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 22, 2020, 1:00 P.M.

Meeting No. 1259

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.

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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 28, 2020 (Meeting No. 1255).
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)

3. **22983—John Durkee**  
Special Exception to increase the permitted driveway width (Section 55.090-F).  
**LOCATION:** 1125 East 49th Place South (CD 9)

4. **22990—Wallace Engineering – Nicole Watts**  
Variance of the screening requirement between office use and residential districts (Section 40.260-D).  
**LOCATION:** 5750 East 15th Street South (CD 5)

5. **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)

6. **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)

NEW APPLICATIONS

7. **22996—Nick Puma**  
Variance to allow a non-conforming lot to have less than 50% open space (Section 80.020-B).  
**LOCATION:** 1037 East 39th Street South (CD 9)

8. **22997—Drew Giddens**  
Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).  
**LOCATION:** 6529 East 51st Street South (CD 5)

9. **22998—Owen Properties & Remodeling, LLC**  
Special Exception to permit the alteration of a structure with an existing non-conforming side setback (Section 80.030-D).  
**LOCATION:** 2944 South Cincinnati Avenue East (CD 9)
10. **22999—Brent Barnes**  
**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:** 9955 East 21st Street South (CD 5)

11. **23000—A-Max Sign Company, Inc.**  
**Variance** to permit a projecting sign to exceed the maximum permitted height of 25 feet above grade to be installed at 75 feet above grade (Section 60.080-D).  
**LOCATION:** 624 South Boston Avenue East (CD 9)

12. **23001—Ash Cigar Bar, LLC – Mark Bahlinger**  
**Special Exception** to allow bar use in an IL District (Section 15.020, Table 15-2);  
**Variance** of the 300-foot separation distance between a bar and another bar (Section 40.050-A).  
**LOCATION:** 4205 South Sheridan Road East (CD 5)

13. **23002—Tim Boeckman**  
**Minor Special Exception** to amend a previously approved site plan for a Church in a residential district to permit construction of a new bell tower (Section 70.120).  
**LOCATION:** 3188 East 22nd Street South (CD 4)

14. **23003—Richard Oertle**  
**Variance** to allow the total aggregate floor area of all detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A).  
**LOCATION:** 6624 South Oxford Avenue East (CD 9)

15. **23005—Eller & Detrich – Lou Reynolds**  
**Special Exception** to permit a self-storage facility in the OL District (Section 15.020, Table 15-2);  
**Variance** of Section 40.360-B.3 of the code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O/R lots and streets right-of-way.  
**LOCATION:** 5012 South Victor Avenue East (CD 9)

16. **23006—Jason Emmett**  
**Special Exception** to expand a high school use in an R District and **Modify** a previously approved site plan (BOA-17718) to allow for the construction of a gymnasium (Section 5.020, Table 5-2 & Section 70.120);  
**Special Exception** to permit an alternative compliance parking ratio to reduce the required number of parking spaces for a high school use (Section 55.050-K & Section 55.020, Table 55-1).  
**LOCATION:** 12150 East 11th Street South (CD 6)
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.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9319
CZM: 47
CD: 9
HEARING DATE: 9/22/2020 (Continued from 09/08/2020) 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 TERWILLEGER 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](image)

**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.

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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 Terwilleger 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.

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"; Tumbo "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 then 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 Terwilliger 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. Terwilliger 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 Ely 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 Terwillegar 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,
Case No. 16919

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. PRINCIPALUSES 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. PRINCIPALUSES 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 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 undersized 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 Terwillegar 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

Greg Hollinger  
Hollinger Enterprises, LLC  
greg@hollingerenterprises.com

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

ZONING CLEARANCE PLAN REVIEW  
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

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| 2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALY 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)
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. Kink 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.
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
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 if 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
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

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.
Austin – my client Sig Brown has continued to have discussions with the neighbor to the north. They are close to reaching a resolution. However, they were both out of town this holiday weekend, so they were not able to finalize their discussions. They both would like to request one more continuance to allow them time to reach a final agreement.

In addition, late in the day on September 3 (last Thursday), Mr. Brown and his contractor Greg Hollinger received an e-mail from Jeff Taylor in the City permitting office saying that “there is a concern” regarding the new driveway layout. He did not provide any details. We are trying to run down exactly what the concern is.

I generally don’t like having to request more than one continuance, but in this case I think it’s justified and that it would give the parties an opportunity to reach an agreed resolution and to figure out what the issue is with respect to the driveway. That’s why I’m requesting this continuance.

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

Regards,

Mac
STR: 9225
CZM: 46
CD: 9
HEARING DATE: 09/22/2020 (continued from 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)

REVISED 9/14/2020
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 setback(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.
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.

01/11/2011-1039 (12)
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

CITY HALL AT ONE TECHNOLOGY CENTER
175 East 2nd Street, Suite 560 • Tulsa, OK 74103 • Office 918.576-5447 • Fax 918.699.3623
www.cityoftulsa.org
ZONING CLEARANCE PLAN REVIEW

August 25, 2020
Phone: 918-742-0457

LOD Number: 1 REVISED
John Durkee
1125 E. 49th Place
Tulsa, OK 74105

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

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3. INFORMATION ABOUT THE ZONING CODE, BOARD OF ADJUSTMENT (BOA), PLANNING COMMISSION (TMAPC), AND THE TULSA PLANNING OFFICE AT INCOG CAN BE FOUND ONLINE AT WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING 918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A “RECORD SEARCH” IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE “RECORD SEARCH” ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
REVIEW COMMENTS

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. INCOCG 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).

<table>
<thead>
<tr>
<th>Lot Frontage</th>
<th>27'</th>
<th>26' - 14'</th>
<th>25' - 9'</th>
<th>20' - 45'</th>
<th>Less than 20'</th>
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<tbody>
<tr>
<td>Driveway Within Right of Way (feet)</td>
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<td>30'</td>
<td>...</td>
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<tr>
<td>Driveway Within Street Setback (feet)</td>
<td>28'</td>
<td>22'</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

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](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.
KEEPS 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
Historical brick paving

30 year old 3 trunk
30 inch Maple tree

Notes:

1. Base Drawing taken from City of Tulsa, Newport Ave.
   Storm Sewer Project, Drawing # 163120-4.
2. Details added.

1125 East 49th Place
Lot 9, Block 15, Riverview Village, Tulsa, Ok
Prepared by John M. Durkee, PE
Note: Graphic overlays may not precisely align with physical features on the ground.
Dear Mr. Chapman,

Please find attached Exhibits for Case Number BOA-22983 for hearing 9/8/2020.

John Durkee

On Fri Sep 04 2020 14:37:23 GMT-0500 (CDT), Chapman, Austin <achapman@incog.org> wrote:

Good afternoon,

You are receiving this email because you have a pending Board of Adjustment request to be heard on September 8th, 2020. You do have the option to attend the hearing remotely below is that information, though you may still attend in person, masks are required. If you have exhibits you would like to be made available to the Board members please email those to me by 9:00 am the morning of the hearing.

Date: Tuesday, 09/08/2020 1:00 PM
Location: Tulsa City Hall, Council Chambers, 175 E. 2nd St., Tulsa, Oklahoma

**Although seating in the Council Chambers complies with social distancing requirements, participants may attend the meeting virtually or by phone, due to the COVID-19 pandemic.**

Attend Virtually: Join from a computer, tablet, or smartphone to speak or comment Visit: [https://www.gotomeet.me/CityOfTulsa3/board-of-adjustments-sept-8th](https://www.gotomeet.me/CityOfTulsa3/board-of-adjustments-sept-8th) New to GoToMeeting? Get the app now and be ready when your first meeting starts: [https://global.gotomeeting.com/install/291580981](https://global.gotomeeting.com/install/291580981)

Attend by Phone: To watch the meeting but not speak or comment, visit TGOVonline.org.
Tulsa residents may watch on TV via Cox Channel 24.

Livestream & TV:

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

Determining compliance to zoning or building code requirements is not a function of this office.
The Building Permits Division will address compliance upon application for a building permit or occupancy permit (918) 596-9456
From Newport Avenue Looking East
From Newport Avenue Looking East
From Newport Avenue Looking East
These are just a few of the pictures that I have that I have turned in to code enforcement several times. The neighbor to his immediate north has already white in his driveway to triple the size of a standard driveway if this man wants his driveway not only will he have his own personal parking spot in the street, We will lose well over 100 feet of parking for the rest of the neighborhood from these two neighbors combined please do not allow him to be able to park in the street in front of his New driveway.

I’m sorry I cannot make it to this meeting I was called to the Covid crisis in Florida for three weeks thank you Darrell Eckles
These are just a few pictures of the resident that wants to extend his driveway to make the street his personal parking spaces. The neighbor to his immediate north has already widen his driveway this would give almost no parking on that side of the street for over 100 feet please do not allow another extra wide driveway for a neighbor to have their own personal street parking.
How the car was parked during the meeting.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9310
CZM: 38
CD: 5

HEARING DATE: 09/22/2020 (Continued from 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 01°16'30" 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 01°16'30" WEST ALONG THE WESTERLY 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 EASTERN 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.
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)

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.”
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:


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.
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
Facing West on 15th Street

Facing East on 15th Street
August 6, 2020

City of Tulsa Board of Adjustment
2 West 2nd Street
#800
Tulsa, OK 74103

Re: ONEGas Training Facility – 5750 E 15th Street

Chairman and Members of the Board-

ONEGas is in the process of building a new training facility on their current 40-acre tract of land located on the south side of 15th Street between Yale and Sheridan. The site is zoned IM and has been the location for ONG’s office building, maintenance facility and yard for a number of years.

Recently ONEGas went through the lot split process to sub-divide their 40-acre tract into two tracts: one 7.33-acre tract containing this new Training Facility and one 32.89-acre tract that contains all of ONG’s existing facilities. See attached filed deeds.

During the permitting process, the Owner was required to provide F1 screening compliant with Sec.65.070-C2 along all property lines that abut R zone districts, which results in roughly 663’ along the western property line and the entire southern property line for a length of 488’, please refer to Exhibit A. Per Sec.070-A, the purpose of the screening requirements is intended to partially or completely shield expressly identified uses and site features from view of abutting streets or other abutting lots. Per Sec 65.070-C2, F1 screening is either the installation of an opaque fence at least 6’ of height and at least one tree per 25 linear feet of fence; or the installation of a masonry wall with a minimum height of 6’.

Many features of this site are unique. First, it has been operating as an office / industrial site for numerous years. Second, the residential lots are set 10’ – 24’ above the elevation of the Training Facility site. Finally, the residential lots are established with mature trees in their back yards with many lots already containing wood privacy fences. The proposed building is only 14’ in height, please refer to Exhibit B.

Therefore, we request the Board to approve a Variance to this screening requirement based on the follow hardships and reasons:

1. The residential lots are set 10’ – 24’ higher than the finished floor of the building. The intent of the screening is to shield the office use from the residential lots. The only thing that would be shielded would be the roof of the building. A typical 6’ person standing at the building will not be able to look into the residential lots, thus the natural topography and existing trees are already providing the intent of the screening.

2. There are many existing residential lots that already contain a 6’ wood privacy fence.

3. ONEGas does not want a wood privacy fence. They feel that the fence is high in maintenance and that it does not provide the security that they need. ONEGas is proposing to install an 6’ chain link fence around their perimeter in order to provide the proper level of security for their property.
Thank you for your time on this matter.

Thank you!

Sincerely,
WALLACE ENGINEERING • STRUCTURAL CONSULTANTS, INC.

[Signature]

A. Nicole Watts, P.E., CFM
Project Manager
**REVIEW COMMENTS**

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

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 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.

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.

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**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.
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.

Commission No./Expiration: 10/13/20

Appendix: Legal Description and Certification

Return after recording to: ONE Gas, Inc.
ATTN: Shelly Gallaway
Senior Project Manager
Building Operations / Facility Planning
15 East 15th Street – Tulsa, OK 74103
"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 NORTNER 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.

SISEMORE & ASSOCIATES
BY SHAWN A. COLLINS
PLS No. 1788, STATE OF OKLAHOMA
C. A. NO. 2421 EXPIRES APRIL 29, 2020

3.23.2020
DATE
Subject Tract

BOA-22990

19-13 10

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
APPLICATION NO: BLDC-050554-2019
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 (TMAPO) IS AVAILABLE ONLINE AT WWW.INCOG.ORG OR AT INCOG OFFICES AT 2 W. 2nd ST., 8th FLOOR, TULSA, OK, 74103, PHONE (918) 584-7528.

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

(continued)
9-6-20

City Of Tulsa
Tulsa Board of Adjustment
Stuart Van De Wiele, Chairman

Re: Board Number: BOA-22990
Variance of the screening requirement at 5750 E. 15th St

Ladies and Gentlemen:

I am Sue Lackey of 1721 So. Fulton Ave., and I have written to protest the issuance of a variation of the City of Tulsa's screening requirement between office and residential zoning.

I have been told this variance is for this property to have a 6' chain-link fence put up right behind our residential fencing. This would make it impossible to do work on the back of our fence, or for us to keep it clean of weeds, grasses and wild critters.

I was told that the company would be taking care of the property and that we would have no problems. I have been here for ten years with that same company on that property. I have had to call them several times to remind them to mow, as the whole area would be overgrown and several feet tall. In that ten years the brush-hog has never been closer than 3' to 4' of the fence line. I have had to mow, weed eat or spray that area behind my fence frequently, as do the other families. If they have not taken care of it before, what will change now.

I am concerned that the company has not always practiced good neighbor relations, and have turned a deaf ear when we have called about other problems.

Now they are coming to the you, wanting to change the City zoning rules, after they have already built the building. Perhaps if the Company had talked to us first this issue could have been resolved sooner.

I am not opposed to a wooden fence, with some space between the fences, as I think this would keep the weeds down, the noise lessened and no one would know if they ever mowed again.

I sincerely ask that you consider this request and deem it not justified.

Respectfully,

Sue Lackey
Wedgewood Area
STR: 0235
CZM: 28
CD: 1
HEARING DATE: 09/22/2020 (continued from 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
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 CLINESSE 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.
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
APPLICATION NO: ZN LOD 55696-2020
(Please reference this number when contacting our office)

Project Location: 1347 N Boston Pl
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/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.incoog.org or at INCOG offices at 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, phone (918) 584-7526.

4. A copy of a “record search” is not included with this letter. Please present the “record search” along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.)

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment 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.
Boston Residence
Detached Garage
1341 N Boston Pl, Tulsa, OK 74106
Job #20102.1

PROJECT TEAM

DESIGN
RCJ DESIGNS, LLC
3322 E 75th St.
Tulsa, OK 74165
RAIL, GRABOSKI JR
FAX: 918.945.5333
WWW.RCJDESIGNS.COM

SCOPE OF WORK

SUMMARY
New construction of a detached garage on the west side of the property:

SHEET INDEX

SP SITE PLAN
A1 ELEVATION & WALL SECTION
A5 ROOF PLAN

PROJECT INFORMATION

LEGAL DESCRIPTION
Section 5 Township 30 Range 14 W4

GARAGE SPACE

Open Space Provided: 2360 sq. ft.

 existing sidewalk

NORTH BOSTON PLACE

PROJECT STATE

PERMIT SET
02.28.2020

SHEET NAME
SITE PLAN

SP SHEET NUMBER
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0328
CZM: 29
CD: 3

HEARING DATE: 09/08/2020 (Continued from 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

PRESENT USE: Residential

LEGAL DESCRIPTION: LOT-19-BLK-1, LOUISVILLE HGTS ADDN B1-8

Zoned: RS-3

TRACT SIZE: 10441.37 SQ FT

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)
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.

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:
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
ZONING CLEARANCE PLAN REVIEW

July 27, 2020
Phone: 918-859-9343

LOD Number: 1
Paul Cisneros
3902 E. 51st St.
Tulsa, OK 74135

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) 596-9801. 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/SELSERVICE. 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 115] [115 not included with this letter. Please present the "Record Search" along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the Board of Adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to a representative at the Tulsa Planning Office 918-584-7526 or esubmit@incoq.org. It is your responsibility to submit to our offices documentation of any appeal decisions by an authorized decision making body affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

Sec. 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:

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.
Sergio's Garage
3121 E Pine Pl N Tulsa, OK 74115 Job #20142

PROJECT TEAM
DESIGN:
RCJ DESIGNS, LLC
3401 N 26th Pl.
Tulsa, OK 74114
RAUL OSORIO JR
raulosorio@rcjdesigns.com

SCOPE OF WORK
SUMMARY:
ADDITION OF A DETACHED ACCESSORY STRUCTURE TO AN EXISTING RESIDENTIAL STRUCTURE.

SHEET INDEX
CS COVER SHEET
A SITE PLAN
A2 FLOOR PLAN/ WALL SECTIONS
A3 EXTERIOR ELEVATIONS
A4 ROOF PLAN

REQUESTS
No Description Date

PROJECT
SERGIO'S GARAGE
PROJECT # 20142
3121 E Pine Pl N.
Tulsa, OK 74115
United States

PERMIT SET
ISSUED:
07.01.2020

COVER SHEET
SHEET NUMBER CS
Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
BOA-22995

Subject Tract

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

6.18
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9224
CZM: 46
CD: 9
HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Nick Puma

ACTION REQUESTED: Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B)

LOCATION: 1037 E 39 ST S

ZONED: RS-3

PRESENT USE: Vacant

TRACT SIZE: 7200.5 SQ FT

LEGAL DESCRIPTION: LT 10, NILES RESUB E/2 L7 BROCKMAN'S ADDN

RELEVANT PREVIOUS ACTIONS:
Subject property: None.

Surrounding Properties:

BOA-21515; On 01.08.2013 the Board approved a Special Exception to permit a carport in the required front yard in an RS-3 District. Property located 1030 East 38th Pl. South.

BOA-16607; On 05.10.94 the Board denied a Special exception to permit duplexes in the RS-3 District. Property located East of the SE/c of 38th Pl. and S. Madison.

BOA-12435; On 02.10.83 the Board approved a variance to expand a non-conforming structure and a variance to exceed the permitted 20% rear yard coverage and permitted 750 square feet size limitation for a detached accessory structure. Property located 1036 East 38th Pl.

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 West of the NW/c of E. 39th St. S. and S. Norfolk Ave. Included in your packet are photos of the property immediately West of the subject property, 1033 E. 39th St. S. This property has a structure that looks to have been constructed within the past 3 years based on historical aerials. That property contains a two-story home that was built without the need for relief by the Board of Adjustment.

