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



Facing East on 11th Street



Subject property



Facing West on 11th Street



Facing North on 91st E. Ave.



Rear of Property

Mr. Henke asked if there were any plans to pave the lot. Mr. Sharrer stated there are no current plans to pave the lot, but as business improves in the area and there is a lot of interest from people that might buy a piece of property potentially it could be paved.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SNYDER**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request Special Exception to allow required off-street parking spaces on a lot other than the lot containing the use (Section 1301.D). Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT 6 BLK 5, EAST HIGHLAND ADDN RES B1, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21732—Bashir Harfoush

FILE COPY

Action Requested:

Special Exception to allow a used car sales office (Use Unit 17) in a CS District (Section 701, Table 1). **LOCATION:** 9107 East 11th Street South (**CD 3**)

Presentation:

Bashir Harfoush, 9107 East 11th Street, Tulsa, OK; stated the subject facility is next door to a church and he will try as much as possible not to open another business that will bother the church. There is parking in the front of the facility with a fenced area in the rear which could be used for parking. The building is 86 feet long and 21 feet wide with a 50'-0" x 20'-0" fenced area in the rear.

Mr. Van De Wiele if used cars were going to be stored in the building or on the lot. Mr. Harfoush they may be some cars stored on the site.

Mr. White asked if the fenced area was where the car repairs were going to take place. Mr. Harfoush stated that he is not going to be doing major repairs. The cars are going to be bought from the auction, and in order to be able to purchase cars from the auction he must have a facility.

Ms. Snyder asked there was going to be any outside storage. Mr. Harfoush stated there were no plans to have any outside storage.

BOA-21732

Interested Parties:

Charles Reynolds, Administrator for Eastwood Baptist Church, 949 South 91st East Avenue, Tulsa, OK; stated the church wants to be a good neighbor but they want to ward off anything in the beginning so there will be a good understanding between both parties. Mr. Harfoush's property is where an upholstery shop had been for 40 years. The children's playground and the church parking lot backs right up to Mr. Harfoush's property. Mr. Bashir has access to the rear of his building from the church parking lot. The church has concerns about this because they do not want a conflict to arise with the church services and functions and the business. People will be coming into the business to look at cars that are potentially going to be bought and the business only has three parking spaces in the front. The church does not want the business clients and the cars purchased by Mr. Harfoush to be parking on the church parking lot, because the church uses the lot several times a week at different times. The church is also concerned over water drainage from the detail shop of the business.

Mr. Henke asked staff if outside sales, outside storage, etc. had been applied for. Ms. Miller stated that INCOG had only been presented with the idea that the space would only be used as an office.

Mr. Tidwell left the meeting at 3:08 P.M.

Rebuttal:

Mr. Harfoush stated the he had tried to open two different businesses but the church had major concerns so he didn't open. He wants to have a good relationship with the church and does not want to disturb any church functions.

Mr. Tidwell asked Mr. Harfoush what he had to have to receive a used car dealer license. Mr. Harfoush stated that wholesale can be done from a person's house.

Mr. Tidwell re-entered the meeting at 3:11 P.M.

Mr. Van De Wiele asked Mr. Harfoush where the cars go after he purchases them from the auction. Mr. Harfoush stated the cars can be kept at the auction and they can be resold from the auction lot, but he does not want to do wholesale from the auction because sometimes cars cannot be sold to an individual from the auction lot. What he wants to do is sell to an individual.

Mr. Van De Wiele asked if the business was going to be like a car lot. Mr. Harfoush stated that he is a student and he just wants to make a living until he graduates from college.

BOA-21732

FILE COPY

Ms. Snyder asked if some of the cars he purchases from the auction are going to be placed inside the building. Mr. Harfoush answered affirmatively. He currently has two cars inside the building and he could place about 13 cars in the building.

Comments and Questions:

None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request **Special Exception** to allow a used car sales office (Use Unit 17) in a CS District (Section 701, Table 1) for a period of five years from today's date of June 24, 2014. 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:

E19.66 W94.10 LT 37 & E20 W94.4 LT 38 LESS S15 FOR ST BLK 32, CLARLAND ACRES B20-37, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

20336-A—Sisemore Weisz & Associates – Darin Akerman

Action Requested:

Variance of allowed building height from 35 feet to 42 feet (Section 403.A, Table 3); **Modification** to a previously approved Special Exception (BOA-20336) to permit construction of pro shop and enclosed athletic courts. **LOCATION:** SW/c of East 51st Street & South Hudson Avenue (CD 9)

Presentation:

Darin Akerman, 6111 East 32nd Place, Tulsa, OK; stated this is a request for a modification to a site plan for the tennis center in LaFortune Park. A portion of the tennis center building is beyond the 35 foot allowable height for an RS-2 residential district. There must be at least a 40 foot height internal clearance at a minimum for a tennis center per specs and requirements. The 42 feet requested allows for the necessary beam to the roof and the ridge of the building itself. The building is approximately 250 feet away from the single family residential neighborhood on the east side. The building will have a similar look to the Kaiser Library/LaFortune Community Center making a very unified master plan.

Interested Parties:

Fred Perry, 11404 East 133rd Street, Broken Arrow, OK; stated the building will be known as the Mike Case Tennis Center. Mr. Case has donated \$1 million dollars toward the construction of the center. This is the last phase of a project that started 7 ½ years ago when twelve old tennis courts that were built in the 1960s were replaced with 18 new tennis courts. The facility will be a club house and three indoor courts. There is

Ms. White stated they could put up a screening fence on the west. She informed the Board they own the property and have paid taxes for the last four or five years.

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE** a ***Special Exception*** to permit a children's day care center in an RS-3 district, with conditions: for a 6' solid screening fence on the west property line for protection of the children from horses, for as long as the applicants own the property, regarding the following described property:

* * * * *

Special Exception to allow Use Unit 17 Automobile and Allied Activities (transmission shop). SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17, located: 9130 E. 11th St.

Brad Fuller, 20 E. 5th, Ste. 200, stated he represented the owner of record and potential purchaser. The buyer proposes to open a Use Unit 17, transmission shop. They would have no outside storage and all work would be done inside. All jobs would be done by appointment with minimal traffic and parking. The property has a poor history for a wrecker service, referring to (BOA Case No. 18887). The new use is consistent with and not adverse to the neighborhood. He submitted a packet of exhibits (Exhibit D-1). There would be three bays with lifts. There would be two curb cuts for ingress and egress and new asphalt for parking. The back is gravel and would not be used. The days and hours of operation would be Monday through Friday, 8:00 a.m. to 5:00 p.m.

Mr. Boulden noted the application is for the entire lot. He asked if they would object to a condition that the rear of the property not be used for parking.

Mr. Boulden commented that it took a long time to get this property cleaned up and he wanted to avoid storage problems with a new business. Mr. Fuller assured the Board there would be no outside storage, and parking only on all-weather surface. Mr. Fuller responded that on the property to the east the Board approved a more intensive use in BOA Case No. 12624. It allowed for auto sales and repair; fifteen

cars parked on a lot ½ the size of the subject property; parking on all-weather surface; lighting directed inward; all work conducted inside; no outside storage of parts; and no salvage.

2:38 p.m. Mr. White returned.

Interested Parties:

Al Nichols, 8525 E. 16th St., stated he represented the neighborhood association. They had no objection to the application as long as the transmission work is inside; only reasonable number of customer cars parked on property on paved lot; no salvage; and no wrecker stored on property.

Applicant's Rebuttal:

Mr. Fuller listed adjusted conditions: no outside sales/storage; no salvage; all-weather surface parking; all work inside; no more than ten customer cars; no inoperable vehicles; Monday through Friday, 8:00 a.m. to 5:00 p.m.; no wrecker service.

Board Action:

On **Motion of Dunham**, the Board voted 4-0-0 (White, Dunham, Turnbo, Stephens "aye"; no "nays"; no "abstentions"; Perkins "absent") to **APPROVE a Special Exception** to allow Use Unit 17 Automobile and Allied Activities (transmission shop), with conditions: days/hours of operation Monday through Friday, 8:00 a.m. to 5:00 p.m.; all work inside building; limit number of customer vehicles parked outside to ten; no inoperable vehicles permitted on premises for more than twenty-four hours; no wrecker storage on property; car repair only, no semi-trucks, buses, or other large vehicles; no outside sales on premises, on the following described property:

Beg. 50' S and 165' W of the NE/c NW NE of Section 12, T-19-N, R-13-E, thence S 280', thence W 165', thence N 144.57', thence NE 134.54', thence E 105' to POB, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19689

Action Requested:

Special Exception to allow a manufactured home in an RM-2 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Special Exception to allow it permanently. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS, located: S side of E. Newton & E of N. Wheeling.

Presentation:

Lupe Varnell, 924 N. Victor, stated she was the interpreter for the property owner, Mr. Mariano Cano, 2103 E. Newton. They proposed to place a new mobile home on the property. They want to place on a permanent foundation with skirting.

Case No. 17626 (continued)

Ms. Turnbo asked Mr. Reynolds if the file room is reinforced with the mesh and steel walls? He answered affirmatively.

Mr. White stated two additional letters were submitted to the Board. Letter of opposition (Exhibit J-3) and a letter of support (Exhibit J-4).

Mr. Bolzle stated he would like to make a motion and then if the Board wishes to hear additional comments or discussion they can do so after the motion.

Mr. Bolzle stated that in many ways this case is somewhat similar to the case the Board heard regarding Shadow Mountain. He further stated that the Board is seeing more and more cases that tend to fall in the gaps that the Code has, which any ordinance has just by their very nature. Mr. Bolzle commented that there are enough elements that are linked with this office use that are not traditionally office oriented and are traditionally prohibited by most rules and regulations of every office building that he knows of.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **UPHOLD** the Appeal and **DENY** the decision of Administrative Official in issuing an occupancy permit to the Drug Enforcement Administration.

Case No. 17627

Action Requested:

Special Exception to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17, located 9137 East 11th Street.

Presentation:

The applicant, **Andrew W. Ross**, representing the Tulsa Auto Auction, submitted a site plan (Exhibit K-1) and stated that he has purchased the subject property to install a used car lot operation. Mr. Ross indicated that the subject property has been a car lot in the past and for the last 11 years it has been a mechanical shop. He further indicated that the property in the past has been an eye-sore for the neighborhood and he has already cleaned up the lot. Mr. Ross pointed out that there are several other used car operations in the same area. He explained that there are numerous car related shops in the area.

Interested Parties:

Curtis Anx, representing Eastwood Baptist Church, stated the church is immediately adjacent to this property across from Joe Creek. He further stated he isn't sure he wants to protest the operation as it has been described. Mr. Anx agreed with Mr. Ross's comment that the subject property has been a eye-sore in the past. He expressed concerns regarding the number of automobiles and the types of automobiles that will be located on the subject lot. Mr. Anx did not agree with Mr. Ross's statement that there are other car related shops within the near vicinity and stated the other used car lots are 1 mile to 1/2 mile away. He expressed concerns regarding the ingress/egress of the proposed used car lot since there is pedestrian traffic from local schools. He questioned whether the proposed used car lot would be parking cars on the sidewalks and grassy area in front of their lot. He explained that the church has a very large parking lot and he is concerned that people will utilize the parking lot to test drive the cars.

Comments and Questions:

In response to Mr. Dunham, Mr. Ross stated he would have approximately 30 cars on the lot at any one time

Mr. Dunham asked the applicant if he would have a problem with a restriction of 30 cars at any one time? He stated he would not have a problem with a limit of 30 cars.

Mr. Dunham asked the applicant for his days and hours of operation? He stated the hours will be 9:00 a.m. to 6:00 p.m., however occasionally used car lots do stay open until 8:00 p.m. He explained that this particular lot has a large canopy that has been re-lighted, along with two large PSO light poles that illuminate the whole property and it wouldn't be unusual for the dealer to want to stay open until 8:00 p.m. He stated that there will not be any mechanics working on the lot.

Mr. Dunham asked the applicant if he knew whether the property is in a floodplain? He stated he did not know, however, his attorney reviewed all of the paper work prior to purchasing the property and he felt his attorney would have mentioned if it is in a floodplain. He further stated the west and south side of the subject property has a tremendously high retaining wall. He explained that the property goes back to the creek, which has an 8' or 10' fence around the west and north side of the property.

Mr. Dunham asked the applicant if he planned to make any additional improvements, such as building any buildings? He answered negatively.

Ms. Turnbo stated the Staff has some concerns that the site plan does not show the location of proposed parking of the 30 cars. She further stated he will need to return with a detailed site plan.

Case No. 17627 (continued)

Mr. Gardner stated that one of the other concerns were that there be no parking on the grass or in the right of way. He commented that the cars would have to be parked on the concrete surface and limited to 30 cars.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to **APPROVE** a **Special Exception** to permit used car sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17; subject to a limit of 30 cars at any one time; cars are to be parked on the paved parking area only; subject to a review by Public Works that there is no problems with impeding the flow of water; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

All that part of SE/4, Sec. 1, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Beg. at a point 1,371.16' W, 65' N at a right angle of the SE/c of said Sec. 1; thence W and parallel to the S line for 57.04'; thence N at a right angle for 10.00'; thence W and parallel to the S line for 162.96' to a Point on the Ely line of Lot 38, Block 32, Clarland Acres, said point being 75' N of the S line of Sec. 1; thence Nely at an angle of 74°59'3" along the Ely line of said Lot 38 for 101.46'; thence E. and parallel to the S line of Sec. 1 for 193.71'; thence S at a right angle for 108' to the POB; LESS and EXCEPT a strip, tract or parcel of land lying in and being a part of the SE/4, Sec. 1, T-19-N, R-13-E, I.B.M., Tulsa County, Oklahoma, and particularly described as follows, to-wit: Beg. at a point 1,591.16' W, 75' N, SE/c, SE/4; thence, parallel to the S line of said SE/4, N 88°40'20" E for 53.34'; thence N 30°15'00" E for 115.03'; thence, parallel to the S line, S 89°40'20" W for 87.29' to a point on the E line of Lot 38, Block 32, Clarland Acres; thence S 13°41'17"W along the E line, for 101.46' to the POB, City of Tulsa, Tulsa County, Oklahoma

Case No. 17628

Action Requested:

Variance of the required all weather surface to permit gravel parking for a boat storage facility. **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 23, located 1211 North Mingo Road.

Case No. 12623 (continued)

than ten (10) automobiles on the property at any one time. Mrs. Purser asked the applicant if all the cars would stay inside the fence located on the property and Mr. Whitehead answered in the affirmative.

The Board inquired if there are any other employees at the subject location and Mr. Whitehead advised his son works at the subject location and some part-time employees in a specialized area work in the business. The Board also inquired as to the construction of the building and the applicant advised the structure will be a metal building with rocks covering the metal to match the construction of the house.

Mrs. Purser suggested that approval be limited to a specific time period as she thought the operation might hinder development surrounding the area. The rest of the Board did not share the same concern.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-1-0 (Chappelle, Smith, Victor, Wait, "aye"; Purser, "nay"; no "abstentions"; none, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Use Unit 1217) to allow an existing auto restoration business in an AG District, subject to the number of automobiles located on the subject property not exceed the total of ten (10) cars, all work is to be conducted behind the screening fence; no dismantling, salvage operation or part sales to be conducted from this location, and limiting the sign to 6 sq. ft. in size, and to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot area from two acres to 1.66 acre, on the following described property:

A tract of land in Lot 2, Section 18, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, beginning at the NW corner of Section 18; thence South along the West section line a distance of 446.00'; thence East a distance of 285.40'; thence on a bearing line North 29°-09'-16" West along the West Bank of the Arkansas River a distance of 265.27'; thence on a bearing line North 14°-06'-00" West along the West Bank of the Arkansas River a distance of 221.00'; thence West a distance of 101.40' to the point of beginning, containing 1.66 acre, more or less Tulsa, Tulsa County, Oklahoma.

Case No. 12624

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Section 740.2 - Request to allow a (Use Unit 17) auto repair and auto sales in a CS District located at 9140 East 11th Street.

Presentation:

Arthur Crabb, 2749 South 94th East Avenue, was present and requested permission to continue the auto repair and auto sales use on the subject property. Mr. Crabb who purchased the subject property in September 1982, leases the property and was advised by his tenant that the City Protective Inspections Department requested that the operation cease until this Board makes a determination concerning the use. The primary use is auto sales with some auto repair work.

Case No. 12624 (continued)

Protestants: None.

Questions and Comments:

Chairman Smith inquired as to the parking provided on the property and Mr. Crabb advised he just recently graveled the designated parking area. The Board advised the applicant that a dust proof surface must be used rather than graveling the lot.

Mrs. Purser inquired as to the number of automobiles located on the property for the business and Mr. Crabb was unsure as to the number of cars located on the tract as he just leases this property to another individual. He stated he had never seen more than ten (10) automobiles on the property at any one time.

Mrs. Purser suggested that the application be continued for a two-week period to allow the operator of the business to be present and submit a plot plan at that time. Discussion ensued as to limiting the number of automobiles to a maximum of fifteen (15) and if the operator needs further relief he should come back to this Board.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District - Under the Provisions of Use Unit 1217 and Section 740.2) to allow a (Use Unit 17) auto sales and repair in a CS District with the following conditions: 1) the number of cars being parked on the lot is to be limited to 15 to include those in front of the residence; 2) all cars are required to be parked on all-weather dust-free surface; 3) any lighting should be directed inward; 4) all work on the automobiles shall be conducted inside the building; 5) no outside storage of parts and the business is only to be used for auto sales and auto repair and not in a salvage operation, on the following described property:

The South 145' of the North 210' of the West 140' of the E/2 of the NE/4 of the NE/4 of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12626

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow Church use in an RS-3 District; and a Variance - Section 1205.3 a(1) - Use Conditions - Request for a variance of the one-acre minimum; and a Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Request to allow a gravel parking lot located at 6808 South Elwood Avenue.

Presentation:

V. S. Pleasant, 6802 South Houston Avenue, represented the Church at the subject location and requested permission to build a room addition to the church building. He also requested that a variance of the hard

6.2.83:388(15)

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 2
Bashir Harfoush
9107 E 11 ST
Tulsa, OK 74112

July 28, 2020

Phone: 918.955.0888

APPLICATION NO: ZCO-051596-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 9107 E 11 ST

Description: Used car sales

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.
4. A COPY OF A "RECORD SEARCH" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

5.17

REVIEW COMMENTS

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

ZCO-051596-2020

9107 E 11 ST

July 28, 2020

Note: Please direct all questions concerning special exceptions, variances and all questions regarding BOA 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.35.050-Q5:** Your proposed auto sale is designated a Commercial/Vehicle Sales & Service/Personal Vehicle Sales & Rentals Use and is in the CS zoning district.

Review comment: A Special Exception, approved by the BOA, is required for auto sales at this location. This will require you to submit a Special Exception, reviewed and approved in accordance with the Special Exception procedures of Section 70.120, for Commercial/Vehicle Sales & Service/ Personal Vehicle Sales & Rentals to be allowed in the CS district. **Note:** Your previous BOA approval, BOA-21732:6/24/2014, expired on 6/24/2019. Refer to the attached record search for details of this case.

- **ACTION REQUIRED:** *The Special Exception that permitted vehicle sales at this address expired on 6/24/2019 This will require you to go back to the BOA for another Special Exception to allow vehicle sales at this location. Submit the approved Special Exception as a revision to this application.*

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

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

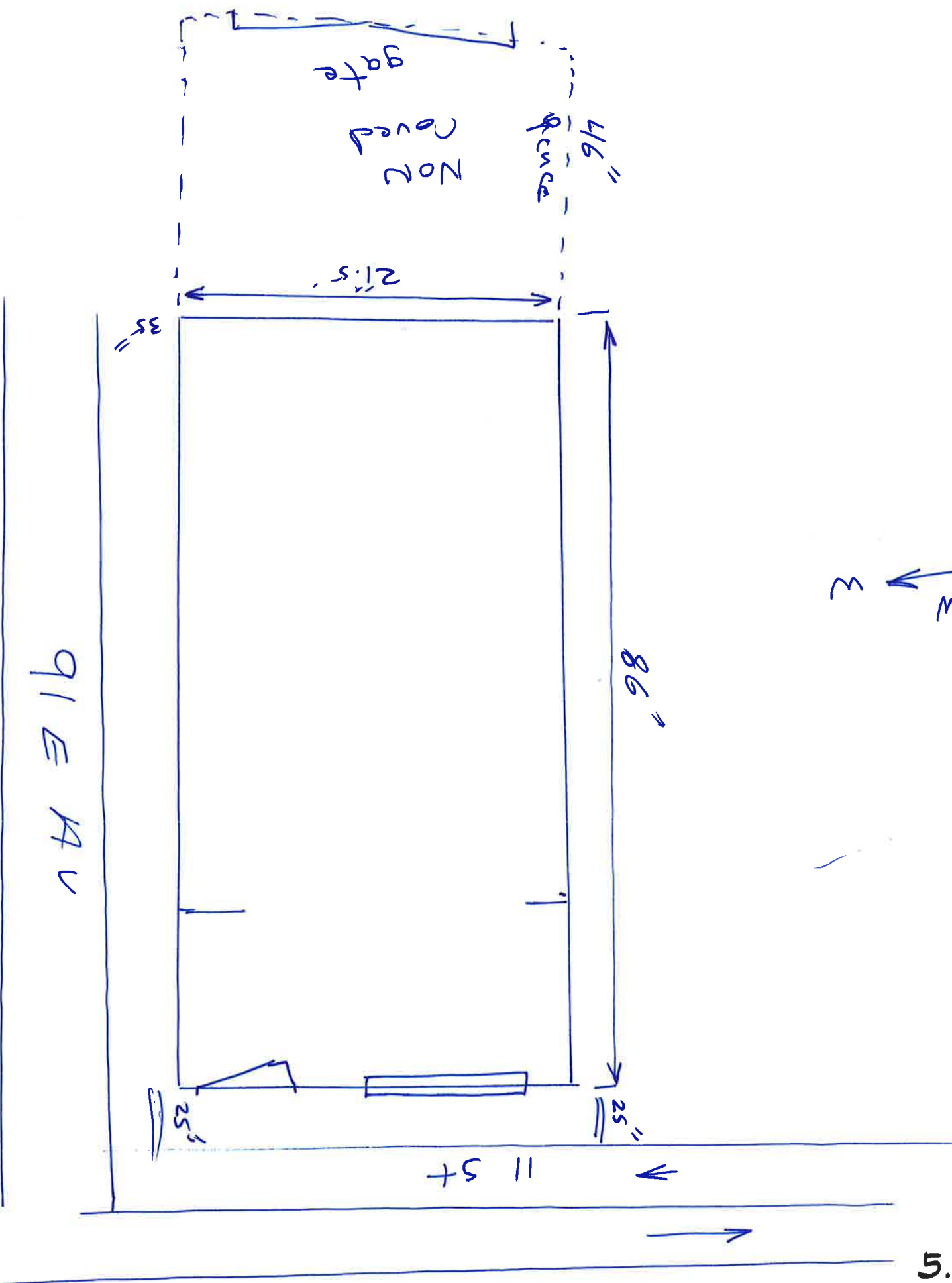
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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





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Feet



Subject
Tract

BOA-22987

19-13 01

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

Aerial Photo Date: February 2018



5.20



0 250 500
Feet



Subject
Tract

BOA-22987

19-13 01

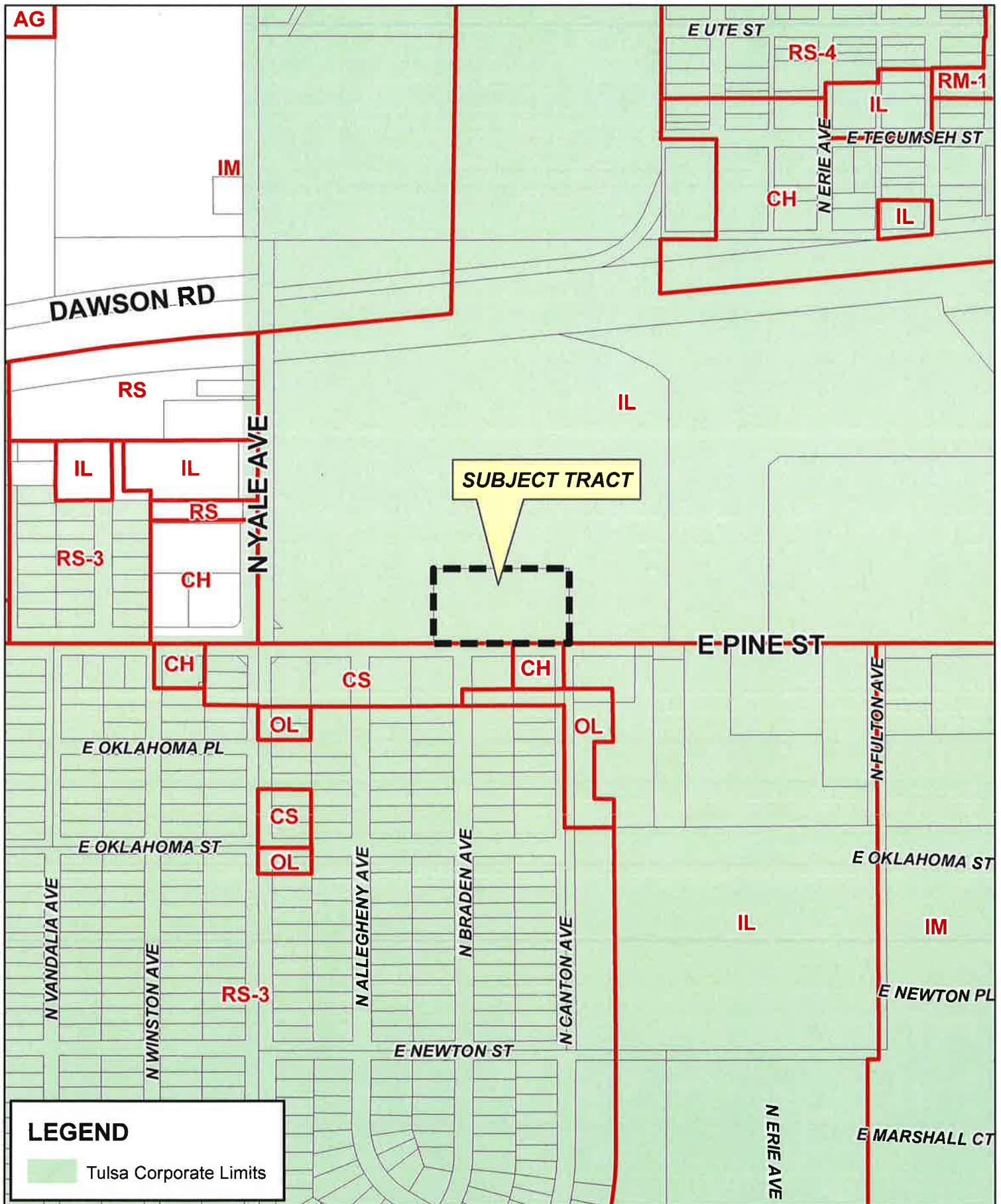
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22988

20-13 27

6.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 215 Case Number: **BOA-22988**

CZM: 30

CD: 3

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Johnny Hoang

ACTION REQUESTED: Special Exception to increase the maximum allowable height of 4' for a fence located inside the street setback (Sec.45.080-A) and a Variance to allow a fence to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A).