STAFF COMMENTS: The applicant is requesting Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B)

80.020-B Nonconforming Lots in Residential Zoning Districts
In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Figure 80-1: Detached House on Nonconforming Lot in R District

The existing lot is 7,219 square feet which would require the lot to maintain 3,609.5 square feet of open space, the applicant is seeking to reduce the required open to 3,283 square feet of open space and allow 3,936 square feet of lot coverage. This is a difference of 326.5 between what is allowed and what is requested. The lot in considered non-conforming because of its width, but the size of the lot (7,219 square feet) exceeds the required lot size of 6,900 square feet. Open space is measured as follows per Sec. 90.080 of the City of Tulsa Zoning Code:
**Section 90.080**  **Open Space per Unit**

90.080-A Open space per unit refers to the amount of outdoor open space required to be provided on a lot for each dwelling unit on the subject lot. Multiply the minimum open space-per-unit requirement by the number of dwelling units to determine the total amount of open space required on a lot. In applying minimum open space-per-unit requirements to fraternity, sorority and rooming/boarding house uses, each 600 square feet of floor area is counted as one dwelling unit.

90.080-B The following may be counted toward satisfying minimum open space-per unit requirements:

1. Outdoor areas that are not occupied by buildings, driveways or parking areas and are generally useable by residents;
2. Driveways and parking areas located in the rear yard of a detached house or duplex; and
3. Green roofs covering 25% or more of the subject building's overall roof area.

90.080-C Required open space within a townhouse development may be provided on each townhouse lot or may be provided in outdoor common areas within the townhouse development, as designated on the recorded subdivision plat or in a separately recorded legal instrument.

**STATEMENT OF HARDSHIP:**

**SAMPLE MOTION:**

Move to ________ (approve/deny) a **Variance** to allow a nonconforming lot to have less than 50% open space (Section 80.020-B)

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.”
Case No. 12434 (continued)

Protestants: A letter from W. E. McLean, General Manager of Kerr-McGee Corporation, was submitted in protest to the application (Exhibit "J-3").

Board Comments:
Mrs. Purser inquired as to the hardship involved in this case and Mr. Bryant advised that the hardship for this application centers around a financial hardship. The Board advised that a financial situation could not be considered as a hardship.

Discussion ensued concerning the variance of the setback from Peoria and Mr. Bryant advised that the plans include information concerning other buildings on Peoria including their setbacks.

Board Action:
On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Wait "nay"; no "abstentions"; none, "absent") to deny a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the setback from the centerline of Peoria Avenue from 100' to 56.5'; and a Variance (Section 1450 (a) - Structural Nonconformities - to enlarge (or enclose) a nonconforming structure, on the following described property:

Lots 1, 2 and 3, Block 8, Broadview Heights Addition, Tulsa County, Oklahoma.

Case No. 12435

Action Requested:
Variance - Section 1450 (a) - Structural Nonconformities - Request for a variance to expand a nonconforming structure; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Request for a variance to exceed 20% rear yard coverage and/or 750 square feet of detached accessory building located at 1036 East 38th Place.

Presentation:
Lloyd Larkin, 3948 South Hudson Avenue, attorney representing Maria Hollingsworth, the owner of the subject property, submitted a plot plan (Exhibit "K-1"). Ms. Hollingsworth is proposing to add 8' to the existing garage on the subject property. This property was taken in by the City in 1951 at which time there was a radio station and later the garage was constructed. The radio station was later converted into a residential structure. The subject property contains approximately 1/3 acre and the building coverage on the property is approximately 12% of the entire acreage. Ms. Hollingsworth intends to use the garage as a guest room and will use the space as a workroom, but there will be no business conducted at this location. The applicant also proposes to install plumbing in the garage structure.

Protestants:
Clarence Brown, 3819 South Madison Avenue, submitted a protest petition signed by approximately 14 property owners in the immediate area (Exhibit "K-2"). He stated that the protesters object to the limitations of this development not being adhered to. If the variance request is granted a precedent could be set. The protesters also feared that the garage structure could be used as a second residential
structure and are opposed to multifamily dwellings in this area.

J. T. Mitchell, 3822 South Madison Avenue, advised that the streets in the immediate area are very narrow. Mr. Mitchell felt if the application were approved that the applicant might use the structure as a business and since the streets in the immediate area are very narrow there would be no parking available.

Interested Party:
Bob Freeman, 1029 East 38th Place, was present and stated that he has lived in the subject area for a long time and felt that Ms. Hollingsworth has greatly improved the property since she has purchased the land. Mr. Freeman advised that the previous owner had approximately 6 storage buildings on the property which appeared junky.

Comments:
The Board questioned if the garage would be used as a business by the applicant and Mr. Larkin assured the Board that the structure would not be used as a business, but advised that the applicant would use a portion of the building as a workroom.

Discussion ensued concerning the structure being nonconforming. Mr. Gardner suggested that if the application is approved that the house and the garage structure be connected by a breezeway to be assured that the garage structure would not be used as a residence.

Board Action:
On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 1450 (a) - Structural Nonconformities) to expand a nonconforming structure; and a Variance (Section 240.2 (e) - Permitted Yard Obstructions) to exceed 20% rear yard coverage and/or 750 square feet of detached accessory building, subject to there being no kitchen in the garage structure and subject to there being no business operated at that location, per plot plan submitted, on the following described property:

Lots 3 and 4, Niles Resubdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12436

Action Requested:
Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from 35' to 32 1/2' to allow a detached garage; and a Variance - Section 420.2 - Accessory Use Conditions - Request to locate a detached accessory building in the side yard; and a Variance - Section 240.2 - Permitted Yard Obstructions - Request to allow a 6' fence instead of the maximum allowed 4' fence in the front yard located at 3048 South Quaker Avenue.

Presentation:
A. F. Ringold, 3048 South Quaker Avenue, was present and submitted a plot plan (Exhibit "L-1"). The applicant advised that the 5' existing chain link fence will be removed and a 6' privacy cedar fence will be 2.10.83:380(12)
Comments and Questions:
None.

Board Action:
On MOTION of WHITE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to CONTINUE the request for a Variance of the requirement that no merchandise may be displayed outside within 300 feet of an R district (Section 1217.C.2) to the Board of Adjustment meeting on February 12, 2013; for the following property:

E195 TR 31, GLENHAVEN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

21515—Douglas E. Meyer

Action Requested:
Special Exception to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g). LOCATION: 1030 East 38th Place South (CD 9)

Presentation:
Doug Meyer, 7528 South 82nd East Avenue, Tulsa, OK; stated there are existing carports in the neighborhood that appear to be made from aluminum. The structure he is proposing will be a wooden structure and will complement the house.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 4-0-0 (Henke, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Snyder absent) to APPROVE the request for a Special Exception to permit a carport in the required front yard in an RS-3 district (Section 210.B.10.g), subject to conceptual plans on pages 12.8, 12.9, 121.10 and 12.11. 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 5, NILES RESUB E/2 L7 BROCKMAN'S ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA
Case No. 16679

Action Requested:
Variance of the required side yards - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, located 1104 East 25th Street.

Presentation:
The applicant, Jeffrey Levison, 35 East 18th Street, was represented by Dwight Smith. He informed that the subject property is being sold, and it was discovered that the house encroaches into the required side yards. Mr. Smith noted that the house was constructed in 1927, and the abutting property to the east is unimproved. A plot plan (Exhibit HH-1) was submitted.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance of the required side yards - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6, per plan submitted; finding that the house was constructed prior to current setback requirements; on the following described property:

Lot 9, Block 8, Sunset Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16607

Action Requested:
Special Exception to permit duplex dwellings in an RS-3 zoned district - SECTION 401 PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 7, located east of the SE/c of East 38th Place and South Madison Avenue.

Presentation:
The applicant, Ronald Spencer, 5919 East 104th Street, informed that he is proposing to split a large lot and construct two duplexes on each lot (Exhibit JJ-2). He stated that the property extends from 38th Place to 39th Street and two buildings will front on each street. The applicant stated that there are numerous duplexes in the area.

Comments and Questions:
Mr. Doverspike asked if there is a dwelling on the property, and the applicant stated that a partially burned out house is located on the lot.

Protestants:
Letters of opposition (Exhibit JJ-3) were submitted.
Case No, 16607 (continued)

Pam Deatherage informed that Planning District 6 is opposed to the application. She noted that the surrounding properties are all single-family and there are no duplexes in the immediate area. Ms. Deatherage stated duplex use would double the amount of cars in the neighborhood, and would be detrimental to the area.

Duane Wilkerson, 3826 South Madison, stated that the development would divide up the neighborhood and asked the Board to deny the application.

Nancy Apgar, 3914 South Norfolk, stated that she lives within 300' of the proposed project, and is opposed to duplex use in the single-family residential neighborhood.

Wesley Nelson, 3903 South Madison, noted that the applicant is proposing to construct four buildings, or eight dwelling units, on a lot that previously had only one dwelling. He pointed out that duplexes usually fall into bad repair after a few years. Photographs (Exhibit JJ-2) were submitted.

Dorothy Watson stated that she is representing the president of the Brookside Neighborhood Association, and informed that the residents of the area are concerned that approval of duplex use in the neighborhood will decrease property values in the area.

Sally Gubser, 3844 South Madison, stated that she canvassed the neighborhood and found no support for this application.

Pam Summers, 3845 South Madison, stated that she lives adjacent to the property in question and noted that the lot is in the middle of a stable residential area. She asked the Board to deny the request and preserve the character of the neighborhood.

Carol Peters, 1017 East 38th Place, stated that she lives across from the property in question. She stated that the neighborhood is unique and asked the Board to deny the application.

Applicant's Rebuttal:
Mr. Spencer stated that there are two multifamily projects within two blocks of the subject property. He stated all of his properties are well maintained and plans to continue that practice with this project.

Board Action:
On MOTION of S. WHITE, the Board voted 4-0-0 (Bolzle, Doverspike, S. White, T. White, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to DENY a Special Exception to permit duplex dwellings in an RS-3 zoned district - SECTION 401 PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 7; finding that duplex use is comparable to spot zoning in this instance, and is not compatible with the established residential neighborhood; on the following described property:

Lots 1 and 2, Block 2, Eden's Re-sub, City of Tulsa, Tulsa County, Oklahoma.

05.10.94:656(29)
Facing West on 39th

Subject tract
Lot immediately West of the subject tract. Both lots are the same dimensions.

Facing East on 39th
ZONING CLEARANCE PLAN REVIEW

July 27, 2020
Phone: 918-855-6433

BLDR-065267-2020

(Please reference this number when contacting our office)

Location: 1037 E. 39th St.
Description: New Single Family Residential home

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 cotdevsvcscityoftulsa.org or submit electronic plan revisions on the portal at https://tulsaok.tylertech.com/energov4934/selfservice. You will need to register on the portal if you have not previously done so.**
3. Information about the zoning code, Board of Adjustment (BOA), Planning Commission (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.)
REVIEW COMMENTS

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


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.

Section 80.020 Nonconforming Lots
80.020-A Description
A nonconforming lot is a lot that does not comply with the applicable minimum lot area, minimum lot width, minimum street frontage or minimum open space requirements of the subject zoning district and that meets at least one of the following criteria:
1. The lot was a lot of record on or before July 1, 1970;
2. The lot is located within a subdivision approved by the planning commission; or
3. The lot is a lot of record for which a recorded instrument of conveyance bears the endorsement of the planning commission.

80.020-B Nonconforming Lots in Residential Zoning Districts
In residential zoning districts, a single detached house may be erected on a nonconforming lot without complying with the minimum lot area, minimum lot area per unit, minimum lot width, minimum street frontage or minimum open space per unit requirements of the subject zoning district, provided that at least 50% of the lot area remains as open space. All other lot and building regulations apply, except that detached houses may be erected on corner lots that are nonconforming with regard to lot width, subject to a reduced minimum street side building setback of 5 feet. Garages that are accessed through a side yard abutting a street must be set back at least 20 feet.

Review Comments: The proposed lot is considered an existing nonconforming lot. You are allowed to use 50% of the lot size as open space. You are proposing less than 50% of the lot size to be open space. Revise plans to indicate compliance or apply to INCOG for a variance to allow this lot to have less than 50% of the lot to be open space.

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

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

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

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

Here are the calculations for open space you requested.

Thanks,

Nick Puma

Sent from my iPhone

Begin forwarded message:

From: ryan scamehorn <creativehomedesigns216@msn.com>
Date: August 21, 2020 at 10:46:20 AM CDT
To: "n.puma@me.com" <n.puma@me.com>, Julius Puma <puma74011@yahoo.com>, Ben Welch <ideaschd1@gmail.com>
Subject: COVERAGE AREA

TOTAL SQFT. OF LAND/LOT = 7,219
TOTAL HOUSE/DRIVE/SIDEWALK COVERAGE SQFT= 3,936
TOTAL OPEN UNDISTURBED AREA= 3,283

Ryan Scamehorn
CEO, Creative Home Designs
(405)882-8392
ELEVATION NOTES

1. Gutters and downspouts are not shown for clarity. Downspouts shall be located towards the front and rear of the house. Locate downspouts in an area visually offensive to the neighborhood or house, or on the rear side of the house, preferably on columns, etc. General contractors shall verify existing drainage and coordinate any necessary adjustments to house with owner.

2. Plumbing and HVAC vents shall be grouped at the rear of the house and shall be painted to match roof color. Vents located away from public view, i.e., at the rear of the house, shall be painted to match roof color.

3. Provide attic ventilation per local code requirements.

4. Exterior elements shall be correctly installed at all connections between roofs, walls, columns, projections, and penetrations as required by approved construction practices.

5. Contractors shall provide adequate attic ventilation. Roof vents per local governing code. Metal, vent, and ridge ventilation and intake to match roof vents with appropriate cuts to avoid ventilation outflow.
BOA-22996

Subject Tract

19-12 24

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
BOA-22996

Subject Tract

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

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9326
CZM: 48
CD: 5
HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Fred Srour

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

LOCATION: 6529 E 51 ST S
ZONED: CS

PRESENT USE: Retail
TRACT SIZE: 23126.1 SQ FT

LEGAL DESCRIPTION: E 30 LT 6 & ALL LT 7 BLK 1, F D M CENTER

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-21008; On 12.08.19 the Board approved a Variance to reduce their parking lot from 66 spaces to 25 spaces for a multi-tenant commercial building.

Surrounding Properties: None.

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

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

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.
ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of S. 67th E. Ave. and E. 51st St. The subject tract is an existing "smoke shop" located on a multi-tenant commercial building, other tenants include a nail salon, and pizza take out restaurant and a donut shop.

STAFF COMMENTS: The applicant is requesting Variance of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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

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

2. An electronic security system and surveillance camera.

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

The applicant is seeking a variance to allow a building at 6529 E. 51st St. to be used a dispensary. The subject building is 408.31 ft away from another established dispensary, Inhale located 5048 E. 51st St. Inhale has been permitted as dispensary since July 22nd 2019, a copy of their Certificate of
Occupancy is attached to this application. The applicant has included a copy of their OMMA Dispensary license which does not include an issue date.

**STATEMENT OF HARDSHIP:** Srou shows obtained his OMMA license to operate at this location which he currently occupies as Glasswork, a long-running and reputable Tulsa business.

**SAMPLE MOTION:** Move to _______ (approve/deny) a **Variance** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D)

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

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

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

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

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

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

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

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
obtained a mutual access easement, providing five more parking spaces for her business (Exhibit C-1). She proposed to open a ladies gymnasium with 5,600 sq. ft., open 6:00 a.m. to 9:00 p.m. or 10:00 p.m. She submitted a petition of support with signatures of the businesses most impacted by the parking (Exhibit C-2). She also sent a letter to all of the businesses to which INCOG sent notices. She received two phone calls from businesses on the INCOG notice list, stating they did not see any problem with the parking. Ms. Jalili estimated a maximum of 28 customers and employees parking during the day, and 35 maximum during peak hours before 9:00 a.m. and after 5:00 p.m. She added there are 43 shared parking spaces, and she would have 26 designated for her business.

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

**Board Action:**
On Motion of Stead, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Van De Wiele "absent") to APPROVE a Variance of the parking requirement for a multi-tenant commercial building in the CG district from 50 spaces to the existing 26 parking spaces (Section 1200), finding a mutual access easement on the western driveway has been established, and should provide adequate parking in the area; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

N75 W140 E165 LT 24, S75 N150 W140 E165 LT 24, ALBERT PIKE SUB, City of Tulsa, Tulsa County, State of Oklahoma

**Presentation:**
**Mike Ives,** 1530 South Yorktown Place, Tulsa, Oklahoma, stated his company is a commercial real estate firm that has managed this property for about nine years. He reviewed some of the history of long term leases in this building. They do not propose any dine-in restaurant use because of the limited parking. They applied for this relief for a Little Caesar's delivery business on construction build-out. Mr.
lves expected the hours of operation of Paradise Donuts 6:00 a.m. to 11:00 a.m. to trade off with the Little Caesar’s hours of 11:00 a.m. to 11:00 p.m. They have experienced no previous parking problems. He submitted a petition of support for the lease approval (Exhibit D-1).

Comments and Questions:
Ms. Stead did not see any problem with the parking at this site.

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

Board Action:
On Motion of White, the Board voted 4-0-0 (White, Henke, Stead, Tidwell, "aye"; no "nays"; no "abstentions"; Van De Wiele "absent") to APPROVE a Variance of the parking requirement for a multi-tenant commercial building in the CS district from 66 spaces to the existing 25 parking spaces (Section 1200), finding the demonstrated usage of this commercial building has been such that the 25 existing parking spaces has been adequate for the tenants that have utilized it and the projected use will work within the 25 parking spaces; finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

E 30 LT 6 & ALL LT 7  BLK 1, F D M CENTER, City of Tulsa, Tulsa County, State of Oklahoma

***********

Case No. 21011
Action Requested:
Verification of the spacing requirement for an adult entertainment establishment (Use Unit 12a) from an R district, church, school, or park (Section 1212a.C.3), located: 304 South Elgin Avenue.

Presentation:
Kevin Hale, 419 South Peoria, Tulsa, Oklahoma, 74120, represented the applicant. The only establishment that might come up as being within the spacing radius is the Caring Center, belonging to the First Baptist Church. He stated that under Section 1212.A, it does not meet the description as a contiguous property owned by a church. It was stated that the Caring Center did not meet the definition for a place of worship.
Facing North on 67th E. Ave.