LOCATION: 5101 and 5151 E PINE ST N

ZONED: IL

PRESENT USE: Medical Marijuana Grow Facility

TRACT SIZE: 1232313.09 SQ FT

LEGAL DESCRIPTION: BEG 50E SWC SW TH N920.50 TO PT ON SL RR ROW NE926.56 SE193.51 SE139.70 SE62.80 S858.63 TO PT ON SL SW W1282.97 POB LESS BEG 50N & 50E SWC SW TH N28 SE39.59 W28 POB SEC 27 20 13 28.290ACS,

RELEVANT PREVIOUS ACTIONS: None.

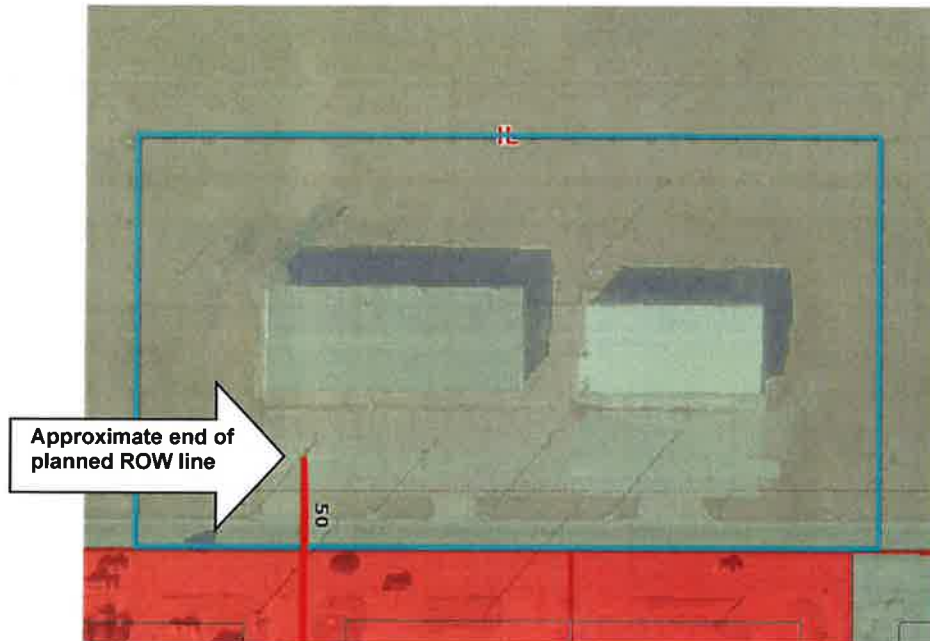
RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Employment" land use designation and an "Area of Growth".

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 E. Pine Street and N. Yale Ave. The property is fronting Pine Street which is classified as a Secondary Arterial which call for 100' of right of way (50' North from the Center line). Currently no sidewalk exists on the North side of Peoria.

6.2



STAFF COMMENTS: The applicant is requesting **Special Exception** to increase the maximum allowable height of 4' for a fence located inside the street setback (Sec.45.080-A) and a **Variance** to allow a fence to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A)

Section 45.080 Fences and Walls

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.

90.090-A Measurement

Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. See §90.090-2 for information on structures and building features that are allowed to occupy setback and yard areas in R zoning districts. **Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan.** If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

If approved, the property would be subject to a removal agreement with the City of Tulsa. It should also be noted that the fence has been installed without a permit.

STATEMENT OF HARDSHIP:

If I move the fence, it will defeat the purpose. as you may know, I am not in a good area. Before I purchased this property, the realtor had mention that there were two mugging on the parking lot. for security purposes, I would like some kind of protection inside the parking lot, with the business I am in (medical grow) I need a secure area for pick up and drop off.

SAMPLE MOTION:

SPECIAL EXCEPTION:

Move to _____ (approve/deny) a **Special Exception** to increase the maximum allowable height of 4' for a fence located 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.

VARIANCE

Move to _____ (approve/deny) a **Variance** to allow a fence to be located inside the City of Tulsa right-of-way or planned right-of-way (Sec. 90.090-A).

- 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: fence has been installed.



Subject property: Eastern building.

Facing East on Pine St.



Subject Property: Western Building





Facing West on Pine Street

Case No 16119 (continued)

Applicant's Rebuttal:

Mr. Forman stated that he parked his car on the street in front of the boat during the time his home was being renovated. He pointed out that the boat is only on the property temporarily, and the asphalt and the boat will be removed after the restoration process has been completed.

Board Action:

On MOTION of S. WHITE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to **DENY** a Minor **Special Exception** to permit a sailboat and trailer to be parked within the front yard - **Section 402.B.7.a.5.a. Parking or Storage of Recreational Vehicles** - Use Unit 6; finding that boat storage and restoration is not appropriate in the front yard of the residential dwelling; on the following described property:

Lot 1, Block 4, Rondo Valley 4 Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16115

Action Requested:

Variance of the all-weather surface requirement for off-street parking - **SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS** - Use Unit 25, located NE/c of East Pine and North Yale.

Presentation:

The applicant, **William Jones**, 3800 First National Tower, Tulsa, Oklahoma, stated that he is appearing on behalf of his clients, who lease the property in question to Bama Pie Ltd. and Bama Pie Transportation Company. He informed that the 53-acre tract was previously a landfill for the City of Tulsa, and was later leased for the current use as a transportation center. Mr. Jones stated that approximately 15 tractors are parked on the property. He noted that an engineer study revealed that the water table is within 2' of the surface, and a gravel covering is in place. Mr. Jones stated that the complaint to Code Enforcement stemmed from the fact that the big trucks leaving the parking lot deposited gravel out on Pine Street. He explained that gravel is continually added to the parking area, and the engineer report concluded that ten years of packing will be required before a hard surface covering can be installed. Mr. Jones asked the Board to permit parking on a gravel surface at this location. A copy of the violation notice (Exhibit J-1) and photographs (Exhibit J-2) were submitted.

Case No. 16115 (continued)

Comments and Questions:

Mr. Doverspike inquired as to the portion of the tract that will be utilized for parking, and the applicant submitted a location map (Exhibit J-3) depicting the parking area.

Protestants:

None.

Board Action:

On MOTION of DOVERSPIKE, the Board voted 5-0-0 (Bolzle, Chappelle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance of the all-weather surface requirement for off-street parking for 10 years only - SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 25; per the revised plan and notations (location map) submitted; subject to the existing concrete approaches on Pine being extended approximately 100'; finding that the use, per conditions, will be compatible with the area and in harmony with the Code; on the following described property:

All that part of the S/2 of the SW/4, lying South of the St. Louis & San Francisco Railroad Company Main Line Right-of-Way and lying West of the Howard Branch Right-of-Way, a Branch of the St. Louis & San Francisco Railroad Company, in Section 27, T-20-N, R-13-E of the Indian Base and Meridian in Tulsa County, Oklahoma, particularly described as follows: Beginning at a point 50' East and 50' North of the Southwest corner of said Section 27; thence N 0°01'07" E parallel to and 50' E of the West boundary of said Section 27, a distance of 870.44' to a point in the Southerly right-of-way line of the main track, Cherokee sub-division of the St. Louis & San Francisco Railroad Company as now located and constructed; thence N 84°34'36" E along said Southerly right-of-way line of said main tract of the St. Louis & San Francisco Railroad Company Right-of-Way a distance of 2,184.71'; thence S 5°25'24" E along said Southerly right-of-way line of said main track of the St. Louis & San Francisco Railroad Company Right-of-Way a distance of 50.00'; thence S 35°37'27" E a distance of 575.49' (530.00' per Deed) to the intersection with the Westerly right-of-way line of the Howard Branch of the St. Louis & San Francisco Railroad Right-of-Way; thence S 9°39'07" W 0.00'; thence to the left along a curve of radius 1,627.21' along said Westerly right-of-way line of the Howard Branch Right-of-Way a distance of 361.06'; thence S 3°03'41"E along the Westerly right-of-way line of said Howard Branch a distance

Case No. 16115 (continued)

of 199.93' to a point on the North right-of-way of Pine Street; thence due West along the North right-of-way of Pine Street being 50' North and parallel to the South line of said Section 27, a distance of 2,505.11' to the Point of Beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 16116

Action Requested:

Variance of the maximum height for a fence in a required front yard from 4' to 6' - **SECTION 210.B. Permitted Obstructions in Required Yards** - Use Unit 6, located 3513 South Richmond Avenue.

Presentation:

The applicant, **Charles Underwood**, 3513 South Richmond Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit K-1) and stated that he has lived at the current location for approximately 13 years. He informed that the fence in question is located 20'2" from the curb, and does not pose a safety hazard and is not an eyesore. Mr. Underwood stated that the fence was installed because of the noise created during the night by the abutting property owners, and to screen the debris that has accumulated on the lot.

Comments and Questions:

Mr. Bolzle inquired as to the distance from the front of the house to the end of the fence, and Mr. Underwood replied that it extends approximately 12' into the front yard.

Protestants:

June Walker, 3519 South Richmond, Tulsa, Oklahoma, submitted photographs (Exhibit K-2), and stated that she is the abutting property owner referred to by the applicant. Ms. Walker stated that she is only opposed to the portion of the fence that extends into the front yard. She pointed out that the fence is not in harmony with the character of the neighborhood, and has a negative impact on the value of her property.

Comments and Questions:

Mr. Gardner stated that the reason for limiting the fence height in a front yard is to prevent limitation of light and air, and obstruction of the neighbors view.

DANA L. BOX
ZONING
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1 REVISED

August 11, 2020

Johnny Hoang
5101 E. Pine Street
Tulsa, OK 74115

Phone: 626-200-8898

APPLICATION NO: **ZCO-055746-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **5101 E. Pine Street**

Description: **Fence**

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFSERVICE](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" [X] IS [] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

ZCO-055746-2020

5101 E. Pine Street

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

1. **Sec.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.

Review comment: The proposed fence is for a property located in the IL zoning district. The street setback along E. Pine St. is 10'. Technically the fence can be inside the 10' setback it but it can't exceed 4' in height inside that setback. You must seek a Special Exception to increase the height.

2. **Sec.90.90-A:** Required setbacks are measured from the applicable lot line, right-of-way, planned right-of-way or location referred to below. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan. If a variance of the prohibition against location of a structure within the right of way or planned right of way is granted by the Board of Adjustment, no part of any structure may be located within the street right-of-way, nor within the planned right-of-way of streets shown on the major street and highway plan, nor within 25 feet of the centerline of the right-of-way on streets not shown on the major street and highway plan, unless a license has been granted by the city, in the case of the right-of-way, or a removal agreement has been entered into, in the case of the planned right-of-way.

Review comment: Your plan indicates that your fence is inside the planned right-of-way, which is 50' from the centerline of Pine Street. You need a variance to allow a fence inside the planned right-of-way.

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

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

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

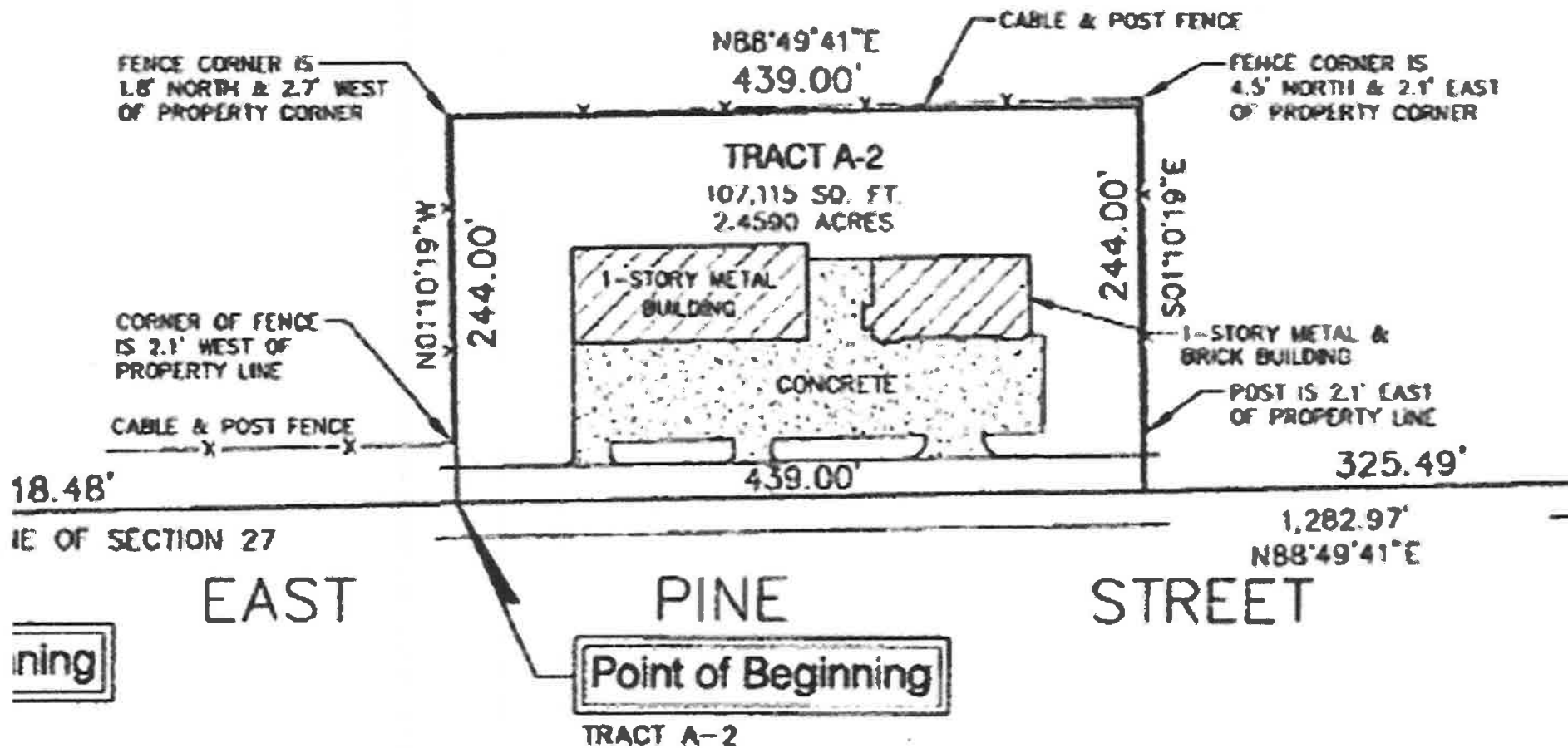
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

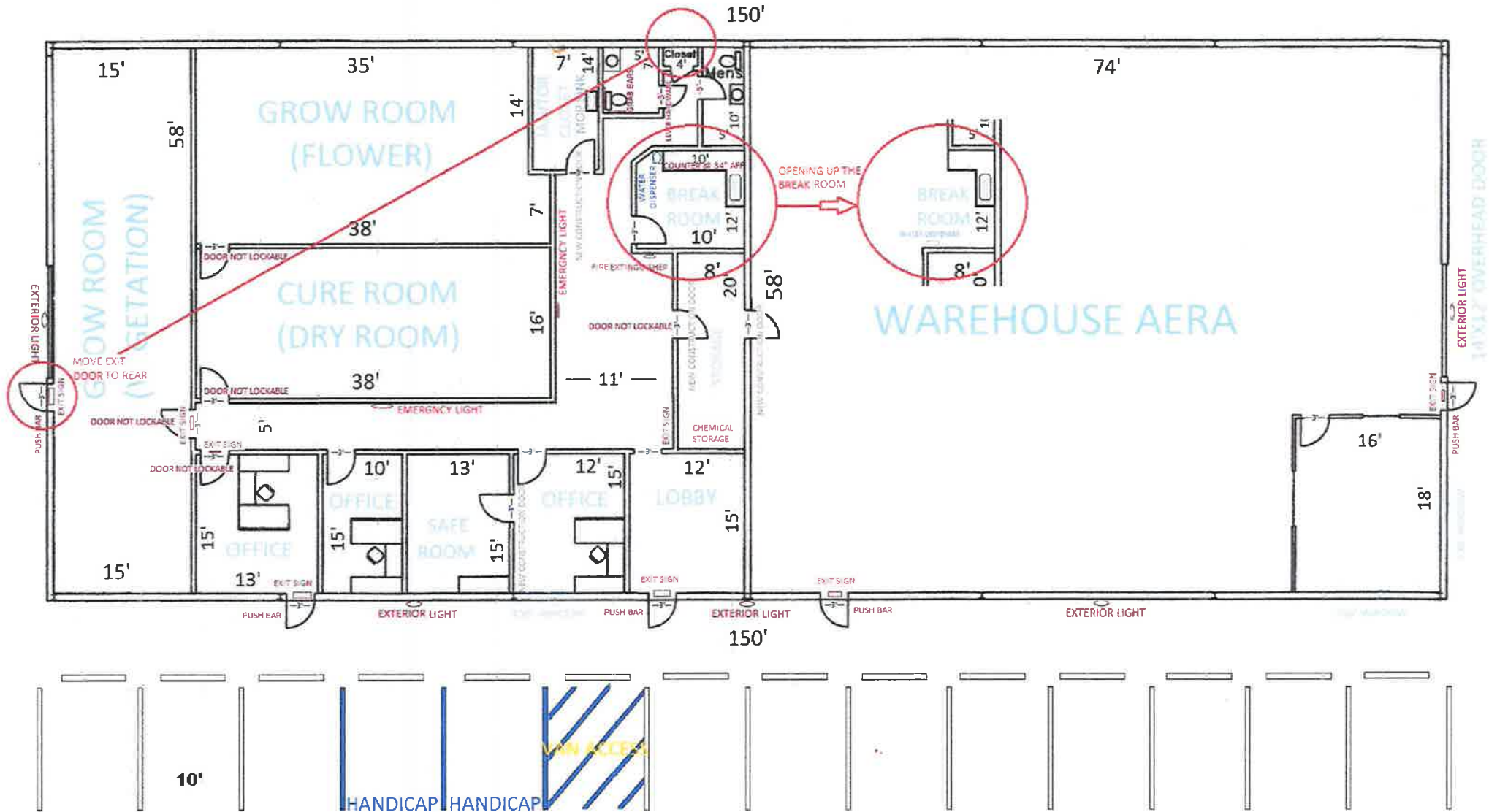
KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.







150'



NOTE: ALL EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT
THE UNLATCHING OF ANY EGRESS DOORS SHALL NOT REQUIRE MORE THEN ONE OPERATION

٧١٦



0 Feet 200 400



Subject Tract

BOA-22988

20-13 27

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

Aerial Photo Date: February 2018

6.18

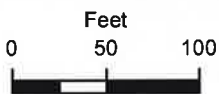




E PINE ST

N BRADEN AVE

N CANTON AVE



Subject
Tract

BOA-22988

20-13 27

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

Aerial Photo Date: February 2018

6.19



6.20

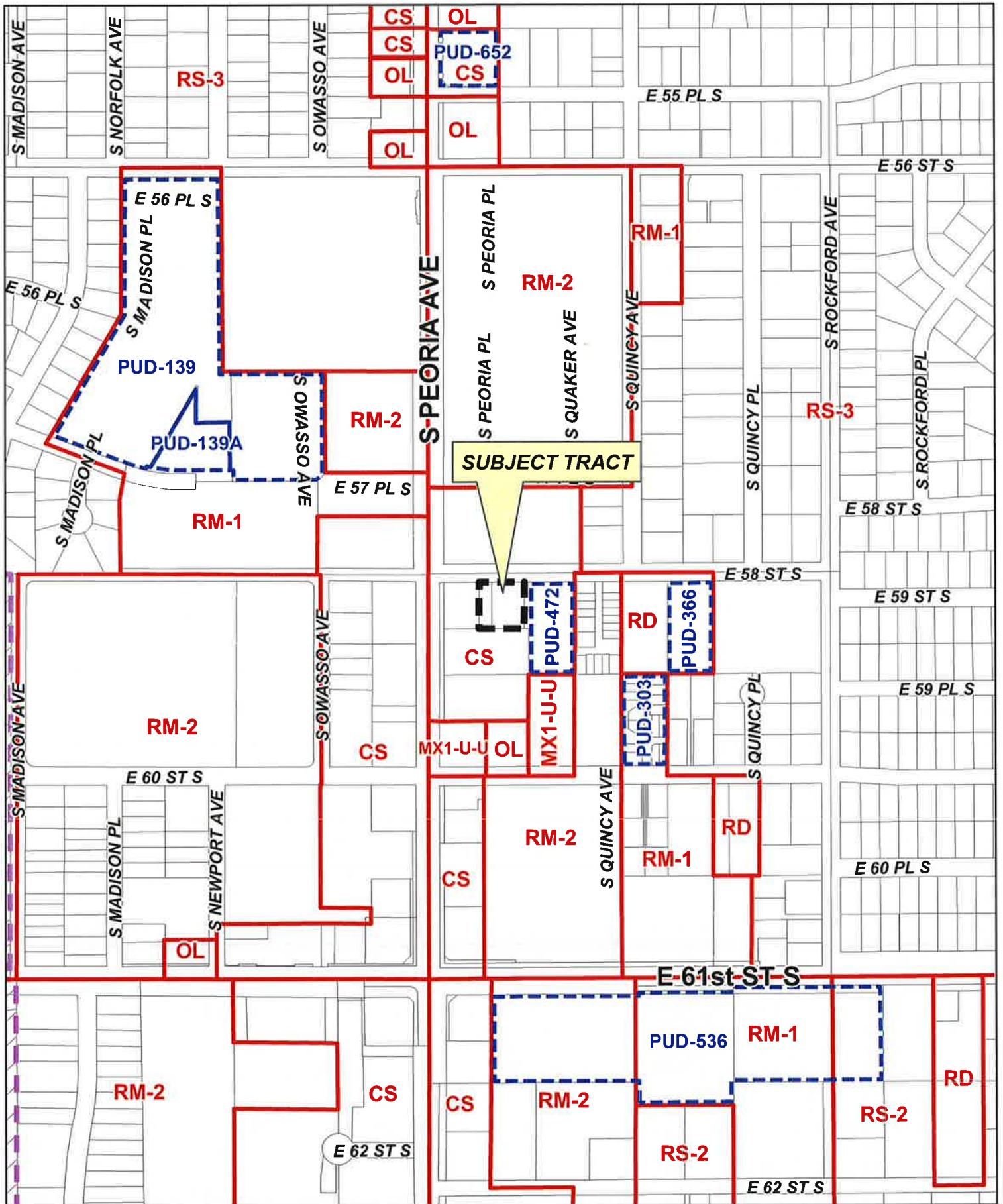
NOT TO SCALE



LOT SPLIT EXHIBIT
FOR
TRACT A
IN PART OF THE
S/2 OF THE SW/4
OF
SECTION 27, T-20-N, R-13-E
CITY OF TULSA, TULSA COUNTY, OKLAHOMA



SA SACK AND ASSOCIATES, INC.
PLATING AND SURVEYING ENGINEERS
1000 WEST 10TH STREET, SUITE 100
TULSA, OKLAHOMA 74103
TELEPHONE (918) 438-1111
FAX (918) 438-1112



BOA-22989

19-13 31

7.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9331

Case Number: **BOA-22989**

CZM: 47

CD: 9

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Joseph MacDonald

ACTION REQUESTED: Special Exception to allow for Commercial /Vehicle sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020, Table 15-2)

LOCATION: 1320 E 58 ST S; 1310 E 58 ST S

ZONED: CS

PRESENT USE: Vehicle Repair

TRACT SIZE: 22098.08 SQ FT

LEGAL DESCRIPTION: W106.62 E120 LT 7; E40 W170 LT 7, SOUTHLAWN ADDN

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding properties:

BOA-19099; On 06.12.01 the Board **approved** a Special Exception to permit Vehicle repairs in the CS District. Property located 5929 S. Peoria.

BOA-15653; On 02.12.91 the Board **approved** a Special Exception to permit a Greenhouse and Landscaping Business in the CS District and a Variance to permit open air display of merchandise and **denied** a variance to waive the screening requirements along property line abutting an R District. Property located 5929 S. Peoria.

BOA-13300; On 9.20.84 the Board **approved** a Special Exception to permit Boat Sales in a CS District and the approve a variance of the screening requirement and to allow open air display of merchandise within 300' of an R District. Property located 5929 S. Peoria.

BOA-11695; On 10.15.81 the Board **denied** a Special Exception request to allow a Warehousing and Wholesaling use in the CS District. Property located 1320 East 58th St.

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.

7.2

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 SE/c of S. Peoria and E. 58th Street South. Per the photographs provided in your packet it appears the current auto maintenance use of the property is overly saturated in vehicles.

STAFF COMMENTS: The applicant is requesting **Special Exception** to allow for Commercial /Vehicle sales and Service/ Personal vehicle sales & rental use in a CS district (Sec. 15.020, Table 15-2)

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 Table 15-2)

Vehicle Sales and Service Uses are 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 ~~Sec. 55.070-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~~.

Based on the size of the subject lot the Board may seek to limit the number of cars stored on site. The site plan provided by the applicant provided few details about how they would address the current conditions of the property. The applicant indicated that they property would not be discontinuing the current uses of the property but would be adding the vehicle sales use.

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 Table 15-2)

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

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



Subject property (1320 E. 58th St.)



Subject property (1310 E. 58th St.)



Facing East on 58th St.



Facing West on 58th St.

Case No. 19099

Action Requested:

Special Exception to permit vehicle repair in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS -- Use Unit 17, located 5929 S. Peoria.

Presentation:

Joe Seibert, 1371 E. 27th St., stated he owns property at 5929 S. Peoria, approximately 2 acres. He desires to lease out the property for various businesses. The front of the property will be used for the sale of hot tubs and spas. The back half of the first lot and all of the south lot they propose to lease for vehicle repair.

Frazier Gonzales, of Broken Arrow, proposes to run an auto repair shop and detailing.

Comments and Questions:

Mr. Dunham commented that there couldn't be any outside storage or display of merchandise, including no autos for sale, inoperable vehicles for an undue amount of time. He also asked about the mention of a mini-storage on the south half of the tract. Mr. Gonzales replied that he was not going ahead with that idea. Mr. Dunham noted that the only building the applicant would occupy would be the one in the back. Mr. Gonzales responded in the affirmative. Mr. Cooper asked if there would be a paint booth. Mr. Gonzales replied there would not be a paint booth.

Interested Parties:

There were no interested parties present who wished to speak.

Board Action:

On MOTION of Dunham, the Board voted 3-0-0 (White, Dunham, Cooper "aye"; no "nays"; no "abstentions"; Turnbo, Perkins "absent") to **APPROVE** a **Special Exception** to permit vehicle repair in a CS district, noting this is only for the rear building and with condition of no outside storage or display of merchandise for sale, and no inoperable vehicles be permitted on the premises in excess of 48 hours, finding that 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:

Lot 8 and 9, less W 15' thereof for street, Southlawn Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Action Requested:

Special Exception to permit a Use Unit 15 (greenhouse and landscaping business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15.**

Variance to waive the screening requirements along property line abutting an R District, and a variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1215. OTHER TRADES AND SERVICES - Use Unit 15;** located at 5929 South Peoria.

Presentation:

The applicant, **Elvin Neal**, 7542 South Urbana Place, Tulsa, Oklahoma, stated that his parents previously operated a flower sales business in the area, and requested permission to construct one greenhouse and begin operation of a plant sales business at the above stated location. Mr. Neal stated that he plans to expand the business over the years, with a maximum of 10 greenhouses.

Comments and Questions:

In response to Ms. Bradley, the applicant stated that the boats will be removed from the property within the next 10 days.

Ms. Bradley inquired as to the type of merchandise that will be stored on the property, and Mr. Neal stated that plants and fertilizer will be stored outside the building.

Ms. White asked the applicant why he is requesting a waiver of the screening requirement along the residential boundary, and he stated that a wire fence is already in place along the residential boundary line. Ms. White pointed out that the Code requires solid screening between the commercial use and the residential area.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bozile, Bradley, Fuller, White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a Special Exception to permit a Use Unit 15 (greenhouse and landscaping business) in a CS District - **Section 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15; APPROVE** a Variance to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District - **Section 1215. OTHER TRADES AND SERVICES - Use Unit 15; and DENY** a Variance to waive the screening requirements along property line abutting an R District - **Section 1215. OTHER TRADES AND SERVICES - Use Unit 15; finding the** greenhouse and landscaping business, as presented, to be compatible with the surrounding uses in the area; on the following described property:

Lots 8 and 9, Southlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13298 (continued)

Lot 12, Block 1, Orf's Tracts, an addition to the City of Tulsa,
Tulsa County, State of Oklahoma.

Case No. 13299

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD,
and RM Districts--Use Unit 1205--Request a variance of the 50'
setback from the centerline of Rosedale to 23' to permit an addition
to an existing church in an RM-2 zoned district under the provisions
of Section 1670; and a

Variance--Section 1205.3--Use Conditions--Request a variance of the
minimum lot area of 1 acre to 13,000 sq. ft.

Presentation:

The applicant, Reverend Ira Pisachobbe, 24 South Rosedale, presented
the application on behalf of Bowen Indian Church, and requested that
the variances be allowed to permit an addition to their existing
church building. He submitted a site plan (Exhibit E-1).

Protestants: None

Comments:

The staff discussed the required 5' sideyards for property abutting
residential property.

Mr. Gardner informed that the requested variance of 50' to 23' would
encroach City right-of-way.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0
(Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no
"abstentions"; Purser, "absent") to APPROVE a **Variance** (Section
430.1--Bulk and Area Requirements in the RS, RD and RM
Districts--Under the Provisions of Use Unit 1205) of the 50' setback
from the centerline of Rosedale to 25' to permit an addition to an
existing church in an RM-2 zoned district under the provisions of
Section 1670; and a **Variance** (Section 1205.3--Use Conditions) of the
minimum lot area of 1 acre to 13,000 sq. ft.; per site plan
submitted; on the following described property:

Lots 25 through 28, Block 12, Overlook Park, an addition to the
City of Tulsa, Tulsa County, Oklahoma.

Case No. 13300

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in a
Commercial District--Use Unit 1217--Request a special exception to
allow boat sales in a CS zoned district, under the provisions of
Section 1680; and a

Case No. 13300 (continued)

Variance--Section 1217.3 (a)--Request a variance of the required screening requirement from an abutting "R" district; and a

Variance--Section 1217.3 (b)--Request a variance to allow open air storage and display of merchandise for sale within 300' of an abutting "R" district, all located at 5929 South Peoria.

Presentation:

Bruce Straub, 4815 South Harvard, represented the owners of O'Reilly Marine, and informed the Board that the reason for the request was to allow an additional building to be constructed behind the boat dealership for the maintenance of boats. He stated that the owner sells only pleasure boats, and has no sea-going vessels on his property. The property is being platted, and a plot plan was submitted (Exhibit F-1).

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Straub why a variance of screening requirements was advertised. Mr. Straub submitted pictures indicating a "natural screening" provided by shrubs and trees between the subject property and the abutting residential district (Exhibit F-2).

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a **Special Exception** (Section 710--Principal Uses Permitted in a Commercial District--Under the Provisions of Section 1680; and a **Variance** (Section 1217.1 (a)) of the required screening requirements from an abutting "R" district, providing that no vegetation within the East 20' of the south 150' on the SE portion of the property be removed; and a **Variance** (Section 1217.3 (b)) to allow open air storage and display of merchandise for sale within 300' of an "R" district; subject to CS zoning; per plot plan submitted; on the following described property:

Lots 8 and 9 of Southlawn Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13301

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in an RS, RD and RM Districts--Use Unit 1206--Variance of the setback of 60' from the centerline of Oswego to 40' to permit construction of an addition to a dwelling under construction in an RS-1 zoned district, under the provisions of Section 1670, located at the SW/c of 62nd Street and Oswego.

Presentation:

Don Kirberger, 4901 South Sheridan, stated his intention to build an addition to his home (which is under construction) in the form of a

Case No. 11665 (continued)

Discussion:

Chairman Lewis asked Mr. Moody if the plot plans were changed showing the entrances on the east. Mr. Moody stated that the plot plans were correct, but the elevation was not accurate. Chairman Lewis asked that a new elevation plan be submitted to the Board when available.

Case No. 11695

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1670 - Request for a variance to permit a warehouse in a CS District, located at 1320 East 58th Street.

Presentation:

Mr. Jones advised the Board that this case was continued from the November 12, 1981, meeting so the Board could make a site visit.

Paul Messick, 1320 East 58th Street, was present to address the Board and advised that Messick Construction has been at the present location for 12 years and needs to build a storage building to accommodate their expanding needs. Mr. Messick stated clearly that the proposed addition is not a public warehouse. The proposed site is located in the middle of three (3) commercial uses as of now, with Messick Construction on the east, Sonic Drive-in to the west and Green Thumb Garden Center to the south.

Board Comments and Questions:

Mr. Smith said that he had looked at the site and found that the operation was very neat in appearance.

Mrs. Purser asked if the proposed building would be attached to the existing building, and Mr. Messick stated that it was a separate building. Mr. Messick also stated that it is a one-story building, approximately 20' high, with a mezzanine floor in the center.

Chairman Lewis asked about the elevation and Mr. Messick stated that the building would be on the south side of 58th Street with the lower half being masonry and the upper half being metal.

Chairman Lewis asked what was located north of the subject property and Mr. Messick said there was a vacant lot with CS zoning.

Mrs. Miller stated that the office building located to the east of the subject property also belongs to Mr. Messick and is in the process of constructing office buildings.

The Board asked Mr. Messick if he could do without the upper half, or at least part of the upper section, but Mr. Messick felt that he needed it all for storage.

Mrs. Purser told Mr. Messick that he needed to prove a hardship.

Chairman Lewis stated that the appearance of the proposed building would look like an industrial-type building. He also advised Mr. Messick of the problem, being the height of the building.

Case No. 11695 (continued)

Mrs. Miller stated that Mr. Messick is permitted only a one-story building to the east. The Board granted him 28% floor area ratio on the OL portion. Mr. Messick has an existing office building for his construction business. Mrs. Miller stated that there was no height restriction for the CS; the only requirement is 50% floor area ratio.

Protestant:

James Wilson, 6520 South Lewis Avenue, was present to address the Board representing Goodmore and Wilson Construction who has a contract for purchase on the land directly north of the subject property. The construction company has plans to build an office building on the CS zoned land which is presently vacated. Mr. Wilson stated that he would not want the proposed building next to his office.

Comments:

Discussion ensued as to the amount of floor area ratio and total footage on the lot.

Mr. Jones stated that the legal description described the property as being 150' x 40'.

Chairman Lewis asked Mr. Messick if he would like to continue the case to redesign the building plans to make the building one-story, and Mr. Messick could not agree to the suggestion.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; (Smith was out of the room) to deny a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1223 - Warehousing and Wholesaling - Under the Provisions of Section 1670) to permit a warehouse in a CS District, on the following described property:

The East 40' of the West 170' of Lot 7, Southlawn Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11696

Action Requested:

Appeal From The Decision of The Building Inspector - Under the Provisions of Section 1650 - Appeals From The Building Inspector - Appeal the decision of the Building Inspector for refusing to permit the drilling of an oil well in an AG District with storage tanks; and an

Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1680 - Request for an exception to permit the drilling of an oil well with storage tanks in an AG District; and a

Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Section 1224 - Mining and Mineral Processing - Under the Provisions of Section 1670 - Request for a variance to permit oil well drilling and storage tanks in an AG District, located at 71st and the Okmulgee Beeline.

Presentation:

Mr. Jones advised the Board that this case was continued from the November

12.3.81:351(12)

7.11

DANA L. BOX
ZONING
PLANS EXAMINER

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1

June 19, 2020

Joseph MacDonald
1310 E. 58th St.
Tulsa, OK 74105

Phone: 539-292-7645

APPLICATION NO: **ZCO-063501-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: **1310 E. 58th St.**

Description: **Auto Sales**

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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMPC), 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" **[X] IS [] IS NOT** INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

7.12

REVIEW COMMENTS

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

ZCO-063501-2020

1310 E. 58th St.

June 19, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.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 Lot is categorized as a Commercial-Vehicle Sales and Service-Personal Sales and Rentals and is located in a CS zoning district. This stated use is only permitted in the CS zoning district by Special Exception per *Sec.15.020 Table 15-2: O, C, and I District Use Regulations*.

Review Comment: Submit an approved Special Exception by the Board of Adjustment (BOA) per *Sec.70.120 Special Exceptions*.

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

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

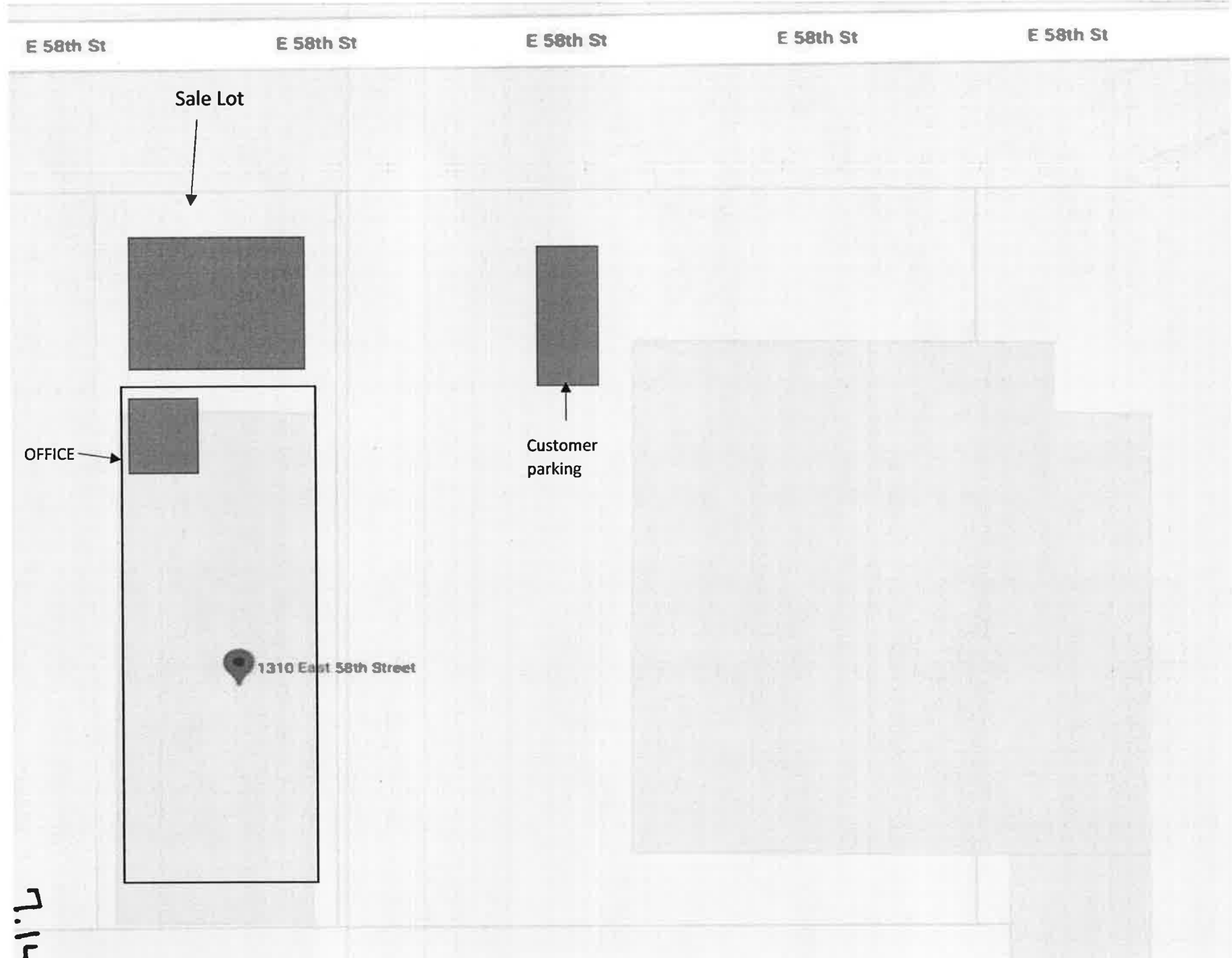
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

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

END – ZONING CODE REVIEW

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

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



7.14



0 50 100
Feet



Subject
Tract

BOA-22989

19-13 31

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

Aerial Photo Date: February 2018



7.15



0 200 400
Feet



Subject
Tract

BOA-22989

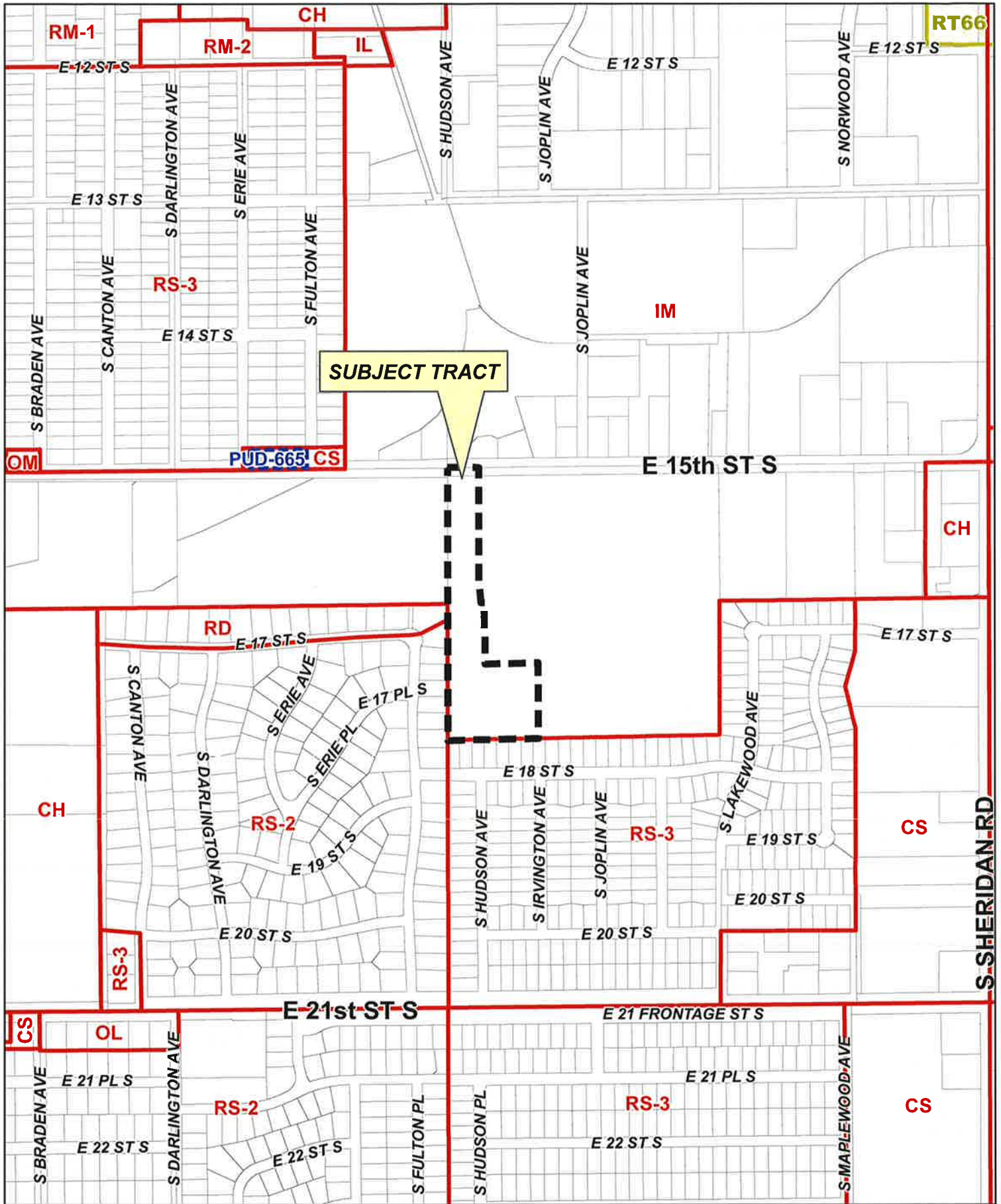
19-13 31

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

Aerial Photo Date: February 2018



7.16



BOA-22990

19-13 10

8.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9310

Case Number: **BOA-22990**

CZM: 38

CD: 5

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Nicole Watts

ACTION REQUESTED: Variance of the screening requirement between office use and Residential Zoning Districts (Sec. 40.260-D)

LOCATION: 5750 E. 15th ST. S. _

ZONED: IM

PRESENT USE: Vacant

TRACT SIZE: 390412.02 SQ FT

LEGAL DESCRIPTION: A TRACT OF LAND THAT IS THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION TEN (10), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS THE NORTHWEST CORNER OF SAID NW/4 SE/4; THENCE NORTH 88°17'08" EAST ALONG THE NORTHERLY LINE OF SAID NW/4 SE/4 FOR 155.50 FEET; THENCE SOUTH 01°16'30" EAST PARALLEL WITH THE WESTERLY LINE OF SAID NW/4 SE/4 FOR 568.50 FEET; THENCE SOUTH 07°36'48" EAST FOR 92.43 FEET; THENCE NORTH 88°13'28" EAST FOR 18.00 FEET; THENCE SOUTH 01°41'56" EAST FOR 301.00 FEET; THENCE NORTH 87°53'51" EAST FOR 259.06 FEET; THENCE SOUTH 01°45'25" EAST FOR 360.40 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NW/4 SE/4, THE SAME BEING A POINT ON THE NORTHERLY LINE OF LOT THIRTY-SIX (36), BLOCK THREE (3), GLEASON VILLAGE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 88°18'26" WEST ALONG THE SOUTHERLY LINE OF SAID NW/4 SE/4, AND ALONG A NORTHERLY LINE OF SAID BLOCK 3, FOR 448.00 FEET TO THE SOUTHWEST CORNER OF SAID NW/4 SE/4, THE SAME BEING THE NORTHWEST CORNER OF LOT 43, BLOCK 3, OF SAID GLEASON VILLAGE, AND ALSO BEING A POINT ON THE EASTERLY LINE OF LOT TWO (2), BLOCK ONE (1), WEDGWOOD, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 01°16'30" WEST ALONG THE WESTERLY LINE OF SAID NW/4 SE/4, AND ALONG THE EASTERLY LINE OF SAID BLOCK 1, WEDGWOOD, AND ITS NORTHERLY EXTENSION THEREOF, FOR 1319.92 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding property:

BOA-18231; On 11.10.98 the Board approved a Special Exception to waive the screening requirements along the Southern Boundary of the Property for a Warehousing and Wholesaling Use. Property located 5524 E. 15th Street S.

BOA-16874; On 12.13.94 the Board approved a variance of the required screening fence. Property located 5524 E. 15th Street.

8.2

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an “Employment “ land use designation and an “Area of Growth“.

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located East of the SE/c of E. 15th St. and S. Yale Ave. The property is bounded on the West and South lot lines by a Single-family residential neighborhood.

STAFF COMMENTS: The applicant is requesting **Variance** of the screening requirement between office use and Residential Zoning Districts (Sec. 40.260-D)

40.260-D Whenever an office 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 ~~§65.020-C~~.

2. F1, Screening Fence or Wall

a. Purpose

An F1 screening fence or wall is required in those instances where a complete visual barrier is needed.

b. Options

F1 screening requirements may be met by either of the following options.

(1) The installation of an opaque fence at least 6 feet in height and at least one tree per 25 linear feet of fence; or

(2) The installation of a masonry wall with a minimum height of 6 feet.

STATEMENT OF HARDSHIP: The applicant has prepared as statement that is included in your packet.

SAMPLE MOTION:

Move to _____ (approve/deny) a **Variance** of the screening requirement between office use and Residential Zoning Districts (Sec. 40.260-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."*

Case No. 18230 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of minimum frontage requirement from 50' to 10'. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS – Use Unit 17** finding the hardship to be the fact that the property has been developed in this manner and the street was never constructed, per plan submitted, on the following described property:

Lot 7, Block 10, Tulsa Southeast Industrial District, Blocks 9 through 12 Inclusive, a resubdivision of Block C and part of Block A and B, Tulsa Southeast Industrial District Extended, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18231

Action Requested:

Special Exception to waive the screening requirements along 15th St. where subject property abuts R zoned district and Special Exception to waive the screening requirements along the south boundary of the entire subject tract. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING**, Use Conditions and **SECTION 1211.C. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES**, Use Conditions – Use Unit 23 & 11, located 5524 E. 15th St.

Presentation:

The applicant, **Larry W. Johnston**, submitted a site plan (Exhibit H-1) and stated that he is an architect who represents Public Service Company, 610 South Main, Ste. 200. Mr. Johnston stated that in 1994 PSO had a similar request for the same property and it was approved subject to future improvements being brought before the Board. Mr. Johnston stated that the screening requirement along 15th Street came into effect because the street designation was changed from a secondary arterial street to industrial collector street. The residential district from which the site must be screened is basically the west half of the property.

Interested Parties:

None.

Case No. 18231 (continued)

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to waive the screening requirements along 15th St. where subject property abuts R zoned district and Special Exception to waive the screening requirements along the south boundary of the entire subject tract. **SECTION 1223.C. USE UNIT 23. WAREHOUSING AND WHOLESALING, Use Conditions and SECTION 1211.C. USE UNIT 11. OFFICES, STUDIOS AND SUPPORT SERVICES, Use Conditions – Use Unit 23 & 11** 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, per plan submitted, on the following described property:

N/2 of NE/4 of SW/4, Section 10, T-19-N, R-13-E, except for railroad right-of-way, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

Case No. 18232

Action Requested:

Special Exception to allow Use Unit 2, a residential care treatment center for 6-12 children and adolescent clients. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2** and a Variance of the required parking from 19 to 16 spaces. **SECTION 1202.D. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES; Off-Street parking and Loading Requirements**, located 1333 N. Utica.

Comments and Questions:

Mr. Beach stated to the Board that the application was withdrawn by the applicant.

* * * * *

Case No. 18233

Action Requested:

Special Exception for a church in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 764 S. 145th E. Ave.

11:10:98:761 (14)

Action Requested:

Variance of the required screening fence - Use Unit 11, located 5524 East 15th Street.

Presentation:

The applicant, **Larry Johnston**, 610 South Main, Suite 200, stated that he is representing Public Service Company.

Mike Hornsby, 212 East 6th Street, informed that PSO invited the neighborhood to review the plans for the project and two individuals attended the meeting.

Mr. Johnston submitted a plot plan (Exhibit P-1) and explained that the project involves the installation of a 30,000 propane tank for refueling PSO vehicles, and it was discovered during the permitting process that screening is required along the residential boundary. Mr. Johnston informed that the installation of a fence would block visibility for vehicles leaving the site. A landscape plan (Exhibit P-2) and photographs (Exhibit P-3) were submitted.

Comments and Questions:

Ms. Russell asked the applicant if he is requesting that the screening requirement along the south boundary be waived, and he answered in the affirmative.

Mr. Bolzle stated that he is not opposed to waiving the screening requirement for this improvement, but would not be amenable to waiving the screening for future construction.

Protestants:

None.

Board Action:

On **MOTION** of **BOLZLE**, the Board voted 4-0-0 (Abbott, Bolzle, Doverspike, Turnbo, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** of the required screening fence - Use Unit 11; per plans submitted; subject to Board approval being required for further improvements; finding that a fence would block visibility at the exit on 15th Street; and that approval of the request will not be detrimental to the area, or violate the spirit and intent of the Code; on the following described property:

N/2, NE/4, SW/4, Section 10, T-19-N, R-13-E, less and except the RRR Way, City of Tulsa, Tulsa County, Oklahoma.