Inhale is the conflicting dispensary located West of the subject property on 51st St.
Subject property currently operating as Glassworx

Facing East 51st St.
Facing West on 51st Street
ZONING CLEARANCE PLAN REVIEW

June 3, 2020
Phone: 918.527.7219

Drew Giddens
2877 W 112th ST
Jenks, OK 74037

APPLICATION NO: COO-060098-2020

LOCATION: 6529 E 51 ST

DESCRIPTION: Medical Marijuana Dispensary

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

REVISIONS SHALL BE SUBMITTED DIRECTLY TO THE CITY OF TULSA PERMIT CENTER LOCATED AT 175 EAST 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 918-594-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the BOA Planner at the Tulsa Planning Office at 918-584-7526 or at esubmit@incog.org. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. **Sec.40.225-D:** A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

2. **Sec.40.225-H:** The separation distance required under **Sec.40.225-D** must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

   **Review comment:** Submit a copy of the BOA accepted separation distance of 1000’ from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to Austin Chapman at Achapman@incog.org.

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

   **Link to Zoning Code:**

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

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

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

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

HEMP USA LLC

6529 E 51ST ST., TULSA, OK, 74145

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 4704 ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTR 581. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

10/14/2020

LICENSE NUMBER:
DAAA-EJGT-FKVU

DO NOT COPY

TOM BATES, I.D.
Interim Commissioner
Oklahoma State Department of Health
CERTIFICATE of OCCUPANCY  No: BLDC-017137-2018

PROPERTY
Address:  5048 S SHERIDAN RD E

ZONING USE
Zoning District:  CS
Use:  Commercial/Retail/Medical Marijuana Dispensary
Use Conditions:

BUILDING OCCUPANCY
Use Group  Const. Type  Floor Area  Occ. Load  Descriptive Area
M  VB  675  12  Entire Tenant Space

Floor area of Permit:  675

OCCUPANCY CONDITIONS:

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

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

Approval Date:  July 22, 2019
Code Official:  Adam Murray
BOA-22997

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

Aerial Photo Date: February 2018
STR: 9213
CZM: 36
CD: 4
HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Robert Farmer

ACTION REQUESTED: Special Exception to permit the alteration of a structure with an existing non-conforming side setback (Sec. 80.030-D)

LOCATION: 2944 S CINCINNATI AV E

ZONED: RS-3

PRESENT USE: Residential

TRACT SIZE: 6852.02 SQ FT

LEGAL DESCRIPTION: S50 LT 4 BLK 3, TRAVIS PARK ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property: None.

Surrounding properties:

BOA-19573; On 05.13.03 the Board approved a variance of the side yard setback from 5' to 2.6'. Property located 2934 S Cincinnati.

BOA-18829; On 08.08.00 the Board approved a variance of the side yard setback from 5' to 2.0'. Property located 2939 S. Cincinnati.

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

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

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract is located South of the SW/c of E 29TH Pl. and S. Cincinnati Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to permit the alteration of a structure with an existing non-conforming side setback (Sec. 80.030-D)

80.030-D Alterations, Enlargements and Expansions
Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120, provided the extensions are not located closer to the lot line than the existing structure.

The applicant is seeking to make improvements to the North wing of the existing home and maintain the existing 2.8’ setback front the Northern property line.

SAMPLE MOTION: Move to _______ (approve/deny) a Special Exception to permit the alteration of a structure with an existing non-conforming side setback (Sec. 80.030-D)

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

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

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

Facing South on Cincinnati
Subject property
Case No. 18828 (continued)

Lot 3, Block 1, Holland Center, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18829

Action Requested:
Variance of side yard requirement of 5' down to 2' for an addition, SECTION 403.
BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2939 S. Cincinnati.

Presentation:
The applicant, Tim Blake, 2939 S. Cincinnati, stated his request and mentioned they have no garage because a previous owner closed it in. He explained with this variance for 3 ½' they could build a 2-car carport. He submitted a site plan and packet of information (Exhibit G-1) and photos (Exhibit G-2).

Comments and Questions:
Mr. Beach asked if there would be room enough for two cars. Mr. Blake stated that they can get two cars in the space now, but they are not covered. Ms. Turnbo asked when the house was built. He stated it was built in 1939. He added that he did not want to build a metal carport but would like to attach it to the house and use materials to match the house.

Protestants:
None.

Board Action:
On MOTION of Turnbo, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "abstentions") to APPROVE a Variance of side yard requirement of 5' down to 2' for an addition, per plan submitted, finding the hardship that the house was built before the zoning code was enacted, and 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:

N 15' of Lot 18, all of Lot 19, Block 4, Travis Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18830

Action Requested:
Variance to exceed the allowable 20% coverage of required rear yard for accessory building. SECTION 210.B.5. YARDS, Permitted Obstructions in Required Yards – Use Unit 6; and a Variance to allow the existing non-conforming

08:08:00.801(10)
Presentation:
Charles Peden, 5000 Rogers Ave., Ft. Smith, Arkansas, stated they propose to expand the current signage from 40 square feet to 80 square feet to install a message board to display community and bank services and products.

Comments and Questions:
Mr. Dunham noted the application reflects a request for 100 square feet. Mr. White asked if this was for one sign or two. Mr. Peden responded that would raise the existing sign and install the message board. Mr. Beach calculated that it does come to 100 square feet, which would be 250% of what is allowed. Ms. Perkins asked for the hardship. Mr. Peden replied they consider the inability to display community services and the limitation of the size of their site to be the hardship.

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

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Turnbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to DENY a Variance of signage requirement of 40 square feet to permit 100 square feet of ground sign, finding lack of a hardship, on the following described property:

Lot 1, Block 1, Superior Federal Bank - East 61st Street Branch, City of Tulsa, Tulsa County, State of Oklahoma.

**********

Case No. 19573

Action Requested:
Variance of required 5' side yard to 2.6' to permit an addition of a carport in an RS-3 district. SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts - Use Unit 6, located 2934 S. Cincinnati Ave.

Presentation:
Michael Zenoni, 2934 S. Cincinnati, stated his request for reduction of side yard to build a carport.

Mr. Dunham out at 2:24.

Comments and Questions:
Mr. White asked if this would be an open-sided carport. Mr. Zenoni replied in the affirmative. The house was built in 1939 and has a very small garage not compatible with newer size vehicles. They also plan to modernize the utility space and make the garage into a game room. The neighbor has no objections as she is moving her house and selling the lot to the north of the subject property. A site plan, elevations and photos were provided (Exhibits D-1a, D-1b, and D-2).
Mr. Dunham returned at 2:26 p.m.

Interested Parties:
Laten Harcrow, 6176 W. 42nd St., stated he was speaking on behalf of Cathy Evans, 2930 S. Cincinnati Ave. She wanted to be assured that she will have access to the south side of her property in the process of moving her house. She also asked that the application project be postponed until after her move. Mr. White asked if she was aware this application does not encroach on her property. Mr. Harcrow explained that Ms. Evans was concerned there is very little room between the two houses and there could be something that would impede the removal of her house.

Board Action:
On MOTION of Dunham, the Board voted 4-0-0 (White, Dunham, Tumbo, Perkins, "aye"; no "nays"; no "abstentions"; Cooper "absent") to APPROVE a variance of required 5' side yard to 2.6' to permit an addition of a carport in an RS-3 district, per plan, finding it is an existing house with continuation of the existing encroachment on the side yard, and the carport would be an integral part of the house, and finding 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:

Lot 2 and N 5' of Lot 3, Block 3, Travis Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19574
Action Requested:
Special Exception to permit a manufactured home in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; a Variance of one year time limit. SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS; a Variance of required 30' of frontage on a public street to 0'. SECTION 206. STREET FRONTAGE REQUIRED; and a Variance of interior side lot setback to permit building over lot lines. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located N of NW/c 46th St. N. & Utica Ave.

Presentation:
Wayne Terez Stanley, Sr., 1449 N. Olympia Ave., stated this property has been in their family since the 1970’s. They propose to place a manufactured home on the property. He asked if Kathy Flanagan from Oak Creek Homes could speak for him. Mr. White asked if the driveway on the east side of the house is on what would be Utica Ave. if the street went through, and if they had planned to continue it to the site of the manufactured home. Mr. Beach stated that there is a right-of-way even though the street is not completed and the relief would be needed.

05:13:03:864 (9)
ZONING CLEARANCE PLAN REVIEW

August 18, 2020
Phone: 918-766-1330

Bob Farmer
6000 Douglas Ln.
Bartlesville, OK 74006

APPLICATION NO: BLDR-066312-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Location: 2944 S. Cincinnati Ave.
Description: Alteration and rebuild portion of existing 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/SELSERVICE. 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.
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.

Section 80.030 Nonconforming Structures

Sec. 80.030-D Alterations, Enlargements and Expansions
Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of Section 70.120.

Review Comments: You are proposing to add on to an existing structure with a non-conforming side setback. RS-3 zoned lots require a 5' side setback from the property line. Revise plans to indicate compliance with the required 5' side setback or apply to BOA for a special exception to allow reconstruction of an existing non-conforming structure.

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

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

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

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

END – ZONING CODE REVIEW

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

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
With regard to Letter of Deficiency from Planning and Zoning Department; Permit Application BLDR-066312-2020

ADDITIONAL INFORMATION AND COMMENT:
As noted on the application form, this Application for Variance is for permission to reconstruct the side wall of a home in the same location as where it is now. At present, the north side wall is 2’8” from the property side boundary. The attached Letter of Deficiency from the Planning and Zoning Department of Tulsa notes that this is less than the currently required 5’ setback.

The reconstruction is to rebuild a small wing on the side of the existing home. The wing contains a garage, a laundry, and a covered rear patio. The reconstruction will also provide a new roof over an adjoining family room (called “Sunroom”) in the main house. It is the need to do significant reconstruction of the roof that is driving the need to reconstruct the walls of the existing garage/laundry wing.

We are unable to move the wall south to create 5’ setback. The existing single car garage is only minimally wide enough for its desire use now. Taking an additional 2’4” away from its width would make a garage unusable. Note, as required by building code, the reconstructed sidewall will be built to code for fire resistance.

Note also, as indicated in the drawings provided here, we will be slightly relocating the front and back walls of the garage wing to better align with the main house. The front wall of the garage will move forward 6” closer to the street but is still well behind the front of the main house. The back wall will move eastward, 2’11” further away from the back boundary of the property where it will align with the back wall of the house. The reconstruction leaves the existing total floor space in the home essentially unchanged. The reconstruction will also leave the street frontage appearance of the home essentially unchanged.

ATTACHED INFORMATION AND DRAWINGS:
The following information and drawings from the Permit Application are attached here to illustrate this Request for Variance.

- Pertinent Letter of Deficiency from Planning and Zoning
- Current Mortgage Plat from the Deed for the property
- Summary illustration drawing from the Construction Drawings (Sheet 1 of 10)
- Proposed Site Plan from our Construction Drawings (Sheet 2 of 10)
- Floor Plan and North Side Elevations of Existing Structure from the Construction Drawings (Sheet 3&4 of 10)
- Proposed Floor Plan and Construction Notes from the construction Drawings (Sheet 5 of 10)
- Proposed Roof and North Side Elevations from the Construction Drawings (Sheet 6 of 10)
- Proposed Rear Elevation from the Construction Drawings (Sheet 10 of 10)
North side wall - before and after - to lie in same location.

Site Changes:
1. Front wall of new garage about 6" forward (to east.)
2. Back wall of Sunroom and Garage/Laundry flush with rest of house. (~2'11" to east)

OWEN PROPERTIES & REMODELING LLC
11290 S. 225th East Ave; Broken Arrow, OK 74014
918.399.6368

P605 DORZAB
Garage and Room Reconstruction
2944 S Cincinnati Ave
Tulsa, OK 74114

Drawing revision: August 5, 2020
Sheet 1 of 10
PLAN View and Photos
Project Objectives, Overview
Reconstructed garage/laundry wing will be 6" further toward front of house and 2'11" further away from back of house. The north side wall will lie in the same location as the existing north side wall.
Existing north side wall lies 2'8" from property side boundary.

Existing north side wall - from front of garage to back wall - to be reconstructed.
North side wall - from front of garage to backwall, 31' 6" - to be reconstructed in same location as existing wall.

NOTES: WALLS AND FRAMING
1. All new walls to be framed with 2x4 framing lumber. All studs to be 16" O.C. All exterior sole plates to be pressure treated. All exterior walls to be set on galvanized metal flashing as termite shield and on moisture-resistant pad. (See drawing detail.)
2. All rafters, joists and other principle framing components to be 2" materials, widths as indicated in drawings, and set 16" O.C.
3. All interior walls to be 1 1/2" gypsum board (except north wall, see note below.)
4. All exterior sheathing to be 7/16" OSB (except north wall, see note below.) All exterior to be wrapped in weather resistant wrap (Tyvek or equivalent.)
5. All exterior walls to be bolted to footings with anchor bolts, 1 1/2"-diameter, spaced a maximum of 6 feet O.C. but with a minimum of 2 bolts per plate section and 1 bolt not more than 12" from each plate end. Bolts shall extend a minimum of 1 inch in concrete and shall be located in the middle third of the width of the sole plate. Each anchor bolt is to be bound to the sole plate with nut and washer. 
6. All interior walls to be positively anchored with approved concrete fasteners. Rafters and joists to be bound with metal strapping at joints with walls.

NOTES: FIRE-RESISTANT NORTH WALL:
8. Entire north wall, extending from front (east) wall of garage to back (west) wall of laundry is to comply with fire separation requirements with a 1 hour fire rating. Wall to be built to ASTM Design 15-1.15 from Table 721.1/2.
9. Exterior sheathing to be 5/8" fire-resistant plywood sheathing, 4' wide. Interior surfaces to be 5/8" fire-resistant Type X Gypsum board, 4' wide. Sheathing and gypsum board to be fastened with appropriate fasteners 2-1/4" long and spaced 12" O.C. All vertical joints are to be over studs.
10. All interior wall cavities to be sealed at ceiling level and roof over. All exterior cavities to be filled with 3-1/2" mineral wool insulation.
11. Passage door to be metal clad, insulated, rated for 1 hour fire retention.
Roof Plan (Planned)

- Peak of new garage is raised to height of main roof and aligns with top of peak of hipped gable on south end of house.
- Front slope matches front slope of main house.
- East wall to be 8' above drive, which is taller than existing.
- East wall moves East by 5'

North Elevation (Planned)

- New laundry below
- Long dash lines indicate interior floors and walls
- Main roof: simple gable
- Main roof over living area on SW corner of main house
- New shed roof over Sunroom, back of garage and laundry
- Existing gable and hip roof over living area on SW corner of main house
- New shed roof over Sunroom, back of garage and laundry
- North and West side reconstruction
- New laundry room floor slab, to be at same level as Sunroom.

This north side wall - from front of garage to back side, 31'6" - to be located in same place as existing wall.
These elevations are of back side of house. The primary objective of the construction is to resolve structural issues of the existing roof and walls that cause water incursion.

West Elevation (Existing)

Exterior dimensions are to outside of exterior walls; roof overhang (≤2") not shown.

Existing north side wall 2'8" from north side property boundary.

West Elevation (Planned)

Exterior dimensions are to outside of exterior walls; roof overhang (≤2") not shown.

Proposed north side wall to be located in same place as existing.

Drawing revision: August 5, 2020
Sheet 10 of 10
ELEVATION
EXISTING and PLANNED West (Back) Side
MORTGAGE INSPECTION
PLAT

PROJECT NO.: 075776-559
MORTGAGOR: Wendy K. Dorzab
CLIENT: Residential Title & Escrow Services, Inc.
File No.: 018-06-07

This property is located in flood zone "X-SHADED" as per FIRM Community Panel No. 405361 0505H, as last revised September 22, 1999.

Legal Description As Provided:
THE SOUTH FIFTY FEET (50') OF LOT FOUR (4), BLOCK THREE (3), TRAVIS PARK ADDITION TO THE CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 2944 SOUTH CINCINNATI AVENUE.

Surveyor's Statement

WITNESS MY HAND AND SEAL THIS DATE: 9/7/07

WITNESS MY HAND AND SEAL THIS DATE: 9/17/07

LEGEND

U/E UTILITY ESMNT
D/E DRAINAGE ESMNT
H/L BUILDING LINE
E/M ELECTRIC METER
B/E BURIED ELECTRIC SERVICE CABLE
EASEMENT
(APPROXIMATE LOCATION)

Ordinance No. 3313, Recorded in Book 1325, Page 14, affects this entire property-releases blanket easement and provides for a 4' U/E as shown hereon.

10. Right of Way Deed, Book "F", Page 66, does not affect this property.

12. Affidavit recorded in Book 5731, Page 3421; as corrected by the Corrected Affidavit, recorded in Book 5730, Page 2135; as corrected by the Affidavit to Correct previously recorded notice of hazardous waste permit recorded in Book 5831, Page 1929, no longer affects subject property.

Plat No. 775
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
BOARD OF ADJUSTMENT  
CASE REPORT

STR: 9407  
CZM: 39  
CD: 5

Case Number: BOA-22999

HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Brent Barnes

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: 9955 E 21 ST S  
ZONED: CS

PRESENT USE: Commercial  
TRACT SIZE: 199827.96 SQ FT

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

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-22880: On 7.23.19 the Board approved a Special Exception to allow wholesales and distribution use in a CS District.

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

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

Surrounding Property:

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

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located at the NW/c of S 101st E Ave and E 21st Street S.

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

<table>
<thead>
<tr>
<th>Section 40.400</th>
<th><strong>Vehicle Sales and Service</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>40.400-A</td>
<td>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 Section 55.020.C.</td>
</tr>
<tr>
<td>40.400-B</td>
<td>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 55.030.</td>
</tr>
</tbody>
</table>

**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.
Ms. Shelton stated she could approve a ten-year term, but not less than five years.

**Board Action:**
On MOTION of SHELTON, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Modification of a previously approved Special Exception (BOA-21850) to allow a manufactured housing unit permanently (Section 40.210-A), subject to conceptual plans of pages 11.5, 11.6 and 11.7 of the agenda packet. There is to be a seven-year time limit on the approval, March 2027. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LT-3-BLK-2, PARK VIEW PLACE, City of Tulsa, Tulsa County, State of Oklahoma

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

**Presentation:**
Lou Reynolds, Eller & Detrich, 2727 East 21st Street, Tulsa, OK; (attended remotely) stated the subject property is the former Dean's RV & Campers Super Store that was approved in 1982. The site has been used for the storage of camper trailers and the property is now being purchased by Ahearn Equipment Rental and they desire to have an outdoor storage of construction equipment on the site. They will store the equipment north of the south boundary of the existing building; Dean's RV did not do that.