Subject property currently under construction



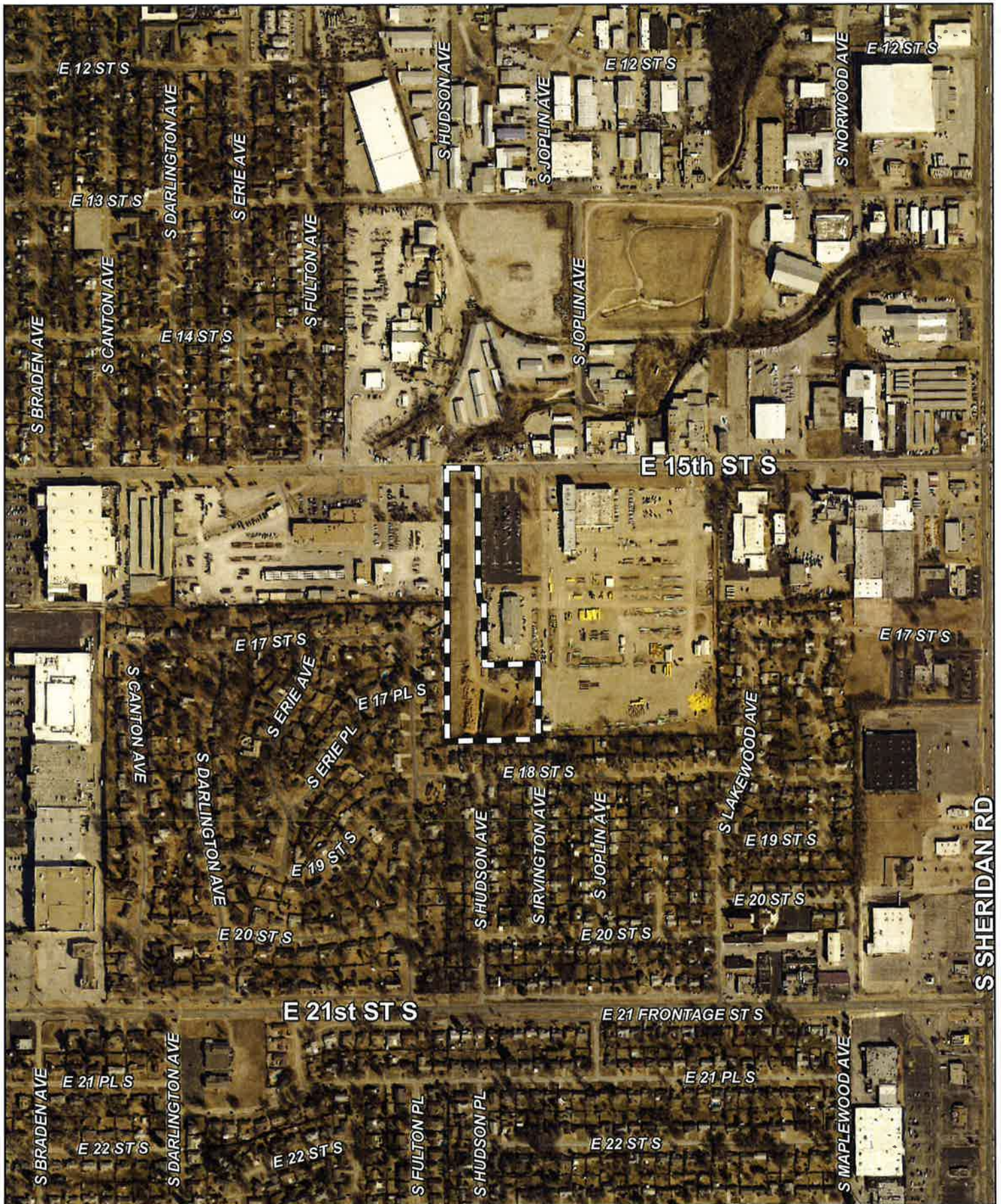
Subject property currently under construction



Facing West on 15th Street



Facing East on 15th Street



0 300 600
Feet



Subject
Tract

BOA-22990

19-13 10

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

Aerial Photo Date: February 2018



Danny Whiteman
Zoning Official
Plans Examiner II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD No. 2

2/20/2020

Robert Guess
KKT Architects
2200 S. Utica Pl.
Tulsa, OK 74114

APPLICATION NO: BLDC-050554-2019 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 5750 E. 15th St.

Description: New commercial 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. 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" [☐ YES ☒ NO] 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. **BLDC-050554-2019**

1. Sec.40.260-D: Whenever an office 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.

Review comment: Resubmit a site plan that provides F1 screening compliant with Sec.65.070-C2. This screening must be in place for all parts of the property that abut R zoned districts, not just the portion of the property in which the new construction is proposed. The required trees for F1 screening should be distributed evenly along the required F1 fence. As an option, you may seek an alternative compliance screening plan from INCOG per Section 65-100.D, or you may request a variance for this screening requirement from the BOA.

2. Resolved

3. Resolved

4. Resolved

Note: Please direct all questions concerning variances, special exceptions, alternative landscape plans, alternative compliance parking ratios 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.

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.

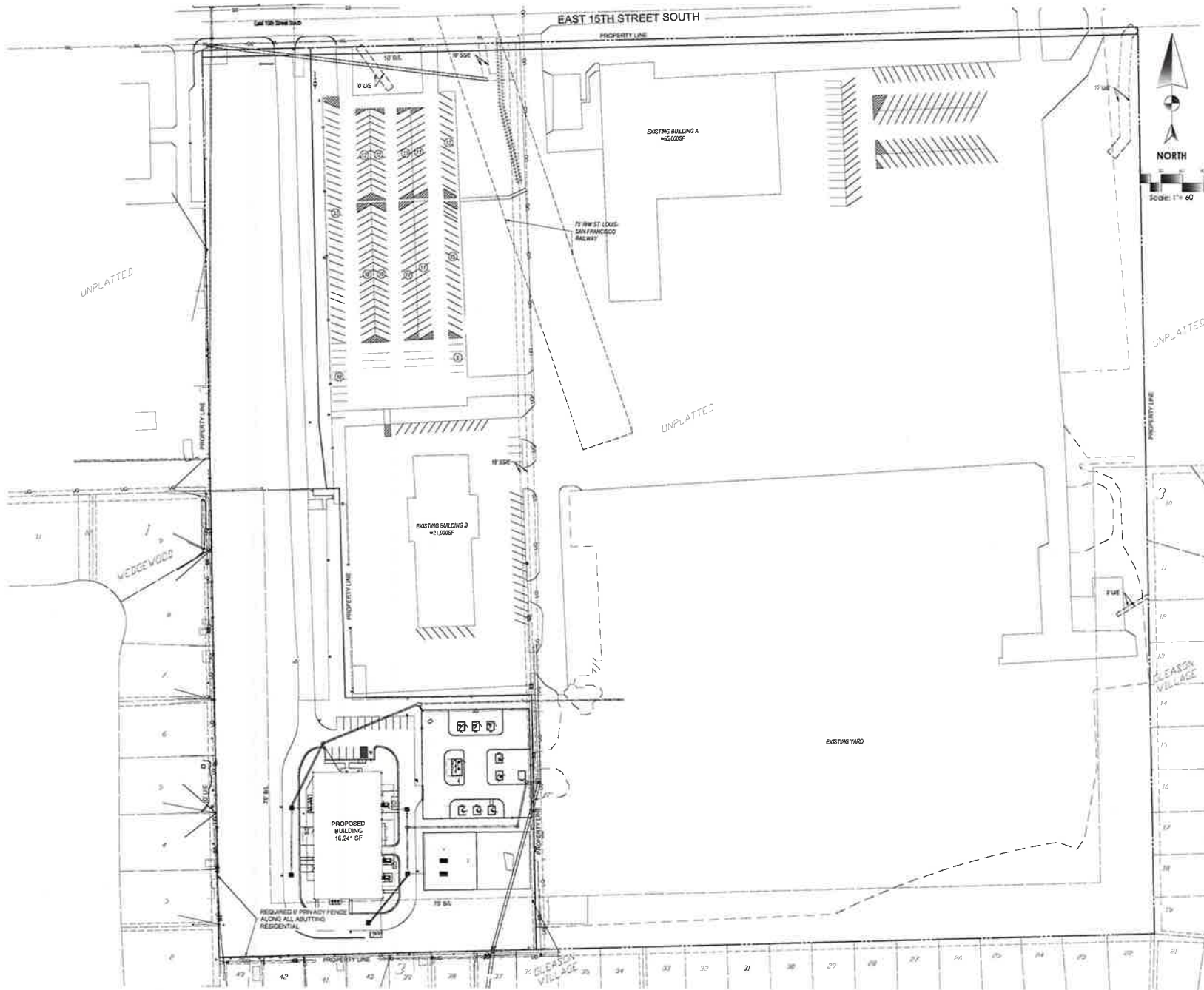
Please Notify Plans Examiner By Email When You Have Submitted A Revision. If you originally submit paper plans, revisions must be submitted as paper plans. If you submit online, revisions must be submitted online

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.

8.13



ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT CITY OF TULSA STANDARDS AND SPECIFICATIONS INCLUDING D.D. ALL ZONING



TRAINING CENTER

5750 E 15TH ST
TULSA, OKLAHOMA

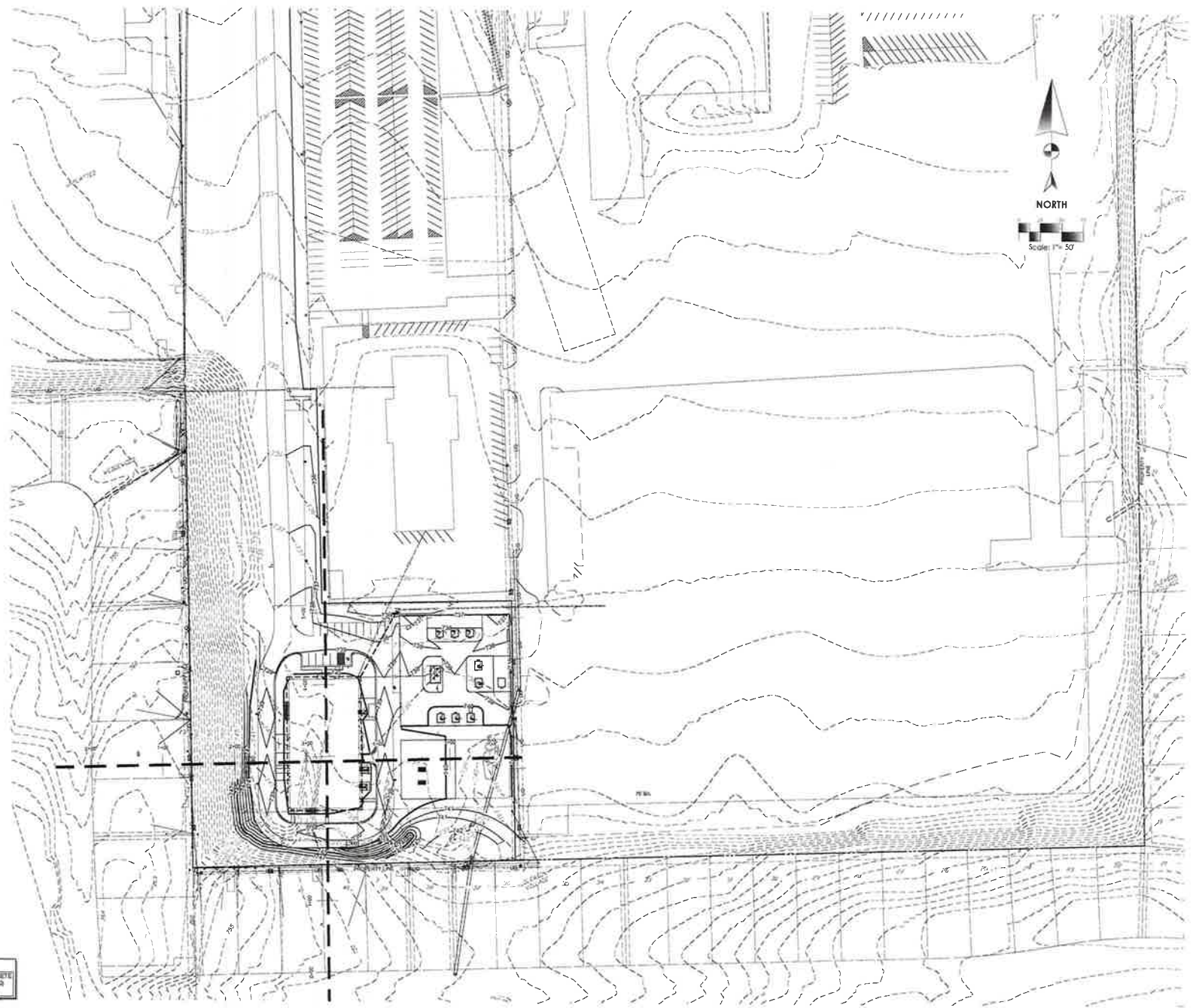


VERTICAL SCALE	1" = 60'
HORIZONTAL SCALE	1" = 60'
ANALYST PAGE NO.	
MANAGER	ANW
DRAWN BY	LSJ
DATE	9/6/2020

BOARD OF ADJUSTMENT
SITE PLAN

EXHIBIT A

8.14



Benchmark 1
CHISELED SQUARE IN CONCRETE
IN 42180 1100 E 50A WING 42170
ELEVATION = 728.87 (NAVD83)



ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE CITY OF TULSA GRADING AND EROSION CONTROL ORDINANCE, 2007 EDITION.



TRAINING CENTER

5750 E 15TH ST
TULSA, OKLAHOMA



HORIZONTAL SCALE 1" = 60'
VERTICAL SCALE 1" = 5'
ATLAS PAGE NO. 1
MANAGER ANW
DRAWN BY LSI
DATE 8/14/2000

BOARD OF ADJUSTMENT
GRADING PLAN

EXHIBIT B



Tulsa County Clerk - Michael Willis

Doc # 2020068494 Page(s): 3

07/23/2020 02:38:57 PM

Receipt # 20-43747

Fee: \$ 22.00

Space reserved for recording purposes only

WARRANTY DEED

OKLAHOMA STATUTORY FORM

KNOW ALL BY THESE PRESENTS:

That **ONE Gas, Inc., an Oklahoma corporation**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for the purpose of confirming lot-split approval for record, does hereby grant, bargain, sell and convey unto **ONE Gas, Inc., an Oklahoma corporation** (hereinafter the "Grantee"), the real property and premises described in the appendix (herein the "Property"), situated in **Tulsa County, State of Oklahoma**, together with all the improvements thereon and the hereditaments and appurtenances thereunto belonging, and warrants the title to the same,

TO HAVE AND TO HOLD said described Property unto the Grantee and its successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, except and subject expressly to easements, rights of way, and special assessments not yet due.

No documentary stamp tax due - 68 O.S.2011 §3201 (consideration less than \$100)

SIGNED and DELIVERED this 20th day of JULY, 2020.

ONE Gas, Inc.

By:


Mark Bender

Senior Vice President - Administration and CIO



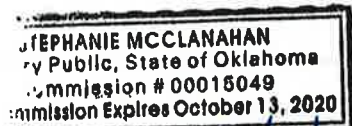
STATE OF OKLAHOMA)

COUNTY OF TULSA)

ss. *Acknowledgment*

This instrument was acknowledged before me this 20 day of July, 2020, by Mark Bender as Senior Vice President - Administration and CIO of ONE Gas, Inc.

(SEAL)


STEPHANIE MCCLANAHAN
Notary Public, State of Oklahoma
Commission # 00015049
Commission Expires October 13, 2020


Notary Public

Commission No./Expiration: 10/13/20

Appendix: Legal Description and Certification

{2145855;}

Return after recording to:

ONE Gas, Inc.
ATTN: Shelly Gallaway
Senior Project Manager
Building Operations / Facility Planning
15 East 15th Street - Tulsa, OK 74103

8.16



This conveyance implements the lot split approved by
the Tulsa Metropolitan Area Planning Commission in Lot
Split LS- 21291, in accordance with TMAPC
Resolution 2764:979.
Date 6/12/20 by [Signature]
TMAPC Official

Engineering • Land Surveying
Land Planning • 3D Scanning • UAV Mapping
6111 E. 32nd Place Tulsa, OK. 74135 (918)-665-3600

"TRACT A" LEGAL DESCRIPTION

A TRACT OF LAND THAT IS THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW/4 SE/4) OF SECTION TEN (10), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS THE NORTHWEST NORNER OF SAID NW/4 SE/4; THENCE NORTH 88°17'08" EAST ALONG THE NORTHERLY LINE OF SAID NW/4 SE/4 FOR 155.50 FEET; THENCE SOUTH 01°16'30" EAST PARALLEL WITH THE WESTERLY LINE OF SAID NW/4 SE/4 FOR 568.50 FEET; THENCE SOUTH 07°36'48" EAST FOR 92.43 FEET; THENCE NORTH 88°13'28" EAST FOR 18.00 FEET; THENCE SOUTH 01°41'56" EAST FOR 301.00 FEET; THENCE NORTH 87°53'51" EAST FOR 259.06 FEET; THENCE SOUTH 01°45'25" EAST FOR 360.40 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NW/4 SE/4, THE SAME BEING A POINT ON THE NORTHERLY LINE OF LOT THIRTY-SIX (36), BLOCK THREE (3), GLEASON VILLAGE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTH 88°18'26" WEST ALONG THE SOUTHERLY LINE OF SAID NW/4 SE/4, AND ALONG A NORTHERLY LINE OF SAID BLOCK 3, FOR 448.00 FEET TO THE SOUTHWEST CORNER OF SAID NW/4 SE/4, THE SAME BEING THE NORTHWEST CORNER OF LOT 43, BLOCK 3, OF SAID GLEASON VILLAGE, AND ALSO BEING A POINT ON THE EASTERLY LINE OF LOT TWO (2), BLOCK ONE (1), WEDGWOOD, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 01°16'30" WEST ALONG THE WESTERLY LINE OF SAID NW/4 SE/4, AND ALONG THE EASTERLY LINE OF SAID BLOCK 1, WEDGWOOD, AND ITS NORTHERLY EXTENSION THEREOF, FOR 1319.92 FEET TO THE **POINT OF BEGINNING** OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 319,114 SQUARE FEET OR 7.33 ACRES, MORE OR LESS.


BASIS OF BEARINGS: BASED ON THE RESPECTIVE PLATS OF GLEASON VILLAGE AND WEDGWOOD AND AS TRANSLATED TO GRID BEARINGS AND THE OKLAHOMA STATE PLANE COORDINATE SYSTEM WITH THE SOUTHERLY LINE OF THE NW/4 SE/4 AS SOUTH 88°18'26" WEST.

LEGAL DESCRIPTION CERTIFICATION

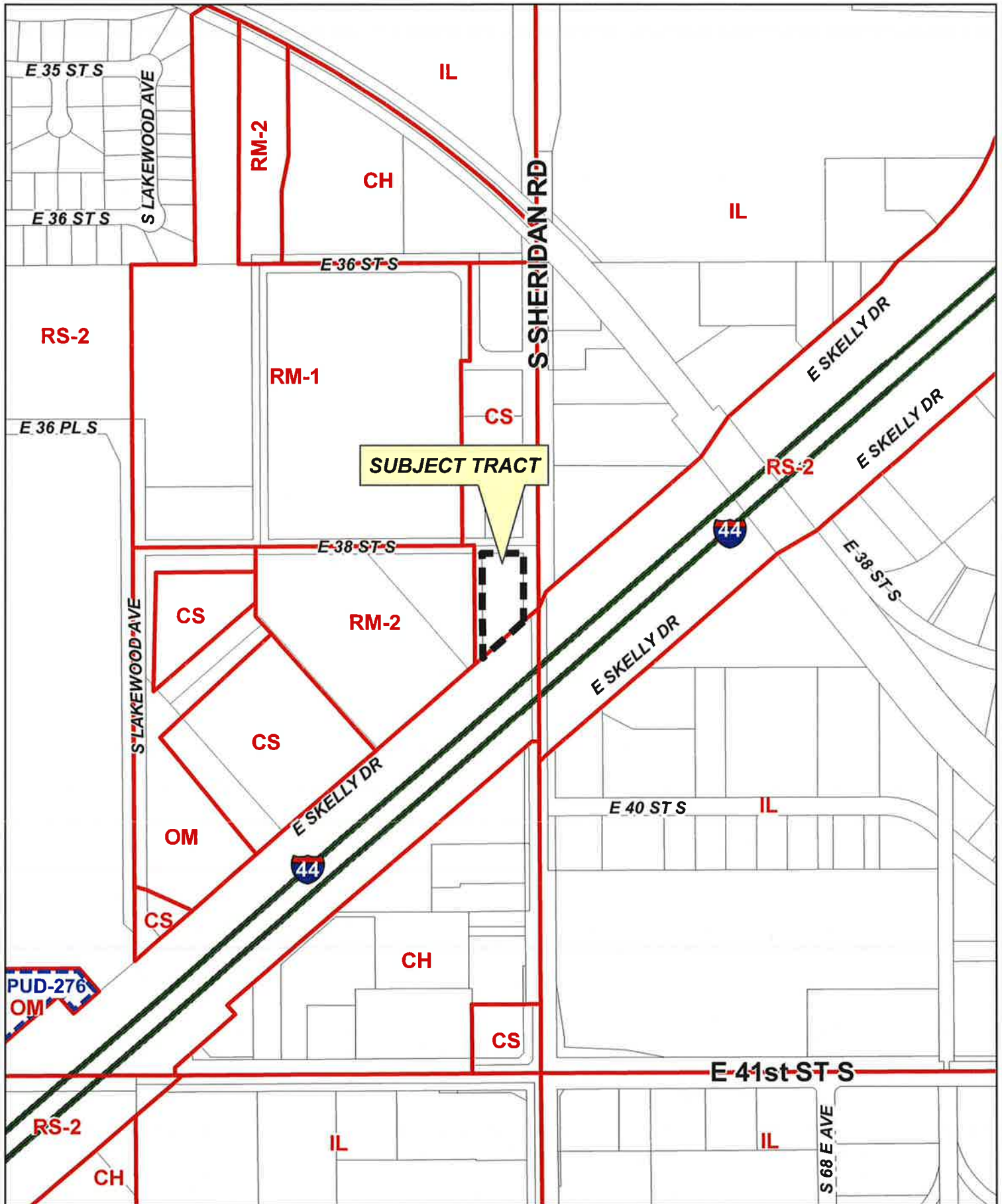
I, SHAWN A. COLLINS, OF SISEMORE & ASSOCIATES, CERTIFY THAT THE ATTACHED LEGAL DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE LEGAL DESCRIPTION AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LEGAL DESCRIPTIONS OF THE STATE OF OKLAHOMA.

3.23.2020
DATE

SISEMORE & ASSOCIATES, INC.
BY SHAWN A. COLLINS


SHAWN A. COLLINS
PLS No. 1788, STATE OF OKLAHOMA
C. A. NO. 2421 EXPIRES 6/30/2021





BOA-22991

19-13 22

9.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9322

Case Number: **BOA-22991**

CZM: 48

CD: 5

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: W Design LLC

ACTION REQUESTED: Variance to allow a drive through on the steet facing (Skelly Drive) side of the property (Sec. 55.100-C2)

LOCATION: 3866 S SHERIDAN RD E

ZONED: CS

PRESENT USE: Commercial

TRACT SIZE: 38245.84 SQ FT

LEGAL DESCRIPTION: BEG 150.74N & 50W SECR NE SE TH N250 W135 S363.23 TO N R/W SKELLY DR TH NE ALG R/W POB LESS N25 FOR ST SEC 22 19 13 .878AC,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-12118; On 09.16.82 the Board approved a Special Exception to permit a retail tire store.

BOA-12000; On 11.02.78 the Board approved a Special Exception to permit Auto sales in a CS District.

BOA-10011; On 06.15.78 the Board approved a variance to permit an outdoor advertising sign closer than 40' from an R District.

Surrounding Property: None.

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

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

Employment areas contain office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access

9.2

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.

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. Skelly Drive and S. Sheridan Road. The property to the West of the subject property is zoned RM-2 but is used as an office building.

STAFF COMMENTS: The applicant is requesting **Variance** to allow a drive through on the street facing (Skelly Drive) side of the property (Sec. 55.100-C2)

55.100-C Location and Design

1. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
2. All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property. Drive-through lanes must be set back at least 10 feet from abutting R- or AG-R- zoned lots, and a screening wall or fence must be provided along the common lot line in accordance with the F1 screening fence or wall standards of 565.070-C.

The current access unto Skelly Drive is approximately 40-feet from the intersection of S. Sheridan Road. The applicant should provide more information about anticipated traffic from the proposed drive-through restaurant. The current configuration allows for 4 stacking spaces on top of the space used at the service window. Considerations should be made to prevent cars from stacking unto Skelly Drive while waiting to use the drive through.

STATEMENT OF HARDSHIP:

Hardship Statement

The property in question has 3 street facing sides and the non-street facing side abuts a residentially zoned property. Per section 55.100-C2 the drive-thru and associated components are not allowed to be located on the street facing side of the property, which would limit the drive-thru to the West side of the property. Creating a stacking lane on the west access lane behind the building puts undue hardship onto the North tenant, by potentially blocking the exit to that tenant's pick-up window. By placing the drive-thru lane and pick-up window on the South side we are limiting the exposure of the drive-thru elements from Sheridan Road. The south street "East Skelly Drive" is a one-way access road to business and terminates with access onto 41st Street. We believe that if this variance is granted it will not cause substantial detriment to the public good, or impair the purpose and intent of the zoning ordinance

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to allow a drive through on the street facing side of the property (Sec. 55.100-C2)

- 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."*



Western Boundary of subject property.



Intersection of Skelly Drive and S. Sheridan Road.



Location of proposed Drive- through window



Facing West on Skelly Drive



Subject Property

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for a car wash in a CS Zoned District. This property is located at the SE corner of 21st Street and Lewis Avenue.

Presentation:

Casper Jones, 1302 South Fulton Avenue, was present representing Texaco and submitted a plot plan (Exhibit "R-1"). Mr. Jones stated that the request is for a car wash on the southeast corner of 21st Street and Lewis Avenue. The car wash will be located to the east of the presently existing service station building.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to permit a car wash in a CS Zoned District, per plot plan, on the following described property:

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

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to sell tires as a retail tire store. This property is located at 3866 South Sheridan Road.

Presentation:

Dwight Kouri, Forth National Bank Building, attorney, was present representing Burl Hawkins and Mastercraft Tires, Inc. The request is to sell tires as a retail tire store and would include the installation of tires. The business will be located in the existing structure on the property. Mr. Kouri advised that there will be an area where the tires can be stored until they are picked up. He stated that currently the tires are stored inside and removed once a week and there will be no tire storage for over a weeks period until they can be picked up.

Joe Halkie, 1526 East 53rd Street, general manager of U-Need-Um Tires, was present and stated that he is leasing the subject property from Mr. Hawkins. Mr. Halkie stated that he has added a new 32' x 50' building on to the existing building. He also stated that all of the used tires are stored on racks which have been moved inside and none are stored outside. He advised that the subject property has been cleaned up and he plans to leave nothing out in the open to make it appear junky.

Protestants or Interested Parties:

Robert Tips, attorney representing Evans Furniture, Scott Rice Company, Pioneer Plaza I, and Toyota of Tulsa, was present and stated that the businesses did not object to the request being granted, but wanted some conditions placed on the approval. They requested that the subject property be screened and that the tires not be stored for an extended period of time. They also opposed any outside storage of tires.

Case No. 12188 (continued)

Board Comments:

Mr. Victor inquired as to any proposed signs and Mr. Halkie stated that there will be a sign on the front of the building and one lighted neon sign which will be erected on a pole. The largest sign will be the neon sign and it will be no larger than 4' x 18' on a double pole.