Mr. Van De Wiele asked Mr. Reynolds if the equipment being stored on the site would be for rental or would this be an equipment yard. Mr. Reynolds stated the equipment is primarily for rental, but they do sell equipment, but it is not a yard.

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

**Comments and Questions:**
None.

**Board Action:**
On MOTION of BOND, the Board voted 4-0-0 (Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; Bond absent) to APPROVE the request for a Special Exception to allow Outdoor Equipment and Storage in a CS District (Section 15.020, Table 15-2), subject to photo pages 14.10, 14.11, 14.12, 14.13, 14.14 and 14.15 of the
There is to be no storage of equipment south of the south wall of the existing building. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 1 & 2 LESS W447.79 LT 1 BLK 2, MAGIC CIRCLE SOUTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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

BOARD MEMBER COMMENTS

Mr. Van De Wiele congratulated the INCOG staff, the City IT personnel and everyone else involved in the production of today’s virtual meeting, this was less painful than everyone anticipated.

*******

There being no further business, the meeting adjourned at 2:10 p.m.

Date approved: 4/28/2020

Chair
ZONING CLEARANCE PLAN REVIEW

August 17, 2020

Brent Barnes
7030 S. Yale Ave., Suite 104
Tulsa, OK 74136

APPLICATION NO: ZCO-066909-2020

(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 9955 E. 21st 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.

SUBMTTALS 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
(TMABC), AND THE TULSA PLANNING OFFICE AT INCOC CAN BE FOUND ONLINE AT
WWW.TULSAPLANNING.ORG; IN PERSON AT 2 W. 2ND ST., 8TH FLOOR, IN TULSA; OR BY CALLING
918-584-7526 AND ASKING TO SPEAK TO SOMEONE ABOUT THIS LETTER OF DEFICIENCY.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT
THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOC STAFF AT TIME OF APPLYING FOR
BOARD OF ADJUSTMENT ACTION AT INCOC. UPON APPROVAL BY THE BOARD OF ADJUSTMENT,
INCOC STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO
OUR OFFICE. (See revisions submittal procedure above.).

(continued)
Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning variances, special exceptions, appeals of an administrative official decision, Master Plan Developments Districts (MPD), Planned Unit Developments (PUD), Corridor (CO) zoned districts, zoning changes, platting, lot splits, lot combinations, alternative compliance landscape and screening plans and all questions regarding (BOA) or (TMAPC) application forms and fees to 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. 35.050-Q-Vehicle Sales and Service: The proposed auto auction is designated Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals use. The legal description of your lot indicates you are in a CS zoning district.

Review comment: The proposed use, Commercial Use Category/Vehicle Sales and Service/Personal Vehicle Sales and Rentals, is located in a CS district. This will require you to submit a request for a Special Exception reviewed and approved in accordance with the Special Exception procedures of Section 70.120.

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

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

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

A hard copy of this letter is available upon request by the applicant.
Case No. 12209 (continued)

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13, and 14 in an IL District, on the following described property:
Lot 3, Block 5A, Tulsa Southeast Industrial District in the City of Tulsa, Oklahoma.

Case No. 12210

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

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

Protestants: None.

Board Action:
On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to locate a mobile home for security purposes in a CS District and utilize it as an office and residence, on the following described property:
The North 300' of the South 400' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East in Tulsa County, Oklahoma, and the North 155' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12211

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

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

9.30.82:372(18)
Case No. 12211 (continued)

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

Protestants: None.

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

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

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

Case No. 12212

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

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

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

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

9.30.82:372(19)
Case No. 11897 (continued)

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

Case No. 11898

Action Requested:

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

Presentation:

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

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

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

Protestants: None.

Board Comments:

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

Board Action:

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

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

Case No. 11899

Action Requested:

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

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

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

Protestants: None.

Board Comments:

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

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

Board Action:

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

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

Case No. 11900

Action Requested:

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

Presentation:

The applicant was not present.

Protestants: None.

Board Action:

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

4.1.82:359(29)
Presentation:
Steve Dotson, 1402 South Peoria, Tulsa, OK; stated he represents TJD Natural Supplements. There are no licensed and no operating dispensaries within the 1,000-foot radius. There is one licensed dispensary at 1236 South Peoria which is at 1,144 feet.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of BOND, the Board voted 5-0-0 (Bond, Radney, Ross, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) I move that based upon the facts in this matter as they exist presently, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

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

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

Presentation:
Lou Reynolds, 2727 East 21st Street, Tulsa, OK; stated he represents Elliott Electrical Supply Company. The site is a former K-Mart that has been vacant for about two years and it is located at 21st Street and Highway 169. The triangle the site is in is mostly vacant. The only businesses that remain open in that triangle are the billboard, the cell tower, and the used car dealer. Immediately to the east of the site is about nine acres that is owned by the State of Oklahoma, and behind the site is another four acres that is owned by the State of Oklahoma. Currently the site is a transient camp and the property is broken into quite often. Elliott Electrical Supply is primarily an electrical wholesale supplier selling multiple electrical items, selling mainly to commercial. The building is approximately 90,000 square feet on 12 acres of land.
Mr. Van De Wiele asked Mr. Reynolds if anything would be warehoused outdoors. Mr. Reynolds stated there is some outside storage accessory use on the east side which is shown on page 21.15 of the agenda packet.

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

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

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

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

**Comments and Questions:**
None.

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

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

**22698—Josh Kunkel**

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

**Presentation:**
Andrew Sedersten, Architect, 2417 East Admiral Boulevard, Tulsa, OK; stated this is a modification request for a previously approved plan in 2004 for Woodland Baptist
Facing East on 21st St. S.

Subject Property
Intersection of 21st St. and 101st E. Ave.
BOA-22999

Subject Tract

19-14 07

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9201
CZM: 36
CD: 4

HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Lori Worthington

ACTION REQUESTED: Variance to permit a projecting sign to exceed the maximum permitted height of 25' above grade to be installed at 75' above grade (Sec. 60.080-D)

LOCATION: 624 S BOSTON AV E

ZONED: CBD

PRESENT USE: Bank

TRACT SIZE: 7643.07 SQ FT

LEGAL DESCRIPTION: S50 LT 4 BLK 163, TULSA-ORIGINAL TOWN

RELEVANT PREVIOUS ACTIONS:

Subject property: None

Surrounding properties:

BOA-22268; On 06.27.2017 the Board approved a variance to increase the permitted height of a projecting sign from 25' to 62' property located 616 S. Boston Ave.

BOA-21471; On 09.25.12 the Board approved a variance to increase the permitted height of a projecting sign from 25' to 62' property located 616 S. Boston Ave. The sign in this case was not erected prior to the expiration of the approved variance.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located at the NW/c of E. 7th St S and S. Boston Ave.

STAFF COMMENTS: The applicant is requesting a Variance to permit a projecting sign to exceed the maximum permitted height of 25' above grade to be installed at 75' above grade (Sec. 60.080-D)

<table>
<thead>
<tr>
<th>60.080-D Maximum Height of On-premise Projecting and Freestanding Signs</th>
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<tbody>
<tr>
<td>1. Lots with Frontage on Only Minor Streets</td>
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<tr>
<td>On-premise projecting signs and freestanding signs on lots with frontage on only minor streets may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.</td>
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<tr>
<td>2. Lots with Frontage on Major Streets</td>
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<tr>
<td>On-premise projecting signs and freestanding signs on lots with frontage on major streets may not exceed 25 feet in height, except that a maximum height of 40 feet is allowed if the sign is set back from the planned right-of-way line at least one foot for each foot of sign height in excess of 25 feet. Projecting signs and freestanding signs may not exceed 40 feet in height unless the subject lot abuts a freeway, in which case the maximum allowed height is 50 feet.</td>
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STATEMENT OF HARDSHIP: Due to the unique structure of the building, it is not possible to install a sign lower. This also keeps in harmony with the projecting signs in the CBD district.

SAMPLE MOTION:
Move to _________ (approve/deny) a Variance to permit a projecting sign to exceed the maximum permitted height of 25' above grade to be installed at 75' above grade (Sec. 60.080-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."
Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

Revisions need to include the following:
1. A copy of this deficiency letter
2. A written response as to how each review comment has been resolved
3. The completed revised/additional plans form (see attached)

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, phone (918) 596-9601.
The City of Tulsa will assess a $55 resubmittal fee. Do not submit revisions to the plans examiners.

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

Important information

1. Submit two (2) sets of revised or additional plans. Revisions shall be identified with clouds and revision marks.

2. Information about zoning code, the Indian Nation Council of Government (INCOG), Board of Adjustment (BOA), and the Tulsa Metropolitan Area Planning Commission (TMAPC) is available online at [www.incoog.org](http://www.incoog.org) or at INCOG offices at 2 West 2nd Street, 8th floor, Tulsa, OK, 74103 or telephone (918) 584-7528.

3. Present this letter to INCOG when applying for Board of Adjustment or Planning Commission action.

(Continued)
REVIEW COMMENTS

APPLICATION No. SIGN-067409-2020 624 S. Boston Ave.  August 14, 2020

This letter of deficiencies covers Sign Plan Review items only.

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

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

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

Review comments:
   The proposed projecting sign height of 75 feet exceeds the permitted 25 foot height above grade allowed for a sign with a 30 foot setback from the C/L of E. 7th Street. You may seek a variance from the BOA to permit a projecting sign to exceed the maximum permitted height of 25 feet to be installed 75 feet above grade, with a 30 foot setback from E. 7th Street.

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

END - ZONING CLEARANCE AND SIGN CODE REVIEW

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

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

New Sign

30'

35'

NORTH
Southwest View
SCALE 1/10" = 1'

End View
SCALE 1/10"

6' X 40' = 240SQFT

Top View
SCALE 1/20

East Elevation
SCALE 1/120
Mr. Van De Wiele asked Mr. Jones what his business is. Mr. Jones stated his business is a commercial drywall contractor.

Mr. Van De Wiele asked Mr. Jones if anything would be stored outside. Mr. Jones stated that his equipment and materials are better off inside thus the need for a large warehouse.

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

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of FLANAGAN, the Board voted 4-0-0 (Back, Flanagan, Van De Wiele, White "aye"; no "nays"; no "abstentions"; Bond absent) to **APPROVE** the request for a Special Exception to allow for Wholesale Distribution & Storage/Warehouse use in the CS District (Section 15.020, Table 15-2), subject to conceptual plan 13.20 in the agenda packet. The Board finds that the requested Special Exceptions 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:

E/2 E/2 W/2 LT1 LESS S75 FOR ST & N17 W/2 E/2 W/2 LESS BEG NWC W/2 E/2 W/2 LT 1 TH E165.06 SW30.33 SW28.23 W11.34 N17 POB SEC 6 19 14 2.298ACS, City of Tulsa, Tulsa County, State of Oklahoma

**22268—A-Max Sign Company — Lori Worthington**

**Action Requested:**
Variance to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D). **LOCATION:** 616 South Boston Avenue East (CD 4)

**Presentation:**
Brian Ward, A-Max Sign Company, 9520 East 55th Place, Tulsa, OK; stated this sign was previously approved in 2012 and the client never took action on it. Now the customer would like to erect the sign.

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

**Comments and Questions:**
None.
Board Action:
On MOTION of FLANAGAN, the Board voted 3-0-1 (Back, Flanagan, White "aye"; no "nays"; Van De Wiele "abstaining"; Bond absent) to APPROVE the request for a Variance to increase the permitted height of a projecting sign to from 25 feet to 62 feet in the CBD District (Section 60.080-D), subject to conceptual plans 14.9 and 14.10 in the agenda packet. The Board has found the hardship to be the building location to the property line. The Board finds that the following facts, favorable to the property owner, have been established:

a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
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 3 & N50 LT 4 BLK 163, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22269—Natalie Hynes

Action Requested:
Special Exception to permit a Bed & Breakfast (Airbnb) in the R District (Section 5.020). LOCATION: 3540 East 21st Place South (CD 4)

Presentation:
Natalie Hynes, 3923 South 65th West Avenue, Tulsa, OK; stated the request is for an Airbnb and there will be no events or parties hosted at the house, and no pets will be allowed. Tulsa is a growing market and the house will be very structured and she will be careful as to who stays. Ms. Hynes stated that six neighbors called her and they encouraged the project. She will come by the property to check on it and make sure that everything is maintained. Ms. Hynes stated that her family owns several properties, commercial and residential in Tulsa. Ms. Hynes stated that she saw the news story on FOX 23 on May 24th and she filed for the permit on May 25th. No one has ever stayed
to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variances to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

ALL BLKS 125 & 126 & ALL 20 VAC ALLEY ADJ LTS 1 THRU 6 BLKS 125 & 126 & 80 VAC GUTHRIE ST ADJ BLKS 125 & 126 & N40 VAC ST BEG SECR LT 3 BLK 125 TH SE40 SW680 NW40 NE680 POB BLKS 125 & 126, ALL BLKS 129 130 154 & 155 & ALL 20 VAC ALLEYS & ALL 80 VAC GUTHRIE AV & W40 VAC FRISCO AV ADJ ON E & VAC 5TH ST BEG SWC BLK 129 TH ELY720 SLY80 WLY720 NLY80 POB & VAC 4TH ST BEG NWC BLK 129 TH NLY40 ELY680 SLY40 WLY680 POB,TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Ms. Snyder re-entered the meeting at 1:21 P.M.

**********

NEW BUSINESS

21471—Lori Worthington – A-MAX Sign Company

Action Requested:
Variance to permit a projecting sign height from 25'-0" to 62'-0" in the CBD District (Section 1221.E.1). LOCATION: 616 South Boston Avenue (CD 4)

Mr. Van De Wiele recused himself and left the meeting at 1:22 P.M.

Presentation:
Brian Ward, 9520 East 55th Place, Tulsa, OK; stated the variance request before the Board today allows the maximum height for a projecting wall sign or a ground sign. The minimum setback for such a sign is 25'-0". This particular building is located one inch behind the building setback required. Currently code allows a projecting sign to overhang the right-of-way so the setback is not an issue. The issue before the Board
today is the height of the sign. The sign in discussion today was previously located at 111 West 5th Street in Tulsa.

Mr. Henke asked Mr. Ward if the sign being discussed today is the exact same sign that was located on 5th Street, and Mr. Ward confirmed that it is.

Mr. White asked Mr. Ward if the sign was going to be mounted on the building at a 45 degree angle. Mr. Ward stated that it would be mounted at a 45 degree angle off the northeast corner of the building.

Mr. Swiney stated to Mr. Henke that he reads the site plan of the proposed sign to have wording on the spine of the sign. Mr. Henke asked Mr. Ward if there was a proposal to add text to the spine of the sign. Mr. Ward stated that he was proposing to add text to the spine of the sign, but if it were a deal breaker for this case he would relinquish the proposal. Mr. Ward stated that the drawing that is in the Board’s packet is a proposal drawing that was given to Garrett Law, and he does not know it was part of the original application.

Mr. White asked Mr. Swiney if the third face on the sign would be an issue. Mr. Swiney stated that he did not know if the proposed third face on the sign is prohibited, but it sounds as though A-MAX did not apply for the third face of the sign.

Ms. Back stated that staff was not aware that there was to be proposed wording on the spine of the sign. Mr. Kolibas, from the City, was present to comment on whether the sign meets the requirements or needs additional relief.

Mr. White asked if the text on the spine of the existing sign exists or not. Mr. Ward stated that the text is not present on the existing sign.

Mr. Swiney stated that the current application only deals with the front and back of the sign, not the proposed information on the spine of the sign. The Board can approve the sign, front and back, and not deal with the spine issue. If the applicant would like to come back under a separate application that addresses the text on the spine of the sign, the Board can hear and act upon the spine issue then.

Mr. Ward stated that if the client is in agreement, the text on the spine of the sign can be stricken from the proposed drawing.

Interested Parties:
David Garrett, 2221 Forest Boulevard, Tulsa, OK; stated he finds it unusual that this is the third process he has gone through to re-install his sign. In 2004 this sign was approved by the Board of Adjustment, and because of that approval he believes that Tulsa World installed their sign. Since that time many more signs have been installed in the downtown area because of the development. Mr. Garrett stated that he is sorry his application was not properly documented to have text on the spine. He has waited three months to mount the sign, and wants to have it installed.
Bob Kolibas, City of Tulsa, Sign and Site Section, 175 East 2nd Street, Tulsa, OK; stated there is a section in the Tulsa Zoning Code, Section 1221.E.4, regarding signs. Projecting signs cannot contain more than two sides of display surface area.

Mr. Henke stated that statement simplifies the issue for the Board, because Mr. Garrett wants Garrett Law displayed on both sides of the sign.

**Rebuttal:**
Mr. Ward came forward and stated his client would like to seek approval to relocate and install the sign without the slogan or text on the spine. The sign in discussion is a double-sided, old-fashioned neon sign that was previously approved at another location.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of WHITE, the Board voted 4-0-1 (Henke, Snyder, Tidwell, White “aye”; no “nays”; Van De Wiele “abstains”; none absent) to APPROVE the request for a Variance to permit a projecting sign height from 25'-0" to 62'-0" (Section 1221.E.1). This approval is for a double-sided sign only and is subject to per plan on page 4.11. Finding that the sign was previously mounted on a separate structure it is being moved to this structure with new offices. While initially the setback was an issue that was resolved in the 2004 case, this case only deals with the height; finding that the height of this sign on this structure will actually be somewhat lower than it was on the earlier structure. 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:

**LT 3 & N50 LT 4 BLK 163, TULSA-ORIGINAL TOWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

Mr. Van De Wiele re-entered the meeting at 1:37 P.M.
Facing South on Boston

Facing North on Boston
Subject building
Aerial Photo Date: February 2018

Subject Tract

BOA-23000

19-12 01

Feet

0 200 400

Note: Graphic overlays may not precisely align with physical features on the ground.
BOA-23000

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9326                                                     Case Number: BOA-23001
CZM: 48                                                     CD: 5
HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Mark Bahlinger

ACTION REQUESTED: Special Exception to allow Bar use in an IL Zoning district (Sec. 15.020, Table 15-2) Variance of the 300’ separation distance between a bar and another bar (Sec. 40.050-A)

LOCATION: 4201 S SHERIDAN RD E ZONED: IL
PRESENT USE: Vacant Tenant Space TRACT SIZE: 45389.71 SQ FT

LEGAL DESCRIPTION: LTS 33 THRU 35 & PRT LT 18 BEG SWC LT 35 TH E152 S40 W152 N40 POB BLK 2, KATY FREEWAY INDUSTRIAL PARK ADDN

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-22702; On 08.13.2019 the Board accepted a spacing verification for a medical marijuana dispensary on the subject property in a separate tenant space.