Mr. Gardner advised that the applicant may need to come before the Board again concerning the free-standing sign and the amount of signs in order to comply with the Zoning Code.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to sell tires as a retail tire store, subject to no outside storage (enclosed storage) no installation of tires outside of the building, that the used tires be collected a minimum of once weekly, and that the signs be in compliance with the Zoning Code, on the following described property:

A tract of land, containing 0.913 acres in the NE/4 of the SE/4 of Section 22, Township 19 North, Range 13 East, Tulsa County, Oklahoma, said Tract being described as follows, to wit:

Starting at the Southeast corner of said NE/4 of the SE/4; thence North along the East line of Section 22 for 150.4'; thence West at a right angle for 50' to the point of beginning of said Tract, said point of beginning also being on the Northerly right-of-way line of the U. S. Highway #66 Bypass; thence North and parallel to the East line of Section 22, for 200'; thence West at a right angle for 150'; thence South at a right angle, and parallel to the East line of Section 22, for 330.16' to a point on the Northerly right-of-way line of the U. S. Highway #66 Bypass; thence Northeasterly along said Right-of-way line for 198.60' to the point of beginning, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

Case No. 12189

Action Requested:

Special Exception - Section 1680.1 (g) - Special Exceptions - Request to permit off-street parking on property abutting a CS District. This property is located north and east of the NE corner of 107th East Avenue and 11th Street.

Presentation:

Roy Johnsen, 324 Main Mall, was present and submitted a topographic survey (Exhibit "S-1"), a photograph of the existing structure (Exhibit "S-2"), and a photograph of the wooded area adjoining the subject property (Exhibit "S-3"). Mr. Johnsen, attorney representing the owners, Mr. John Stutsman and Mr. Gene Oliver, stated that they own the subject property and the property just south where a proposed structure was approved by the Board previously and was constructed. The owners intend to expand the building, but in order to do so they need additional parking and plan to place the parking on the subject property, which is adjoining the structure that was previously approved. If the off-street parking request is approved, the owners can expand the presently existing structure. Mr. Johnsen stated

9.16.82:371(22)

10199 (continued)

Presentation:

The Staff advised the application had been withdrawn.

10200

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell new and used automobiles in a CS District at 3866 South Sheridan Road.

Presentation:

Burl Hawkins, 3866 South Sheridan Road, advised this lot had been a car lot for some time before he purchased it in 1974, but he didn't realize it was not certified until he requested to move a portable building on the lot. The Building Inspector would not issue a permit for the building because an exception had not been granted for the car lot.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted 3-0 (Jolly, Purser, Smith voting "aye"; no "nays"; Lewis "absent") to approve an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell new and used automobile in a CS District on the following described tract:

A tract of land, containing 0.913 acres in the NE/4 of the East 1/4 of Section 22, Township 19 North, Range 13 East, Tulsa County, Oklahoma, said tract being described as follows; to-wit:

Starting at the Southeast corner of said NE/4 of the East 1/4 of Section 22, Township 19 North, Range 13 East, Tulsa County, Oklahoma, thence North along the East line of Section 22 for 100'; thence West at a right angle for 50' to the point of beginning of said tract, said point of beginning also being the Northerly right-of-way line of the U. S. Highway #66; thence North and parallel to the East line of Section 22 for 200'; thence West at a right angle for 150'; thence North at a right angle, and parallel to the East line of Section 22 for 330.16' to a point on the Northerly right-of-way line of U. S. Highway #66 Bypass; thence Northeast along the right-of-way line for 198.60' to the point of beginning, said tract being described as follows; to-wit:

ial
of the

10201

Action Requested:

Variance (Section 430 - Bulk and Area Requirements) Under the Provisions of Section 430 (Exhibit 1) to allow front and side setbacks at 4848 South 36th West Av. advised he

Presentation:

Phil Bowlin, 4848 South 36th West Av. 2.78:272(5) "D-1") and a plot plan with picture showing he wanted to add 16' to the front and

10009 (continued)

Protests: None.

Staff Comments:

Mr. Gardner noted if this is private property it still requires the exception in the IL District; the record states the owner is Tulsa Airport Authority, but if that is incorrect it still can be approved by an exception.

Board Action:

Upon MOTION of JOLLY, the Board 3-0 (with Jolly, Purser and Smith voting "aye"; Lewis and Walden "absent") approved an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1202 - Area-Wide Special Exception Uses) to use property for airport use; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) to permit building within 87' from the center line of Sheridan, per plot plan submitted, in an IL District, on the following described tract:

A tract of land in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma; being particularly described as follows:

Beginning at a point 1,117.2' South and 60.0' East of the NW corner of Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma. Proceeding thence South 59°-53'-33" East a distance of 285.65' to a point; thence South 30°-09'-57" West a distance of 282.96' to a point; thence North 56°-47'-18" West, a distance of 117.74' to a point; thence North 1°-08'-18" West, a distance of 323.52' to the point of beginning. All of which describes a tract of land encompassing 1.31 acres, more or less.

10010

Action Requested:

Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a modification of the fencing requirements on the west and east boundary lines; and a Variance (Section 630 - Bulk and Area Requirement in the Office Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements; and a Variance of the 25% floor area ratio; and for a variance to permit a two-story building in an OL District located at 5525 East 71st Street.

Presentation:

David Loeffler, Jr., Attorney for T & W Investment Properties, advised the Board of the surrounding zoning classifications, pointing out that the subject property is the last remaining single-family residence in the area, bordered on the west by property that is not zoned, but developed as a Bell Telephone facility. To the north and east of the property will be apartments, and directly east of the subject property will be the clubhouse of the apartment complex. He stated the applicant is requesting a waiver of the fence on the west line, adding that

6.15.78:263(14)

the apartment complex will install a partial fence on the east line, leaving the rest of the property in its natural state. If the City takes an additional 25-foot easement from the center of the road, it is requested that the 60-foot setback requirement be waived to 38 feet; the floor area ratio will run 39% instead of 25%.

Referring to the Site Plan (Exhibit "G-1") Mr. Loeffler stated that the proposed structure will hold operational equipment and will be of the same construction as the apartment buildings next to it. Upon questioning from the Board Mr. Loeffler agreed to submit a copy of the architect's drawing to the Board. Mr. Loeffler continued by saying the structure will also be owner-occupied. He also said the parking ratio requirement will be met whether the City takes the 25-foot easement or not; 20 spaces is the requirement, and Mr. Loeffler pointed out there will be 29 to 40 or 45 parking spaces.

On questioning from the Board, Mr. Loeffler clarified that regarding the setback requirement from 71st Street, the parking lot will be 38 feet instead of 60 feet as per the architect's drawing. As to the building, a waiver of 11 feet is being requested.

Mr. Gardner pointed out that the Board's ruling should not be based on using any parking spaces in the additional right-of-way; the applicant must meet the minimum parking requirement after dedication.

Protests: None.

Board Action:

Upon MOTION of JOLLY, the Board 3-0 (with Jolly, Purser and Smith voting "aye"; Lewis and Walden "absent") approved an Exception (Section 250.3 - Modification of Screening Wall or Fence Requirements) for a modification of the fencing requirements on the west and east boundary lines; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements; and a variance of the 25% floor area ratio; and for variance to permit a two-story building in an OL District, as per plot plan submitted and per the presentation (no waiver of off-street parking, applicant required to dedicate additional right-of-way in platting), on the following described tract:

Beginning 330' East of the Southwest corner of the SE/4 of the SW/4; thence East 140'; thence North 207'; thence West 140'; thence South 207' to the point of beginning in Section 3, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, commonly known as 5525 East 71st Street.

10011

Action Requested:

Variance (Section 1221.5 (2) (a) - and Section 1221.3 (a) - Business Signs and Outdoor Advertising - Under the Provisions of Section 1670-

Variances) to permit an outdoor sign closer than 40' from an R District; and a variance of more than one ground sign over 1.5 square feet of display surface, in a CS District, located at 3866 South Sheridan Road.

Presentation:

Bill Stokely, the applicant, submitted a photograph (Exhibit "H-1") as the results of the Board's last favorable decision and stated the property owner has had numerous comments that the property has been improved by the sign being installed at 51st and Yale. Mr. Stokely also submitted a photograph (Exhibit "H-2") of the proposed site pointing out the location of the proposed sign. He noted the Tulsa Scottish Rite building with a sign to the west of the proposed sign as being in a residential area; and stated a variance from 40' to 6' from a residential area is requested; and a variance from 1.5 square feet to which will be built so as not to block the Scottish Rite sign in any way.

Upon questioning from the Chair, Mr. Stokely stated the square footage of the single-faced sign will be 672 square feet, 14' x 48' and 39' high. Upon questioning from the Board, the Exhibited "H-1" photograph is a comparable sign with the same dimensions.

Upon questioning from the Chair, Mr. Gardner stated that approval of the 51st and Yale sign was based on removal of signs. Mr. Stokely pointed out there is a free-standing sign in the subject area which prevents the use of the 2.5 square feet. It was pointed out that if the applicant could use Sheridan and Skelly Drive he would only be permitted 597 feet, 75 square feet over and above what is requested.

Protests: None.

Board Action:

Upon MOTION of JOLLY, the Board 3-0 (with Jolly, Purser and Smith voting "aye"; Lewis and Walden "absent") approved a Variance (Section 1221.5 (2) (a) - and Section 1221.3 (a) - Business Signs and Outdoor Advertising - Under the Provisions of Section 1670 - Variances) to permit an outdoor sign closer than 40' from an R District; and a variance of more than one ground sign over 1.5 square feet of display surface, in a CS District as presented, subject to the Board being submitted an accurate plot plan prior to building the sign, on the following described tract:

A tract of land, containing 0.913 acres, in the NE/4 of the SE/4 of Section 22, Township 19 North, Range 13 East, Tulsa County, Oklahoma, said tract being described as follows; to-wit: Starting at the SE corner of said NE/4 of the SE/4; thence North along the East line of Section 22 for 150.74'; thence West at a right angle for 50' to the point of beginning of said tract, said point of beginning also being on the Northerly right-of-way line of the U. S. Highway #66 Bypass; thence North and parallel to the East line of Section 22, for 200'; thence West at a right angle for 150'; thence South at a right angle, and parallel to the East line of Section 22, for 330.16' to a point on the

6.15.78:263(16)

10011 (continued)

Northerly right-of-way line of the U. S. Highway #66 Bypass; thence Northeasterly along said right-of-way line for 198.60' to the point of beginning, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

10013

Action Requested:

Variance (Section 620 (d) (1) - Accessory Uses Permitted in the Office Districts. Under the Provisions of Section 1670 - Variances) to permit two 3' x 12' double-face illuminated ground signs in an OM District located southeast of 66th Street and Memorial Drive.

Presentation:

Lynn Meyer, Attorney for Woodland Bank, advised the subject signs are to be located at the entry of the Bank for identification purposes, per Site Plan (Exhibit "I-1"). Upon questioning by the Chair, Mr. Meyer stated the proposed signs measure 3' x 12' per drawing (Exhibit "I-2") are very attractive and unobtrusive; are located at the back part of the Bank about 300 feet away from Memorial Drive.

Mr. Gardner noted there are three street frontages, permitting 32 square feet and three different signs. The applicant is requesting a variance of 4 square feet for each of the two signs; therefore the actual footage is less.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (with Jolly, Purser and Smith voting "aye"; Lewis and Walden "absent") approved a Variance (Section 620 (d) (1) - Accessory Uses Permitted in the Office Districts - Under the Provisions of Section 1670) to permit two 3' x 12' double-face illuminated ground signs (constant light) in an OM District per plot plan submitted, on the following described tract:

Lot 1, Block 3, Woodland Hills Mall to the City of Tulsa, Oklahoma.

CHUCK LANGE
ZONING OFFICIAL
PLANS EXAMINER

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



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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Meenakshi Krishnasamy
815 E 3 ST
Tulsa, OK 74120

July 30, 2020

Phone: 918.992.6257

APPLICATION NO: ZCO-065378-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3866 Sheridan Rd
Description: Drive-through lane

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 THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT 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" [X] IS [] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

9.15

REVIEW COMMENTS

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

ZC)-065378-2020

3866 S Sheridan Rd

July 30, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office at 918-584-7526 or esubmit@incog.org. It is your responsibility to submit to our office documentation of any 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.55.100-C2: All areas associated with drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows must be located to the rear or on the non-street-facing side of the property.

Review comment: Submit a site plan providing the drive-through facility on the non-street facing side of the property. You may consider a Variance to allow the drive-through on the street facing (*Skelly Drive*) side of the property.

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

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

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

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

END – ZONING CODE REVIEW

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

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

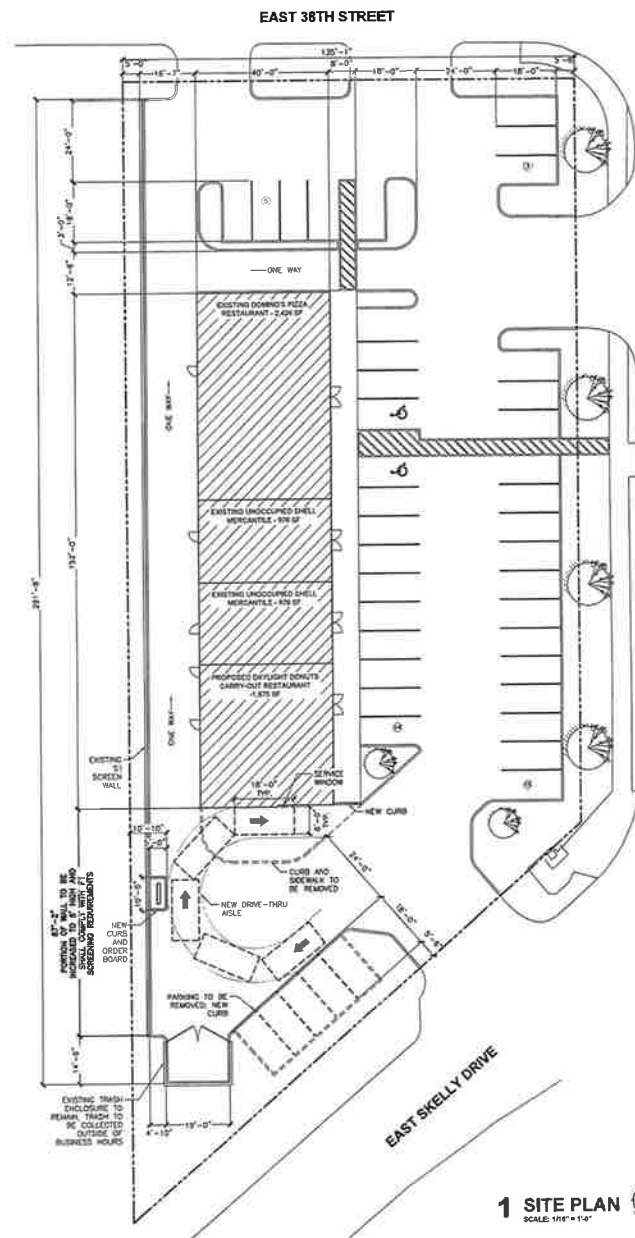
GENERAL NOTES:

TENANT: DAYLIGHT DONUTS
HOUR OF OPERATION: 6AM-12PM 7 DAYS/WEEK

- CONTRACTOR TO PROVIDE TRAFFIC CONTROL BARRIERS TO CONTROL ACCESS DURING CONSTRUCTION. ALL CONSTRUCTION ZONES SHOULD BE CLEARLY IDENTIFIED TO MINIMIZE PUBLIC CONFUSION.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VISIT THE SITE PRIOR TO BIDDING TO INSPECT THE SITE AND FAMILIARIZE HIMSELF WITH EXISTING CONDITIONS AFFECTING AREAS OF NEW CONSTRUCTION. THE CONTRACTOR SHALL NOT DISPUTE OR ASSERT THAT THERE IS ANY MISUNDERSTANDING IN REGARDS TO LOCATION, EXTENT, NATURE OR AMOUNT OF WORK TO BE PERFORMED UNDER THIS CONTRACT DUE TO THE CONTRACTOR'S FAILURE TO PERFORM THESE DUTIES.
- THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING ALL EXISTING UNDERGROUND UTILITIES IN ALL AREAS AFFECTED BY NEW WORK PRIOR TO COMMENCEMENT OF ANY EXCAVATION.
- FIELD VERIFY IS DEFINED AS: THE GENERAL CONTRACTOR IS REQUIRED TO FIELD SURVEY THE NOTED CONDITION AND/OR DIMENSION PRIOR TO CONSTRUCTION OR PREPARATION OF SUBMITTAL SHOP DRAWINGS AND INTEGRATE FIELD SURVEY INFORMATION INTO THE CONSTRUCTION.

ZONING

CS: SHOPPING CENTER DISTRICT
TOTAL BUILDING AREA: 6,061 SF
ADJACENT LOT: RM-2



PARKING

TOTAL AREA: 6,061 SF
TENANT: DAYLIGHT DONUTS
CARRY-OUT RESTAURANT
1,075 SF/1,000 x 2.6 = 5
ADJACENT TENANTS:
RESTAURANT (DOMINO'S PIZZA)
2,424 SF/1,000 x 8.5 = 21 SPACES
MERCANTILE (UNOCCUPIED)
1,962 SF/1,000 x 1.33 = 11 SPACES
TOTAL REQUIRED: 33 SPACES
TOTAL PROVIDED: 37 SPACES



wdesign
ARCHITECTURE & INTERIORS
815 E. 3rd Street, Suite C
Tulsa, OK 74120
Office: 918.794.6616
Fax: 918.794.6602
www.wdesignstudio.com



PROJECT:

**DAYLIGHT
DONUTS**

PROJECT #
18201.02

3866 S. SHERIDAN RD.
SUITE 104
TULSA, OK 74145

CONSULTANT:

REVISIONS:

ISSUE DATE:

07.08.2020

SHEET NAME:

SITE PLAN

SHEET #:

A101

DRAWN BY: CMS

9.17



0 Feet
200 400



Subject
Tract

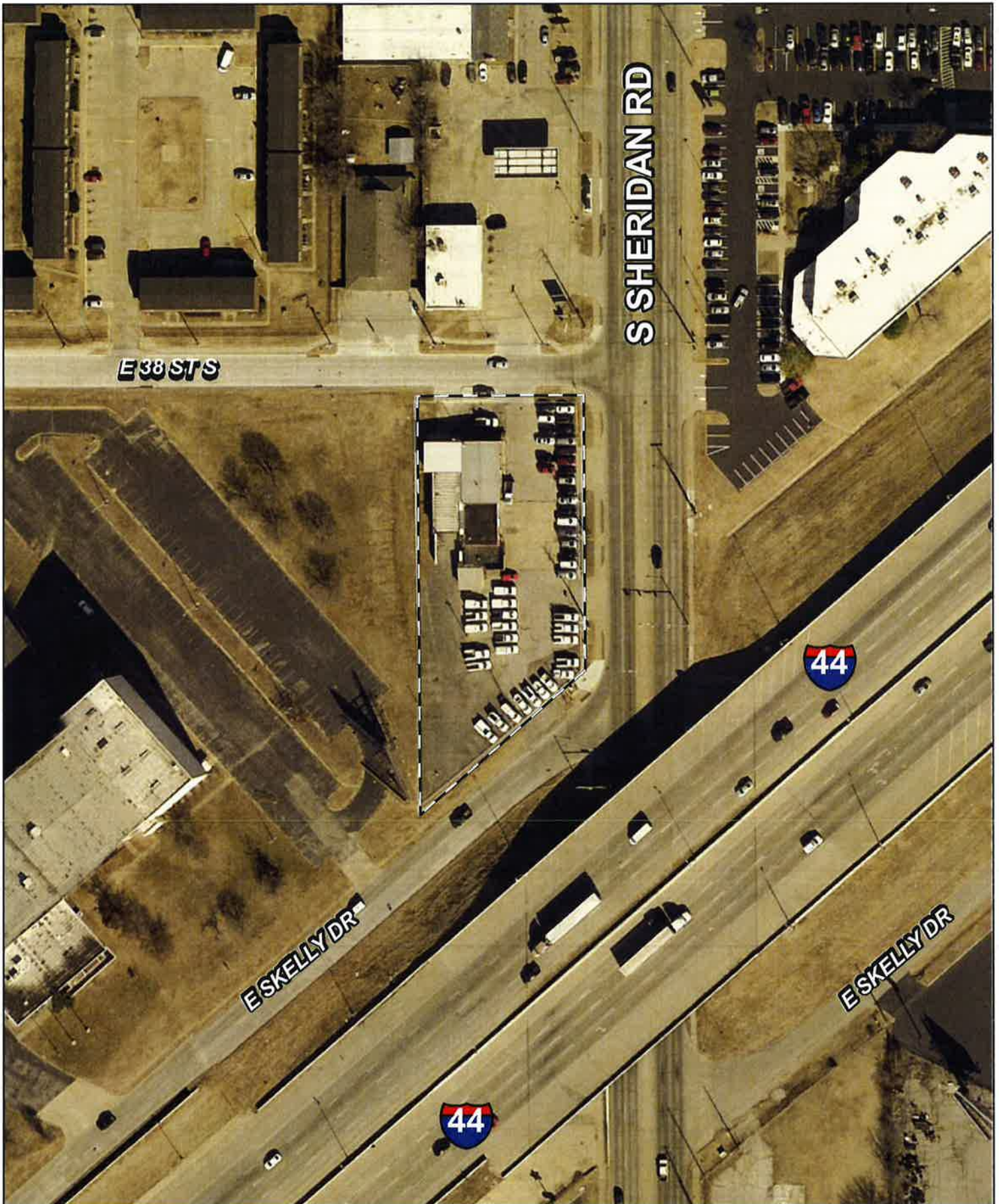
BOA-22991

19-13 22

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

Aerial Photo Date: February 2018





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Feet



Subject
Tract

BOA-22991

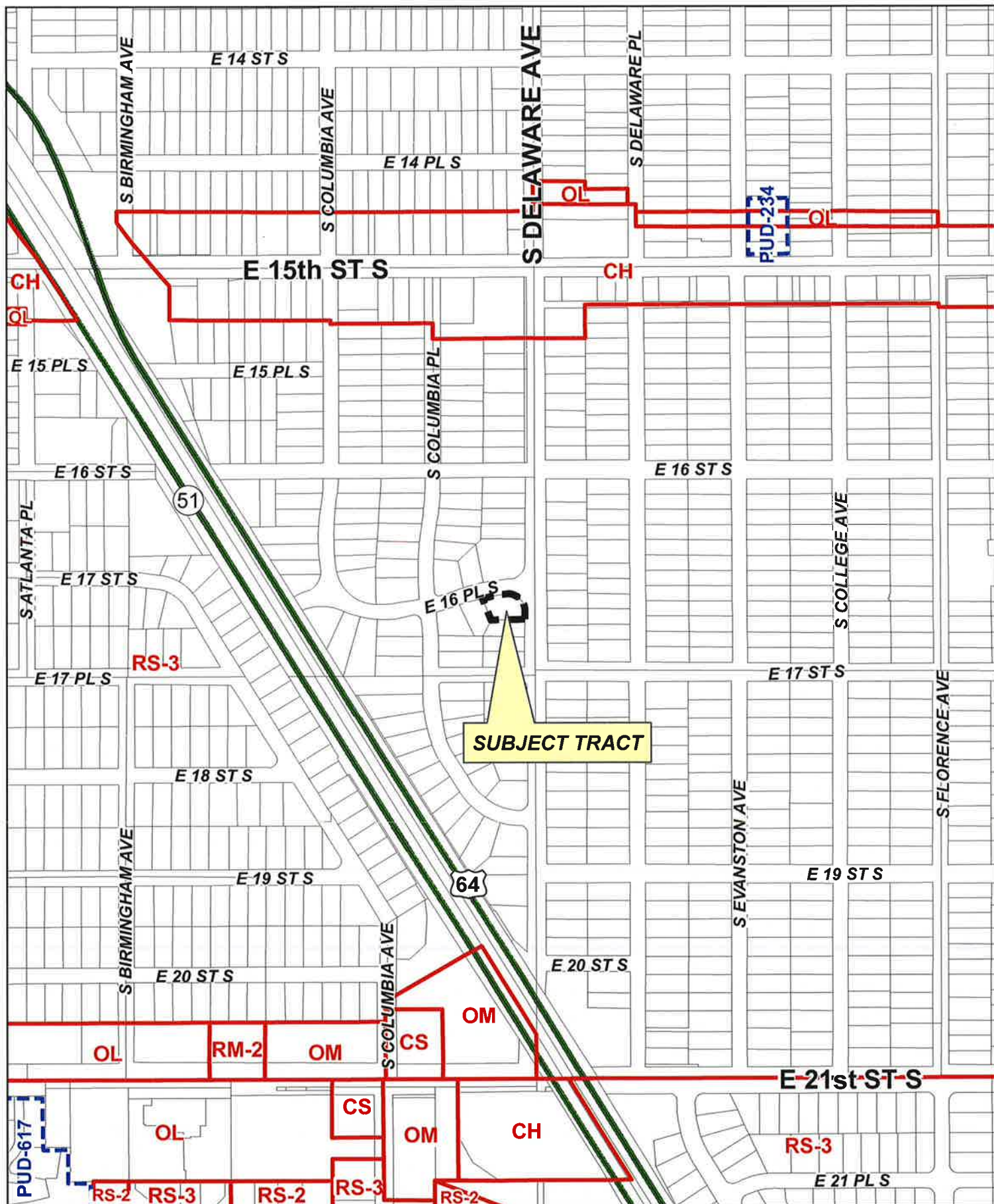
19-13 22

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

Aerial Photo Date: February 2018



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BOA-22992

10.1

19-13 08



BOARD OF ADJUSTMENT CASE REPORT

STR: 9308

Case Number: **BOA-22992**

CZM: 37

CD: 4

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Shirley Ferguson

ACTION REQUESTED: Special exception to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1)

LOCATION: 1634 S DELAWARE AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6830.24 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 5, GLENDALE ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

BOA-22191; On 01.24.17 the Board approved a variance of the rear setback from 20' to 7' 11" to permit a garage addition. Property Located 1630 S. Columbia Ave.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the SW/c of E. 16th Pl. S. and S. Delaware Ave.

STAFF COMMENTS: The applicant is requesting a **Special Exception** to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1) to permit the reconstruction and expansion of an existing carport. The applicant is seeking to modify the allowable dimensions identified in section B. and C. of Sec. 90.090-C.1

10.2

1. Carports

Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 90.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.

TULSA ZONING CODE | July 1, 2020
page 90-6

Chapter 90 | Measurements
Section 90.090 | Setbacks

- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed.

The proposed carport would be 27' 4" long by 20' 4" wide and would be 9' 2" tall.

SAMPLE MOTION:

Move to _____ (approve/deny) a ***Special Exception*** to allow a carport in the street yard and street setback in an RS-3 District with modifications to its allowable dimensions (Section 90.090-C.1).