Surrounding properties:

BOA-7164; On 9.16.71 the board approved a Special Exception to permit a retail facility to be built in an IL District. On 5.17.73 the board made the determination that the original approval did include a tavern use. Property located at the NE/ of E. 44th street and S. Sheridan Road.

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 at the SE/c of E. 42nd St. S. and S. Sheridan Rd. The proposed bar is located in a multi-tenant commercial development, the subject tenant space is currently vacant, other businesses in the development include a medical marijuana dispensary, tobacco shop, and coffee shop.

**STAFF COMMENTS:** The applicant is requesting Special Exception to allow Bar use in an IL Zoning district (Sec. 15.020. Table 15-2) Variance of the 300’ separation distance between a bar and another bar (Sec. 40.050-A) Per the applicant the conflicting bar is located 197” 6” immediately South to the subject tenant space.

---

### Section 40.050 - Bars

The supplemental use regulations of this section apply to all bars, except accessory use bars.

#### 40.050 A

Bars are subject to all of the following separation distance requirements:

1. Public entrance doors of bars may not be located within 50 feet of any R zoned lot, as measured from the nearest point on the R zoned lot (not including R zoned expressway right of way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.

2. Bars may not be located within 300 feet of a public park, school or religious assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious assembly use to the nearest perimeter wall of the bar.

3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment, except in the CBD district. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.

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### Use Categories

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<tr>
<th>Subcategory</th>
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STATEMENT OF HARDSHIP: The applicant's comments are provided as a separate sheet included in your packet.

SAMPLE MOTION:

Special Exception:
Move to ________ (approve/deny) a Special Exception to allow Bar use in an IL Zoning district (Sec. 15.020, Table 15-2)

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

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 of the 300' separation distance between a bar and another bar (Sec. 40.050-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.

12.4

REVISED 9/14/2020
Action Requested: Exception (Section 710 - Principal Uses Permitted in Residential Districts) to permit constructing a retail facility in an IL Industrial District, on a tract located at the Northeast corner of 44th Street and Sheridan Road.

Presentation: Donald Walker, applicant, submitted a plot plan to the Board (Exhibit "I-1"), and requested to be allowed to construct a commercial retail center under the provisions of Use Units 14, 15, and 16. He added that the structure would probably be leased to larger tenants, i.e., hardware, household appliances, floor tile, etc.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Residential Districts) to permit constructing a retail facility (Use Unit 14) in an IL District, subject to the plot plan submitted, on the following described tract:

Lots 1, 2, 3, 4, 5, 6, & 7, Block 2, Katy Freeway Industrial Park, an Addition to the City of Tulsa, Oklahoma.

Action Requested: Variance (Section 730 - Bulk and Area Requirements in an Industrial District - Under the Provisions of Section 1470) to modify the setback requirements from 75' to 50' from the South property line on a tract located at 7420 East 46th Place.

Presentation: Jim Cameron, representing Cameron Investment Corporation, advised the Board that the building was purchased in 1968, and future expansion plans were developed at that time under the provisions of the old Zoning Ordinance. He stated that he notified the adjacent property owners by registered mail of his request together with his intention to erect a fence along the property line. Eleven of the thirteen property owners affected have returned the letters together with their signatures consenting to the request. He added that two of the property owners were restricted from taking such action due to legal procedures established within their offices. Mr. Cameron advised the Board that although the request was intended to include both the South and West property lines, the legal notice referred to the South property line only. He added that the correct request was included in the letters to the adjacent property owners.
Ms. Ross asked Mr. Chapman if the Board had approved the spacing verification on Forever Green, LLC. Mr. Chapman stated the Board has not and he could not find any building permits that had been applied for, so he does not know their intent or when the license was issued.

Ms. Ross asked Ms. Dampf if the other facility was currently operating. Ms. Dampf answered no, not that she is aware of.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 3-1-0 (Bond, Ross, Shelton "aye"; Radney "nay"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, we ACCEPT the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary; for the following property:

E 50 OF W95 OF N/2 LT 6 & W95 OF S/2 LT 6 BLK 38, TULSA-ORIGINAL TOWN, City of Tulsa, Tulsa County, State of Oklahoma

22702—Seed Cannabis Company

Action Requested:
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). LOCATION: 4201 South Sheridan Road East (CD 5)

Presentation:
Taras Filenko, 623 South Peoria, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Ms. Ross asked Mr. Filenko where the nearest dispensary is to his location. Mr. Filenko stated that it is Verde in the 3900 block of Sheridan or about 1,600 feet away.

Mr. Filenko stated he did the OMMA study and checked weed maps and did a drive around his perimeter to make sure he saw no dispensaries that weren't listed in the 1,000-foot radius.
Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

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

LTS 33 THRU 35 & PRT LT 18 BEG SWC LT 35 TH E152 S40 W152 N40 POB BLK 2, KATY FREEWAY INDUSTRIAL PARK ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22703—Eufloria, LLC

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

LOCATION: 11730 East 11th Street South (CD 6)

Presentation:
Tim Wortman, 7815 South Memorial, Tulsa, OK; no formal presentation was made but the applicant was available for any questions.

Mr. Bond stated the Board is in receipt of the applicant's OMMA license on page 10.14 and the spacing verification on page 10.16 of the agenda packet.

Mr. Wortman stated that the closest dispensary to his location is almost 6,000 feet away.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of ROSS, the Board voted 4-0-0 (Bond, Radney, Ross, Shelton "aye"; no "nays"; no "abstentions"; Van De Wiele absent) I move that based upon the facts in this matter as they exist presently, we ACCEPT the applicant's verification of spacing to
This is a communication from Daniel F. Allis, Attorney for Richard W. Conatzer, the applicant, requesting that the two separate filing fees totaling $75 paid by the applicant be refunded. Mr. Allis pointed out that because of adverse public opinion and other action by the City Attorney's Office, neither matter was heard, nor was there any significant staff time spent in handling the appeals.

Upon brief discussion of the two applications,

On MOTION of REEDS, the Board (3-0) denied the request for a refund of filing fees.

This is a communication from Robert Franden, Fortunon Investments Limited, advising that lots included in application 7164 were approved for retail use, although zoned industrial, in September, 1971. The applicant now wishes to include within the said uses a tavern, which was understood to be permitted under the previous approval of the Board. Mr. Franden requested a determination as to whether or not this use was to be a part of the original approval of the Board.

Mr. Jones advised that the Building Inspector's Office refused to issue a permit because the Board had approved Use Unit 14 only. The applicant requested Use Units 14 and 15.

Mr. Gardner advised that Use Units 13 and 14 are usually approved, unless the applicant specifies the need for tavern usage. Use Unit 19 is permitted in a CS District.

The applicant pointed out to the Board that there are no residences within three blocks of the subject property.

On MOTION of REEDS, the Board (3-0) determined it was not the Board's intent, in its original approval, to exclude a tavern from the commercial activities, and approved Use Unit 19, Hotel, Motel and Recreation Facilities, to permit the tavern to be located on the subject property.

There being no further business, the Chair declared the meeting adjourned at 3:29 p.m.

Date Approved June 21, 1973

Chairman

5.17.73:138(16)
Subject Tenant Space

Facing North on Sheridan
Facing South on Sheridan

Conflicting Bar located 4307 S. Sheridan Rd.
300' radius
Preposed Premises
Distance around obstructions to existing bar-301' 5"
Distance in a straight line to existing bar-197' 6"
Distance to school-???
ZONING CLEARANCE PLAN REVIEW

July 15, 2020

Phone: 918.259.0877

Lod Number: 1
April Toohimph
301 W Washington St
Broken Arrow, OK 74012

APPLICATION NO: BLDC-064202-2020
(Please reference this number when contacting our office)
Location: 4205 S Sheridan RD
Description: Bar

**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 TULSAPLANNING.ORG. In person at 2 W. 2nd St., 8th floor, in Tulsa; or by calling 918-584-7526 and asking to speak to someone about this letter of deficiency.
4. A copy of a “record search” is not included with this letter. Please present the “record search” along with this letter to INCOG staff at time of applying for board of adjustment action at INCOG. Upon approval by the board of adjustment, INCOG staff will provide the approval documents to you for immediate submittal to our office. (See revisions submittal procedure above.).

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

1. **Sec.15.020 Table 15-2:** You are proposing a Commercial/Bar use. This is in an IL zoned district. A bar is allowed in an IL district by Special Exception approved by the BOA.
   
   **Review comment:** Submit a copy of the approved Special Exception to allow a Commercial/Bar use in an IL district.

2. **Sec.55.060-8 Table 55-3:** Bicycle parking is required for this site. The required ratio of spaces is 5% of the required parking or 2 spaces which ever is less. The required vehicle parking is 21 spaces. Five percent (5%) is equal to two (2) spaces.
   
   **Review comment:** Submit a site plan providing bicycle parking spaces that conform to the following design criteria:
   
   **a. Location**
   Short-term bicycle parking spaces must be in highly visible areas that do not interfere with pedestrian movements. At least 50% of required short-term bicycle parking spaces must be located within 100 feet of a customer entrance, with the remainder located no more than 300 feet from any entrance. Short-term bicycle parking must be located on the subject lot, unless a license agreement has been approved by the city to allow private bicycle parking facilities to be in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.

   **b. Design**
   Required short-term bicycle parking spaces must:
   
   (1) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
   (2) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
   (3) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
   (4) Be designed so as not to cause damage to the bicycle;
   (5) Facilitate easy locking without interference from or to adjacent bicycles; and
   (6) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.
3. **Sec.55.130-A:** An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the requirements of this section for all lots occupied by buildings.  
**Review comment:** Submit a site plan providing Pedestrian Circulation in accordance with this section. The pedestrian circulation system must provide safe, direct and convenient pedestrian access connecting main entrances of buildings and uses with all other such entrances and with available access points including parking, streets, sidewalks and transit stops. In the case of building or site additions, these requirements apply only to the new or expanded areas. Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

1. Pedestrian access must consist of an accessible, easily-discernible walkway or multi-use path with a minimum width of 5 feet.
2. The pedestrian access surface located on private property must be constructed of concrete, asphalt or other fixed, firm and nonslip material, approved by the development administrator.
3. Pedestrian access routes that cross parking lots, drive aisles or other vehicular use areas must be clearly differentiated from the vehicle surface using physical separation or by durable, low-maintenance materials such as pavers, bricks, scored concrete, pavement textures or painted surfaces to define places of pedestrian movement.

4. **Sec.40.050-A:** You are proposing a bar which is subject to all the following separation distance requirements:

1. Public entrance doors of bars may not be located within 50 feet of any R-zoned lot, as measured in a straight line from the nearest point on the R-zoned lot (not including R-zoned expressway right-of-way) to the nearest public entrance door of the bar or the nearest portion of any outdoor seating/dining area, whichever results in a greater setback.
2. Bars may not be located within 300 feet of a public park, school or religious as-assembly use. The separation distance required by this paragraph must be measured from the nearest property line of such public park, school or religious as-assembly use to the nearest perimeter wall of the bar.
3. Bars may not be located within 300 feet of any other bar or sexually oriented business establishment. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment.
4. Religious assembly uses include all contiguous property owned or leased by the religious organization upon which the principal religious assembly building is located, regardless of any interior lot lines.
5. Schools include all contiguous property owned or leased by the school upon which the principal school building is located, regardless of any interior lot lines.  
**Review Comment:** Submit the following documentation so that your application may continue to be processed.

1. An aerial photograph identifying the location of the proposed bar at the center of a circle drawn to scale, the radius of which is the required separation distance (300 ft) from another bar. Public park, school or religious assembly use
2. Verification of having provided a copy of the Zoning Clearance Permit Application to the City Councilor for the city council district in which the subject property is located.  
   http://maps.cityoftulsa.org/citycouncil/
3. A copy of the following affidavit:
Affidavit as to Spacing Verification

I, ________________________, Being Duly Sworn upon Oath, State That I Have Researched and Examined or Caused to Be Researched and Examined the Spacing Verification Requirements and Have Provided a Copy of the Zoning Clearance Permit Application To The City Councilor in Which The Subject Property Is Located.

______________________________
Signature

Subscribed and Sworn to Before Me this _______ Day of ________________, 20____.

Notary Public ________________________ My Commission Expires:

______________________________

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://tulsa planning.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.
Variance Hardship for BOA case located at: 4205 S. Sheridan Rd., Tulsa, OK 74145

City of Tulsa Zoning Code

70.130-H Standards and Review Criteria 1. No variance may be approved unless the board of adjustment determines 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;

*Being required to measure in a straight line, in this instance, does not account for the change in topography and man-made obstructions (i.e. retaining walls, very large catch basin area in the parking lot, and a very busy arterial street.) One would have to overcome many obstacles to “walk in a straight line” between the proposed bar and the existing neighborhood bar and the business school across the Major Arterial street.*

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

*We believe the literal enforcement of the subject zoning code, in this instance, 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;

*The site's topographical conditions and physical surrounding conditions leading to these requested variances 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;

*The existing topographical and man-made obstructions (i.e. retaining walls, very large catch basin area in the parking lot, and a very busy arterial street) were not created or self-imposed by this current tenant or existing property owner.*

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

*The variances to be granted have strong barriers to a person walking, biking, or even driving the straight line of 300 feet for the required spacing measurement. The variances requested are the minimum variances 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

The variances 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.

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.

The variances 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.
July 31, 2020

Tulsa County Board of Adjustment
2 West 2nd Street, Suite 800
Tulsa, OK 74103

To Whom it May Concern,

I would like to take this opportunity to express my consent and endorsement of the new location of Ash Cigar Bar at 4205 South Sheridan Road, Tulsa, OK 74145. I own Last Call, a bar in the shopping center to the south. I believe a cigar bar nearby will help local businesses and is a welcome addition to the area. The new building and new tenants have increased consumers in the area and a new establishment will only further that increase.

Sincerely,

TJ Hirst
President
GALC, Inc.
Looking west from front door of proposed location

Looking east from near front door of Community Care College
Retaining wall, looking due west.

West end of the retaining wall, looking NNW
East end of the wall and the corner of Last Call, looking NE.

East end of the wall and the space between the wall & Last Call, looking NE.
The lowest part of the retaining wall. Still too high to climb. West end of the wall, looking east north east

West end of retaining wall, looking due east
West end of the retaining wall, looking north

Drainage culvert & drain at W end of the retaining wall, looking north.
A drain at the N.W corner of the parking lot at Last Call

A drainage culvert & drain at the N.W corner of the parking lot at Last Call
A drainage culvert & drains at the N.W corner of the parking lot at Last Call.
Subject Tract

BOA-23001

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

Aerial Photo Date: February 2018

0 200 400
BOA-23001
19-13 26

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

Aerial Photo Date: February 2018

Subject Tract

0 50 100 Feet

S SHERIDAN RD

E 42 ST S

E 43 ST S
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9317
CZM: 37
CD: 4

HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Tim Boeckman

ACTION REQUESTED: Minor Special Exception to amend a previously approved site plan for a Church in a Residential District to permit construction of a new bell tower (Sec. 70.120)

LOCATION: 3188 E 22 ST S

PRESENT USE: Church

TRACT SIZE: 122774.41 SQ FT

LEGAL DESCRIPTION: LT 1 BLK 1 & LT 1 BLK 7 BONNIE BRAE & LT 1 BLK 1; PT VAC GARY PL BEG NEC LT 1 BLK 7 TH S ON EL 87.7 E50 N ON WL 71.4 ON CRV TO 39.25 TO NL W ON SL22ND 75 TO BEG, WIL-REY TERRACE, BONNIE BRAE

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-19570 and 19570-A; On 06.24.03 the Board approved a Special Exception to permit an existing church to amend the site plan approved in BOA-17955, a Variance of the existing setback encroachment along Gary Ave., a Variance to allow required parking in the front yard, a Special Exception to waive the screening requirements on the North parking area abutting a residential district, a Variance of the 5' landscaping area along public rights-of-way, a Variance to set the parking lot back 50' from the centerline of E. 22nd St. and a Variance from the structure setback requirement. On 02.26.08 the Board approved a Minor Special Exception to amend the previously approved site plan to enclose and slightly expand the existing corridor.

BOA-17955; On 02.24.98 the Board approved a Variance to allow expansion of a non-conforming church to allow enclosure of a porch and new entry.

Surrounding Property: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the SE/C of E. 22nd St. S. and S. Harvard Ave.

STAFF COMMENTS: Minor Special Exception to amend a previously approved site plan for a Church in a Residential District to permit construction of a new bell tower (Sec. 70.120)

1. Minor Special Exceptions
   Notice of the board of adjustment's required public hearing on any minor special exception application must be mailed to all owners of property that abut the subject property at least 10 days before the scheduled public hearing. (See §70.120 for additional information on required mailed notices). Minor special exceptions are limited to the following:
   a. A special exception to allow public or private schools at the primary, elementary, middle school or high school level to expand a principal

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

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

   building or construct an accessory building, structure or use or to permit a use that is an accessory use to an existing principal use, provided the improvement does not include new athletic stadiums or other outdoor athletic facilities that include spectator seating or high-intensity lighting;
   b. A special exception to allow recreational vehicles to be parked or stored in a street yard or required side setback if the conditions listed in §65.150.5 cannot be met;
   c. Amendments to plot plans that were made condition of the granting of a special exception that involve an increase in building floor area of no greater than 15% and do not require the granting of any variances;

SAMPLE MOTION:

Move to _________ (approve/deny) a Minor Special Exception to amend a previously approved site plan for a Church in a Residential District to permit construction of a new bell tower (Sec. 70.120)

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

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

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Subject property from Harvard Ave. and approximate location of the proposed bell tower

Subject property from Harvard Ave.
Subject property from 22nd St.
Board Action:

On Motion of Stead, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to APPROVE a Special Exception to permit a heliport in the CBD district (Section 701), per site plan, as shown on page 4.8 of the agenda packet, insofar as concrete or asphalt parking, permanent helipad, permanent hanger; heliport according to the site plan not to exceed two helicopters; no other commercial landings authorized; finding this special exception will be in harmony with the spirit and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 2, AND the following described portion of Lot 3, to-wit: Beginning at a point in the East boundary of Lot 3 that is 29.33 feet Southerly of the Northeast corner of Lot 3, thence Southerly along the East boundary of Lot 3 a distance of 16.37 feet to the Southeast corner of Lot 3; thence Westerly along the South boundary of Lot 3 a distance of 140 feet to the Southwest corner of Lot 3; thence Northerly along the West boundary of Lot 3 a distance of 52.8 feet to a point; thence Easterly a distance of 144.74 feet to the Point of Beginning; All in Block 6, ORIGINAL TOWN, now City of Tulsa, Tulsa County, State of Oklahoma, according to the Official Plat thereof.

NEW APPLICATIONS

Case No. 19570-A

Action Requested:

Minor Special Exception to amend a previously approved site plan; to enclose and slightly enlarge an existing corridor, located: 3188 East 22nd Street.

Presentation:

Steve Olsen, 324 East 3rd Street, Tulsa, Oklahoma, 74120, with Olsen-Coffey Architects, represented the Church of the Madalene. They proposed to enclose the existing covered walkway, and construct a vestibule at the entry.

Board Action:

On Motion of Stead, 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 amend a previously approved site plan; to enclose and slightly enlarge an existing corridor, as illustrated on page 5.6 site plan in the agenda packet, finding the special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, on the following described property:

LT 1 BLK 1, BONNIE BRAE, LT 1 BLK 1, WIL-REY TERRACE, City of Tulsa, Tulsa County, State of Oklahoma
Presentation:
The applicant, Michael B. White, 8544 East 58th St. S., Tulsa, OK submitted site plan (Exhibit J-1) he stated that he lives in an abandoned area and there are about 10 houses in the area and out of those 10 there are 3 mobile homes. The latest mobile home was put into the area about 1 year ago. Mr. White has spoken to several homeowners in the area and they welcome any addition to the area. The area has basically been abandoned. There is no City sewer and everyone is on septic. There is a lot of dumping around the area. Mr. White purchased the property from the City and is in the process of cleaning off the property. He would like to set a 76'x28' mobile home on a 135'x200' piece of property which is the size of 4 lots. The mobile home will straddle the 2nd and 3rd lots. The mobile home will face New Haven.

Board Action:
On MOTION of BOLZLE, the Board voted 3-0-1 (Bolzle, Dunham, White, "aye"; no "nays", Turnbo "abstentions"; Cooper "absent") to Approve Special Exception to allow a mobile home in an RS-3 zoned district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9 and a Variance of the one-year time limit to permanent SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS finding that the area is sparsely developed and in transition on the following described property:

Lot 2, Block 2, Mohawk Heights Addition, City of Tulsa, Tulsa County, Oklahoma

Case No. 17955

Action Requested:
Variance to allow expansion of a nonconforming church to allow enclosure of a porch and new entry SECTION 1402.A. NONCONFORMING USE OF BUILDING OR BUILDINGS AND LAND IN COMBINATION; SECTION 1405.A. STRUCTURAL NONCONFORMITIES – Use Unit 2 and a Variance of setback from S. Gary Ave. from 25' to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS located 3188 E. 22nd St.

Presentation:
The applicant, Stephen Olsen, Olsen – Coffey Architects, 324 E. 3rd Street, submitted a site plan (Exhibit K-1) representing Church of the Madeline, they want to construct a new entrance facing Harvard and also to enclose the existing south entry on Gary Ave.

Interested Parties:
Jeannette King – 2339 S. Gary Place they live very close to the Church of the Madeline and are concerned about their planning, and whether the church will ever be on their property for building purposes. No protest.
Board Action:
On MOTION of BOLZLE, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to APPROVE per plans submitted a Variance to allow expansion of a nonconforming church to allow enclosure of a porch and new entry SECTION 1402.A. NONCONFORMING USE OF BUILDING OR BUILDINGS AND LAND IN COMBINATION; SECTION 1405.A. STRUCTURAL NONCONFORMITIES – Use Unit 2 and a Variance of setback from S. Gary Ave. from 25' to 10'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS on the following described property:

Wil-lay Terrace, Block 1, Bonnie Braie, Blocks 1 and 7, Lot 1, City of Tulsa Oklahoma

Case No. 17956

Action Requested:
Variance of required number of parking spaces from 155 to 99. CHAPTER 12. USE UNITS; VARIOUS USE UNIT SECTIONS located E of NE/c of 51st St. and S. Harvard.

Presentation:
The applicant, Rod Smith, 6637 E. 60th Place, submitted a plat of survey (Exhibit L-1) and tenant roster (Exhibit L-2). Mr. Smith is the Manager of Plaza 51 Shopping Center which is east of the NE/c of 51st & Harvard. Mr. Smith has been the manager of the center for 30 years. A restaurant in the center is selling and the interested party was trying to get an occupancy permit and they said that they did not have enough parking. To the north of the center is I-44, to the west is another shopping center, to the east is a tire store and to the south is Country Club Plaza Shopping Center. They feel that they are in harmony with the zoning intent, it is not going to be injurious or detrimental to anyone. The center has had 99 parking spaces from the inception and has had a restaurant – Brooklyn Bagel in the center for 13 years. Most business is done during the evening hours.

Comments and Questions:
Mr. Dunham asked has there ever been a parking problem with the existing business?

Mr. Smith stated if there is a parking problem it is from the center and from the west, they also use the parking lot. Mr. Smith says that they do not have a problem in reference to that. Boston Cleaners has two designated spots so that their customers can get in and get out fast.

Mr. White asked Mr. Smith if the restaurant that is moving in is similar in nature to the one that is moving out and Mr. Smith answered affirmatively.
Lot 17, Block 6, Terwilliger Heights, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 19570**

**Action Requested:**
Special Exception to allow Use Unit 5 for an existing church. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5; an Approval to amend a previously approved site plan for expansion of the existing church as approved per BOA 17955 (adding to sanctuary, rest rooms, and child care area); a Variance of existing setback encroachment along Gary Street to extend sanctuary. SECTION 403. BULK AND AREA REQUIREMENTS IN RESIDENTIAL DISTRICTS; a Variance to allow existing parking in the required front yard. SECTION 1205.B.1 USE UNIT 5 COMMUNITY SERVICES AND SIMILAR USES; a Special Exception to waive screening on north where new parking area abuts a residential district. SECTION 1303.E DESIGN STANDARDS FOR OFF-STREET PARKING AREAS; a Variance from the requirement to provide a 5’ landscape area along the abutting street rights-of-way. SECTION 1002.A.2 LANDSCAPE REQUIREMENTS; a Variance from the requirement to set the parking lot back 50’ from the centerline of the street along East 22nd Street. SECTION 1302.B OFF STREET PARKING AND LOADING; SETBACKS; and a Variance from the structure setback requirement. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 3188 E. 22nd St.

Dunham out at 4:10 p.m.

**Presentation:**
Steve Olsen, 324 E. 3rd St., stated he represented the Church of the Madelyn. The shape of the property has made the project a challenge. The existing structure is fifty years old. He stated they have a building permit.

Dunham returned at 4:12 p.m.

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

**Board Action:**
On Motion of Dunham, the Board voted 5-0-0 (White, Dunham, Tumbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "abstentions") to APPROVE a Special Exception to allow Use Unit 5 for an existing church; a Approval to amend a previously approved site plan for expansion of the existing church as approved per BOA 17955 (adding to sanctuary, rest rooms, and child care area); a Variance of existing setback encroachment along Gary Street to extend sanctuary; a Variance to allow existing parking in the required front yard; a Special Exception to waive
screening on north where new parking area abuts a residential district; a Variance from the requirement to provide a 5' landscape area along the abutting street rights-of-way; a Variance from the requirement to set the parking lot back 50' from the centerline of the street along East 22rd Street; and a Variance from the structure setback requirement, per plan, with the exception of the shape of the sanctuary, which can be changed but the size of the sanctuary cannot be changed, on the following described property:

Block 1, Wil-Ray Terrace, Lot 1, Block 1 and Lot 1, Block 7, Bonnie-Brae Addition, City of Tulsa, Tulsa County, State of Oklahoma.

****t ****

There being no further business, the meeting was adjourned at 4:14 p.m.

Date approved: July 8, 2003

Chair
ZONING CLEARANCE PLAN REVIEW

May 21, 2020
Phone: 918.582.7129

LOD Number: 1
Tim Boeckman
1401 S Denver Ave
Tulsa, OK 74119

APPLICATION NO: ZCO-060704-2020
(PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)

Location: 3188 E 32nd ST
Description: Bell Tower/Religious assembly

INFORMATION ABOUT SUBMITTING REVISIONS

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

REVISIONS NEED TO INCLUDE THE FOLLOWING:

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

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

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

IMPORTANT INFORMATION

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.
2. PURSUANT TO FEDERAL, STATE, AND LOCAL DECLARATIONS OF EMERGENCY ARISING FROM THE COVID-19 THREAT AND AS DIRECTED BY THE ADMINISTRATION, OUR OFFICE IS CLOSED TO THE PUBLIC UNTIL FURTHER NOTICE. PAPER SUBMITTALS (INCLUDING REVISIONS AND ADDENDUM) FOR ANY PROJECT IS NOT ACCEPTED AT THIS TIME. IF SUBMITTING REVISIONS FOR APPLICATIONS THAT PREVIOUSLY UTILIZED PAPER PLANS, EMAIL THE REVISED PLANS TO ZCO-060704-2020@CITYOFTULSA.ORG OR SUBMIT ELECTRONIC PLAN REVISIONS ON THE PORTAL AT HTTPS://TULSAOK.TYLERTECH.GOM/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 tulsaplanning.org; in person at 2 W. 2nd St., 8th Floor, in Tulsa; or by calling 918-584-7526 and asking to speak to someone about this Letter of Deficiency.
4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).
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-060704-2020  3188 E 22 ST  May 21, 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.

1. Sec.5.020 Table 5-2: You are proposing a 44’ bell tower for a religious assembly use. This in an RS-3 zoning district. This will require a Special Exception and site plan, approved by the BOA, to allow a Public, Civic & Institutional/Religious Assembly in an RS-3 district.

   Review comment: Submit the approved Special Exception and site plan as a revision to this application. For assistance with the Special Exception contact Austin Chapman at achapman@incog.org. The zoning site plan is required to provide the following.
   - North arrow
   - Appropriate drawing scale;
   - Legal description of the lot;
   - Actual shape and dimensions of the lot;
   - Location and dimensions of all easements;
   - Lot lines and names of abutting streets;
   - Public rights-of-way as designated on the Major Street and Highway Plan (MSHP) (Contact INCOG @ 918-584-7526 for Right-of-Way information on the MSHP) or follow the link below:
     https://incog.maps.arcgis.com/apps/webappviewer/index.html?id=c688593e48564a81a4f1fc2609846e587
   - The location and dimensions of existing buildings or structures, including distances to lot lines;
   - The location, dimensions and height of proposed buildings or structures;
   - Architectural projections for existing and proposed buildings and structures, i.e. stairs, porches, balconies, fireplaces, roof overhangs, etc.;
   - The intended use of existing and proposed buildings, structures or portion of the lot;
   - The setbacks from the proposed new buildings to the centerline of abutting Right-of-Way;
   - Location and dimensions of parking areas. This includes the parking spaces, the maneuvering areas necessary to enter and exit the spaces and the drives providing access to the parking spaces and maneuvering areas from a public or private street or other parking areas.

2. Sec.70.080-B2(2): No building permit or zoning clearance permit may be issued until the subject lot or parcel for which the permit is sought has been determined to be in compliance with all applicable
design and improvement requirements of the Tulsa Metropolitan Area Subdivision and Development Regulations, as evidenced by submittal of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments (subdivision conformance review). This requirement applies to any property for which a special exception was approved Public, civic or institutional use.

Review comment: Submit a copy of a recorded subdivision plat or ALTA/ACSM survey and separately recorded legal instruments (subdivision conformance review). Contact Nathan Foster at nfoster@incog.org for assistance with the plat or the subdivision conformance review.

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

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

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

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

END – ZONING CODE REVIEW

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

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

I received the notice re: the proposed bell tower addition to the church at the end of our street, and wholly oppose this addition. The bells will create a lot of noise in our residential area and are very likely to decrease the appeal of any homes, including mine, near the church to future buyers given its proximity to a structure that will be creating unwarranted loud noise at any given time. This unnecessary addition of a bell tower to the church will directly impact the home values of its residential neighbors and should not be approved for construction. Additionally, the impact of the bell tower noise on the current homeowners is not welcomed nor viewed positively; loud bells sounding off at any given time throughout the week/weekend is not appropriate nor reasonable to expect residents nearby to endure.

Do I need to attend the public hearing in order for my opposition to be included?

Brittany Finnell
3167 E 22nd St, Tulsa, OK 74114
BOA-23002

Subject Tract

19-13 17

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8303
CZM: 53
CD: 9
HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Richard Oertle

ACTION REQUESTED: Variance to allow the total aggregate floor area of all detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)

LOCATION: 6624 S OXFORD AV E

PRESENT USE: Residential

ZONED: RS-3

TRACT SIZE: 109653.47 SQ FT

LEGAL DESCRIPTION: BEG 596.76W NEC SE TH W309.9 S353.83 E309.9 N353.83 POB SEC 03 18 13 2.52ACS,

RELEVANT PREVIOUS ACTIONS: None.

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

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

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

ANALYSIS OF SURROUNDING AREA: The subject tract is located North of the NW/c of S. Oxford and E. 67th Pl. S. at the dead end of S. Oxford Ave.

STAFF COMMENTS: The Applicant is requesting Variance to allow the total aggregate floor area of all detached accessory buildings to exceed 40% of the floor area of the principal residential structure (Section 45.030-A)
SAMPLE MOTION:

Move to ________ (approve/deny) a **Variance** to allow the total aggregate floor area of all detached accessory buildings to exceed 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 from Oxford

Facing South on Oxford
Subject property
APPLICATION NO: BLDR-039086-2019  (PLEASE REFERENCE THIS NUMBER WHEN CONTACTING OUR OFFICE)
Project Location: 6624 S Oxford Ave E
Description:  Accessory Building 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 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)
40% floor area the size of your lot. Reduce the size of your proposed detached accessory buildings any
the
Review
permit
body affecting the status
ln
permit
responsibility to submit to our offices documentation of
regarding (BOA)
platting, Developments

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.

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 a 750 sq ft addition to an existing 750 sq ft accessory building. The
combined total floor area of all detached accessory buildings will be 2244 sq ft on this lot. The proposed total
floor area of all detached accessory structures exceeds 500 sq ft and 40% of the size of your house. Based on
the size of your house (3355 sq ft) you are allowed 1342 sq ft of detached accessory structures floor area on
your lot. Reduce the size of your proposed detached accessory structures to be less than 1342 sq ft of total
floor area or apply to BOA for a variance to allow a combination of detached accessory structures to exceed
40% of the floor area of the principal residential structure.

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 REFERENCES APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTED FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
We are requesting a hardship variance to the existing building code standards for our property. We have a 3,355 sq/ft home on 2.51 acres. We also have a detached two car garage, designated for zoning purposes as an accessory building. Current building codes only allow all accessory buildings square footage to be no more than 40% of the square footage of the home, currently determined to be 3,355 square feet. Therefore we are asking for one time variance to allow the total of all accessory buildings to be 2,244 sq/ft, on our property as described in the Review comments of the Letter of Deficiency. This variance approval will allow us to extend the square footage size of the currently approved storage building structure.

1. Our property is unique in that current code does not allow development due to zoning changes in 2018. The house is on land that exists on a dead-end street, and would not be allowed to exist under current zoning conditions. Prior to the 2018 zoning changes we could have developed the land as planned. After consultation with a builder we cannot develop due to the changes, so have chosen to improve our home instead.

2. There are no neighbors to the north, as it is the original land in its native condition. The neighbor to the east is a commercial building development at 6666 S. Sheridan. Our storage building is at the corner of their adjacent property with only parking lots below us. They are approximately 40 feet below the level of our property, with trees blocking any view of even the top of our building. The neighbors to the northwest (hidden valley/Southmont estates) are over 600 feet away from the building, and are not visible. There will be no further development of the land in that direction, as the land between us is the overflow valley 30 feet below the dam of the pond to our south west. Our only neighbors are directly to the south, with the closest being 400 feet from the building. This Oxford neighborhood consists of 3 homes in addition to ours, with each on approximately 1 acre of land. The smallest home is 7000 square feet, and current zoning rules that restrict us, would easily allow the same size of accessory buildings on only one acre of land, without requesting a variance.

3. The topographical lines of the attached map of our property show that neither the building, nor the extension to the building would be visible to our neighbors to the south. The view of the accessory building is being blocked from view by trees as well as the shape of the land. Our closest neighbor would not be able to see the building, as our home is in direct line of sight, and blocks their view.

4. The requested modification would bring the total of all accessory buildings to only 2% of our total land area, while the requested alteration of additional square footage of the accessory buildings total sq/ft size would be less than 1% of our total land area. As shown in picture (XXX), even we cannot see the building from our own back patio.

5. The apparent intent of the zoning change was to avoid creating an eyesore for a home on 1/3 of an acre or smaller. This is clearly not a problem for us or our neighbors. If our home was on only 1/3 acre, 40% of the house size would be almost 10% of the lot size, which although being allowable, would be violate the intent of the zoning restriction. From my point of view the size of the land and the percentage taken up by accessory buildings plus the visibility to neighbors are far more important than a permit based solely on the size of the home. This comparison is not a criticism of the zoning.
process. It is only to show the uniqueness of our situation, which is not something a zoning assessment would normally encounter.

6. Our home and land are isolated, with surrounding development by others only possible on the land to the north. With this isolation, and lack of visibility in any direction, the character of the neighborhood will not be changed.

Satellite view of the land:
https://www.google.com/maps/place/6624+S+Oxford+Ave,+Tulsa,+OK+74136/@36.0681899.95.9091172,1096m/data=!3m1!1e3!4m5!3m4!1s0x87b6927b0ad68b91:0xd018d89cd595bd68!8m2!3d36.067692!4d-95.906792

Topographical view of the land:
https://www.google.com/maps/place/6624+S+Oxford+Ave,+Tulsa,+OK+74136/@36.0675753,-95.9103094,15.45z/data=!4m5!3m4!1s0x87b6927b0ad68b91:0xd018d89cd595bd68!8m2!3d36.067692!4d-95.9067792!5m1!1e4

Reference pictures:

Picture 1:

Picture 2:

Picture 3: A view of the building site from our patio, with my wife as a reference.