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

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

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **CONTINUE** the request for a Variance of the required street setback from East 101st Street from 35 feet to 20 feet; Variance of the required street setback from South Joplin Avenue from 15 feet to 5 feet (Section 5.030); Variance of the allowable height of detached accessory buildings from 10 feet to 11 feet to the top of the top plate (Section 90.90.C.a.1) to the February 14, 2017 Board of Adjustment meeting; for the following property:

LT 20 BLK 3, SUN MEADOW, City of Tulsa, Tulsa County, State of Oklahoma

22191—Mark Nelson

FILE COPY

Action Requested:

Variance of the rear setback from 20'-0" to 7'-11" to permit a garage addition attached by a breezeway (Section 5.030-A). **LOCATION:** 1630 South Columbia Place East (**CD 4**)

Presentation:

Mark Nelson, Architect, 1927 South Boston, #207, Tulsa, OK; stated that originally the owner wanted a detached garage behind the existing duplex. However, the subject property is in the City of Tulsa regulatory flood plain and due to the regulations, which are vague in regards to detached garages, the City said they could give their approval if the proposed garage was attached to the duplex. He is proposing to attach the new garage to the existing duplex via a breezeway.

Mr. Van De Wiele asked Mr. Nelson if the existing garage was attached to the duplex. Mr. Nelson answered affirmatively and stated the proposed new garage will be attached to the existing garage.

Mr. Flanagan asked Mr. Nelson if the breezeway would be garage to garage. Mr. Nelson answered affirmatively and the new garage will be used as additional storage.

Mr. Van De Wiele asked Mr. Nelson to state the hardship for the request. Mr. Nelson stated if the property were not in a flood plain the garage would be allowed as a detached structure.

Mr. Bond asked Mr. Nelson when the house was built. Mr. Nelson stated that it was built in the late 1920s.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

FILE COPY

BOA-22191

Board Action:

On **MOTION** of **BACK**, the Board voted 4-0-0 (Back, Bond, Flanagan, Van De Wiele "aye"; no "nays"; no "abstentions"; White absent) to **APPROVE** the request for a **Variance** of the rear setback from 20'-0" to 7'-11" to permit a garage addition attached by a breezeway (Section 5.030-A), subject to conceptual plan 3.7. The Board finds the hardship to be the property is located within the City regulatory flood plain area, therefore, a detached garage would not have worked for the applicant; they need to attach the garage and that goes to the building setback and not the accessory structure setback. 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:

LT 8 BLK 2, GLENDALE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22193—Crown Neon Signs – Gary Haynes

Action Requested:

Special Exception to allow a dynamic display in the RS-3 District (Section 60.050.2.c). **LOCATION:** 6730 South Sheridan Road East (**CD 5**)

Presentation:

Gary Haynes, Crown Neon Signs, 5676 South 107th East Avenue, Tulsa, OK; stated the dynamic display portion of the sign will be installed underneath the existing the current sign.

Mr. Van De Wiele asked Mr. Haynes if the top part of the sign is going to remain the same. Mr. Haynes answered affirmatively.

01/24/2017-1176 (9)

10.5



Facing South on Delaware



Subject property with existing Carport



Facing West on 16th Pl. S.

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

Lantz Newell
Applied Home Solutions
appliedhomesolutions@cox.net

3/14/2020

APPLICATION NO: ZN LOD 55289-2020 (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1634 S Delaware Ave

Description: Carport Addition

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 ☒ 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 0000-2020**

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.

Special exception approval required; see §90.090-C1.

1. **Sec.90.090-C.1 Carports:** Carports are allowed in street setbacks and yards in R zoning districts only if approved in accordance with the special exception procedures of Section 70.120. Any carport that occupies all or a portion of the street setback or street yard area must comply with the following regulations, unless otherwise expressly approved by the board of adjustment as part of the special exception process:

- a. A carport may be a detached accessory building or an integral part of the principal building.
- b. The area of a carport may not exceed 20 feet in length by 20 feet in width.
- c. A detached carport may not exceed 8 feet in height at its perimeter or 18 feet in height at its highest point. A carport erected as an integral part of the principal building may not exceed 8 feet in height within 10 feet of a side lot line or 18 feet at its highest point.
- d. The carport structure must be setback from side lot lines by a minimum distance of 5 feet or the depth of the principal building setback, whichever is a greater distance from the side lot line.
- e. The carport structure may project into the required street setback by a maximum distance of 20 feet. This distance must be measured from the required street setback line or the exterior building wall of the principal building, whichever results in the least obstruction of the street setback.
- f. All sides of a carport that are within the required street setback must be open and unobstructed, except for support columns, which may not obstruct more than 15% of the area of any side.
- g. The entire area under a carport may be used only for storage of operable, licensed motor vehicles (i.e., cars, boats, pickup trucks, vans, sport utility vehicles), which are customarily accessory to the dwelling. No other use of the carport area is allowed

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

Review comment: The proposed carport addition is located in the street setback and requires a special exception granted by the BOA. Please contact an INCOG representative at 918-584-7526 for further assistance in obtaining a special exception.

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.

August 5, 2020

RE: City of Tulsa Board of Adjustment Owner Hardship Statement for 1634 S. Delaware Avenue

To Whom it May Concern,

We are requesting your approval to extend our existing carport because as it is now it does not cover our vehicles completely. The current carport size of 12'-2" in length leaves our cars exposed to potential damage during severe weather conditions. The house is a 1930s Spanish Eclectic style located in the Florence Park neighborhood. My husband and I love our 90 year old home and take great pride in its upkeep. Our desire is to keep its design esthetic while maintaining the architectural integrity of the house and protect our vehicles.

We request approval of a Special Exception per Section 90.090-C1. Carports and Variance for items B and C to construct a carport extension to the existing carport into the setback at a height greater than 8 feet to retain the unique character and scale of the design of the residence. The existing configuration of the house, location of the existing carport, and driveway with the property limits the direction of the expansion of the existing carport into the 16th Place setback. Also it is desired for the proposed extension to match the existing carport width of 20'-4" and we propose a construction height of 1 foot lower than the existing carport height which would allow us to still accommodate the extreme grading change and space requirements under the carport. The proposed design for the carport extension is shown on the attached documents.

Thank you for consideration,

A handwritten signature in black ink that reads "Shirley Ferguson". The signature is written in a cursive, flowing style.

Shirley Ferguson
1634 S. Delaware Avenue Homeowner

February 28, 2018

To Whom It May Concern:

We are writing in support of our neighbors efforts to construct a carport extension for their home at 1634 South Delaware Ave. in Tulsa, Oklahoma.

Shirley and Kent Ferguson have been our neighbors for years, and their home remains one of the most admired in the neighborhood due to their meticulous care of their property. We are fully confident that any structure they add to their home will enhance it's value, and add to the value of the neighborhood as a result.

We respectfully request that you allow them to move ahead with their construction plans! Please feel free to call us with any questions.

Sincerely,

Handwritten signatures of Al and Barbara Slagle Kiedaisch. The signature on the left is 'Al Kiedaisch' and the signature on the right is 'Barbara Slagle Kiedaisch'.


Al and Barbara Slagle Kiedaisch
1626 S. Delaware Ave.
918-742-1055


March 21, 2018


To whom it may concern,

We agree to the expansion of 8 feet to our neighbors existing carport located at 1634 South Delaware Ave. Tulsa, Oklahoma. The Fergusons are conscientious homeowners and we believe the enhancement will be esthetically pleasing and add value to their home as well as our neighborhood.

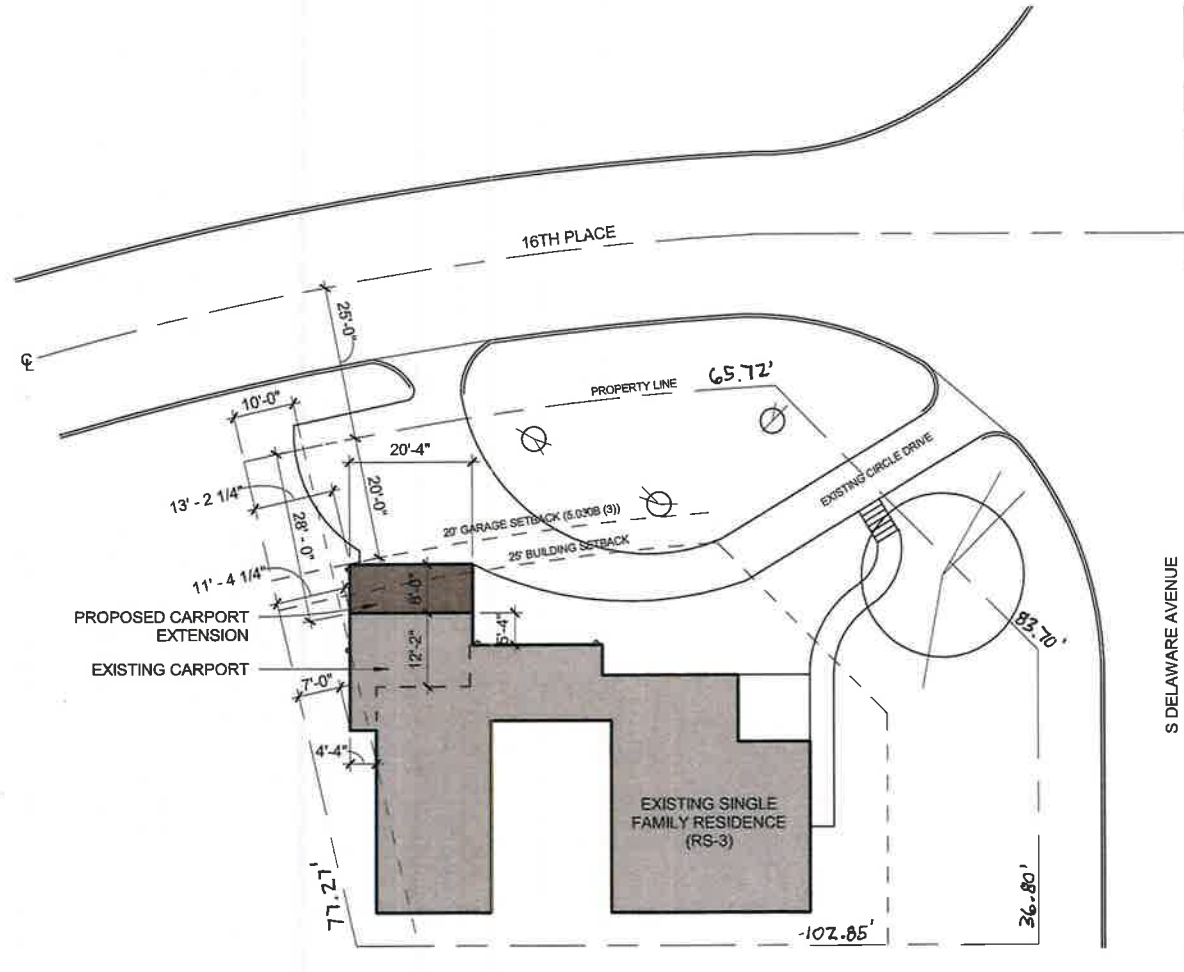
Thank you.


Attorney at Law
2236 E. 16th St.
Tulsa, OK 74104
918-584-2889


1637 S. Delaware Ave
Tulsa, OK 74104
918-894-1372


W: Brian Thomas
1631 S. Delaware Ave
Tulsa, OK 74104
918-605-5303

Nataliee Bendergraff
1629 S. Delaware Ave
Tulsa 74104
918-521-1715



1 SITE PLAN
1" = 20'-0"



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303
WWW.505ARCHITECTS.COM

**FERGUSON CARPORT
EXTENSION**

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

PROJECT NO.
20011

DRAWN BY
BT

SHEET TITLE
**ARCHITECTURAL
SITE PLAN**

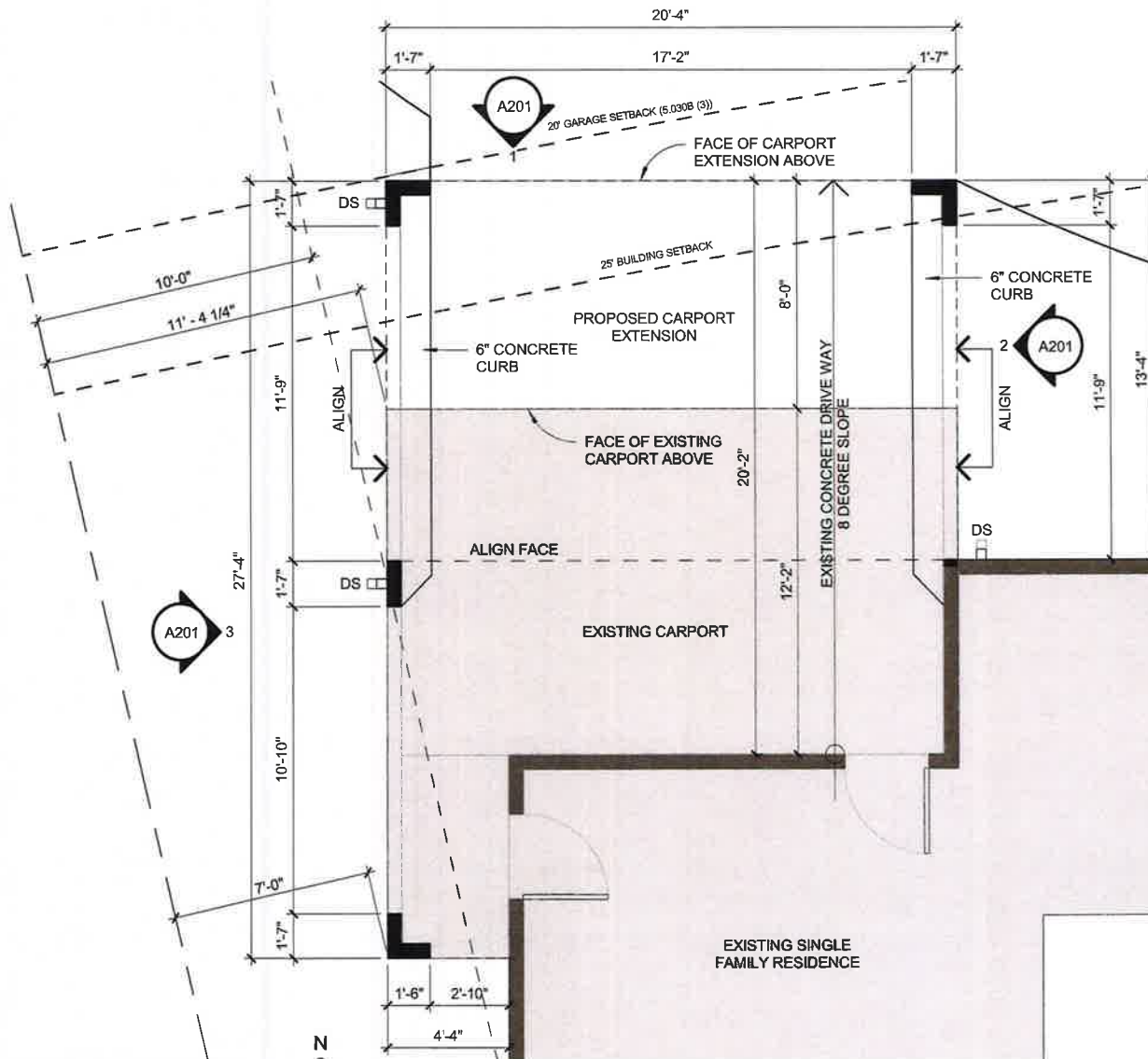
AS101

10.14

51.01

1 FLOOR PLAN

1/4" = 1'-0"



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

FERGUSON CARPORT EXTENSION

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

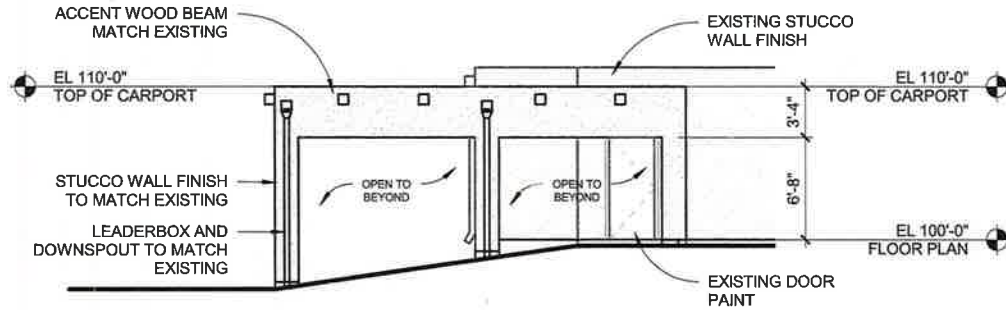
ISSUE DATE
08.05.2020

PROJECT NO.
20011

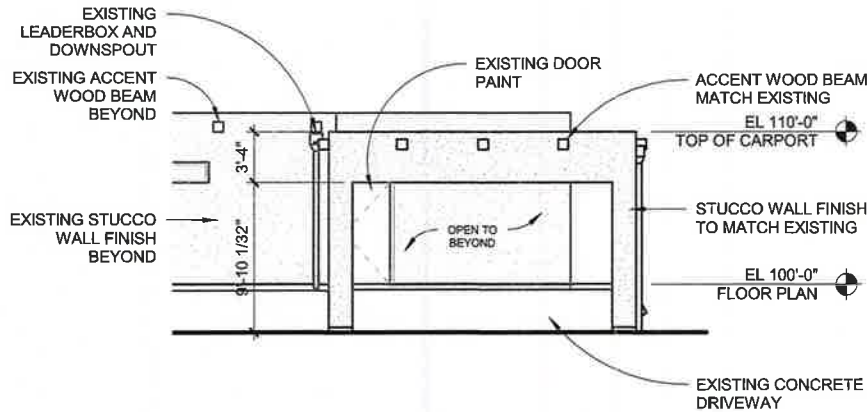
DRAWN BY
BT

SHEET TITLE
FLOOR PLAN

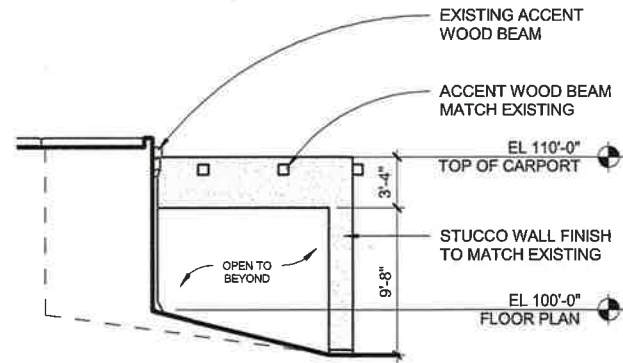
A101



3 ELEVATION - WEST
1/8" = 1'-0" | 1 - A101



1 ELEVATION - NORTH
1/8" = 1'-0" | 1 - A101



2 ELEVATION - EAST
1/8" = 1'-0" | 1 - A101



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

**FERGUSON CARPORT
EXTENSION**

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

PROJECT NO.
20011

DRAWN BY
BT

SHEET TITLE
**EXTERIOR
ELEVATIONS**

A201



NEW CARPORT EXTENSION
COLOR TO MATCH EXISTING
(SHOWN IN WHITE FOR CLARITY)



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

FERGUSON CARPORT EXTENSION

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

PROJECT NO.
20011

DRAWN BY
BT

SHEET TITLE
CONCEPT IMAGE

1 VIEW FROM NE
N.T.S.

FF901



1 EXISTING VIEW FROM NE
N.T.S.



1631 S DELAWARE AVENUE
TULSA, OKLAHOMA 74104
918.605.5303

WWW.505ARCHITECTS.COM

**FERGUSON CARPORT
EXTENSION**

1634 S. DELAWARE AVENUE
TULSA, OKLAHOMA
74104

ISSUE
01

ISSUE DATE
08.05.2020

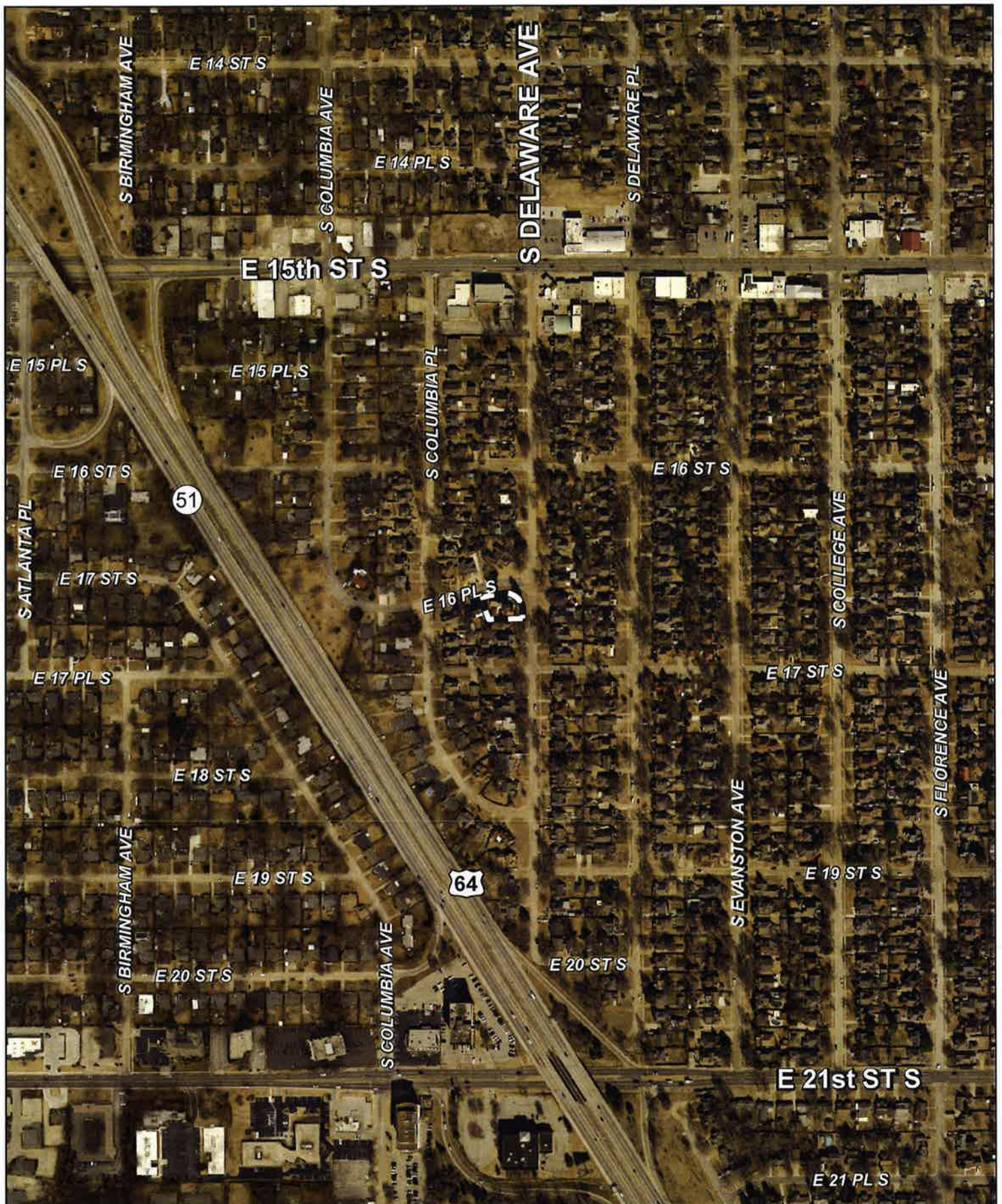
PROJECT NO.
20011

DRAWN BY
BT

SHEET TITLE
EXISTING IMAGE

FF902

© 2020 505 ARCHITECTS LLC



0 Feet 200 400



Subject
Tract

BOA-22992

19-13 08

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

Aerial Photo Date: February 2018



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Feet



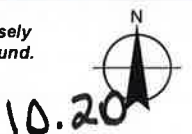
Subject
Tract

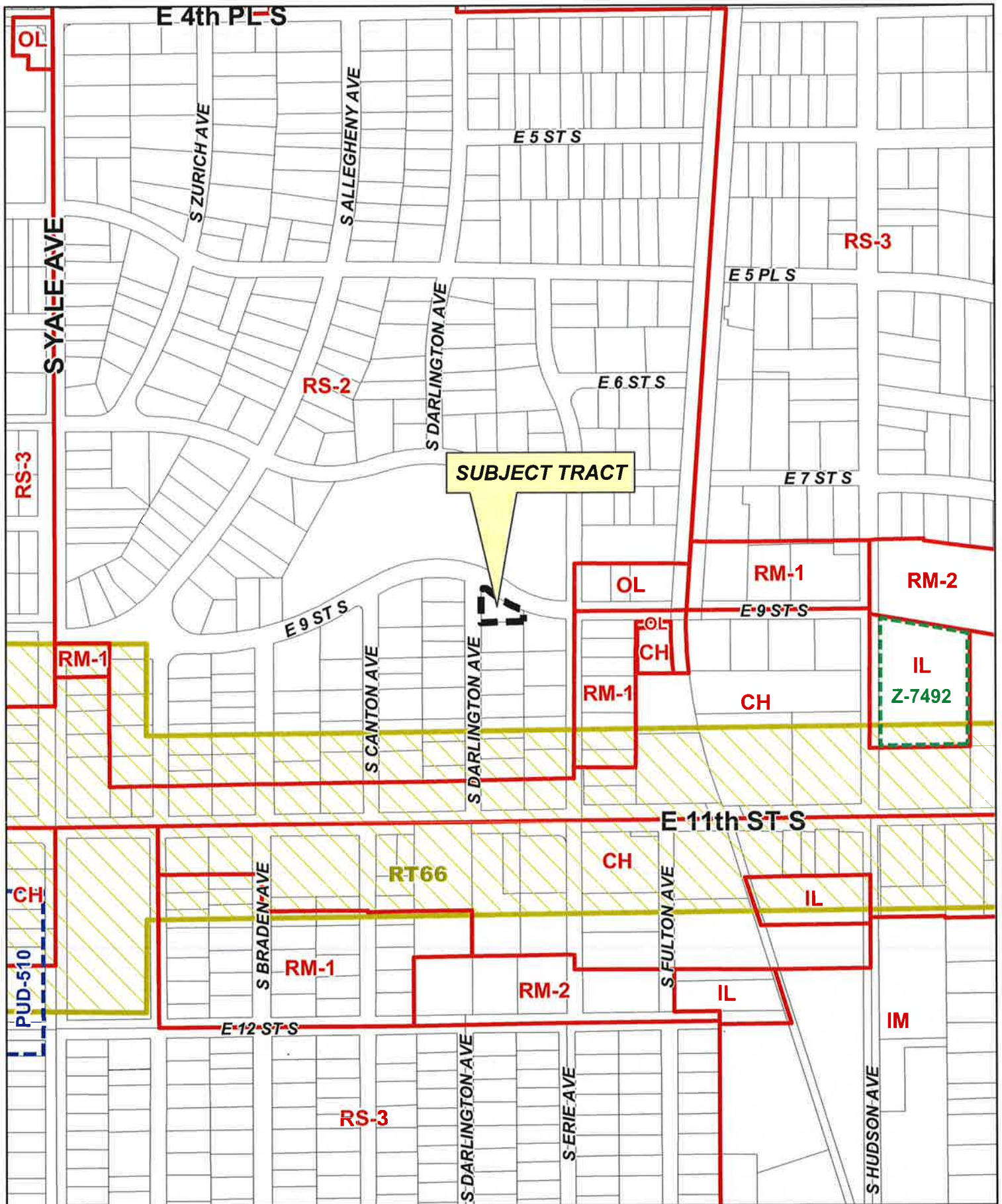
BOA-22992

19-13 08

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

Aerial Photo Date: February 2018





BOA-22993

19-13 03

11.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 9303

Case Number: **BOA-22993**

CZM: 38

CD: 5

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Duane Daniels

ACTION REQUESTED: **Variance** to reduce the required 15 foot side street setback and 20 foot setback for a street facing garage door for an accessory building in an RS-2 District (Section 5.030-A, Table Note 3)

LOCATION: 5302 E 9 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 10110.32 SQ FT

LEGAL DESCRIPTION: LOT 12 LESS S 100 BLK 27, WHITE CITY ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the SE/c of E. 9th St. and S. Darlington Ave. The Subject property is immediately across 9th Street from Braden park.

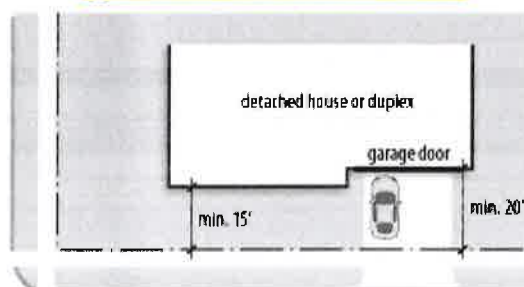
STAFF COMMENTS: The applicant is requesting a **Variance** to reduce the required 15 foot side street setback and 20 foot setback for a street facing garage door for an accessory building in an RS-2 District (Section 5.030-A, Table Note 3)

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 5-3](#):

- [1] See [Section 40.240](#) for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [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



11.2

STATEMENT OF HARDSHIP: Cannot meet the 15' Side setback from side street because of irregular shape of lot. If I reduce planned building width to 18' I can maintain a setback of 12.57'.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to reduce the required 15 foot side street setback and 20 foot setback for a street facing garage door for an accessory building in an RS-2 District (Section 5.030-A, Table Note 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."*



Braden Park is immediately across 9th street from subject property



Facing South on Darling the Subject property is the fenced property to the left



Subject property



Facing Northwest on 9th Street

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

Duane Daniels
daniels.d@mcintoshok.com

7/28/2020

APPLICATION NO: ZN LOD 55968-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 5302 E 9th St S

Description: 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.TYLERTECH.COM/ENERGOV4934/SELFSERVICE](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** ☐ **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 55968-2020

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.

2nd LOD Letter

1. **5.030-A – Setback(s) footnote [3]:** In the RS-2 zoned district 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.

Review Comments: Revise plans to indicate a 15 feet side setback or 20' for street-facing garage doors. If you are unable to meet the street setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required side street setback.

2. **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: Revise site plan to indicate 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.

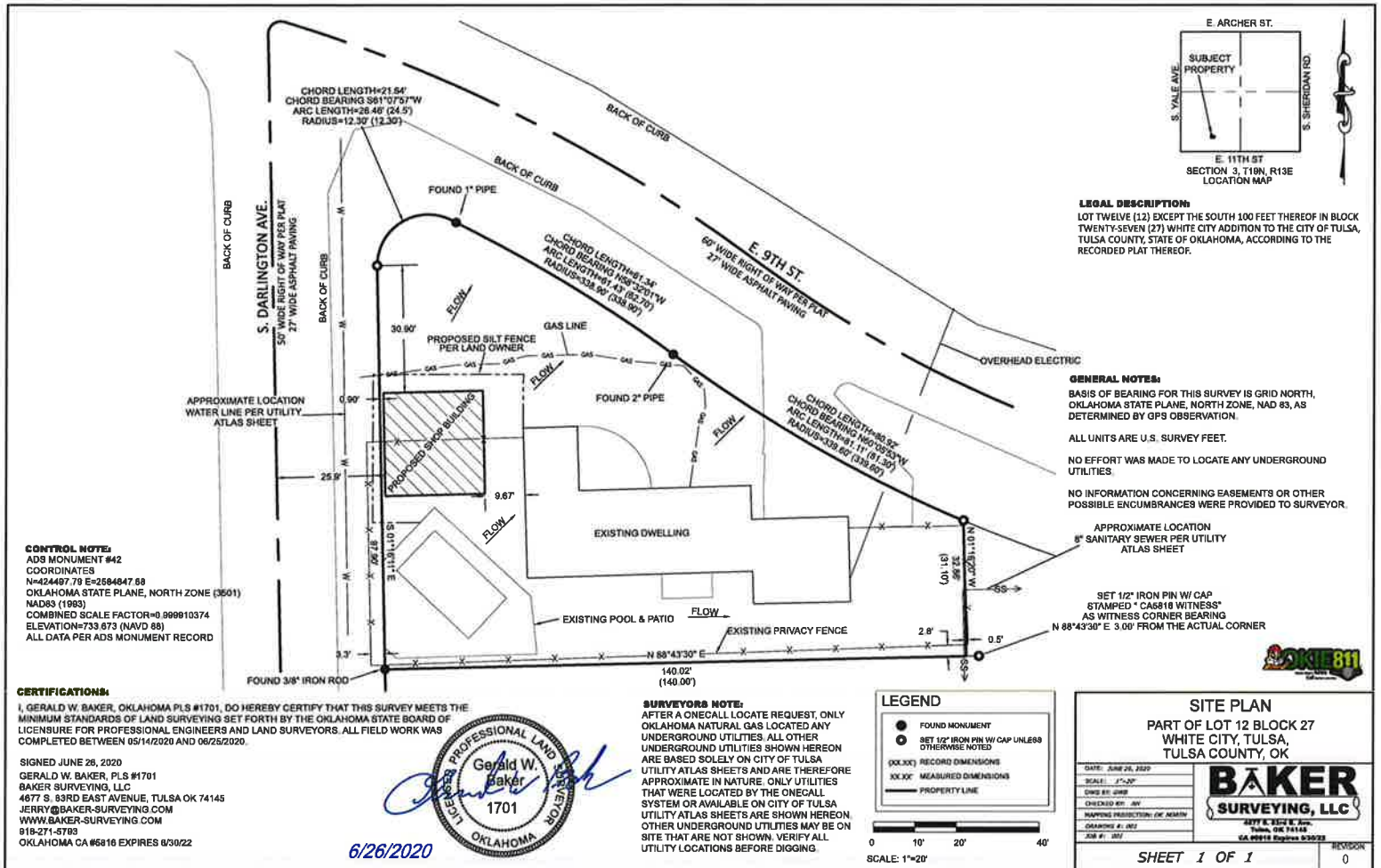
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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.





0 Feet 200 400



Subject Tract

BOA-22993

19-13 03

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

Aerial Photo Date: February 2018



11.10



0 50 100
Feet



Subject
Tract

BOA-22993

19-13 03

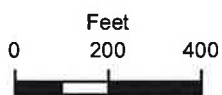
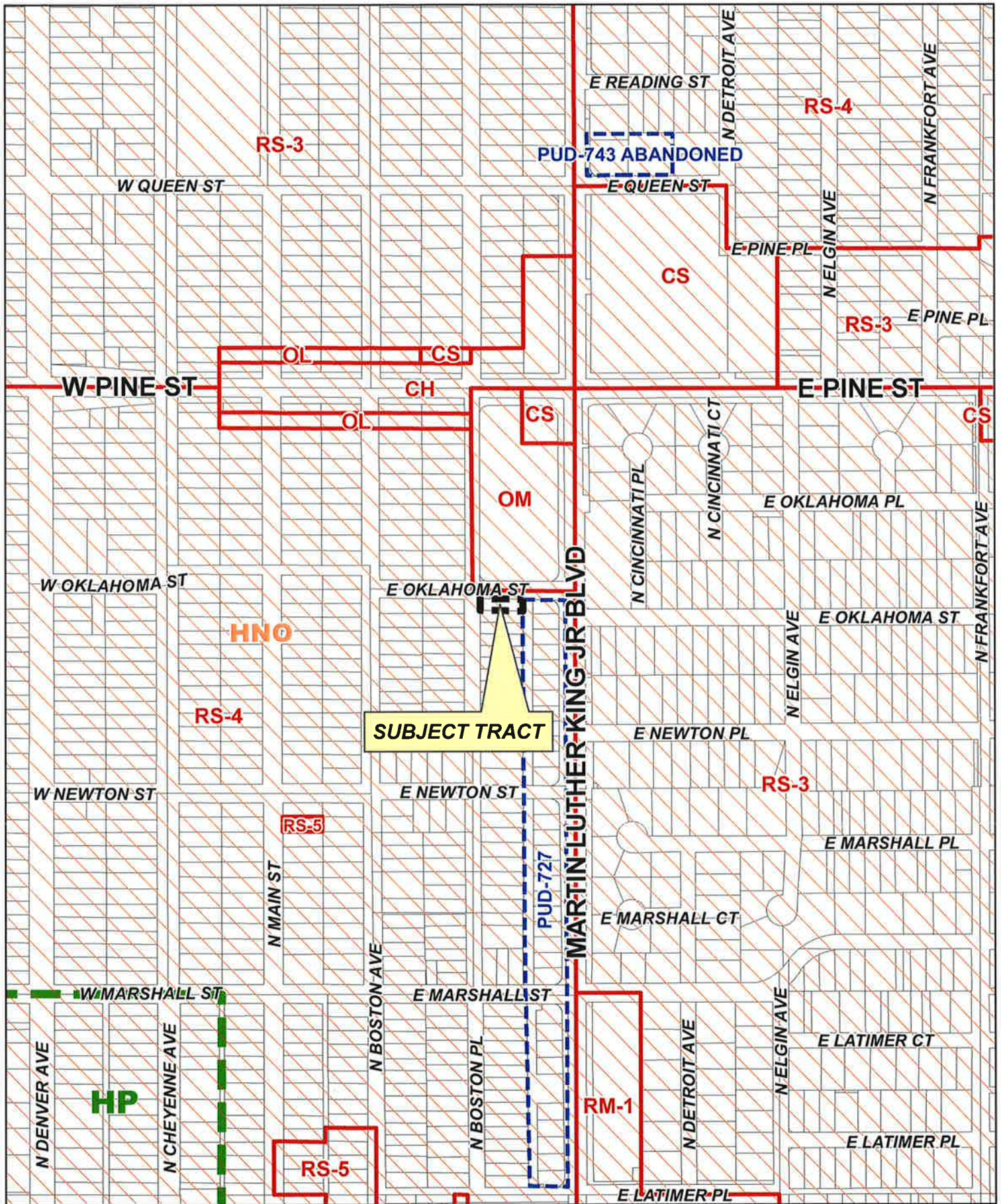
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018



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BOA-22994

20-12 35

12.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0235

Case Number: **BOA-22994**

CZM: 28

CD: 1

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Variance to reduce the 20 ' setback for a street facing garage (Sec. 5.030-A, Table Note 3,80.020-B); Variance to increase the maximum coverage area of the rearyard setback for a detached accessory building (Sec. 90.090-C.2, Table 90-2)

LOCATION: 1347 N BOSTON PL E

ZONED: RS-4

PRESENT USE: Residential

TRACT SIZE: 5244.65 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 2, ADAMS RESUB L5-19 B1 & L1-17 B2 CLINESS CREST ADDN

RELEVANT PREVIOUS ACTIONS: None.

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

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.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the SE/c of E. Oklahoma Street and N. Boston Pl.

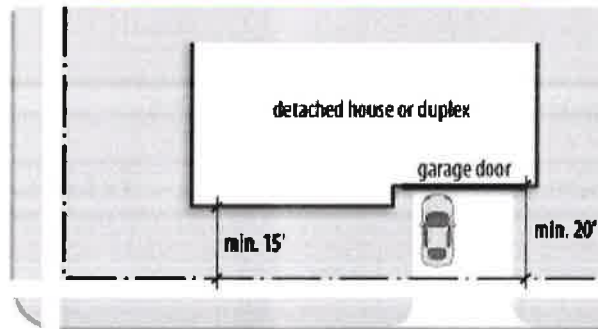
STAFF COMMENTS: The applicant is requesting Variance to reduce the 20 ' setback for a street facing garage (Sec. 5.030-A, Table Note 3; Sec.80.020-B); Variance to increase the maximum coverage area of the rearyard setback for a detached accessory building (Sec. 90.090-C.2, Table 90-2)

5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 5-3](#):

- [1] See [Section 40.240](#) for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [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



5.030-B Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in [Table 5-3](#):

- [1] See [Section 40.240](#) for detailed regulations governing mobile home parks.
- [2] Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
- [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

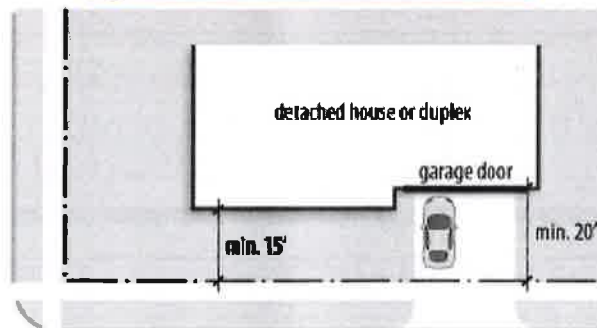


Table 90-2: Accessory Building, Including Accessory Dwelling Units, Coverage Limits in Rear Setback

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%

The lot is a part of a platted subdivision, but the width of the lot is only 38' which is less than the current 50' minimum lot width required by the RS-4 Zoning District. The non-conforming lot width allows the applicant to reduce their side street setback to 5', but they are still required to maintain a 20' setback for a street facing garage door. They are allowed 228 sq. ft. of coverage in the rear setback but are proposing 382 sq. ft. which is the equivalent of 50.3 % coverage of the rear setback.

STATEMENT OF HARDSHIP: None provided by the applicant at the time of application.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to reduce the 20 ' setback for a street facing garage (Sec. 5.030-A, Table Note 3; Sec.80.020-B); **Variance** to increase the maximum coverage area of the rearyard setback for a detached accessory building (Sec. 90.090-C.2, Table 90-2)

- 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



Facing East on Oklahoma



Rear yard of Subject Property



Side View of Existing Home

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

Raul Cisneros
raul@rcjdesigns.com

3/31/2020

APPLICATION NO: ZN LOD 55696-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Project Location: 1347 N Boston PI 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.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/ENERGOV4934/SELFERVICE) . 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" [X] IS [X] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)

REVIEW COMMENTS

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

Application No. **ZN LOD 55969-2020**

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. **5.030-A – Setback(s) footnote [3]:** In the RS-4 zoned district, the minimum side yard setback requirement for a garage facing a public street shall be 20' from the property line plus half the Right Of Way width which is 30'.

Review Comments: Revise plans to indicate a 50' street setback from center of Oklahoma street to the proposed accessory building. If you are unable to meet the street setback requirements mentioned above, then you will need to apply to the City of Tulsa Board of Adjustment (BOA) for a Variance to reduce the required street setback.

2. **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-4. 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; (38' X 20' X 30%) allows 228 sq ft of coverage. You are proposing 382 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.

3. **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 exceed 18 feet in height.

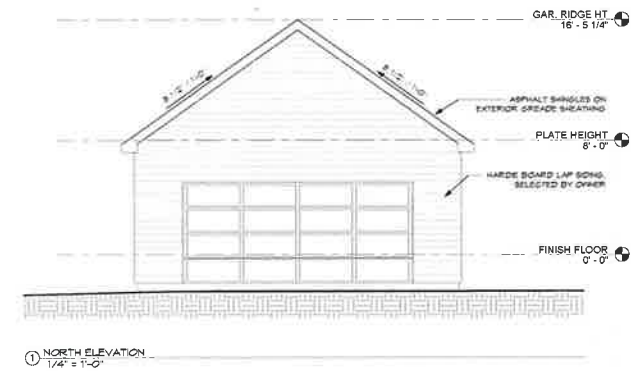
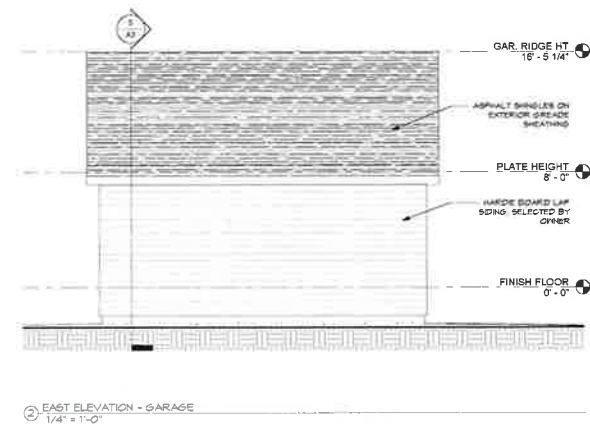
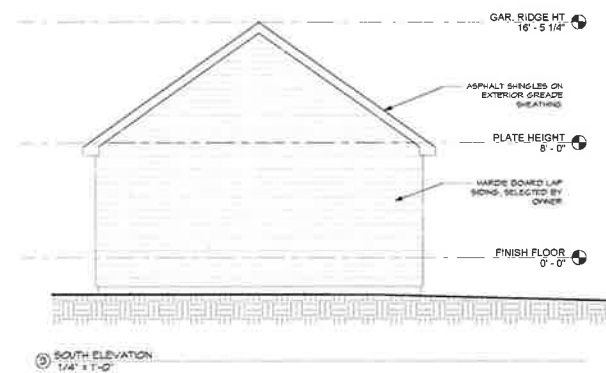
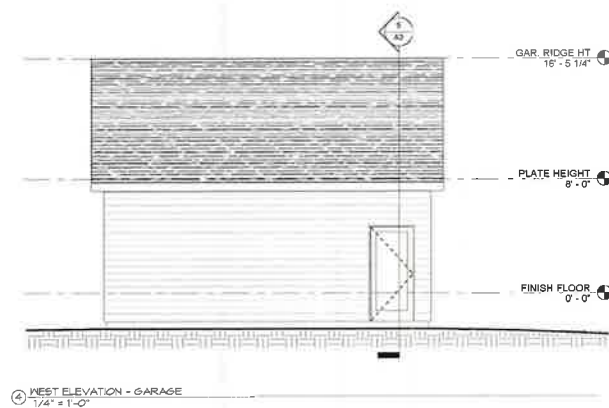
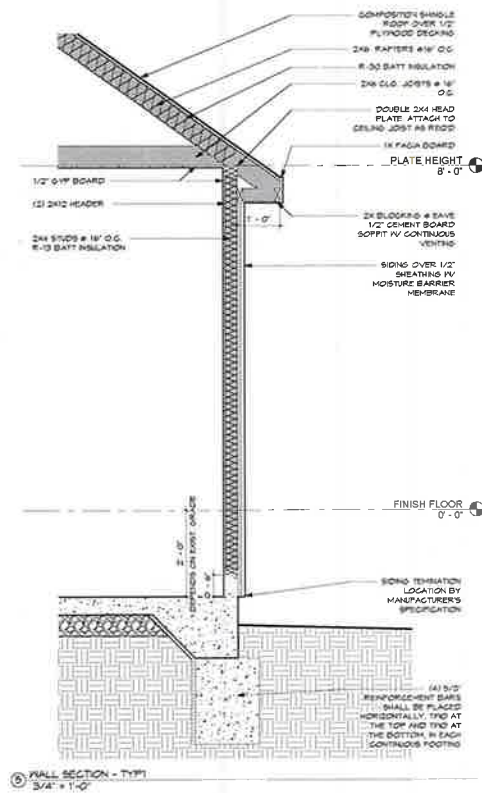
This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter. A hard copy of this letter is available upon request by the applicant.

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.



TULSA, OK
1918.858.9343
WWW.RCJDESIGNS.COM

CONSULTANT

PROJECT
**BOSTON RES.
DETACHED
GARAGE**

PROJECT # 201021

1347 N Boston Pl
Tulsa, OK 74106
United States

REVISIONS

No.	Description	Date

PROJECT STATUS

PERMIT SET

ISSUE DATE

02.28.2020

SHEET NAME

ELEVATIONS /
WALL SECTION

SHEET NUMBER

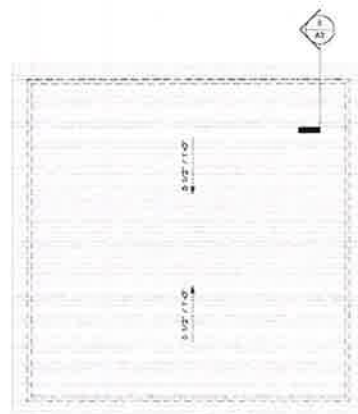
A3

12.12

ROOT PLAN

- ### LEGEND

ROOF PLAN



① ROOF PLAN - OVERALL
1/8" = 1'-0"

CONSULTANT

PROJECT

PROJECT # 20102.1

REVISIONS

No.	Description	Date
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PROJECT STATUS

ISSUE DATE

SHEET NAME

SHEET NUMBER

A5

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Feet



Subject
Tract

BOA-22994

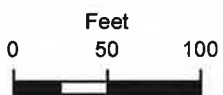
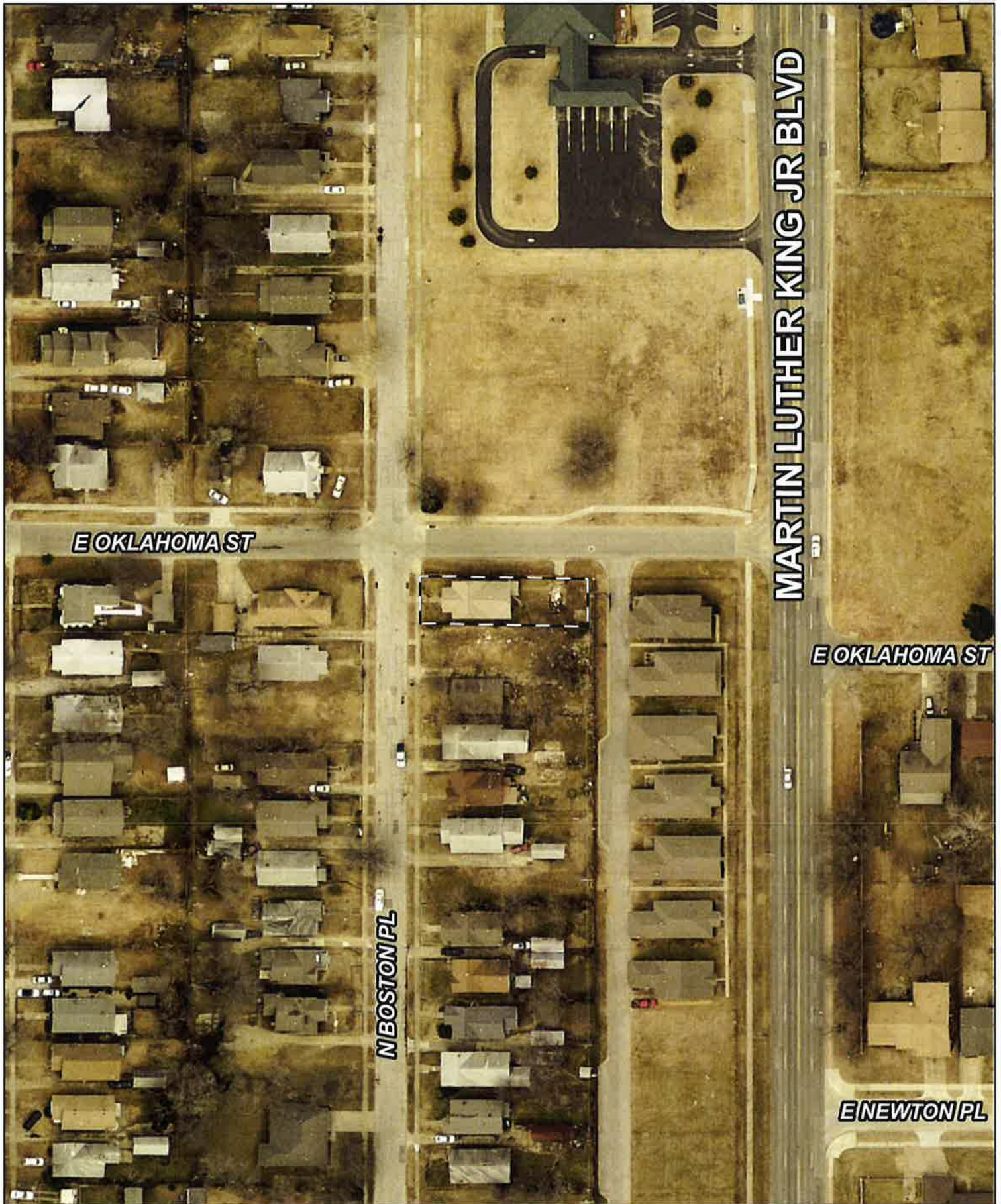
20-12 35

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

Aerial Photo Date: February 2018



12.14



Subject
Tract

BOA-22994

20-12 35

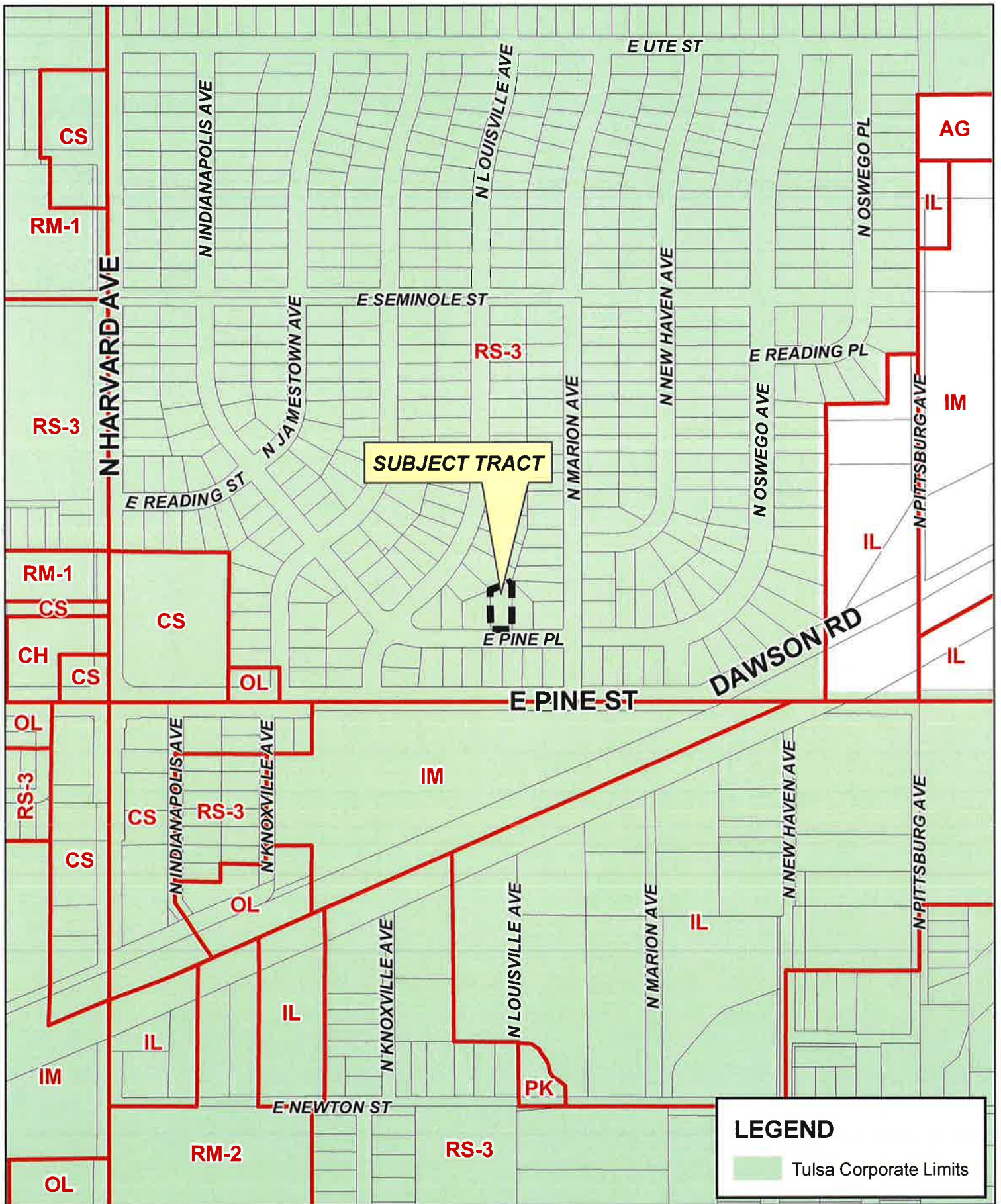
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Aerial Photo Date: February 2018



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BOA-22995

20-13 28

13.1



BOARD OF ADJUSTMENT CASE REPORT

STR: 0328

Case Number: **BOA-22995**

CZM: 29

CD: 3

HEARING DATE: 09/08/2020 1:00 PM

APPLICANT: Raul Cisneros

ACTION REQUESTED: Variance to allow the floor area of detached accessory buildings to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure (Section 45.030-A)

LOCATION: 3727 E PINE PL N

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 10441.37 SQ FT

LEGAL DESCRIPTION: LOT-19-BLK-1, LOUISVILLE HGTS ADDN B1-8

RELEVANT PREVIOUS ACTIONS:

Subject property: None

BOA-21635: On 10.08.2013 the Board **approved** a variance of the front and side setbacks for a corner lot. Property located 3707 East Pine St.