Picture 4: A view of the location from 6666 S. Sheridan

Picture 5 A view from the building location looking down on 6624 S. Sheridan. Please note the height, where the top of the building roof is visible and noticeably below the ground level.
Erosion Control
Where construction disturbs the earth, a Placement of Erosion Control Inspection (PEC) must be requested by the responsible party and approved by the Building Inspector BEFORE further work.

This permit is subject to compliance with all applicable codes and City ordinances and can be cancelled for failure to comply with any applicable construction standard or for failure to comply with any applicable WIN construction Schedule or WIN Letter of Understanding.

Building Key

Building Code: IRC 2015
Permit Area: 600

Stories: 1
Storm Shelter: No
Basement: No
Design Standard:

Permit Notes:
New accessory building. Approved per Yuen Ho.

Zoning

Zoning District: OH
Required Parking:
PUD Number:
MPD Number:
Screening Fence Required: No
Allowable Building Height (ft):

Use/Permit Notes:
Use: Detached House/Accessory Building

Permit Notes:
Approved use is Detached House/Accessory Structure located in the rear yard at the address stated herein. Notwithstanding this approval, no approval granted for any construction or use violating any provision of the City of Tulsa Zoning Code. No other structures are included in this permit. Approval does not include permission for construction or encroachment of any kind upon City owned property, R.O.W., and public or private utility easements whether actual or planned. Setback(s) to property lines.

W/S/D Assignment

Cert of Elevation Req'd: No
Floodplain: No
IDP #:

Permit Notes
Not in floodplain
BOA-23003

Subject Tract

18-13 03

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
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SUBJECT TRACT: OL Zoning Effective 9/15/20
STR: 9330  Case Number: BOA-23005
CZM: 47
CD: 9
HEARING DATE: 09/22/2020 1:00 PM

APPLICANT: Lou Reynolds

ACTION REQUESTED: Special Exception to permit a self-storage facility in the OL district. (Section 15.020, Table 15-2) Variance of Sec. 40.360-B.3 of the code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O/R lots and street rights-of-way

LOCATION: 5012 S. Victor Ave.  ZONED: OL

PRESENT USE: Vacant Church  TRACT SIZE: 24206.83 SQ FT

LEGAL DESCRIPTION: W 195' and the N 35' of the E 85' of Lot 8 Perry's 27207 Subdivision

RELEVANT PREVIOUS ACTIONS:

Subject property:

Z-7556; On 06.17.2020 the TMAPC recommended approval of a re-zoning from RS-3 to CS and the City Council subsequently approved the re-zoning on 08.05.2020. The zoning is effective 09.15.2020.

BOA-2803; On 03.07.56 the Board granted permission for a Church use.

Surrounding Properties:

BOA-22934; On 07.14.20 the Board approved a variance of the allowable display are for a dispensary located 1711 E. Skelly Drive.

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

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

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

**ANALYSIS OF SURROUNDING AREA:** The subject tract is located North of Skelly Drive between Victor and Utica avenues. The proposed self-storage building has been used a church though it is currently vacant.

**STAFF COMMENTS:** The applicant is requesting Special Exception to permit a self-storage facility in the OL district. (Section 15.020, Table 15-2) Variance of Sec. 40.360-B.3 of the code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O/R lots and street rights-of-way.
STATEMENT OF HARDSHIP: See attached statement prepared by applicant.

SAMPLE MOTION:

SPECIAL EXCEPTION:

Move to ________ (approve/deny) a Special Exception to permit a self-storage facility in the OL district. (Section 15.020, Table 15-2)

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

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

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

VARIANCE:

Move to ________ (approve/deny) a Variance of Sec. 40.360-B.3 of the code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O/R lots and street rights-of-way

- 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."
MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT, WEDNESDAY, MARCH 7, 1956.

PRESENT: Britton, Chairman; Daniel; Grubb; Lashley.

This being the date set down for public hearing on the application of the St. Francis Hospital for permission to erect a hospital on the NE 1/4, of the NW 1/4, of Section 15-19-13. There appeared Mr. C. W. Dohniack on behalf of the hospital, there also appeared several people in the neighborhood who were concerned as to the location of the hospital on the tract of land.

After considerable discussion it was,

MOVED by Grubb (Daniel) that permission be granted.
All members voting yea. Carried.

This being the date set down for public hearing on the application of the Bellaire Assembly of God Church for permission to use Lots 7 & 8, Perry's 27207, Subdivision for church purposes. There appeared Reverend James Williams on behalf of the church. There also appeared a Mr. Allen and several other people who were protesting.

Mr. Allen filed a petition of protest and stated the neighborhood was protesting on the grounds of the noise and congestion that it would cause.

After considerable discussion from both sides it was,

MOVED by Lashley (Grubb) that the church will not hold any open air meetings pending the erection of a new church and provided that off-street parking is provided, and based upon these conditions that this application be granted.
All members voting yea. Carried.

This being the date set down for public hearing on the application of Vernon O. Jackson for permission to operate a nursery school on Lot 1, Block 1, Loma Linda Addition. There being no protest offered it was,

MOVED by Grubb (Lashley) that this matter be granted.
All members voting yea. Carried.
10. Z-7556 Lou Reynolds (CD 9) Location: North of the northeast corner of East Skelly Drive and South Utica Avenue requesting rezoning from RS-3 to OL

STAFF RECOMMENDATION:
SECTION I: Z-7556

DEVELOPMENT CONCEPT:
Rezoning is requested to support redevelopment of existing church site.

DETAILED STAFF RECOMMENDATION:

Z-7556 requesting OL zoning would allow uses that are consistent with the provisions outlined in the Mixed-Use Corridor land use vision and the Area of Growth provisions of the Tulsa comprehensive plan and,

Uses allowed in the OL zoning district are consistent with the expected future development of the subject property and,

OL zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

Staff recommends Approval of Z-7556 to rezone property from RS-3 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Office uses are consistent with the edge treatment along 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:** None

**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site is an existing church building with parking. The streets are generally two lane without curb and some on street parking.

Street view below is from the southwest corner of the site looking northeast.
Environmental Considerations: None that would affect site redevelopment.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Utica Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>South Victor Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-3</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Empty lot</td>
</tr>
<tr>
<td>East</td>
<td>RM-2</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Multi Family</td>
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<tr>
<td>South</td>
<td>OL,CS,OM</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Office and commercial uses</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History
ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970 established zoning for the subject property.

Subject Property:

**BOA-02803 March 1956:** The Board of Adjustment granted a request to build a church, with the conditions that the church will not hold any open air meetings pending the erection of a new church and off-street parking is provided, on property located at Lots 7 & 8, Perry's 27207 Subdivision.

Surrounding Property:

**BOA-22821 January 2020:** The Board of Adjustment accepted a Spacing Verification to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary, on property located at 1711 East Skelly Drive South.

**Z-7495 October 2019:** All concurred in approval of a request for rezoning a .53+ acre tract of land from OL to CS for a dispensary, on property located east of the northeast corner of East Skelly Drive and South Utica Avenue.

**BOA-12145 August 1982:** The Board of Adjustment approved a Special Exception to allow a nursing home with combination elderly apartments in an RM-2 District and a Variance to operate a beauty shop as an accessory use to the nursing home and apartments in an RM-2 District, subject to the following conditions: that the beauty shop be used inhouse only, with no signs or advertising of any kind, that the intent be specifically limited to the residents of the nursing home or the residents of the elderly apartment units, that the use be limited to the 15' x 20' as requested, on property located at the southeast corner of 50th Street and Victor Avenue.

**Z-4681 June 1974:** All concurred in approval of a request for rezoning a 1± acre tract of land from RS-3 to OM for office use, on property located northeast corner of Utica Avenue and Skelly Drive.

**Z-4610 April 1974:** All concurred in approval of a request for rezoning a .67± acre tract of land from RS-3 to OL for office, on property located southeast corner of 50th Street and Victor Avenue.

**BOA-06431 September 1969:** The Board of Adjustment approved an Exception to permit the construction of a nursing home in a U-2C district and an Exception to permit the extension of a nursing home in a U-2C district, subject to the plot plan submitted, on property located at northeast of Victor and the 51st Street Bypass.
BOA-03398 February 1963: The Board of Adjustment approved request for permission to extend a non-conforming use (lawn mower repair shop) by adding a 20' x 40' on rear of existing building in a U-1-C District, on property located at Lot 10, Perry's 27207 Subdivision.

BOA-03339 December 1959: The Board of Adjustment approved request for permission to continue non-conforming electric shop use in a U-1-C District, on property located at Lot 11, less the South 75 feet thereof, Perry's 27207 Subdivision.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:
Ron Sage 1703 East Skelly Drive, Tulsa OK 74105
Mr. Sage asked what kind of building is planned for the area.

The applicant stated they were not that far along with the plan.

Mr. Sage asked if the church was going to be torn down to rebuild.

The applicant stated "yes" eventually.

Mr. Sage his inquiry is not for opposition its more about what the plan is since he is the neighbor to the south.

The applicant stated for the near term the building will be used for offices but long term he believes another building will be built.

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 OL zoning for Z-7556 per staff recommendation

Legal for Z-7556:
The West 140 feet of the South 50 feet of Lot Six (6), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof;

AND

The West 205 feet of Lot Seven (7) and the West 195 feet and the North 35 feet of the East 85 feet of Lot Eight (8), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof;

06:17:20:2820(43)
AND

The East 75 feet of Lot Seven (7), PERRY’S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

**********

11. Z-7557 Jim Beach (CD 4) Location: East of the northwest corner of South Peoria Avenue and East 8th Street South requesting rezoning from RS-4 to RM-3

STAFF RECOMMENDATION:
SECTION I: Z-7557

DEVELOPMENT CONCEPT: Repurpose former Laura Dester site to accommodate multi-family residential re-development of the existing buildings.

DETAILED STAFF RECOMMENDATION:
Z-7557 requesting RM-3 is consistent with the downtown neighborhood land use designation and,

Uses and building mass allowed in the RM-3 zoning district is consistent with the expected development of the surrounding properties and preserves the anticipated park and open space area and,

The zoning request is consistent with the goals of the Small Area Plan and,

Multi-family zoning at this location is compatible with the redevelopment opportunities for the existing properties therefore,

Staff recommends Approval of Z-7557 to rezone property from RS-4 to RM-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:  RM-3 zoning requested for this site is consistent with Downtown Neighborhood land use designation. Some modifications of the Park and Open Space land use designation may be required in the Comprehensive Plan update.

Land Use Vision:
Exhibit “B”

Applicant requests a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the “Code”) to permit a Self-Service Storage Facility in the OL (Office-Low) District at property located at 5012 S. Victor (the “Property”).

The Property, located between S. Victor Ave. and S. Utica Ave., one block north of East Skelly Drive, was recently rezoned from RS-3 to OL. The existing building on the Property, now vacant, was formerly the Bellaire Assembly of God Church. The uses along Skelly Drive are mixed, including offices and a medical marijuana dispensary to the south of the Property; as well as a retirement center, lodging and multi-family apartments and condos to the north and east of the Property. To the west are single-family residences, with the rear yards of the houses facing S. Utica Ave. toward the Property.

The proposed storage facility will be entirely enclosed in a portion of the existing masonry building, which will also include office spaces independent of the storage use. Due to the enclosed nature of the storage use, and the proximity of the Property to the Skelly Drive/I-44 Corridor, the proposed use will not be injurious to the neighborhood. Further, as a permitted use by special exception in the OL District, which zoning was approved by the Tulsa City Council on August 5, 2020 in Case No. Z-7565, the proposed self-service storage facility is in harmony with the spirit and intent of the Code.

The Applicant further requests a Variance of Section 40.360-B.3 of the Code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O- and R-zoned lots and street rights-of-way. The Property is an amalgamation of lots established in Perry’s 27207 Subdivision, which was platted in 1925. The existing building is situated toward the center of a portion of Lot 8 of the Property. Access to the Property is available from both Utica and Victor. The requested garage-style door(s) would be located only on the east side of the building, approximately 150 feet from the eastern property boundary and Victor access drive.

The intent of the Code requirement is to minimize the visual impact of a typical self-service storage facility with multiple rows of garage doors to nearby offices and residences. The requested variance is for up to two overhead doors for customers of the enclosed storage facilities to load/unload items from their vehicles inside of the building. Thus, the literal enforcement of the provision is not necessary to achieve its intended purpose, i.e., to prevent visual clutter.

Due to the location of the building on the Property and the approximately 150' setback of the proposed overhead doors from the street, which conditions are unique to the Property, the Code requirement results in unnecessary hardship to the property owner. The requested variance is the minimum variance that will afford relief and will not cause substantial detriment to the public good nor impair the spirit and intent of the Code.
MORTGAGE INSPECTION REPORT
PORTIONS OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 13 EAST
TULSA COUNTY, OKLAHOMA
5012 SOUTH VICTOR AVENUE
TULSA, OK 74105
RUSSELL EDWARD NEWMAN
& MARTIN L. J. NEWMAN

TRACT DESCRIPTION
The West 140 feet of the South 50 feet of Lot Six (6), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. AND The West 205 feet of Lot Seven (7) and the West 195 feet and the North 35 feet of the East 85 feet of Lot Eight (8), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. AND The East 75 feet of Lot Seven (7), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

TITLE INFORMATION

SURVEYOR CERTIFICATION
I certify that the above inspection report shows the improvements, other than fences, as located on the premises described, that they are entirely within the described tract boundaries are based upon physical features, there are no significant amendments, except as indicated, that the above report shows all recorded plat and other such easements as have been disclosed and furnished to me by the client, that the report was prepared for identification purposes only for the mortgagee and THIS IS NOT A LAND OR PROPERTY LINE SURVEY, that no corners were set and it is not to be relied upon for the establishment of fence, building or other improvement lines. No liability is assumed herein for future landowners or lending institutions. This Certification IS NOT TRANSFERABLE. If the Surveyor's seal and signature are not in color, this is an unauthorized copy. FEDERAL COPYRIGHT LAWS APPLY.

DAVID L. M. LOUY, OKLAHOMA SURVEYOR
DATE 12/23/2019

PATSRT OR SURVEY
P. O. Box 986, Jenks OK 74037
1-833-753-8633
CA 8229, Eff. to 6-30-2021
Facing North on Utica

View immediately across Utica from Subject property
Exhibit "A"

The West 195 feet and the North 35 feet of the East 85 feet of Lot Eight (8), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof;
**Exhibit “B”**

Applicant requests a Special Exception pursuant to Table 15-2 of the Tulsa Zoning Code (the “Code”) to permit a Self-Service Storage Facility in the OL (Office-Low) District at property located at 5012 S. Victor (the “Property”).

The Property, located between S. Victor Ave. and S. Utica Ave., one block north of East Skelly Drive, was recently rezoned from RS-3 to OL. The existing building on the Property, now vacant, was formerly the Bellaire Assembly of God Church. The uses along Skelly Drive are mixed, including offices and a medical marijuana dispensary to the south of the Property; as well as a retirement center, lodging and multi-family apartments and condos to the north and east of the Property. To the west are single-family residences, with the rear yards of the houses facing S. Utica. Ave. toward the Property.

The proposed storage facility will be entirely enclosed in a portion of the existing masonry building, which will also include office spaces independent of the storage use. Due to the enclosed nature of the storage use, and the proximity of the Property to the Skelly Drive/I-44 Corridor, the proposed use will not be injurious to the neighborhood. Further, as a permitted use by special exception in the OL District, which zoning was approved by the Tulsa City Council on August 5, 2020 in Case No. Z-7565, the proposed self-service storage facility is in harmony with the spirit and intent of the Code.

The Applicant further requests a Variance of Section 40.360-B.3 of the Code to permit up to two (2) garage-style access doors to be visible at ground level from abutting O- and R-zoned lots and street rights-of-way. The Property is an amalgamation of lots established in Perry’s 27207 Subdivision, which was platted in 1925. The existing building is situated toward the center of a portion of Lot 8 of the Property. Access to the Property is available from both Utica and Victor. The requested garage-style door(s) would be located only on the east side of the building, approximately 150 feet from the eastern property boundary and Victor access drive.

The intent of the Code requirement is to minimize the visual impact of a typical self-service storage facility with multiple rows of garage doors to nearby offices and residences. The requested variance is for up to two overhead doors for customers of the enclosed storage facilities to load/unload items from their vehicles inside of the building. Thus, the literal enforcement of the provision is not necessary to achieve its intended purpose, i.e., to prevent visual clutter.

Due to the location of the building on the Property and the approximately 150’ setback of the proposed overhead doors from the street, which conditions are unique to the Property, the Code requirement results in unnecessary hardship to the property owner. The requested variance is the minimum variance that will afford relief and will not cause substantial detriment to the public good nor impair the spirit and intent of the Code.
MORTGAGE INSPECTION REPORT
PORTIONS OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 13 EAST
TULSA COUNTY, OKLAHOMA
5012 SOUTH VICTOR AVENUE
TULSA, OK 74105
RUSSELL EDWARD NEWMAN
& MARTIN L.J. NEWMAN

TRACT DESCRIPTION
The West 140 feet of the South 50 feet of Lot Six (6), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. AND
The West 205 feet of Lot Seven (7) and the West 195 feet and the North 35 feet of the East 85 feet of Lot Eight (8), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof. AND
The East 75 feet of Lot Seven (7), PERRY'S 27207 SUBDIVISION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

TITLE INFORMATION
Old Republic National Title Insurance Company, effective November 27, 2019.
Commitment No. 19-2862. Easements noted on Schedule B, Sec. II: per Plat – no easements noted on Plat. Book 3420, Page 527 – shown. Book 3420, Page 528 – shown. No additional easements noted.

SURVEYOR CERTIFICATION
I certify that the above inspection report shows the improvements, other than fences, as located on the premises described, that they are entirely within the described tract boundaries and based upon physical features, there are no significant encroachments, except as indicated, that the above report shows all recorded plat and other such easements as have been disclosed and furnished to me by the client, that the report was prepared for identification purposes only for the mortgagee and IS NOT A LAND OR PROPERTY LINE SURVEY, that NO CORNERS WERE SET and IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER IMPROVEMENT LINES. No liability is assumed herein for future landowners or lending institutions. This Certification is NOT TRANSFERABLE. If the Surveyors seal and signature are not in color, this is an unauthorized copy. FEDERAL COPYRIGHT LAWS APPLY.

David L.M. Louy, OKAS
12/23/2019

Job: # 2879 • Buyer • NEWMAN

David L.M. Louy, OKAS
L.S. 1310
Oklahoma

Patriot Survey
P. O. Box 966, Jenks OK 74037
1-833-752-6833
CA 8229, Ef. to 8-30-2021

15.18
Eastern Side of subject structure from inside parking lot
Subject Tract

BOA-23005

Date: February 2018

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

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

Aerial Photo Date: February 2018
APPLICATION: Jason Emmett

ACTION REQUESTED: Special Exception to expand a High School Use in an R District and modify a previously approved site plan (BOA-17718) to allow for the construction of a gymnasium (Section 5.020, Table 5-2; 70.120); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces for a High School Use (Sec. 55.050-K; Sec. 55.020 Table 55-1)

LOCATION: 12150 E. 11th St. S.

ZONED: RS-3, RS-2, CS

TRACT SIZE: 1852962.87 SQ FT

LEGAL DESCRIPTION: See Attached.

RELEVANT PREVIOUS ACTIONS:

Subject property:

BOA-17718 and 17718 A: The board approved an expansion of the school use on 05.13.97 and subsequently approved a site plan revision on 09.27.11. The most recent approved site plan is included in your packet.

BOA-3188: On 05.20.59 the Board approved the original construction of East Central High School.

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

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

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract is located on E. 11th street South between S. 120th and S. 124th E. Ave.

STAFF COMMENTS: The applicant is requesting Special Exception to expand a High School Use in an R District and modify a previously approved site plan (BOA-17718) to allow for the construction of a gymnasium (Section 5.020, Table 5-2; 70.120); Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces for a High School Use (Sec. 55.050-K; Sec. 55.020 Table 55-1)

The applicant has provided a study justifying their request that included information about parking permits issued and average parking event attendance. Per the applicant they are short 200 parking spaces.
SAMPLE MOTION:

School Expansion:
Move to ________ (approve/deny) a Special Exception to expand a High School Use in an R District and modify a previously approved site plan (BOA-17718) to allow for the construction of a gymnasium (Section 5.020, Table 5-2; 70.120)

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

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

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

Parking Reduction:
Move to ________ (approve/deny) a Special Exception to permit an alternative compliance parking ratio to reduce the required number of parking spaces for a High School Use (Sec. 55.050-K; Sec. 55.020 Table 55-1)

- 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, that the other allowed parking alternative of Section 55.050 are infeasible or do not apply and the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.
Dr. Knarr presented plans of the proposed parking lot and answered questions asked by the protestants.

Bill Jones, Attorney for the protestants presented a petition to the Board of persons living near the property in questions.

After considerable discussion it was,

MOVED by Galbreath (Shaul) that this matter be approved.
Roll call: Galbreath - yea
Shaul - yea
Cohen - yea
Norman - No
Avery - Abstained from voting as he was not familiar with the property in question.
MOTION - Denied application for lack of 2/3 vote.

This being the date set down for public hearing on the application of the Southeast Faith Baptist Church, Inc. for permission to use Lots 4, 5, 6, 10, 19, 20, 21, 22, 23, 24, Block 13, Eastmoor Park Addition for church purposes. There being no protest offered it was,

MOVED by Shaul (Norman) that this matter be approved.
All members voting yea. Carried.

This being the date set down for public hearing on the application of Independent School District No. 12, Tulsa County, Oklahoma for permission to operate and construct a public school on the NW 1/4, NE 1/4, of Section 8-19-14. There being no protest offered it was,

MOVED by Norman (Galbreath) that this matter be approved.
All members voting yea. Carried.

This being the date set down for public hearing on the application of the Bethel Baptist Temple, Inc. for permission to erect a church on the East 300 feet from the East line of Yukon lying between Skelly Drive on the South, and 51st Street on the North, in the NE 1/4, of Section 34-19-12. The applicant requested that this matter be withdrawn.

MOVED by Norman (Shaul) that this matter be withdrawn.
All members voting yea. Carried.
Case No. 17717 (continued)

**Board Action:**
On MOTION of TURNBO, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to APPROVE a Special Exception to allow car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS** - Use Unit 17 and a Variance of setback from the centerline of Sheridan Road from 100’ to 80’ to allow a car wash. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS:** per plan submitted exclusive to anything pertaining to the rental storage; subject to the carport remaining open and no vending machines of food items except cold drinks, finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code.

AND

**Board Action:**
On MOTION of TURNBO, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to CONTINUE the balance of Case No. 17717 to June 10, 1997, at 1:00 p.m.; on the following described property:

Lots 1-2 and W 30.72’ of Lot 3, Block 1, and Lots 1, 2 & W 30.72’ of Lot 3, Block 2, and 60’ of vacated 22nd St., Cozy Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 17718**

**Action Requested:**
Special Exception for school use on new property and existing property. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** - Use Unit 2, A Variance of total number of required parking spaces from 1375 to 916. **SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES:** Off-Street Parking and Loading Requirements and a Variance to allow parking on a lot other than the lot containing the principal use. **SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING:** GENERAL REQUIREMENTS, located 12150 East 11th Street.

**Comments and Questions:**
Mr. Beach informed the Board that after the case was advertised, a final site plan was submitted and the parking has been reduced further then advertised. Mr. Beach explained that the applicant will need additional relief for the parking. He stated the Board may want to consider only a portion of the stadium today, which would be the southside so the applicant can get started with construction. He indicated that with the readvertising, the balance of the case could be heard May 27, 1997.
Mr. Gardner stated that the applicant has 800 seats on the northside of the stadium, which will require 200 parking spaces and the applicant is 72 parking spaces short of what was advertised today. Mr. Gardner suggested that the Board could continue the balance of this application in order for INCOG to readvertise the 844 parking spaces. Mr. Gardner explained that the applicant has a lease for 200 parking spaces on the northside of 11th Street.

Presentation:
The applicant, A. Blaine Imel, represented by Jim Spear, Tulsa Public Schools, submitted a site plan (Exhibit O-1) and stated the application is for a new sports complex at East Central High School. He explained that the proposed stadium will be the home field for East Central High School as well as Hale High School. He stated the school is purchasing an additional lot west of the subject site to add 300 parking spaces to bring the total parking spaces to 844. He explained that he also has an agreement with Daylight Donuts and Lowrance Electronics to use their parking lots for events at the sports complex.

Comments and Questions:
Ms. Turnbo asked the applicant if the requirement for parking spaces is 1375? He answered affirmatively. He explained that the 1375 parking spaces represents the school parking and the stadium parking. He stated the stadium will be used exclusively after school hours. Mr. Spear explained that the stadium is a track and football field and the football stadium would not be used concurrently with the school during school hours. He stated that he needs enough parking to handle the stadium, which is approximately 1,000 seats.

In response to Ms. Turnbo, Mr. Spear stated that the school has 512 parking spaces on the existing school site presently. The proposed site has the additional 332 parking spaces to bring it up to 844 parking spaces.

Mr. Gardner stated that there will be a total of 4,000 seats at the stadium when it is completed. He explained that there are 3,200 on the southside and 800 on the northside. Mr. Gardner indicated that if the stadium has 4,000 seats they will need 1,000 parking spaces. He explained that presently they have 844, plus several hundred that the school leases to the north side of the subject property. When the application was advertised, the school thought they would have 914 parking spaces, however there are 72 parking spaces less than predicted. He suggested that the Board consider only the parking on the southside of the stadium, which they can meet the requirements, then consider the parking on the northside of the stadium in two (2) weeks when the re-advertisement is completed for the 844 number. He stated that the Board could limit the use of the stadium for hours when the school is not in use.
Protestants:

Bill Gillespie, 1133 South 120th East Avenue, stated that there is an easement through the subject property's parking lot that does not appear on the site plan. He commented it would be unwise to have a powerline easement with teenagers parking in the parking lot. Mr. Gillespie commented that the description is not accurate and requested the Board to take his concerns into consideration before acting on this application.

Applicant's Rebuttal:

Mr. Spear stated that there is a PSO easement running through the subject property, however, the school will be working with PSO regarding moving the poles. He explained that during the normal business hours of the school the students will not be allowed to park on the subject property. He proposes to fence and use post/wire barriers around the subject parking lot. He explained that the school already has ample parking for the students during regular school hours. Mr. Spear stated that the subject parking lot will be used for marching and ROTC practices during the school hours.

Board Action:

On MOTION of DUNHAM, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to APPROVE a Special Exception for school use on new property and existing property. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS - Use Unit 2, a Variance of total number of required parking spaces. SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES; Off-Street Parking and Loading Requirements and a Variance to allow parking on a lot other than the lot containing the principal use. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS; subject to limiting the major events in the stadium to be held at times other then normal school hours; subject to a tie contract; and that only the 3200 seats on the southside of the stadium be approved at this time based on the 844 parking spaces being provided, AND CONTINUE the balance of Case No. 17718 to May 27, 1997 at 1:00 p.m.; finding that the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:
Case No. 17718 (continued)

W, NE, LESS, Beg NW/c, TH E to NE/c, TH S 682.66, NLY CRV RT 141.80, N495.27, to PT 505 NL NE TH W TO PT 505 NWC NE TH N POB SEC 8, T-19-N, R-14-E, and property situated in the NW/c, Sec. 8, T-19-N, R-14-E, I.B.M., Tulsa County, Oklahoma, according to the U.S. Government Survey thereof and being more particularly described as follows: E 130', N 660', NE l4, NE/4, NW/4, of said Sec. 8, less and except any roadway dedication thereof; (B&N Corp.); N 300', NE l4, NE/4, NE/4, NW/4, said Sec. 8, less and except the E 130' thereof, and less and except any roadway dedications thereof; (B&N Corp.), City of Tulsa, Tulsa County, Oklahoma.

Case No. 17719

Action Requested:
Special Exception to permit a 10 bus-bay transit center in a CBD district. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS, located 3rd Street to 4th Street and South Denver to South Cheyenne.

Presentation:
The applicant, James H. Kramer, represented by Bill Collins, 717 South Houston, submitted a boundary survey (Exhibit P-1), Geometric Plan (Exhibit P-2) and a site plan (Exhibit P-3). Mr. Collins stated that the proposal is 16,000 SF of covered platform for the use of transit and to transfer passengers from one bus to another. He explained that the proposed site will replace the transit transfer at Denver Avenue on the east and west sides. This proposal will take the transfer function off the street and locate it on a City block. There will be approximately 4,600 SF of enclosed space for the waiting area with restrooms and vending machines inside. He stated that there will also be a security office and ticket office located at the proposed transit transfer.

Board Action:
On MOTION of TURNBO, the Board voted 3-0-0 (Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott, Bolzle "absent") to APPROVE a Special Exception to permit a 10 bus-bay transit center in a CBD district. SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS; per plan submitted; finding that the use is consistent with the District 1 Plan and the approval of this application will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the spirit and intent of the Code, on the following described property:

S 50', Lots 1-3, E 10' of vacated alley and Lots 4-6, W 10' of vacated alley, Block 122, original townsite of the City of Tulsa, Tulsa County, Oklahoma.

05:13:97/726(33)

16.9
district from 24 spaces to zero spaces (Sections 1211.D & 1215.D) to the meeting of October 11, 2011; for the following property:

E40 N5 LT 22 & E40 LT 23 & E40 LT 24 LESS PRT E40 LT 24 BEG NEC TH W40 S9.3 SE40 N18 POB BLK 1, FIFTEENTH STREET ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. White re-entered the meeting at 4:03 P.M.

17718-A—Gregory Helms

Action Requested: Minor Special Exception to modify previously approved plan to allow for construction of locker room at athletic fields of an existing school. Location: 12150 East 11th Street South

Mr. Tidwell left the meeting at 4:06 P.M.

Presentation:
Greg Helms, 329 South Elm Street, Jenks, OK; stated the subject property is East Central High School and is a proposed new locker room. In this locker room there will be two men’s lockers, two women’s lockers, and provide handicapped accessible concession stands and public restrooms that will serve the baseball and softball fields. Currently those fields are not served by restrooms and the concession stand is a trailer that is rolled into detention area. The building is approximately 12,000 square feet and will be approximately 24 feet tall at the peak of the roof. There will be 13 parking spaces eliminated and the building will require 15 parking spaces so there will be 28 spaces added to the site.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 4-0-1 (Henke, Stead, Van De Wiele, White “aye”; no “nays”; Tidwell “abstaining”) to APPROVE the request for a Minor Special
**Exception** to modify previously approved plan to allow for construction of locker room at athletic fields of an existing school; subject to per plan 11.9. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

NW NE LESS BEG NWC TH E TO NEC TH S682.66 NLY CRV RT 141.80 N495.27 TO PT 50S NL NE TH W TO PT 50S NWC NE TH N POB SEC 8 19 14 38.08ACS,EAST CENTRAL HGTS, EAST CENTRAL HGTS RESUB B7, EAST PORT ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell re-entered the meeting at 4:09 P.M.

**21326—Greg Helms**

**Action Requested:**
Special Exception to allow UU5 in an AG district to allow construction of a new locker room adjacent to athletic fields of an existing school (Section 301). **Location:**
3101 West Edison Street

**Presentation:**
Greg Helms, 329 South Elm Street, Jenks, OK; stated the subject property is Central High School and is a 2010 School Bond Project for a locker room. The locker room will be approximately 12,000 square feet and approximately 22 feet tall. There will be football, track, and soccer locker rooms for boys and for girls. The locker room will be located where the existing practice football field is now so no parking will be taken.

**Interested Parties:**
Larry Robinson, 2843 West Haskell Place, Tulsa, OK; stated that the money being spent on locker rooms should be used for the betterment of the school. Ms. Stead stated the money being spent on the locker rooms is not an area the Board of Adjustment has control over because the Board of Education decides how to spend the money. The only reason the Board of Education is before the Board of Adjustment is because there is an approval that is required to be able to build the locker room in the current location.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION** of WHITE, the Board voted 5-0-0 (Henke, Stead, Tidwell, Van De Wiele, White “aye”; no “nays”; no “abstentions”) to **APPROVE** the request for a **Special**
Existing Tennis Courts on Subject property

Existing School Property
August 26, 2020

RE: Alternate Compliance Parking Study

Mr. Chapman-

In support of the proposed construction of a new gymnasium for East Central High School, certain aspects of the current parking lot are proposed to be modified to meet current city codes as they relate to landscape and ADA requirements. In addition to these improvements, the parking lot will be reconfigured to allow safer pedestrian and vehicular traffic movements.

The intention of this parking study is to evaluate simultaneous and non-simultaneous uses and scenarios to determine the impact and adequacy of the proposed parking in support of the Special Exception request to the parking ratios.

The school currently has 671 onsite parking stalls. The School has 53 faculty members and issued a total of 188 parking permits. This school has a low number of driving students thus limiting the number of needed parking stalls for daily school sessions. After the proposed modifications are made there will be a reduction of 127 parking stalls leaving a total of 544 on-site parking stalls to be utilized during school hours. Based on these numbers we conclude that during a normal school day that the proposed reduction will NOT have an adverse effect to parking.

There are endless simultaneous scenarios/situations that can be analyzed however the reality is that events are scheduled after normal school hours and thus not a regular reality. That said for the sake of a complete study/evaluation there are 356 parking stalls available that can be utilized in the event of a simultaneous use. If the simultaneous use was at capacity Table 55-1 would require the following number of parking stalls:

Currently the existing gymnasium seats 1,628. Table 55-1 requirement – 326 parking stalls. It should be noted that school records indicate that last year’s peak attendance at a boys basketball game was 550 people with an average attendance of 110.

Currently the existing auditorium seats 1,025. Table 55-1 requirement – 205 parking stalls.

The proposed gymnasium will seat 1,048. Table 55-1 requirement - 210 parking stalls.
Based on these numbers we conclude that during a normal school day that any of the three listed scenarios could take place during school hours and the proposed reduction will NOT have an adverse effect to parking.

Currently the School Football stadium has a maximum capacity of 4,000. The Table 55-1 requirement is 800 parking stalls. Of the 544 on-site parking stalls, 204 parks are immediately adjacent to the stadium. Per ordinance another 56 parking places can be obtained/counted along S. 124th E Ave. This provides 260 parks/1300 seats immediately surrounding the stadium. If we add in the additional 340 on-site parks our total reaches 600 parks/3,000 seats. It should be noted that according to school records the average attendance at Football games was 500, with the peak attendance less than 700.

Based on these numbers we concluded the site has enough permanent parking for approximately 3,000 seats of the 4,000 maximum seating thus leaving the site 200 parks short of meeting the Table 55-1 requirements for full capacity. This is without any consideration to low student driving numbers and/or recorded attendance numbers. We conclude that site has more than adequate parking to serve the stadium for the foreseeable future.

Additionally, in the event of a higher parking demand for an unforeseen scenario the campus has ample areas that could serve as designated temporary parking.

In summary, we conclude that currently the school has ample parking. We also have determined that based on current issued parking passes that this school has a low driving student population reducing the total number of necessary parking dictated by Table 55-1. The proposed modifications/reduction in parking will NOT have an adverse effect to non-simultaneous uses of the facilities based on current attendance numbers.

Lance Mills, PE
OVERALL PARKING PLAN
AERIAL CONSTRUCTION DOCUMENTS

TULSA PUBLIC SCHOOLS
HIGH SCHOOL ARENA AND AUXILIARY GYM
AUGUST 2020

PARKING PROVIDED:
TOTAL EXISTING ON SITE PARKING: 871 P.S.
TOTAL EXISTING ON SITE HANDICAP: 27 P.S.
TOTAL PROVIDED ON SITE PARKING: 544 P.S.
TOTAL PROVIDED ON SITE HANDICAP: 24 P.S.
TOTAL PROVIDED OFF SITE PARKING: 56 P.S.

EXISTING HIGH SCHOOL
EXISTING FOOTBALL FIELD
EXISTING BASEBALL FIELD
EXISTING SOFTBALL FIELD

PROPOSED LOCATION OF GYMNASIUM

EXISTING

EAST CENTRAL HIGH SCHOOL ARENA AND AUXILIARY GYM
Tulsa, OK
EXISTING HIGH SCHOOL BUILDING

PROPOSED HIGH SCHOOL ARENA AND AUXILIARY GYM

PARKING REQUIREMENTS:
TOTAL EXISTING PARKING: 542 P.S.
TOTAL EXISTING HANDICAP: 18 P.S.
TOTAL PROVIDED PARKING: 414 P.S.
TOTAL PROVIDED HANDICAP: 14 P.S.