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 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. Louisville and E. Pine Pl.

STAFF COMMENTS: The applicant is requesting a **Variance** to allow the floor area of detached accessory buildings to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure (Section 45.030-A)

13.2

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-C2.

The applicant is proposing a 728 sq. ft. structure, the current size do the principal residential structure would limit the aggregate square footage of accessory buildings at 500 sq. ft.

STATEMENT OF HARDSHIP: None provided by the applicant at the time of application.

SAMPLE MOTION: Move to _____ (approve/deny) a **Variance** to allow the floor area of detached accessory buildings to exceed 500 sq. ft. or 40% of the floor area of the principal residential structure (Section 45.030-A)

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 East on Pine Pl.



Subject Property



Facing West on Pine Pl.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a residential treatment center/transitional living center (Use Unit 2) in an AG District (Section 301); with this Special Exception to reduce the spacing requirement of 1/2 mile (2,640 feet) from any other lot containing a detention/correctional, emergency and protective shelter, homeless center, residential treatment center and transitional living center use (Section 1202.C.7) withdrawn from the application at today's meeting by the applicant's representative. This approval is subject to testimony and certification received from the applicant regarding the spacing of the facility such as there is no other similar facility within the half mile radius. The Board has found that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

The East 660 feet of the West 1320 feet of the North 660 feet of the South 1320 feet of Section 33, Township 20 North, Range 12 East of the Indian Meridian, Osage County, Oklahoma, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

NEW BUSINESS

21635—Tulsa Habitat for Humanity, Inc.

FILE COPY

Action Requested:

Variance of the front yard setback for a corner lot from 25 feet to 10 feet (Section 403.A, Table 3); Variance of the side yard setback from 15 feet to 10 feet in an RS-3 District (Section 403.A.5). **LOCATION:** 3707 East Pine Place (CD 3)

Presentation:

Larry Vitt, 6235 East 13th, Tulsa, OK; stated he is representing Tulsa Habitat for Humanity. The Variance request is due to the peculiar shaped property and the right-of-way is quite large going around the property. Relief is not really needed on the side of the property but it was requested for the sake of consistency around the property. There has been some concern raised about the proposed house blocking the view of the property owner to the east but the house will actually be in line with the property on the east so there will not be any obstruction.

Mr. Henke asked Ms. Back if there had been a question about fencing. Ms. Back stated that one of the abutting neighbors had sent an e-mail concerning the neighbor's rear yard facing the applicant's front yard, and an eight foot rear yard fence up against their front yard with the possibilities of that causing sight issues since the subject property is triangular in shape.

Mr. Vitt stated that he did not think there would be any sight issues because the right-of-way is 18 feet from the edge of the street to the property line, and the property owner cannot build a fence across the right-of-way. Should the owner decide to install a privacy fence on the subject property, the owner to the east already has an existing privacy fence on the north-south property line.

Mr. Van De Wiele asked Ms. Back how far out the subject property could extend a fence. Ms. Back stated that is the question that is concerning the next door neighbor because it is not a front yard fence which would normally go down to four feet. So the neighbor's concern is if a fence is taken to the point of where the property line ends, where would that be. Ms. Back then displayed a site plan on the overhead projector to show where the property line ends. Ms. Back stated she had tried to speak with the City but everyone has been busy and has not been able to discuss the issue with the City.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Variance of the front yard setback for a corner lot from 25 feet to 10 feet (Section 403.A, Table 3); Variance of the side yard setback from 15 feet to 10 feet in an RS-3 District (Section 403.A.5), subject to the conceptual plan on page 5.7 with the understanding from the applicant that the home shown on the conceptual site plan will actually be constructed approximately two feet farther to the north. This approval is subject to the further condition that any fence in the rear, or east, of the home to be built will extend no farther south than the southern edge of the home as constructed. Finding that this unique triangular shaped lot represents a hardship. 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; for the following property:

BOA-21635

LT 21 LESS E70 THEREOF BLK 1, LOUISVILLE HGTS ADDN B1-8, CITY OF
TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21637—Creative Stone Design

Action Requested:

Special Exception to allow for mining limestone by surface and stripping methods (Use Unit 24) in an AG district (Section 301). **LOCATION:** 15115 East 11th Street (CD 6)

Presentation:

Josh Roby, 2109 North Main Street, Tulsa, OK; stated he is representing First Star Bank which is the successor to First National Bank of Muskogee which is the owner of the property. They are the co-applicant with Creative Stone Design which they are leasing the property to Creative Stone.

Tom Morris, Office Manager for Creative Stone Design, 9719 North 101st East Avenue, Owasso, OK; stated the subject property is a 20 acre tract. There has been an application made with the DEQ and the Oklahoma Department of Mines. Permits from both offices have been received to remove limestone using the surface strip mining method. This means there will be light equipment on site and removing the rock without the use of explosives or large pieces of equipment for deeper digging. The stone will be utilized for residential decorative use for boulder walls, backyard grills, landscape beds, etc. Most of the work is performed in Owasso in Stone Canyon and in south Tulsa in Traditions, and in other additions along 111th Street South. The company only has a single dump truck and two tractors that will be utilized for removing the stone. There has been perimeter silt fencing installed at the site. There has been a storm water discharge permit received from DEQ. The site will be maintained and inspected by the Oklahoma Department of Mines. Creative Stone will reclaim the land as the stone is removed so that when the excavating is done the land will have more value than it does currently. The operations will be limited to daylight hours. Previously there had been a mine operation on the subject property that was shut down because they did not have the proper permits.

Mr. Henke stated that he should recuse himself from this hearing with Mr. Roby representing the bank. Mr. Henke left the meeting at 2:12 P.M.

Mr. Tidwell asked Mr. Morris how long the previous company, the one that had been shut down, had operated a mining operation on the subject property. Mr. Morris stated that it was approximately two years.

Mr. Van De Wiele asked Mr. Morris how deep the mining operation would go to extract the limestone. Mr. Morris stated that it is typically two feet. Mr. Van De Wiele asked if

DANA L. BOX
ZONING OFFICIAL
PLANS EXAMINER II

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



DEVELOPMENT SERVICES

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

ZONING CLEARANCE PLAN REVIEW

LOD Number: 1
Paul Cisneros
3902 E. 51st St.
Tulsa, OK 74135

July 27, 2020

Phone: 918-859-9343

APPLICATION NO: **BLDR-065265-2020**

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3127 E. Pine Pl.
Description: Accessory Structure

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. **SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT [HTTPS://TULSAOK.TYLERTECH.COM/ENERGOV4934/SELFERVICE](https://tulsaok.tylertech.com/energov4934/selfservice). YOU WILL NEED TO REGISTER ON THE PORTAL IF YOU HAVE NOT PREVIOUSLY DONE SO. ****
3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT 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" [X] IS [] IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

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>

BLDR-065265-2020

3127 E. Pine Pl.

July 27, 2020

Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incog.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. 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 728 square feet of detached accessory structure floor area. The proposed detached accessory structure exceeds 500 square feet. Reduce the size of your proposed detached accessory structure to be less than 500 square feet or apply to BOA for a variance to allow a detached accessory structure to exceed 500 square feet.

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

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

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

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

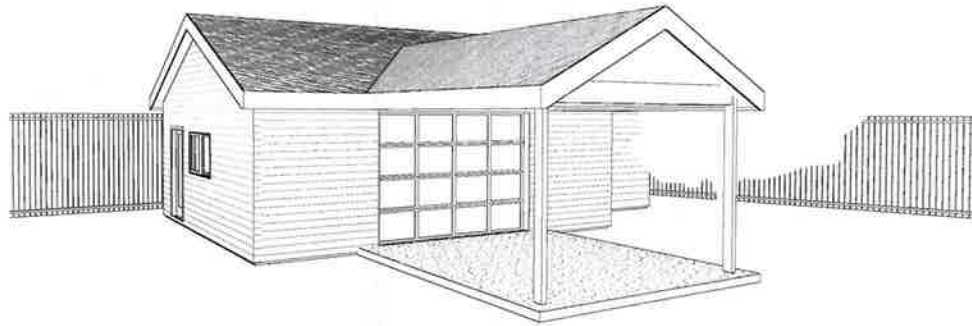
A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

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

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

3727 E Pine Pl N Tulsa, OK. 74115 Job #20142



PROJECT TEAM

DESIGN:

RCJ DESIGNS, LLC
3402 EAST 51ST STREET
TULSA, OK 74135

RAUL CISNEROS JR
918.854.9843
WWW.RCJDESIGNS.COM

SCOPE OF WORK

SUMMARY:

ADDITION OF A DETACHED ACCESSORY STRUCTURE TO AN
PROPERTY WITH AN EXISTING RESIDENTIAL STRUCTURE

SHEET INDEX

CS	COVER SHEET
SP	SITE PLAN
A1	FLOOR PLAN/ WALL SECTIONS
A3	EXTERIOR ELEVATIONS
A5	ROOF PLAN



T U L S A , O K
[P] 9 1 8 . 8 5 9 . 9 3 4 3
WWW.RC3DESIGNS.COM

CONSULTANT

PROJECT

SERGIO'S
 GARAGE

PROJECT # 20142

3727 E. Pine Pl. N.
Tulsa, OK 74115
United States

REVISIONS

No.	Description	Date
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PROJECT STATUS

PERMIT SET

ISSUE DATE

07.07.2020

GUEST NAME _____

COVER SHEET

SWEET HANGER

CS

13.12

1/7/20 5:58:10 PM

GENERAL NOTES

FLOOR PLAN

1. ALL EXTERIOR WALLS ARE EXISTING TO REMAIN UNLESS NOTED OTHERWISE.
2. ALL INTERIOR WALLS TO BE 4" WOOD STUDS U.N.D.
3. ALL DIMENSIONS ARE TO FACE OF EXISTING WALLS OR CENTERLINE OF WALL/DOOR OPENING UNLESS NOTED.
4. ALL INTERIOR FINISHES INCLUDING BUT NOT LIMITED TO FLOORING, PAINT, WALLCOVERING, LIGHT FIXTURES, TRIM, LAMINATE, SOLID SURFACES AND MILLWORK TO BE SELECTED BY OWNER AND INSTALLED BY CONTRACTOR PER MANUFACTURER'S GUIDELINES AND IN ACCORDANCE WITH ALL LOCAL CODES AND ORDINANCES.
5. GENERAL CONTRACTOR SHALL VISIT SITE AND BECOME FAMILIAR WITH SITE CONDITIONS.
6. NOTIFY DESIGNER IMMEDIATELY IF DIFFERENT CONDITIONS EXIST FROM WHAT IS DESCRIBED.
7. ALSO SEE WALL'S FINISH FACE WITH THE EXISTING WALL'S FINISH FACE AT AREAS WHERE THE TWO ABUT.
8. ALL MECHANICAL, ELECTRICAL AND PLUMBING ITEMS TO BE PROVIDED ON A DESIGN/BUILD BASIS, IN ACCORDANCE WITH ALL LOCAL CODES AND ORDINANCES. ASIDE FROM ALL ELECTRICAL AND PLUMBING ITEMS REPRESENTED ON PLANS, PROVIDE ADDITIONAL DEVICES AS REQUIRED BY LOCAL CODE.
9. ALL DIMENSIONS ARE TO CENTERLINE OF OBJECT, EXCEPT FOR THE PERIMETER STUDS WHICH ARE DIMENSIONS TO EDGE OF SLAB. MASONRY OPENINGS WHICH ARE FROM FACE OF BRICK, AND AREAS WHERE SHOWN CLEAR DIMENSION IS REQUIRED, U.N.O.

REFERENCING

FLOOR PLAN

- A. RE: AS/AS DRAWINGS FOR EXTERIOR ELEVATIONS
B. RE: AS DRAWING FOR ROOF PLAN

WALL ASSEMBLIES

ITEM	DESCRIPTION
EXISTING EXTERIOR WALL TO REMAIN	
EXISTING INTERIOR WALL TO REMAIN	
NEW EXTERIOR WALL, IV	
NEW INTERIOR WALL	

LETTER INDICATES WALL TYPE	WALL TYPE
1	2" X 4" WOOD STUD
2	2" X 6" WOOD STUD
3	2" X 8" WOOD STUD
4	2" X 10" WOOD STUD

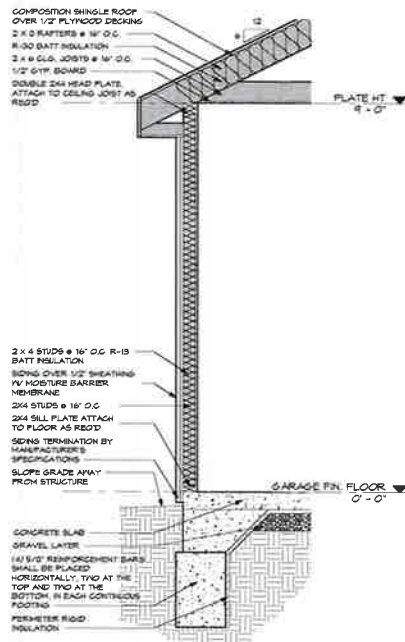
FLOOR PLAN LEGEND

ITEM	DESCRIPTION
NEW WINDOW	
NEW DOOR OPENING	
NEW DOOR	
SMOKE DETECTOR	
CARBON MONOXIDE DETECTOR	

LEGEND NOTES:
1. NOT ALL ITEMS MAY BE USED

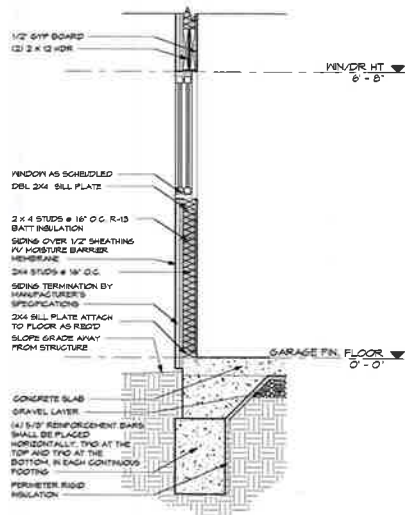
2. TYP. WALL SECTION

3/4" x 1'-0"



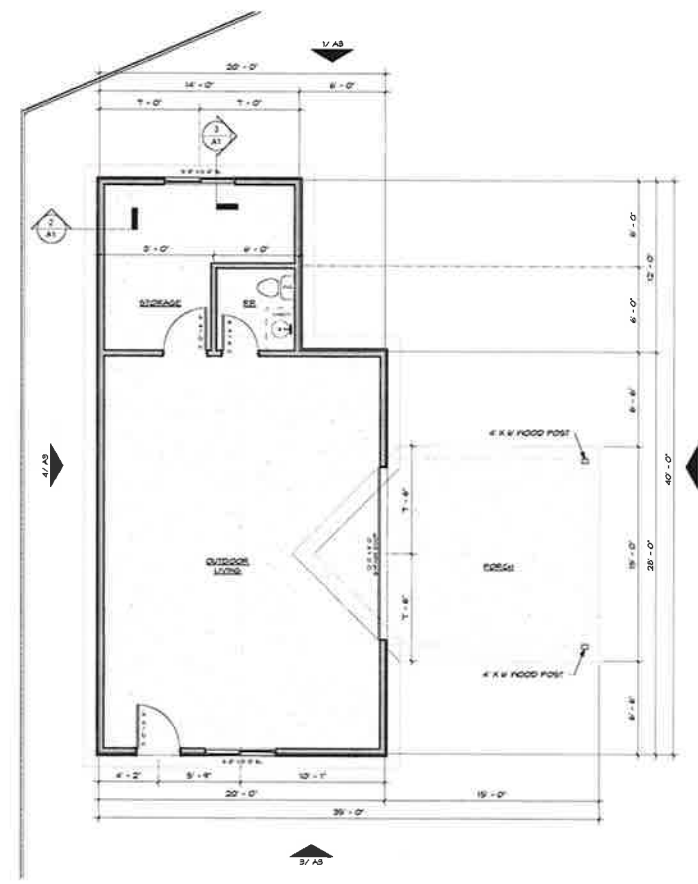
3. TYP. WINDOW SECTION

3/4" x 1'-0"



1. FIRST FLOOR - FLOOR PLAN

1/4" x 1'-0"



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PROJECT

SERGIO'S GARAGE

PROJECT # 20142

3721 E. Pine Pl. N.
Tulsa, OK 74115
United States

REVISIONS

No. Description Date

PROJECT STATUS

PERMIT SET

ISSUE DATE

07.07.2020

SHEET NAME

FLOOR PLAN/
WALL SECTIONS

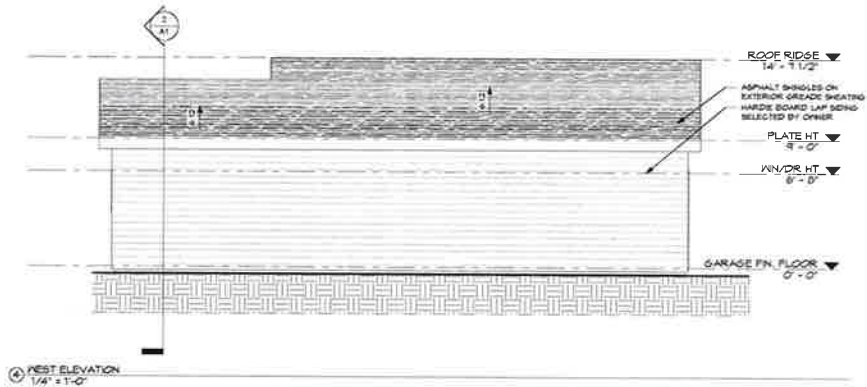
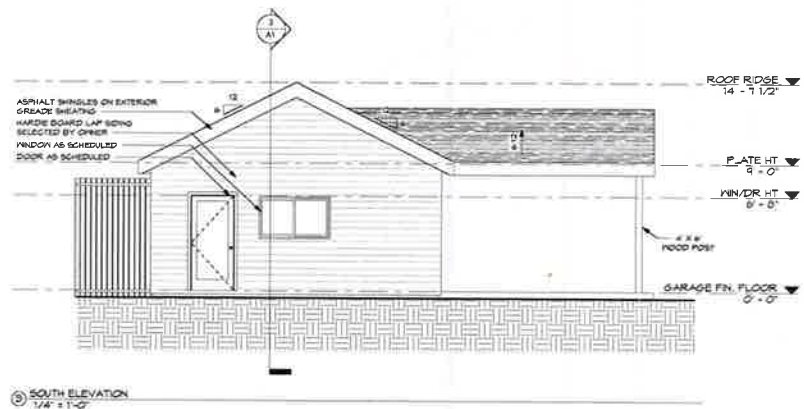
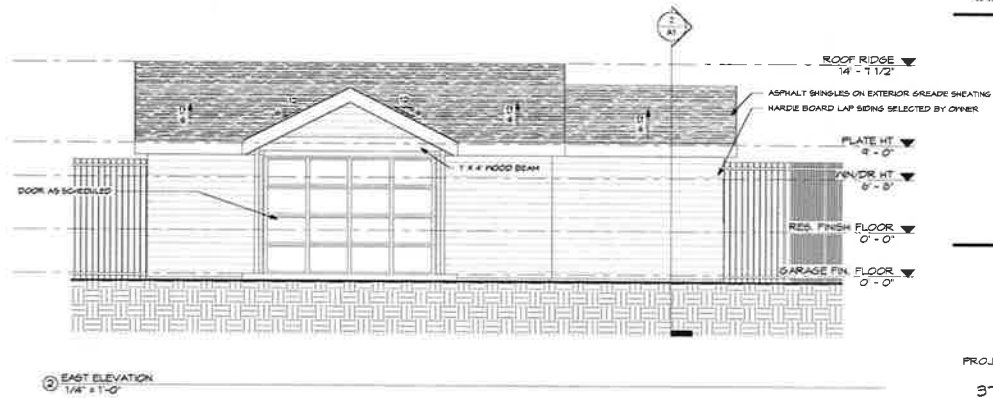
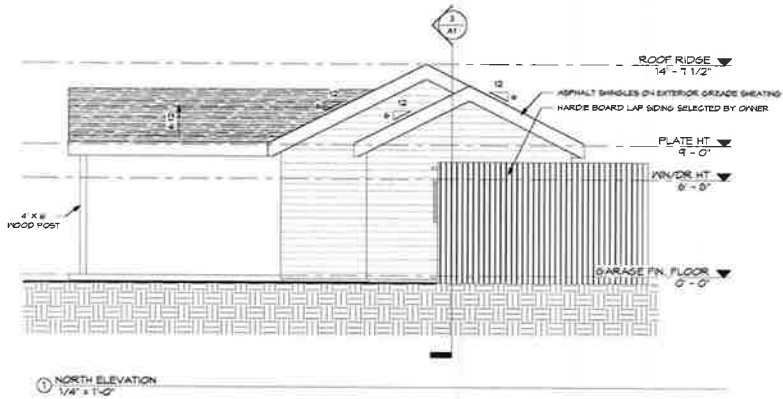
SHEET NUMBER

A1



TULSA, OK
 (P) 918.859.9343
 WWW.RCJDESIGNS.COM

CONSULTANT



PROJECT
SERGIO'S GARAGE

PROJECT # 20142
 3727 E. Pine Pl. N.
 Tulsa, OK 74115
 United States

REVISIONS		
No.	Description	Date

PROJECT STATUS

PERMIT SET

ISSUE DATE

07.07.2020

SHEET NAME

EXTERIOR ELEVATIONS

SHEET NUMBER

A3

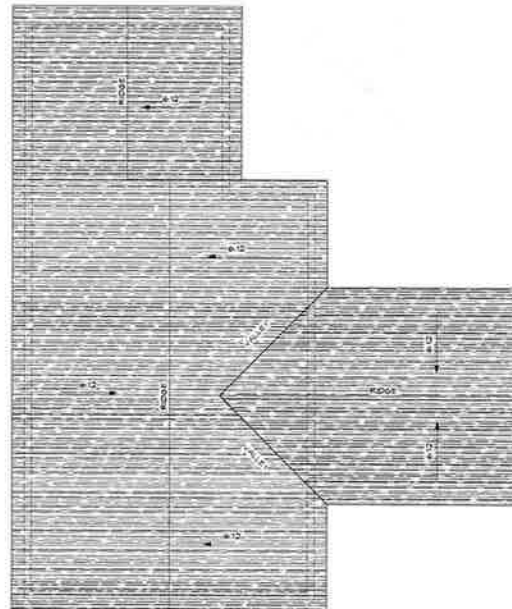
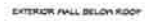
\\na01\cypress\001 RCJ Designs\001 2014-2015\001 Sergio's Residence\001 Drawings\01 CAD\Sergios Residence - Draft\001 Sheet House - Final.rvt

13.14

ROOF PLAN

- ### LEGEND

ROOF PLAN



① ROOF PLAN
1/4" = 1'-0"



CONSULTANT

PROBÓT

PROJECT # 20142

REVISIONS

No	Description	Date
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PROJECT STATUS

PERMIT SET

ISSUE DATE

07.07.2020

SHEET NAME

ROOF PLAN

SHEET HANGER

A5

NOTES ON CONTRIBUTORS

15.15



13.19



0 200 400
Feet



Subject
Tract

BOA-22995

20-13 28

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

Aerial Photo Date: February 2018

13.17





0 50 100
Feet



Subject
Tract

BOA-22995

20-13 28

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

Aerial Photo Date: February 2018



13.18